



WEEKLY UPDATE JULY 17 - 23, 2022

SLO County Agriculture Community Asked To Show Up At Paso City Council Meeting July 19 In Support of California Mid-State Fair

The evening before the California Mid-State Fair opens, the City of Paso Robles will vote whether to rescind a deal with the Fair regarding the purchase of a portion of the Pioneer Park property. This deal is important for the Fair's long-term viability, and **we need the San Luis Obispo County agriculture community to attend the July 19 Council Meeting** and remind members about the importance of the Fair to farmers, ranchers, local youth and to the local economy.

As the Fairgrounds is landlocked on three other sides, buying part of this City-owned property is essential for the Fair to meet ever-growing space and infrastructure needs. Expansion to the South is the only option for the Fair to grow without having to leave its current location in Paso Robles.

Negotiations between the Fair (officially known as the 16th District Agricultural Association) and the City of Paso Robles - which have been ongoing for the past seven years - have come to an impasse. The deal has proven difficult in part because the Fairgrounds is a state-owned property, meaning the sale has to be approved by the California Department of General Services.

The issue is listed on the July 19 Paso Robles City Council Agenda as Item 15 "Rescinding Resolution 16-141 Approving of an Agreement with the 16th District Agricultural Association for the Sale of a Portion of Pioneer Park Property." Find the agenda [here](#) and more background on Agenda Item 15 item [here](#).

The agricultural community is asked to show up in person if possible. If you cannot attend, please call in to make comments (805) 865-7276. Written comments can be submitted via email to cityclerk@prcity.com prior to 12:00 noon on the day of the Council meeting to be posted as an addendum to the Agenda. Please note you are commenting on Agenda Item 15.

- **When: Tuesday, July 19 at 6:30pm**
- **What: Make comments to the Paso Robles City Council in opposition to Agenda Item 15 and show your support for the California Mid-State Fair!**
- **Where: Library/Conference Center Council Chamber 1000 Spring Street, Paso Robles**

¹ This alert is provided courtesy of the San Luis Obispo County Farm Bureau. See Addendum II on page 40 for details.

THIS WEEK

BOS

GRAND JURY UNCOVERS WATER TAX BOONDOGGLE

**GRANTS TO NOT-FOR-PROFIT COMMUNITY AGENCIES
(COUNTY FORCED TO ABANDON STRATEGIC APPROACH)**

**GIBSON GIVES \$8,000 TO ATASCADERO SENIOR CENTER
(HE HAD NEVER HEARD OF ATASCADERO UNTIL THIS YEAR)**

**BOS TO APPROVE ELECTION RESULTS ON CONSENT CALENDAR
WHAT ABOUT THE HAND COUNT IN DISTRICT 4?**

SOUTH COUNTY REFUSE RATES GOING UP A LOT

**ADOPTION OF A RURAL CAMPING ORDINANCE COULD COST
\$900K AND TAKE A YEAR**

LAST WEEK

BOS

THE BOARD LOOSENS CONTROL OVER GRANTS

**SPECIAL RAISES FOR EXECUTIVES, MANAGERS, AND PROFESSIONALS
APPROVED 3/2**

**STATE WATER CONTRACT EXTENSION TO 2085 & CERTIFICATION BY
BOARD OF A STATE EIR – APPROVED**

PASO WATER MORATORIUM TO BE EXTENDED TO JUNE 2023

PLANNING COMMISSION

**PREVIEW OF LARGE NIPOMO PROJECT
DRAFT EIR BAD NEWS FOR HOUSING
COMMISSION RECEIVED INFORMAL REVIEW**

IWMA
HOUSEKEEPING ISSUES – NO NEW POLICIES

COASTAL COMMISSION
9.4 % FEE INCREASES ACROSS THE BOARD APPROVED

**COMMISSION OBJECTED TO COUNTY’S ADU ORDINANCE
DISPUTE WILL HOLD UP COASTAL ADUs FOR A YEAR**

COMMISSION RULES CAMBRIA CHRISTMAS MARKET PERMIT EXTENSION OK

EMERGENT ISSUES

COVID LOW IN COUNTY

INFLATION SEVERE & GROWING

COLAB IN DEPTH
SEE PAGE 28

OUR NEW ANTOINETTES

These humanitarian rich feel just terrible about the sins of America, but not terrible enough to sacrifice any element of their privileged lifestyles—the just deserts they feel for being so righteous.

BY VICTOR DAVIS HANSON

WEALTH THROUGH THEFT

Times are going to be rough, because our government has done a massive damage, an unbelievable amount of stealing and borrowing that we, ultimately, will have to pay for.

BY DAN GELERNTER

GAVIN NEWSOM'S WEIRD IDEA OF 'FREEDOM'

Newsom resembles a pathetic owner of a once successful but now run-down, high-priced gas station without clients.

By Victor Davis Hanson

THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

Board of Supervisors Meeting of Tuesday, July 19, 2022 (Scheduled)

Item 5 - Request to: 1) approve responses to the FY 2021-22 Grand Jury report titled "SLO County's State Water: A Taxpayer Burden and a General Fund Boon?"; and 2) forward the responses to the Presiding Judge of the Superior Court by August 16, 2022. This item should not have been placed on the consent calendar. It should, instead, be re-scheduled as regular business item for a full presentation and discussion.

The Grand Jury has exposed a boondoggle involving the budgeting and use of revenues derived by the County from the sale of excess state water. All County property taxpayers pay for the County's contract for about 25,000 acre-feet of State water per year. The County has actually subscribed to only about 14,000 acre-feet per year. About 5000 acre-feet are used (and paid for) by several water districts and cities. The County actually sells additional acre-feet to various jurisdictions in the County to be used as drought buffer in low rain years. Some is also sold to out of County entities.

The Jury found that the resulting proceeds are deposited in various flood district accounts and used at the discretion of the Board for various water studies and projects. In effect, the Jury has said: Wait a minute, you should allocate this funding to the Water District Property tax account, which would lower the amount of tax that the County must levy for the water.

The County's response seems incomprehensible, as it is divided up among the responses of three departments and is very fragmented. The fundamental question is: Will the County Board comply with the Jury's findings and recommendations that the revenue attributable to water sales should be budgeted in the account where it would lower the property tax component. The Board should provide clear and public direction to the staff to execute this portion.

During our research, we were informed that it was former Public Works Director Pavo Ogren who directed staff to allocate the funds improperly.

The District Attorney should take the Grand Jury's lead and investigate the legality of the staff's sequestering of the money in alternative accounts where it was used to issue consulting contracts for water studies and all manner of administrative costs.



Item 6 - Request to approve FC 106 – Contributions to Other Agencies grant allocations in the total amount of \$1,617,821 with: 1) \$1,088,118 in Community Based Organizations funding allocations; 2) \$390,000 in Preventative Health grant funding allocations; 3) \$139,703 in Other Agency Requests funding allocations. The Board will approve about \$1.7 million to be divvied up among scores of agencies. The staff had recommended a strategic approach, focusing on homelessness and utilizing a few agencies. However, when the unfunded group rose up and objected, the approach was abandoned.

It is recommended that the Board approve the 2022-23 grant funding allocations as follows:

- *\$1,088,118 in Community Based Organizations grant funding allocations.*
- *\$390,000 in Preventative Health grant funding allocations.*
- *\$139,703 in Other Agency Requests grant funding allocations*

Background: These grants to not-for-profits began in the 1980's, when the Federal Office of Economic Opportunity (OEO) (The War on Poverty Program) was abolished and locally administered Federal grants ended. Most jurisdictions such as the County simply supplanted their general fund dollars to maintain the popular program. The interdependence of the boards of directors of the not-for-profits and the local politicians was too well embedded to make a clean break.

Please see Addendum I on page 38 for details of the distribution.

Item 9 - Supervisor Gibson Seeks Votes in his New District by Doling Out \$8,000 in Patronage Money to a Senior Center in Atascadero. Peschong and Compton are only in for \$500 dollars each. The funding will be provided from the Supervisors' respective Community Donation accounts. These were set up to provide small donation to jump-start community events and promote public participation.

In this case the funding will be used to fix the Senior Center Roof. The Center's Facebook page reports about 165 people with whom it communicates. Does Gibson actually represent these people yet? He was elected to a district that did not include Atascadero.

Item 10 - It is recommended that the Board declare the results of the June 7, 2022, Statewide Direct Primary Election, as prescribed by law. Given the level of public concern, it is again strange that this legally required action is placed on the consent calendar. There are likely to be a number of speakers and others who wish to submit data. Can the Board actually declare the results prior to the hand count that has been slated for the 4th District Supervisorial results?

Item 24 - Request to approve rate adjustments for solid waste collection services provided by South County Sanitary Services, Inc., and San Luis Garbage Company, Inc., for the unincorporated areas of the County of San Luis Obispo. The rates are up substantially.

Container Service Size	Current Rate	Base Year Rate Increase	Temporary Rate Increase*	Proposed Rate
San Luis Garbage Company – Rural areas near the City of San Luis Obispo				
32 Gallons	\$ 23.17	\$ 3.86	\$ 1.54	\$ 28.57
64 Gallons	\$ 38.28	\$ 6.37	\$ 2.55	\$ 47.20
96 Gallons	\$ 53.39	\$ 8.89	\$ 3.56	\$ 65.84
San Luis Garbage Company – Unincorporated areas of San Luis Obispo including the Airport, Rolling Hills, Country Club, Evans Road, and Davenport Creek areas				
20 Gallons	\$ 10.63	\$ 1.77	\$ 0.71	\$ 13.11
32 Gallons	\$ 16.96	\$ 2.82	\$ 1.13	\$ 20.91
64 Gallons	\$ 33.99	\$ 5.66	\$ 2.26	\$ 41.91
96 Gallons	\$ 51.01	\$ 8.49	\$ 3.40	\$ 62.90

*The proposed temporary rate increase amount is due to the delayed rate implementation and will expire January 1, 2023.

Some of the reasons for the increases were listed as:

- Depreciation costs for trucks
- Disposal costs for food and green waste
- Insurance
- Gas and oil

Note, these rates do not include other causes, which will be separately included in the bills:

All other costs including labor, ongoing maintenance, disposal costs at the landfills and materials recovery facilities (MRFs), account for 13% of the total cost increase since 2020, resulting in an impact of 2.96% to the overall rate increase. The costs associated with solid waste management fees used for compliance activities (i.e., Countywide Integrated Waste Management Plan implementation, mandatory commercial recycling, organics waste reduction, edible food recovery, etc.) were not included in the requested rate application by the waste haulers. The waste haulers will include the solid waste management fees¹ in the rates billed to their customers.

It is not known if the impacts of SB 1383, the wet garbage recycling mandate, are included here.²

Item 33 - Request to receive and file a report on a Rural Camping Ordinance and provide staff direction, as necessary. Many rural landowners are interested in having the County adopt zoning that would allow them to set up rural campsites. The revenue from these could help augment farm and ranch income. The Planning Department has indicated that it has neither the staff resources nor financing to undertake the planning and environmental analysis necessary to legally prepare the required zoning code amendments. Thus, development of an ordinance could cost up to \$900,000.

Table 1 – Cost of Rural Camping Ordinance

Board-directed Priority Projects (One-time Project Expense)	FTEs	Staff Cost	Service and Supplies	Consultant Budget	Total Cost
Rural Camping Ordinance	1.50	\$354,554	\$15,163	\$50,000 - \$500,000	\$419,717- \$869,717

² The statewide effort, known as SB 1383, was enacted to reduce emissions of short-lived climate pollutants (SLCP's), which contribute to global warming and affect human health. SLCPs remain in the atmosphere for less time than carbon dioxide, but potentially cause more damage. These pollutants, which include black carbon, methane, tropospheric ozone, and hydrofluorocarbons, are responsible for up to 45% of greenhouse gases that impact global warming.

The work required is indicative of the accumulative complexity and rigidity that has been built into contemporary County land use substance and process.

