COLAB San Luis Obispo County

The Coalition of Labor Agriculture and Business

WEEKLY UPDATE
MAY 15 - 21, 2022

THIS WEEK - HEAVY POLICY

BOARD OF SUPERVISORS BUSY AGENDA

GROWTH MANAGEMENT LIMITS FOR NIPOMO SET HEARING FOR JUNE 7TH

REPEAL OF HOUSING IN LIEU TAX SET FOR JUNE 7TH

MORE FEDERAL RESCUE PLAN SLUSH MONEY

STELLAR JOB ON PUBLIC DEFENDER CONTRACTS BY CAO'S OFFICE

$400K REACH ECON DEVELOPMENT GRANT

FY 2021-22 FINANCIAL AUDIT AND REPORT

3RD QUARTER FY 2021-22 FINANCIAL REPORT

INTRODUCTION OF FY 2022-23 ANNUAL BUDGET
$961.7 MILLION ALL IN – WHEN DEPENDENT DISTRICTS COUNTED
COUNTY SOON TO JOIN THE BILLION DOLLAR CLUB

COUNTY CHARTER CONSIDERATION - MORE LOCAL CONTROL
STOP GOVERNORS FROM FILLING SUPERVISOR VACANCIES

LARGE APCD FEE INCREASES PROPOSED
FROM 6% TO 14.7% ACROSS THE BOARD

LAFCO AGENDA LITE

LAST WEEK - BAD POLICY

NO BOS MEETING

DYING OF THIRST IN THE DARK IN CALIFIORNIA

CENTRAL COAST ENERGY AUTHORITY IN TROUBLE
8 OF THEIR 15 ENERGY "SUPPLIERS" ABROGATING ON CONTRACTS - COUNTY BOS CONSERVATIVES LOOK SMARTER THAN EVER FOR AVOIDING RUSH TO CCE

CALIFORNIA COASTAL COMMISSION UNANIMOUSLY KILLS MAJOR DESALINATION PLANT

INTEGRATED WASTE MANAGEMENT AUTHORITY
PRELIMINARY PROPOSED FY 2022-23 BUDGET
YOU WILL PAY MORE TO RECYLCE YOUR WET GARBAGE

EMERGENT ISSUES

COVID LOW HERE - LEFT EVER HOPEFUL FOR A CRISIS

APCD REALLY GETS SUED HARD THIS TIME

THE WEEKLY UPDATE WILL NOT PUBLISH FOR THE WEEK OF MAY 22 - 28TH

COLAB IN DEPTH

SEE PAGE 32

A MESSY NECESSITY

President Biden's $6 billion nuclear bailout aims to patch up an industry damaged by bad energy policies.

BY JAMES B. MEIGS

CALIFORNIA PREPARES FOR ENERGY SHORTFALLS IN HOT, DRY SUMMER

California likely will have an energy shortfall equivalent to what it takes to power about 1.3 million homes.

BY KATHLEEN RONAYNE

THE EXASPERATED AMERICAN

Will the voters channel their furor at this regime of lies into an unprecedented turnout at the polls in November?

BY VICTOR DAVIS HANSON

THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

Board of Supervisors Meeting of Tuesday, May 17, 2022 (Scheduled)

Item 2 - Request to 1) introduce the attached amendments to the Growth Management Ordinance, Title 26 of the County Code to extend the 1.8% growth rate for the Nipomo Mesa area for Fiscal Year 2021-22; and 2) authorize the use of Alternative Publication Procedures for amendments to the Growth Management Ordinance, Title 26 of the County Code. Exempt from CEQA. Hearing date set for June 7, 2022. This item sets the actual hearing for June 7, 2022. The action, required by law, is designed to restrict growth in Nipomo to a low rate.

It is one tool in the County's home rationing policy, which in turn is a sub-part of it's so called "smart growth policy." Lack of water and traffic infrastructure is cited as the main barriers to development in the area.

The housing industry, advocates for poor people, building suppliers, and young people should appear on June 7th and challenge the policy.

Item 3 - Request to introduce the attached ordinances: 1) repealing the County's Inclusionary Housing Ordinance (Sections 22.12.040 and 23.04.096 of the County Code); and 2) amending the County's Affordable Housing Fund (Title 29 of the County Code) to eliminate the collection of Inclusionary Housing In Lieu and Housing Impact fees. Exempt from CEQA. Hearing date set for June 7, 2022. (EARLY WARNING). Approval of the ordinance revision would abolish the In Lieu Housing fee, which is actually a tax on market rate housing. During the March 15, 2022 Board meeting to review the actual impact of the tax, the Board majority determined to abolish it. Accordingly, staff has agendized the hearing on June 7th.

This will be a controversial item with Supervisor Bruce Gibson blaming the Board majority for being anti-housing, when in fact the so-called in-lieu fee is exemplary of the catastrophe created by the current regulatory environment. The regulations kill housing. In turn, the left throws tax money and fees at the problem. It's like driving a car with one foot on the gas and one on the breaks. It eventually wrecks the car.

MARK YOUR CALENDAR FOR JUNE 7th: The housing industry, contractors, chambers of commerce, realtors, and those who support a free market and less regulation should show up to support repealing the tax. During the week leading up to June 7th, we will try to estimate the approximate time when the item will be heard.

Background:

The title of this item is camouflaged as a Report on the County's Inclusionary Housing Ordinance. The so-called fee is in actuality a tax, which has been deceptively packaged as a "fee."

Brief History: Decades ago, the State adopted enabling legislation that allows cities and counties to require that developers include a percentage of affordable housing within their new projects. Only148 jurisdictions (out of 58 counties and 450 cities in the state) have adopted the provision. San Luis Obispo County is one of those entities and adopted its ordinance in 2008. San Luis Obispo County typically requires that a new subdivision of 100 homes provide "20" affordable homes. Obviously, projects that are already 100% affordable (usually government-funded not-for-profit projects) are exempted. Thus, it is the market-priced homes that are taxed. Commercial projects are also subject to the tax, posing as a fee on a per square foot basis.

It is ironic and patently stupid that government has determined to tax the very thing that is in short supply, in order to provide more of it.

Over the years, various jurisdictions learned that this compulsory mixing of housing types did not work well from a marketing or social interaction standpoint. For example, there are huge fights in homeowner associations (HOAs) about common uses. For example, do the people in the affordable units get to use the pool? From the developers' standpoint, it is difficult to market the non-affordable units in a subdivision or complex that contains less stylish and less fancy affordable units. Market buyers are leery of buying into a social engineering scheme.

The most affluent and wealthy communities avoid the program. For example, Montecito has regularly rejected becoming a separate incorporated city in an effort to avoid various State-mandated and permitted affordable housing requirements. Why would Prince Harry, Oprah, Ellen DeGeneres, and Rick Caruso want the County to plop a complex full of schoolteachers and Toyota owners in the middle of Upper Village next to the trendy restaurants, boutiques, and Bentleys?

Eventually, the State amended the enabling statute to allow developers to pay a "fee," in reality a tax, instead of building the actual units. This is the so-called "housing in lieu" fee. SLO uses it to assist "affordable" projects in the cities and Templeton.

The Bottom Line: The bottom line is that over the decades the process of developing residential and commercial property has become so overregulated and expensive that developers cannot afford to produce affordable housing and prefer to develop larger, more expensive units. In turn, the State Legislature has made things worse by enabling cities and counties to require that developers include a stipulated number of affordable units in their projects or pay an "in lieu fee," which is really a tax on development. The dollars generated from the "in lieu fee" are accumulated and then given to non-profit housing developers to help finance their affordable projects. This is really a government blackmail program to force homebuilders to charge more for their market units in order to bail out the politicians' failed public policy.

In 2019 the Board updated the ordinance to exclude homes with less than 2200 square feet and substantially raise the so-called fees for market and custom homes. In exchange, Supervisor Gibson agreed to let the Board majority direct staff to conduct an extensive analysis of alternative methods to help affordable housing. During the first phase of the project, staff generated a list of potential programs from which the Board selected some strategies for further feasibility study. A Project Manager, who has since left the County, was assigned to lead the project. The project was abandoned when COVID 19 arrived, and staff members were shifted to other duties.

Screwed Again: As a result, Gibson got higher fees established, but the promised project to find other better solutions never took place.

The Board revised the Inclusionary Housing Ordinance on March 12, 2019. The most significant changes to the fee structure included applying the fee to all new dwellings over 2,200 square feet in size (previously the fee only applied to subdivisions) and replacing the flat rate fee ($1.50 per square-foot) with a tiered rate structure based on square footage (with a maximum overall rate of $7 per square-foot). As an example, a new 3,000 square-foot house would pay $8,400 in in-lieu revenues under the tiered rate structure. The Board also included Section 29.05.050, as described above, which requires the County to hold a hearing in three years and repeal the Inclusionary Housing Ordinance if broad based funding options have been successfully established

Current Status: This Board item clearly demonstrates the failure of the program. Per the table below, the County collected only $1.5 million over 4 years.

Table: In-lieu Fee Revenues (FY 17-18 through FY 20-21)

Fiscal Year	In-lieu Fee Revenues – Residential	Impact Fee Revenues – Commercial	In-lieu Fee Revenues - Total
FY 17-18	$36,419	$94,542	$130,961
FY 18-19	$77,778	$143,159	$220,937
FY 19-20	***$313,060***	***$19,496***	***$332,556***
FY 20-21	***$723,197***	***$93,038***	***$816,235***

Since 2019, the County allocated $1,167,000 in in-lieu and impact fee funds to non-profit builders to construct 222 new affordable housing units in 8 new developments, with a total development cost of $118-M. See Table 2, below.

These funds were than distributed per the very misleading and incomplete table below:

Table: Projects Funded with In-lieu and Impact Fee Revenues (2019 – 2021)

Year	Project	In-lieu and Impact Fee Award	Units
2019 and 2020	Templeton Place II	$151,261	36
2019	Brisco Rd. Affordable Housing	$184,294	8
2019	Longbranch Transitional Housing	$119,000	6
2020	Nipomo Senior 40	$59,032	40
2020 and 2021	Pismo Terrace	$229,969	50
2021	Toscano Family Apartments	$142,396	38
2021	Morro Bay Family Apartments	$7,216	35
2021	Vine Street Affordable Housing	$185,221	9

The table hides the truth in that the total cost of the listed projects is not displayed. Thus, laypeople and even officials might think that the projects were constructed for the costs listed. These were actually funded by Federal and State programs and cost tens of millions of dollars. The County contribution to the funding packages is miniscule in caparison the real costs.

Item 6 - Request to: 1) Approve funding allocations from the American Rescue Plan Act of 2021 (ARPA) category of business technical assistance, workforce development, and job training in the amount of $2,430,000 in grants to outside organizations and $50,000 in supplemental funding for the ARPA COVID-19 Small Business Grant Program; 2) Authorize the County Administrative Officer or his designee to execute the grant agreements; and 3) Approve the corresponding budget adjustment in the amount of $2,480,000 for Fund Center – 104 – Administrative Office by 4/5 vote as outlined in the recommendation. The Board is being requested to approve 4 grants funded by the Federal ARPA program (part of the $1.9 trillion in new Federal inflationary debt) as part of the County's $55 million allocation. Of the total, the staff proposes that $6 million be used to help businesses recover from the State and County mandated COVID lockdowns.

Details on the next page:

Attachment 1: Summary of recommended projects for funding

Applicant(s)	Recommended funding amount	Project summary	Expected results
San Luis Obispo County Office of Education and SLO Partners	$750,000 ($250,000/year for 3 years)	SLO Partners will expand proven programs to meet employment needs of SLO companies by upskilling under- and unemployed residents impacted by COVID-19. ARPA funds will be used to support SLO Partners' mission of building a strong workforce and a healthy economy through innovative modern apprenticeship programs. ARPA funding would be targeted at marketing to attract more candidates, scholarships, and coordinated support structures to support more of those candidates entering and completing training programs.	ARPA funding would build upon SLOCOE's current annual contribution of $400K and is expected to result in a doubling of the number of participants and economic impact through 2024. In 2021, 152 residents were upskilled and reskilled through SLO Partners bootcamps with an average salary increase of $11,000 or 32%. With ARPA funding, SLO Partners intends on an annual basis to offer 11 boot camps in 5 technical areas, projecting employment of 68 people with a total wage increase of $620,000.
Atascadero and Paso Robles Chambers of Commerce	$197,500 ($98,750/year for 2 years)	The Atascadero and Paso Robles Chambers of Commerce are partnering to offer digital marketing and social media services to help small businesses in a post-pandemic economy. Customers seek businesses who make it easy for them to order, schedule, reserve, and make purchases online. However, many businesses are unsure how to accomplish this. The Chambers are requesting grant funding for a Program Specialist to offer hands-on digital literacy training and services.	ARPA funding would be supplemented by administrative costs covered by the chambers for project administration and marketing/outreach. Expected outcomes: 1. 200 small businesses get online and/or include enhanced websites with e-commerce tools. 200 websites. 2. Improved small business economic output due to increased sales. Amount of increased sales. 3. Business owners and employees are provided digital literacy instruction to maintain their web and social media platforms. Skills are transferrable to future jobs/companies. Number of employees trained. 4. A legacy program for future businesses to reference when creating a web presence.
South County Chambers of Commerce	$250,000	SCCC will provide Business Technical Assistance, Workforce Development, and Job Training at "Launchpads" in Arroyo Grande, Grover Beach, and Nipomo in partnership with SLO County, Cities, Cal Poly CIE, SBDC, and SLO Partners. "Launchpads" will feature coworking spaces, conference rooms, and targeted support to businesses negatively impacted by the pandemic.	The cost of the initial projects would be funded by this ARPA grant, but the ongoing expenses will be paid by the respective municipality and/or the local Chamber. These properties will continue to provide training/resources for local business helping them to be successful and determine their strategy after the COVID-19. The Grover Beach location will provide workspaces for 50+ individuals annually, Nipomo will allow for workspaces for 20 people and all three facilities will provide a meeting room for a larger number to meet. In Arroyo Grande, there will be a common meeting area that will allow for the meeting of 16-20 people per meeting.
Cal Poly Corporation & Cal Poly Center for Innovation and Entrepreneurship (CIE)	$1,232,500	The Cal Poly CIE will launch three Outreach Centers to provide technical assistance, business planning, counseling, and job training to small businesses County-wide. It will create specialized incubator programs at each location: AgTech in Paso Robles, Aerospace in Grover Beach, CleanTech in Morro Bay, and MedTech in San Luis Obispo.	Cal Poly/CIE projects that once it becomes self-sustaining after 2024, it will continue to scale and expand. As a result of ARPA funding, the launch of the programs will generate significant outcomes for the County; by 2030, Cal Poly/CIE estimates it will have supported more than 23,000 jobs, including the creation of 1,500+ new head of household jobs, based on the launch of 200+ local tech startups and the attraction of 60+ out-of-county scaling high-growth startups.

