



**WEEKLY UPDATE
APRIL 4 - 10, 2021**

THIS WEEK

BOARD OF SUPERVISORS

**\$10 MILLION NEW COVID PROGRAM – EVEN AS PANDEMIC ENDS
COVID HOSPITALIZATIONS AT ONLY SIX
APPROVED CANNABIS OPERATION NEAR POZO APPEALED
PASO WATER MORATORIUM – PROPOSED EIRs A DANGER**

**SHANDON-SAN JUAN WATER DISTRICT SEEKS
CONTROL OF WET YEAR SURPLUSES**

(ARE THEY NIMBLE, DEVIOUS OR BOTH?)

SLOCOG FORECASTS SLOW COUNTY GROWTH RATE

PLANNING COMMISSION

**CRESTON AREA RESIDENTS OPPOSE CANNABIS OPERATION
(HAVE LAWYERED UP)**

**CONGRESS CONSIDERS \$3 TRILLION BOONDOGGLE
WILL FORCE TAX INCREASES, INFLATION, AND MORE DEBT**

LAST WEEK

**NO SUPERVISORS MEETING
OTHER REGIONAL AGENCIES DORMANT**

ANNOUNCEMENTS

CALCHAMBER RELEASES 2021 JOB KILLER LIST

BY CALCHAMBER - MARCH 23, 2021

PAGE 31



COLAB IN DEPTH

SEE PAGE 24

IS RACISM MORAL NOW?

BY VICTOR DAVIS HANSON

THIS WEEK'S HIGHLIGHTS

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

Item 11 - Large Health Grant to County – Includes Staff Expansion. The SLO County Health Department has received a huge \$10.7 grant related to COVID. It will hire 11 new employees and offset the cost of some existing employees who are currently paid for from the County General Fund. The write-up shows a \$4 million savings due to the offset. The purposes of the funding are displayed in the italicized list from the Board letter below. The Board

summary of work tasks are in *italics*, and COLAB’s sample questions are in **bold**. The County treats these grants as free money, but we are paying for them in our State and Federal Taxes.

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

Beyond these issues, the program itself looks unnecessary on the face of it per the County’s own “work program” description below.

The item is on the consent calendar. The Board should pull it and ask penetrating questions.

Questions arise at this point:

If COVID is going away, why is this necessary now?

If everyone is vaccinated, what is the point of all this?

RESULTS: In general terms, these personnel amendments will yield a more pro-active, effective, and collaborative response to the COVID-19 pandemic. In specific terms, results can be measured as follows:

The six LT Administrative Assistant I/II/III positions will:

1. *Provide technological support for COVID-19 related response activities, including advanced scripting, reporting, and data analysis;*

Note: What does this actually mean in terms of work tasks – why would you need data analysis now? What actually is the product of the analysis and who will use it and how will it be used?

2. *Collect, process, and report on information from the public;*

Note: What information does the County need from the public which it is not getting?

3. *Managing vaccine reservation programs, as well as any other state and/or federal programs required;*

Note: This function already seems to be working well. Many of us got our shots from CVS, hospitals, not-for-profits etc. Why does the County need to produce this service?

4. *Provide support to allow accurate and appropriate data to CDPH;*

5. *Help residents access local health information through phone and email assistance;*

6. *Support the development of easy-to-understand educational materials;*

7. Provide administrative support for 0–5-year-old children assessed and treated by the multidisciplinary team, including scheduling, data collection, billing and chart prep;

Note: We thought little kids did not get COVID. Is COVID just being used as an excuse to run other new programs?

8. Contact foster and biological parents to assist with online developmental and social-emotional screenings for use by the assessment and treatment team; and

9. Provide support to the nurse and doctor for clinic related projects.

The LT Senior Software Engineer position will:

1. Advise policy makers on risk levels associated with various IT decisions;

Note: What is a risk level associated with an IT decision? Who are the “policy makers,” what decision are they making that have risk?

2. Develop new systems or adjust the current systems as necessary; and

3. Manage subordinate IT team members associated with the response.

The two LT Administrative Services Officer I/II positions will:

1. Coordinate with incident Logistics and Operations personnel regarding procurement of necessary services;

2. Draft and facilitate contracts;

3. Coordinate with Public Health Laboratory, Emergency Medical Services Agency (EMSA), Public Health Emergency Preparedness Program (PHEP), Health Agency Administration, and Purchasing Department regarding procurement of necessary services;

4. Provide the public with up-to-date local information about COVID-19 prevention;

5. Implement strategic communications campaigns for target/priority audiences; and

Note: How are 4 and 5 different from each other? Why will we need this when everyone is vaccinated?

6. Monitor public communications channels, including social media, to identify and address rumors and misinformation regarding COVID-19 prevention, testing and vaccination.

The LT Senior Account Clerk position will:

1. Receive, review, classify, document, and process vendor invoices, employee expense reports, and petty cash reimbursements for Public Health;

2. Review vendor statements to safeguard that all invoices have been received; and

3. Review the park, post, audit report to confirm all invoices have been entered by the Auditor’s Office.

Note: The County operates an integrated finance system, which has been upgraded at the cost of millions of dollars over the past decade. Why wouldn’t existing staff review and enter the bills?

The LT Accounting Technician position will:

1. Track monthly expenditures, run internal order reports, and complete journal entries;

2. Prepare invoices and report status grantor; and
3. Complete additional financial reports other than invoicing as necessary, according to the grant requirements

The LT Licensed Psych Technician I/II/III position will:

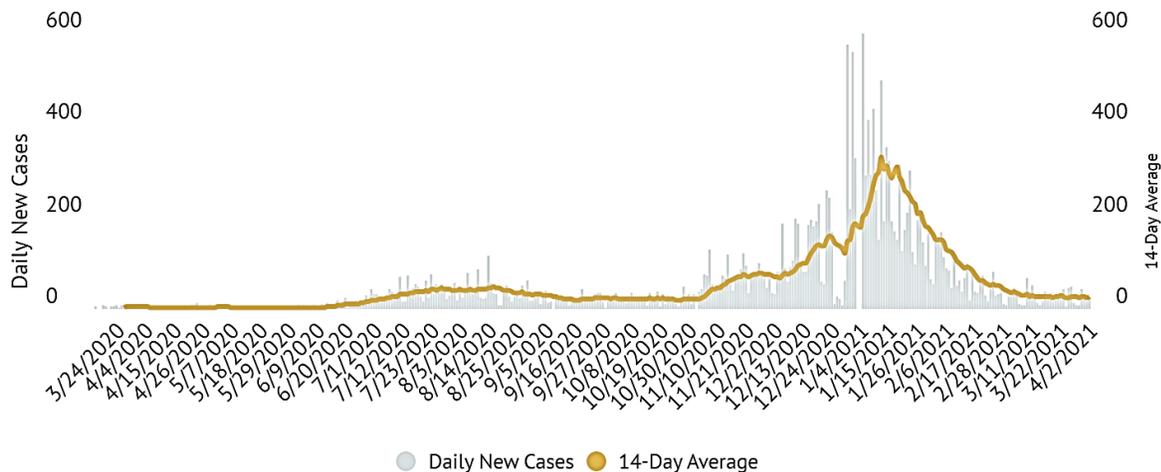
1. Provide outreach to vulnerable populations in our community;
2. Administer COVID-19 vaccinations to our most vulnerable populations; and
3. Collect health screening info on those receiving vaccinations.

The Health Information Technician I/II/III position will:

1. Allow compliance with Title 17 regulations for timely reporting of COVID-19 incidents;
2. Provide training and support to AA IIIs on the CalREDIE team; and
3. Work with epidemiologists on outbreaks related to COVID-19.

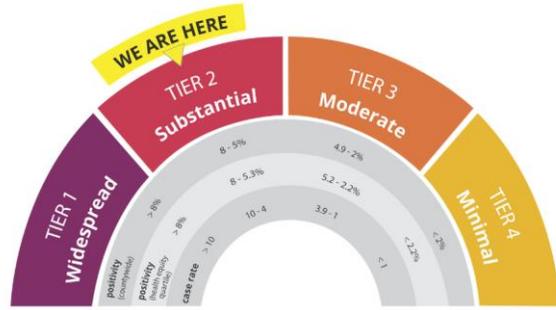
Item 19 - COVID Update. The infection rate, hospitalizations, and deaths continue to decline. It is time for the Board of Supervisors to open up and start having live meetings. If people show up who haven't had the vaccine, they could receive it down the hall. It is also time to quit fiddling around with delayed openings, banning events., and otherwise trying to prolong the ill-conceived government controls.

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



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

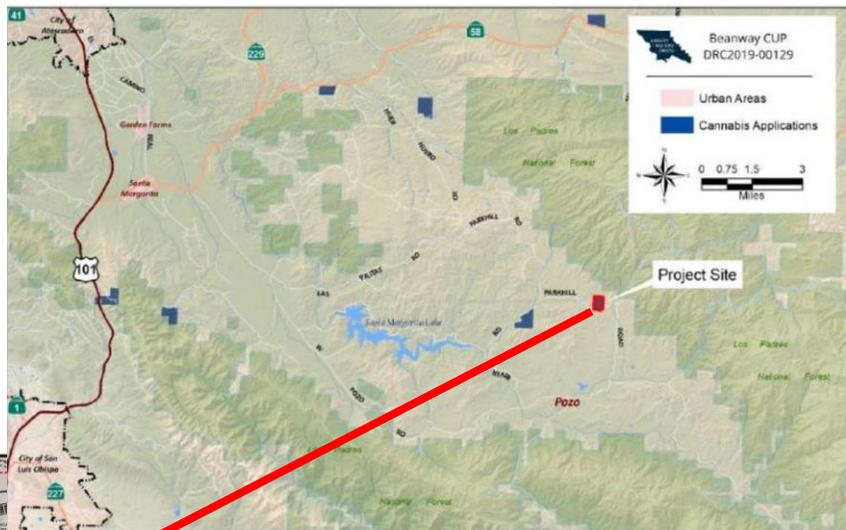
6 (1 ICU)**
SLO County Residents with COVID-19 in Hospital



Item 24 - Appeal of the Planning Commission Denial of a Cannabis Operation near Pozo.