The following steps would be necessary to analyze and process the proposed ordinance revisions:

- Consultation with Health and Safety Departments and Agencies:
 - Review rural camping ordinances of other California County jurisdictions.
 - Consult with County Counsel and State Department of Housing and Community Development (HCD) regarding County versus State jurisdiction over private campgrounds.
 - Consult with County Fire/Cal Fire regarding appropriate fire and life safety standards. Potential standards / requirements including:
 - Fire safety plan, secondary access, road surfacing standards, and any other applicable safety standards.
 - Consult with Environmental Health and Building Division to determine appropriate standards for sanitation facilities including:
 - Portable or composting toilets, facilities required to meet commercial and/or ADA standards, and any other applicable health and safety standards.
- Ordinance Framework:
 - Make edits to the proposed ordinance revisions as necessary to meet applicable health and safety regulations and best practices identified in the research phase.
 - Present framework to the Board to set initial policy direction for ordinance.
 - Analyze staffing for implementation of the ordinance.
- Administrative Draft Ordinance:
- Public Review Draft Ordinance:
 - Once the administrative draft has been vetted internally, staff will then revise the administrative draft, as necessary, and publish a public review draft ordinance on the Department's webpage. Staff will email the ordinance (or a link to the webpage) to all interested parties and will summarize the proposed ordinance, announce the public review period, and provide a timeline of upcoming project milestones.
 - The Department will provide any interested party or review agency with a hard copy of the ordinance if one is requested.
- Agency and Stakeholder Outreach:
 - After publishing the public review draft ordinance, staff will seek formal comments from the public, stakeholders, review agencies, and community advisory groups.
 - This is when staff will often take the ordinance "on the road" by presenting to groups as requested.
- Environmental Review:
 - Conduct environmental review of the Rural Camping Ordinance under the California Environmental Quality Act (CEQA).
 - Evaluate the reasonably foreseeable environmental impacts of future land uses and activities under the proposed ordinance. This would look at the environmental impacts of expanding the areas in the county where small private campgrounds are allowed.
 - The level of environmental review will depend on the scope of the ordinance.

- Public Hearing Draft Ordinance:
 - The public hearing draft will incorporate and reflect input from other County departments, local and State agencies, stakeholders, advisory councils, and other interested parties.
 - The public hearing draft will also be shaped by any recommend mitigation measures of the CEQA document.

- Planning Commission Hearing:
 - Planning Commission review is required for all amendments to the County's Land Use Ordinance.
 - The Planning Commission will review the public hearing draft ordinance and environmental document and make a recommendation to the Board of Supervisors.
 - Depending on the complexity of the ordinance and level of controversy, the Planning Commission may hold multiple hearings before crafting a recommendation to the Board.
 - Based on the Planning Commission comments and recommendations, staff will develop a Planning Commission recommended draft ordinance for Board consideration

- Board of Supervisors:
 - After Planning Commission review, staff will present the Planning Commission recommended draft ordinance and associated environmental document to the Board for final adoption.

- Implementation:
 - If adopted, the Rural Camping Ordinance would become effective 30 days after its adopted.
 - The Long Range Planning Division will setup a framework for implementing new ordinances. This may include: informing the public about the new regulations through the creation of a website, informational handouts, and FAQs; developing internal procedures, new EnerGov workflows, and application forms; and training public information and development review planners on the new or revised ordinance.

No doubt there would be special application fees and additional county staff to monitor compliance. Perhaps at this point it would be more expedient tell those who wish to do it on their property to go ahead and have some simple lot size minimums, sanitation requirements, and number limits. Another alternative would be to permit them under provisions of the vacation rental ordinance. The backup could be that if it gets out of hand and people do not follow the rules, it would be suspended and have to go through a full ordinance development process.





Local Agency Formation Commission Meeting of Thursday, July 21, 2022 (Scheduled)

Item B-1-1: Study Session on The Dana Reserve Specific Plan and Draft Environmental Impact Report. LAFCO is reviewing an application for the proposed development project to be annexed to the Nipomo Community Services District for the purpose of receiving water and waste-water services. The details of the overall project are contained in last week's Planning Commission **Item 8** on page 23 below.

The Commission will receive a full presentation of the Dana Preserve specific plan application.

While the main purpose of the hearing is to consider water and sewer service, the proposed development is larger and would convert rural land to urban uses. For this reason LAFCO will also provide a more expansive review of the overall impact of the project on matters within its purview.

While the annexation request will be for services related to water and wastewater provided by NCS D, LAFCO has broad discretion over the project and is required to consider all factors specified in Government Code Section 56668 to fulfill its obligations as a regional agency, as well as any other information in the record or special information requested by the Executive Officer or Commission. Factors that the Commission must consider include but are not limited to the following.

Table 1. LAFCO Mandatory Factors Per Government Code 56668

• Affordable Housing	• Need for Services	• Impact on Adjacent Areas
• Consistency with General Plans and Regional Transportation Plans	• Impacts to Agricultural Lands / Open Spaces	• Environmental Justice
• Consistency with LAFCO Policies	• Sphere of Influence	• Other Agency Comments
• Ability of agencies to provide services	• Availability of water supplies	• Population and Land Use
• Comments from landowner, voters or residents	• Existing information about existing land use	• Definite Boundaries



Item B-2-1: Shandon San Juan Water District Annexation & Sphere of Influence Application Status. The District has proposed a 2,494-acre annexation. The Commission staff recommends that the application be pended, as it does not meet a key requirement of the enabling Cortese- Knox- Steinberg law, which regulates annexations.

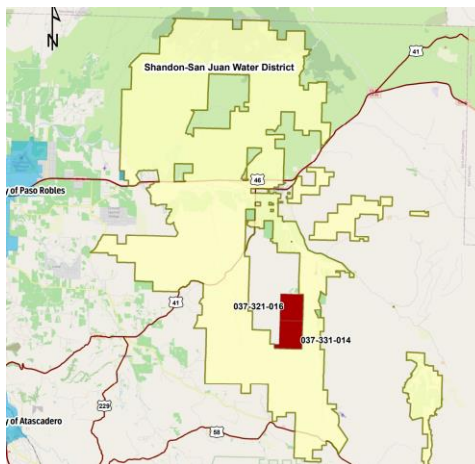
Specifically, a government entity that already provides the proposed services (in this case the County) must agree to cede its authority over the area in regard to the proposed services. The services and regulatory authority are groundwater regulation pursuant to the State Groundwater Management Act (SGMA). One of the key purposes of LAFCO is to prevent the proliferation of government entities when there is already a government entity that provides the proposed services.

The County staff informed the LAFCO that per prior County policy, the Board of Supervisors does not wish to cede its authority. In part, the extensive write-up states:

The District's powers as a GSA are identified in Water Code Section 10725 et. seq. and those powers are furthered by adoption of a state-approved groundwater sustainability plan (GSP). Generally, the powers allow for the District to determine the need for management, prepare and adopt a GSP, adopt rules and regulations, propose fees, monitor and enforce compliance, and other powers. The application as submitted, and the provided Plan for Services indicate that the annexation's purpose is for the benefit of receiving services of the District as they relate to its powers as a GSA. As noted above, your application states that the purpose is to obtain benefits of the GSA. In addition, the provided Plan for Services lists various services that would be provided. The vast majority of those services relate and would stem from the District's powers as GSA. Because the vast majority of requested services as noted in the application and in the submitted Plan for Services relate to the District's powers as a GSA, it seems infeasible to obtain those services at this time from the District because of the County GSA issue. And as noted above, the District has no infrastructure and does not convey water under its powers as a Water District. As such, it would not be possible for the proposed annexation to benefit from any powers of the District as a Water District at this point in time.

The sentence highlighted in yellow is very significant. When the district was proposed, there was opposition to its formation on the grounds that it did not meet the requirements for a water management district, as it could not provide any services. Nevertheless, LAFCO recommended its formation. Now, and at this time, it is acknowledged that the District has no ability to provide any water management services because the County is already the Groundwater Sustainability Agency servicing the area. In fact, the District has no current ability to provide any services in any case.

If adding area to the District is wrong now for this reason, why was it OK back when the District was approved in the first place?



LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, July, 12, 2022 (Completed)

Item 9 - Request to approve revisions to the County's Grants Administration Policy. The Board approved the new grants administration policy 5/0 on the consent calendar. They believed the efficiencies outweighed any dangers to their ability to control policy.

There appeared to be a bit of bureaucratic esoterica, but it did add to the ongoing friction about who is in charge – the elected Board or the professional management. In the past, some Board members and some citizens had expressed concern that Board-adopted policies are slow to be executed or are evaded entirely. This in turn has fueled a discussion about the role of management.

In this case, the staff proposed to loosen the control that the Board exercises over the application for grants and other intergovernmental revenues. The Board letter states:

The policy has been reviewed minimally since 1991. Administrative staff have reviewed the policy and, along with County Department Heads, are proposed changes which will streamline the grant approval process. In the new version, the Board will continue to review and approve all grant applications, offers, contracts and amendments to grants prior to their submittal or acceptance with the following exceptions:

- *Department Heads may approve and submit grant applications with no (in-kind or cash) General Fund match or obligation.*
- *Projects or programs approved by the Board of Supervisors with an explicit grant application exception granted at that time.*
- *Any pre-existing or future grant application exemption authorized by resolution.*

The portion highlighted in yellow above should have been considered carefully.

1. Although the clause highlighted in green, below, provides for CAO “review,” it is not clear if the CAO can stop the submission or ultimate receipt of the funding. For example, what if one of the elected departments heads says, “I don’t report to you – take a hike.”

2. Do the second and third bulleted items put many grants on automatic pilot forever, thereby removing Board oversight?

In addition to the above changes, the policy revisions include requirements that:

- *The Board shall review and approve all grant applications that add new personnel.*
- *All grant applications and documents, prior to grant submission and/or Board approval, shall be reviewed by County Counsel and the Administrative Office.*
- *All grant applications with the potential to impact the workload of another department shall be coordinated prior to grant submittal. Proof of coordination shall be submitted to the Administrative Office.*

The section highlighted in blue, above, is designed to provide the Board with the last word on grants that will add staffing. Actually, just about all grants and particularly larger ones, even if for construction or equipment (no direct personnel), will result in future current needs for personnel somewhere in the county. For example, they may impact purchasing, engineering, accounting, and other support services.

Large capital grants for new or expanded facilities (for example a park) will ultimately result in the need for future maintenance personnel, refuse collection, management supervision, lifeguards, rangers, and pension expansion that are not strictly part of the grant application.

Finally, the question arose about whether the Board has the authority to delegate its approval of grant applications and the receipt of funds. The State statute regarding the powers of County Supervisors states in part:

25214.2. (a) The board may accept any revenue, money, grants, goods, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the county service area.

No one expressed any concern about the legality.

On the contrary, it grants this power solely to the Board, not to other officials.

Item 17 - It is recommended that the Board adopt resolution approving wage and benefit changes for unrepresented employees, including certain benefit changes for the Board of Supervisors.

The Board approved the raises 3/2, with Arnold and Compton dissenting on the consent calendar. Members of the public brought up most of the issues (see below in the background) which did not seem to bother Supervisors Gibson, Ortiz-Legg, or Peschong. They bought the staff assertion that the special adjustments above and beyond the regular raises were necessary for retention.

Background: This item was originally included in the Board agenda for June 21, 2021. Last time, it was suddenly withdrawn at the last minute by HR Director. A firestorm had erupted, as the rank-and-file union employees reacted to a large adjustment on top of normal raises for selected executive, management, and professional employees, such as attorneys, engineers, IT experts, accountants, appraisers, financial analysts, human resource analysts, and others. People were incensed that the matter was presented on the consent calendar. They also objected to major raises for the County CAO, County Counsel, and various department heads who already receive salaries that can reach into the mid \$200 thousands.

It has been speculated that the item was withdrawn because only 4 of the 5 Board members were present at the June 21st meeting, as Supervisor Peschong was out of town. The theory is that Supervisors Arnold and Compton might vote against the raises and that Supervisors Gibson and Ortiz-Legg would be voting for the raises. A tie would mean a motion to approve would fail. At this point, the staff was assuming that Supervisor Peschong would vote to approve the raises. Otherwise, they might have held back to develop an alternative strategy.

The Prevailing Wage Scam: Most of the union workers in the County are receiving increases of 3%, 2.5%, and 2.5%, respectively, over 3 years. The higher-level management group is to receive the same raises. However, this item also provides that many (199 job classifications containing about 516 individuals) would also receive equity adjustments in addition. These are to range from 0% to as high as 15%, depending on the position class.

Is approval of the raises required by County Ordinance? Management, and perhaps the Board, may have relied on an ordinance that was approved by the voters back in 1973, which has been interpreted by some to require such equity adjustments:

- **2.48.180 - Prevailing wage.**

In fixing compensation to be paid to persons in the county's employ, the board of supervisors and every other authority authorized to fix salaries or wages, shall provide a percentage change in compensation at least equal to the percentage change in compensation for the same quality of service rendered to persons, governmental agencies, firms or corporations under similar employment.

Prevailing salaries or wages shall be determined by negotiations between the county's employer representatives and the recognized employee organization(s).

In case such prevailing salaries or wages cannot be agreed to by parties, the matter may be submitted to a mutually selected arbitrator who shall make advisory recommendations to the negotiation parties.

(Ord. 1260 § 4, 1973: amendment adopted by the voters 11/4/84)

This is one of the more stupid pieces of local legislation that we have ever seen in any jurisdiction in America.

If the Ordinance applies to the Executives and Managers, does it not apply to the rank and file?

In fact, is not even clear if it pertains to non-union executives and managers, as the clause highlighted in yellow above seems to specify that it actually pertains to unionized employees and must be achieved through collective bargaining, not through an automatic pilot process.