Where will the people in the new jobs live?

(ARPA) Non-Profit grants; 2) Delegate authority to the County Administrative Officer and/or Assistant County Administrative Office to execute the grant agreements; 3) Direct that $654,000 in ARPA Housing and Homeless funding for the County's homeless efforts; and 4) Authorize the corresponding budget adjustment in the amount of $3,654,000 from ARPA revenue and appropriations to FC 104 – Administrative Office, by 4/5 vote. The staff recommends almost $3.7 million of ARPA funding for various not-for-profit homeless programs, including $654,000 for its overall administration of its proposed consolidated homeless remediation strategy.

The ARPA funding is a onetime Federal grant. How will the County deal with the not-for-profits that expand or create new programs when the funding runs out? What is the disengagement plan? Will it all result in being backed into the General Fund in a few years at the expense of public safety and infrastructure, such as roads? The not-for-profit Boards of Directors will be hanging around the Supervisors' necks like hungry Pythons.

FY 2022-24, NON-PROFIT ARPA

Organization	Proposal (short version)	2022-23 Requested	RECOMMENDATION
HOMELESS-HOUSING PROJECTS			
County of SLO Homeless Efforts	Per homeless strategy presented to BOS on April 19, 2022	0	654,000
5 Cities Homeless Coalition	temporary emergency shelter for medically fragile and chronically homeless in So County	682,602	650,000
Community Action Partnership of SLO County	Homeless outreach and engagement provides a safe place to park vehicles	854,605	850,000
El Camino Homeless Organization	funds to continue operations for the new ECHO Paso Robles shelter	900,000	700,000
Food Bank	support the purchase of food on the wholesale market to supplement donations	300,000	250,000
People's Self Help Housing	supportive housing program	453,524	350,000
Restorative Partners	The Bridge Café (located in County Gov't Center); training and workforce development (homeless prevention)	397,482	50,000
Transition-Mental Health Association	Palm Street Studios: 8-unit housing project for adults living with mental illness who are homeless or at reach of homelessness	150,000	150,000
			3,654,000

What happens in FY 2023-24 when the 1-time money runs out?

Item 11 - Request to: 1) award a four (4)-year contract to SLO Conflict Public Defenders LLP, in the amount of $855,362 for the first year, FY 2022-23, as well as other negotiated compensation as outlined in the attached contract for the provision of services as the contracted County First Level Conflict Public Defender; 2) award a four (4)-year contract to Fisher Law Office, in the amount of $370,000 for the first year, FY 2022-23, as well as other negotiated compensation as outlined in the attached contract for the provision of services as the contracted County Second Level Conflict Public Defender; 3) award a four (4)-year contract to Law Office of Adams & Lucero, Inc., A Professional Law Corporation, in the amount of $455,152 for the first year, FY 2022-

23, as well as other negotiated compensation as outlined in the attached contract for the provision of services as the contracted County Mentally Disordered Offender Public Defender; and 4) authorize the County Administrative Officer to execute two (2) additional two (2)-year extended terms to each contract. The County Administrative Office has done a truly professional and comprehensive job on the Public Defender contracts. For decades the contract was rolled over every 4 years without a bid and with no substantive review by staff or the Board. The current Board majority directed staff to cease this practice, and the current CAO and his staff have produced a clear, accountable, and fair set of contracts that will serve the community very well.

It has not only covered the basic service, but detailed separate portions for general first level defense as well as various specialty defenses. The write-up States in part:

1. Award the July 1, 2022 through June 30, 2026, contract to SLO Conflict Public Defenders LLP, for the provision of services as the contracted County First Level Conflict Public Defender (Attachments 1 and 2);

2. Award the July 1, 2022 through June 30, 2026, contract to Fisher Law Office, for the provision of services as the contracted County Second Level Conflict Public Defender (Attachments 3 and 4);

3. Award the July 1, 2022 through June 30, 2026, contract to Law Office of Adams & Lucero, Inc., A Professional Law Corporation, for the provision of services as the contracted County Mentally Disordered Offender Public Defender (Attachments 5 and 6); and

4. Authorize the County Administrative Officer to execute two (2) additional two (2)-year extended terms to A) the contract with SLO Conflict Public Defenders LLP, B) the contract with Fisher Law Office, and C) the contract with the Law Office of Adams & Lucero, Inc., A Professional Law Corporation.

Table 1. Estimated Contract Costs by Contract and by Fiscal Year Forecasted with an Average CPI

Fiscal Year	FLCPD Estimated Costs*	SLCPD Estimated Costs*	MDO Estimated Costs**	Average CPI
FY 2022-23	$887,372	$394,900	$515,852	*3.6%*
FY 2023-24	$918,983	$408,976	$532,766	*3.6%*
FY 2024-25	$951,731	$423,559	$550,290	*3.6%*
FY 2025-26	$985,659	$438,666	$568,445	*3.6%*
Total Estimated Four (4)-Year Initial Term Cost	**$3,743,745**	**$1,666,101**	**$2,167,353**	
FY 2026-27	$1,020,808	$454,318	$587,253	*3.6%*
FY 2027-28	$1,057,222	$470,533	$606,738	*3.6%*
Total Estimated Two (2)-Year Extended Term #1 Cost	**$2,078,030**	**$924,851**	**$1,193,990**	
FY 2028-29	$1,094,947	$487,332	$626,924	*3.6%*
FY 2029-30	$1,134,030	$504,735	$647,837	*3.6%*
Total Estimated Two (2)-Year Extended Term #2 Cost	**$2,228,978**	**$992,067**	**$1,274,762**	
Maximum (see notes * and ** below) Total Expenditure Authorized by the Contract	**$8,050,752**	**$3,583,020**	**$4,636,105**	

**Does not include Capital Cases, Service of Process Fees, Routine Discovery, Transcripts, Translators, Out Of County Cases, Cases Ongoing at Time of Termination*
***Does not include Service of Process Fees, Routine Discovery, Transcripts, Translators*

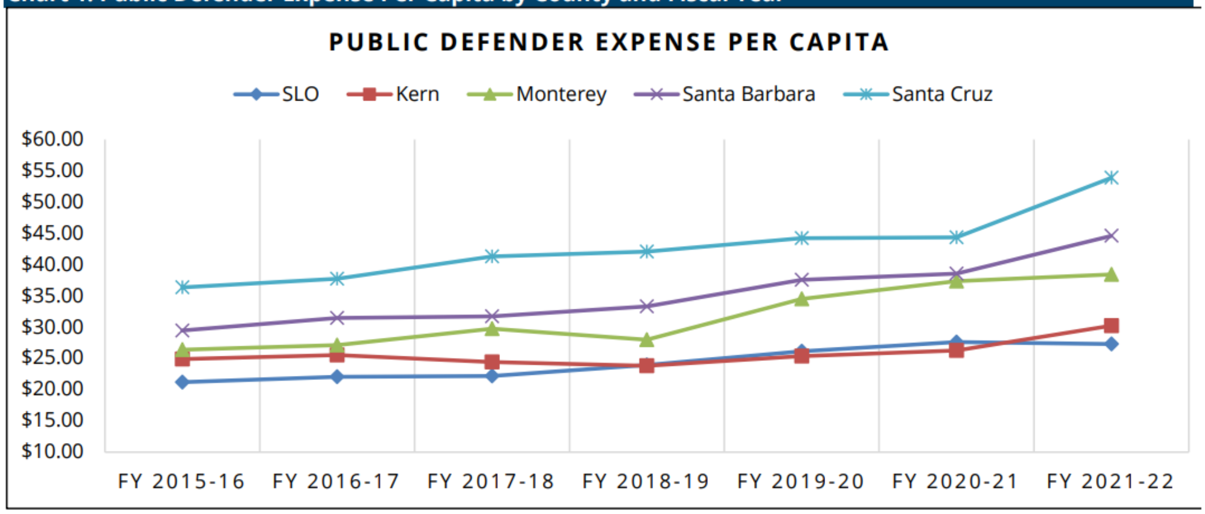
The Board letter also points out that the County is controlling costs:

Measured on a per capita basis, with the exception of the County of Kern in FYs 2018-21, the County of San Luis Obispo's total cost for Public Defender services has been lower than comparable counties *in every year since at least FY 2015-16, averaging about $24, and is 35% lower than the FY 2021-22 average per capita cost of comparable counties. The recommended contracts increase the per capita cost of total Public Defender services compared to Page 16 of 17 FY 2021-22 by $0.27 or 1%*

Table 5. Public Defender Expense Per Capita by County and Fiscal Year

County	Actual 15-16	Actual 16-17	Actual 17-18	Actual 18-19	Actual 19-20	Actual/ Estimate 20-21	Adopted/ Recommended 21-22	Average
San Luis Obispo	$21.20	$22.05	$22.16	$23.92	$26.15	$27.61	$27.29	$24.34
Kern	$24.88	$25.51	$24.43	$23.81	$25.38	$26.27	$30.23	$25.79
Monterey	$26.38	$27.13	$29.75	$27.96	$34.50	$37.36	$38.42	$31.65
Santa Barbara	$29.46	$31.48	$31.74	$33.29	$37.58	$38.57	$44.59	$35.24
Santa Cruz	$36.35	$37.76	$41.31	$42.06	$44.21	$44.34	$53.88	$42.85

Chart 1. Public Defender Expense Per Capita by County and Fiscal Year



The more leftist the County, the higher the cost. This item is an example of how privatization of government services can work very well. To see a top-notch Board letter, go to link below and double click.

[142200 (ca.gov)]

It may take a little time to open, as it is substantial.

Item 12 - Request to: 1) approve a grant agreement with REACH in the amount of $400,000 for economic development activities in support of the County from May 1, 2022 through June 30, 2023; and 2) grant the County Administrative Officer of the County of San Luis Obispo the authority to extend the Agreement up to 90 days. The County contracts with the not-for-profit REACH for its primary economic development program. The $400,000 appropriation was approved as part of the adoption of the FY 2021-22 County Budget. This action provides execution of the contract and scope of work (tasks which REACH will perform) from now until June 30, 2023.

The write-up states that every dollar that the County contributes REACH raises another $5 dollars for its activities. We were unable of find REACH's annual FY 2021-22 Budget or Annual FY 20-21

Financial Report online or on its website. It is therefore not known how the County staff has determined the leverage ratio.

REACH has focused on economic development related to space activity at Vandenberg Air Force Base and the reuse of the Diablo Plant site after the reactors and other facilities are demolished. New this year is a project to ascertain if development of seaport facilities that could support proposed offshore wind energy can be located in the County.

METRICS WE WILL USE TO TRACK SUCCESS

+ Year-over-year job growth by industry

+ Year-over-year salary growth by industry

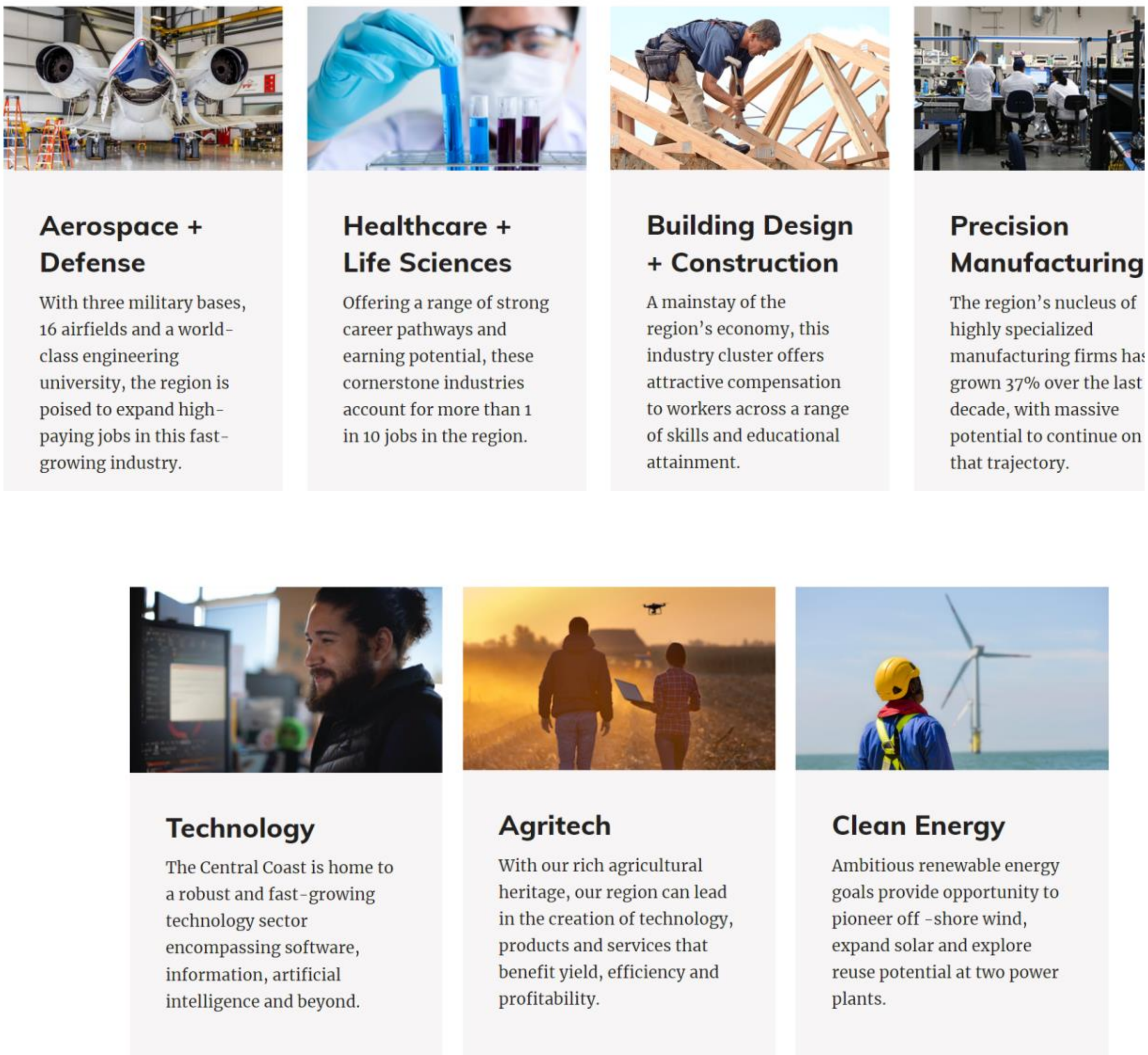
+ Increase in number of companies within industry sectors doing business on the Central Coast

+ Dollars invested in industry-specific infrastructure

+ Venture capital funding of regional start-ups/scale-ups

The REACH website indicates that its key performance measures include those in the box to the right. The Board should request that baseline numbers be included in the contract scope of services in order to ascertain the progress over time. The Board requires performance data for all of its homeless, mental health, and social services contracts. Why not this one?