The Commission denied the project on the grounds of water impact, size, neighborhood incompatibility, and oak tree removal. The Pozo area neighbors are opposed, have retained an attorney, and have submitted many letters and emails opposing the project. Subsequently, the applicant has proposed a scaled back project as part of his appeal. Nevertheless, staff recommends that the Board support the Commission’s denial.

It is likely to be a lengthy hearing if all the opponents call in for public comment.



Matters After 1:30 PM

Item 26 - Proposed Project to Draft Amendments to the Paso Basin Water Moratorium Ordinance. Staff is returning to the Board with a proposed project to draft amendments to the Ordinance which would relax water offset requirements for small and medium users. A key problem is that land use permits would be required for larger users. In turn, that permit process would probably require environmental assessments, which could lead to full California Environmental Quality Act (CEQA) Environmental Impact Reports (EIRs) on some applications.

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

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

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

- Tier 1: Exemption Clearance Permit for plantings using up to 25 AFY/site of irrigation;
- Tier 2: Ministerial Permit for plantings maintaining neutral water use with a 6-year lookback period; and
- Tier 3: Discretionary Permit with California Environmental Quality Act (CEQA) review for plantings that do not fall under Tier 1 or 2. The Board direction also acknowledged that developing a new land use framework to be effective until 2045 will require preparation of an EIR to be legally defensible.

Staff has not been able to estimate what percentage of the potential applicants would be in Tier 3 and thus be potentially subject to environmental assessment.

The specter and precedence of subjecting any agricultural use to CEQA is dangerous for the future of agriculture in the County. Thus, what is an admirable idea (allowing people trapped by the ordinance) a process to recover or expand some of their pumping, becomes a greater danger than the problem needing remedy in the first place (That is in an attempt to rectify the negative impacts of the moratorium, project level CEQA is invoked on some applications for relief). As a result, the major agriculture organizations, including the SLO Farm Bureau, Growershipper of

San Luis Obispo County, vintner organizations, COLAB of Santa Barbara County, and COLAB of San Luis Obispo County are opposed to the development of the prospective ordinance, which itself is subject to a program EIR and which in turn could require project EIRs under its provisions related to larger applications (called Tier 3 applications) in the general proposal.

EIRs are often used by intervenors opposed to a project to generate lawsuits against the applicant and the approving authority:

For example, when a board of supervisors or city council approves a new housing development, commercial development, or even a single home, neighbors and/or environmental activists file suits to overturn the legislative policy decision of a duly elected body. Usually the applicant is required to pay all the legal costs. CEQA contains 50 subject areas of analysis which must be assessed within an EIR. These include traffic, water, air pollution, noise, light, carbon emissions, archeological remains, dust, chemicals, and dozens of other categories.

While this amendment would ostensibly only address water use, the metrics used would be based on the amount of water per acre consumed by various types of crops. One problem is that some intervenors will be tempted to regulate crop types for other “social benefit reasons.”

There are already advocates to ban cattle raising on so-called health grounds, CO₂ emissions, and cruelty to animals.

Another problem is that it is a short leap from basing EIRs on the amount of water that peas or alfalfa or grapes consume to regulating other farming components, such as equipment, storage, farm access roads, dust, odor, trucking, harvesting, lighting, and so forth.

History:

The problem arises because environmental activists and some panicky homeowners pushed the County to adopt an urgency (emergency) water moratorium in 2013 for the Paso Basin. The data used was conflicting, and problems were specific to particular areas. Projections on future water use included errors such as: “grapes use 1.8 acre feet of water per acre,” when they actually only use 1.0 or .9. Later, in 2015 the ordinance was made permanent. It essentially requires that any new use of water proposed must be offset somewhere else in the basin by an equal reduction elsewhere. This provision was later tightened to require that the reduction in use had to be on the same property where the increased use was proposed.

Promises Broken:

A key provision of the ordinance was that it would sunset when the State Groundwater Management Act (SGMA) plan for the basin was completed and submitted to the State. Later, County staff and Supervisors realized that completing of the Plan actually does nothing, and it will take years to implement its provisions before any real beneficial impacts can occur. Of course, the Board of Supervisors scrambled and extended the ordinance ban to 2022. This, in turn, meant that many farmers trapped in the ordinance would be trapped for longer than they had been told. Now it appears that no real actions will be in place until about 2025.

Accordingly, the Board majority of Arnold, Compton, and Peschong, who were not the authors of the original ordinance, are seeking a way to provide some relief. The problem is that once an agency implements a land use regulation, any reductions in scope of the existing regulation beckons CEQA.

The Decision This Week:

Per the table below, the task is complex and will require considerable process and cost. The Board will decide whether to direct the Planning Department to prepare the revisions to the ordinance per the schedule below:

Table 1: Estimated Timeline

Month	Ordinance Development	Environmental Review	Hearings
April 2021	Finalize Public Review Draft	Staff Publishes IS-NOP	BOS Authorization
May 2021		EIR Scoping Meeting	
June 2021	Conduct Outreach and Receive Comments on Public Review Draft	Consultant Prepares Admin Draft EIR, with Staff Review	
July 2021			
August 2021		Consultant Prepares Draft EIR, with Staff Review	
September 2021		Publish Draft EIR (45 Day Public Review Period)	
October 2021	Prepare Public Hearing Draft		
November 2021	Prepare Planning Commission Recommended Draft	Consultant Prepares Admin Final EIR, with Staff Review	Prepare PC Hearing Packet
December 2021		Consultant Prepares Final EIR, with Staff Review	Prepare BOS Hearing Packet
January 2022		Publish Final EIR	PC Hearing
February 2022			BOS Hearing
March 2022	Ordinance Takes Effect		

Note that the existing ordinance will sunset in 2022 unless it is extended in the future.

Project Budget:

The costs will be significant. The budget for the balance of this fiscal year is \$356,000.

Table 2a: Current Department Staffing – Budget Impacts FY 2020-21

	Estimate cost for 2 months
Manager Long Range and Housing (0.1 FTE)	\$3,388
Supervising Planner (0.15 FTE)	\$4,389
Limited Term (14 months) Planner III	21,720
Planning and Building department overhead	\$8,849
Salary & Benefits (including overhead) Subtotal	\$38,346
Anticipated Consultant Services	
Rincon Consultants	\$244,688
Planning and Building department overhead	\$ 73,406
Total Estimated Cost for First Year Operating Activities	\$356,440

Note: Salary and benefit costs were calculated using FY 2020-21 charges for each applicable position which is based on productive hours at the current step plus applicable Department Overhead Rates.

Staff, which will be diverted from other work to the project, will cost \$587,000.

Table 2b: Current Department Staffing – Total Budget Impacts

	Estimate cost for 14 months
Manager Long Range and Housing (0.1 FTE)	\$23,714
Supervising Planner (0.15 FTE)	\$30,724
Limited Term (14 months) Planner III	\$153,000
Planning and Building department overhead	\$62,231
Salary & Benefits (including overhead) Subtotal	\$269,669
Anticipated Consultant Services	
Rincon Consultants	\$244,688
Planning and Building department overhead	\$ 73,406
Total Estimated Cost for Operating Activities	\$587,763

Note: Salary and benefit costs were calculated using FY 2021-22 labor rate charges for each applicable position which is based on productive hours at the maximum salary step plus applicable Department Overhead Rates.