However, another ordinance states:

The salary range for appointed department heads shall be determined as follows: The board of supervisors declares that because of the special relationship of trust and confidence between the board of supervisors and its appointed department heads, and because this relationship is inconsistent with arm's length negotiations, a specific formula for computing salary ranges is necessary when information is available. The board of supervisors interprets Section 2.48.180 to permit use of a formula for determination of prevailing wage for department heads. This interpretation shall not bind the board of supervisors or its representatives to use, or nonuse, of any formula of determination of prevailing wages for any other classes. Salary ranges for appointed department heads shall be set to maintain equitable internal relationships and shall, when information is available, be computed in accordance with the following formula:

This one raises additional questions: Did they intend that in the event that it is used for management, it pertains solely to department heads? Most of the positions that are to receive the equity adjustment are not department heads. The language is very peculiar, stating that “the Board of Supervisors interprets Section 2.48.180... .” Is the current Board of Supervisors bound by this language from decades ago with respect to their interpretation?

The Survey: In any case, the HR Director undertook a survey of “comparable jurisdictions” to ascertain how far various executive, managerial, and professional classes were behind in salary when matched with the other selected jurisdictions. This is called the Compensation Survey and is cited as the justification.

The table below is a sample illustration of how the methodology used by the County attempts to justify the special raises. A similar analysis was prepared for each position class. At least they didn't include the President of Cal Poly.

County Administrative Officer		BU09
Survey Agency	Comparable Class	Range Max.
Cal Poly	No Comparable Class	
City of San Luis Obispo	City Manager	\$23,138
El Dorado County	Chief Administrative Officer	\$22,438
Fresno County	County Administrative Officer	\$21,253
Kern County	County Administrative Officer	\$18,323
Monterey County	Admin Officer	\$27,557
Placer County	County Executive Officer	\$25,526
San Luis Coastal USD	No Comparable Class	
Santa Barbara County	County Executive Officer	\$25,678
Santa Cruz County	County Admin Officer	\$26,877
Sonoma County	County Administrator	\$25,993
State CA	No Comparable Class	
Ventura County	County Executive Officer	\$27,963
Private Sector ERI	No Comparable Job	
San Luis Obispo County	County Administrative Officer	\$22,152
	Median	\$25,602
	% +/- Median	-13.47%
	% to Get to Median	15.57%

A Question of Tactics? Many of the positions included in the raise are technical professional positions. The public concern is focused on the CAO, County Counsel, and other top paid officials. Most of the proposed raises are for professionals such as lawyers, engineers, IT analysts, accountants, budgeteers, generalist managers, and others requiring special post graduate university training and various types of certification. The sample below is for Software Engineer III.

Software Engineer III		BU07
Survey Agency	Comparable Class	Range Max.
Cal Poly	Analyst/Programmer	\$10,792
City of San Luis Obispo	No Comparable Class	
El Dorado County	Senior IT Analyst	\$9,058
Fresno County	Information Technology Analyst IV	\$7,290
Kern County	Database Analyst II	\$7,283
Monterey County	Software Engineer III	\$10,931
Placer County	IT Analyst - Senior	\$10,504
San Luis Coastal USD	No Comparable Class	
Santa Barbara County	EDP Systems & Programming Analyst II - restrict	\$9,972
Santa Cruz County	IT App Dev/Support Analyst III	\$10,554
Sonoma County	Systems Software Analyst	\$10,331
State CA	No Comparable Class	
Ventura County	Data Systems Architect	\$9,870
Private Sector ERI	Software Engineer	\$10,006
San Luis Obispo County	Software Engineer III	\$9,580
	Median	\$10,006
	% +/- Median	-4.26%
	% to Get to Median	4.45%

By including the high-ranking executive officials, department heads, and high paid generalist administrators in the package, the Board generated the criticism. Had they carved these positions out and stuck with the professionals, they might have received less complaint. Reportedly, the various unions are very angry at the situation.

The Cost Doesn't Seem to be a Problem - Even though it's not Budgeted:

The increased costs associated with the wage, healthcare, and wellness and development program are estimated to increase County costs for the Fiscal Year 2022-23 by \$5,199,000 and County ongoing costs by \$9,796,000.

This week's write up adds to the June 21st version a paragraph in this regard, which states:

Departmental savings and/or unanticipated revenue will be the primary funding source for unbudgeted expenditures associated with the compensation increases. To the extent departmental savings are not available to cover the amount, staff will recommend that your Board authorize a transfer of the deficit amount out of General Fund contingencies to departments' operating budgets, as needed, as part of the third quarter report. The third quarter is when many such year-end adjustments are made,

Does this mean that the salary and benefits costs presented by staff and adopted by the Board a few weeks ago in the Budget were inflated by at least \$5.2 million for the FY 2022- 23 fiscal year to “smooth” the path for the raises? Again, what are the program impacts on services of leaving vacancies all over the system? What if by the 3rd quarter we are in a teeth jarring recession, and the County and State are both broke?

The new Board letter also points out that the County is still in negotiations with its largest unions, including SLOCEA and the Deputy Sheriffs. Won't the proposed large equity raises for the top echelon instigate demands for similar treatment by thousands of other employees? Why would management tip its hand prior to completing the other negotiations? In the military when rations are short and/or conditions are tough, the enlisted soldiers are fed before the officers.

Now that the equity raises have been granted, won't the rank-and-file demand the same?

The County's unrepresented employees are in Bargaining Units (BU) 07 – Operations and Staff, BU08 – General Management, BU09 – Appointed Department Heads, BU10 – Elected Department Heads, BU11 – Confidential Employees, and BU16 – General Management Law Enforcement. There are currently a total of 516 unrepresented employees in these bargaining units. The Board of Supervisors is in BU17 and is not part of the unrepresented groups. Changes to the Board of Supervisors' salary are handled by separate Board action through a change to County Ordinance Code 2.48.095. However, employee benefits for the Board of Supervisors are the same as employees in BU08 and BU09.

Item 24 - Request to consider the California Department of Water Resources' certified Final Environmental Impact Report (Clerk's File) for the State Water Project Contract Extension Amendment No. 17 (Contract Extension Amendment); and submittal of a resolution making responsible agency findings pursuant to the California Environmental Quality Act (CEQA) to use the FEIR and approving and authorizing the Chairperson to execute the Contract Extension Amendment. The Board approved the State EIR and the contract amendment 5/0 on the consent calendar. This was another significant policy matter that has been placed on the consent calendar.

Background: Back in 2018, the County, 28 other contractors, and the State Water Department of Water Resources (DWR) agreed to extend their contracts for state water from 2035 to 2085. Key purposes were to assure subcontractors in SLO County that their contracted entitlements would continue.³ Also, the State Water Project (SWP) would be able to issue long term debt for improvements to the system, as payments would be guaranteed for a longer period. Obviously, as the 2035 termination date approaches, the time compression for debt repayment becomes a growing obstacle.

Initially, the State Department of Water Resources declared that since the matter was a financial contract extension, it was categorically exempt from CEQA. In other words, no specific physical

³ It should be noted that with the recurring droughts, the SWP has not been able to deliver all of the contracted water in some years including years where only 5% was allocated. Some contractors and subcontractors had drought reserves which they were able to use. Others purchased unused water from other contractors. The Board item does not discuss this issue in relation to the big picture.

projects were being considered. Nevertheless, after numerous environmental groups, fishing advocates, and northern California agriculturalists complained, the DWR did conduct a full EIR. Now all of the contractors are being asked to endorse the EIR's conclusion that the contract extension will have "no significant effect on the environment."

NOW, THEREFORE, BE IT RESOLVED and ordered by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District that:

- 1. The Board has considered the environmental impacts of the Project as shown in the FEIR prior to making a decision on the Project.*
- 2. In its independent judgment and analysis, the Board finds that the FEIR is adequate for the District's use to authorize execution of the Contract Extension Amendment between DWR and the District. More specifically, on the basis of the environmental record before the Board, including comments received, the Board has determined that the Contract Extension Amendment will not have a significant effect on the environment.*
- 3. The Board hereby approves and authorizes and directs the Chairperson to execute the Contract Extension Amendment and to perform any such acts as may be deemed necessary or appropriate to accomplish the intent of this Resolution*

The alliance of environmental groups, fishing groups, and agriculturalists is likely to sue the State on the basis that the EIR did not examine the impact of projects that have already been announced and which would be funded by the new debt that can be financed under the extended contracts. The big one is the so-called California Water Fix, which is the successor to the they Bay Delta Twin Tunnels project.

By endorsing the FEIR, will the County become a codefendant in the litigation? No one could answer the question or its corollaries

Will it have to pay its share of the costs?

Will the County subcontractors, which actually use the water, pay for the costs?

Does the Board actually believe that extension of the contract for 50 years will not have environmental impacts?

Property tax: The write-up states that the County will incur no costs by endorsing the EIR because the County does not actually use the water, but subcontracts it to various water districts and cities. Actually, every property taxpayer in the County has been paying for project water since 1960, when the County subscribed to the Central Coast Water Authority (CCWA), which connects the SWP to the central coast. Although not technically a SWP charge, there would be no water from the SWP in the county without the CCWA tax. We think having state water is a good idea, but everyone should adopt policy with their eyes fully open.

A more strategic issue is: What happens if the droughts are epochal and there is not State water in the future? Where is the feasibility study of large-scale desalination in combination with continued nuclear energy?

Item 33 - Request by the County of San Luis Obispo (LRP2022-00007) to amend the Agricultural Offset Requirements for the Paso Basin (County Land Use Ordinance, Title 22, Section 22.30.204) to extend the termination date from August 31, 2022 to the effective date of the Paso Basin Land Use Management Area Planting Ordinance, or January 31, 2023, whichever occurs sooner. An addendum to the Supplemental Environmental Impact Report prepared for the Countywide Water Conservation Program in 2015 (SCH Number 2014081056) has been prepared for this request. The moratorium was extended to June 30, 2023. The Board sensed that it will take more time for the staff to finish the proposed planting ordinance. Supervisor Arnold once again explained why the planting ordinance is needed to help the people trapped in the catch-22 between the moratorium and the implantation of the Paso Basin SGMA Plan.

Background: The new ordinance is needed because it will take years for the State Groundwater Management Act (SGMA) plan to begin to impact the water use. Originally, when the moratorium was adopted back in 2013, it was anticipated that it would sunset when the SGMA plan was completed in January, 2020. However, it was ultimately realized that completion of the plan and approval by the State does not immediately cause any reduction in water use, let alone the construction of water saving facilities.

This, in turn, caused the Board to extend the moratorium to August 31, 2022. The problem is that the planting ordinance, which is seen as a gap filler, is not complete and is now scheduled to be operational no sooner than January 31, 2023.

The Catch 22: There is a group of smaller agriculturists and residents who are trapped in limbo under the provisions of the moratorium. This is because the allowance for water use for calculating moratorium exceptions is based on a farm's prior use before the moratorium. Those years were drought years, and many small operators simply stopped watering row crops, expecting to resume when conditions improved. Now they are locked out from applying for a prior use exemption because of their shutdown during the aforementioned drought period.

The Board is fearful that if it were to simply end the moratorium, large users, investors, and potential water bankers would begin pumping prodigious amounts of water to build their prior use numbers vis a vis SGMA.

In the end, one government regulation begets another. Unanticipated consequences then require further regulation, which in turn begets even more problems. Had the Board simply begun implementing mechanisms to save water and restore the basin back in 2013, everyone would be on a much better track. Moreover, many of the provisions in the SGMA plan are the very things that were discussed back in 2013.

These included spreading basins, bladder dams, injection wells, drip irrigation vs. overhead sprinklers, use of recycled sewer water, and voluntary cutbacks by the largest users. COLAB and others repeatedly presented this option and were totally ignored. In fact, for the progressive left, the enviro-socialists, and big investors, creation of new government authorities wielding more regulatory powers was and continues to be the real end game.

