



WEEKLY UPDATE
September 25 - October 1, 2022

COLLAB
San Luis Obispo County



FALL MIXER 2022

SAVE THE DATE

OCTOBER 20TH

5:30PM-7:30PM

THOUSAND HILLS RANCH
550 THOUSAND HILLS RD.
PISMO BEACH, CA

APPETIZERS & BEVERAGES
WILL BE PROVIDED



THIS WEEK

SLO COUNTY PENSION TRUST

VOLATILE MARKETS REDUCE RETURNS

STAFF RECOMMENDS NOT PRIORITIZING SOCIAL EQUITY AND CLIMATE HYSTERIA IN INVESTMENT CRITERIA

BOARD OF SUPERVISORS

CITIZENS HOMELESS ACCOUNTABILITY COMMISSION TO BE APPOINTED

FY 2021-22 YEAR END FINANCIAL REPORT

They are rolling in cash but are going to need it

RECRUITMENT, RETENTION, AND STAFF VACANCIES GROW TO RECORD LEVELS

DENIED CANNABIS GROW APPEALED NEAR OAK SHORES

**REDISTRICTING LAWSUIT ON EXEC SESSION - WHAT'S HAPPENING?
COURT DOCKET SHOWS NO ACTION**

PG&E TO PRESENT DIABLO RETENTION ISSUES

APCD

LITE HOUSEKEEPING ITEMS & PATRONAGE GIVE AWAYS

LAST WEEK

NO BOARD OF SUPERVISORS MEETING

CENTRAL COAST COMMUNITY ENERGY

FY 2022-23 ANNUAL BUDGET ADOPTED

MORE PATRONAGE PROGRAMS VERSUS LOWER RATES CONTENTION

**CHIEF EXECUTIVE OFFICER TO RETIRE – THE RADICAL ENVIROS
HAVE DRIVEN HIM OFF AND/OR PERHAPS HE KNOWS SOMETHING**

**VANDENBERG AFB WITHDREW FROM 3CE - COUNCILWOMAN
MARX & SUPERVISOR DAS WILLIAMS PROMISE TO BRING IT BACK**

PLANNING COMMISSION

STAFF OFFICER IMPRESSIVE IN LEADING PURVIEW DISCUSSION

EMERGENT ISSUES

COVID LOWEST IN COUNTY SINCE INCEPTION

WHAT HAPPENS IF THE LEFT TAKES OVER THE BOS?

COLAB IN DEPTH

SEE PAGE 22

HOW TO TALK TO A WOKESTER

*Conservatives reply to woke objections with a modest offering of facts
that undo the woke narrative—and get nowhere*

Here's a better way

BY MARK BAUERLEIN

EQUAL JUSTICE, THEY SAID

*We are now a revolutionary society in decline using the courts,
prosecutors, the administrative state, and the law itself to punish
enemies, help friends, and declare such asymmetry “social justice”*

BY VICTOR DAVIS HANSON

THE BRIGHT SIDE OF CANNABIS?

BY JOHN HINDERAKER

THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

SLO Pension Trust Meeting of Monday, September 26, 2022 (Scheduled) 9:30 AM

Item 14 - Monthly Investment Report. Thus far this year, the return is a negative 9.6%. The staff warns that: *As of September 19th, the month has had volatile but negative returns.*

♣ Equity Markets – The pronounced bear market through much of 2022 experienced a July “Bear Market Rally” which reversed itself in August. Concerns over continued Fed tightening of monetary conditions with a possible recession being triggered weigh heavily on the equity market’s view of future corporate profitability. The S&P 500 index finished August with a YTD return of -16.1%.

The Fed did in fact raise the discount rate. As of Friday, September 23, 2022, the Dow fell to a ten year low of 29,264.43. Should these numbers persist until the end of the year, the Board of Supervisors should plan for higher contribution rates next fiscal year.

Agenda Item 14: Monthly Investment Report for August 2022

	August	Year to Date 2022	2021	2020	2019	2018	2017
Total Trust Investments (\$ millions)	\$1,645		\$1,775	\$1,552 year end	\$1,446 year end	\$1,285 year end	\$1,351 year end
Total Fund Return	-1.9% Gross	-7.5% Gross	15.2% Gross	8.9 % Gross	16.3 % Gross	-3.2 % Gross	15.5 % Gross
Policy Index Return (r)	-2.6%	-9.6%	12.8%	10.0 %	16.4 %	-3.2 %	13.4 %

Item 21 - Agenda Item 27: Fiduciary Refresher Briefing – Environmental, Social, Governance (ESG) Criteria in Investments. The item contains a presentation and discussion of the whole progressive push to include ESG criteria in investments. Staff and consultants

recommend the prudent view that there are many risks, including ESG, which must be considered. No one factor should be given special weighting.



Source – Colorado PERA 2022 Investment Stewardship Report

When the above graphic is viewed with ESG Investment Criteria in mind one can see that ESG factors are part of many of these identified risk factors – Biological, Economic, Geopolitical, Supply Chain, Regulatory, Climate, and Reputational. Food for thought.

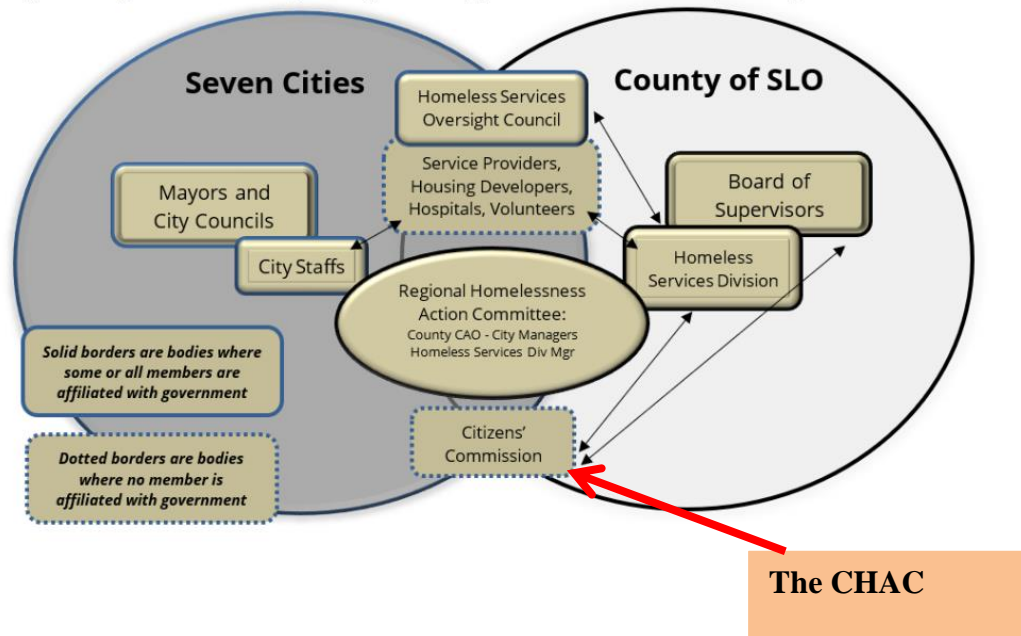
Board of Supervisors Meeting of Tuesday, September 27, 2022 (Scheduled)

Item 5 - Request to 1) adopt a resolution establishing the Citizens' Homelessness Accountability Commission (CHAC); and 2) approve the proposed bylaws for the CHAC; and 3) approve a by-name list for CHAC membership. This item is another structural step in the implementation of the County's new plan to reduce and prevent homelessness. Per the chart below, the CHAC is one of the coordinating committees being established. Its key role is to evaluate the progress of the overall program. The write-up states in part:

*The CHAC is a proposed group of citizen volunteers who will be appointed by the Board of Supervisors to represent our countywide region in closely monitoring the progress of The San Luis Obispo Countywide Plan to 5 Address Homelessness 2022-2027 over the next five years. Subcommittees from this panel will interact directly with the Homeless Services Division on quarterly basis and the full committee will interact with Board of Supervisors annually. **The intent is to establish a panel of citizens, operating with independence from government perspectives and processes,** to be authorized access, input, and evaluation of the Countywide*

Plan as it unfolds, while also reporting out to the public regarding their evaluation in an independent manner. Because the Board of Supervisors is formally establishing the CHAC, it is subject to the requirements of the Ralph M. Brown Act, among other things.