The subject industries are depicted in the REACH graphic below:



County of San Luis Obispo
Principal Employers
Current Year and Ten Years Ago
(UNAUDITED)

	2021			2012		
Employer	Number of Employees	Rank	Percentage of Total County Employment	Number of Employees	Rank	Percentage of Total County Employment
County of San Luis Obispo*	2,807	1	2.14%	2,601	1	2.01%
Atascadero State Hospital	2,300	2	1.75%	2,200	3	1.70%
California Men's Colony	2,000	3	1.53%	1,768	4	1.36%
Cal Poly State University, SLO	1,912	4	1.46%	2,426	2	1.87%
Pacific Gas and Electric Company	1,700	5	1.30%	1,719	5	1.33%
Tenet Healthcare	1,312	6	1.00%	1,409	6	1.09%
Lucia Mar Unified School District	1,070	7	0.82%	1,100	7	0.85%
Community Action Partnership of San Luis Obispo County	942	8	0.72%	-	-	-
Paso Robles Public Schools	935	9	0.71%	831	9	0.64%
Cuesta College	854	10	0.65%	-	-	-
San Luis Coastal Unified School District	-	-	-	828	10	0.64%
King Ventures	-	-	-	850	8	0.66%
Total Employment Labor Force	131,100			129,700		

Sources:
Pacific Coast Business Times
State of California Employment Development Department
2011-12 San Luis Obispo County Annual Comprehensive Financial Report
2020-21 County Budget Report*

Over the past decade the total work force has increased by only 1,400.

Item 15 - Submittal of the County of San Luis Obispo's audited Annual Comprehensive Financial Report, Gann Appropriation Limit Audit Report, Agreed-Upon Procedures Report for the Los Osos Landfill Financial Means Test Certification, Transportation Development Act Funds Non-Transit Purposes Audit Report, the Statement on Auditing Standards 114 Communications Letter, and the Passenger Facility Charges Report for the Fiscal Year Ended June 30, 2021. The good news is that the County received an unmodified opinion, which means that in so far as the auditors could tell, the books are in order and the finances are as reported by staff below:

The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. The independent auditor concluded, based upon the audit, that there was a reasonable basis for rendering an ***unmodified opinion*** *that the County's financial statements for the fiscal year ended June 30, 2021, are fairly presented and in conformity with GAAP. The independent auditor's report is presented as the first component of the financial section of this report.*

The actual Auditors opinion states in part:
In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the County, as of June 30, 2021, and the respective changes in financial position, and where applicable, cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America

There are many useful tables within the report detailing ten-year histories of taxes, assessed valuation, bonded debt, pension debt, number of employees and other insights into the County's operations and finances. The full Report can be accessed at the link:

FY 2020-21 Annual Comprehensive Financial Report (ca.gov)

It's a 210-page report and will take 15 seconds or so to open.

Item 37 - Submittal of the FY 2021-22 Third Quarter Financial Status Report and request to 1) approve various financial actions as detailed in Section 4 of Attachment 1 - FY 2021-22 Third Quarter Financial Report (one or more actions require 4/5 votes. The report indicates that the County will end the FY 2021-22 Fiscal Year in balance and in fact generate a General Fund Balance of $37.5 million.

In preparation of the FY 2022-23 Recommended Budget, the Auditor-Controller-Treasurer-Tax Collector's Office projected that the County's General Fund would have a Fund Balance Available (FBA) of $37.5 million at year-end, which is included as a funding source for the FY 2022-23 Recommended Budget.
Administrator's Office (ACTTCPA) is forecasting a countywide total of $9.3 million in unbudgeted negotiated salary and benefit costs. This accounts only for negotiated salary and benefit costs which went into effect by March 31, 2022 (i.e. does not include increases for SDSA employees approved by the Board on May 3, 2022).

As stated above, Section 3 of the attached report (Attachment 1) includes a listing of all personnel changes approved by the Board of Supervisors during the third quarter. As of the end of the third quarter, there have been 137.50 FTE additions and 61.25 FTE deletions to the PAL, a net increase of 76.25 FTE positions. It is estimated that these position changes have an increased budgetary impact of $5,575,691 for FY 2021-22 and $9,027,731 moving into FY 2022-23. It is estimated that these position changes have an increased General Fund support impact of $679,419 for FY 2021-22 and $1,521,495 for FY 2022-23.

County of San Luis Obispo
Full Time Equivalent County Government Employees by Function
Last Ten Fiscal Years
(UNAUDITED)

Function/Program	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18*	2018-19*	2019-20*	2020-21*
General Government	437.50	438.25	430.75	436.75	440.50	430.75	437.50	441.00	455.25	458.00
Public Protection	808.25	812.00	817.25	832.25	848.25	867.00	909.50	912.00	899.75	904.25
Public Ways and Facilities	193.75	193.75	188.75	190.75	207.75	234.75	237.75	246.75	247.75	248.75
Health and Sanitation	430.50	445.25	464.00	485.25	505.50	556.00	536.50	530.00	531.00	530.00
Public Assistance	425.75	428.00	478.00	500.75	524.00	524.00	523.00	522.00	523.50	526.75
Education	77.50	75.50	75.50	75.50	77.50	78.00	77.75	78.00	78.25	78.50
Recreation and Cultural Services	52.00	52.00	55.00	59.00	60.00	61.00	61.00	61.00	61.00	61.00
Total	2,425.25	2,444.75	2,509.25	2,580.25	2,663.50	2,751.50	2,783.00	2,790.75	2,796.50	2,807.25

Source: County Budget Report

Notes:
2012-2017 Position allocation figures were calculated at the time of budget preparation for the following year.
* Position allocation figures are calculated based on the adopted budgets.
Figures include limited-term but do not include part-time or contract positions.

Matters After 1:30 PM

Item 40 - Introduction of the Proposed 2022-23 Annual County Budget. This item formally introduces the FY 2022-23 Recommended Budget to the Board and public, and schedules public hearings on the Recommended Budget to begin on Monday, June 13, 2022, at 9:00 a.m. We will provide further information as the June hearing date approaches. As outlined below and when all finances administered by the County are considered, the total plan is $961.7 million, which is not made too clear in the document itself.

There is nothing particularly new or dramatic about the Proposed Budget. It is pretty much business as usual. The material indicates that they had projected an $8.2 million gap out of $ 659.2 million in the General Fund Budget but have closed it without degrading any services. Apparently, there is an 11 % staffing vacancy rate, which on an operating budget which contains $373,272,222 in salaries and benefits, could result in a savings of $40,949,940 on an annualized basis. The current FY 2021-22 Budget is expected to end in June with a $37 million favorable balance. It appears that $18 million of that will be applied to balance the new Budget.

Once again, we would suggest that the Board hold a series of special workshops in the weeks between now and June 13 to go through the expenditure and revenue in detail. The Budget is presented at a very high level of generality, and the Supervisors have no idea about what they are really buying for the nearly $1 billion dollars.

Special Revenue Funds

Note: Enterprise Funds for Board governed special districts are not included in the All Funds Budget. Budget information for Board governed special districts is included in the special districts budget book prepared by Public Works.

State Controller Schedules				**San Luis Obispo County**			**Schedule 1**
County Budget Act				All Funds Summary			
November 2014				Fiscal Year 2022-23			
	Total Financing Sources				**Total Financing Uses**		
Fund Name	**Fund Balance Available as of June 30, 2022**	**Decreases to Obligated Fund Balances**	**Additional Financing Sources**	**Total Financing Sources**	**Financing Uses**	**Increases to Obligated Fund Balances**	**Total Financing Uses**
1	2	3	4	5	6	7	8
Governmental Funds							
General Fund	$37,500,000	$8,415,737	$613,268,251	$659,183,988	$656,572,180	$2,611,808	$659,183,988
Special Revenue Fund	832,000	10,376,028	83,509,447	94,717,475	88,481,850	6,235,625	94,717,475
Debt Service Fund	255,000	0	20,310,490	20,565,490	16,937,690	3,627,800	20,565,490
Capital Projects	0	0	6,891,191	6,891,191	6,891,191	0	6,891,191
Total Governmental Funds	**$38,587,000**	**$18,791,765**	**$723,979,379**	**$781,358,144**	**$768,882,911**	**$12,475,233**	**$781,358,144**
Other Funds							
Special Revenue Fund	$5,002,490	$471,557	$8,374,536	$13,848,583	$13,569,165	$279,418	$13,848,583
Enterprise Fund	0	1,556,214	29,004,927	30,561,141	28,117,913	2,443,228	30,561,141
Internal Service Fund	0	7,522,322	66,339,290	73,861,612	72,503,868	1,357,744	73,861,612
Total Other Funds	**$5,002,490**	**$9,550,093**	**$103,718,753**	**$118,271,336**	**$114,190,946**	**$4,080,390**	**$118,271,336**
Total All Funds	**$43,589,490**	**$28,341,858**	**$827,698,132**	**$899,629,480**	**$883,073,857**	**$16,555,623**	**$899,629,480**

The basic Budget is $899.6 million. The off -Budget County-dependent districts add another $62.1 million for a grand total of $961.7 million. It is likely that the County can join the billion-dollar club in FY 2023- 24.

	Total Financing Sources				**Total Financing Uses**		
District/Agency Name	**Fund Balance Available June 30, 2022**	**Decreases to Obligated Fund Balances**	**Additional Financing Sources**	**Total Financing Sources**	**Financing Uses**	**Increase to Obligated Fund Balances**	**Total Financing Uses**
1	2	3	4	5	6	7	8
Total Special Districts and Other Agencies	**$5,670,650**	**$2,101,005**	**$54,334,181**	**$62,105,836**	**$60,832,549**	**$1,273,285**	**$62,105,834**

The FY 2022-23 Recommended Budget authorizes total governmental funds spending level of $781,358,751, with the General Fund budget recommended at $659,183,988.

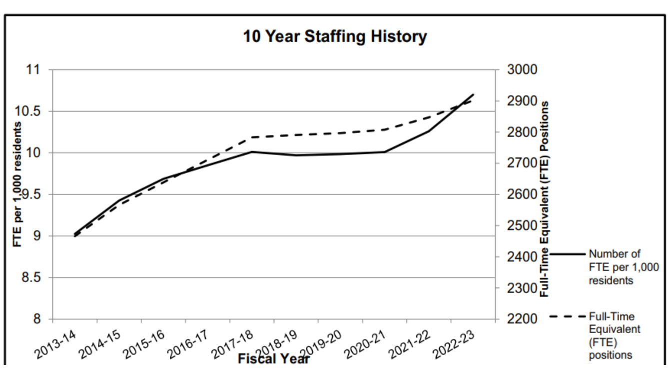
Description	2019-20 Actual	2020-21 Actual	2021-22 Final	2022-23 Recommended
Financing Sources				
Taxes	220,423,832	234,665,121	233,442,082	249,713,956
Licenses and Permits	11,426,188	12,269,991	12,749,136	14,739,738
Fines, Forfeitures and Penalties	3,843,176	3,567,089	4,568,467	4,553,762
Revenue from Use of Money & Property	7,743,115	4,291,177	2,423,841	3,047,859
Intergovernmental Revenues	297,285,285	312,954,589	300,424,628	341,836,806
Charges for Services	29,802,426	33,186,764	33,882,347	33,896,014
Other Revenues	43,993,139	41,191,424	36,237,007	34,404,299
Fund Balance	0*	0*	72,484,917	38,587,000
Use of Reserves & Designations	0*	0*	17,329,222	18,791,765
Other Financing Sources	36,796,014	48,152,967	40,832,746	41,786,946
Decreases to Fund Balance	0	0	0	0
Total Financing Sources	**651,313,175**	**690,579,121**	**754,374,393**	**781,358,144**

*cancellation of reserves and designations and use of fund balance included in Other Financial Sources

Description	2019-20 Actual	2020-21 Actual	2021-22 Final	2022-23 Recommended
Uses of Financing by Function				
Land Based	69,646,020	52,626,626	68,630,333	75,390,649
Public Protection	172,461,145	171,779,085	186,393,347	197,470,604
Health and Human Services	243,627,450	255,530,626	278,341,675	301,503,745
Community Services	23,897,423	22,930,504	24,007,487	24,967,511
Fiscal and Administrative	29,174,207	28,030,997	29,586,425	30,947,958
Support to County Departments	32,471,236	33,674,627	36,828,352	44,438,603
Financing	32,665,435	29,995,999	38,723,821	53,121,858
Capital and Maintenance	14,105,305	2,925,622	12,064,622	8,947,040
Contingencies	0	0	30,723,379	32,094,942
Reserves & Designations	0	0	49,074,952	12,475,233
Increases (Decreases) to Fund Balance	33,264,954	93,085,035	0	0
Total Financing by Function	**651,313,175**	**690,579,121**	**754,374,393**	**781,358,144**

