



WEEKLY UPDATE AUGUST 6 - 12, 2023

COLAB
San Luis Obispo County



FALL MIXER 2023

SAVE THE DATE

OCTOBER 4TH

5:30PM - 7:30PM

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

FOOD & BEVERAGES WILL
BE PROVIDED



**THIS WEEK
SEE PAGE 3**

BOARD OF SUPERVISORS THIS WEEK

**BEHAVIORIAL HEALTH DEPT. DOCS MUST WORK 40 HOUR
WEEK BUT CAN THEY HAVE A PRIVATE PRACTICE ON
THE SIDE?**

HUGE \$3.5 MILLION HOMELESS DATA SYSTEM PROPOSED

CENTRAL COAST COMMUNITY ENERGY AUTHORITY

RISKS OF COMMUNITY CHOICE ENERGY ADMITTED BY 3CE

**WHY THE BOARD LEFTISTS JAMMED THROUGH THE
DECISION TO JOIN 3CE
AND PERHAPS
FORCED CAO HORTON'S RESIGNATION**

PLANNING COMMISSION

**DISTILLERIES, GUEST RANCHES, AND URBAN WINERIES
GET SOME LOVE**

COASTAL COMMISSION

**MUST DEAL WITH ANOTHER DUNES COURT LOSS
AND SO MUST THE BOARD OF SUPERVISORS**

**LAST WEEK
SEE PAGE18**

NO BOARD OF SUPERVISORS LAST WEEK

EMERGENT ISSUES

CALIFORNIA COULD BORROW A RECORD-BREAKING \$35 BILLION TO TACKLE THE HOUSING CRISIS

Will voters go along?

ELECTRIC CARS PUT A HUGE STRAIN ON THE STATE'S ELECTRIC GRID

CHINA CO₂ FROM COAL RISES EXPONENTIALLY AS DO US EXPORTS OF COAL TO CHINA

BUT YOU HAVE TO BUY AN ELECTRIC CAR

**COLAB IN DEPTH
SEE PAGE 31**

END OF THE ENCAMPMENTS?

BY JUDGE GLOCK

**BRING ON THE COUNTERREVOLUTION
CONSERVATIVES NEED A NATIONAL AGENDA
THAT RECLAIMS AMERICAN INSTITUTIONS
FROM THE LEFT**

A BLUEPRINT EXISTS, FROM A SURPRISING SOURCE.

BY CHRIS RUFFO

THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

Item 18 - Submittal of a resolution recognizing Dr. Maria Daisy Ilano, upon her retirement, after 13 years of service as the Medical Director for the Health Agency Behavioral Health Department of the County of San Luis Obispo. SLO County’s highest paid employee is retiring. She was not the CAO of the County or even a Department Head. She was the Medical Director of the Behavioral Health Department. The write-up states in part:

Dr. Ilano supported the early implementation of Medication Assisted Treatment that the Health Agency Behavioral Health Department is known for statewide. Dr. Ilano has been an essential member of the Behavioral Health leadership team and the Health Agency will be ever grateful for her dedication and contributions to their work and the recipients of their services.

Dr. Ilano must also be commended for supporting medical and clinical staff through all the challenges during the COVID-19 pandemic. She was always available for consultation, and provided a calm, reasonable approach to ensuring both staff and clients were served in a safe manner that was also clinically effective.

It is not known from the Board letter if she carried a regular weekly patient workload, took hospital calls, promoted departmental productivity, or was simply a quality control administrator reviewing charts and providing advice. The Doctor’s salary and full compensation for 2022 are displayed in the table below:

Name	Job title	Regular pay	Overtime pay	Other pay	Total pay	Benefits	Total pay & benefits
M Daisy Ilano-Ramos	M.H. Medical Director San Luis Obispo County, 2022	\$319,072.00	\$0.00	\$92,987.00	\$412,059.00	\$133,300.00	\$545,359.00

It is not known what is included in the “other pay” category.

If the other pay is pensionable, she might have a final 3-year average salary of around \$405,000. With 30 years of service between Merced County and San Luis County at 2.5% per year, she will have pension starting at about \$303,000 per year. The County job description is displayed below:

M.H. MEDICAL DIRECTOR

Class Title

M.H. MEDICAL DIRECTOR

Salary

\$260,041.60 - \$331,884.80 Annually

Definition

Under the administrative direction of the Director of Mental Health, but with independent responsibility for professional practices, provides psychiatric diagnostic and therapeutic services and directs the implementation of medical-psychiatric functions within the Community Mental Health Services; and does other related work as required.

Typical Tasks and Representative Duties

Coordinates and supervises psychiatrist staff and practices; schedules essential psychiatrist coverage for the mental health program; conducts psychiatric examinations, makes diagnoses and prescribes therapy; conducts individual and group therapy; consults and cooperates with other professional individuals and agencies; dictates psychiatric records and reports; does educational work in promoting mental health in the community; participates in professional development activities; provides leadership in quality assurance and review activities; provides psychiatric input to program management.

Ability to:

Supervise professional staff; establish and maintain effective relationships with patients, other professionals in the field, interested organizations, and the general public; develop effective systems for the delivery and review of psychiatric services.

Education and Experience

*Possession of a valid California license to practice medicine. In addition, one year of administrative experience in a medical program; **AND***

Either A:** Possession of a valid Certificate of Psychiatry, issued by the American Board of Psychology and Neurology or eligibility for examination for such certificate as evidenced by a written statement by the Secretary of that Board; **Or

***B:** Completion of an approved residence program in psychiatry.*

The closest salary comparisons we could find in similar counties (some in much larger counties but not with metro cities) include:

Santa Barbara County

Ole Behrendtsen	Asst Dept Ldr - Psychiatrist Santa Barbara County, 2022	\$291,578.60	\$0.00	\$2,433.60	\$294,012.20	\$116,155.71	\$410,167.91
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Santa Cruz County

bert L Brown Jr.	Psychiatrist Santa Cruz County, 2021	\$225,707.68	\$0.00	\$100,591.80	\$326,299.48	\$22,704.23	\$46,217.14	\$395,220.85
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Sonoma County (highest of all Sonoma Psychiatrists reported)

Lenore Iversen	Staff Psychiatrist Sonoma County, 2022	\$177,354.00	\$0.00	\$7,346.00	\$184,700.00	\$41,978.00	\$226,678.00
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Solano County

Cynthia A Janes	Psychiatrist (Board Cert) Solano County, 2022	\$336,807.06	\$0.00	\$0.00	\$336,807.06	\$17,419.75	\$24,808.20	\$379,035.01
Michele F Leary	Chief Medical Officer Solano County, 2022	\$323,826.43	\$0.00	\$0.00	\$323,826.43	\$15,759.71	\$24,808.20	\$364,394.34

San Mateo County

Katalin A Szabo	Medical Director Psychiatric Specialist Hospital Inpatient - Unclassified	\$445,211.08	\$0.00	\$36,050.00	\$481,261.08	\$109,793.73	\$591,054.81
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Placer County

Robert L Oldham	Director Of Health & Human Services/Chief Psychiatrist Placer County, 2022	\$301,486.00	\$0.00	\$81,074.00	\$382,560.00	\$139,548.00	\$522,108.00
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Separately, it appears that SLO County may have allowed her to conduct a private practice in Merced simultaneously with her job with San Luis County, where she also may maintain a residence separate from San Luis Obispo.