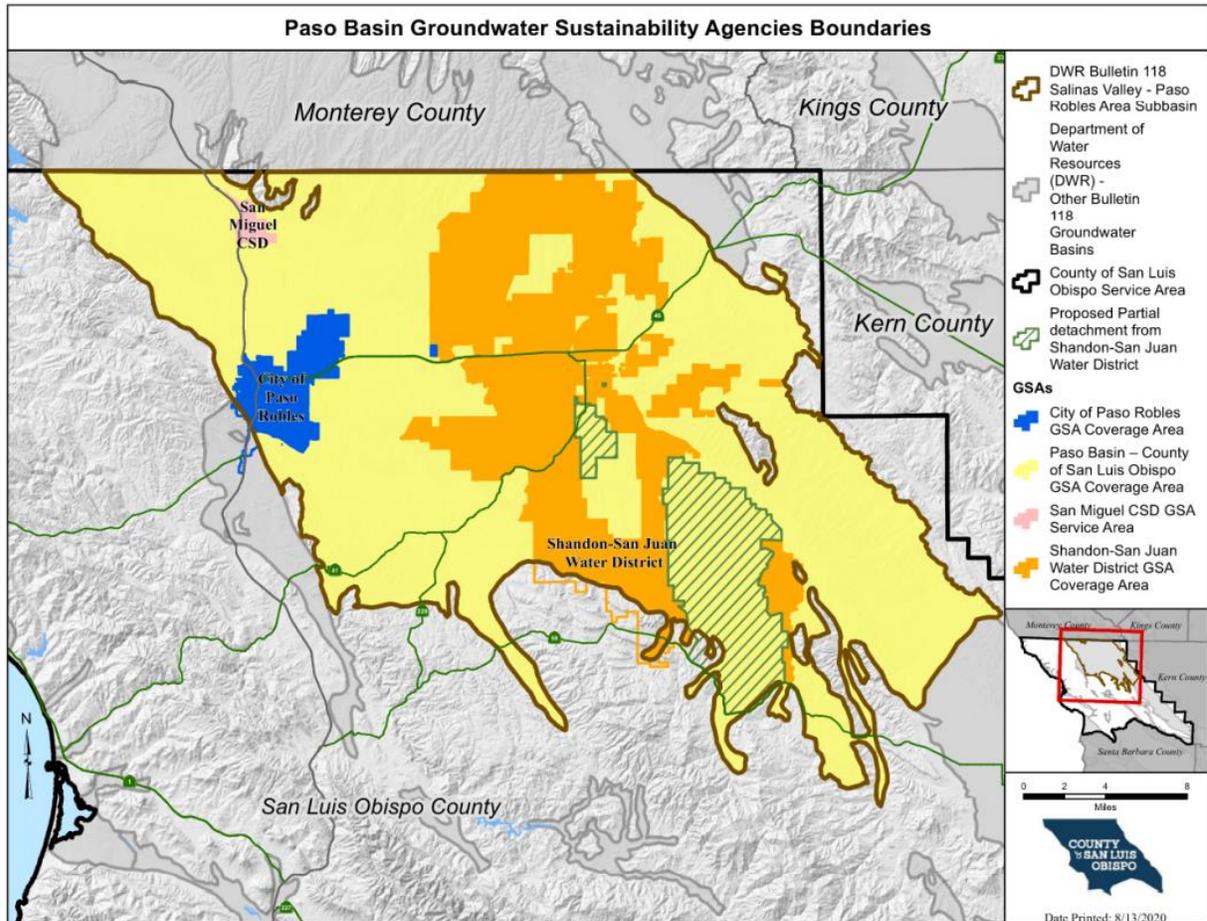
Additional staff recommended to be hired will add \$142,000.

Table 3: Limited Term (14 months) Planner III – Budget Impacts

FY 2020-21 Estimated Expense for remaining 2 months						
Action	Classification	FTE	Salary	Benefits	Total	Step Estimate
ADD	Planner III, Limited-Term	1.00	\$13,444	\$8,276	\$21,720	Step 3 for 2 Months
	Net Change FY 2020-21	1.00	\$13,444	\$8,276	\$21,720	
FY 2021-22 Estimated Expense for 12 Months						
Action	Classification	FTE	Salary	Benefits	Total	Step Estimate
ADD	Planner III, Limited-Term	1.00	\$81,335	\$49,945	\$131,280	Step 3 for 10 Months/Step 4 for 2 Months
	Net Change FY 2021-22	1.00	\$81,335	\$49,945	\$131,280	
Estimated Annual Expense at Max Step (Step 5 of 5)						
Action	Classification	FTE	Salary	Benefits	Total	Step Estimate
ADD	Planner III, Limited-Term	1.00	\$88,941	\$53,295	\$142,236	Step 5 for 12 Months
	Net Change at Max Step	1.00	\$89,941	\$53,295	\$142,236	

All in, the cost is estimated at about \$1,085, 000 to create the ordinance amendments.

Relatedly, see the Shandon - San Juan Water District item immediately below. It appears that the nimble or devious District (depending on your point of view) is moving ahead on its own to solve its SGMA problems. The actions raise the question of whether the County’s proposed land use restrictions on pumping would be legal or relevant, at least in the area covered by the district.



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

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

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

2021 BOARD OF DIRECTORS

March 16, 2021

Willy Cunha
President

Steve Sinton
Vice President

Marshall Miller
Director

Kevin Peck
Director

Matt Turrentine
Director

Important Message to the Members of the Shandon-San Juan Water District:

At this week's Board meeting your directors announced that our Water District has successfully filed two applications for water with the State of California. The first application is for 14,000 acre feet of unappropriated water on the Nacimiento River at the Nacimiento dam and the second is for 14,000 acre feet of unappropriated water on the Salinas River at the Santa Margarita Lake dam. This action has been taken to fulfill our commitment to find economically sound, appropriate ways to implement projects that will alleviate, or at least reduce the water supply deficit that has been identified in the Paso Robles Groundwater Basin.

Under the California Sustainable Groundwater Management Act, we are obligated to bring the groundwater basin into balance in the next two decades and we feel that this action is the first significant step by any groundwater sustainability agency in San Luis Obispo County to meet that obligation. These two projects will not only enhance our primary aquifer it will enhance water flow through our alluvial aquifers, benefitting riparian habitat and downstream aquatic ecosystems.

We expect to work cooperatively with Estrella-El Pomar-Creston Water District, our partner groundwater sustainability agencies (the County of San Luis Obispo, the City of Paso Robles and the San Miguel Community Services District) and the public at large to design and implement projects that support the health of the groundwater supply within the Paso Robles Subbasin in a way that promotes the Basin's economic viability. While this undertaking will be expensive, our economic study prepared by Cal Poly shows that to the extent these two projects reduce cutbacks in agricultural pumping, they will save our community between \$300 and \$800 million and over 5,000 jobs.

The District has made it clear in our application that we will deliver the water to the aquifer through direct recharge and recover it when needed for agricultural use. The District will ensure that any water which we successfully obtain through these water right applications will be recovered and used exclusively within our groundwater basin, and that such recovery and use will not contribute to overdraft in the Basin.

Further details will be forthcoming and we anticipate hosting a public workshop to provide details in the near future.

Some questions for the County:

1. Would this water be subject to the current existing or prospectively amended County moratorium ordinance now under consideration in the Board of Supervisors item above? Or is it exempt? It would seem that, under the County ordinance, all water in the basin is subject to the provision. Or does something in the Water Code trump the County's land use approach?
2. Does the answer to that question impinge on the decision under consideration in County Agenda **Item 26** above?
3. Last month the Board of Supervisors authorized staff to seek an amendment to State restrictions on the use of the 17,000 acre-feet of Nacimiento water. Staff has been working with

Monterey County on the issue, as both Naci water and Santa Margarita water are important components of Monterey County's Salinas River recharge. There are minimum flow maintenance requirements. How would this new use impact those requirements? If the San Juan District made its application to the State without consulting with Monterey County and that County do officials suspect that elements of SLO County are in cahoots, could the proposal to amend the restriction on the Naci water be blown up?

4. How Does the San Juan District's prospective right to the recharged water impact the rights of the overlies who have confirmed their quiet primary title to water in the Basin? Prescriptors such as the District would seem to be able to pump an amount of acre-feet equal to their recharge amount, but what happens in a year when this is exceeded?

5. Last month the County Board approved Amendment 18 to the State Water Supply Contract, which could provide additional water for water banking in the basin. Did the County ever consider Santa Margarita storm water option as well?

Per the table below on the next page, the long term average water available could be 3,944 acre feet per year. Would the District be able to be exempted from its proportional share of pumping reduction under the overall combined Basin GSP's on this basis?

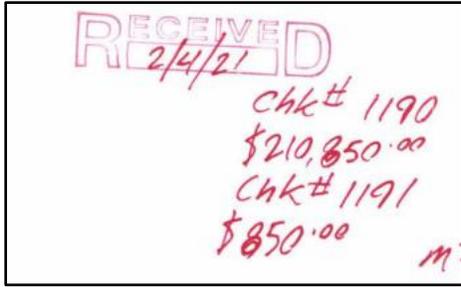
7. Is the Water District more nimble than the County in attempting to lock up this source?

8. The District's notice states that it intends to "ensure" that the water is only to be used in the District for agricultural irrigation. What if a future Board changes policy and wishes to sell the water to other agencies in SLO County or Santa Barbara County? What about selling water credits? It seems strange that the District would make such a statement to DWR when the District's LAFCO approval of its formation already forbids it from exporting water outside of the Paso Basin.

9. If water recharged by the San Juan District ultimately causes the Paso Basin water level to rise above current levels, will more pumping occur, undermining the SGMA GSP's?

10. Since it appears that the District submitted its application to the State Water Resources Control Board Division of Water Rights on February 21, 2021, is it first in line if any other basin prescriptors wish to apply for some of the water. Or are they debarred?

11. State staff margin notes on the District's application form indicate that it paid a fee of \$210,850 for the State to begin its review and processing of the application. If the State received the application on February 4, 2021, why did the District not inform its membership of the action until March 16, 2021? The Shandon-San Juan District's February financial report indicated that it expended \$461,579 between January 14 and February 10, 2021. Thus the \$210,000 could have been one of the expenditures. Is it possible that there is another application of the same magnitude which we have not seen, accounting for most the rest of the \$461,579?



Strangely, the notation about the checks on the application form is dated February 4th but the application itself is marked as received February 21st. Wouldn't the checks normally accompany the application?

All of these questions are in flux, like some sort of separate set of convoluted differential equations in space. The County Board needs to open up its sessions to public meetings, get all the players in the room at the same time, and question them thoroughly about these matters in public. The lake pictures demonstrate that it's not a slam dunk in some years.

Several pages from the application are highlighted below on the next page:

Direct Diversion Water Available from Santa Margarita Lake

Water Year	Total Spill (AF)	Supplemental Water Available (AF)
1994	0	0
1995	66,450	14,000*
1996	12,365	6,129
1997	54,122	10,437
1998	105,594	14,000*
1999	0	0
2000	967	967
2001	9,425	2,452
2002	0	0
2003	0	0
2004	0	0
2005	29,150	9,459
2006	35,271	7,456
2007	0	0
2008	0	0
2009	0	0
2010	7,742	4,334
2011	51,578	14,000*
2012	0	0
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	28,963	7,776
2018	0	0
2019	49,479	11,523
Average	17,350	3,944



* Limited to 14,000 AF annually

TYPE OR PRINT
IN BLACK INK
(For instructions, see
booklet: "How to File an
Application to
Appropriate Water in
California")



California Environmental Protection Agency

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
www.waterboards.ca.gov/waterrights

The District is trying to lock up the water rights to the flood waters.