Figure 1. Diagram demonstrating the Regionalism Approach of *The San Luis Obispo Countywide Plan to Address Homelessness*



Attachment 3

Membership Nomination for Citizens' Accountability Homelessness Commission

1. Greg Gillett
2. Sam Blakeslee
3. Laura Slaughter
4. Jim Salio
5. Mike Draz
6. Chuck Davison
7. Justin Davis
8. Christine Thornburg
9. Helene Finger
10. Christine Robertson
11. Rick Bravo

Whether this group is independent from government perspectives as stated in the write-up is not clear. There are several physicians and an association director. However, Jim Salio is a former County Chief Probation Officer and Sam Blakeslee served in the California Legislature for many years. Others hold positions at Cal Poly, a State University. The group is basically representative of the community intelligentsia, with deep connections to government.

Item 7 - It is recommended that the Board approve a resolution adopting final appropriations, reserves, designations, and contingencies for FY 2022-23 pursuant to

direction given in Board Resolution No. 2022-153 and relative to the determination of the June 30, 2022, final fund balances, by 4/5th vote. The FY 2021-22 fiscal year ended with a fund balance \$15.2 million higher than was budgeted. Prudently, the CAO recommends that this be placed in various reserves and not programmed into new recurring expenditures.

Description	Sources	Uses
General Fund: Excess FBA	\$15,164,754	
General Fund: Increase Contingencies		\$493,227
General Fund: Reduce the use of the COVID 19 designation for one-time funding of Workers Compensation, Liability Insurance, and to close		7,206,632

remaining budget gap, as approved in the recommended budget.		
General Fund: Increase Rainy Day Funds		3,537,954
General Fund: Receive funds from the Community Development fund	40,190	
General Fund: Receive funds from the Library Fund	32,869	
General Fund: Increase Countywide Automation Replacement		2,000,000
General Fund: Increase General Government Building Replacement		2,000,000
Total Adjustments	\$15,237,813	\$15,237,813

Item 26 - FY 2021-22 Year End Financial Report. The County ended last fiscal year with a higher than estimated general fund balance, as noted in the item above. Other governmental special funds such as capital improvement reserves and automation reserves also performed well. Departmental savings and higher general revenues than were estimated contributed to the result.

Federal ARPA (American Rescue Plan Act) funds were not expended as quickly as estimated. Mainly for virus construction projects and operational program start-ups, they also contributed to the higher balance. This portion is temporary in that the projects and programs lapse over into the current fiscal year, and those funds will ultimately be expended. In fact, the Federal guidelines require that the funds all be expended prior to 2024. Otherwise, any remaining amount will have to be paid back.

The balances are going to be important as the County deals with large union contracts which are under negotiation and for which increases are not included in the current year budget. The CAO has wisely recommended that the Board not program these balances, but instead place them in various reserve accounts as future year hedges.

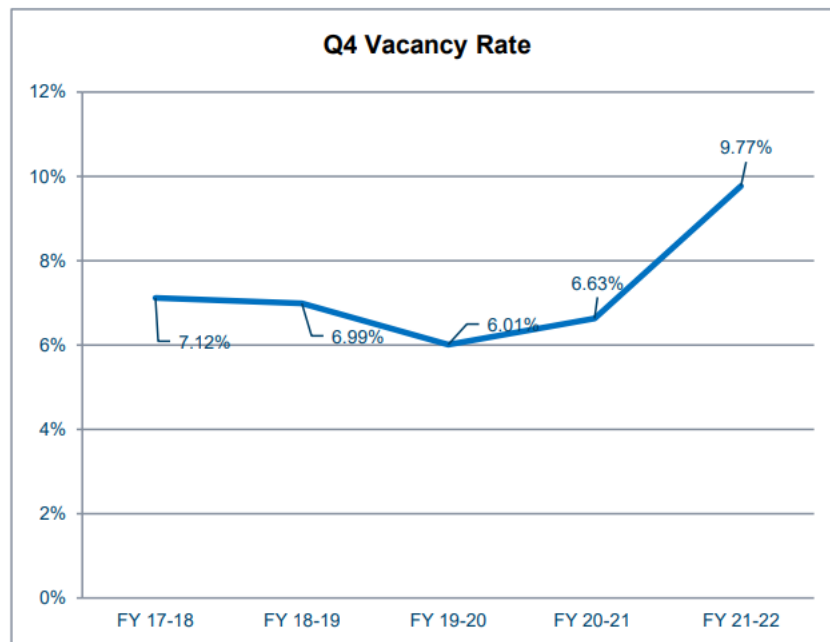
Certainly the pension fund will be negatively impacted by the huge stock market losses that have occurred so far this year.

Inflation is also having negative economic impacts across the board. County salaries and the cost of equipment, supplies, energy, motor fuels, and construction are all going through the roof.

If the Board of Supervisors majority flips progressive in January as a result of the November elections, many costly and expansive programs are likely to be installed. Also, some sources of revenue are likely to be diminished due to negative impact of regulations, fees, and taxes. See the list of potential leftist policy actions that could take place in the Emerging Trends section on page 21 for details.

SUMMARY OF POSITION ALLOCATION CHANGES

FY 2021-22	Q1	Q2	Q3	Q4
Quarter Start	2,847.25	2,860.25	2,883.25	2,923.50
FTE Additions	48.50	41.00	48.00	16.25
FTE Deletions	35.50	18.00	7.75	8.25
Quarter End	2,860.25	2,883.25	2,923.50	2,931.50
Net Change	13.00	23.00	40.25	8.00
% Change	0.46%	0.80%	1.40%	0.27%



The County employee vacancy rate at the end of the fourth quarter was 9.77%. This equates to 288.5 vacant positions. By comparison, the vacancy rate for the fourth quarter during FY 2020-21 was 6.63%. This represents an increase of 3.14 percentage points from the prior year and is likely attributed to increased demands in County operations resulting in a large number of positions being added to the Position Allocation List (PAL) over the last year, coupled with increased recruitment and retention challenges. While we continue to actively recruit to fill open positions, there have been delays due to a shift in the labor market, which has caused a decrease in number of individuals applying for County jobs and challenges in attracting qualified

candidates. Efforts are underway in the Human Resources Department to address these challenges for the County.

Turnover: One of the problems plaguing many local governments and businesses is the inability to recruit and retain qualified employees. The problem appeared well before the COVID 19 Pandemic began; however, the Pandemic and many Federal and state unemployment programs and other supports have exacerbated the problem. The County report states in part:

The County turnover rate at the end of the fourth quarter was 15.01%. This equates to 400 employee separations. By comparison, the turnover rate for the fourth quarter during the prior year was 10.16%. This represents an increase of 4.85 percentage points in turnover for the County overall. In the FY 2021-22 second and third quarter reports Human Resources projected that this number could reach 14.56% by 2023. Due to significant changes in the labor market and workforce priorities, we have seen an accelerated increase in our turnover and have exceeded our projected rate more quickly than expected. Unfortunately, labor trends are indicating that it is likely this momentum will continue into coming months. Efforts are underway to address recruitment and retention challenges that the County is currently facing.

It seems difficult to explain. The County pays well and does not have layoffs. Employees receive 12 paid holidays, 2 to 5 weeks' vacation (depending on length of service), 2 weeks per year of sick leave (which accumulates year over year), civil service and union protections, overtime pay for work in excess of 40 hours, regular pay step raises, annual cost of living raises, great health insurance, dental insurance, and a defined benefit pension after 5 years of service and attainment of age 62. The employees also receive Social Security. Just about anyone who has decent attendance and is conscientious can qualify for promotions. Moreover the County is not going to transfer you to the Cincinnati office. There is no required out of State travel.

House prices are cheaper in Tucson, but do you really want 130 days with over 100 degree heat and a 10 hour drive to the beach?

Issues: Part of the problem may be that so many of the jobs are routinized and therefore boring. The rigid work and compensation rules work against the real go getter raw meat eaters. This is amplified by the whole prohibition on working out of class. The best thing an employee can do is work out class, show up early, stay late, and take on anything the boss needs. Government job systems essentially forbid this option. For example, I'm a truck driver, but if the dispatcher is out, I could stick around and set up tomorrow's schedule.

For young people starting out, all the mumbo jumbo about work-life balance is a myth. There is no such thing until you make it. Work-life balance means ending up with an independent income sufficient to advance your family, live in a nice place, sail boats, surf, ski, and give back to the community. It is not for beginning and mid-career people. They need to come out of the blocks fast and win incentives. Government employment does not provide this in most cases.

Many government employees are oblivious to the societal environment, except as it may pertain to their income and tenure.

Unlike many private sector jobs (particularly in the knowledge sector), government jobs do not offer an opportunity to share equity in the company or stock options.

Government jobs do not offer annual bonuses or profit sharing.

Government jobs do not offer the opportunity to make very large amounts of money for building a product line, expanding a market, closing a huge deal, winning an important legal case, inventing a successful product or process, etc.

An ambitious UPS driver, Wall Mart Associate, or PG&E lineman can rise into the highest levels of management. This is not so true for County social service eligibility workers, maintenance tradesman, and administrative professionals. The requirement for a university degree or university professional degree is often a barrier in government.