See a related item immediately below:

Item 34 - Hearing to consider a Resolution adopting the Updated Paso Robles Sub Basin Groundwater Sustainability Plan for the Salinas Valley – Paso Robles Area Sub basin (“Paso

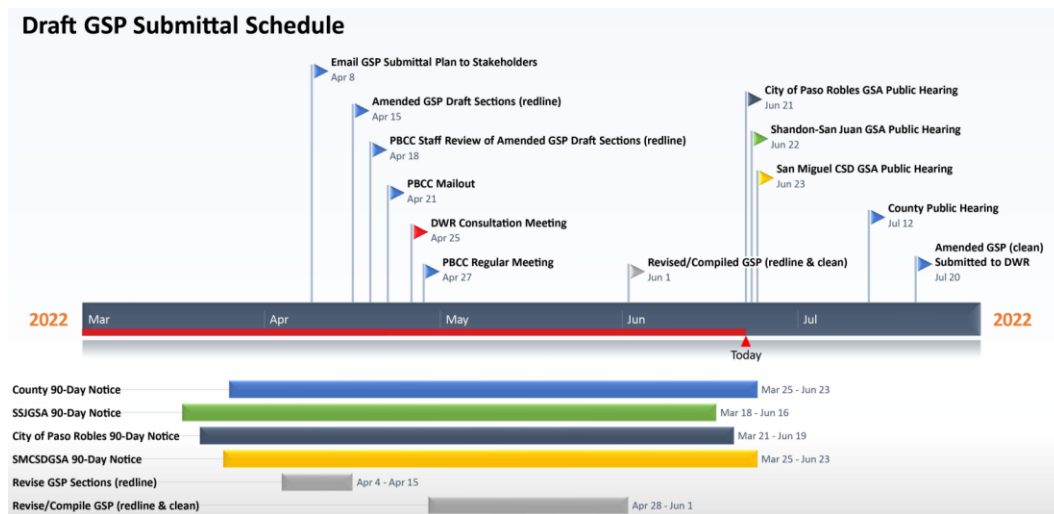
Basin”) (Clerk’s Filed) and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). The Board Unanimously approved submittal of the revised plan to the State. The report by Blaine Reely, the County’s Water Sustainability Director, was very positive. He indicated that discussions with DWR officials about the chances of the Plan being approved were positive. He also noted that the County has received a \$7 million grant for SGMA implementation purposes. Four million of this is slated to build infrastructure to move treated Paso City sewer water to subscribing farmers. They will in turn be able to lower their pumping of groundwater.

Background: As noted in the item above, the County submitted its State mandated SGMA Plan for the Paso Basin to the State Department of Water resources (DWR) on time in January 2020. Nothing was heard for about a year. Finally, DWR indicated in June 2021 that the Plan could not be approved – “an incomplete determination.”

DWR identified two deficiencies:

- **Groundwater Levels**
GSP lacks justification for sustainable management criteria (SMCs, e.g., Minimum Thresholds—MTs) and the effects of those criteria on beneficial uses/users (private wells)
- **Interconnected Surface Water**
GSP lacks documentation of interconnected surface water and associated undesirable results

This, in turn, generated a new process and set of costs per the County project chart below:



The slides below summarize various sections where amendments were made in line with instructions from the DWR staff.

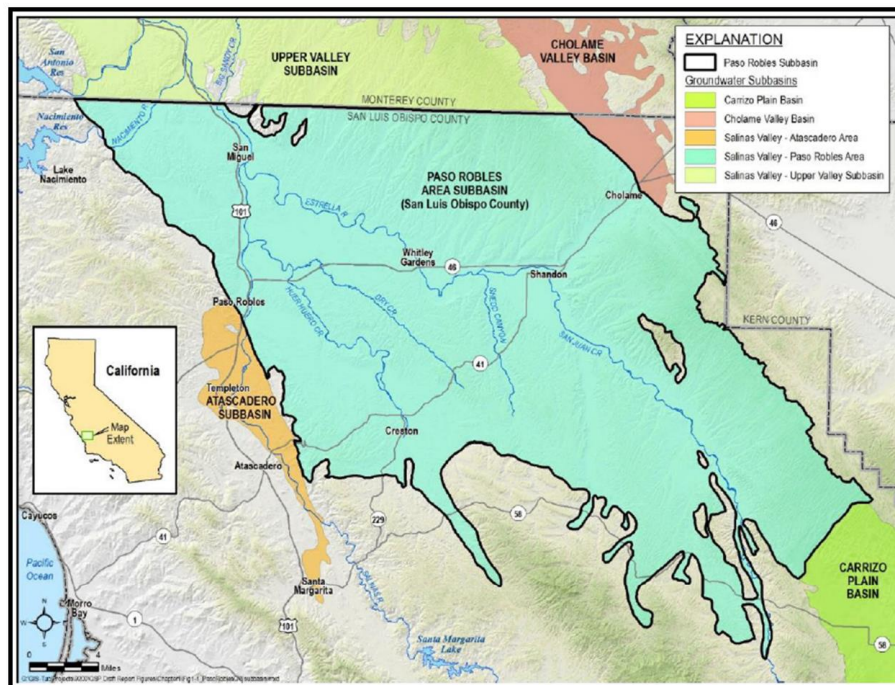
Revised and Replaced GSP Sections (1)

- 4.7.2 Hydrogeologic Conceptual Model – Groundwater Discharge
- 5.5 Groundwater Conditions – ISW
- 7.6 Monitoring Network – ISW Monitoring and Data Gaps
- 8.4 SMC –Chronic Lowering of Levels
- 8.8 SMC – Depletion of ISW SMC
- 9 – Projects and Management Actions
- Appendix C – Methodologies for Identifying GDEs
- Appendix O – SGM Round 1 Implementation Grant Spending Plan

Revised and Replaced GSP Sections (2)

- GSP updated and revised for internal consistency
- Revised June 13, 2022
- Updated tables of contents, tables, figures, appendices
 - Comprehensive Appendix C
 - New Appendix O
- Updated Executive Summary
- Updated References

Hopefully, this will result in DWR approval of the Plan before the end of 2022.



SLO Integrated Waste Management Authority (IWMA) Meeting of Wednesday, July 13, 2022, 1:30 PM (Completed)

The agenda contains many housekeeping items, such as expenditure review, extension of a lease, legal authorization to continue meeting remotely, and similar non-policy items. At least they haven't decided to ban toilet paper, Kleenex, paper napkins, or paper towels yet.

Coastal Commission Meetings of Wednesday, July 13 and Thursday, July 13, 2022 (Completed)

Item We13.d - Fee Increases. The Fees were approved on the basis that the State Office of Administrative⁴ Law (OAL) had already approved them. The Commission didn't even have to take a vote! Not one of the Commissioners had any questions, and of course no one was defending the public. It seems strange that the Commission could submit proposed fees to the OAL and that they would be deemed approved without the Commission taking a vote.

Background: The fees are on automatic pilot. The write-up states that they are going up 9.4 %, but then in an incomprehensible paragraph it says that the increase is always calculated on the base amount since they were first established in 2008.

The fees established ... shall be increased annually by an amount calculated on the basis of the percentage change from the year in which this provision becomes effective in the California Consumer Price Index for Urban Consumers as determined by the Department of Industrial Relations pursuant to Revenue and Taxation Code Section 2212. The increased fee amounts shall become effective on July 1 of each year. The new fee amounts shall be rounded to the nearest dollar.

Increases are based on initial costs from the year 2008, when the provision became effective. Based on the Department of Industrial Relations CPI Index Calculator, the California Consumer Price Index for Urban Consumers from April 2008 to April 2022 W6d July 2022 Filing Fees Increase 2 increased by 41.2%. For the most recent increase (for the 2021-2022 fiscal year), the Commission used February 2021 to calculate fee increases. Thus, this report expresses the "year to year" increase as 9.4% (February 2021 to April 2022). This has no effect on fees over the long term, as the base for fee increases is always 2008 figures, as required by the regulation.

Huh?

In any case, some of the fees are listed below:

Some samples:

⁴ OAL is responsible for ensuring that California state agencies comply with the rulemaking procedures and standards set forth in California's Administrative Procedure Act (APA). A "regulation" is any rule, regulation, order or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it. When adopting regulations, every department, division, office, officer, bureau, board or commission in the executive branch of the California state government must follow the rulemaking procedures in the Administrative Procedure Act (APA) (Government Code section 11340 et seq.) and regulations adopted by the Office of Administrative Law (OAL), unless expressly exempted by statute from some or all of these requirements.

More than 4 detached, single-family residences

1,500 sq. ft. or less, greater of \$21,180 or \$1,412 per residence	\$ _____
1,501 to 5,000 sq. ft., greater of \$31,770 or \$2,118 per residence	\$ _____
5,001 to 10,000 sq. ft., greater of \$42,360 or \$2,824 per residence	\$ _____
10,001 or more sq. ft., greater of \$52,950 or \$3,530 per residence	\$ _____
Maximum: \$141,200	

B. Attached residential development

2-4 units, \$10,590	\$ _____
5 or more units, greater of \$14,120 or \$1,059 per unit	\$ _____
Maximum: \$70,600	

II. OFFICE, COMMERCIAL, CONVENTION, INDUSTRIAL (INCLUDING ENERGY FACILITIES), AND ALL OTHER DEVELOPMENT NOT OTHERWISE IDENTIFIED

A. Gross Square Footage

1,000 gross sq. ft. or less, \$7,060	
1,001 to 10,000 gross sq. ft., \$14,120	\$ _____
10,001 to 25,000 gross sq. ft., \$21,180	\$ _____
25,001 to 50,000 gross sq. ft., \$28,240	\$ _____
50,001 to 100,000 gross sq. ft., \$42,360	\$ _____
100,001 or more gross sq. ft., \$70,600	\$ _____

B. Development Cost Note: *Development cost includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project, plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.*

\$100,000 or less: fee \$4,236	\$ _____
\$100,001 to \$500,000: fee \$8,472	\$ _____
\$500,001 to \$2,000,000: fee \$14,120	\$ _____
\$2,000,001 to \$5,000,000: fee \$28,240	\$ _____
\$5,000,001 to \$10,000,000: fee \$35,300	\$ _____
\$10,000,001 to \$25,000,000: fee \$42,360	\$ _____
\$25,000,001 to \$50,000,000: fee \$70,600	\$ _____
\$50,000,001 to \$100,000,000: fee \$141,200	\$ _____
\$100,000,001 or more: fee \$353,000	\$ _____

Yikes! Do applicants get slugged for both the per unit costs and the so-called development costs? Note, these costs are on top of all the costs paid to the permitting city or county.

Item Th13a - Commission and County in Dispute over Permitting of Additional Dwelling Units (ADU's): The Commission approved a 6-month time extension for the County to attempt to obtain agreement with the Commission. The issue had been placed on the regular business calendar but was moved to the consent calendar.

Background: The County submitted the coastal version of its new zoning (in accordance with State mandates) for permitting ADUs to the Commission for a Coastal Plan Consistency determination. The Commission staff disagreed with some of the County’s provisions and wanted to impose its changes on the County. In turn, the County declined and is requesting the Commission to grant a one-year extension in an effort to attempt to work it out. The Commission staff recommends granting the extension.

No applications for ADUs in the County’s unincorporated coastal areas can be processed for at least a year. Thus in Los Osos, Cambria, Avila Beach, Cayucos, and Oceano Ranch, your aging mother is likely to die of old age, before she can move into a new ADU. So much for the County and State “housing priority.”

Item Th14b - Cambria Christmas Market Substantial Issue Determination. The Commission found that the County permit for the Christmas Market did not constitute a substantial issue in terms of the Coastal Act. This means that the Commission will not consider an appeal by neighbors who sought to have the market banned.

Background: The County **approved** extension of the Cambria Christmas Market for 2 years. Some neighbors appealed to the Coastal Commission to take over the issue and overturn the County approval. The actual issue before the Commission at this point is whether the Commission determines that there is a substantial issue that would make it legal for the Commission to take over the jurisdiction.

The staff studied the matter and determined that there is no substantial issue involving the Coastal Act, as the event is short and temporary. Staff recommends that the Commission turn down the appellants’ request.

Planning Commission Meeting of Thursday, July 14, 2022 (Completed)

Item 8 - A study session to review the proposed Dana Reserve Specific Plan and the associated Draft Environmental Impact Report (DEIR). The Dana Reserve Specific Plan is a proposal to allow up to 1,289 residential units, 110,000-203,000 square feet of commercial floor area, educational and daycare uses, open space, recreation areas, trails, and associated infrastructure on a 288- acre parcel. The property is located west of Highway 101 between Willow Road and the residential lots north of Sandydale Drive, immediately north of the Nipomo Urban Reserve Line and within the Nipomo Community Services District Sphere of Influence. The focus was on the draft EIR. This item was an informational workshop. No specific actions were included. County Counsel admonished the Commissioners to listen openly and not make specific comments about the merits of the project. Commissioner Multari expressed concern about the constraints and stated that the process was “peculiar.”

The problem is that this EIR and EIRs in general generate all the reasons not to approve a project and to maintain the status quo land use as natural. This, in turn, puts the onus on elected officials to overcome the objections and endure lawsuits if they do.

The Commissioners were subjected to a turgid 30-minute presentation on the EIR. Interestingly, and in introducing the EIR consultant, County Deputy Planning Director Erin Singwald took pains to point out that even though the document contains many unmitigable Class I CEQA impacts (barriers to approval), the Board of Supervisors could override them. What he failed to mention was that they

would likely be sued by everyone from the Sierra Club to the 3 Chipmunks if they did override even one of the Class I Impacts.

Similarly, the EIR consultant seemed to try to bevel her own findings in an effort to say, “It’s really not as bad as it looks.”

The applicant, Nick Tompkins, was provided with ten minutes to present the project. He listed many of the benefits, including affordable housing, use of Nipomo Community Service District water for which the district is already obligated to pay, a commercial component with 239 jobs, a site for a needed South County Fire House, open space, trails, transit stops, a site for a South County Questa College branch, and conservation easements on the Dana Ridge Nature preserve.