SWRCB - DWK
21 FEB 4 PM 1:31

APPLICATION NO. A033189

APPLICATION TO APPROPRIATE WATER

1. APPLICANT/AGENT

	APPLICANT	ASSIGNED AGENT (if any)
Name	Shandon-San Juan Water District	Michael Preszler
Mailing Address	P.O. Box 150	169 Parkshore Drive, Suite 110
City, State & Zip	Shandon, CA 93461	Folsom, CA 95630
Telephone	(805) 451-0841	(916) 542-7895
Fax		
E-mail	wcunha@ssjwd.org	michael@zanjero-water.com

2. OWNERSHIP INFORMATION (Please check type of ownership.)

- Sole Owner
- Limited Liability Company (LLC)
- General Partnership*
- Limited Partnership*
- Business Trust
- Husband/Wife Co-Ownership
- Corporation
- Joint Venture
- Other California Water District

*Please identify the names, addresses and phone numbers of all partners.

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.) Add additional pages if needed and check box below and label as an attachment.

This project is being undertaken by the Shandon-San Juan Water District. The purpose of the project is to augment groundwater supplies in the Paso Robles Area Subbasin (the "Subbasin") by transporting unappropriated water to the Subbasin that would normally pass through Santa Margarita Lake (the "Lake") during high flow events. The point of diversion would be situated in the Lake and the conveyance facility is likely to be a pipeline or canal (the "Conveyance") that Applicant plans to construct, own, operate and maintain. The water would be delivered to Groundwater recharge facilities (the "Facilities") situated within the Subbasin that Applicant will construct, own and operate. The water would be later recovered for agricultural use in the District by Applicant, its landowners and their designees. The need for the Facilities and the Conveyance is dependent on Applicant acquiring supplemental surface water supplies, and

11. CONSERVATION AND MONITORING

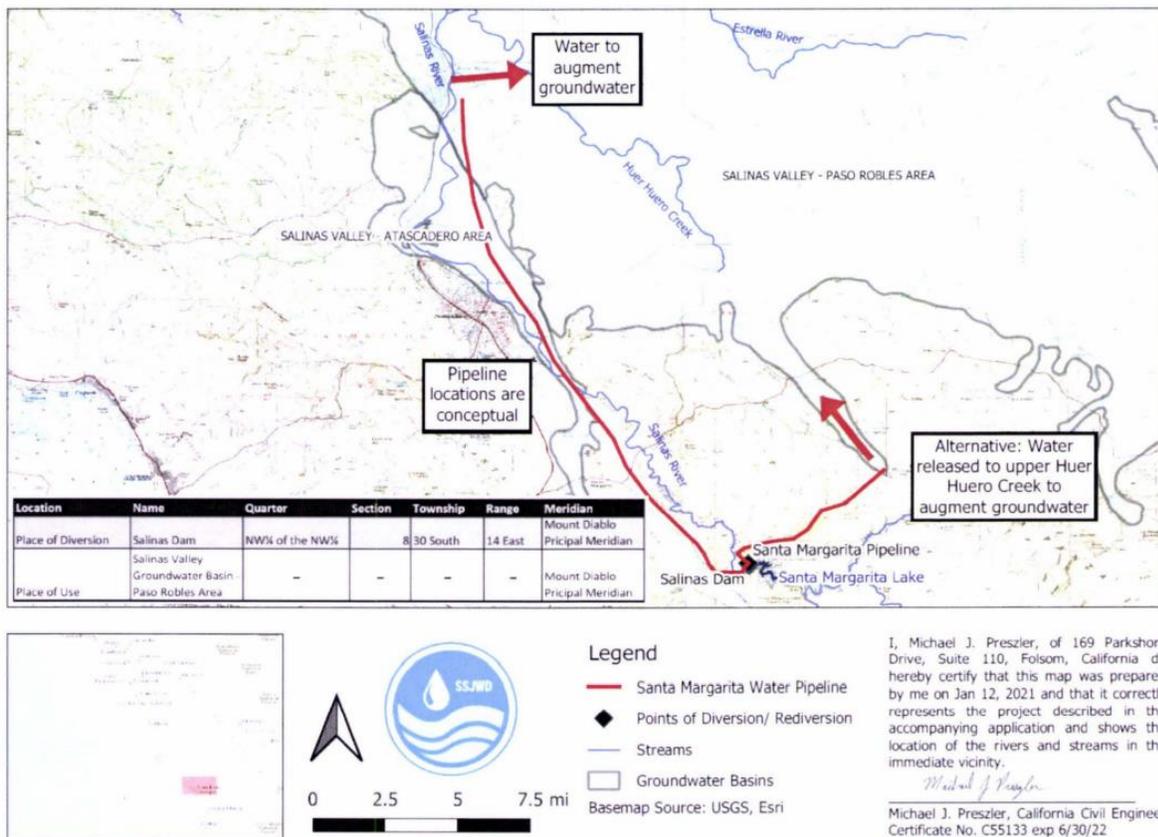
a. What methods will you use to conserve water? Explain.

The Paso Robles Basin Groundwater Sustainability Plan and other water conservation programs are in place in the District where the water will be put to consumptive use, including San Luis Obispo County's Agricultural Offset Ordinance. Typical irrigation methods used within the District include drip irrigation and water users within the District routinely monitor soil moisture content to ensure optimum crop conditions.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? Weir Meter Periodic sampling Other (describe)

Applicant will use metering devices to measure water in the Conveyance. Applicant will install, and will require landowners and designees who recover and beneficially use for irrigation the water that is the subject of this Application to install, meters on recovery wells. All users will be required to comply with the Paso Basin GSP and applicable District rules, regulations and policies.

Map 2: Points of Diversion from Santa Margarita Lake



Other portions of the District’s application provide interesting data. For example, a DWR study indicates that the Basin has more than 30,400,000 acre-feet of storage capacity. How much water exists in the basin today? Significantly, this fact was not presented during last month’s adoption of Amendment 18 of the County’s water supply contract with the State. It would allow importation of surplus state water for recharge into the Basin. The State could have a huge interest in facilitating such a move, given the immense storage capacity.

Attachment No. 5 [For Item 9]

Subbasin	CropDesig	Acres	Crop Duty	AF/Year	Method
<i>San Juan</i>	Alfalfa	465	4.5	2,094	Sprinkler
	Citrus	8	2.3	18	Drip
	Pasture	562	4.8	2,698	Sprinkler
	Vegetables	717	2.5	1,793	Sprinkler
	Winegrapes	3,597	1.5	5,396	Drip
San Juan Total		5,350	2.24	11,999	
<i>Shandon</i>	Alfalfa	139	4.5	628	Sprinkler
	Citrus	19	2.3	43	Drip
	Deciduous	2	3.5	6	Drip
	Nursery	44	2.5	110	Drip
	Pasture	144	4.8	690	Sprinkler
	Table Grapes	1,114	3.5	3,898	Drip
	Vegetables	796	2.5	1,991	Sprinkler
	Winegrapes	5,011	1.5	7,517	Drip
Shandon Total		7,269	1.96	14,255	
Shandon-San Juan Total		12,619	2.08	26,254	

Item 10

Groundwater Storage

Groundwater Storage Capacity. DWR (1958) estimated the storage capacity to be 3,000,000 af in the zone 100-feet below 1958 static levels. DWR (1975) estimated the total storage capacity at 6,800,000 af. A study by Fugro West (2001a) estimates the total capacity at more than 30,400,000 af. DWR (1975) estimated the usable capacity at 1,700,000 af.

The district included the table above in its application, indicating that its members are estimated to use about 26,254 acre feet per year.

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

In General: The meeting is crammed with updates and actions on various components of the Federal/State transportation funding bowl of coleslaw. Board members will attempt to determine the impacts on their respective jurisdictions. Aside from these mind numbing details,

there are several items of policy and informational importance to business, agriculture, labor, and general public.

Item E-4: 2023 Regional Transportation Plan (RTP) – Draft Financial Element. This is an update report on how recent conditions and trends have impacted the status of the long term potentials for funding transportation infrastructure and services.

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

Table 1. Program Category Expenditure Summary

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

**REASONABLY-EXPECTED:
\$2.8 Billion**

**Needs (2019 RTP)
\$5 Billion**

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

Regional Transportation will face a number of key issues & challenges between 2023 to 2045. Staff have summarized the following Key Issues and Challenges:

Inflation – Weakening Federal Gas Tax Purchasing Power of the Federal Gas Tax Rate Has Fallen by More Than Two-Thirds Because of Inflation and Fuel-Efficiency Gains. The gas tax (18.4 cent Gasoline / 24.4 cents Diesel) is the cornerstone of our system for funding transportation infrastructure. While the tax is not perfect, it generally does a good job of requiring long-distance commuters and owners of heavy trucks and SUVs to pay more for the wear-and-tear they inflict on our roads and bridges.

COLAB NOTE: Over what period is SLOCOG measuring inflation? Fuel taxes are much higher than stated here.