On the other hand many government employees have soft degrees in liberal arts and social sciences, which are useful to become an educated person but won't qualify one for even Planner I, Social Worker I, Programmer I, let alone engineering, law, finance, etc.

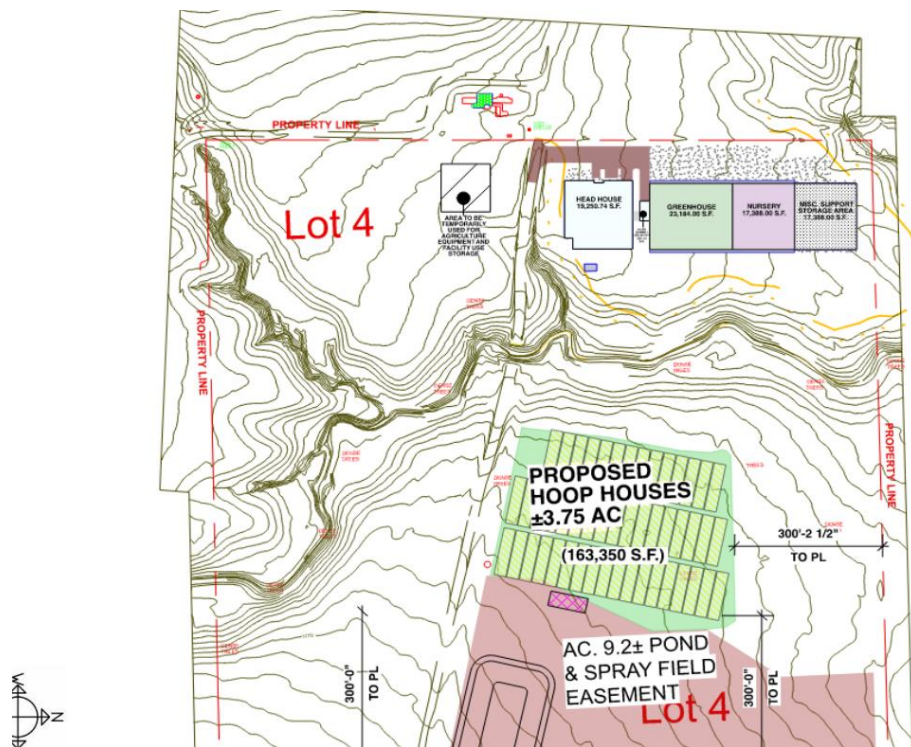
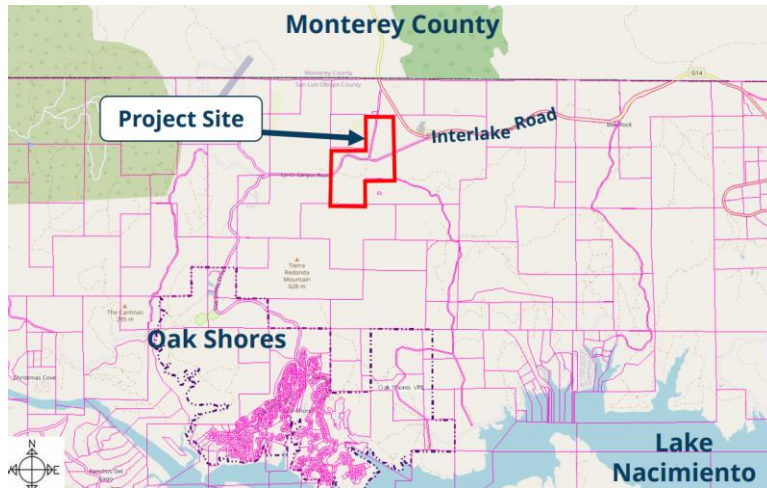
Government jobs cannot foster social and institutional bonding, as they cannot have retreats, parties, and other gatherings, as they violate policy norms of proper use of public funds. Private companies undertake activities such as renting an entire resort for a week or a county club for a night to wine and dine the marketing department, the IT people, the brokers, the doctors, the million mile drivers, or in some cases just about everyone.

Instead the governments have "trainings" for day with lunch.

One Suggestion: The County could establish a 4-year interdisciplinary program at Cal Poly to prepare candidates for a wide range of entry level County jobs. It would come with two paid summer internships, exposure to public safety, physical fitness, knowledge of our history and government institutions, and paid tuition. Incultation in public service values could be woven into the curriculum. Participants would be required to graduate in five years and sign a contract to serve the County for four years. They would have guaranteed jobs at graduation.

Item 29 - Hearing to consider an appeal (APPL2021-00011) by Terri Gillen, of the Planning Commission's denial March 25, 2021, of a Conditional Use Permit (DRC2018-00223) for Greenmilk, LLC to establish cannabis operations with up to three acres of outdoor cannabis cultivation canopy within hoop houses, 22,000 square feet of indoor cannabis cultivation canopy, 14,686 square feet of commercial nursery, 1,876 square feet of manufacturing, 174 square feet of non-storefront dispensary, ancillary nursery, and processing. The manufacturing, ancillary processing, and dispensary activities will be housed within a new 19,250 square foot headhouse building. The indoor cultivation and nursery activities will take place within a 40,572 square foot greenhouse. The project proposes a 10,000 square foot building for associated warehouse and office use. The Planning Commission denied the permit back in 2021. The applicant has appealed on the grounds that the proposal specifically meets the requirement of the County Cannabis Ordinance. The staff report provides reasons to support the Board of Supervisors denying of the appeal and rejecting the project. Essentially the neighbors are opposed.

The project is located in the hills behind the residential areas next to Nacimiento Lake.



More opposition to cannabis operations is building throughout the county. Odor and alleged relations to criminal enterprises are cited as the main reasons for opposition.

It is clear that the left progressive experiment with the legalization of recreational cannabis in California has failed. The key benefit was supposed to be that legalization would eliminate the black market. In fact legalization, along with greed of the State and localities for fees and taxes, has promoted the black market. In SLO County there are only a few grows that have made it through the process and fewer still (perhaps four) that are in actual operation.

Meanwhile, the County leftist print media, such as the SLO New Times and the SLO Tribune, are major advertisers of pot shops. They are deriving substantial revenue. The full color adds are calculated to attract teens and young adults. Note in the ad immediately below, they aren't satisfied with just selling the stuff. Cannabis is "inspirational".

See the related article detailing the failure on page 32 in the COLAB In Depth Section below.

share your story

Cannabis Inspires.

Cannabis has changed many lives world wide. We want to share your story to inspire, educate, challenge perceptions and overturn stereotypes.

share your story

DON'T FORGET TO TAG #FEELGOODLIFE + FOLLOW @URBN_LEAF



Megan's
ORGANIC MARKET
Visit Your MOM
SLO'S WOMAN-OWNED
CANNABIS BOUTIQUE

SHOP NOW

Lic. No. C10-000728-LIC

COASTAL CANNABIS

SLOCAL
Roots

NOW OPEN 9:00 AM - 8:00 PM DAILY

3535 SOUTH HIGUERA STREET
805.439.1496

21 AND OVER ONLY | C10-0000952-LIC



Item 30 - Executive Session: CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) (4) SLO County Citizens for Good Government, Inc., Gomez, Maruska, Villa v. County of Luis Obispo Board of Supervisors, San Luis Obispo County Superior Court, Case No. 22CVP-0007. The lawsuit filed against the County by the group, County Citizens For Good Government, is simply a front for Bruce Gibson, the Democratic Party, and its overlapping coterie of leftist radicals. The "Citizens" assert that the County's adopted restricting plan is illegal because it gerrymandered some districts to favor the Republicans.

Back on February 9, 2022, Superior Court Judge Rita Federman turned down the Citizens request for an injunction. She indicated that the Citizens' assertion that the redistricting plan might violate the law could have merit. However, the disruption of holding up the election would be detrimental to the public interest in terms of the June election, which contained supervisorial races.

It is not known what the Board will actually be discussing in the closed session. It does not appear that the case is on the Court calendar for any process such as a case management conference, let alone a trial.

Since this is a matter of prime importance in the upcoming Supervisorial election in November, it will be important that the Board members disclose where they stand on the issue. Release of this information would not compromise whatever litigation strategy the Board may have adopted. In that regard they must be severely divided.

In a deliciously tantalizing set of alternatives, what if the Board and the "Citizens" agreed to leave everything as is until a trial can be held and a decision rendered? Gibson could remain 2nd District Supervisor and Compton 4th District Supervisor until the trial results are known and a possible new election held?