Description	2019-20 Actual	2020-21 Actual	2021-22 Final	2022-23 Recommended
Uses of Financing by Type				
Salary & Benefits	307,285,080	315,637,608	344,173,488	372,272,222
Services & Supplies	201,164,873	207,364,627	223,843,811	238,332,577
Other Charges	109,704,017	108,679,876	119,368,067	126,497,031
Fixed Assets	31,680,223	32,949,799	24,461,918	40,514,308
Transfers	(31,785,971)	(67,137,824)	(37,262,222)	(40,828,168)
Increases to Reserves/Designations	0*	0*	49,074,952	12,475,233
Increases/(decreases) to Fund Balance	33,264,954	93,085,035	0	0
Contingencies	0*	0*	30,723,379	32,094,942
Total Financing by Type	**651,313,175**	**690,579,121**	**754,374,393**	**781,358,144**

*use of reserves and designations and contingencies are included in individual financing types



Item 42 - Hearing to consider: 1) adoption of a resolution to place a proposed County Charter on the ballot at the November 8, 2022, election for consideration by qualified voters; 2) adoption of a resolution setting priorities for filing a written argument regarding a County measure and directing County Counsel to prepare an impartial analysis and the County Auditor to prepare a Fiscal Impact Statement; and 3) direct staff as appropriate. The proposed limited Charter is back on the agenda for a possible decision to submit it to the voters next November. It would allow the voters, instead of the Governor, to fill midterm vacancies on the Board of Supervisors. It would also allow the voters to fill midterm vacancies of the County's constitutionally elected department heads, including the Assessor, Auditor Controller, Clerk Recorder, District Attorney, and Sheriff. It does not impact any of their duties or powers. This is essentially a measure to improve local control.

CHARTER OF THE COUNTY OF SAN LUIS OBISPO

Enacted [date] Effective: [date]

We, the People of the County of San Luis Obispo, with a desire for self-determination in selecting our county elected officials and to initiate the process to govern our county by charter government, do hereby adopt this charter.

ARTICLE I. POWERS OF THE COUNTY.

Section 100. The County of San Luis Obispo is a political subdivision of the State of California. It has all the powers provided by the constitution and laws of the state and this Charter. It has such other powers as necessarily implied.

ARTICLE II. BOARD OF SUPERVISORS.

Section 200. Governing Body. The governing body of the county is a Board of Supervisors of five (5) members elected by and from designated supervisorial districts.

Section 201. Filling of Vacancies in the Board of Supervisors. Notwithstanding any other provision of law, whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled as follows:

A. If, at the time the vacancy occurs, the remaining term of office is 365 days or greater, then the vacancy shall be filled by a vote of the electors of that district at a special election to be called by the Board of Supervisors not more than 30 days after the vacancy occurs, except that if the vacancy occurs within 180 days of a regularly scheduled election held throughout the supervisorial district, the election to fill the vacancy may be consolidated with that regularly scheduled election. The person receiving the highest number of votes in that election shall fill the vacancy.

B. If, at the time the vacancy occurs, the remaining term of office is less than 365 days, then the vacancy shall remain vacant until the vacancy is filled through the next regularly scheduled general election.

Section 202. Filling of Vacancies in Other Elective Offices. Whenever a vacancy occurs in any elective county office, other than in the Board of Supervisors, the vacancy shall be filled as follows:

A. If, at the time the vacancy occurs, the remaining term of office is 365 days or greater, then the vacancy shall be filled by a vote of the electors at a special election to be called by the Board of Supervisors not more than 30 days after the vacancy occurs, except that if the vacancy occurs within 180 days of a regularly scheduled countywide election, the election to fill the vacancy may be consolidated with that regularly scheduled election. The person receiving the highest number of votes in that election shall fill the vacancy.

B. If, at the time the vacancy occurs, the remaining term of office is less than 180 days, then the vacancy may either remain vacant until the vacancy is filled through the next regularly scheduled election.

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Section 203. Continuation of Office. Any person holding an office, either elective or appointive, on the effective date of this Charter shall continue in office pursuant to the provisions of this Charter.

ARTICLE III. GENERAL PROVISIONS.

Section 300. General Law Governs. Except as expressly set forth in this Charter, the general law set forth in the Constitution of the State of California and the laws of the State of California shall govern the operations of the County of San Luis Obispo.

Section 301. County Ordinances Enacted by the Voters Remain in Effect. Ordinances of the County of San Luis Obispo adopted by the voters prior to the enactment of this Charter shall remain in full force and effect and may only be modified or repealed by a vote of the people.

Section 302. Severability. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

[END OF COUNTY CHARTER]

SLO Air Pollution Control District (APCD) Meeting of Wednesday, May 18, 2022 (Scheduled)

Item C-1: Hearing on Proposed Fee Increases. The staff proposes across the board fee increases from 6% to 14.7%. The agency is running out of things to tax. For example, the Morro Bay Power Plant, which was a major funder, closed some years ago. Now the closure of the Philipps 66 refinery is hitting them.

The APCD Board should reject the fees out of hand and direct the staff to come back with a smaller agency and a smaller budget. The same elected officials who killed the expanded tank car facility at Philips should learn to live within their means. The same officials who want to shut down the dunes riding should learn to live within their means. The same officials who never lifted a finger to save Diablo should learn to live within their means.

While property taxes and federal aid will see minor increases, overall revenue is estimated to decrease significantly in FY 2022-2023, compared to FY 2021-2022 because of the P66 Refinery Closure.

Where were you when the radicals and NYBYS forced the closure?

Proposed Renewal Fee Scheduled Increases

	FY 22-23	FY 23-24 6% increase	FY 24-25 6% increase	FY 25-26 6% increase	FY 26-27 and beyond adjusted per CPI *
Permit Renewal Factor "x"	**$88**	**$93**	**$99**	**$104**	**TBD**

*** CPI *Based upon Bureau of Labor Statistics CPI-W (Los Angeles-Long Beach- Anaheim, CA)***

New fee categories are proposed for several category types where state mandated reporting and oversight costs have increased. The following table shows the proposed new fees:

Permit Fee Category	**Proposed Fee Formula**	**Total fee in 2022 where "x" is proposed at $88**
GHG reporting at landfills	5.0x	$440
Oil and Gas production GHG monitoring and oversight	6.0x	$528
Oil and Gas production less than 300 bbl/day GHG monitoring and oversight	4.0x	$352
Oil and Gas vapor recovery systems GHG monitoring and oversight	6.0x	$528
Chemical manufacturing process unit toxics reporting fees	0.9x	$79.20 per process unit
Electrolytic plating tanks	0.06x	$5.28 per tank
Diesel engine per horsepower (hp) fee for engines from 50 hp to 3,000 hp	0.0051x	$0.45 per hp
Soil decontamination monitoring and reporting fee (projects larger than 5,000 cubic yards)	4.0x	$352
Soil decontamination monitoring and reporting fee (projects less than 5,000 cubic yards)	2.0x	$176

Permit Fee Category	**Proposed Fee Formula**	**Total fee in 2022 where "x" is proposed at $88**
Rubberized asphaltic batch plants	16.0x	$1408
Control equipment units not otherwise specified non-oil and gas	2.0x	$176
Control equipment units not otherwise specified oil and gas	4.0x	$352
Source test review of control equipment non-oil and gas	4.0x	$352
Source test review of control equipment oil and gas	6.0x	$528
Major source decommissioning fee	106.0x	$9,328

Agricultural and prescribed burning permits are proposed to increase per the following table:

Project Size	Current Fee	Proposed Fee
Less than 10 acres or 100 tons of material	$50	$100
More than 10 acres up to 100 acres, or more than 100 tons up to 500 tons	$125	$180
More than 100 acres up to 250 acres, or more than 500 tons up to 1,000 tons	$185	$265
More than 250 acres or 100 tons	$250	$360

Permit Fee Category	Description	Current Fee	Proposed Fee	% Increase
1	Air monitoring and data handling oversight - per station	$ 10,973	$ 11,634	6.0%
2	Asphaltic concrete batch plants			
	a. Asphaltic concrete batch plants base fee	$ 2,681	$ 2,842	6.0%
	b. Rubberized asphaltic batch plants subprocess	**N/A**	**$ 1,408**	**N/A**
3	Bakery facility with a total heat input rating of all combustion devices that is >3.0 million British thermal units per hour (mmBtu/hr)	$ 4,856	$ 5,148	6.0%
4	Boilers, steam generators, heaters, or other gaseous, liquid, or solid fuel fired combustion equipment, except fossil fuel fired power plants (in terms of the design heat input rating)			
	a. less than 5 mmBtu/hr and limited to 90,000 therms per year or less	$ 855	$ 906	6.0%
	b. 5.0 million British thermal units per hour (mmBtu/hr) or less	$ 2,025	$ 2,147	6.0%
	c. greater than 5.0 mmBtu/hr but less than or equal to 10.0 mmBtu/hr	$ 2,830	$ 3,238	14.4%
	d. greater than 10.0 mmBtu/hr	$ 3,279	$ 3,758	14.6%
5	Brick or concrete block manufacturing facilities (in terms of the annual production rate)			
	a. 0.50 million blocks per year or less	$ 407	$ 431	6.0%
	b. greater than 0.50 but less than or equal to 1.0 million blocks per year	$ 813	$ 862	6.0%
	c. greater than 1.0 million blocks per year	$ 1,718	$ 1,822	6.0%
6	Cement handling equipment	$ 1,419	$ 1,505	6.0%
7	Chemical manufacturing process unit	$ -	$ -	
	a. Chemical manufacturing process unit base fee	$ 855	$ 906	6.0%
	b. Toxics emitting unit report fee	**N/A**	**$ 79**	**N/A**
8	Coffee roasting (in terms of the annual production rate)			
	a. 50.0 tons per year (tpy) or less with emission controls	$ 423	$ 449	6.0%
	b. 50.0 tpy or less without emission controls	$ 855	$ 906	6.0%
	c. greater than 50.0 tpy with emission controls	$ 1,129	$ 1,197	6.0%
	d. greater than 50.0 tpy without emission controls	$ 2,249	$ 2,385	6.0%
9	Concrete batch plants (in terms of the annual production rate)			
	a. 10,000.0 yards per year or less	$ 407	$ 466	14.7%
	b. greater than 10,000.0 but less than or equal to 25,000.0 yards per year	$ 813	$ 933	14.7%
	c. greater than 25,000.0 yards per year	$ 1,718	$ 1,971	14.7%
10	Crematory incinerators	$ 706	$ 748	6.0%
11	Crude oil and distillate oil storage facilities (basic)	$ 2,432	$ 2,578	6.0%
12	Crude oil and distillate oil pump station (basic)	$ 2,017	$ 2,138	6.0%
13	Degreasers	$ 855	$ 906	6.0%
14	Driers or kilns	$ 1,262	$ 1,338	6.0%
15	Dry Cleaning Operations			
	a. Perchloroethylene based	$ 855	$ 906	6.0%
	b. Other solvent based	$ 498	$ 528	6.0%
16	Electrolytic plating operations			
	a. Electrolytic plating operation base fee	$ 2,830	$ 3,001	6.0%
	b. Electrolytic plating operation per tank toxics reporting fee	**N/A**	**$ 5**	**N/A**
17	Ethylene Oxide Sterilizers	$ 3,129	$ 3,318	6.0%
18	Feed and grain mills			
	a. Feed and grain mills. Any cyclone vented to atmosphere	$ 1,137	$ 1,206	6.0%
	b. Feed and grain mills. No cyclone vented to atmosphere	$ 564	$ 598	6.0%
19	Fiber glassing	$ 3,129	$ 3,318	6.0%
20	Fixed or internal floating roof petroleum storage tank	$ 1,610	$ 1,707	6.0%
21	Floating roof petroleum storage tank	$ 2,366	$ 2,508	6.0%
22	Fossil fuel fired power plant >100 mmBtu/hr (basic	$ 350,144	$ 371,237	6.0%