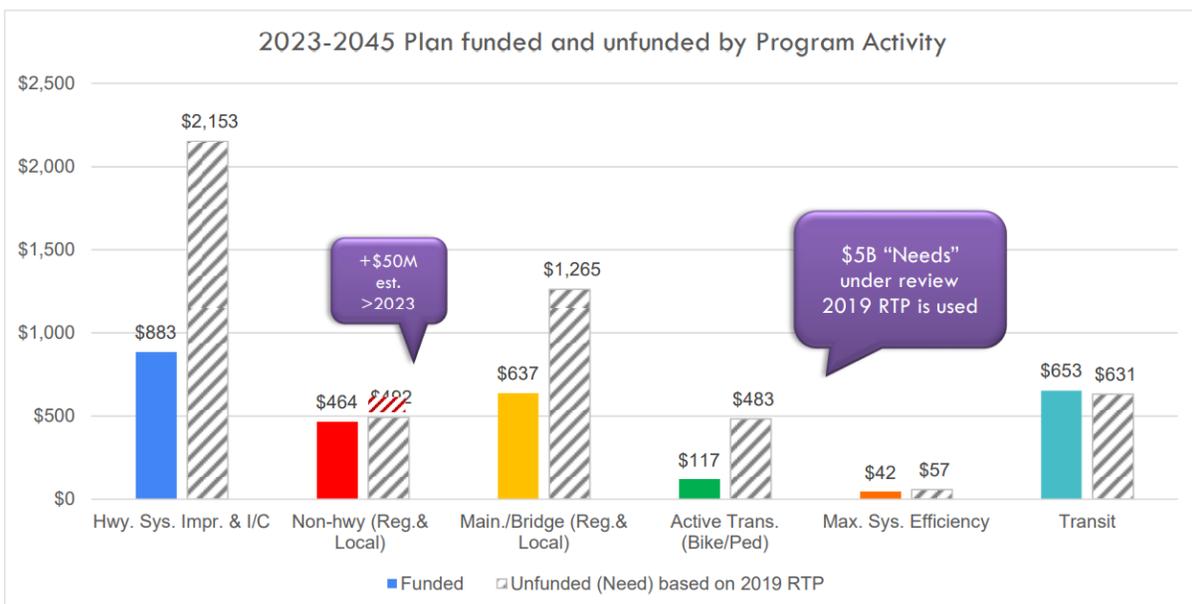
2. Increasing Congestion – Changes in Travel Behavior- While congestion levels and vehicle miles of travel (VMT) have increased in the region, the demand for transit, bike, and pedestrian

facilities has also increased. **COLAB NOTE: No matter what the planners and enviro zealots demand, no one is getting out of their cars.**

3. *Increasing Fuel Efficiency – EV adoption by 2035 - An increase in the fuel economy of vehicles combined with the increased use of alternative fuel vehicles are eroding the base of transportation funding from fuel tax revenues. Under the current conditions, fuel tax as a mechanism for acquiring revenue will no longer function.* **COLAB NOTE: So get ready for a new “miles driven” tax.**

4. *Increasing Needs and the State’s Fix SB 1- Fall Short for SLO County - Even with the state’s increased annual transportation revenues with SB 1, a significant backlog of improvement and maintenance projects will persist within the region and the state.* **COLAB NOTE: That’s because they spend all the taxes on employee salaries, endless staffing increases, pensions, and teachers who won’t teach.**

5. *The Impact of COVID-19 Recovery on SLO Regional Transportation Revenues - The COVID-19 pandemic has caused drops in employment and economic growth and triggered widespread disruption of the economy.* **COLAB NOTE: Right, states that did not impose and retain endless lockdowns are doing much better.**



Item E-5 Updated Population and Employment Projections. According to the latest data SLO County’s population will only grow by about 8,531 over the next 29 years. Such low growth, combined with an aging population which makes less large capital expenditures (cars, appliances, homes, recreational equipment), means a slower economy. The closures of the Diablo Nuclear Power Plant, Phillips 66 Refinery, Oceano Dunes Recreation, the addition of more tax exempt open space, the bans on natural gas appliances, the higher cost energy, and the growing irrelevancy of public education will all combine to throttle the economy.

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

Figure 2: Population Forecast Comparison

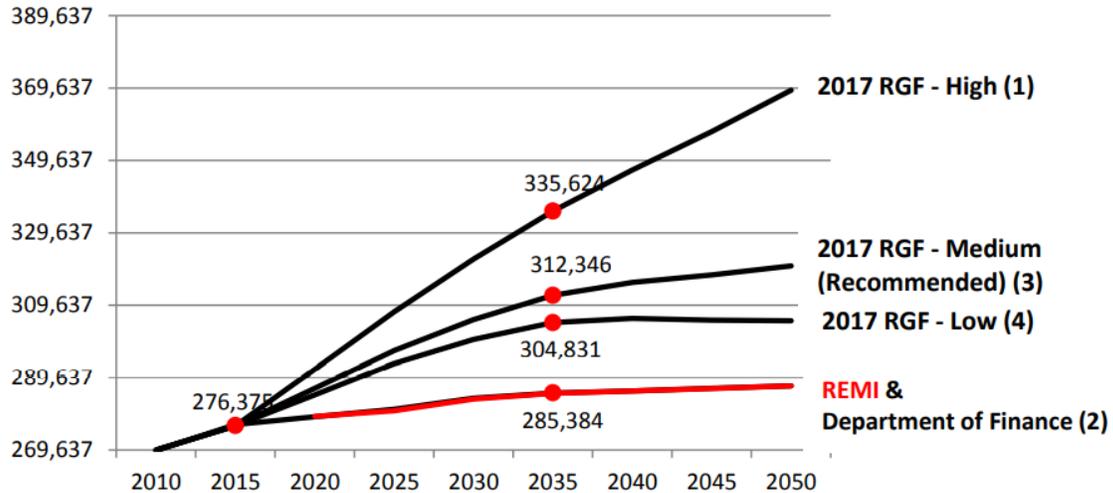
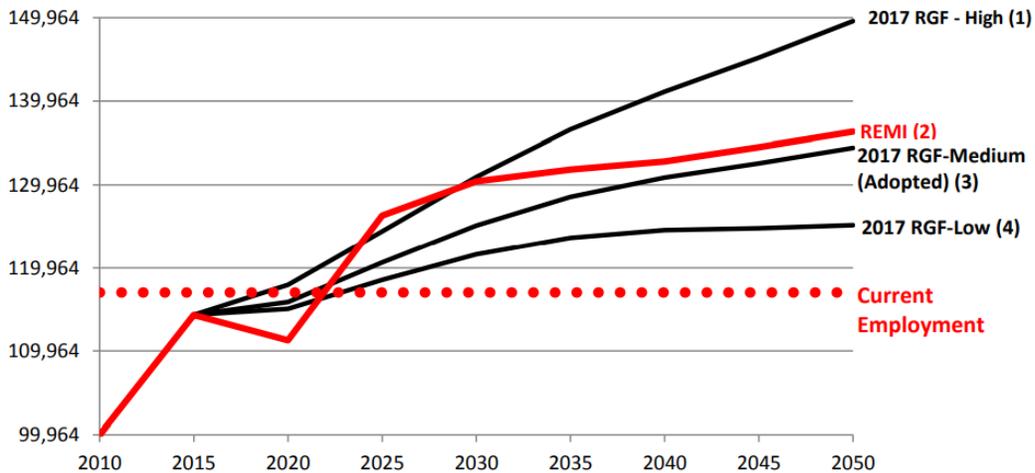


Figure 2 presents known data for years 2010 and 2015 to provide a foundation for the population projections. The REMI population projections demonstrate an overall population growth of 8,531 by 2050 from year 2020, and closely aligns with the DoF projections. In comparison to the previous forecast, the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

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

Figure 1: Employment Forecast Comparison

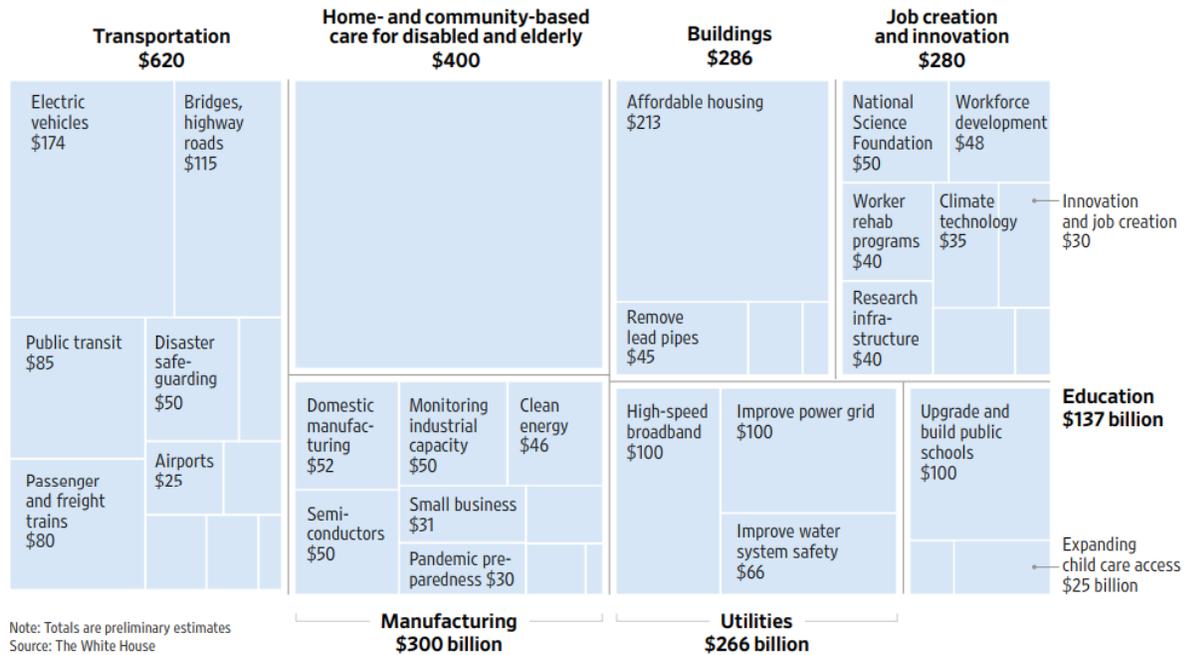


United States Congress Consideration of \$3 Trillion So-Called Infrastructure and Climate Bill (On-going)

The so-called infrastructure bill contains only \$115 billion for highways. All of this and more could be consumed in California alone on its road, bridge, and highway maintenance deficit. The bill proposes more (\$174 billion) for subsidizing electric vehicles. Why not allow the market to determine the evolution of these expensive government subsidized toys? How is increasing payments for home- and community-based care for the disabled and elderly an infrastructure project? Ditto for most of the rest of the program. It is estimated that California's total infrastructure maintenance deficit, including transportation, university buildings, schools, parks, jails, office buildings, and other facilities is \$1 trillion alone. There are \$80 billion in the bill for freight and passenger rail, but California's high speed rail project is now expected to cost \$100 billion alone.