MATTERS AFTER 1:00 PM

Item 31 - Submittal of a presentation by Tom Jones with PG&E regarding Senate Bill 846 and the extended operation of the Diablo Canyon Power Plant. There is no preview of the presentation or a potential PowerPoint. The write-up states in in part:

Governor Newsome signed Senate Bill 846 into law on September 2, 2022. As a result, the operation of the Diablo Canyon Power Plant (DCPP) has been extended to no later than October 31, 2029 for Unit 1 and October 31, 2030 for Unit 2, assuming the Nuclear Regulatory Commission extends the DCPP's operating licenses. Tom Jones, PG&E Sr. Director of Regulatory, Environmental and Repurposing, Nuclear Generation will provide an overview of the legislation and extended operations of the DCPP.

At the end, the Board should pass a motion supporting the continuation of the power plant.

Air Pollution Control District Meeting of Wednesday, September 28, 2022 (Scheduled)

The agenda is light and is primarily confined to housekeeping items and doling out patronage grants for electric school buses, EV charging stations, and the usual symbolic programs. As noted below, the 3CE Energy Authority is passing out money for the same things.

LAST WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, September 20, 2022 (Not Scheduled)

The next regularly scheduled Board meeting is set for Tuesday, September 27, 2022.

Central Coast Community Energy (3CE) Policy Board Meeting of Thursday, September 22, 2022 (Completed)

It was revealed during the meeting that the September 6 heat crisis cost 3CE about \$10 million in extra energy expense, as it had to procure extra energy credits on the spot market to cover its portion of the impending shortage.

It was also inadvertently revealed that Vandenberg AFB opted out of 3CE when Santa Barbara County signed up and everyone was transferred over from PG&E.

A quick check revealed that Vandenberg developed its own 54MGW solar plant in 2018. The Base is prohibited by AF policy from exporting it to the grid. It generates more in the daytime than it can use. For this reason, the US Department of Energy has awarded the base a grant to install battery storage, which will be charged up in the day and then used at night.

The energy costs less than that provided by either PG&E or 3CE.

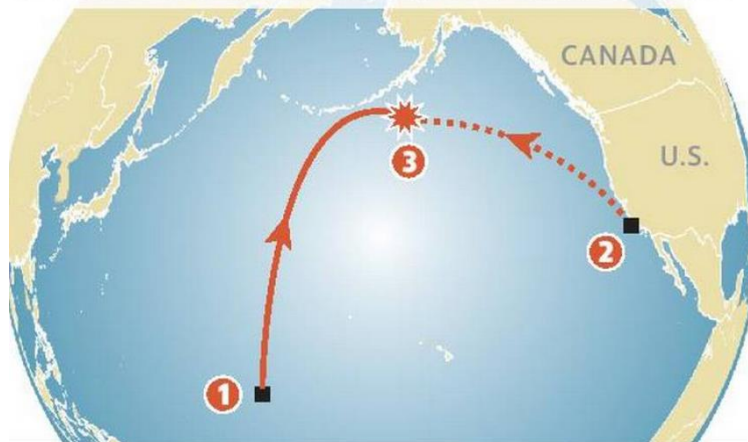
Among its operations, the Base supports 2 squadrons of anti-ICBM missiles designed to defend the country from nuclear attack. The Air Force can't bother with the whims of the local gang of politicians and their energy patronage schemes.

✕ Missile test a success



The U.S. military intercepted an incoming intercontinental ballistic missile Tuesday in a test meant to simulate a North Korean missile attack against the U.S.

1. Ballistic missile fired from test site in the Marshall Islands.
2. Interceptor launched from Vandenberg Air Force Base.
3. Interceptor released a "kill vehicle" which steered toward the missile and slammed into it high over the Pacific Ocean.



Putin has to think about this system if he wants to attempt to trade Yekaterinburg for Chicago to chase the US and NATO out of the Ukraine.¹

Nevertheless, both San Luis Obispo City Councilor Jan Marx and Santa Barbara County Supervisor Das Williams pontificated about how they will join together to attempt to recruit Vandenberg to re-join 3CE.

Most of the Board members seem numb and overwhelmed by the highly technical and smooth talking staffers who are former energy consultant salesmen. Apparently the Board was treated to an excellent celebratory dinner the prior evening. They were all raving about the "fellowship."

¹ Note: The Russians are clearly aware that they are at war with the US and NATO even though US troops have not publicly crossed the border into Ukraine – just as the US was at war with the Russia and the Warsaw Pact in Viet Nam. The rockets, artillery, and AK -47's that killed our guys were not manufactured in Hanoi.

In other action the Board adopted its FY 2022-23 Annual Budget. Most of the discussion focused on the risks inherent in the volatile energy market driven by rising natural gas prices. Some of the Board members, and especially Das Williams, wish to see a larger allocation of the budget for the various patronage projects and programs (see the page 18, below, for details).

Otherwise, the meeting was a lovefest with the staff and Board stroking each other about how they are the best CCE in the state. In fact this may be true, but it does not eliminate the inherent train wreck that will inevitably come. What if PG&E and its suppliers strike back with lower rates?

Background: The 3CE is governed by 2 overlapping Boards. The Policy Board is made of city council members and county supervisors from the member jurisdictions. There is also an Operations Board Comprised of city managers and county administrative officers from the member jurisdictions.

A third Board, the Community Advisory Board (which does not have policy powers), is made up of volunteers from the various member jurisdictions. It contains many well-known environmental activists.

Interestingly, and almost unnoticeable, was a notation in the Operations Board Agenda (a separate meeting from the Policy Board), which noted that the current 3CE Chief Executive Officer, Tom Habashi, is retiring in March of 2023. It is not known if it is voluntary or if he is being pushed out due to conflicts with the Community Advisory Board over its proper role last April. Some sources say the Board supports Habashi and some have acknowledged that the friction with the Community Advisory Board may have caused frustration. The Community Advisory Board is renowned for some of its members' extreme environmental and social equity stances.



At the end of the Policy Board meeting and almost as an afterthought, the Chairman mentioned that Habashi would retire in June of 2023. This conflicts with the notation cited above that he is retiring in March 2023.

In 2020 he was receiving a 3CE annual salary of \$395,243 plus a pension from the City of Roseville of \$206,986. You would be smiling too.

The brief item noted that Santa Barbara County CEO Mona Miyasato will have a major role in the recruitment and vetting process. In this regard , they are definitely going with the first string.

The Policy Board adopted the FY 2022-23 Budget of \$425.6 million as presented by staff with no changes. See the table on the next page below:

FY2022/23 BUDGET

CCCE FY 2022/23 Budget		
LINE ITEM	BUDGET	NOTES
Aggregate Cost of Energy - RA, Energy, PPA	\$377,918,806.77	
Data Manager	\$2,793,200.00	Key Staffing and Support Expenditures \$0.5 MM
Service Fees - IOU	\$2,100,000.00	
Advertising	\$500,000.04	
Contingency	\$1,100,000.00	
Subscriptions	\$611,062.14	
Legal	\$1,844,660.20	
IT Consulting	\$593,469.00	
Other Consultants	\$563,000.00	
Technical consultants	\$1,541,093.00	
Employee welfare	\$1,086,405.60	
Retirement plan contributions	\$707,508.36	
Salaries and wages	\$7,042,640.36	
Energy Programs	\$15,992,012.04	Direct Spend On Programs
Bad Debt Allowance	\$7,500,000.00	
Total	\$425,650,061.49	

- To provide greater clarity, only line items above \$0.5 MM were included in this year's presentation
- Energy Program spend represents new direct program investment; it does not include approximately \$1.85 MM of internal Energy Program support
- Energy prices remain volatile and there is significant downside risk to the forecast
- Due to the difference between CCCE's Fiscal Year (October – September) and Rate Year (January-December), there is a small (<\$5 MM) difference in Cost of Energy between Rate Year 2023 and FY22/23. However, the underlying cash flows are the same

A major issue is how to expand the patronage goodies for the cities, counties, and not-for-profits, while at the same time keeping the rates lower than those of PG&E and SCE. This is an item of contention among the Board members themselves and the Citizens Advisory Committee.

Apparently many of the programs are not fully subscribed, as citizens and local government staffs are reluctant to sign up. For example, they are not rushing in to apply for electrical vehicle purchase grants.