Various web searches all suggest that she may have been or is conducting a private practice in Merced. A sample is displayed below:

[« Back to Search](#)

Daisy Ilano, MD

Psychiatry

Call to Schedule an Appointment: (209) 384-1571

Hospital Affiliations:
Emanuel Medical Center ,

Education
University of the East

Languages Spoken
Tagalog

Additional Notes:

Accepting New Patients: **No** ●

Accepting New Medicare Patients: **No** ●

Group Associations:
JK Health Management [Map](#)

Services
360 E.Yosemite Avenue, Suite
100
Merced, CA
95340

Phone: (209) 384-1571
Fax: (209) 384-1144

About Maria Daisy Ilano MD

Dr. Maria Daisy Ilano, MD is a health care provider primarily located in San Luis Obispo, CA, with other offices in Merced, CA and MERCED, CA. She has 42 years of experience. Her specialties include Psychiatry. Dr. Ilano is affiliated with French Hospital Medical Center. She speaks Spanish and Tagalog.

Quick Facts

- [ACCEPTING NEW PATIENTS](#)
- 42 YEARS OF EXPERIENCE
- SPEAKS SPANISH, TAGALOG
- 8 COMMENTS
- 15 AREAS OF EXPERTISE
- 7 LOCATIONS
- 3 ★★★★★ 24 RATINGS
- 41 INSURANCES ACCEPTED
- TRENTON PSYCHIATRIC HOSPITAL
- 1 SPECIALTY
- 1 HOSPITAL AFFILIATION

Ilano was the Medical Director for SLO County Behavioral Health when Andrew Holland died in the jail and was denied admission to the County Public Health Mental Health facility (PHF),

which resulted in the County paying a legal settlement of \$5 million. Andrew Holland died in 2017 after he suffered an embolism while being restrained for 46 hours at the jail, when he should have been admitted to the PHF.

Finally:

Has the County ever investigated any of this?

The County has been conducting recruitment for a replacement. The recruitment notice is displayed below. It states that the person appointed is expected to come to work for 40 hours per week. Will they be allowed to have a private practice at other times?

Medical Director – Behavioral Health Department

Salary

\$260,041.60 - \$331,884.80 Annually

Location

San Luis Obispo, CA

Job Type

Permanent - Salary

Remote Employment

Flexible/Hybrid

Job Number

0223KS-000519-01

Department

Health Agency

Division

Behavioral Health

Opening Date

02/27/2023

Closing Date

8/31/2023 11:59 PM Pacific

About the Position

The County of San Luis Obispo's Behavioral Health Department is hiring a Mental Health Medical Director.

THE POSITION

Reporting to the Behavioral Health Director, the Medical Director plans, organizes, and manages the Department's medical services. As a member of the Division Management Team, this position plays a key role in determining the strategic direction of the Behavioral Health Department, including the type and quality of clinical services provided, service philosophy, system design, and financial planning.

Primary duties for this position also include:

Supervising full-time, part-time, and contracted psychiatric providers which includes psychiatrists, psychiatric nurse practitioners, registered nurses, psychiatric technicians/licensed vocational nurses and medical assistants

- Overseeing behavioral health medical providers compliance with applicable community standards of care, State and Federal laws, and other regulatory requirements for providing services
- Directing and evaluating the psychiatric component of services across the behavioral health system to ensure clients receive quality medical and psychiatric treatment
- Acting as a key participant in ongoing clinical review of behavioral health system programs and services
- Partnering with division managers to oversee operations of all medication support services

The Medical Director is expected to work Monday – Friday, 8 am – 5 pm, with the possibility of some after-hours phone consultation. Hybrid/remote work may be considered.

Wonder why they had to put this one in? Also, how could one do this job by “Hybrid/remote work”? Shouldn’t higher level execs lead by example & their hands on?

The Ideal Candidate

The ideal candidate for this position will bring:

- *Experience and understanding of working in a community-based setting with youth and families; transitional aged youth, adults, and older adults; and a culturally diverse population with serious to severe mental illness and co-occurring substance use disorders*
- *Knowledge of the principles of trauma-informed care and mental health recovery*
- *Experience as a leader and administrator, including managing personnel/performance issues, hiring staff, and creating organizational procedures and workflows*
- *Skill in the use of electronic health records (EHR) and ability to help support the medical staff with the proper use of EHR*
- *Collaborative work style, excellent listening skills, and ability to communicate well with staff at all levels, clients, and families*
- *Flexibility and willingness to quickly shift focus to attend to critical needs, such as consulting with staff who have a client in crisis or have an urgent need for a medication refill*
- *Passion for working with individuals with serious to severe mental illness, and a belief that they are the experts in their treatment and can recover*
- *Comfort addressing difficult employee issues, using a strengths-based style, and effective leadership skills*
- *Bilingual English/Spanish skills are highly desired, but not required*

Knowledge, Skills, and Abilities

Thorough knowledge of: *current practices in behavioral health including the Recovery Model, strength-based treatment, consumer/family-oriented services, and integration of mental health and substance use disorder services and systems; principles and practices of general and preventive psychiatry; principles and practices in the diagnosis and treatment of behavioral health and substance use disorders, including evidence-based practices in the behavioral health field; psychiatric medications and their interaction with other prescription medications;*

general medicine and its relationship to mental illness and substance use disorders; current practices in the field of quality assurance and quality improvement.

Considerable knowledge of: current laws, standards, and regulations that govern the provision of behavioral health services in the public sector, especially in California; the legal environment affecting psychiatric practice; principles and practices of clinical supervision and training; program planning and development principles; and general budgeting, monitoring, and cost accountability.

Knowledge of: community behavioral health program goals and limitations; community organizations as related to behavioral health and medical services; modern management principles and practices; organizational dynamics, conflict resolution, and behavior and performance management; and public administration practices related to personnel management.

Ability to: plan, direct, coordinate, and evaluate behavioral health services; determine clinical and medical needs of community behavioral health programs; formulate, implement, and evaluate treatment methods and procedures; practice psychiatry in a community behavioral health delivery system; refer to local and regional providers of social, medical, and/or other specialized services; maintain currency in and apply knowledge of treatment modalities, medications, and laws governing psychiatric practice; establish and maintain effective working relationships with the Behavioral Health Administrator and other Health Agency leadership, the department's division managers, program managers and supervisors, and staff, other County managers, community groups, other public agencies, medical professionals, behavioral health consumer and family advocacy groups, and the general public; provide clinical leadership and consultation to department staff and the staff of contracted organizations and partnering agencies; prepare clear and comprehensive reports; assist with development and maintenance of policies and procedures, determine and evaluate levels of achievement and performance; secure cooperation and teamwork among professional and/or support staff; plan and conduct effective in-service training programs; maintain confidentiality of information; understand program objectives in relation to departmental goals and procedures; collect and analyze data to establish/identify needs and evaluate program effectiveness; develop goals and objectives; communicate effectively both verbally and in writing.

COLAB Note: With regard to the section above, the Department has abysmally weak performance measures in the Budget (only 4) with a budget of \$106.5 million.