Moreover, it is to be funded by an increased tax on corporations, which is simply a tax on the products which their customers buy (mainly the middle class). Read the Wall Street Journal Editorial below on the next page for all the grim facts.

Breakdown of Biden's infrastructure plan, in billions



Note: Totals are preliminary estimates
Source: The White House

Here Come the Biden Taxes

So much for the illusion of cost-free spending blowouts. The bill for President Biden's agenda is coming due, starting with Wednesday's proposal for the largest corporate tax increase in decades. Can we finally drop the pretense that any of this is moderate or unifying or bipartisan?

The middle class will pay for the largest tax increase since 1968.

Mr. Biden's corporate tax increase alone is more than \$1.5 trillion over 10 years, with another \$1.5 trillion coming soon on individual income and investment. That's about \$300 billion a year, or 1.36% of GDP each year, assuming U.S. GDP of \$22 trillion. Dan Clifton of Strategas Research Partners compares that to Bill Clinton's 1993 tax increase of 0.4% of GDP, making the Biden increase the largest since 1968.

* * *

Mr. Biden's corporate increase amounts to the restoration of the Obama-era corporate tax burden, only much more so. The GOP tax reform of 2017 was designed to fix a corporate tax system that was uncompetitive and convoluted. Companies paid taxes in countries where they earned the income, but then again if they returned the money to the U.S. Trillions of dollars piled up overseas. Remember the string of corporate "inversions" when CEOs moved their headquarters overseas?

Those inversions all but ended after 2017 as reform lowered the top corporate rate to 21% from 35% and moved the U.S. closer to a territorial tax system in which income is taxed where it is earned. Mr. Clifton calculates that companies repatriated \$1.6 trillion from overseas to the U.S. from 2018-2020, which they deployed for a variety of useful economic purposes. The repatriation total three years before reform: only \$495 billion.

Mr. Biden wants to raise the corporate rate back up to 28%, but that's the least of his proposals. He also wants to add penalties that would make inversions punitive, and he'd impose a global minimum corporate tax of 21%. This would shoot the tax burden on U.S. companies back toward the top of the developed world list. At least nine major countries have cut their corporate tax rate since 2017, including France, Sweden and the Netherlands.

The larger Biden goal is to end global tax competition, much as its ban on state tax cutting seeks to end income-tax competition among the 50 states. "The United States can lead the world to end the race to the bottom on corporate tax rates," says the White House fact sheet. Mr. Biden says he wants "other countries to adopt strong minimum taxes on corporations" so nations like Ireland can no longer compete for capital with lower tax rates.

This has long been the dream of the

French and Germans, working through the Organization for Economic Cooperation and Development. But even the OECD has been discussing a global minimum tax of about 12%, while Mr. Biden wants 21%. Only in Washington would the left punish American employers in the hope that the rest of the world will be as self-destructive.

All of this is in addition to the looming Biden tax increases on dividends, capital gains and other investment income. The lower 2017 corporate rate was intended to reduce the double taxation of corporate income that is built into the U.S. code. Mr. Clifton calculates that if the Biden plan becomes law the U.S. would have the highest overall tax burden on corporate income—62.7%—in the OECD.

The great political fakery here is that corporate taxes merely fall on CEOs and rich shareholders. But as everyone knows, corporations don't really pay taxes. They are vehicles for collecting taxes that are ultimately paid by some combination of customers in higher prices, workers in lower wages, and shareholders in lower returns on investment.

The economic literature is clear on this point. Kevin Hassett, Aparna Mathur, Laurence Kotlikoff and other economists have done extensive work showing how lower corporate tax rates result in higher wages. Higher after-tax profits mean more corporate investment, which means more productive workers, whom companies can afford to pay more.

In other words, Mr. Biden's corporate tax increases will hit the middle class hard—in the value of their 401(k)s, the size of their pay packets, and what they pay for goods and services. This damage won't show up immediately, especially as the economy booms as Covid eases this year, but the corrosive impact will compound in the coming years.

* * *

How much of this will pass Congress? The tax increases are so extreme that they seem intended to give Democrats like Joe Manchin and Kyrsten Sinema room to demand changes and then claim victory before voting for increases that would still be enormous. Note that the White House increased the magnitude of the increases at the insistence of the Congressional left, and with no input from Republicans.

Once again the plan is to use budget reconciliation to jam \$4 trillion more in spending and \$3 trillion in tax increases through Congress on a partisan vote. And to do so with the narrowest majorities in decades.

Joe Biden wants to pass an FDR agenda on a Donald Trump mandate. We hope he gets the furious resistance he's inviting.

LAST WEEK'S HIGHLIGHTS

Summary: Last week's local government activities were light, in that there were no meetings of the key regional agencies. The next Board of Supervisors meeting is set for Tuesday, April 6, 2021.

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 RACISM MORAL NOW?

BY VICTOR DAVIS HANSON

“Whiteness is a public health crisis. It shortens life expediencies, it pollutes air, it constricts equilibrium, it devastates forests, it melts ice caps, it sparks (and funds) wars, it flattens dialects, it infests consciousnesses, and it kills people . . . ”

—Damon Young, New York Times contributor

“Over the past year, I have, of course, still had to interact with white people on Zoom or watch them on television or worry about whether they would succeed in reelecting a white-supremacist president. But white people aren't in my face all of the time. I can, more or less, only deal with whiteness when I want to . . . White people haven't improved; I've just been able to limit my exposure to them.”

—Elie Mystal, The Nation

Racism is the deductive bias against, and often hatred of, an entire racial group. It is often birthed by dislike of particular individuals of a given group that supposedly justifies, by extension, disliking or indeed hating all of them. The popular reaction against this widespread toxic pathology shown African Americans birthed the anti-slavery movement, the Civil War, the resistance to Jim Crow, and the modern Civil Rights movement.

But now there grows a strange new ahistorical “antiracism” racism.

One variety encourages holistic hatred, blaming all of one’s own unhappiness, indeed all of the cosmic injustice in the manmade and natural world—the very air, water, and earth—on a white racial collective.

Another constructs a purported racial pathology to encourage segregation and separation from all members of the white race, thereby limiting all “exposure” to a toxic people.

These are not just the idle critical race theory rants of intellectuals. They now are reified in racially segregated graduations and dorms and in systemic racist reeducation and confessional workshops in government, the military, and private enterprise. In fact, the new antiracism racism is flagrantly directed at “whiteness”—the obsession of an America gone mad.

Barack Obama who, when a senator, filibustered the 2006 Supreme Court nominee Samuel Alito now claims, falsely, the filibuster is a racist relic of Jim Crow, which it predated by at least 30-40 years. On the Senate floor, U.S. Senator Tammy Duckworth (D-Ill.) vowed to block confirmation of nominees based solely on their white skin color.

In violation of the Equal Protection Clause of the 14th Amendment, the mayor of Oakland just announced race-based grants of \$500 per month to be given only to poor “BIPOC” (“black, indigenous, and people of color”) families, excluding the white poor.

The latest multibillion-dollar stimulus/farm aid bill is targeted for all those in need—as long as they are not white. The latter are all ineligible.

The new antiracism racism, whatever its original intentions, unfortunately exhibits the historical telltale signs of its noxious genre: an a priori negative stereotyping of all whites that can then be applied to individuals deemed undeserving because they are white. It is a deductive doctrine used to justify racial bias and racial preferences, to enhance careers and profits, and to excuse and contextualize racist language and behavior.

Antiracism’s implicit defense is that the nonwhite have less power to act out their biases than do whites, while it “rights” an historical wrong. Therefore even crude antiracists cannot be harmful racists. Consult the government data on hate crimes, however, and one learns some non-white groups have a greater proportional tendency to commit such crimes against others than so-called whites. And how has a white lower-middle-class generation, born in the post-Civil Rights movement and the age of affirmative action, continued to enjoy so-called white privilege?

The Convenient Vocabularies of Whiteness

Notice how the term “white racism” began metamorphosing into “white supremacy.” The latter is a linguistic means of stating, without evidence, that “they” control everything and thus there is little need for demonstrable examples of white racism.

But “supremacy” itself proves a problematic rubric. What does one do when Asian Americans as a group make far more per capita than do whites? Or the 44th president of the United States was black—as is the current vice president? Or both the recent Democratic and Republican candidates for lieutenant governor in South Carolina, the first slave state to secede from the Union, were black?