Background: This appears to be the most significant housing project under consideration in the unincorporated county area. The site is near the intersection of the Willow Road/Highway 101 interchange in Nipomo. The interchange plus connecting roadway was built about 10 years ago and cost over \$40 million. Additionally, the County required itself to plant a ton of oak trees as a mitigation measure, which wound up costing \$1 million. It is a perfect site for homes of various prices as well as some commercial development next to Highway 101.

The current zoning is for rural residence (RR), which generally requires 1-acre minimum lot sizes. For this reason the applicants are requesting approval of a specific plan that would allow a mixed-use development with clustered homes of varying densities. The map displays the overall plan.



The problem is that the Environmental Impact Report (EIR), required under the California Environmental Quality Act (CEQA), concludes that the project is not approvable at a workable size and

scope. Other than the no-project alternative, all the other potential versions would require the Board of Supervisors to override a number of unmitigable Class I CEQA impacts. If the Planning Commission and the Board of Supervisors ultimately approve the project that approval would likely be challenged in a lawsuit.

One alternative would be for the County to conduct a massive revision of its Plan of Development and Land Use and Circulation Plan Element to recognize the urbanization of the area. This could take a decade. It would also come up against the County’s overarching land use policy of concentrating development in its village centers and incorporated cities.

Another alternative would be to submit the project to the voters and ask for their approval. If approved, the Courts would have a harder time denying it under CEQA, as the approval would be an act of the people. The courts would be a little reluctant, but there is still no guarantee.

No action is proposed at this time, as the EIR is currently being circulated for public comment. The purpose of Thursday’s meeting was to familiarize the Commission with the project via a workshop. The Commissioners were forbidden by County Counsel to express opinions at this stage.

The table below shows how the alternatives stack up under CEQA. You can pretty much read the word “similar” in the various columns as meaning an unmitigable Class I impact for each of the issue areas listed.

Table 5-3. Comparison of Impacts Among Alternatives

Issue Area	No Project Alternative	Alternative 1: Applicant-Preferred Alternative	Alternative 2: La Cañada Ranch	Alternative 3: Residential Rural Cluster Subdivision	Alternative 4: Development on Non-Native Grassland	Alternative 5: Gradual Transition along the Fringe
Aesthetics	Decreased	Similar	Similar	Similar	Similar	Similar
Agriculture	Decreased	Similar	Similar	Similar	Similar	Similar
Air Quality	Decreased	Similar	Decreased	Similar	Similar	Similar
Biological Resources	Decreased	Similar	Decreased	Decreased	Decreased	Similar
Cultural Resources	Decreased	Similar	Similar	Similar	Similar	Similar
Energy	Decreased	Similar	Similar	Similar	Similar	Similar
Geology and Soils	Decreased	Similar	Similar	Similar	Similar	Similar
Greenhouse Gas Emissions	Decreased	Similar	Decreased	Decreased	Similar	Similar
Hazards and Hazardous Materials	Decreased	Similar	Similar	Similar	Similar	Similar
Hydrology and Water Quality	Decreased	Similar	Similar	Similar	Similar	Similar
Land Use and Planning	Decreased	Similar	Decreased	Decreased	Similar	Similar
Mineral Resources	Decreased	Similar	Similar	Similar	Similar	Similar
Noise	Decreased	Similar	Similar	Similar	Similar	Similar
Population and Housing	Decreased	Similar	Decreased	Decreased	Similar	Similar
Public Services	Increased	Similar	Similar	Decreased	Similar	Similar
Recreation	Decreased	Similar	Increased	Similar	Similar	Similar
Transportation and Traffic	Decreased	Similar	Decreased	Similar	Similar	Similar
Tribal Cultural Resources	Decreased	Similar	Similar	Similar	Similar	Similar
Utilities and Service Systems	Decreased	Similar	Similar	Increased/ Similar	Similar	Similar
Wildfire	Decreased	Similar	Similar	Similar	Similar	Similar
Meets Project Objectives?	No	Yes	Partially	Partially	Partially	Yes

The CEQA analysis details the area as a mixed chaparral and oak woodland, full of rare plants, birds, insects, mammals, and reptiles. The fact that it is surrounded on two sides by residential development, one side by the afore-mentioned \$40 million dollar road project, and the transcontinental Highway 101 on the other does not seem to receive any consideration. The EIR also contains substantial objection

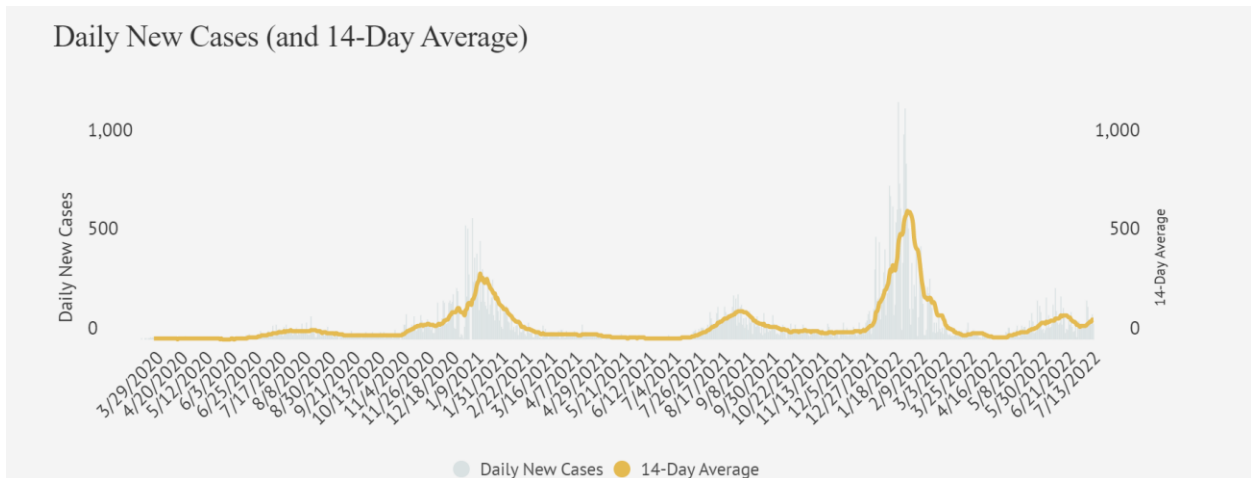
due to job housing imbalance. Apparently, the logic is that the people who would live in the development will be commuting to San Santa Maria and San Luis Obispo. This in turn will generate too much CO₂, plunging the planet into an irreversible environmental catastrophe.

While CEQA is touted as only an analysis of the issues, it is used to kill many worthy projects and is a major contributor to the State's and County's housing crisis and destruction of its middle class. In this regard, it has devolved into an unmitigated evil.

You would think that everyone would be thrilled to have 1,289 new homes, many of which will be affordable to the work force, at this location. The new Board of Supervisors coming in next January will be tested on this one next spring.

EMERGENT ISSUES

Item 1 - COVID. A new sub version of the virus is hitting LA and the Bay Area hard. It is reportedly highly transmissible. SLO County reported an uptick this week.

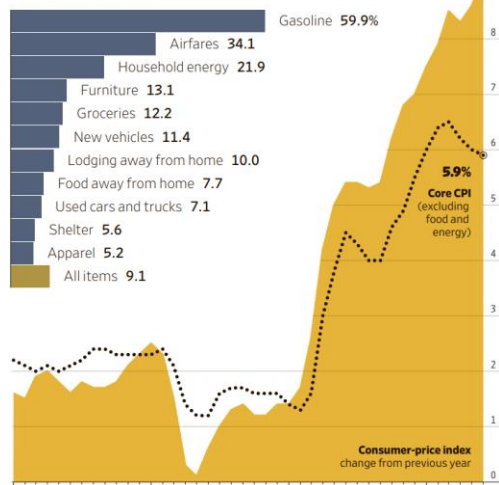


9 (0 ICU)SLO County Residents with COVID-19 in Hospital**

Item 2 - Inflation. Please see the Wall Street Journal graphic on the next page.

Inflation Hurtles to Highest Since '81

Consumer-price index for select items
12-month change, ended in June



A 9.1% price rise adds pressure on the Fed as more investors expect a bigger rate boost in July

By GABRIEL T. RUBIN

U.S. consumer inflation accelerated to 9.1% last month, a pace not seen in more than four decades, adding pressure on the Federal Reserve to act more aggressively to slow rapid price increases throughout the economy.

The consumer-price index's advance for the 12 months ended in June was the fastest pace since November 1981, the Labor Department said on Wednesday. A big jump in gasoline prices—up 11.2% from the previous month and nearly 60% from a year earlier—drove much of the increase, while shelter and food prices

were also major contributors. The June inflation reading exceeded May's 8.6% rate, prompting investors and analysts to debate whether the Fed would consider a 1-percentage-point rate increase, rather than a 0.75-point rise, later this month. Slowing demand is key to the Fed's goal of restoring price stability in an economy that is still struggling with supply issues, but raising interest rates also elevates the risk of a recession.

Core prices, which exclude volatile food and energy components, showed little sign they were moderating. While they increased by 5.9% in June

Please turn to page A6

◆ Greg Ip: Beware wishful thinking on the economy... A2
◆ Inflation clouds prospects for Biden's economic plan... A4
◆ Report ups pressure on Fed's rate discussions... A7

Price Data Set Off More Bond Volatility

By SAM GOLDFARB AND MATT GROSSMAN

ever it takes to slow inflation, including pushing the economy into a recession.

EYE ON THE NEWS BY MILTON EZRATI

America has more bad inflation news. In June, the consumer price index (CPI) stood 9.1 percent higher than a year ago. That is worse than things were earlier this year, worse than in 2021, and worse than any time for some 40 years. The picture today makes a dark joke of the White House's earlier claim that price pressures would be "transitory"—and still more embarrassing President Biden's insistence that inflation was the fault of supply-chain interruptions or Vladimir Putin's invasion of Ukraine or the greed of mom-and-pop gas station owners. Instead, the unfolding inflation picture makes it painfully clear that the price pressures have a fundamental and durable basis.

The latest report from the Labor Department is nothing short of terrifying. The worst news concerns those two essentials, food and fuel. Overall, food prices rose 1.0 percent in June and are 10.4 percent above year-ago levels. The prices of food at home stood 12.2 percent above year-ago levels. Energy prices overall rose 7.5 percent in June and stand 41.6 percent above where they were in June 2021—scarcely more than a year ago. Gasoline prices rose 11.2 percent in June alone and stand a whopping 60 percent higher than a year ago.

Intense inflationary pressures are also evident in other sectors, if not quite to the same degree as for food and fuel. The rest of the CPI, the so-called "core" rate of inflation, rose 0.7 percent in June. This group of commodities and services costs 5.9 percent more than it did a year ago. This looks moderate compared with food and energy, but it's still far above the Federal Reserve's 2.0 percent target for acceptable inflation, and the rate of increase clearly is gaining momentum. June's rate of increase equaled 8.7 percent when calculated at an annual rate. Within this broad area, prices are up at unacceptable rates in every category. Services—including shelter, medical care, and transportation—already up 5.5 percent from year-ago levels, also rose at an 8.7 percent annual rate in June.

The pain caused by these price pressures is evident in the Labor Department's recently reported wage data. Hourly and weekly earnings, though each rose 0.3 percent in nominal terms during June (3.7 percent when stated annually), still trailed the rise in living costs by a wide margin. In real terms, hourly and weekly earnings each fell 1.0 percent in June, a troubling 12.7 percent when stated annually.

Compared with year-ago figures, real hourly earnings are down 3.6 percent and real weekly earnings are down by fully 4.4 percent, and the pace of decline is clearly accelerating.

All these measures suggest beyond cavil that the inflation problem goes far deeper than the White House's casual array of excuses. What is more, those fundamental causes are clear in policy mistakes going back over a decade. They began with the financial crisis of 2008–09. To counter that disaster, the Fed poured new money into financial markets by keeping interest rates near zero and buying bonds directly, mostly from the Treasury, in what the Fed refers to as “quantitative easing.” The federal government ran huge deficits to help relieve the great recession that followed that crisis. Under the circumstances, there was little else that policymakers could do, but they unwisely persisted in these policies even as the economy and its financial markets began to recover in 2009. And, to a greater or lesser extent, they continued in this direction for all the years that followed—through the end of Barack Obama's presidency, and Donald Trump's, and now into Biden's. In just the past few years, the Fed has purchased almost \$5 trillion in new government debt, effectively engaging in the digital equivalent of financing government through the printing press, a classic prescription for inflation.