MINIMUM QUALIFICATIONS

Possession of a valid California license to practice medicine. In addition, one year of administrative experience in a medical program; AND

Either A: Possession of a current Board Certification in Psychiatry, issued by the American Board of Psychiatry and Neurology or eligibility for examination for such certificate as evidenced by a written statement by the Secretary of that Board;
OR

B: Completion of an Accredited Residency Program in Psychiatry

**Central Coast Community Energy Authority (3CE) Meeting of Wednesday, August 9, 2023
(Scheduled)**

REMOTE LOCATION VIA TELECONFERENCE

Any interested parties or community members may attend, and participate in, the meeting at the following addresses where Board members may also join the meeting from:

County of Santa Cruz

701 Ocean Street, Third Floor Training Room
Santa Cruz, CA 95060

City of San Luis Obispo

City Hall
990 Palm Street, Council Chambers
San Luis Obispo, CA 93401

City of Santa Maria

City Hall
110 East Cook Street, Council Chambers
Santa Maria, CA 93454

City of Goleta

City Hall
130 Cremona Drive, Conference Room 1
Goleta, CA 93117

OR BY ZOOM

<https://us02web.zoom.us/j/82380649701>

Item 4 - Receive update on recent amendment to the Energy Risk Management Policy approved by the Risk Management Committee in July 2023. The 3CE has identified a number of risks which must be managed for it to stay in business and meet its promises to the jurisdictions over time. The report is extensive and details a number of potential problems. In summary these include:

This Energy Risk Management Policy addresses the following key risks:

- a) Attrition: Customer Opt-Out risk*
- b) Market risk*
- c) Liquidity Risk*
- d) Regulatory risk*
- e) Volumetric risk*
- f) Model risk g) Operational risk*
- h) Counterparty & Generalized Credit risk*

Each one of these is huge.

Gibson and Paulding made sure the SLO Board never received a presentation on any of these before voting to join 3CE. (See **Item 13** below for the gory details).

Item 13 - CEO's Report, sub-item e: Resource Adequacy Rule Changes and CCA Expansion. This item inadvertently reveals why Supervisors Paulding and Gibson were pushing the CAO so hard to join 3CE.

It is now clear why the SLO County Board majority was in such a hurry to compel the County staff to prepare the report, resolution, and ordinance to allow the County to join the 3CE Authority. It turns out that the California Public Utilities Authority (CPUC) would bar 3CE and the other community choice aggregators from adding new territory unless they can demonstrate

sufficient resource adequacy (RA). RA is the amount of contracted real energy supply and backup supply available to serve customers under severe conditions, such as hot days without having drawn on some other utility’s RA. 3CE has operated with an RA deficiency.

The Commission had been working on the order for several years and had issued a deadline for its adoption of June 29, 2023. 3CE was well aware of and participated in the process, as it opposed the proposed order. No doubt some members of the San Luis Obispo Board of Supervisors had been advised of this situation. In February, Supervisors Paulding and Gibson demanded that staff begin preparing the required documents for Board approval. Other Board members and the public were not advised of the deadline. They demanded that the issue and required documents be placed on the agenda as soon as possible.

County Administrative Officer, Wade Horton, requested more time. He pointed out that the County had not studied the prudence of joining since 2018 and that two of its three earlier studies had recommended against joining while the 3rd one was lukewarm. Both Gibson and Paulding expressed great irritation with Horton and demanded he get on with the preparations. Gibson was particularly adamant that it would be a waste of time and money to update the earlier studies and recommendations.

Horton had the professional audacity to provide the board with 2 recommendations. The first, Scenario A, would complete the application as fast as possible. The second, Scenario B, would provide time for better analysis and evaluation and would have the Board begin considering the matter on July 11, 2023, with a final hearing on July 18.

Timeline

The following outlines the timeline to date as well as the remaining steps, based on the Board’s direction to bring the option to join 3CE by March 2023 (Scenario A). Another potential timeline is presented by Scenario B based on discussions with 3CE. Under either scenario, as long as the Board adopts the necessary ordinance and resolution to join 3CE by July 2023, that the commencement of service would occur in January 2025.

Project: 3CE CCA			
Timeline			
Step	Task	Scenario A (Board Direction)	Scenario B
1	Board Direction to Consider Joining 3CE by March 2023	January 24, 2023	January 24, 2023
2	Staff Analysis	Jan 24 - Mar 10, 2023	Jan 24 - Jun 30, 2023
3	Introduction of Hearing/Ordinance to Consider Joining 3CE	March 7, 2023	July 11, 2023
4	Hearing to Consider Joining 3CE	March 21, 2023	July 18, 2023
5	Coordination of staff from SLO County, 3CE, and PG&E to acquire required revenue and energy demand data to 3CE		
6	3CE provides 30-day notice to all member agencies		
7	3CE Board adopts amendment to JPA; 3CE Board approves Revised Implementation Plan	June 2023	September 2023
8	County gains seats on Policy and Operations Boards	Following JPA Adoption	Following JPA Adoption
9	3CE submits Implementation Plan addendum to CPUC	Following 3CE Approval	Following 3CE Approval
10	CPUC Certification	March 2024	Mar 2024
11	3CE Mailed Required Customer Notification #1	November 2024	November 2024
12	3CE Mailed Required Customer Notification #2	December 2024	December 2024
13	Service Begins	January 2025	January 2025
14	3CE Mailed Required Customer Notification #3	February 2025	February 2025
15	3CE Mailed Required Customer Notification #4	March 2025	March 2025

July 18 would have been too late as the CPUC adopted the order on June 29th and issued on July 5, 2023.

All of the subsequent dates would have been way late.

The County Board letter of March 21, 2023 stated in part:

Item 1 - Introduction of an ordinance authorizing the implementation of a community choice aggregation program in the unincorporated areas of San Luis Obispo County through the County organization's participation in Central Coast Community Energy's (3CE) community choice aggregation program. Hearing date set for March 21, 2023. The purpose of the agenda item is to set a public hearing and Board vote for Tuesday, March 21, 2023

A. Further pursue participation with 3CE. This would entail adopting the attached ordinance and resolution indicating the County's intent to join 3CE. Staff would work with 3CE as needed to complete the additional steps 5-15 listed in the table above. If the 3CE Board adopted the necessary amendments, approved the Revised Implementation Plan, and the CPUC certified, then service would begin January 2025.

B. Pursue further analyses. This option would pursue future analyses at the Board's discretion. So long as the analyses are completed by June 2023, service could still commence in January 2025. Alternatively, any analyses which takes longer than this would delay when service could commence. C. Take no further action. This option would formally end the County's inquiry into joining 3C

The new Board majority on a 3/2 vote (Arnold and Peschong dissenting) approved Scenario A.

In our opinion, Gibson and Paulding knew of the CPUC deadline and therefore rejected the CAO's request for more time to analyze the pending policy.

The 3CE's report for this week confirms the issue and gloats over San Luis Obispo County joining in time.

RESOURCE ADEQUACY RULE CHANGES AND CCA EXPANSION On June 29, 2023, the California Public Utilities Commission (CPUC) adopted changes to the Resource Adequacy (RA) program used for grid reliability planning. Among these is a new rule that a CCA may not expand its service to new communities if it has not met all RA compliance requirements for at least two calendar years. Application of the rule will begin with RA deficiencies in September 2023. Past RA deficiencies will not affect CCA expansions. Tying CCA expansion to RA program performance is outside the CPUC's role in CCA expansion as defined in state statute, and the California Community Choice Association has filed an Application for Rehearing challenging the new rule on behalf of all California CCAs. In the meantime, 3CE staff are waiting for the CPUC to certify 3CE's Implementation Plan to expand service to the County of San Luis Obispo in January 2025. The language of the RA Decision states that the new expansion limitation will not apply to implementation plans submitted before the decision was passed. 3CE submitted the San Luis Obispo County Implementation Plan on May 15, 2023, so the new rules should not apply to it. The CPUC has a statutory deadline of August 15, 2023, to certify the Implementation Plan. Staff will be monitoring the situation and will update the Board as appropriate.

Perhaps the CPUC will be annoyed by the expedited processing and deny the application for San Luis County to join 3CE. If some SLO County Supervisors or other officials knew of the issue and did not disclose it, it is certainly an ethical breach, and more seriously fraud, which would invalidate SLO County's 3CE application in the first place. The Board minority should advise the CPUC of the failure of the 3CE and perhaps some of their colleagues to share the critical information.