This year's list of patronage is displayed in the table below:

FY 2021/22 KEY ACCOMPLISHMENTS

Addressing Climate Change Through Electrification and Innovation

- Disbursed \$2.85 MM in incentives for electric vehicles (EVs), electric bikes, EV charging equipment and installation, reducing an estimated 1,800 metric tons of GHG emissions
- Reserved \$1.25 MM of funding for eight electric school buses across the CCCE service area and promoted an innovated leasing structure allowing school districts to quickly transform their fleets
- Reserved \$4.2 MM total for publicly accessible DC Fast Chargers for communities in San Luis Obispo County (\$1.2 MM) and Santa Barbara County (\$3 million).
- Reserved \$1.7 MM total for Level 2 charging equipment for communities in San Luis Obispo County (\$680,000) and Santa Barbara County (\$1.05 MM)
- Reserved \$1.25 MM to purchase all electric heavy-duty equipment, including refuse haulers, streetsweepers and a transit bus
- Reserved nearly \$800,000 in funding to incentivize affordable developers to build approximately 700 all-electric affordable housing units
- Disbursed \$625,000 of incentives to electrify CCCE agricultural customer's operations, from equipment to vehicles
- Awarded \$640,000 in grants to support six regional planning, implementation, and education initiatives in our Member Agencies
- Provided Member Agencies over \$240,00 to support 22 EV charging stations with 44 ports and 30 new light duty electric vehicles
- Enrolled approximately 80 contractors working in the CCCE service area to participate in an innovated "mid-stream" home electrification program throughout the CCCE service area
- Executed a \$2 MM financing agreement with the County of Santa Cruz to facilitate the purchase and installation of emergency backup generation for critical operations
- Launched a Member Agency Services initiative to engage the unique needs of CCCE's 33 Member Agencies, including regional working groups and regional collaborations

Planning Commission Meeting of Thursday, September 22, 2022 (Completed)

Item 5 - (Continued from September 8, 2022) Planning Commission Purview Workshop update on the development of a Framework and Milestones to implement identified process improvements to ensure land use entitlement review process consistency. The Purview Workshop was held on February 24, 2022, and March 10, 2022, with a summary of the workshop sessions provided to the Planning Commission on June 9, 2022. Although there was not a write-up, Xzandrea Fowler, Environmental Coordinator/Planning Manager, did a good job of verbally organizing the material, which the Commission had discussed in prior sessions related to overall issues of the Commissions purpose, operations, and performance measures.

Issues such as coordination with the Board of Supervisors, technology, legal requirements, coordination with other agencies with roles in planning, and related matters were discussed in an organized manner. Fowler seems to have a photographic memory, as she can cite details on a variety matters without notes and then place them in context. She also answers the questions of the Commissioners directly and to the point. This is a skill that not all staffers possess.

The process will continue next January after the new Board is seated and the Planning department can determine if there are new or revised priorities for Planning in general. The Planning Department is suffering recruitment problems, especially at the mid management level.

Background: There was no write-up for this item. During the March 10th meeting, when the matter was discussed, the agenda included what appeared to be an orientation of local planning agencies and processes (See the table below).

Attachments



Name	Download	Ext.	Filesize
01. Current Planning and Building Department Organizational Chart - Jan. 2022		pdf	119 kB
02_What is a Planning Commission?		pdf	45 kB
03_The Planning Commissioner's Role - League of California Cities		pdf	267 kB
04_Land Use Permit User Guide		pdf	133 kB
05_Land Division User Guide		pdf	125 kB
06_CC&Rs User Guide		pdf	86 kB
07_Permit Types and Common Definitions		pdf	571 kB
08_Rules of Procedure - Planning Commission		pdf	127 kB
09_RWQCB Overview		pdf	9 MB
10_SLOCOG Overview		pdf	61 kB
11_APCD Overview		pdf	262 kB

The Department has only 3 very anemic and poorly written performance measures related to the amount and velocity of its key permitting function. The Commission could start here to impose some rigor, such as how many permits are processed in each case. The percentages are without meaning.

1. Performance Measure: Percentage of commercial project permits processed within 60 days to complete plan check.					
This measure provides information in order to gauge the department's performance in implementing the California Building Standards Code.					
	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Target	80.00%	80.00%	80.00%	80.00%	75.00%
Actual	58.00%	55.00%	50.00%	50.00%	
Notes: This performance measure goal is being modified to 60 days for FY 22-23 to reflect changes in the department's business model and how processing times are measured. Prior to FY 22-23 the performance measure was 30 days. With the current and projected workload demands, the staff allocated to provide review need 45 days for initial review for residential projects and 60 days for initial review of commercial projects. The following changes contribute to the need for increased processing timeframes. Staff training to accommodate updated permit processing system and processes. Updated intake is required to be completed prior to plan check commencement (versus occurring simultaneously) Updated Permit applications are now appointment based and individualized. Updated plan review requires mark up and corrections to be communicated and resolved electronically with applicants and agents.					

2. Performance Measure: Percentage of Land Use cases processed within established timeframes.

This measure provides information in order to gauge the department's performance in implementing State laws regulating land use/subdivision project processing times. Projects that are exempt from the California Environmental Quality Act (CEQA) are required to be processed to hearing within 60 days of project acceptance; projects with Negative Declarations are required to be processed to hearing within 180 days of project acceptance.

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Target	0.00%	75.00%	75.00%	75.00%	75.00%
Actual	0.00%	0.00%	89.00%	75.00%	

Notes: No additional Notes

3. Performance Measure: Percentage of single-family dwelling permits processed within 45 days to complete plan check.

This measure provides information in order to gauge the department's performance in implementing the California Building Standards Code.

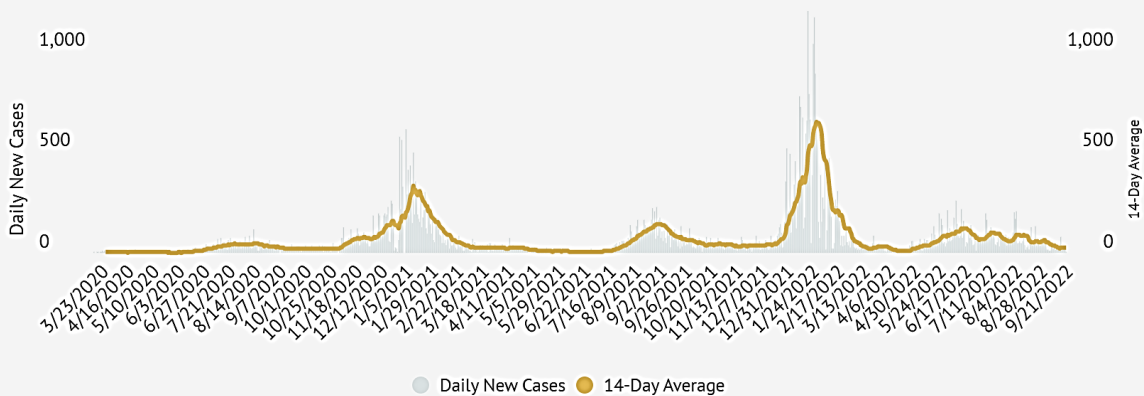
	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Target	0.00%	0.00%	0.00%	80.00%	75.00%
Actual	0.00%	0.00%	0.00%	50.00%	

Notes: This performance measure goal is being modified to 45 days for FY 22-23 to reflect changes in the department's business model and how processing times are measured. This was a new measure for FY 21-22 which the department has since re-evaluated. The performance measure was 30 days. With the current and projected workload demands, the staff allocated to provide review need 45 days for initial review for residential projects and 60 days for initial review of commercial projects. The following changes contribute to the need for increased processing timeframes. Staff training to accommodate updated permit processing system and processes. Updated intake is required to be completed prior to plan check commencement (versus occurring simultaneously) Updated Permit applications are now appointment based and individualized. Updated plan review requires mark up and corrections to be communicated and resolved electronically with applicants and agents

EMERGENT ISSUES

Item 1 - COVID in SLO County. The rolling average new case level is the lowest it has been since the onset of the Pandemic in 2020

Daily New Cases (and 14-Day Average)



1 Hospitalized (0 in ICU)

Item 2 - What Will Happen if the Left Progressives Take Over the Board in January?