Permit Fee Category	Description	Current Fee	Proposed Fee	% Increase
	a. total for all boilers at a facility with total oxides of nitrogen emissions of more than 100 tons per year in the previous calendar year	$ 350,144	$ 371,237	6.0%
	b. total for all boilers at a facility with total oxides of nitrogen emissions of less than 100 tons per year in the previous calendar year	$ 287,313	$ 304,621	6.0%
	c. each gas turbine and any associated duct burner per mmBtu/hr of heat input capacity	$ 58	$ 62	6.0%
23	Gasoline dispensing facility and associated vapor recovery system (Phase II, basic)	$ 183	$ 209	14.2%
24	Gasoline dispensing (only one applied to any given nozzle			
	a. vapor recovery nozzle	$ 52	$ 60	14.4%
	b. multi-product, single nozzle fueling point	$ 158	$ 180	14.4%
25	Gasoline storage facility, loading rack, and associated vapor recovery system(s) – bulk	$ 1,527	$ 1,749	14.5%
26	Gasoline storage facility and associated vapor recovery system - retail and consumer account	$ 238	$ 273	14.5%
27	Gasoline vapor recovery, annual testing			
	a. Base testing fee	$ 315	$ 361	14.4%
	b. In-station diagnostic additional testing fee	$ 183	$ 209	14.7%
28	Internal combustion engine			
	a. First prime use engine per facility	$ 996	$ 1,140	14.5%
	b. Each additional prime use engine per facility	$ 465	$ 532	14.5%
	c. Additional fee for any engine >3,000 bhp	$ 9,362	$ 10,721	14.5%
	d. Each emergency standby use engine	$ 407	$ 466	14.5%
	e. Each portable diesel engine used for construction or maintenance	$ 407	$ 466	14.5%
	f. each portable non-diesel engine used for construction or maintenance	$ 249	$ 285	14.5%
	g. Each engine <50hp part of a process that requires a permit	$ 249	$ 285	14.5%
	h. New Stationary Engine (Installed after July 1, 2022) greater than 50 hp and less than 3,000 hp, per horsepower toxics reporting fee	**N/A**	**$ 0.45**	**N/A**
29	Landfill gas collection (basic)			
	a. Landfill gas collection base fee	$ 5,154	$ 5,465	6.0%
	b. Landfill GHG monitoring and oversight fee	**N/A**	**$ 440**	**N/A**
30	Marine loading terminal	$ 6,574	$ 6,970	6.0%
31	Marine unloading terminal	$ 3,337	$ 3,538	6.0%
32	Miscellaneous Equipment	$ 855	$ 906	6.0%
33	Motor vehicle and mobile equipment coating (in terms of the volatile organic compound (VOC) content of materials used)			
	a. 100.0 gallons per year or less	$ 407	$ 466	14.5%
	b. greater than 100.0 but less than or equal to 700.0 gallons per year	$ 764	$ 875	14.6%
	c. Greater than 700.0 gallons per year	$ 1,361	$ 1,558	14.5%
34	Multiple chambered incinerators, including pathological incinerators	$ 3,279	$ 3,476	6.0%
35	Onshore dewatering process units associated with offshore oil and gas production	$ 7,968	$ 8,448	6.0%
36	Oil and gas production and processing facilities (basic)	$ 33,383	$ 35,394	6.0%
	a. Oil and gas production and processing facilities (basic)GHG monitoring and oversight	**N/A**	**$ 528**	**N/A**
37	Less than 300 bbl/day Oil and gas production and processing facilities (basic)	$ 4,631	$ 4,910	6.0%
	a. Less than 300 bbl/day oil and gas production and processing facilities (BASIC)GHG monitoring and oversight	**N/A**	**$ 352**	**N/A**
38	Oil production vapor recovery systems			
	a. Oil production vapor recovery systems base fee	$ 5,611	$ 5,949	6.0%
	b. GHG monitoring and oversight	**N/A**	**$ 528**	**N/A**
39	Oily water treatment systems			
40	Paint bake oven	$ 855	$ 906	6.0%
41	Petroleum coke production (basic)	$ 169,030	$ 179,212	6.0%
42	Petroleum loading rack	$ 3,013	$ 3,194	6.0%
43	Petroleum processing sulfur recovery and tail gas units	$ 8,126	$ 8,615	6.0%
44	Petroleum refineries (basic)			
	a. Refineries with authorized capacities below 16.3 million barrels per year (mmbbl/yr)	$ 80,593	$ 85,448	6.0%
	b. Refineries with authorized capacities above 16.3 mmBBl/yr	$ 108,813	$ 115,368	6.0%
45	Petroleum refining process units	$ 10,068	$ 10,674	6.0%
46	Printing operation (in terms of the VOC content of materials used)			
	a. 100.0 gallons per year or less	$ 232	$ 266	14.4%
	b. greater than 100.0 but less than or equal to 700.0 gallons per year	$ 755	$ 865	14.5%
	c. greater than 700.0 gallons per year	$ 3,038	$ 3,479	14.5%
47	Public and private wastewater treatment works			
	a. basic operation	$ 1,087	$ 1,153	6.0%
	b. anaerobic digester	$ 266	$ 282	6.0%
48	Rock crushing, screening, sizing, and storage operations (in terms of the annual production rate)			
	a. 10,000.0 tpy or less	$ 407	$ 466	14.7%
	b. greater than 10,000.0 but less than or equal to 100,000.0 tpy	$ 813	$ 933	14.7%
	c. greater than 100,000.0 tpy	$ 1,718	$ 1,971	14.7%

Some New Fees

Permit Fee Category	Description	Current Fee	Proposed Fee	% Increase
	d. 200 or greater, but less than 300	N/A	$ 1,531	N/A
	e. 300 or greater, but less than 400	N/A	$ 1,914	N/A
	f. 400 or greater, but less than 500	N/A	$ 2,297	N/A
	g. 500 or greater, but less than 600	N/A	$ 2,683	N/A
	h. 600 or greater	N/A	$ 3,062	N/A
57	Electrical energy where the permit category is not listed (kilovolt amperes)			
	a. Less than 150	N/A	$ 385	N/A
	b. 150 or greater, but less than 450	N/A	$ 766	N/A
	c. 450 or greater, but less than 4,500	N/A	$ 1,144	N/A
	d. 4,500 or greater, but less than 14,500	N/A	$ 1,531	N/A
	e. 14,500 or greater, but less than 45,000	N/A	$ 1,914	N/A
	f. 45,000 or greater	N/A	$ 2,297	N/A
58	Control equipment			
	a. Non-oil and gas (per unit)	N/A	$ 176	N/A
	b. Oil and Gas (per unit)	N/A	$ 352	N/A
	c. Source test review (non-oil and gas)	N/A	$ 352	N/A
	d. Source test review (oil and gas)	N/A	$ 528	N/A
70	Major Source Decomissioning Fee	N/A	$ 9,328	N/A

SLO Local Agency Formation Commission (LAFCO) of Thursday, May 19, 2022 (Scheduled)

The meeting enjoys a light Agenda. This includes its Budget and a small annexation. There is no earth-shaking policy here.

LAST WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, May 10, 2022 (Not Scheduled)

The next regular meeting is set for Tuesday, May 17, 2022.

Central Coast Community Energy Authority (3CE) Operations Board Meeting of Wednesday, May 11, 2022 - 10:30 AM (Completed)

Item 8 - Adopt Resolution No. OB-2022-01 Delegating to the CEO Certain Contract Administration Authority to Resolve Disputes and Potential Delays on Existing Power Purchase Agreement and to Enter Specialized Legal Services Agreements for Support (3CE Long Term Energy Supply Contracts at Risk). The Operations Board unanimously authorized the CEO to attempt to renegotiate long and short-term renewable energy certificate deals (remember, the real electricity comes from PG&E). We watched on Zoom as the city managers and county CEO's who make up the Operations Board looked grim as they heard the bad news.

They were pretty much speechless as once again they are beginning to comprehend the huge scam which they have allowed to be foisted on their respective city councils and boards of supervisors.

This one will be 10 times worse than when many allowed their governing bodies to adopt pension refunding bonds back in the early 2000's. None of this speaks well for the state of the local government administration profession. No one we know has had the guts to say "no" to 3CE except for San Luis Obispo County CAO Wade Horton and Santa Maria City Manager Jason Stilwell, who was overridden by a divided City Council. These guys should be given medals and bonuses for not slobbering all over the pork laden disastrous green racket.

Eight of 3CE's "suppliers" are attempting to renege on their contracts. The problem is impacting the other community choice energy (CCEs) throughout the state.

Costs for solar panels and other components of clean energy are rising rapidly. Lithium has gone up over 40% in the last few months.

The 3CE staff is talking about the need for Federal and State bailouts. Stay tuned – the State legislature will probably impose a surcharge on your electric bill to pay for it.

Background: The 3CE business model ultimately relies on the purchase of long term (multi-decade) supply contracts, which would ostensibly allow it to purchase electricity at lower costs than PG&E. Now it appears that some of these suppliers (termed counterparties) have advised 3CE that they cannot meet their delivery obligations in time per the contract requirements. The CEO requested a broad delegation of authority from the Board to negotiate with the counterparties to enforce the contracts. He also requested a new $200,000 special counsel contract to assist with this issue.

The Board letter both ominously and vaguely stated in part:

BACKGROUND: CCCE entered twelve long terms renewable resource contracts to fulfill CCCE's legislative mandate for Renewable Portfolio Standards (RPS) as well as CCCE's own board adopted 100% Clean and Renewable by 2030 goal.

During the past few weeks, CCCE was informed by several counter parties to these long-term agreements that, due to several factors, that the projects will not be ready for commercial operation on the agreed upon starting date.

The counter requested to meet to discuss their hardship and asked that certain changes will be required to the agreement in order for them to proceed forward with project development.

The write-up went on to state:

PPAs and ESSAs[1] *generally require significant lead time for development, engineering, construction, and commissioning with each of those areas outside of CCCE's control and oversight. Unfortunately, exigent circumstances have arisen that may require deviations to pre-commercial operation contract administration such as assessment of liquidated damages, the re-establishment of construction and commercial start dates, delay of full California Independent System Operator (CAISO) deliverability, repricing pre-contract term energy deliveries, and/or restructuring telemetry and metering configurations.*

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[1] **Power Purchase Agreements and Energy Storage Service Agreements**

And

If left unchecked, the market circumstances, delays, and opportunistic behavior could have significant impacts on CCCE regulatory compliance, internal procurement goals, and customer rates. Most significantly, the next RPS compliance period covers from 2021 to 2024 and requires 26% of CCCE's portfolio come from long term agreements and carries a $50/MWh penalty for non-compliance. Additionally, power scheduled to be delivered in 2022 and 2023 from PPAs and/or ESSAs will be replaced at significantly higher prices from the short-term market.

The item did not reveal which vendors have a problem, or how many megawatts of supply are at risk in which years. It does did not indicate the dollar value of the contracts at risk or the percentage of supply represented**.** The Board should have demanded this information prior to taking any action. What a sad state of affairs, when these municipal professionals don't even ask the most basic questions. Instead, they blither about how great the3CE staff is doing.

SLO County Integrated Waste Management Authority (IWMA) Meeting of Wednesday, May 11, 2022 (Completed)

Item 9 - Third Quarter Budget Review and Preliminary Budget for Fiscal Year 2022/2023. The Budget will increase due to the imposition of the wet garbage mandate (SB 1383) by the State. To pay for this increase, the solid waste management fee will increase. The refuse collectors will then pass this through to the citizen customers. Your per-can-per-month rate will jump.

REVENUE WORKSHEET
FISCAL YEAR 2022-2023

Revenues and Other Sources:	2021-22 Budget	YTD @ 03/31/22	Operating Estimates 2021-22	Budget 2022-23	Projected 2023-24	Projected 2024-25
Revenues						
INTEREST	36,000	5,842	23,369	36,000	36,000	36,000
GRANTS	80,000	0	80,000	80,000	80,000	80,000
BILLINGS TO OUTSIDE AGENCIES		14,657	54,657	54,657	54,657	54,657
SOLID WASTE MANAGEMENT FEE	2,042,201	638,498	940,041	3,093,266	3,186,063	3,281,645
LANDFILL TIPPING FEE	1,108,894	444,966	837,919	812,332	812,332	812,332
HAZARDOUS WASTE PROGRAMS	78,700	44,822	54,657	81,061	83,493	85,998
OTHER	1,000	4,946	4,946	1,000	1,000	1,000
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
	0		0	0	0	0
Total Revenues and Other Sources	3,346,795	1,153,731	1,995,589	4,103,659	4,198,888	4,296,975

Big increase.

BUDGET SUMMARY
FISCAL YEAR 2022-2023
ANNUALIZATION DATE MARCH 31, 2022

	2021-22 Budget	YTD @ 03/31/22	Operating Estimates 2021-22	Budget 2022-23	Projected 2023-24	Projected 2024-25
Financing Sources						
Fund Balance Available	1,479,606	1,479,606	1,479,606	927,045	989,839	1,282,401
Cancelled Reserves	0	0	200,000	0	0	0
Revenues and Other Sources	3,346,795	1,153,731	1,995,589	4,103,659	4,198,888	4,296,975
Total Financing Sources	4,826,401	2,633,337	3,675,195	5,030,704	5,188,727	5,579,376
Requirements						
Labor and Administrative	1,353,147	855,405	1,200,308	1,331,941	1,371,902	1,413,056
Programs	2,773,388	910,329	1,547,842	2,323,081	2,392,774	2,464,559
Capital Outlay	364,000	0	0	385,843	141,650	44,181
Total Expenditures:	4,490,535	1,765,734	2,748,150	4,040,865	3,906,326	3,921,796
Increase in Reserves:						
Designated	0	0	0	0	0	0
General	0	0	0	0	0	0
Total Increase in Reserves:	0	0	0	0	0	0
Total Requirements	4,490,535	1,765,734	2,748,150	4,040,865	3,906,326	3,921,796
Equity Summary						
Equity - Beginning of Year						
Fund Balance Available	1,479,606	1,479,606	1,479,606	927,045	989,839	1,282,401
Designated Reserves	1,500,000	1,500,000	1,500,000	1,300,000	1,300,000	1,300,000
General Reserves	0	0	0	0	0	0
Equity Total - Beginning of Year	2,979,606	2,979,606	2,979,606	2,227,045	2,289,839	2,582,401
Equity - End of Year						
Fund Balance Available	335,866	867,603	927,045	989,839	1,282,401	1,657,580
Designated Reserves	1,500,000	1,500,000	1,300,000	1,300,000	1,300,000	1,300,000
General Reserves	0	0	0	0	0	0
Equity Total - End of Year	1,835,866	2,367,603	2,227,045	2,289,839	2,582,401	2,957,580

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Overall, Interim Executive Director Paavo Ogren has improved the structure and clarity of the Budget presentation immensely from prior year versions.

California Coastal Commission Meeting of Thursday, May 12, 2022 (Completed)

Item Th8a - U.S. Army Corps of Engineers, Modification to previously concurred with Consistency Determination CD-0002-21 for the Port San Luis Breakwater Repair Project, Port San Luis Harbor Breakwater, San Luis Obispo Count. (Sacred Rock – A Cultural Resource). The item was approved with conditions on the consent calendar.

Background: The Commission had previously approved replacement of some of the stone at the Port San Luis Breakwater and raising the height of the breakwater. Subsequently, it was discovered that some of the old decayed stone would be removed. This stone originally was quarried from the Morro Rock.

The proposed stone transport project raises a serious Constitutional issue, in that the additional project cost is for a religious purpose as outlined below.