The actual Rule is crystal clear that continued expansion of the CCAs without sufficient RA jeopardizes the whole state.

ALJ/DBB/SR6/mph

Date of Issuance 7/5/2023

Decision 23-06-029 June 29, 2023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee
the Resource Adequacy Program,
Consider Program Reforms and
Refinements, and Establish Forward
Resource Adequacy Procurement
Obligations.

Rulemaking 21-10-002

**DECISION ADOPTING LOCAL CAPACITY OBLIGATIONS
FOR 2024 - 2026, FLEXIBLE CAPACITY OBLIGATIONS FOR 2024, AND
PROGRAM REFINEMENTS**

4.5. LSE Expansion Energy Division states that in recent years, there has been a significant increase in LSE deficiencies, with seven LSEs receiving month-ahead RA deficiencies in 2021 and five LSEs receiving month-ahead RA deficiencies in 2022.⁵⁰ Energy Division notes that despite the fact that some LSEs have not procured sufficient capacity to meet their RA requirements, some LSEs have sought to expand their customer territories. Energy Division is concerned that expansion by LSEs that have not met their RA requirements **jeopardizes** reliability but also results in leaning on LSEs that have met their full RA obligations. Further, Energy Division adds that if an effective PRM is adopted, persistent under-procurement of RA undermines the purpose of the effective PRM, which is intended to provide additional resources to respond to unexpected events. The effective PRM is not intended to backfill for LSEs that do not meet their existing RA obligations

For these reasons, Energy Division proposes that "any CCA or ESP with a deficiency of greater than 2.5 percent of its system RA requirement on a month ahead RA filing during the previous two calendar years should not be able to expand and take on any new customer load for the following year."⁵¹ Energy Division states that, for example, a CCA that had deficiencies in 2021 or 2022 would not be eligible to submit an Implementation Plan to expand to serve new service areas in 2023 for service in 2024.

As to CCAs, this requirement will apply to initial or revised implementation plans submitted after the effective date of this decision. Page 137 of the order

Given that PG&E has sufficient RA, the 3CE and their buddies want to rely on PG&E as back-up. This is a huge subsidy of the regular PG&E customers to the 3CE customers.

Item 36 - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Item sub (3) Friends of Oceano Dunes, Inc. v. California Department of Parks and Recreation, et al., San Luis Obispo County Superior Court Case No. 21CV-

0275. Two weeks ago the Santa Barbara Superior Court ruled that the Coastal Commission exceeded its authority in ordering the closure of off-road riding and free style camping on the dunes. Significantly, the Judge ruled that since the County holds a valid Coastal Commission permit for dunes riding, it is the County which could amend its permit to prohibit the riding and camping. It will be interesting to see how Gibson and Paulding handle this one. They may catch a break for a while, since the Coastal Commission is expected to appeal the decision.

Matters After 1:30 pm

Item - 37 Request to: 1) approve a contract with Bitfocus effective through August 8, 2028 in the amount of \$794,380 for software activation and annual licensing; 2) approve a contract with Institute for Community Alliances effective through August 8, 2028 in the amount of \$1,991,072 for software implementation and professional services; 3) approve the creation of WBS# 360038 HSIMS Project in Fund Center (FC) 266 – Countywide Automation in the amount of \$3,442,447 to implement a new Homeless Services Information Management System; 4) approve a corresponding budget adjustment in the amount of \$3,442,447 costs to FC 266 – Countywide to transfer \$1,974,644 from the County Wide Automation Reserve, and funds from FC 290 – DSS Homeless and Affordable Housing in the amount of \$1,067,803 in HHAP-3 Grant Funds and \$400,000 of CenCal support to fund the project by 4/5 vote. The staff requests approval of millions to purchase and install a new Homeless Management System.

Table 1- Summary of Estimated One-Time and Ongoing Costs

	One Time FC 266	Ongoing FC 180
Hardware		
Software	\$ 302,360	\$ 172,340
Services	\$ 1,991,072	
County Staff	\$ 700,000	\$ 65,000
Contingency (15%)	\$ 449,015	
Total	\$ 3,442,447	\$237,340

Table 2 - Summary of Funding Sources

Funding Sources	One Time	Ongoing
CenCal	\$ 400,000	
HHAP (Round 3)	\$ 1,067,803	
GFS (DSS Budget)		\$237,340
CW Automation	\$ 1,974,644	
Funding Total	3,442,447	\$237,340

1. SLO County reports that it has about 1450 homeless people at any time. This is about \$2,374 per person initially to register and track their care and progress.
2. Has staff viewed the operation of this system in other jurisdictions?
3. What do the front-line clerks in those jurisdictions say about the system when their bosses are not in the room?
4. How are the comparably sized jurisdictions which use the system doing on their homeless problems?

California Coastal Commission Meetings of Wednesday, August 9 and Thursday, August 10, 2023 (Scheduled)

Item Th. (No number) - Closed Session. The Commission will be struggling with its latest legal loss to the Friends of the Dunes. Two weeks ago the Santa Barbara Superior Court ruled that the Commission exceeded its authority in ordering the closure of off-road riding and free style camping on the dunes. It is likely that the Commission will appeal.

- **Friends of Oceano Dunes, Inc., et al. v. California Department of Parks and Recreation, et al. (21CV-0275), Govt. Code § 11126(e)(2)(A)**
- **Friends of Oceano Dunes, Inc. v. CCC, et al. (Case No. 21CV-0214), Govt. Code § 11126(e)(2)(A)**

Item Th.12.b - Denial of a permit for Construction of a new single-story, 1,910 square-foot single-family residence with an attached 573 square-foot two-car garage on a mostly vacant lot at 1153 11th Street in the northern portion of the unincorporated Los Osos community of San Luis Obispo County. The County approved the permit application for the new home. The Commission staff is recommending that that the Commission seize control of the process and ultimately override the County and deny the application. The lot already has water service and sewer and prior to 12 years ago contained a single-family home, which was demolished.



Planning Commission Meeting of Thursday, August 10, 2023 (Scheduled)

The agenda contains a number of small projects which are important to the applicants but are not broadly policy sensitive. The one exception is **Item 4**, the long-awaited Distilleries, Guest Ranch and Small Urban Wineries Ordinances.

Item 4 - 4. Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, (LRP2023-00010) to allow for four ordinance amendments including the Distilleries Ordinance, Guest Ranch Ordinance, Small Urban Wineries Ordinance, and Insertion of Arroyo Grande Fringe Area Map. The requested amendments include: 1) amendments of Title 22 to Table 2-2, Allowable Land Uses and Permit Requirements, Section 22.30, Standards for Specific Land Uses, Section 22.94, Section 22.18, Parking, and Section 22.80, Definitions. Also to be considered is the determination that this project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

***Distilleries Ordinance** - This ordinance amendment would allow for distilleries as an agricultural processing use similar to wineries. Changes to Title 22 include updates to Section 22.30.070 Agricultural Processing Uses to include specific use standards, Section 22.18.050 Parking, and 22.80.030 Definitions.*

***Guest Ranch Ordinance** - Under the current definition, such facilities would only be allowed on working cattle ranches. This proposed revision would open sites with agricultural operations, such as wine grape vineyards, to commercial lodging facilities. Proposed lodging facilities under this section would require discretionary land use permit approval and would need to be found consistent with applicable specific use standards in Section 22.30.520.B as well as General Plan policies.*

Urban Wineries Table 2-2, - Allowable Land Uses and Permit Requirements, to allow wineries in the Commercial Retail Land Use Category where the majority of production is used for on-site retail. Wineries would be subject to permit requirements and specific use standards required by Section 22.30.070.