Because unwinding so many years of bad policy cannot occur quickly or easily, inflation will likely remain a threat for some time to come. For the sake of honesty, public confidence, and the country's long-term prosperity, Washington would do well at this point to acknowledge the mistakes of the past and commit to robust counter-inflationary policies—aggressive monetary restraint and fiscal discipline to reduce budget deficits. Fed Chairman Jerome Powell, though he has admitted no error on anyone's part, seems to have begun such an effort. President Biden, however, seems unable to change and continues to blame inflation on everything but its real cause. His behavior has already lost him much credibility with the business community and with the public generally.

In some respects, it should be easy for the president to admit reality. He is not responsible, after all, for the mistakes of the last two presidents, Obama and Trump, or those of the last Fed chairs, Bernanke, Yellen, and Powell earlier in his tenure. Biden's reluctance to concede error, however, may reflect the realization that he is not entirely blameless, either, since he did press two huge and highly questionable spending initiatives last year, even as inflation became evident. And he is still pushing his even more expensive Build Back Better scheme. Still, if Chairman Powell can turn the page on past mistakes, it would surely not ask too much for the White House to do the same.

[Milton Ezrati](#) is a contributing editor at the National Interest, an affiliate of the Center for the Study of Human Capital at the University at Buffalo (SUNY), and chief economist for Vested, the New York based communications firm. This article first appeared in the City Journal of July 14, 2022.

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

OUR NEW ANTOINETTES

These humanitarian rich feel just terrible about the sins of America, but not terrible enough to sacrifice any element of their privileged lifestyles—the just deserts they feel for being so righteous.

BY VICTOR DAVIS HANSON

Marie Antoinette, the beheaded wife of the beheaded French Bourbon King Charles Louis XVI, did not really say “Let them cake.”

But in the short time that the French Revolution became utterly unhinged, toxic, and nihilistic, she became nonetheless iconic as an out-of-touch elite who had lived in a make-believe world at Versailles, without a clue (or care?) about the ordeal of the masses.

Rather than worry about the drudgery of the French peasant, Marie dressed up as one. And she roamed about in her idyllic faux peasant “farm” at the Hameau de la Reine, near the palace at Versailles.

Apparently, during these brief rustic interludes, Marie felt that the more she might act out a sort of aristocratic peasant life, the more she could find simplicity and escape the drama of court life, but without the real-life, crushing poverty of the poor.

The modern left-wing elite are becoming our version of Antoinettes. Thirty-eight-year-old Mark Zuckerberg is worth over \$60 billion. But he enjoys T-shirts, jeans, and apparent simplicity in his many landed estates. He is so worried about the wrong voting tendencies of the clueless middle classes that he poured nearly \$420 million of dark money from his vast fortune into the 2020 election—*de facto* absorbing the work of key precinct registrars—to ensure the “right” result for the unthinking multitudes.

Americans, almost uniquely among modern nations, mostly do not envy, much less despise the rich. But there is a certain sort of privilege that they do not like: the sanctimonious and hypercritical rich whose rhetoric is at odds with their own lifestyles and the methods by which they inherited or made vast sums. And they especially are turned off by those who exude open disdain for the clinger/deplorable/dregs class—to paraphrase the Barack Obama, Hillary Clinton, and Joe Biden nomenclature.

An especially grating habit of the left-wing wealthy is to lecture the middle class on their supposed illiberality. Often, those struggling are told they need to pay more for what White House economic advisor Brian Deese recently called the “liberal world order.”

Bill Gates, Warren Buffett, or George Soros, to take a few examples, are multibillionaires who live lives unlike any in the history of civilization. They also fund various agendas through multibillion-dollar foundations and their own personal riches.

Their causes are all deemed critical to the nation and planet, but unfortunately not fully appreciated as so vital by the peasant classes—whether they be global governance, massive restructuring of the

economy to stop carbon releases, radical abortion on demand, or the sponsoring of critical legal theory prosecutors who feel crime is but a rich man's construct.

Indeed, when various pollsters recently asked the public what their chief worries were, they found the culprits were the prohibitive price of gasoline, the ruinous effects of hyperinflation, supply chain shortages, the nonexistent southern border, or the escalating violent crime wave—all of which concerns are of apparent little interest to left-wing billionaires.

In other words, the worries of the Antoinette liberal elite—climate change, abortion on demand, transgenderism, strict gun-control—are not those that terrify the middle and lower classes. The latter, for some reason, first want to survive one more day with enough affordable food and energy and to be safe from criminals.

Why Democrats are currently unpopular transcends even Joe Biden's daily, dangerous, and tragic loss of cognition. Their low ratings arise more from the implementation of an array of disastrous policies dreamed up at left-wing university departments and think tanks.

As a result, voters have concluded that the Left "just doesn't care."

By that, they conclude that the drivers of modern hard progressivism—the billionaire donor class, the highly compensated professional bicoastal elites, the ideologues who have captured and transformed the old Democratic Party—ignore criticism of their policies. Or they claim that their disasters are unappreciated benefits, or mere PR problems, or shift blame to the Russians, the Emmanuel-Goldstein Trump, the toadish media, or the victims of their disastrous policies.

The border is overrun by illegal aliens. Lethal drugs, cartels, gangs, and child traffickers enter at will without consequences. American towns and cities are being swamped by hundreds of thousands of unlawful border crossers. In response to public outcries, Homeland Security Secretary Alejandro Mayorkas either ignores the anguished or falsely claims that the border is "secure." Translated that means Americans either are racists or should get over the fossilized idea of a border itself.

Gasoline is at all-time highs. Joe Biden tells the public "Putin did it"—although prices soared well before the Ukraine War. Translated, that means the spiral to nearly \$5 a gallon in California by February 2022—before Putin invaded Ukraine—was "cheap" compared to the current \$6.70 a gallon.



Alex Wong/Getty Images

When Energy Secretary Jennifer Granholm was asked whether she might take measures to ease the fuel burden on American commuters, she laughed and thought it “hilarious” that she either could or would consider such action. U.S. Senator Debbie Stabenow (D-Mich.) scoffed that clueless gas-guzzling motorists should buy a Tesla (base price for a low-end Model 3: \$46,990) like she drives and so skip the greedy service stations.

Biden will not reconsider pipelines, new federal leases, or his green demonization of fracking. But he will drain the strategic petroleum reserve on four apparent Orwellian principles:

- Oil pumped into an underground vault and then pumped back out does not exude the stigma of pristine oil pumped first out of the ground.
- Motorists would be encouraged by cheaper prices to drive more and thus consume more of the dirty fuel that Biden wishes to restrict.
- The oil pumped out of the reserve to cushion Americans in times of national emergencies can be sent into the global market and thus end up in the hands of our *de facto* enemies, the communist Chinese.
- Biden looks to the reserve, the Russians, the Saudis, the Venezuelans, and the Iranians to pump more of the awful fuel that America has in abundance, needs desperately—and should not dare extract.

Commercial air travel is in near shambles. Shortages of everything from baby formula to tampons are making America seem akin to the old Soviet Union. For Biden’s cabinet, this disaster is called “transitioning” to a better green future.

Transportation Secretary Pete Buttigieg presumably oversees our nearly ruined commercial air travel system, ports where cargo ships are backed up to the horizon, and gas and diesel prices that are impoverishing the middle classes. In response, when he is not on paternity leave, Buttigieg brags that he rides a bike, and lectures Americans on the racist origins of their once modern but now ossified freeway system.

Why does the party of caring and good ole Joe Biden from Scranton seem so indifferent? Why is the Left so callous to the consequences of Biden’s self-created high inflationary, unaffordable gas-and-food presidency and what it has done to the middle class?

The answer is not just that the Democratic leadership or the progressive elite are smugly “rich.” Rather, the problem is that they are “Antoinette rich.”

That is, they have lost any empathy for those who endure firsthand the consequences of the elites’ ideological rigidity. So, this is not the Democratic Party of Harry Truman or even of Bill Clinton.

Hunter Biden, without any apparent income, is renting a \$20,000 a month Malibu mansion, necessitating that the Secret Service rent a nearby \$30,000 a month mansion to watch over this 50-something train wreck of an adult. The elite know that Hunter’s prior income came from *quid pro quo* shakedowns of foreign governments, that he failed to pay taxes in a manner that would earn any other American a jail sentence, and that he is exempt from investigation.

Americans are not supposed to even mention the truth: the president's son was enriched, deeply leveraged by the Chinese, and so, too, by association was the president himself. And such "collusion" may explain the Biden Administration's inexplicable tolerance for Chinese aggression.

Multimillionaire Governor Gavin Newsom lectured Californians on why they must wear masks and avoid social gatherings even as he declined to do so while enjoying a birthday party at the pricey French Laundry restaurant in Napa. He was captured on camera, maskless again, and in the company of the celebrity Magic Johnson while the state mask mandate remained in place.

Now Newsom preens that California won't pay for its state employees to travel to supposedly backward, homophobic Montana for business trips. But Newsom has no problem dragging his costly state security detail to his in-laws' tony Montana ranch.

From time to time, Michelle and Barack Obama pontificate to Americans about their racist, sexist, and homophobic pathologies—but always from their Washington, D.C. Kalorama digs or their Martha's Vineyard chateau, or now from their new, third mansion on Oahu.

How strange that the more millions of dollars the Obamas earn, the more castles they acquire, so all the louder they hector the struggling middle classes. Most apparently illiberal Americans can hardly afford to fill their 250-gallon propane tank; the Obama's Martha's Vineyard estate tanks require 2,500-gallons of dreadful carbon polluting fuel.

Speaker Nancy Pelosi castigates the illiberality of the deplorable classes. During the lockdowns that she championed, however, she got caught maskless violating quarantines—to get her hair done.

Pelosi also released a clueless Antoinette video of herself boasting about her just delivered \$13 a pint ice-cream, stocked up in her twin \$23,000 sub-zero refrigerators in her Napa estate. Her multimillionaire husband, Paul, recently wrecked his new Porsche (a carbon guzzler) while driving under the influence.

Americans are reaching the point where they either cannot afford vacations at all or are terrified of flying only to be left stranded in the now inert airport archipelago. No matter. The woke Pelosis this week are guests of superstar Andrea Bocelli at his Tuscan beach estate.

No one begrudges the elite Left their riches or their frolics. But they do resent the talk-down and accusatory sermons that come with them and the hypocrisy that fuels them.

This list of Democratic "men and women of the people" who are detached from the people could be endlessly expanded but the size of it explains why they seem tone deaf to the struggles of others they never wish to see or hear. Their exalted status reflects the new globalized wealth of the United States that is found most often in high-tech, media, entertainment, professional sports, finance, investment, law, universities, and insurance—and is mostly left-wing.

The new zillions are quite unlike the old, fossilized money in timber, mining, agriculture, oil, construction, and manufacturing that was grounded in grubbier realities and without the high-altitude sermonizing. Whether one calculates elite blue money by ZIP code, congressional district, or counties,

the result is the same: the Democratic Party is run by billionaires and is the sanctimonious party of highly compensated bicoastal professionals.

Both have agendas that transcend the middle class and reflect the reality that they care little for those who cannot match their wealth and tastes. The “crazies” and “clingers” lack the elite’s supposed empathy, superior talent, and wisdom. More bothersome, our left-wing elite has the means to ensure that it is never subject to the disasters that naturally follow from its own ideological bankruptcy.

In other words, the left-wing has a problem. These humanitarian rich feel just terrible about the sins of America, but not terrible enough to sacrifice any element of their privileged lifestyles—the just deserts they feel for being so righteous. To square that circle, of indulgence for their rich selves, and sacrifice for poorer others, they hector and preach—and thereby find medieval penance and indulgence that excuses their own spectacular levels of illiberal consumption.

To the bread-poor masses, the irredeemables, the chumps, and the “right-wing Latinas” they don’t quite say: “Let them eat cake.”

Instead, as they jet about on private planes, free of their own bothersome quarantines, edicts, and masks, while acquiring additional, carbon-gulping, seashore estates, they let their guard down with cries of, “Let them drive Teslas,” “Wear a mask!” and “Transition to a greener future!”

*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*, *The Case for Trump* and the newly released *The Dying Citizen*. This article first appeared in the *American Greatness* of July 11, 2022 and subsequently in many national publications.*

WEALTH THROUGH THEFT

Times are going to be rough, because our government has done a massive damage, an unbelievable amount of stealing and borrowing that we, ultimately, will have to pay for.

BY DAN GELERNTER

The Spanish Government has announced that the cost of riding certain public trains will be cut from half-fare to zero beginning in September. This follows on the heels of Germany selling monthly public transit passes for just nine Euros (\$9). The *Guardian* and CNN are very excited about these changes

because, in the view of the conventional Left, this achieves two things: It saves the environment and it saves money.

It saves the environment by forcing people out of their gas-guzzling cars. Of course, the real thing forcing people out of their cars isn't cheap train tickets, but rather runaway inflation that has made buying and driving the ordinary family sedan a prohibitive luxury. This is the ideal outcome for a globalist elite who believe that people should all travel together in one big collective mass—with just a few cars and planes set aside for the important people running everything, who actually need to go to particular places and be there on time.