1. The current supervisorial district redistricting plan will be “found” to be illegal and reversed. The Board will simply surrender to the so-called “Citizens For Good Government,” who are already suing the County to change the districts.
2. The County will join the Central Coast Community Energy Authority at the first opportunity. Admission to the Authority is done in 1.5 year cycles, based on its long range energy acquisition situation. This will have the result of obligating the County and its citizens to be responsible for their proportionate share of the Authority’s 40-year long term energy contracts.
3. The so-called housing in lieu fee, which is really a tax on home buildings and developers, will be reinstated.
4. The Paso Water Basin will become subject to massive water banking of State water, thereby vitiating the overlies primary water rights. It will also enable large outside corporate entities to dominate the water policies impacting the Basin.
5. Permits for cannabis cultivation will be made easier to obtain, and cannabis grows will be allowed in more areas.
6. The last remaining oil and gas production in the County will be driven out. New wells will not be permitted.
7. The use of natural gas appliances will be banned for all new construction, and an ordinance requiring the phase-out of existing gas appliances over time (particularly at replacement) will be adopted.
8. Stack-and-pack dense housing will be promoted in permitting and land use regulations, while larger lot freestanding homes will be subject to many barriers and will pay much higher fees.
9. The Sheriff’s and DA’s budgets will be slowly starved in favor of expansion of homeless and mental health programs. Civil disorder in the name of the societal reset will be encouraged in the City of San Luis Obispo, as crowd control tear gas and light dowel and foam rubber munitions are banned.
10. Severe regulations related to climate change will be imposed in every aspect of County authority. For example, the permitting of new or renovated gasoline and diesel fueling stations will be prohibited. Gas lawnmowers and other tools will be prohibited.
11. The Board will attempt to impose a wide variety of environmental and social equity restrictions on the SLO County Pension Trust’s investment policies.
12. The County will adopt a broad policy of requiring contractors to be part of a regional project labor agreement. This will cut out most local contractors from County projects and will severely increase the costs. Paulding has received tens of thousands in campaign contributions from the large trade unions.

13. The County will establish and fund a not-for-profit 501c3 real estate company, which will function as a free real estate agency for sellers, buyers, lessors, and lessees of “affordable” housing. It could have access to millions in loan funding from the County pension system and the County cash reserves. Key corollary programs could include:

- a. Establishment of its own free MLS-like service, keyed to environmental and social equity values.
- b. Down payment assistance.
- d. Funding for co-operative rent to own developments.
- e. Minority and other protected group preferences.
- f. The banning of real-estate for sale signs on the grounds that they are inherently discriminatory.

14. The County will lead and back a new sales tax increase measure for transportation.

15. The County will lead and back the closure of the Oceano Dunes to off-road riding and free style camping.

16. The County will amend its Coastal Plan and zoning ordinance to severely restrict coastal development, including repairs, in the name of sea level rise.

17. Vacation rentals will be even more severely restricted and taxed.

18. The County will seek legislation to allow cities and counties to impose a special tax on vacant residential property.

19. A new progressive dominated Board could oppose the extension of Diablo.

20. A new progressive Board would support amendments to, as well as the weakening of, Proposition 13, including property assessment classification – (allowing commercial and industrial properties to float to their market value) and eventually phasing out the protection altogether.



COLAB IN DEPTH

IN FIGHTING THE TROUBLESOME, LOCAL DAY-TO-DAY ASSAULTS ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL, POLITICAL, AND ECONOMIC CAUSES



HOW TO TALK TO A WOKESTER

Conservatives reply to woke objections with a modest offering of facts that undo the woke narrative—and get nowhere

Here's a better way

By Mark Bauerlein

If you're invited to a friend's house for Thanksgiving Dinner, and his daughter shows up and starts talking about America's genocide of Native Americans, what do you say? Or if you're in a discussion of classical education with other parents from your neighborhood and someone comments that classical education has a curriculum that lacks diversity and flirts with white privilege, how do you respond?

These are standard woke gestures, commonplace and unsurprising. The language is always the same, the charges familiar. People voice them with a set script in their heads, one they have heard a thousand times in classrooms, on talk shows, and in social media. That hasn't made them less difficult to answer, though. Our woke interlocutor has a point to make, an objection to raise, and more than that. She has *indignation* in her delivery, too, maybe a little outrage. Occasionally, she verges on a tantrum. The historical contention is one thing, the moral fervor another. It intensifies the exchange. What was a conversation has become a trial. She has put your conscience in the dock. Are you a bad person who perpetuates injustice? Or are you a good person out to end it?

It sounds like a trivial occasion, but it's really not. It happens too often not to be important. Woke attitudes have spread too widely for conservatives to avoid it. Not long ago, talk of "privilege," "patriarchy," and "transphobia" would have puzzled most Americans. Now, it echoes everywhere, in public and private and professional life. The choice a conservative faces on those occasions doesn't depend on the truth of things. It's a social matter, a crossroads. "Do I speak my mind and annoy the present company? Or just nod and move on?"

The affect of wokesters pushes you toward the second option. They speak forcefully, haughtily. They may not know much about the founding, but they know the founders owned slaves, and that's enough. They can't name the U.S. presidents in order, but they know that none of them was a woman. They haven't read news reports on the current chaos at the border, but all Americans are immigrants, they insist. These convictions put them on moral high ground. They also please the holder of them. Indignation can feel awfully good, especially when wokesters can fire it as an adversary and watch him squirm.

People conscious of others' feelings or raised with bourgeois manners find the affect hard to overcome. They don't want to offend. I've seen conservatives reply to woke objections with a modest offering of facts that undo the woke narrative—and get nowhere. They don't match the indignation of the wokester with a defensiveness of similar intensity, and so their facts lack authority.

To say that in 1800 slavery existed all over the world, so we should stop treating the American practice as an unusual abomination, does nothing to lessen the blameworthiness of the American South. Noting that the absence of female leaders in ancient times may have something to do with the duties of a king back then to command an army in the field at any time has no persuasive power. Appeals to nature are hollow.

It's a losing game. Save your breath—don't try to argue, don't defend. The wokester is strong on belief and weak on knowledge, no matter how much she thinks she knows the real history of things. To be woke is precisely this claim of superior knowledge, a keener awareness than that of those still un-woke, asleep in their illusions of, say, American greatness. Knowing they possess the truth, wokesters have the blessing of moral courage, the dedication to speak truth to power. It gives them a noble role to play in the correction of the historical record.

And there lies the weak spot of the woke brigade: the pretension to moral superiority through better knowledge. They believe they have better hearts because they have better minds, and that's an assumption that easily collapses. It points the way to a different response than argument.

Instead of challenging the wokester's knowledge, let's go with the wokester's knowledge and draw it out. Let her school us, let her show us her certainty and let's accept her duty to instruct the ignorant. She wants to be a pedagogue; we shall accept the position of pupil.

The model is Socrates, who comes to many dialogues as one who knows nothing and desires enlightenment. He asks simple questions and listens closely to the answers. The other participants believe they grasp the truth firmly, but as his queries continue, their confidence begins to wane. They speak at first as ordinary folk who nonetheless possess common sense or as

experts in a subject, such as Ion the rhapsode on the topic of Homer. They are complacent until the dialectic leads them to acknowledge their error.

Take the same approach with the wokester. If she brings up the Native American issue, ask her in all innocence why those cavalry officers were often flanked by native scouts helping them track down other tribes.

If she berates the founders as hypocrites, ask why Thomas Jefferson penned a document that became a rallying cry for civil rights forever after. Why would he do that?

If she brings up the absence of female rulers in the old days, ask what would happen to a kingdom if it were threatened by a neighbor and the ruler were eight months pregnant?

If she objects to Western Civilization as white supremacy, ask her to describe the whiteness of Beethoven's Ninth, or ask her if she wants her children to read *Hamlet*, tour the National Gallery, and study the architecture of the Acropolis and the Pantheon.

If America is shot through with systemic racism, you can say, why do so many people of color keep scrambling to come? Really, why?

Ask those questions in a spirit of education. The wokester has taken the podium. She can't not answer. Her shtick is to catechize and berate, so give her the chance to amplify her contentions. The spread of woke knowledge should satisfy her, as should your willingness to be awakened. What could be better than a willing student, an open mind?

What you will uncover, of course, displeases her more than your expected resistance. The knowledge she presumes will soon appear to come in small packages, biased and uncontextualized. She hasn't listened to Beethoven's Ninth or read *Hamlet*, can't distinguish a Renaissance work of art from one created in the Romantic Period, and goes blank at the mention of the Acropolis and the Pantheon. In truth, wokeness doesn't appeal to her intelligence and never did. It flattered her ego. Now, faced with questions directly related to what she has just stated, the certitude crumbles and the ego collapses. You have asked her for knowledge, and she hasn't replied. She can't.

You've won. It's time to hum a few bars of Beethoven, mouth some words of Polonius, praise the dimensions of Greek columns, and detail what the Comanches did to their neighbors, and see if she's ready to listen.

This article first appeared in the American Greatness of September 15, 2022



EQUAL JUSTICE, THEY SAID

We are now a revolutionary society in decline using the courts, prosecutors, the administrative state, and the law itself to punish enemies, help friends, and declare such asymmetry “social justice”

BY VICTOR DAVIS HANSON

What once distinguished the United States from illiberal regimes following the Orwellian mantra “some are more equal than others” was the hallowed American idea of “equal justice under the law.”

The phrase is engraved above the entrance to the United States Supreme Court—an ideal that took centuries to achieve. Yet it is an ancient concept—what the Greeks called *isonomia* that distinguished classical democratic Athens from its anti-democratic rivals. *Isonomia* later became enshrined as the central criterion of all Western consensual governments.