Control click the link for all the details: [154360 \(ca.gov\)](https://www.ca.gov/154360)

LAST WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, August 1, 2023 (Not Scheduled)

The next meeting is scheduled for Tuesday, August 8, 2023.

County Administrator (CAO) Announced Process Improvement Program

County CAO John Nilon announced the County is about to embark on a process improvement project designed to measure and improve the velocity and quality of services. The Planning and Building Department will serve as a pilot. The County Board approved use the well-known Six Sigma performance improvement tool to execute the project.

The County news release states:

The County of San Luis Obispo today unveiled a new program and strategy aimed at streamlining services, increasing efficiency, and eventually saving taxpayers money.

Supervisors Dawn Ortiz-Legg and Jimmy Paulding joined County Administrative Officer (CAO) John Nilon in unveiling the County's commitment to the Lean Six Sigma Program.

Lean Six Sigma is a program used by some of the most successful organizations in the private sector that uses statistical analysis to increase efficiency and reduce waste. The County will implement it within all departments. The Department of Planning and Building will serve as its champion and be the first to put it into action.

"Dozens of local governments over the past few years have begun to implement a Lean Six Sigma strategy to address the growing demand for scarce resources," said CAO John Nilon. "This methodology can save organizations money, improve morale, boost performance, and elevate the services we provide to the people of San Luis Obispo County."

A Lean Six "Master Black Belt" will serve as a consultant to help the County initiate and implement the program through all departments.

"Whether you're in the public or private sector, the issues of service and customer satisfaction reign supreme," said Supervisor Ortiz-Legg. "There's no excuse for over-bureaucracy and poor performance and I'm confident this program will help us better serve our community."

Nilon is well acquainted with Lean Six Sigma as he implemented it in Kern County when he served as CAO there prior to retiring to San Luis Obispo County. He credited it with saving hundreds of thousands of dollars in Kern County as well as increasing turn-around times for permitting processes within some departments from months to days.

"There is no better time than now to rethink and reformulate our County government to embrace and deliver smart changes," said Supervisor Paulding. "With limited resources and growing demands, it's critical that we find ways to streamline processes and improve efficiency. This is where the concept of Lean Government comes in."

What Are The Lean Six Sigma Principles?

Learn what the Lean Six Sigma Principles are and how they can help your organization create a culture of continuous process improvement

Lean Six Sigma is based on a set of principles that are a combination of Lean methodology and the Six Sigma approach. While Lean focuses mainly on eliminating wasteful activities, Six Sigma aims to improve quality by removing causes of defects.

Indeed, both approaches share similar methodologies, values, and tools, which is one of the main reasons why [Lean Six Sigma](#) was born.

Lean Six Sigma gets the best of the two worlds and provides a new way for organizational culture changes.

Let's explore the ground principles of Lean Six Sigma.

1. Focus on the customer.

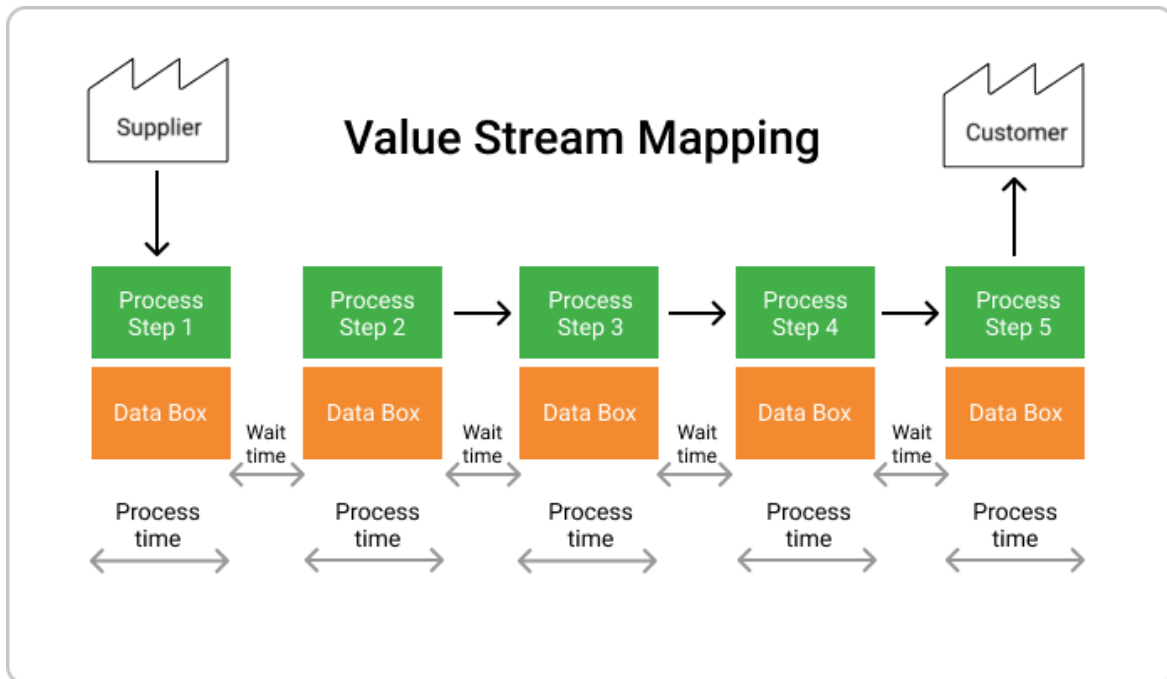
The main purpose of every company is to offer a product or service that customers are willing to pay for. Here is why Lean Six Sigma advises that you put customers and their needs first. Before you do anything else, try to jump into your customer's shoes and realize whether your product would match their expectations. Remember, successful companies deliver added value defined by their customers' needs.

At the end of the day, it doesn't matter whether you came up with a great idea if the customer doesn't get any value from it.

COLAB Comment: This one is particularly hard for government managers who have extensive training and socialization into their professions - public safety, environmental protection, urban planning, medicine, psychology, law, or whatever.

2. Map the value streams to understand the work process.

A value stream map displays all the steps in your work process necessary to deliver value to the customer. It represents the flow of work and resources from your organization to the end customer.



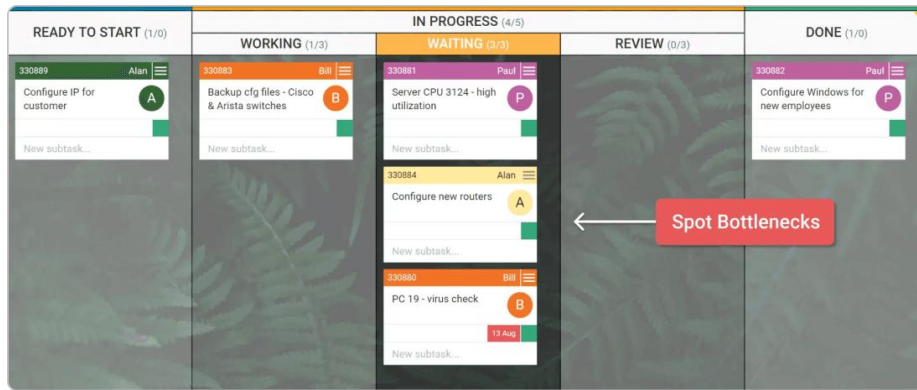
Identifying and mapping your value streams is crucial for creating a successful company for the following reason: it helps you improve your work processes and become more effective.

Let's see how [value stream mapping](#) supports continuous process improvement.

COLAB Comment: COLAB has been asking the County to do Step 2 for years, especially in Planning and Building and Behavioral Health.