The Morro Rock is considered a sacred site by the Northern Chumash and Salinan Tribes. The write-up states in part:

Following Commission concurrence and finalization of the 2021 Environmental Assessment, the Corps learned that the breakwater repair may result in up to 10,000 tons of displaced existing PSL breakwater stone which may not be able to be reincorporated back into the breakwater structure and would need to be relocated. While some of the existing stone may be re-used and retained within the breakwater, a portion of the stone was found to be too small to meet the current design requirements and maintain the hydraulic stability of the breakwater.

During the Corps' tribal consultation process for the PSL breakwater repair, the yak tityu yak tiłhini - Northern Chumash Tribe and the Northern Chumash Tribal Council informed the NE-0001-22 (USACE) Corps that the stone used to build the PSL breakwater was originally taken from Lisamu' (also known as Morro Rock1), a recognized sacred site for the Chumash and Salinan Tribes. The tribes consider the existing breakwater stone as sacred, despite its removal from Lisamu'. To prevent further adverse effects to cultural resources, the consulting tribes requested that the displaced rock be relocated to an area near the PSL Breakwater or near Lisamu', so as to retain the unity of the sacred stone as much as possible. After coordination with tribal groups and resource agencies, the Corps determined that relocating the displaced stone approximately 1,500 feet west of Lisamu' (as shown in Exhibit 2) would avoid adverse impacts to sensitive habitat while maintaining the sacredness of the stone.

Note: Why is the Corps qualified or allowed to determine the "sacredness" of the stone"? Why is the Coastal Commission allowed to consider such a factor in approving a permit?

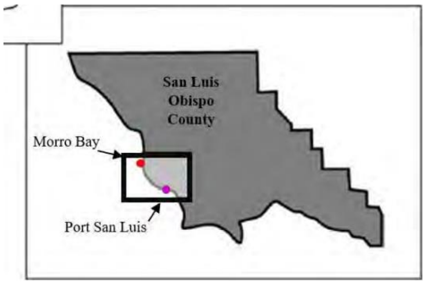
As a result, the taxpayers will pay to barge the rock back to Morro Rock.

More specifically, during the breakwater repair, a crane-equipped barge would place the displaced stone from the breakwater onto a rock barge for transport to the proposed placement site. Two tugboats would then tow the rock barge with the displaced stone approximately 20 miles upcoast to the placement site offshore of Morro Bay. The rock barge is expected to carry approximately 1,000 tons of stone per trip. An estimated 10 roundtrips would be needed to transport all the displaced stone to the project site. Once the rock barge arrives at the project site, it would be anchored using two anchor stones to hold barge position during placement. Once the barge is accurately positioned using GPS, a track loader located on the barge would use a controlled push off method to place the displaced stone into the proposed module configurations. The stone would then sink through the water column and settle on the sea floor in the designated module locations. Stone would be placed in sets of individual modules to maintain cohesion between all stone placed.

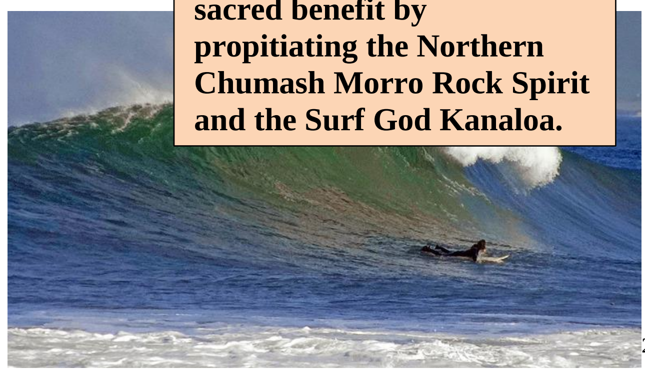
You would think that they would it least place the rock so that it would improve the surf break and generate a wave that breaks from right to left north of the rock.

Meanwhile, you can contemplate that the Coastal Commission and US Army Corps of Engineers will honor the religious belief that the stone is spiritually animated and must be returned to its unified state (actually next the Morro Rock). One news article reported that the cost of the overall project was $4.8 million; however, that was reported before the addition of the rock transport to Morro Bay. Accordingly, the cost the additional work is not known to us.

It appears that the rock transport from Port San Luis to Morro Bay is being required on the basis of a religious belief - the sacred nature of the stone. Is such a sectarian expense legal under our Federal and State Constitutions? What if it were a statue of Saint Junipero Serra instead?



They should put the stones over here to build a surf reef. Then they would get double sacred benefit by propitiating the Northern Chumash Morro Rock Spirit and the Surf God Kanaloa.

[2]

A Sacred Curl at the Rock

Items Th9a and Th10a – These two items were considered together in one hearing. The decision to deny the items will have profound negative impact on the future of ocean desalination in California.

Item Th9a - Appeal by Orange County Coastkeeper, Surfrider Foundation, Residents for Responsible Desalination, and Commissioners Wan and Mirkarimi from decision of City of Huntington Beach granting permit with conditions to Poseidon Water for removal of storage tanks, conduct remediation, and construction and operation of seawater desalination facility within sight of Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, Orange County. The staff write-up recommending denial and concurring with the appeal is 204 pages long.

Item Th10a - Application of Poseidon Water to construct and operate seawater desalination facility at Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, and intake and outfall structures in waters of the Pacific Ocean offshore of Huntington Beach, Orange County. The staff report denying the application is also 204 pages long and is almost a duplicate except for the page which sustains the appeal and denying the project.
At the end of the mammoth day- long session, which extended into the evening, the Commission denied the application unanimously after a 10-year effort by the applicant to receive approval. A hostile crowd of groaning and booing enviro-socialists cheered the Commission on, even though the Chair pretended to command order.

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[2] Kanaloa is the Hawaiian God of the oceans and all that live in those oceans. He is symbolized by the squid or by the octopus and is typically associated with Kāne and there exists a vast amount of popular and mythical lore in which the two gods are named together. Both are invoked by canoe men, Kane for the canoe building, Kanaloa for its sailing.

Our central Coast representative to the commission voted along with the rest to kill the project**:**

"I wish that I didn't have to take this vote today. I'm not opposed to desalination." said commissioner Meagan Harmon, a Santa Barbara City Councilmember. She pointed to the desalination plant in Santa Barbara as a critical part of the city's supply. But she said desalination has to be cost-effective and environmentally sound. "And I don't think this project and the mitigation package as it's currently proposed, meets those standards."

Nancy Vogel, deputy secretary for water at the California Natural Resources Agency, spoke on behalf of Governor Newsom to defend desalination *"where it is cost effective and environmentally appropriate,"* but she did not say anything in direct support of the project.

Executive Director Jack Ainsworth said their recommendation was not a referendum on the future of desalination in California, pointing to more optimistic prospects for another project, the proposed Doheny Desalination Facility in south Orange County's Dana Point.

"Denial of this project does not mean that we're setting the stage for the denial of all desal facilities or other critical infrastructures across the state," he said. "Every project has a different set of circumstances, facts and context."

Fat Chance!

Summary: This denial, which killed the project, is extremely dangerous to the future of the State because it contains an all-encompassing list of reasons that could prohibit such projects anywhere in coastal California. While specific to the Huntington Beach site in some ways, most of the reasons for denial could be applied to just about any coastal site, including the San Luis Obispo Diablo site. If the Diablo Power Plant is ultimately demolished, an economic development consortium led by Cal Poly proposes a new vision of the site as a world class Innovation Park. (See page 29 below for details.)

Staff recommends a NO vote. *Failure of this motion* (to approve) *will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.*

Resolution: *The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the City of Huntington Beach's certified Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.*

Background: Poseidon Water originally proposed the facility within the City of Huntington Beach in 1998. In 2010 the City approved a conditional use permit (CDP) for the plant. The City's approval was appealed to the Coastal Commission In 2015 the Commission approved a revised plan that contained so many expensive requirements that Poseidon withdrew the application before the final vote. A coalition of environmental groups has maintained their appeal throughout.

The reasons for current denial of the Huntington Beach proposal are summarized below. The implications are devastating. Remember that this is only a summary.

The project: The project killing staff report stated in part:

Poseidon Water (Poseidon) proposes to construct and operate a seawater desalination facility on about 12 acres of the approximately 54-acre site of the Huntington Beach Generating Station, in Huntington Beach, Orange County. The facility would use the power plant's soon-to-be retired cooling water intake to draw in up to 106.7 million gallons per day (mgd) of seawater to produce up to 50 mgd of potable water for purchase by, and delivery to, local water districts. Poseidon would then discharge A-5-HNB-10-225/9-21-0488 (Poseidon Water) 2 approximately 57 mgd of highly saline brine through the power plant's existing outfall pipe, which extends offshore approximately 1500 feet. The project would involve demolition and removal of fuel oil storage tanks and other infrastructure formerly used by the power plant, cleanup of soil and groundwater contamination at the site, and construction and operation of the desalination facility and a water supply reservoir that would serve the facility as well as provide an emergency water supply reservoir for the City. It would also involve installing and operating pipelines to deliver water to the local and regional water distribution systems in Orange County. Poseidon proposes to operate the facility for approximately 50-60 years.

Some of the reasons for denial (remember, 204 pages worth) are listed here. For more detail on each of these see last week's Update at the link: COLAB San Luis Obispo County (colabslo.org)

1. Coastal Hazards: Flooding, Sea Level Rise, Seismic Hazards

2. Marine Life and Water Quality Poseidon's project would also harm marine life and water quality by pulling in about 106.7 million gallons of seawater per day ("mgd") through a screened intake pipe and discharging approximately 57 million gallons of high-salinity brine per day into the ocean using high-velocity diffusers:

3. Environmental Justice

4. Wetlands and Environmentally Sensitive Habitat

5. ***Coastal-Dependent Override Provision***

6. Energy costs

7. Violations of the Coastal Act and/or Huntington Beach LCP

8. State Ocean Plan Amendment to Retire Once-Through Cooling Systems

9. Coastal Commission's 2018 Sea Level Rise Policy Guidance

10. Coastal Commission's 2021 Critical Infrastructure Guidance:

11. Tribal Opposition: *The Tribal representative said Gabrielino-Tongva Tribal Chief Antony Morales does not support the project. The official said he believes Poseidon, as a private company, does not*
12. Geologic Hazards:

13. Tsunami

14. Sea Level Rise

15. Marine Life:

16. Discharge Contaminants

17. Acidification effects

18.Energy and Global Warming **Impacts**

Large Scale Desalination DOA in California

As noted at the beginning of this discussion, the precedents established here could render any proposal for large scale desalination within California DOA from the start. Imagine, if one of the proposals for industrial scale desalination at Diablo were subjected to these provisions.

Will the Coastal Commission reject the *World Class Clean Tech Park* proposed for the existing Diablo Plant site?

The economic development not-for-profit REACH summarized the proposal in part:

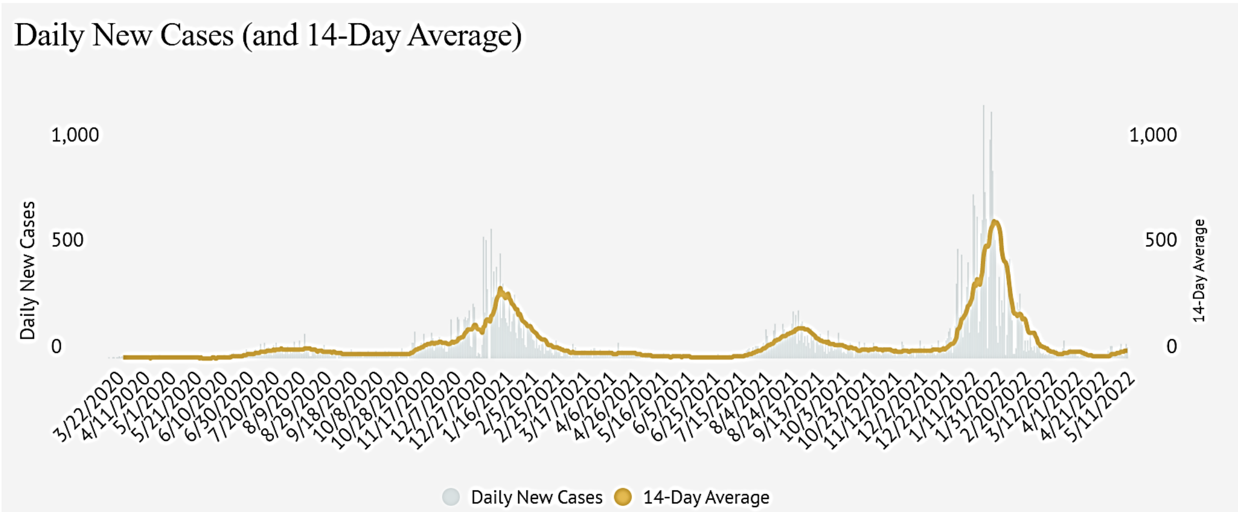
Where the Diablo Canyon Power Plant sits on California's Central Coast, we see a new future as a hub of clean energy innovation. We see a research and development campus where industry and academia can hatch and collaborate on emerging renewable technologies. We see an expansion of existing desalination capabilities, a harbor for blue economy activity, a community center for Chumash heritage education and celebration, and a critical platform for enabling California to harness the wind energy right off our coast.

Put simply, this unique industrial site offers unrivaled energy assets for pioneering the next chapter of our state and nation's energy independence and resilience. With high-power transmission lines (500 kV and 230 kV) connecting to the state's electricity grid, extensive existing facilities, and proximity to the offshore wind development coming to the waters off our coast, this site can accelerate global clean-energy innovation — all while creating jobs and economic benefit for Central Coast residents and retaining the vast surrounding lands for conservation and tribal stewardship.

Note that the project contains a proposal for desalination as well as the use of the site for the landing of the undersea transmission cables from a proposed large scale offshore wind farm.

EMERGENT ISSUES

Item 1 - COVID:



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

Item 2 - New Friends of the Dunes Lawsuit demands $1 million form SLO APCD. The article below details the issues. The obsolescent and self-serving agency just keeps getting into deeper and deeper trouble over the ill-fated effort to shut down the dunes.