When the Left talks about saving money, what they really mean is that they are going to borrow money in your name with no intention of paying it back. This means they are either stealing from today's creditors (you) or from tomorrow's debtors (your kids). One way or another, though, they need that money and they're going to take it.

That returns us to the vexed question of saving money by making things cost less. Leftist economics is based on two fundamental principles:

- 1) There is a fixed amount of wealth in the world.
- 2) Money has inherent value.

Point one—that there is a fixed amount of wealth—explains everything the Left does on a macro scale. They believe because wealth cannot be created (for example by using one's labor to transform a lump of wood into a chair) the only way to obtain wealth is to steal it. Under the “my fair share of the pie” or “my bite of the apple” philosophy, anyone who has more than the average amount of wealth has come by it undeservingly, and so the morally correct thing is to confiscate that “surplus” wealth and give it to someone who has less than the average. That way, things will even out and everyone will have the same amount of wealth. Until of course someone starts making chairs while his neighbor just sits around waiting for a welfare check.

Point two—that money has inherent value—is even more childish and more insidious. The intellectual toddlers of the economics community have been trying to make this concept work at least since the French Revolution (and probably since before that). A typical problem: Bread costs too much. The leftist solution: Announce that bread now costs less.

By decreeing a maximum price for bread (*le maximum*) the French Revolutionaries were under the impression they were taking a major step for the common people that their evil king just hadn't thought of. They were then caught completely off-guard when the bakers stopped baking bread on the flimsy excuse that the ingredients now cost them more than they were receiving from the finished product. It was an amazing, Bastille-Day miracle: the French had managed to make labor *remove* value.

Even in the most rigorously-controlled, state-planned economies, a unit of currency is only worth as much as someone is willing to pay for it. And even soviet-style governments (such as our own) implicitly acknowledge this when they take action on the direct supply-and-demand principle by increasing the money supply: In their heart of hearts (or the void where such objects would reside) they know that they can't simply make a dollar worth a certain amount by decree. Added to which is the

problem of all these dollars they've borrowed from the future with no intent of repaying. The obvious supply-and-demand solution is to create more supply, by simply printing a huge amount of new dollars.

How huge? The U.S. government has printed 80 percent of all dollars in existence today since 2020. They're trying to conceal the implications by keeping interest rates artificially low. But anyone who has tried to buy a car or gasoline or water or food or clothes or indeed anything at all can see just *the beginning* of the effects. Inflation isn't just at 7 percent or 11 percent—the real figure is much, much higher. When this finally balances out, and it may take a year or two, your dollars are going to be worth 20 percent of what they were a few years back, because the government has again confused (I think deliberately) the concepts of money and value.

We are headed for major economic collapse, and it will happen just as soon as the Republicans get back into office, because that will be the signal the Fed can give up on pretending the economy isn't dying (it has significantly less trouble raising interest rates when Republicans are in charge). Times are going to be rough, because our government has done a massive damage, an unbelievable amount of stealing and borrowing that we, ultimately, *will have to pay for*.

The only way out the other end of this total disaster is less government—and I mean *dramatically* less government. Reduce the size of government by 95 percent, close almost every department, get rid of tax withholding, and reduce the tax rate to what the founding fathers would have found acceptable—which is to say no income tax at all, and some sales taxes to pay for the government's few necessary functions.

Because wealth *is* created through labor, creativity, and industry. Why, then, should we tolerate the people who believe only in wealth through theft?

Dan Gelernter is a columnist for American Greatness living in Connecticut. This article first appeared in the July 14, 2022 American Greatness

GAVIN NEWSOM'S WEIRD IDEA OF 'FREEDOM'

Newsom resembles a pathetic owner of a once successful but now run-down, high-priced gas station without clients.

By Victor Davis Hanson

In a run-up to what is likely to be a 2024 presidential bid, California Governor Gavin Newsom hit upon the bizarre idea of boasting in commercials that California is America's true "free" state.

Part of his ad campaign is to attack Florida—currently run by Newsom's possible rival, Governor Ron DeSantis.

Yet, with the most burdensome regulations and high tax rates, Newsom's California is arguably the most unfree state in the union.

In return for these steep costs, the state's public institutions, infrastructure, and services are among the country's worst.

California's once-vaunted freeway system is near the bottom of all state comparisons. California's Highway 99, which runs the length of the Central Valley, is one of the deadliest roads in America based on miles driven.

Over half the nation's homeless crowd the state's major cities. One-third of America's welfare recipients have flooded into the state. A fifth of the resident population lives below the poverty line. Well over a quarter of Golden State residents were not born in the United States.

California public school test scores consistently fall among the bottom 10 states. San Francisco has the highest per capita property crime rate in the country.

The recently recalled San Francisco District Attorney Chesa Boudin and his soon to be recalled Los Angeles counterpart George Gascón have nearly ruined their cities. Both are iconic of multibillionaire George Soros' nationwide efforts to undermine the entire criminal justice system.

State residents are not free to drive safely because of their decrepit freeways. They are not free from filthy and toxic sidewalks or dangerous physical assault in their major cities.

Public school children are not free to enjoy competitive educations. San Franciscans are not free to park their cars without fearing that they will be vandalized or stolen.

The destruction of these freedoms is in direct proportion to the confiscatory taxes that the state collects—the highest bracket of income and gasoline rates in the nation, among the highest sales taxes, and property taxes that soar due to inflated assessments in spite of a 1978 state constitutional amendment.

Currently, California faces brownouts due to the longstanding, deliberate curtailment of electrical generation plants.

Yosemite's historic redwood forest is currently threatened with what are now customary California summer conflagrations.

The destructive, dirty forest fires reflect a deliberate state policy of not gleaning the forests of dead trees, but rather letting the flammable debris serve as "natural" fodder for bugs and birds.

The state has not built a major reservoir in nearly 40 years.

In rarer wet years, millions of acre-feet of runoff and snowmelt simply cascade to the sea. Releasing such vital water apparently enhances 19th-century riparian landscapes—and discourages its own agribusiness.

Amid Newsom's anti-Florida ad campaign, the governor was vacationing at the upscale digs of his Montana in-laws—escorted by his ample state-paid security detail. That is odd, given Newsom's

California labels Montana a homophobic hellhole, and will not even reimburse state employees who dare to convention there.

Hypocrisy and elite virtue signaling, however, are now trademarks of California politicians—and illustrate how little elected officials care for the victims of their ideological agendas.

Newsom bragged about his tough California mask mandate although it did not lower COVID deaths per capita in any measurable degree than did the policies of the red states he so often trashes. He violated his own COVID mandates by dining at the upscale French Laundry restaurant and hanging out unmasked with Magic Johnson.

Newsom has done nothing to remedy his state's soaring gas prices, terrible schools and infrastructure, or spiking crime. But he did virtue signal about giving illegal aliens millions of state dollars in COVID relief.

Rather than develop California's rich gas and oil reserves, Newsom promised strapped motorists that he would send them a one-time fuel gift of \$400.

House Speaker Nancy Pelosi (D-Calif.), likewise, hectors Californians to mask and quarantine—all the better for her to sneak around unmasked at her hairdresser's, or to jet to the beaches of Tuscany.

Former senator and current Chinese government lobbyist Barbara Boxer retired to an estate in Rancho Mirage. Recent Governor Jerry Brown isolated himself on his 2,500 acres in Grass Valley—idyllic locations far away from the education, infrastructure, and urban disasters that exploded under their tenures.

So it is Orwellian for Newsom to brag about a “free” California that supposedly will entice Floridians or Texans. In truth, over the last decades hundreds of thousands of Californians and billions of dollars of wealth fled the now inert California for a far freer Florida and Texas, among other states.

By voting with their feet and bank accounts, California's expatriates considered these destinations far superior to their home state: safer, cheaper, better managed, *and freer*.

Newsom resembles a pathetic owner of a once successful, but now run-down, high-priced gas station without clients. In jealousy, he flails and screams at the newer, gleaming competitor across the street, with superior service, lower prices, and better value—and jam packed with his own former but now wiser customers.

*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*, [The Case for Trump](#) and the newly released [The Dying Citizen](#). This article first appeared in *AmericanGreatness and the Hoover Daily Report* on July 15, 2022.*

ADDENDUM I

Attachment #1

FY 2022-23, COMMUNITY BASED ORGANIZATION AND PREVENTATIVE HEALTH GRANTS					
Organization	Proposal	2021-22 Adopted	2022-23 Requested	2022-23 Recommended	
				PHG	CBO
Food Programs					
Atascadero Loaves & Fishes	Provides groceries to working poor in North County	26,000	33,200		30,000
Food Bank	Fresh produce program - Field to Family; secures fresh fruits and vegetables for distribution	100,000	100,000		100,000
Senior Nutrition Program (dba 'Meals That Connect')	Noontime Meals for Seniors	70,000	75,000		75,000
Senior Programs					
Community Action Partners of SLO County (CAPSLO)	Adult Day Service Centers- structured day program for people with memory loss, Alzheimer's or other frail conditions	35,000	35,000		35,000
Life Steps Foundation Inc.	Senior Homemaker Program: homemaker and personal care assistance to seniors 60 and over	5,000	5,000		5,000
Long Term Care Ombudsman Services	Provide care facility monitoring visits, complaint investigations & resolutions, information, referral services for patients of skilled nursing & residential care facilities for the elderly	23,000	25,000		25,000
SLO Legal Assistance Foundation	Senior Legal Services Project: free legal services to the senior population of the County	20,000	30,000		25,000
Senior Volunteer Services	RSVP (places senior volunteers in various County locations)	12,000	12,000		12,000
	Central Coast Community Volunteer Program	8,000	8,000		8,000
Wilshire Community Services	Senior Peer Counseling Program- provides counseling and supportive services to individuals over 60 who are experiencing emotional distress.	5,000	5,000		5,000
	Caring Callers Program- home visit program designed to stimulate, expand and enhance social activities of homebound seniors.	5,000	5,000		5,000
	Riso Family Loan Closet- provides short-term use of durable medical equipment for individuals	5,000	5,000		5,000
Alcohol/Drug Recovery Programs					
Cambria Connection	Facilitate and support activities enabling individuals/families to overcome addiction to alcohol & drug abuse economic misfortunes, aging	48,000	45,000		45,000
North County Connection	Development of a recovery team for the Center's operations	30,000	30,000	30,000	
SLO Syringe Exchange Program (North American Syringe Exchange Network)	San Luis Obispo Syringe Exchange and Overdose Prevention Program	12,000	12,000	12,000	
Housing/Homeless Programs					
5Cities Homeless Coalition	Provide case management and benefit enrollment	30,000	32,000		30,000
Access Support Network	San Luis Obispo County Hepatitis C Project Housing	25,000	25,000	25,000	
Access Support Network	San Luis Obispo County HIV/AIDS & HVC Stable Housing Program	10,000	25,000	15,000	
Affordable Housing Paso Robles	YouthWorks program designed to teach North County students job and leadership skills	4,600	6,000		6,000
El Camino Homeless Organization	Support the bilingual case manager, shelter coordinator, volunteer coordinator, and executive director positions, 24/7 expansion 90 day Program Atasc and Paso Robles	45,000	65,000		50,000
People's Self-Help Housing	Direct services for homeless who are transitioning to permanent affordable housing	25,000	45,000		30,000
Smart Share Housing Solutions, Inc.	Homeshare SLO/accessory dwelling unit pre-approved plans	5,000	13,500		10,000

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Organization	Proposal	2021-22 Adopted	2022-23 Requested	2022-23 Recommended	
				PHG	CBO
One Cool Earth	school garden program at 24 SLO underserved schools where student population is 50% low-income, 17% at risk of diet related disease, 52% non-white	12,000	20,000		12,000
Shower the People	Mobile showers for the homeless population of San Luis Obispo County program	15,000	20,000		19,118
SLO Co Bike Coalition (DBA Bike SLO County)	Ride Well program for low income, homeless and at-risk kids and adults by providing them with a commuter bike, safety education and equipment; mentor inmates at Honor Farm on repair of bicycles.	12,000	17,363	12,000	
SLO Co YMCA	Financial assistance for Out-Of-School programs; healthy eating and physical activity curriculum in YMCA after school sites	15,000	15,000	15,000	
SLO Noor Foundation	Free medical, eye and dental services for the uninsured; open a clinic in North County	183,940	220,000	52,000	133,000
Transitions-Mental Health Association	SLO Growing Grounds	20,000	20,000		20,000
	North County Wellness Center	18,000	18,000		18,000
	Central Coast HOTLINE	30,000	40,000		35,000
United Way	211 - 1) Call Center (core program); 2) extended after-hour call services	25,000	40,000		30,000
Central Coast Childbirth Network	to connect individuals with professional through the first year of parenting	0	53,500	0	0
Grizzly Youth Academy Foundation	ChalleNGe to ChaNge project to empower at-risk youth to live a healthier lifestyle	0	78,956	0	0
California Bike Coalition Education Fund (CalBike)	e-bike lending libraries throughout SLO County	0	25,000	0	0
The Community Foundation	undocumentment support fundraising and communications program to aid struggling immigrant families	0	26,730	0	0
Resilient Souls	Resilient Community Healing Center	0	30,000	0	0
RECEIVED FUNDS 2021-22; DID NOT SUBMIT FOR 2022-23					
Courtney's House (returned grant; program no longer being run)		8,000	0	0	0
Five Cities Meals on Wheels		10,000	0	0	0
Los Osos Cares		5,960	0	0	0
Boys and Girls Club of Mid Central Coast		5,000	0	0	0
Boys and Girls Club of South SLO County		20,000	0	0	0
Family Care Network		5,000	0	0	0
Five Cities Diversity Coalition		2,000	0	0	0
Lucia Mar Unified School District		35,000	0	0	0
Coast Unified School District		22,500	0	0	0
Pacific Wildlife Care		5,000	0	0	0
Partners in Equestrian Therapy		7,000	0	0	0
Project Surf Camp		2,500	0	0	0
SLO Children's Museum		3,000	0	0	0
SLO Museum of Art		2,000	0	0	0
Transitional Food and Shelter		25,000	0	0	0
Total		1,493,500	2,087,888	390,000	1,088,118