3. Manage and improve the process flow.

Having your value streams mapped is not enough. It is just the beginning. From here, you can identify the problems in your workflow, discover process bottlenecks and investigate the root cause of all process issues.



To uncover bottlenecks and resolve flow impediments, you can use different tools and techniques. For example, with a Kanban board, you can visualize your workflow, spot bottlenecks, and analyze where work gets stuck. Once you know where the issues are, you can use different techniques such as [5 Whys](#) analysis to find potential causes and resolve them.

COLAB Comment: COLAB has been asking for this one as well for 12 years.

4. Remove non-value-added steps and waste.

The idea of eliminating waste originates from the Toyota Production System. Taiichi Ohno, who is considered one of the fathers of TPS, dedicated his career to building a solid and efficient work process.

In the world of Lean, waste means “non-value-added activity”. Mr. Ohno himself describes what Toyota does with the following sentence: “All we are doing is looking at the timeline, from the moment the customer gives us an order to the point when we collect the cash. And we are reducing that timeline by removing the non-value-added wastes.”



Eliminating wasteful activities can help companies dramatically improve their operational efficiency, optimize resources and increase profitability.

There are 7 types of wastes:

- Waste of Transportation
- Waste of Inventory
- Waste of Motion
- Waste of Waiting
- Waste of Overproduction
- Waste of Over-processing
- Waste of Defects

Before we move on, you have to remember to differentiate Necessary waste from Pure waste.

Necessary waste – *This is a non-value-adding activity, which, however, is essential to get things done in a quality manner—for example, testing, planning, etc.*

Pure waste – *This is non-value-adding and unnecessary activity. It represents anything that doesn't produce customer value and can be removed from the process immediately.*

5. Manage by fact and reduce variation.

If there are two things that every organization strives to achieve, these are cost-efficiency and high customer satisfaction. This is why Lean Six Sigma preaches reduction of variation and standardization.

Reducing variation and increasing standardization makes it possible for companies to be more cost-efficient and have higher customer satisfaction.

To put this in perspective, let's see the following example:

You have a pizzeria. However, every employee puts a different amount of cheese on cheese on the pizza while preparing it. This creates variations. In other words, it is highly likely that different customers will have different customer experiences. Respectively, this can lead to customer dissatisfaction. You can avoid this by creating clear standards and process policies. For example, the amount of cheese that should be put on every pizza is 100 grams.

If you want to be sure that your organization makes the most of standardization, here are a few tips:

- *Document your processes.*
- *Make sure that everyone knows and follows the same steps.*
- *Establish and share best practices.*
- *Provide adequate training to all employees.*
-

6. Involve and equip people in the process.

Process improvement is an integral part of the Lean Six Sigma culture. However, to make the right decisions about what needs to be improved, you have to listen to the people involved in the process on a day-to-day basis. Have in mind that front-line employees are highly likely to have insightful feedback on how a process can be improved.

Also, Lean Six Sigma strongly advises you to have a dedicated process improvement team responsible for Six Sigma processes. This is because improvements don't occur occasionally but as a result of collective efforts and a shared vision. To support the team, your organization has

to provide process improvement training and make sure employees are familiar with different [Lean Six Sigma tools](#) and measurement methods.

7. Undertake improvement activity in a systematic way.

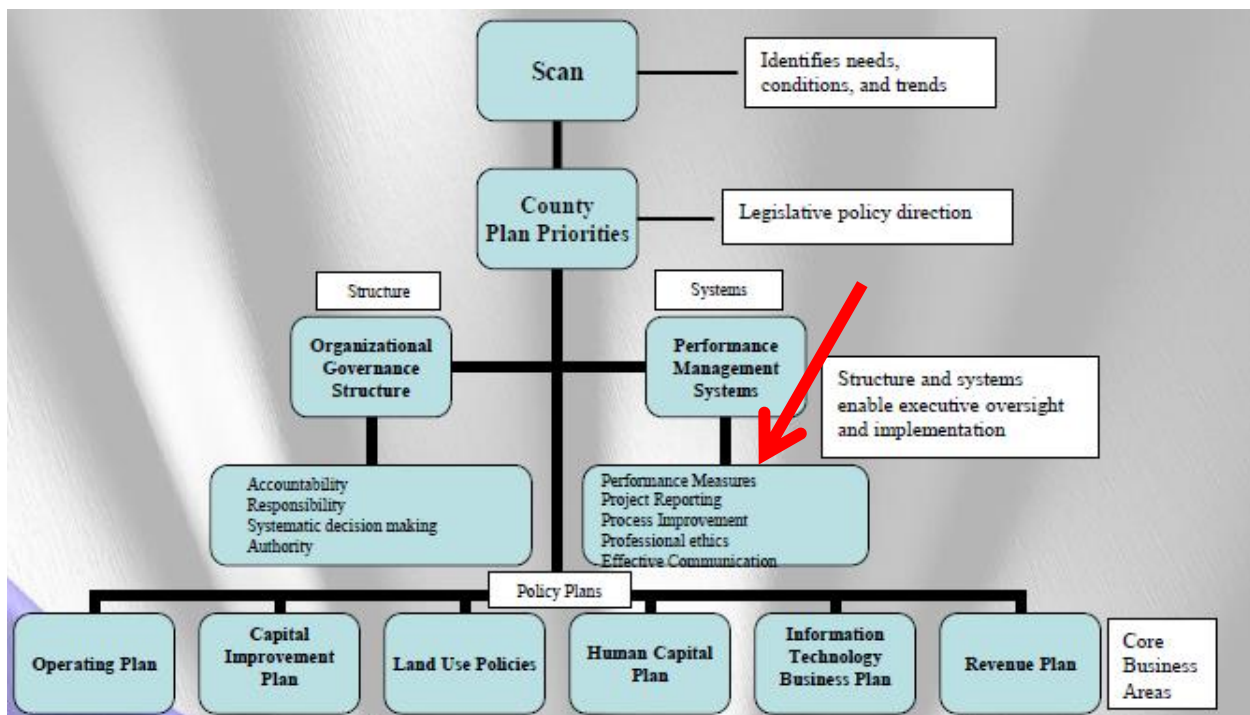
Lean Six Sigma requires a lot of change. You need to create a culture where employees are ready to embrace change. However, nobody likes random changes. This is why they should be backed up by data.

How does data help?

By using data-based arguments, you can show workers where a change comes from and how you made the decision. Furthermore, numbers make it much easier to explain the benefits of any change in the work process.

Lean Six Sigma offers highly scientific and systematic approaches and tools for collecting, quantifying, and analyzing data, such as the DMAIC, Kanban boards, 5S, and more.

The 6 SIGMA tool can be incorporated into an entity's management system (sample chart below).

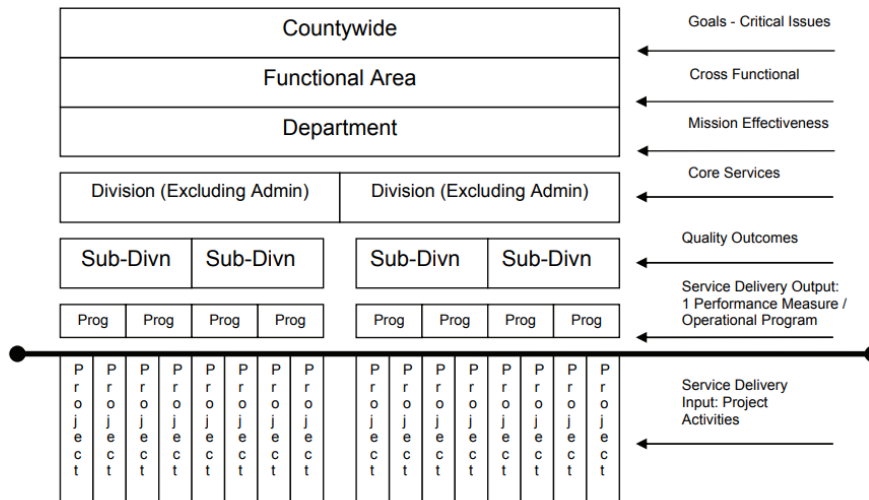


1. Rigor must be applied to both performance measures and project management.

2. What is the County's overall management system?

Levels of Performance Reporting

The cascading levels of performance measures in County departments include: Countywide, Functional Area, Program Cost Center, and Individual Measures. These are illustrated in the following chart and each are then explained, in turn.