After all, a true “Islamic supremacy” state such as Iran or Saudi Arabia, does not allow a Christian or Jew access to such power in their country. A racially supremacist nation such as we see in communist China cannot allow a black or white immigrant to be premier—any more than can North Korea. Even South Korea or Japan may not any day soon see a Korean president or Japanese prime minister of Mexican or Irish ancestry.

And yet “white supremacy” itself is devolving into “white privilege.” The newer term no longer requires proof that all whites are always supreme—only that they all, by use of the collective “white,” enjoyed innately unfair advantages over all others based solely on their race.

But finally “white privilege” will itself prove an unsustainable rubric, given the clear privileges enjoyed by millions of non-white Americans in business, politics, popular culture, sports, entertainment, the professions, and among the elite. Surely one should not have to argue that a white Dayton, Ohio tire-changer is innately blessed in a way an unfortunate Eric Holder or Jay-Z purportedly is not?

So “white privilege” is now morphing into just “whiteness” in a malignant stereotyping hauntingly reminiscent of the 1930 theories of insidious “Jewishness,” a term denoting a mythical and underhanded power that warped and “controlled” Western Europe—even as no believable charge could be leveled against individual Jews.

Infectious “whiteness” supposedly is what explains why the privileged Meghan Markle is unhappy with, or rather furious at, the royal family and the psychodramatic injustices allegedly done to her—as the former royal couple lecture the public on its sins from their \$14 million Montecito estate.

The “whiteness” conspiracy similarly explains why multibillionaire Oprah Winfrey, who interviewed the couple from her nearby \$90 million estate, not long ago was—or so she complained—treated rudely by a clerk in a Swiss boutique who committed the mortal sin of not recognizing Oprah, and thus not purportedly retrieving a \$38,000 crocodile bag out of its secure case quickly enough to Oprah’s liking.

“Whiteness” often towers over even 5’11” Michelle Obama. Even as First Lady, when incognito in a Target store, she complained that a much shorter white woman did not recognize her and asked her, a taller stranger, to help lift down an item from an upper shelf—a phenomenon that millions of Americans encounter weekly.

Racist White Male Mass Shooters Everywhere?

It took the media and the Left about a nanosecond, and without any evidence other than a grainy video, to falsely label the recent Colorado mass shooter—later revealed as a Trump-hating Syrian-born Muslim—a “white supremacist.”

And it only took a second for the online mob and media to use his now falsely assumed identification to fuel a grand indictment against all “white men” in general—in the same old, same old unapologetic Duke lacrosse, Covington Catholic kids, and Jussie Smollett style.

Next, the Colorado mass murderer was immediately lumped in with the recent Georgia mass killer—as if that monstrous shooter was, unquestionably, a similar white supremacist. The two together proved a “pattern” of systemic white violence, most notably against Asian Americans.

All of these narratives, which are still floating around and widely accepted, are false.

It mattered little that the prior Georgia “white supremacist” mass-murderer was a disturbed psychopath and sexual deviant. In an initial questioning, the FBI found him unhinged rather than acting out a racist agenda. Sexual deviance rather than racism more likely fueled his attacks on massage parlors, where he killed six Asian and two white women, and seriously wounded a Hispanic male.

As far as the deviant Atlanta shooter being illustrative of an epidemic of white-inspired, anti-Asian-American crimes, the majority of such hate crimes against Asians have not been found, by a variety of metrics, to have been committed inordinately by whites. Indeed, in many surveys, African American males are proportionally more likely to commit such hate offenses against Asians. Nor do whites commit hate crimes in general disproportionately. Nor in the case of mass shootings, are whites “overrepresented” in the data.

The First Stone

Barack Obama was also quick to inflame the dramas—in the fashion of his unfortunate Trayvon Martin commentaries—by weighing in falsely that racism was one of the Georgia shooter’s stimulants.

Meena Harris—a Dr. Seuss canceller, Kamala Harris’s niece and campaign advisor, and the would-be Harris family memorialist—before the Colorado shooter had even been identified, immediately tweeted out: “The Atlanta shooting was not even a week ago. Violent white men are the greatest terrorist threat to our country”

Note the Harris logic: a suspect mows down ten innocents and presto “white men are the greatest terrorist threat to our country”—never mind that the shooter turns out to have been a Syrian Muslim who emigrated to America in the early 2000s. The subtext of Harris’ thoughtless comments is something like “and we better do something about those white people.”

Her later “apology” for her judge-jury-executioner disinformation tweet proved far worse than her original libel: “I deleted a previous tweet about the suspect in the Boulder shooting. I made an assumption based on his being taken into custody alive and the fact that the majority of mass shootings in the U.S. are carried out by white men.”

Aside from the fact that Harris offered no apology for her lie, and had no compunction in stereotyping an entire group on the false assumption that the murderer was white, she also was entirely misinformed about her data. Again, according to most information on mass murderers, there is no evidence that whites are more likely proportionally to be the culprits than are members of other racial categories. In terms of interracial violent crime, whites both proportionally and in absolute numbers, are more likely, in comparison to both blacks and Hispanics, to be victims than perpetrators.

Why have we given up on the dream of Martin Luther King, Jr, that content of character rather than the color of our skins will arbitrate how we treat other individual Americans in a multiracial United States? And is the rejection of that vision the foundation of the new racism?

The Utility of Anti-Racism

What is driving this new antiracism racism? Cui bono? After all, a number of ethnic groups enjoy higher per capita income than whites. The number of white poor in absolute numbers is larger than any other impoverished minority group. The two most common interracial marriage profiles are white and Hispanic, and white and Asian.

For one thing, the new antiracism racialism is driven mostly by elite, white, progressive, careerists. Yet why, in white bastions like Silicon Valley or Manhattan, is there an explosion of elite private academies and a mass flight from the public schools? Is there real integration inside the nation’s richest and bluest ZIP codes, where support for public charter schools is low but high for teachers’ unions?

Medievalism offers some guidance. If a guilty party still wishes to enter woke heaven—or more mundanely to get a promotion or avoid being fired—but is reluctant to sacrifice his own privileged and tribal ways, he can still find cosmic recompense through the abstract: our version of a contractual endowment to the Church that once erased away usury or profligacy.

In other words, very privileged, very wealthy white people virtue signal anger over “white supremacy” as both a psychological and practical way of squaring the circle of their own largely unbothered separate and segregated lives. The irony is that by doing so, those with privilege castigate those without it.

By dreaming up an ever-growing vocabulary of clingers, deplorables, irredeemables, chumps, dregs, and Neanderthals for the white underclass, the elite—both black and white—squares the circle of owning an estate on the cliff above Martha’s Vineyard, or a D.C. mansion.

The Clintons, the Bidens, and the Obamas can live guilt-free and in splendor on the metaphorical barricades, faced off against the less virtuous, Bible-thumping, racist losers who never got with it and learned to code or follow the fracking rigs. This morality offset credit is the racial equivalent of the climate activist John Kerry's carbon-spewing private jet, so necessary to ferry him from one green conference to another.

Call it exemption, penance, indulgence, or any other variety of medieval quid pro quo, but the white elite's virtue signaling is as easy to spot as it is pretentious, opportunistic, and hypocritical.

Just as deploring whiteness or confessing to "unearned" privilege exempts the concrete behavior of white elites, so too does it exempt elite blacks from addressing existential crises in the black community that transcend white racism.

Or is it more troublesome than that? Do elites claim that it is racist to suggest the elite woke should at least channel some of their outrage and concern to the mass killing of the urban young (so often African American youth), the pandemic of fatherless black households and illegitimacy, and inordinate rates of criminality? Meghan Markle, as one of the new self-appointed voices of the oppressed, seems more fixated on royal insensitivities than she does on the soaring murder rate in Chicago.

There were other catalysts that shipwrecked the King dream and are supplanting it with Balkans-style tribalism and intersectional hatred. Under Barack Obama, the new idea of "diversity" came into its own. The old binary of white/black and the ecumenical effort to heal the legacy wounds of slavery, Jim Crow and de facto discrimination suddenly invited in a host of new participants, many of them with little record of discrimination, economic inequality, or historical grievance.

Diversity, in other words, redefined the victimized as those with a claim on non-whiteness and on the basis of superficial appearance expanded those with purported grievances from 12 percent of the population to over 30 percent.

Suddenly the impoverished undocumented Oaxacan, subject to years of maltreatment in his native Mexico, became a victim deserving American reparatory consideration the moment he crossed by his own volition into the United States.

So did the children of the multimillionaire Punjabi cardiologist, now dubbed "Asian" as if Indians, too, were indistinguishable from Japanese and Chinese-American who had experienced historical discrimination inside the United States. The Brazilian aristocrat, the one-third "this" and the one-eighth "that" brought millions into the equation, including Elizabeth Warren, Rachel Dolezal, Ward Churchill, Alec Baldwin's wife, and legions of other socially constructed diverse people.

Class: The Forgotten, Ecumenical Divide

The explosive gains in bicoastal wealth in tech, corporations, entertainment, media, the professions, and sports increasingly rendered less important the connections between class and

race. A LeBron James, by traditional class definitions, was privileged near-billionaire elite who often shilled for the Chinese government—not a victimized truth-teller entrusted to lecture us about the pathologies of whiteness. So as the nonwhite were now often elites, racial identity became more, not less emphasized, to avoid the perception that prior racial victims were now class beneficiaries or even oppressors.