Does it still exist in Joe Biden’s America?

In many ways, no—due both to state and private vendettas as well as state efforts to destroy rather than merely defeat political opponents.

Is the law equally applied at the border?

Ask yourself whether you are more likely to be hounded by the federal government for not being vaccinated if you are a citizen in the U.S. military, or illegally violating federal immigration law as you storm the southern border?

Who needs a passport to leave and enter the United States—a citizen or an illegal alien?

If you nullify federal law and refuse to hand over a detained illegal alien to federal immigration agents, are you more or less likely to be prosecuted than someone who likewise deliberately seeks to nullify federal law by bulldozing on his property a nest of federally protected squirrels?

What tradition of Western jurisprudence allows violent criminals in America's largest cities to be released upon booking?

What law states they are instantly free to commit more crimes without worry of incarceration or punishment, while those accused of illegally parading sit in jail for years awaiting charges?

Is it a greater crime in this republic to walk peacefully through an open door into the Capitol, as at least some who were charged as a result of January 6 did, or to beat to near death an innocent bystander as many do who are released after arrest?

As far as that reprehensible, buffoonish January 6 riot, compare the treatment accorded to those hundreds—many guilty of “illegally parading or “demonstrating in the Capitol”—with some 14,000 who were arrested in 120 days of rioting, looting, arson, assault, and murder during the spring and summer 2020 riots.

Did the FBI spend over a year tracking down the names of those known from videos that torched federal buildings, murdered those in the street, sought to storm the White House grounds, and set up no-go zones in downtowns?

To incite the January 6 riot was prosecuted as a crime, but Kamala Harris, who was soon to be a vice-presidential candidate in the summer of 2020, could incite with impunity. Even more, she helped to raise bail for violent offenders during those riots and said of the summer-long “protests” shortly after the violent attempt to storm the White House grounds:

But they're not going to stop. They're not going to stop, and this is a movement, I'm telling you. They're not going to stop, and everyone beware, because they're not going to stop. They're not going to stop before Election Day in November, and they're not going to stop after Election Day. Everyone should take note of that, on both levels, that they're not going to let up—and they should not. And we should not.

What do those who had recently torched the historic St. John's Episcopal Church take away from Harris' adolescent greenlighting?

After all, Harris essentially promised continued protests, which she knew had so often turned terribly violent and descended into death and destruction. Were her insurrectionary calls a crime or at least worthy of a cell phone grab? A leg iron? A squad of FBI vehicles swarming her car?

Is questioning an election outcome a crime? Or even taking steps to challenge the elections?

That is, did a John Eastman have the power of former Senator Barbara Boxer (D-Calif.) and current January 6 committee chairman Benny Thompson (D-Miss.), who, with little or no

evidence, took *far* more dramatic measures in 2004 to reject the Ohio electors and thus attempt to nullify that year's presidential election results?

Did Stacey Abrams “undermine democracy” by touring the country denying she had been beaten in the Georgia gubernatorial election by some 50,000 votes? Did Hillary Clinton again undermine election integrity when she publicly urged Joe Biden not to concede the 2020 election if he lost the popular vote, or claim that Donald Trump was not the legitimate president of the United States?

Does Article 88 of the Uniform Code of Military Justice apply to some, none, or all retired high-ranking military officers?

What are we to make of retired lieutenant colonels who urged the military well before the 2020 election to remove Trump from office if they *thought* he questioned the election?

When generals and admirals called their commander-in chief a Mussolini-type character, a liar, like the Nazis, akin to the architects of Auschwitz, or wrote that the “sooner the better” he should be removed, were those violations to be prosecuted?

Did retired officers have their businesses or employers' contracts with the Pentagon nullified?

Or was it only a more obscure retired officer, such as Lt. General Gary Volesky? He was a conservative who tweeted that the first lady (not the commander-in-chief) sounded hypocritical on the issue of abortion—and thus was fired as a Pentagon consultant. Was that equal administrative justice?

Is there really a Logan Act, the ossified 18th-century statute under which *no one* has ever successfully been prosecuted? It depends.

In 2016 James Comey's FBI and the Justice Department interim head Sally Yates used that ruse as a pretext to set a perjury trap for National Security Advisor designate retired Gen. Michael Flynn. But did not former Secretary of State John Kerry meet stealthily with Iranian high officials during the Trump Administration to reassure them that the Iran Deal could be salvaged after the Trump tenure—a deliberate Logan Act subversion of his then government's foreign policy?

Is it a crime to withhold presidential papers from the National Archives? Was that Donald Trump's sin: that he did not more carefully and officially declare documents at his residence as unclassified or his own personal papers?

Was that a clumsy way of doing what George W. Bush did in 2001 when he simply issued an executive order allowing an ex-president or his heirs to veto release of presidential papers? Did FBI agents with guns enter one of the Obama mansions to discover why ownership of thousands of pages of his personal papers was still in dispute?

Did the FBI raid the home of the late Clinton-Administration National Security Advisor Sandy Berger to see whether he sought to hide or erase other documents, in addition to those he stole from the National Archives and destroyed? Was he ever frog-marched or put in leg irons?

What were minor celebrities and politicians trying to do in December 2016 when they cut commercials begging the electors not to follow their federally mandated roles in voting in accordance with their states' popular votes? Were they pointing a "dagger at the heart of democracy"? Were they "insurrectionists"?

Conspiracy is a word that the Biden Administration reintroduced to the American discourse after a hiatus since the 1950s and 1960s. And the Left was eager to charge hundreds with conspiracy for storming the capitol or "colluding" with Russia to rig the 2016 election.

But Molly Bell in a 2021 *Time* essay proudly also used that word in the scariest sense in modern memory. She outlined how the Left, quietly with the DNC, unions, the anarchic left-wing street, and corporate help, all modulated the violent protests to ebb before the election and to be ready to flow again should Biden have lost.

She bragged how nearly \$500 million of Silicon Valley dark money was funneled into key preselected precincts to essentially absorb the work of state and local registrars. She gushed how the Left conspired with Silicon Valley to monitor and censor any expressions and opinions on social media felt to be detrimental to the Biden campaign.

Did federal prosecutors pursue racketeering charges against any she named?

Speaking of "conspiracies," was it legal for Hillary Clinton to hire a foreign national as a campaign helper to spread lies and dirt on her political opponent, even as she hid her role through the DNC, Perkins Coie law firm, and Fusion GPS? What did she have to hide?

Did James Comey's FBI likewise conspire to interfere in an election by also hiring members of Clinton's opposition hit team, specifically Christopher Steele and Igor Dyachenko,

Was all that "democracy dying in darkness"?

That illegal effort to use the federal government to disrupt an election makes the clownish attempt of the Trump keystone cop team to question the electors look like child's play. Will current National Security Advisor Jake Sullivan be pulled over driving home by an FBI fleet eager to seize his cell phone to ascertain fully his conspiratorial role in 2016 pushing the phony Trump Tower pings, Steele dossier, and collusion hoax to warp a federal election?

How about using equal justice in investigating supposed conspiracies and real violent demonstrations?

Did the FBI team, which monitored school kids' parents to report back to Merrick Garland about their supposedly racist opposition to critical race theory, also ever monitor Twitter and Facebook to anticipate the next planned riot location of Antifa and BLM? Is it now investigating all the

stolen money and diverted funds used for personal extravagance by BLM's fraudulent leadership?

Donald Trump is continually audited for possible tax violations. Fine, but, given Hunter Biden's laptop and the testimony of the Biden family co-grifters, has *any Biden* ever been under serious investigation for not reporting tens of millions of dollars in shake-down money, or gifting millions to Biden children?

How about lying under oath or to federal investigators? Are those activities still crimes?

Could a citizen swear under oath to IRS investigators, as James Comey did under oath to Congress on 245 occasions, that he did not know what was asked or could not remember?

In that context, what do ex-CIA head John Brennan, ex-Director of National Intelligence James Clapper, and ex-FBI interim director Andrew McCabe *all* have in common?

1) They *all* lied either under oath to Congress or to a federal investigator. 2) They all faced no criminal liability by committing such felonies. 3) Their animus and zeal in pursuing enemies were seen to be useful to the Left and thus they were rewarded by being hired as analysts at either MSNBC or CNN.

Is leaking or improperly possessing classified or confidential government information still a crime?

It seems that is one of the accusations against Donald Trump: that he had in his possession classified federal property that might have been insecure.

In contrast, was it a felony to leak to the media a rough draft of a confidential Supreme Court opinion—with the intent of helping to either undermine or change it? Was the unidentified, unprosecuted leaker a felon or a hero?