The

County budgets at the division level, which does not provide sufficient managerial accountability for achieving performance levels. It is not known if this will be reformed as part of this project.

Below is a conceptual presentation of a sample hierarch of budget and performance measures at the program within division level.

Countywide Measures

Certain measures, called countywide measures are reported for every department using identical language and calculations to ensure consistency among departments. Most countywide measures are gauges of department administrative effectiveness. These administrative effectiveness measures include Human Resources, Risk, and Finance. Future countywide measures will also include Capital Improvement Program "on time, on budget" measures. All of these measure descriptions are released in the budget instructions annually.

Centrally Reported Countywide Measures for Each Department

- Financial Expenditure Variance – total actual expenditures / adjusted budget, Financial Information Network (FIN)
- Financial Revenue Variance – total revenue collected / adjusted budget, FIN
- Lost Time – total productive hours / total hours
- Worker Compensation Claims – total number of open claims / previous year actual claims
- General Liability Claims - total number of open claims / previous year actual claims
- Medical Malpractice Claims - total number of open claims / previous year actual claims
- Employee Performance Reviews – total EPRs completed by anniversary / total EPRs due (including probationary evaluations)

Sample display of Budget, FTEs, and performance measures within a building inspection and code enforcement division of a planning department below. The following page displays the structure and data for a sample building and safety division of a planning department.

Planning and Development Department

Performance Measure Legend

Department-wide Effectiveness
Performance Measure

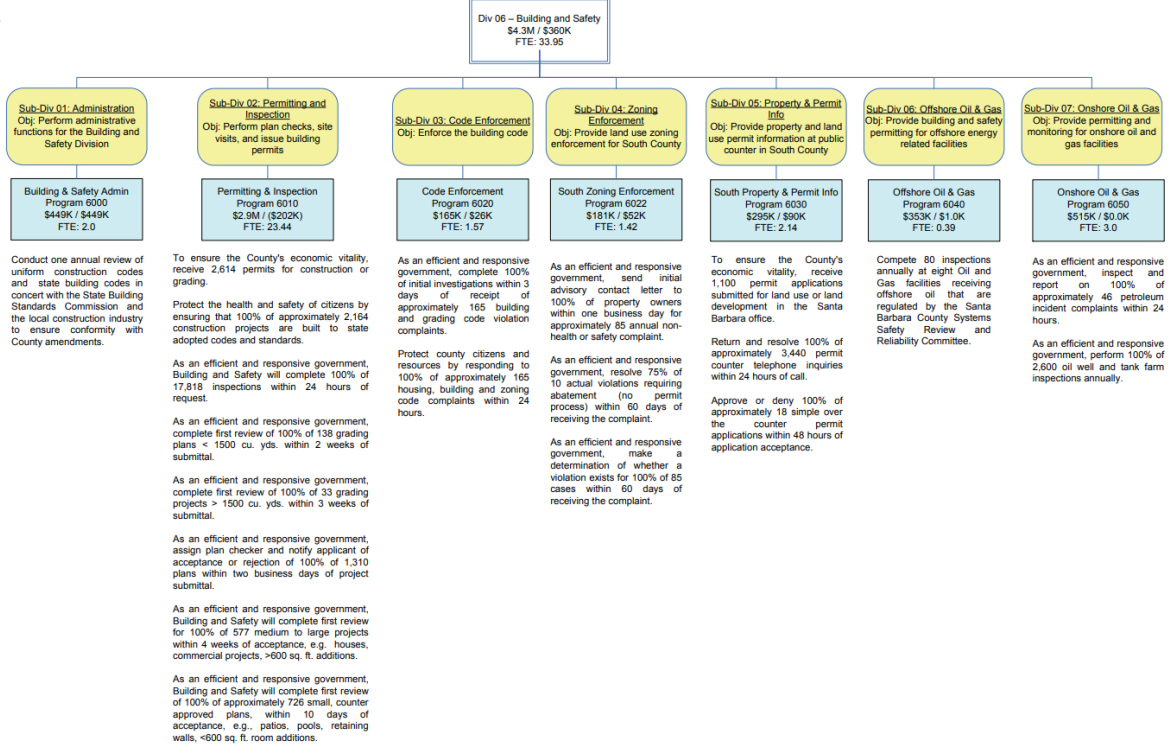
Change to Performance Measure
Performance Measure to Delete
New Performance Measure

Budgets shown in
Millions (\$M) or Thousands (\$K)
Program Budgets are \$Total Uses /
\$Total General Fund Contribution

Division: # & Title from CCID
Cost Center Report
Budget/GFC from CCID
(Financial Data by Cost Ctr)

Sub-Div: # & Name from
Cost Center Report
Obj: from CCID Inventory

Program: Title from CCID
Number from CCID
Budget/GFC from CCID
(Financial Data by Prog)
FTE: CCID



See the article below which demonstrates how governments are so different from all other institutions and why it is so hard to change the culture.

STATISM AND THE UNMAKING OF REALITY



Jakub Bożydar Wiśniewski

The state is, first and foremost, an institution whose overarching goal is the forcible subjugation of all the people who inhabit a given territory. However, what makes the state different from other coercive entities, such as organized crime groups, is that it enjoys some form of popular legitimacy. In other words, in addition to enslaving its inhabitants physically, it needs to secure their mental servitude as well.

Many forms of such servitude have been tested by rulers over the millennia, but by far the most effective among them is that of “representative democracy” coupled with the “welfare state.” “Representative democracy” is the illusion of universal participation in the use of institutional coercion. The “welfare state” is the reality of universal participation in the process of institutional parasitism. Together, they constitute what Frédéric Bastiat described in his immortal words as “the great fiction through which everybody endeavors to live at the expense of everybody.”

An unobvious truth that has become increasingly transparent over the last few decades is that the “great fiction” in question is by no means limited to the economic or crudely political sphere. More specifically, this fiction exploits not only the alleged victimhood of the poor at the hands of the rich and that of the “disenfranchised masses” at the hands of the “privileged elite” but also that of women at the hands of men, blacks at the hands of whites, or the young at the hands of the old (and vice versa).

It is here that the nature of the state in its most mature manifestation comes clearly into view. Far from being exclusively the nexus of institutionalized aggression or even the instigator of permanent conflict, it also turns out to be the ultimate peddler of unreality.

This unreality appears on several interlocking levels. First, there is the unreality of statist promises: legal plunder can bring about general prosperity, legal counterfeiting can alleviate business cycles, and legal murder can secure world peace—none of which are true. Then, there is the unreality of state-manufactured grievances, in which women are the permanent victims of “systemic sexism,” blacks are the permanent victims of “systemic racism,” and the young (or the old) are the permanent victims of “systemic ageism.” Finally, there is the unreality of state-encouraged narcissistic or otherwise self-destructive phantasmagorias.