Soon some minorities began questioning the racial fides of other, usually more conservative Latinos and blacks—inventing all sorts of philological categories such as “white Hispanic” and “multiracial whites.” They were reminiscent of the old white racists of the past who had strained to detect “white blacks” who successfully passed into white society, and thereby threatened to expose the entire absurdity of racial castes. After claiming that race was not a construct but immutable, the Left began contextualizing and rebranding and re-cataloging Trump-voting Cubans, George Zimmerman, and any who did not meet their own benchmarks for racial authenticity.

Soon we were left with the silliness of multimillionaire CNN anchor Don Lemon pontificating, without evidence, that “the biggest terror threat in this country is white men,” or the far richer, Colin Kaepernick, of mixed ancestry, raised by two white parents, and previously fined for using the N-word on the playing field, now scapegoating his athletic descent onto a white racist society that ruined his career, even as “it” enriched him beyond the imagination of 329 million other Americans.

There are inequalities in the United States. Many of them dovetail with racial differences. But 21st-century cause-and-effect remains unclear. And the chief dividing line in the age of bicoastal globalism is now class—the new-old word we dare not speak.

In truth, the Mexican American tractor driver in Gilroy has more in common with the white auto-mechanic, and both with the black truck driver, than any of the three has with the woke Jorge Ramos, Oprah Winfrey, Mark Zuckerberg, or the Antifa and Black Lives Matter hierarchy.

America is not a sinful racist mess, but a great experiment as the only multiracial, self-reflecting, and self-critical democracy in history that did not—yet—descend into tribal chaos and violence.

Victor Davis Hanson is a distinguished fellow of the Center for American Greatness and the Martin and Illie Anderson Senior Fellow at Stanford University’s Hoover Institution. He is an American military historian, columnist, a former classics professor, and scholar of ancient warfare. He has been a visiting professor at Hillsdale College since 2004. Hanson was awarded the National Humanities Medal in 2007 by President George W. Bush. Hanson is also a farmer (growing raisin grapes on a family farm in Selma, California) and a critic of social trends related to farming and agrarianism. He is the author most recently of The Second World Wars: How the First Global Conflict Was Fought and Won and The Case for Trump.



ANNOUNCEMENTS

CalChamber Releases 2021 Job Killer List By CalChamber -March 23, 2021

The California Chamber of Commerce released its annual job killer list yesterday, which includes 18 bills that would place California employers and the state’s economy in harm’s way should they become law. Of particular concern, according to CalChamber, are proposed labor and employment mandates which would hit small business employers especially hard as they attempt to recover from losses experienced due to pandemic-related shutdowns.

“Many of these bills—particularly the labor and employment ones—seem to be solutions in search of a problem,” said CalChamber President and CEO Allan Zaremborg.

Zaremborg also questioned why the Legislature is not working on ways to reduce costs on businesses struggling due to the pandemic. “Are policy makers unaware that unemployment filings increased last month? California employers cannot be the safety net for struggling workers. The billions of dollars coming to the state from the American Rescue Plan should be used to provide the safety net for struggling workers and help get businesses back up and running,” Zaremborg concluded.

The CalChamber will periodically release job killer updates as legislation changes. Reporters are encouraged to track the current status of the job killer bills on www.CalChamber.com/jobkillers or by following @CalChamber and @CAJobKillers on Twitter.

The 2021 job killer list includes the following bills:

LABOR AND EMPLOYMENT MANDATES

AB 95 (Low; D-Campbell) Burdensome New Bereavement Leave Mandate: Imposes a significant new burden on employers of every size by mandating that they provide employees bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, regardless of how long the employee has worked for the employer. The bill further opens up new avenues for litigation against California employers by establishing a brand new private right of action (in addition to liability under PAGA and administrative enforcement through the Division of Labor Standards Enforcement).

AB 616 (Stone; D-Scotts Valley) Forced Unionization Process for Agricultural Employees: Limits an employee's ability to independently and privately vote for unionization in the workplace, by essentially eliminating a secret ballot election and replacing it with the submission of representation cards signed by over 50% of the employees, which leaves employees susceptible to coercion and manipulation by labor organizations. Also, unfairly limits an employers' ability to challenge the cards submitted by forcing employers to post an unreasonable bond, and then limits an employees' ability to decertify a union, by forcing them to go through the ballot election process instead of submission of representation cards. Also includes an unnecessary presumption of retaliation that is effectively unlimited in scope because it would apply for the duration of an election campaign, which could last for a year or more.

AB 995 (Gonzalez; D-San Diego) Costly Sick Leave Expansion on All Employers: Imposes new costs and leave requirements on employers of all sizes, by expanding the number of paid sick days employers are required to provide, which is in addition to all of the recently enacted leave mandates (COVID-19 sick leave, CalOSHA emergency paid time off, CFRA leave, workers' compensation, etc.) that small employers throughout the state are already struggling with to implement and comply. AB 1003 (Gonzalez; D-San Diego) Criminal Liability for Good Faith Mistakes: Despite California's onerous, confusing, and always changing wage and hour laws, proposes to criminalize small employers, managers, and supervisors, who in good faith, make a mistake in the application of the law, that even the Labor Commissioner and the courts disagree with on how to interpret.

AB 1041 (Wicks; D-Oakland) Significant Expansion of Family Leave and Paid Sick Leave: Significantly expands multiple existing leave requirements in California that apply to employers of five or more, including small employers with limited employees who are struggling as a result of the pandemic, by allowing an employee to designate any person for whom they would like to take the leave, and subjecting the employer to costly litigation under the Fair Employment and Housing Act or the Labor Code Private Attorney General Act (PAGA), for any alleged interference, interruption, discouragement, or denial.

AB 1074 (Gonzalez; D-San Diego) Onerous Return to Work Mandate: Imposes an onerous and stringent process for specific employers to return employees to the workforce for specified industries, including hotels and restaurants that have been disproportionately impacted by this pandemic, which will delay rehiring and employers' ability to re-open after being forced to close or reduce operations due to COVID-19.

AB 1119 (Wicks; D-Oakland) Expansion of Duty to Accommodate Employees and Litigation Under FEHA: Imposes new burdens on employers to accommodate any employee with family responsibilities, which will essentially include a new, uncapped protected leave for employees to

request time off for things such as school drop-off or pick-up, and exposes employers to costly litigation under the Fair Employment Housing Act that any adverse employment action was in relation to the employee's family responsibilities, rather than a violation of employment policies.

AB 1179 (Carrillo; D-Los Angeles) Costly New Mandate on Employers to Pay for Employee Childcare: Imposes a new, costly mandate on public and private employers to cover up to 60 hours of employees' childcare costs each year, with any alleged violation resulting in litigation under PAGA.

SB 62 (Durazo; D-Los Angeles) Increased Costs and Liability on Employers: Significantly increases the burden on non-unionized employers in the garment manufacturing industry in California, by eliminating piece rate as a method of payment even though it can benefit the employee, creating joint and several liability for contractors for any wage violations or the employer, and shifting the evidentiary standards in a Labor Commissioner hearing to limit the ability for an employer to defend against an alleged wage violation. These additional requirements will encourage companies to contract with manufacturers outside of California, thereby limiting the demand and workforce of garment manufacturers in California.

SB 213 (Cortese; D-San Jose) Expands Costly Presumption of Injury: Significantly increases workers' compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace and establishes an extremely concerning precedent for expanding presumptions into the private sector.

TAX INCREASES

AB 71 (Rivas, L; D-Arleta) Massive Corporate Tax Increase: Significantly increases the state's corporate tax rate and taxation on the gross income of international companies to create a homelessness fund, thereby shifting the responsibility of the crisis onto the private sector, despite the \$15 billion dollars in unexpected revenue.

AB 1199 (Gipson; D-Carson) Targeted Tax on Homeowners: Unfairly imposes an excise tax on certain individual and corporate homeowners to pay for housing related services, which will ultimately increase rental rates and worsen housing unaffordability for vulnerable tenants.

AB 1400 (Kalra; D-San Jose) Government-Run Health Care: Eliminates private insurance and choice-based healthcare by creating an exorbitantly expensive new state run health care system, that will cost California more than \$400 billion, which will ultimately be funded by taxpayers, and will delay access to providers, diminish quality of healthcare, and eliminate jobs in California.

HOUSING

AB 1295 (Muratsuchi; D-Torrance) Housing Development Ban: Removes local land use authority and exacerbates the housing crisis by prohibiting cities and counties from entering into a residential development agreement in Very High Fire Severity Zones, which strips local communities of their land use authority and applies a one-size-fits all ban on development throughout large swaths of California.

SB 55 (Stern; D-Canoga Park) Housing Development Ban: Removes local land use authority by prohibiting any residential or commercial construction in either Very High Fire Severity Zones or State Responsibility Area, which effectively bans development activity in 1/3 of the state of California and will exacerbate the existing housing crisis.

SB 499 (Leyva; D-Chino) Housing Development Ban: Prohibits cities and counties from designating any land uses that have potential to adversely impact disadvantaged communities, even if any potential impacts could be mitigated. In doing so, the bill removes local land use authority, creates new costly CEQA litigation and worsens the state's housing crisis.

Government Regulation and Enforcement

SB 606 (Gonzalez; D-Long Beach) Expansion of Cal/OSHA Authority and Enforcement: Significantly expands CalOSHA authority by allowing it to multiply penalties potentially by 10x or 100x against employers, and shut down facilities that it has not even physically inspected., Finally, creates multiple new presumptions of retaliation that are duplicative of existing protections and will generate litigation.

SB 467 (Wiener; D-San Francisco) Oil and Gas Development Ban: Eliminates thousands of high-paying California jobs and requires California to import even more foreign oil by shutting down approximately 95% of oil and gas production in California.

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(Revised 2/2017)