ADDENDUM II PLEASE SEE NEXT PAGE



Council Agenda Report

From: Ty Lewis, City Manager
Elizabeth Wagner Hull, City Attorney

Subject: Rescinding Resolution 16-141 Approving of an Agreement with the 16th District Agricultural Association for the Sale of a Portion of Pioneer Park Property

Date: July 19, 2022

Facts

1. Pioneer Park is owned and operated by the City. The total acreage of publicly owned park area is approximately 7 acres; the portion proposed for sale is 5.6 acres ("Property").
2. The 16th District Agricultural Association ("16th DAA") operates under the auspices of the California Department of Food and Agriculture, Division of Fairs and Expositions, for the primary purpose of producing the annual California Mid-State Fair (the "Fair").
3. The 16th DAA requested the City sell the Property to assist in achieving their then stated goals of expansion and reorientation of the grandstand arena and full demolition and remodel of the Paso Robles Pavilion (Livestock) buildings at the north end of the grounds. Acquisition of a portion of Pioneer Park would aid in achieving those goals by providing additional area for staging and operations that otherwise would have been required to fit within the remodel footprint.
4. The approximate 5.6 acre "eastern half" of Pioneer Park was appraised in August 2015 by Chris Smith & Associates. The appraisal, which was based on the assumption of non-restricted use (full market value), was \$1.42 million.
5. On December 15, 2015, the DAA Board unanimously approved the purchase of the Property on the terms and conditions contained in the Agreement. The Board did request a clarification of the terms of use of the ballfield.
6. Sometime following the 16th DAA Board action, 16th DAA submitted the matter to the State Department of General Services ("DGS") for processing and in April 2016 project was assigned a DGS Cruise site project number.
7. On November 15, 2016, following negotiations with the 16th DAA representatives, the City approved, by Resolution 16-141 (Attachment 1), a Purchase and Sale Agreement (the "Agreement") (Attachment 2) which, among other terms and conditions for the sale, provided for a purchase price of \$800,000 (approximately \$620,000 below market in 2016), and a grant deed which would explicitly restrict the future use of the property to those uses that are consistent with the Agricultural Association's mission and purpose. The deed was anticipated to include a reversionary clause in the event of a use change. Escrow was expected to take 120 days, and the Association was going to make an initial deposit into escrow of \$50,000, which would be applicable toward the Purchase Price. The 16th DAA Board endorsed these basic business terms but was reliant on DGS to provide its approval of the Agreement and terms.
8. In December 2017, Michael Bradley submitted a request to DGS to close escrow on December 22, 2017.
9. Between December 2017 and October 2019, DGS and Mr. Bradley, the Executive Director of the 16th DAA, exchanged various drafts of the Agreement. These drafts were not shared with City staff.
10. In December 2020, the City began requesting information from 16th DAA staff regarding the status of DGS approval of the Agreement. From December 2020 through 2022 the City made numerous requests to 16th DAA for contacts at DGS and for status updates in an effort to finalize and close the transaction.

11. On January 25, 2022, 16th DAA staff indicated that DGS had finished their review of the Agreement, that it had been provided to the state attorney and that the City would receive comments on the Agreement by the end of January.
12. City staff reached out to 16th DAA staff on multiple occasions in February and March to check on the status of the Agreement but did not receive a revised agreement from DGS.
13. On March 15, 2022, City Manager Lewis sent a letter to 16th DAA representatives indicating that while the City remains committed to finalizing the transaction, the transaction needed to close escrow by June 30, 2022 (Attachment 3).
14. On April 12, 2022, the City received a letter and a Property Acquisition Agreement from DGS (Attachment 4). The State drafted Property Acquisition Agreement had substantially different terms and conditions than the Agreement approved by the City in November 2016.
15. On May 9, 2022, the City sent a letter to DGS indicating that the new Property Acquisition Agreement was not representative of the deal agreed to by the City and the 16th DAA Board in 2016 (Attachment 5). The City was prepared to proceed with the deal and Agreement as originally agreed to by the 16th DAA Board and the City. The May 9 letter stated the Agreement should be signed by May 30, 2022, which would have allowed time for the transaction to close by June 30, 2022, as required by the City's March correspondence to the 16th DAA.
16. On June 13, 2022, the City received a detailed email from DGS identifying numerous issues and concerns with the Agreement and indicating that the transaction would need to be revised. (Attachment 6)
17. On June 25, 2022, the City responded to the June 13, 2022, DGS communication. The City letter indicating that based upon DGS's position it was clear the transaction could not proceed at this time. If the 16th DAA was prepared to proceed with the transaction as originally presented and close by June 30 the City was willing to proceed. However, in light of the extended delay in the review and approval of the Agreement and the issues highlighted by DGS, if the transaction did not close by June 30th the City was withdrawing its offer to sell the property to the 16th DAA effective July 1, 2022. The City letter also clarified that to ensure there was not a cloud on title to the Property, if the transaction did not close by June 30, 2022, the City would consider the recession of its previous approval of the Agreement at the July 19, 2022, City Council meeting.
18. The Agreement has not been signed by the 16th DAA or the appropriate State agencies and the transaction has not closed.

Options

1. Take no action.
2. Approve the Resolution 22-XXX, rescinding Resolution 16-141 approving the 2016 Purchase and Sale Agreement.
3. Provide staff with alternative direction.

Analysis and Conclusions

The City and the 16th DAA have been working cooperatively in an attempt to sell a portion of Pioneer Park to the 16th DAA since 2015. To conclude the transaction, it was necessary for the State to review the Agreement and facilitate certain approvals of the Agreement which had been negotiated by the City and representatives of the 16th DAA. On June 13, 2022, the City received an email from DGS indicating the Agreement could not be approved as anticipated by the City and the 16th DAA. DGS identified a number of non-substantive or administrative issues that needed to be addressed. DGS also identified a number of issues that, as a result of the five-plus year delay in approval of the Agreement by DGS, were now substantive. Each of these issues is addressed in the City's June 25, 2022 response (Attachment 6) but the substantive issues/revisions by DGS include:

- Modified Deal Terms. The Agreement was converted from the City's approved agreement to the State's preferred form. As part of that conversion a number of deal terms were modified. To proceed with the transaction using the State's form would require the City to rescind the November 2016 approval, hold additional noticed public hearings and reconsider the transaction.

- Non-existent Deed Restriction Language. The Agreement provided that a deed restriction would be recorded against the property to ensure that the property would be used in conformance with the 16th DAA's Mission/Vision/Values/Beliefs as stated in the Preamble of the 16th District Agricultural Association's Strategic Plan. It is DGS's position that this language needed to be negotiated prior to approval of the Agreement. The City disagrees with this position but, as that did not occur, DGS has indicated that the Agreement cannot be approved by the State.
- Termination Interest and Gift of Public Resources. DGS objects to the proposed Termination Interest in the property that was negotiated by the parties to the transaction. The 16th DAA and the City had agreed that if the property was not used for specific purposes the property would revert to City at City's option. The Agreement provides that if the City exercised this option, City would pay the 16th DAA the current sales price of the property, i.e., \$800,000, plus the depreciated market value of any improvements constructed by the 16th DAA. DGS asserts that the City retaking the property at the price paid by the 16th DAA would violate the State Constitution as a gift of public funds. The City disagrees with this assertion. However, the City acknowledged that DGS has raised a legitimate concern regarding proceeding with the transaction without a current appraisal of the Property. The City was willing to convey the Property to the 16th DAA six years ago for \$800,000, which was \$620,000 below market value at the time. City made specific findings that the below market sales prices was not a gift of public funds and appropriate based upon the potential benefit to the community from the anticipated improvements to the Property. However, based upon current market values, the City will need to re-evaluate the sales price before proceeding with any transaction to dispose of the Property to ensure the City does not violate the Constitutional provision highlighted by DGS.
- Baseball Diamond Leaseback Agreement. The Agreement also proposed a leaseback agreement from the 16th DAA to the City for the baseball diamond. This lease agreement was not attached to the Agreement. The Agreement called for the lease to be developed prior to the close of escrow. DGS has indicated that the lease agreement should have been developed prior to the approval of the Agreement.
- Indemnification Language. The Agreement provided for the 16th DAA to indemnify the City against certain claims and liabilities associated with the transaction. DGS has rejected the indemnity language in the Agreement. The indemnity is a substantive term to the City and was negotiated between the parties. The City is not prepared to proceed without an indemnification provision which protects the City and its taxpayers.
- Consideration of Surplus Land Act ("SLA"). DGS has pointed out that 3-years after the City's approval of the Agreement there was a change in the SLA. Government Code Section 54234 provides that if a property is the subject of a binding agreement prior to the change in law and that transaction closes before December 31, 2022, then that transaction could proceed without concern for the new law. Had the State approved the Agreement allowing the 16th DAA and other appropriate State agencies to execute the Agreement between 2016 and 2019, the change in the SLA would not apply to the sale of the Property. The City agrees the new provisions of the SLA do apply to the Property and prior to proceeding with any transaction for the sale of the Property City will need to comply with the SLA. To do so the City must either declare the property "surplus" and make it available to affordable housing developers and others as required by the SLA or declare it "exempt surplus" if the future proposed transaction falls within one of the enumerated exemptions to the SLA. The SLA expressly requires the City to take an action declaring a property "surplus" or "exempt surplus" prior to entering into negotiations to dispose of a property. Consequently, under the SLA the City should rescind the previous approval and comply with the SLA, as suggested by DGS, before proceeding with any transaction.

Based upon the extended delay in the review and approval of the Agreement and the issues highlighted above the transaction authorized by Resolution 16- 141 cannot proceed. Having an approved transaction for the sale of land that cannot proceed creates a cloud on the title of the land and will prevent the City or a future buyer from being able to insure the title thus diminishing the value of the Property. As DGS has clearly indicated the State will not approve the deal as negotiated by the City and the 16th DAA the action contemplated in Resolution 16-141 cannot be completed.

Option 1: No action would leave the existing Resolution 16-141 in effect creating a cloud on title and making it difficult for the City to proceed with any transaction related to the Property.

Option 2: Rescinding the previously approved Resolution will clear any cloud from title and allow the City to consider any future transaction for the property, including compliance with the SLA which has been modified since the City's original approval of the transaction. The SLA now requires the City to declare the property either "surplus" or "exempt surplus," as those terms are defined in the SLA, before negotiating a transaction to dispose of property.

Option 3: The Council can provide additional or alternative direction to staff.

Fiscal Impact

Had the transaction from the Agreement closed the City would have received \$800,000 for the General Fund. If the City is still interested in disposing of the Property, the City can now have the property appraised and negotiate a transaction for sale or lease of the Property at fair market value.

If the City proceeds with the transaction without complying with the SLA the California Department of Housing and Community Development may impose a penalty upon the City equal to 30% of the sales price of the Property (\$240,000 based upon the 2016 sales price).

Recommendation

Approve Resolution 22-XXX rescinding Resolution 16-141 which authorized the City Manager to enter into a Purchase and Sale Agreement with the 16th District Agricultural Association for the sale of a portion of Pioneer Park.

Attachments

1. Resolution 16-141 approving the Purchase and Sale Agreement and authorizing its execution
2. Purchase and Sale Agreement with the 16th District Agricultural Association
3. March 15, 2022 City Letter to 16th DAA
4. April 12, 2022 Letter and new agreement from the Department of General Services
5. May 9, 2022 City Letter to Department of General Services.
6. June 13, 2022 email from Mr. Butler, Department of General Services
7. June 25, 2022 Letter from the City to Mr. Butler, Department of General Services
8. Resolution 22-XXX rescinding Resolution 16-141



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