Group files lawsuit to recoup more than $1 million from SLO County agency

May 9, 2022

By KAREN VELIE

A group filed a civil lawsuit last week against the San Luis Obispo County Air Pollution Control District (APCD) for the "illegal use" of more than $1 million from the California's Off-Highway Vehicle Trust Fund.

Friends of Oceano Dunes is suing the APCD and its board members for the illegal expenditure of funds earmarked for the support of off-highway vehicle recreation. The trust is funded through fees and taxes from off-highway vehicle usage.
The California Code of Civil Procedure "permits a taxpayer to bring an action to restrain or prevent an illegal expenditure of public money," according to the lawsuit. "Friends' members are taxpayers in this state, and the expenditure of public funds under a void contract constitutes waste under the statute."

A 2021 court ruling invalidated the APCD's 2014 agreement to implement its dust rule. Formally called Rule 1001, the dust rule required state parks to reduce the particulate matter blowing from the Oceano Dunes State Vehicular Recreation Area or face fines of $1,000 per day.

The court found the APCD's agreement violated public policy because the agency adopted the agreement out of view of the public and without public input. The court also ruled that APCD staff didn't have the authority to change Rule 1001 requirements, without direction from the agency's full board of directors.

The ruling appears to allow State Parks the ability to seek reimbursement from the APCD for monies expended under the void agreement, which Friends is saying exceeds $1 million. Even though State Parks is mandated to support off-highway vehicle usage at the Oceano Dunes, its administration generally takes a passive stance at what has become a politically charged issue.

On Jan. 26, Friends' attorney Thomas Roth sent a letter to the APCD demanding the agency refund all monies collected under the 2014 dust rule.

In the APCD's response, attorney Jeff Minnery argues that Friends did not provide proof of how much money State Parks paid the APCD or that the money was paid because of the consent decree. Minnery then asserts that monies garnered through the voided agreement were legitimate.

"Prior to the Stipulated Order of Abatement, State Parks reimbursed the APCD for costs incurred for monitoring required by Rule 1001," according to Minnery's letter. "The District is entitled to recover costs of its regulatory compliance programs."

Roth then renewed his demand that the APCD return all funds paid under the void consent decree and that all payments under the agreement cease and desist immediately, in a March 15 letter.

"Monies paid under a void agreement are ultra vires and must be returned," Roth wrote in his letter. "A taxpayer may sue pursuant to statute and common law to recover monies on behalf of taxpayers and the state when payments have been made by the state under a void agreement."

In its lawsuit, Friends is asking the court to order the return of all funds State Parks paid under the void agreement, for a cease and desist of new payments, and for court costs and attorneys' fees.

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

During the past six years, Friends has successfully sued the California Coastal Commission, the California Air Resources Board and the APCD approximately 10 times over the agencies' regulatory actions related to the Oceano Dunes State Recreational Area

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

A MESSY NECESSITY

President Biden's $6 billion nuclear bailout aims to patch up an industry damaged by bad energy policies.

BY JAMES B. MEIGS

Last month, the Biden administration began implementing its plan to spend $6 billion bailing out financially troubled U.S. nuclear power plants. "We're using every tool available to get this country powered by clean energy by 2035, and that includes prioritizing our existing nuclear fleet," Secretary of Energy Jennifer Granholm said in a statement. The measure, a relatively tiny part of Biden's $1 trillion infrastructure package, didn't get much attention when that bill passed Congress last year. But now that the Department of Energy has launched the program, opponents are speaking up. The environmental group Beyond Nuclear calls the move a "misguided but predictable decision." Taxpayers for Common Sense decries providing "more bailout money for an already failing industry."

The critics have a point. As a rule, direct federal subsidies to specific industries are inefficient, prone to abuse, and unfair to competing businesses (not to mention a burden to taxpayers). Those concerns apply to the Department of Energy's new Civilian Nuclear Credit (CNC) program as well. Still, considering the grim alternatives, the CNC program might turn out to be one of the rare bright spots in the Biden administration's energy policy. How could enacting a clumsy, taxpayer-funded bailout be considered a sensible move? Only because the rest of U.S. energy policy is such a mess.

Today, nuclear reactors generate 19 percent of electricity produced in the U.S. Despite decades of subsidies, wind and solar power account for only 12 percent. While the output from wind and solar facilities varies unpredictably, nuclear plants produce reliable base-load power. Most of the plants in operation today could continue to run safely and efficiently for decades to come. "Nuclear plants operate with very high reliability," Adam Stein, an energy analyst at the eco-pragmatist Breakthrough Institute think tank, told me in an email exchange. And, contrary to the widely held belief that nuclear energy is "too expensive," these plants produce electricity at rates well below the U.S. average. "This is not a dying industry," Stein concludes.

So why do nuclear plants need a federal subsidy? The answer lies partly in America's history of counterproductive energy policies. After the 1979 Three Mile Island accident, regulations ramped up far beyond what was necessary to ensure safety. Today, it is almost impossible to build new nuclear plants, and even existing facilities face annual regulatory burdens of roughly $60 million per plant. At the same time, the federal government provides large tax credits and other advantages to competing energy sources, particularly wind and solar power. The nuclear industry, often decried for its supposed dependence on government subsidies, receives a relative pittance. According to a 2020 analysis by Robert Bryce, a stunning contrast emerges when one measures the tax breaks against the quantity of energy produced. Counted in terms of subsidy dollars per megawatt-hour, Bryce concludes, "the American solar industry got roughly 250 times as much in federal tax incentives as the nuclear sector." Wind power received subsidies about 160 times greater than those granted to nuclear producers.

No wonder nuclear plants face headwinds. States add additional burdens, in particular "renewable portfolio standards" that force utilities to buy large shares of their electricity from renewable sources. In most cases, these RPS rules exclude nuclear power (which, though it is zero-carbon, is not technically "renewable"). Low natural gas prices over the past decade have been another challenge for nuclear operators. (In that case, at least, the culprit is market innovation, not government policies.) But perhaps the most insidious threat to nuclear power comes down to the variable nature of the electricity generated by wind and solar. Solar panels produce full power only on sunny days, and on average, wind turbines spin at optimal rates about a third of the time. One would think this "intermittency" would make renewable sources anemic competitors to the robust power provided by nuclear plants. But, while wind and solar can't feasibly replace today's dependable electricity sources, their on-again, off-again power can fatally undermine the economics of some nuclear plants.

Perhaps the best way to explain this paradox is through an analogy: Imagine you run a large, 24-hour restaurant; let's call it the "Atomic Diner." Since you have a sizable mortgage—and need to keep workers on site at all hours—your fixed costs are high. But thanks partly to big breakfast and lunch crowds, your restaurant is profitable. Now imagine a fast-food stand opens up next door; call it "Solar Burger." It's usually closed; in fact, no one knows in advance which days it will be open. But when it is serving, the restaurant cranks out hundreds of burgers an hour. What's more, thanks to special tax credits and low fixed costs, Solar Burger can sell its sandwiches for pennies. Sometimes it even pays customers to take them away.

Imagine the state of your business now. Several days a week, Solar Burger happens to open during your lunch rush. Suddenly, your tables are empty while your customers scarf down the nearly free food next door. Even if Solar Burger opens only sporadically, that's enough to wipe out your profit margin. The Atomic Diner soon flirts with bankruptcy.

This is the scenario facing many nuclear plants. During periods of peak wind and solar generation, electricity prices collapse. Some states even let producers pay customers who are willing to absorb power no one else wants. (How do energy companies make money selling at these "negative prices"? Tax credits.) Nuclear plants can't easily shut down or send workers home during surges in renewable-power generation, so they are forced to operate at a loss—one of the factors that has forced the premature closure of 12 nuclear plants since 2013. According to the Department of Energy, seven more plants are marked for shutdown over the next four years, and as much as a quarter of the U.S. nuclear fleet faces economic challenges. Most of these plants are not the victims of bad management or outdated technology. They are threatened by "renewables-first" energy policies that put nuclear power at a huge disadvantage.

Note the irony here: while wind and solar produce enough electricity to make some nuclear plants unprofitable, they don't make nearly enough to replace the carbon-free power lost when the plants shut down. Take the example of New York's Indian Point nuclear plant. Former governor Andrew Cuomo, working with Hudson Riverkeeper and other green activists, forced the early shutdown of the plant in 2021. That single plant produced about two and a half times as much power as all the state's existing wind and solar facilities combined. When its reactors went silent, utilities turned to gas-fired power plants to fill the gap. Only environmentalists were surprised when New York State's grid-related carbon emissions shot up 15 percent. Electricity prices are now skyrocketing as well. Since more gas is now being used to make electricity, other gas customers face shortages.

This pattern—higher emissions coupled with higher consumer prices—has been repeated in every region where nuclear plants have closed prematurely. The push to replace reliable nuclear power mostly with wind and solar compounds the problem. While renewable energy can make meaningful contributions to clean-power generation, the grid today can't operate primarily on these intermittent sources. (A mostly renewable power grid would require technology capable of storing huge amounts of energy at a reasonable cost. That goal remains far outside our reach for now.) California, home to the country's most aggressive green-energy policies, faced rolling blackouts in 2020 when grid operators couldn't cope with the wild swings in renewable-power output. In other words, the renewables-first approach isn't just inefficient, it's backfiring.

While some environmental groups have lately become more supportive of nuclear power, others, including the Sierra Club and Friends of the Earth, still agitate for more plant closures. Anti-nuclear activists and politicians typically argue that burgeoning wind and solar facilities will quickly replace the clean power lost when nuclear plants shut down. As we've seen in New York and other states, that's simply not true. But even if it were the case, how would spending billions to replace one zero-carbon energy source with another make either economic or environmental sense? "This is what I call 'treadmill decarbonization,'" says Breakthrough Institute analyst Stein: "We're running in place instead of making progress."

The nation's leading power companies aren't helping much. Entergy, the former owner of New York's Indian Point, has announced plans to gradually close or sell off its five remaining nuclear plants. While the company blames economic conditions, political considerations presumably also play a role in shutdown decisions: keeping nuclear plants online requires periodic equipment upgrades and other investments. Business leaders don't want to risk such expenditures if they think activists and politicians might later pull the rug out from under them. Political uncertainty is a major risk factor for businesses whose investments need to pay off over decades.

The Biden plan is meant to give these challenged plants a chance to keep operating—at least until a better regulatory model emerges. The first tranche of CNC payments will "prioritize reactors that have already announced their intention to cease operations," according to the Department of Energy. Later cycles will include a broader group of plants facing monetary hardship. Clearly, offering direct subsidies to businesses that claim to be financially stressed can create perverse incentives. By funneling cash to those plants and not others, the program risks effectively penalizing the power companies that run their operations most efficiently.

But our over-regulated energy sector is already a maze of perverse incentives. Existing policies encourage unreliable energy production and penalize reliable nuclear plants, threatening to undermine the integrity of the U.S. grid even as they burden ratepayers and taxpayers. The Biden administration isn't alone in concluding that saving at-risk plants requires drastic action. Several states, including Illinois and New Jersey, already subsidize nuclear power. Even as New York pushed to close Indian Point, it also launched a program to subsidize three upstate plants. From the perspective of pro-nuclear activists, these programs simply offer nuclear power the same kind of financial incentives that states routinely grant to renewable-energy suppliers.
Free marketeers, of course, see such subsidies as a form of crony capitalism, and they're not all wrong.

"Subsidizing nuclear power is poor public policy," writes American Enterprise Institute economist Mark J. Perry. "The nuclear industry knows that its days are numbered." If the nuclear industry were falling behind in a genuinely free market, this assessment would be correct. But our current energy regime places unique regulatory burdens on nuclear producers. At the same time, wind and solar benefit from a kind of green crony capitalism, one that involves not just government policies but also the investment community's focus on ESG (Environmental, Social, and Governance) criteria in making financing decisions.

Some advocates say that nuclear power should get higher subsidies across the board. A better approach would be to reduce the disproportionate aid flowing to wind and solar and let all clean energy sources compete on a level playing field. Such a complete rethink of renewable-energy policies probably won't fly in states such as California and New York, or in the Biden White House. But Biden's bailout plan at least attempts to stave off the imminent closure of the country's most at-risk plants. In the short term, the move could help save our power grid from losing 7 gigawatts of clean energy. Still, bailouts are not a long-term solution. We need more comprehensive reform.

It's too soon to know if the bailout plan's provisions will be flexible enough to help power companies keep their endangered plants running. But the program is already nudging some states to reassess the importance of their nuclear plants. In Michigan, Governor Gretchen Whitmer wants to tap into the fund in a last-ditch effort to save that state's Palisades nuclear plant, which its owner, Entergy, plans to shut down later this month. In California, anti-nuclear environmentalists and politicians have long backed a plan to shutter Diablo Canyon, the state's only remaining nuclear facility. But in a stunning about-face, Governor Gavin Newsom recently announced that he wants to keep it open. It's unclear whether Diablo Canyon would qualify for the bailout funds (it's being forced to close mostly for political rather than financial reasons). But Newsom's sudden conversion represents a political sea change for the state, and, as Bryce writes, "a massive win for rational climate policy and the pro-nuclear movement in the United States."

The Biden administration isn't known for challenging its progressive base, so it deserves some credit for wholeheartedly endorsing nuclear power as a vital part of our energy mix. Still, Biden's energy policies recommit to some of the same mistakes that helped create the nuclear-power dilemma in the first place. In addition to its relatively paltry $6 billion for nuclear plants, the 2021 Infrastructure Investment and Jobs Act includes $65 billion for power-grid upgrades, partly to help utilities handle the anticipated increases in renewable power. The grid needs these upgrades, but they should be paid for by the private sector. A better approach would be to roll back the regulations that make infrastructure projects so slow and expensive to build.