Were Trump's boxes at home as insecure as the confidential, memorialized memos that James Comey wrote on FBI devices shortly after a confidential one-on-one conversation with the president of the United States, which he then deliberately leaked through a third party to the *New York Times*?

Was all that a conspiratorial gambit to fuel public pressure for a special prosecutor for the Russian collusion hoax? Was that not a clandestine effort that worked brilliantly in the appointment of his friend, former FBI Director Robert Mueller?

As special counsel, Mueller went on to waste 22 months and \$40 million to prove that Russian collusion was a Clinton-FBI generated hoax as critics had insisted from the very outset of the appearance of the Steele dossier. Mueller was successful only in wounding an administration through the deliberate, daily leaked rumors that instantly became "walls are closing in" and "bombshell" media lies.

Is it a crime to threaten a Supreme Court justice?

Sen. Chuck Schumer (D-N.Y.) did just that in front of the Supreme Court doors, when he riled up protestors by threats to individual justices:

I want to tell you Gorsuch. I want to tell you Kavanaugh. You have released the whirlwind and you will pay the price. You won't know what hit you if you go forward with these awful decisions.

Had Sen. Mitch McConnell (R-Ky.) done the same and warned both Justices Sotomayor and Kagan that the two “won’t know what hit you,” what would the Biden Administration have done?

It is a felony to mass at a justice’s home, and threaten his person, in attempts to warp a judicial ruling? Attorney General Merrick Garland saw no problems when a left-wing mob descended on the homes of Justices Gorsuch and Kavanaugh. No one was arrested or indicted. No wonder an admitted would-be assassin later felt he could approach, with impunity, the Kavanaugh residence or that a mob could, with impunity, drive him out of a restaurant.

Again, would Garland have stood by had a MAGA crowd swarmed the home or the dinner table of Justice Ketanji Brown Jackson? For that felony, most would likely still be sitting in jail awaiting charges.

Is it a crime to destroy subpoenaed property?

Currently, that is one of many unproved charges floated to justify the raid on the Trump home. If it is, *Hillary Clinton destroyed thousands* of subpoenaed and likely improper or illegal emails. She even ordered her assistant to destroy devices that might have risked leaving electronic prints of them.

The Mueller investigation’s FBI team simply shrugged that its phone data of its employees under federal subpoena were “mistakenly” wiped clean. Were any of these miscreants tried for defying a court order? For obstruction of justice?

In today’s America, it is a far greater sin to illegally parade at the nation’s Capital than to burn down a federal courthouse in Portland.

A policeman who recklessly puts his knee on the neck of an ex-felon suspect, contributing to his death in custody, will be known to the nation in 24 hours as the most hated man in America and destined for a life behind bars. To add that the suspect was high on fentanyl and methamphetamines, violently resisting arrest, apprehended after committing a felony, striking officers, and in the past a convicted home invader who stuck a gun to the womb of a pregnant woman is irrelevant.

But not the same case is a Capitol policeman, with his own record of reckless conduct, who lethally shoots an unarmed female suspect and military veteran, for the misdemeanor crime of unlawfully entering through a window.

Unlike the former, the latter will not be immediately identified. His picture will not be splashed over the media. The results of the investigation into his conduct will instead be suppressed for months. And his critics will be smeared as racists. And the deceased? She will be slandered postmortem as a nut and pervert, while George Floyd was memorialized with a halo and angelic wings.

So, what has happened to blind Lady Justice?

The new Antifa/BLM/Squad/socialist Left filtered into government and absorbed the Biden Administration. It knows it lacks majority public support, so it has weaponized the justice system to punish enemies and ignore the crimes of allies—all to be excused by its morally superior ends that justify the use of such discreditable means. And the Left wishes to send a message to Americans: We are serious and mean business. So, join us, and receive indemnity from the federal government; oppose us and *watch your back*.

The result of all this is that America is not quite America anymore. We are now a revolutionary society in decline that uses the courts, prosecutors, the administrative state, and the law itself to punish enemies, help friends, and declare such asymmetry “social justice.” There is no equality under the law, but simply “some are more equal than others.”

Victor Davis Hanson is a distinguished fellow of the Center for American Greatness and the Martin and Illie Anderson Senior Fellow at Stanford University’s Hoover Institution. He is an American military historian, columnist, a former classics professor, and scholar of ancient warfare. He has been a visiting professor at Hillsdale College since 2004. Hanson was awarded the National Humanities Medal in 2007 by President George W. Bush. Hanson is also a farmer (growing raisin grapes on a family farm in Selma, California) and a critic of social trends related to farming and agrarianism. He is the author most recently of The Second World Wars: How the First Global Conflict Was Fought and Won, [The Case for Trump](#) and the newly released [The Dying Citizen](#). This article first appeared in the American Greatness and the Stanford University Hoover Review of September 19, 2022.

THE BRIGHT SIDE OF CANNABIS?

BY JOHN HINDERAKER

In my opinion, of all the policy disasters to which the Left has subjected us in recent years, the legalization of marijuana is near the top of the list. This is one area where I part company with doctrinaire libertarians. Wherever cannabis has been legalized, the results have been bad, and are getting worse.

People are beginning to notice—in this case, the [London Times](#), on California: “The dark side of California’s cannabis boom.” In my opinion, there is no bright side.

Unburdened by the onerous taxes and regulations that legal dispensaries in California must contend with, the illicit shops can offer marijuana at much cheaper prices.

This, campaigners say, is a sign that the state's well-intentioned experiment to legalise cannabis is failing and has created a thriving black market for untested and unregulated products, all while serving as a hotbed for crime.

"The illegal market still dominates California, just about everywhere," Adam Spiker, the co-founder of Southern California Coalition, a cannabis trade association, said.

This always happens. Marijuana is cheap to grow, so if you legalize cannabis, you are more or less legalizing illegal cannabis, which takes over the market. The Times reports that illegal cannabis shops are everywhere in the Los Angeles area, and they are magnets for crime.

An illegal dispensary visited by The Times appeared to be doing strong trade, with a steady stream of customers passing through its doors. The operators of similar shops, according to police reports, are often arrested with about \$1,000 in cash, a supply of cannabis and a gun.

The lack of protections in the illegal trade makes violence more likely, police say, with owners, employees and customers vulnerable to being robbed or killed.

If you get caught selling marijuana—a legal drug—illegally, there is little if any penalty:

Proposition 64, which legalised recreational cannabis after being passed by California voters in 2016, lowered the penalties related to the drug.

That has made the police's job "extremely difficult," Ceccia said, adding that because criminals knew they would not face strict sentences for marijuana-related offences, there was not much of a deterrent and "we're not going to arrest our way out of this".

Well, we could, but the will is lacking. Instead, California relies on a "progressive enforcement strategy." Good luck with that.

As with most lucrative criminal opportunities, "illegal" cannabis has been taken over by gangs:

The gangs of Los Angeles are getting in on the act, according to law enforcement. Two of the area's largest gangs, Varrio Nuevo Estrada and East LA-13, have opened dispensaries of their own, according to the Los Angeles Times. These shops also sell methamphetamine, heroin and guns, fuelling their rivalry.

Cannabis has always been a gateway drug. If you legalize marijuana, you can be sure that a tidal wave of meth, heroin and so on will follow. And guess what: people prefer not to live in a state that is bedeviled by drugs and gang violence:

The drug trade is fuelling homicides and violent crime, both of which are on the rise in California. That, in turn, has led to an exodus from the Democrat-controlled state. California lost more than 352,000 people between April 2020 and January this year, according to official figures.

The problem is acute in San Francisco and Los Angeles. Nationally the cities are ranked first and second, respectively, for the number of residents leaving, according to a report from the property website Redfin.

Legalizing marijuana means enabling illegal marijuana, and encouraging the sale and use of hard drugs. The inevitable result is violent crime. It will be a long time before we can fully evaluate the consequences of the improvident legalization of marijuana.

This article first appeared in the September 18, 2022 edition of Powerline . John Hinderaker is President of Center of the American Experiment.

He spent 41 years as a litigator with Faegre & Benson and its successor Faegre Baker Daniels, during which time he tried 100 jury cases and appeared in courts in 19 states. Upon his retirement from the legal profession at the end of 2015, he became president of the Center of the American Experiment. John has had a long association with the Center, including co-authoring several papers published by the Center and serving on the organization's Board of Directors. John was Chairman of the Center's board in 1998-2000.

In addition to his legal career, John is a long-time commentator and activist. He founded the web site Power Line in 2002 and has been a prominent voice on the internet and elsewhere since that time. He has appeared as a commentator on NBC, CBS, Fox News, CNN, CNBC and Sky News Australia, and is a frequent guest and guest host on national radio programs. John has lectured at Dartmouth College, Harvard Law School, Carleton College, St. Olaf College, Macalester College and the University of Minnesota.



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