The administration is also pushing a grandiose scheme to line the East Coast with the world's biggest network of offshore wind farms. The project would be "catalyzed" through lavish tax credits and other subsidies. But the power produced by the gargantuan turbines could wind up costing two or three times more per megawatt-hour than electricity from today's nuclear plants or other sources. That multibillion-dollar burden would fall on ratepayers. In a devastating new report, Manhattan Institute adjunct fellow Jonathan A. Lesser exposes both the "dismal economics" and the engineering absurdities of the plan. American energy policy has evolved into a tangled web of regulations, tax credits, incentives, and disincentives—all of which drive up prices even as they do surprisingly little to bring down carbon emissions. Indeed, as we've seen, the renewables-first approach favored by progressives can even drive up emissions if it forces nuclear plants to close.

Biden's bailout is a clumsy way to address that dilemma. Providing direct subsidies to nuclear power producers is a messy, wasteful way to protect our power grid. Let's hope it's temporary. But given today's political realities, it might be the least bad option on the table, helping some vulnerable plants stay alive until another, more market-oriented administration can start untangling our energy mess.

James B. Meigs is cohost of the How Do We Fix It? podcast. This article first appeared in the City Journal on May 7, 2022.

CALIFORNIA PREPARES FOR ENERGY SHORTFALLS IN HOT, DRY SUMMER

BY KATHLEEN RONAYNE

SACRAMENTO, Calif. (AP) — California likely will have an energy shortfall equivalent to what it takes to power about 1.3 million homes when use is at its peak during the hot and dry summer months, state officials said Friday.

Threats from drought, extreme heat and wildfires, plus supply chain and regulatory issues hampering the solar industry will create challenges for energy reliability this summer, the officials said. They represented the California Public Utilities Commission, the California Energy Commission, and the California Independent System Operator, which manages the state's energy grid.
State models assume the state will have 1,700 fewer megawatts of power than it needs during the times of highest demand — typically early evening as the sun sets — in the hottest months when air conditioners are in full use.

One megawatt powers about 750 to 1,000 homes in California, according to the energy commission. Under the most extreme circumstances, the shortfall could be far worse: 5,000 megawatts, or enough to power 3.75 million homes.

"The only thing we expect is to see new and surprising conditions, and we're trying to be prepared for those," said Alice Reynolds, president of the California Public Utilities Commission, which regulates major utilities such as Pacific Gas & Electric.
Climate change is driving a megadrought in California, which this year saw the driest January through March on record. Last summer the state for the first time shut off hydropower generation at the Oroville Dam because there wasn't enough water. It's up and running again, but the shutdown cost the state 600 megawatts of power, officials said.

Large hydropower projects generated nearly 14% of the state's electricity in 2020, according to the independent system operator. Renewable energy sources, chiefly solar, accounted for 34.5% and nuclear power made up 10%.

Amid expected shortfalls this summer the state — and residents — have multiple tools to avoid blackouts. Power can be purchased from other states and residents can lower their use during peak demand, but power shortages still are possible during extreme situations, officials said. Reynolds urged people to consider lowering their energy use by doing things like cooling their homes early in the day then turning off their air conditioners when the sun goes down.

In August 2020, amid extreme heat, the California Independent System Operator ordered utilities to temporarily cut power to hundreds of thousands of customers.
Mark Rothleder, senior vice president for the system operator, said the state would be more likely to experience blackouts again this year if the entire West has a heat wave at the same time. That would hinder California's ability to buy excess power from other states. Wildfires could also hinder the state's ability to keep the power on, he said.

California is in the process of transitioning its grid away from power sources that emit greenhouse gases to carbon-free sources such as solar and wind power. As old power plants prepare for retirement, including the Diablo Canyon Nuclear Power Plant, the state has fewer energy options available. By 2025, the state will lose 6,000 megawatts of power due to planned power plant shutdowns.
Ana Matosantos, cabinet secretary for Gov. Gavin Newsom, declined to share details about what other actions the administration might take to ensure reliability, only saying Newsom was looking a "range of different actions." The Democratic governor recently said he was open to keeping Diablo Canyon open beyond its planned 2025 closing.

Meanwhile, supply chain issues caused by the pandemic are slowing down the availability of equipment needed to stand up more solar power systems with batteries that can store the energy for use when the sun isn't shining.

The state officials also pointed to an investigation by the U.S. Department of Commerce into imports of solar panels from Southeast Asia as something with the potential to hinder California's move toward clean energy.

California has set a goal of getting 100% of its electricity from non-carbon sources by 2045, with certain benchmarks along the way including 60% by 2030. Already the state sometimes exceeds that target, particularly during the day. How much power comes from renewable sources varies based on the time of day and year as well as what's available.

Recently the system operator said it hit a record of getting more than 99% of energy from non-carbon sources around 3 p.m., though that only lasted for a few minutes.
Solar power by far makes up the largest share of renewable power, though it peaks during the day and drops off significantly at night when the sun goes down. The state is ramping up battery storage so solar power can continue to be used when its dark, but the state's capacity is still significantly lacking.
Pacific Gas & Electric, which serves about 16 million people in California, has added more battery storage since the 2020 power outages and is working on programs to reduce the energy load during peak demand, spokeswoman Lynsey Paolo said in a statement. The company is conserving water in reservoirs it relies on for hydropower and telling customers how they can reduce demand, she said. Her statement did not mention Diablo Canyon, which the utility operates.
Southern California Edison, another major utility, is working to procure more power, complete its own battery storage project and incentivize customers to use less energy, spokesman David Song said.
"Southern California Edison understands how much our customers depend on reliable electricity that is delivered safely, especially during the summer months when customers rely on electric service for air conditioners and fans during extended heat waves," he said.
This article first appeared nationally as an Associated Press item on May 6, 2022, and was then sent out by Flash Report on May 7, 2022. Kathleen Ronayne is an Associated Press Reporter based in Sacramento.

THE EXASPERATED AMERICAN

Will the voters channel their furor at this regime of lies into an unprecedented turnout at the polls in November?

By VICTOR DAVIS HANSON

A large majority of Americans now have no confidence in Joe Biden and his administration, which often polls below 40 percent, with negatives nearing 60 percent.

Despite the 15-month catastrophe of his regime, the level of his own unpopularity remains understandable but still remarkable. After all, in 2020 voters already knew well of his cognitive deficits and the radicalism of his agenda. They saw both clearly starting in 2019 and during the 2020 Democratic primaries, the primary debates, and the general election.

So what did Biden's voters imagine would happen when a cognitively challenged president, controlled by hard-Left subordinates, entered office—other than what he has done?

Now, as then, the media is fused to the progressive agenda and does—and did—its best to turn a non-compos mentis Biden into a bite-your-lip centrist empath in the Bill Clinton "I feel your pain" mode.

The American people know that on every occasion their president speaks, he will slur his words at best. At worst, he will have little idea where he is, where he has been, or what he is supposed to be saying or doing. When he is momentarily cognizant, he is at his meanest, or he simply makes things up.

Our new normal of a mentally incapacitated president is not entirely new in American history—Woodrow Wilson was an invalid during the last months of his presidency. But Wilson's condition was well hidden. Quite novel is the idea that the American people know the man in the White House is cognitively disabled and simply expect him to confirm that bleak diagnosis each time he opens his mouth.

If Donald Trump exaggerated, Biden flat out lies daily. His most recent untruth was his assertion that the MAGA movement represents "the most extreme political organization that's existed in American history." Biden cannot really believe that roughly half the country is now more dangerous than Antifa, Black Lives Matter, the Weathermen, the American Nazi Party, the American Communist Party, and the Ku Klux Klan. And this comes from the mythically moderate "good old Joe from Scranton"?

The bullied people also know the Biden problem has no remedy. The 25th Amendment that Democrats and the Left raised nonstop in efforts to remove Trump—from the Rosenstein-McCabe wear-a-wire embarrassment and former Yale psychiatrist Bandy X. Lee's congressional tomfoolery to the incessant Montreal Cognitive Assessment demands—won't apply to Biden.

Either the media will continue to rebrand his incapacity as Ciceronian eloquence or it will privately gloat that Kamala Harris is so off-putting, so uninformed, so unpopular that the people would prefer an amnesiac Biden to a nonimpaired Harris. The truth is, the three doyens of Democratic progressivism—Joe Biden, Senator Dianne Feinstein (D-Calif.), and House Speaker Nancy Pelosi (D-Calif.)—all struggle with cognitive decline and rely heavily upon the media and the Democratic Party's political attack machine to enjoy asymmetrical exemption. (Though, in Feinstein's case, her support is wavering.)

Americans feel there is no remedy for this downward spiral until November. To get a sense of their dilemma, imagine a Richard Nixon in 1973 caught lying during Watergate but with Spiro Agnew waiting in the wings without a trace of scandal—except with one difference: the current media is now attacking not the president's shortcomings, but the president's critics who point them out.

Even if the Republicans were to win a 60-vote majority in the Senate, they would hesitate to impeach Biden simply because Harris is a more frightening prospect. And some Marquess of Queensberry centrist RINOs would not wish to codify the Democrats' new standard of impeaching an opposition president the minute he loses the House of Representatives in his first midterm.

Most of the country has awakened to the fact that the Trump-Russia collusion story was essentially a Hillary Clinton campaign effort to destroy a political opponent, a presidential transition, and a presidency. And they know Clinton will never be indicted for her conspiracies and racketeering even if her minions rat her out to seek reduced charges for themselves.

That hoax was followed by an impeachment vote over a phone call based on two more lies: 1) the Biden family was neither corrupt nor used Joe Biden's office as vice president and his future political career to leverage payments from Ukraine, and 2) Donald Trump canceled military aid to Ukraine rather than sent them critical Javelin anti-tank missiles put on hold by the Obama Administration.

Americans know Google, Facebook, and Twitter censors were all enlisted in the effort to destroy a former president and his outspoken supporters. And they know there is no real remedy unless two or three more enlightened billionaires follow Elon Musk's lead.

If Roe v. Wade were to be repealed, many Americans in red states will remain appalled that some blue states will allow abortions, especially late-term abortions after 22 weeks. But nearly all will accept the rule of constitutional democracy and thus the states' rights to make their own laws that do not conflict with federal legislation as passed by Congress and signed by the president.

These red-state citizens know the opposite is certainly not true: blue state officials will do all they can to attack those who disagree with them, who consider abortion the destruction of human life in the womb. Expect more California-style official travel bans.

Americans know that the Department of Homeland Security's new "Disinformation Governance Board" will, by design, be run by an arch-disinformationist Nina Jankowicz. The board's entire purpose is to coordinate with the media to brand oppositional expression as "hate speech" and "mis-, dis-, and mal-information" so that critics preemptively self-censor and moderate their opposition.

In this regard, they know that the Biden regime awards positions of great power in the U.S. government to those who do the very opposite of the intended offices' purview. The goal is pure nihilism.

Thus, a mythographer and propagandist will adjudicate "truth." A homeland security secretary will do his best to make the border entirely insecure. The secretary of transportation will see to it that freeways and bridges are not built. The department of energy's task will be to ensure less energy is produced and its transportation is more expensive and more dangerous than ever. And the secretary of defense will oversee the most humiliating retreat in modern American history in Afghanistan as he cites our chief existential threat to be either climate change or "white supremacists."

The people know the Left eventually always loses the support of the voters. But leftists still believe they can achieve and retain power, given that they control America's cultural and informational institutions.

The Left remains hell-bent on radically changing the demography of the United States. And it always manufactures new hysterias—from the claim that Trump was "100 percent responsible" for every American death during the COVID-19 pandemic, to border officers "whipping" innocent illegal aliens, to Vladimir Putin single-handedly causing sky-high gas prices and the worst inflation since the 1970s. Each week brings another prairie fire hysteria. No sooner than it is exposed and refuted, and the Left is on to another conflagration.

Americans have a rough idea that the tragic death of George Floyd was not proof of an epidemic of lethal police shootings of black males. Yet that single death set off the entire woke conflagration of 2020 and, with the hysterias of the lockdowns, has nearly wrecked the country.

Yet in 2021, out of more than 10 million arrests in the United States, police shot about six unarmed black men. The same year, 346 police officers were shot, 63 fatally—to left-wing indifference. Moreover, roughly 8,000 blacks were murdered mostly by other blacks—to callous media and political silence. Thousands of lost black lives mattered little—except the fewer than 1 in 1,000 of that total who were tragically and lethally shot while unarmed by police.

Finally, Americans were angry at the rioting inside the Capitol on January 6, 2021. But they cannot forgive the needless lies surrounding that illegal act in an effort to fabricate an insurrection out of a spontaneous buffoonish riot.

So they recoil at the lies about Officer Brian Sicknick's death. They are baffled about the silence surrounding the number of FBI informants among the January 6 protestors. They are angry about the lies surrounding the lethal shooting of an unarmed Ashli Babbitt. They don't understand the refusal to release all videos or communications pertinent to the government's reaction to the riot. And they do not fathom the disproportionate treatment of those charged with unlawfully entering the Capitol versus those 14,000 arrested during the summer of 2020, when rioting led to more than 35 deaths, some 1,500 police officer injuries, and $2 billion in property damage and massive looting.

They shake their heads when Senator Chuck Schumer (D-N.Y.) directly threatened two Supreme Court judges by name outside the court, ginning up an angry protest group at the doors. They are baffled that the White House press secretary sees nothing wrong with disseminating the private addresses of Justices in order to ensure mobs of protestors show up at their homes to intimidate them.

Of course, exasperated Americans are furious over the open border. They are angry their lives are being insidiously destroyed by the Biden inflation and energy prices. They are humiliated by the Biden debacle in Afghanistan and angrier still over his spiking crime wave and his mean-spirited senility. They resent Biden's efforts to blame all these self-inflicted miseries on Donald Trump, or the "Putin price hikes" or the inability of a presidency to do anything about supposedly organic forces beyond his purview.

But behind the popular furor is a sense of impotence in the face of the untruth they are assaulted with day after day. In other words, bullied Americans are angry that people who control the nation's institutions deliberately mislead them and do so because they hate them.

Let us hope that they channel this historic exasperation in November in a manner we have never seen before in the modern era.

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 May9, 2022 Hoover Institution Daily Update.

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