It is only at this final level that the potential for generating putative “social problems” that calls for “systemic solutions” is virtually limitless. For instance, state-sponsored “educators” can declare that free speech is not about being able to voice whatever views one wishes but about being protected from “hate speech” that may castigate one’s views as ignorant, evil, or ridiculous. Likewise, state-sponsored “medical professionals” can proclaim that genital mutilation can alter one’s sexual identity and make it conform to one’s supposed “true self” and that disagreeing with this contention is a criminal violation of human dignity. Finally, state-sponsored health bureaucrats can encourage one’s belief that a persistent bad mood indicates that one’s quality of life is so low that assisted suicide is the best option going forward.

In sum, statism, the ideology that begins with flouting the fundamental distinction between “mine” and “thine,” reaches its culmination in denying the even more fundamental distinction between sense and absurdity. Since every alleged problem grounded in absurdity is, by definition, unsolvable, multiplying such problems allows the state to multiply its edicts, committees, taskforces, and appropriations ad infinitum.

However, such multiplication must come to a halt as soon as a critical threshold of dysfunctionality is passed. Just as an economically absurd system with no market prices is bound to collapse—tellingly demonstrated by Ludwig von Mises—the same fate awaits a system shot

through with absurdities related to other major areas of social coexistence, such as speech, health, procreation, and identity formation.

Thus, when the threshold in question is reached, the hypertrophic and increasingly farcical “great fiction” has to either voluntarily reduce its size by a substantial margin or—more likely given the current extent of special interest capture and institutional inertia—disintegrate violently under the weight of its accumulated layers of self-destructive insanity. In other words, when the amount of unreality peddled by the state on a routine basis becomes incompatible with the preservation of even a modicum of sane social life, reality is bound to reassert itself mercilessly.

If the latter scenario transpires, free individuals will be able to regain control over their lives, belongings, livelihoods, and life plans. However, if these free individuals are not to cede this control to some would-be earthly messiah who promises to rebuild a better civilization, they must never abandon timeless wisdom for the blandishments of wishful thinking. More specifically, they must not only make consistent use of solid economic theory and cogent social philosophy—which emphasize the indispensable cooperative role of private property, market prices, and sound money—but also pay homage to the organic institutions that nourish the human soul, such as the family, the local community, tradition, and religion.

After all, it is precisely these institutions that the state invariably tries to uproot and replace in its pursuit of political, economic, and cultural hegemony. It is also precisely these institutions that not only allow individuals to prosper in commercial terms but, perhaps even more importantly, to remain firmly grounded in the reality of social life and social cooperation, both intimate and extended.

In conclusion, defeating statism requires recognizing its nature not only as the ideology of permanent conflict but also as the most potent driving force of institutionalized unreality. In other words, accomplishing this task requires realizing that the “great fiction” in its fully developed form is equally fictitious in the realm of solutions that it claims to offer and in the realm of problems that it claims to identify. As soon as this realization becomes sufficiently widespread among liberty-minded people, their efforts will become genuinely robust, meaningfully inclusive, and solidly pragmatic—which is something that we should all welcome given how impactful our action or inaction is likely to be at this late stage of the fight.

Jakub Bożydar Wiśniewski is a Fellow of the Mises Institute, an assistant professor in the Faculty of Law, Administration, and Economics at the University of Wrocław and an affiliated scholar and a member of the Board of Trustees of the Ludwig von Mises Institute Poland. He holds an MA in philosophy from the University of Cambridge and a PhD in political economy from King’s College London. He is the author of The Economics of Law, Order, and Action: The Logic of Public Goods, Libertarian Quandaries, and The Pith of Life: Aphorisms in Honor of Liberty. Mises Wire – August 1, 2023.

EMERGENT ISSUES

Item 1 - California could borrow a record-breaking \$35 billion to tackle the housing crisis. Will voters go along?

IN SUMMARY

Three of the biggest housing bonds in state history are bound for the 2024 ballot. But with no shortage of crises facing the state, California can only borrow so much and voters may succumb to “bond fatigue.”

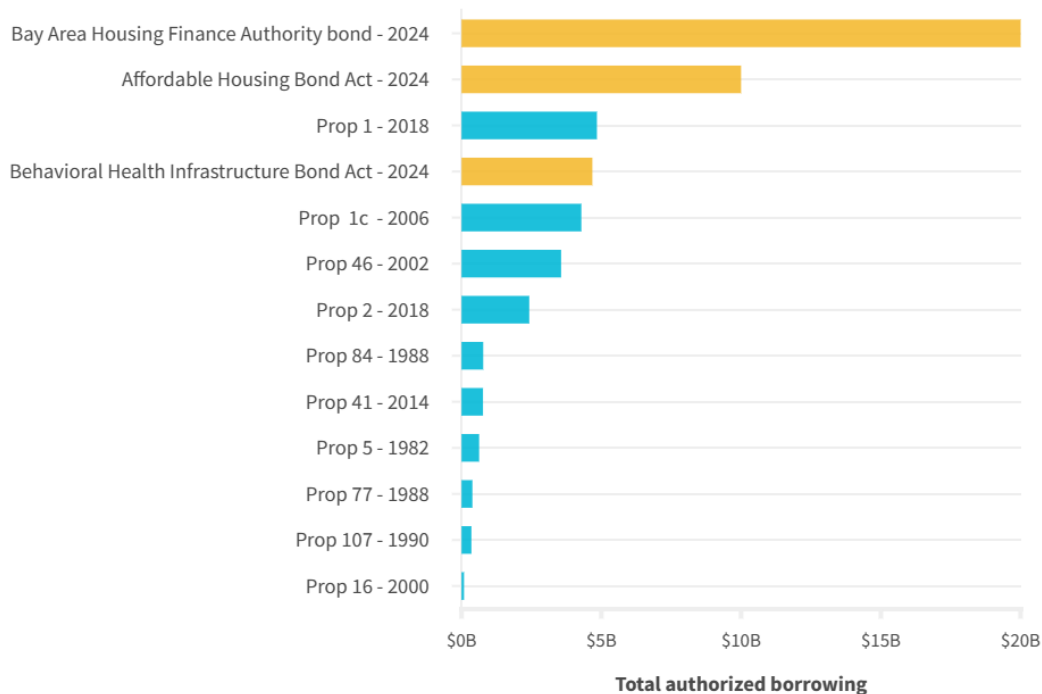
There’s the \$10 billion bond proposal, spearheaded by Oakland Democratic Assemblymember Buffy Wicks and currently slated for the March ballot, that would replenish the coffers of some of the state’s premier affordable housing programs. If a majority of voters approve, it would be the largest housing-related IOU that California has issued since at least 1980.

Next, there’s the \$4.68 billion measure, backed by Gov. Gavin Newsom and also scheduled for March, to build housing and expand psychiatric and substance abuse treatment for homeless Californians. That would be the largest-ever expansion of behavioral health funding in California, according to the governor’s office. As a housing-related bond, it would also be the third largest such measure in recent memory.

But both of those state measures could be dwarfed by a third proposed at the regional level. The recently created Bay Area Housing Finance Authority, tasked with funding affordable housing projects across the nine counties that surround the San Francisco Bay, is still figuring out exactly how much it wants to ask voters to sign off on in November 2024. But it could be as much as \$20 billion.

Biggest. Housing Bonds. Ever.

How the three housing-related bonds bound for the 2024 ballot stack up against prior successful borrowing measures



Source: [UC Law SF California Ballot Propositions and Initiatives Collections](#) • All values adjusted for inflation. CAL MATTERS

With lawmakers considering a bevy of other bond measures in 2024 that could total as much as \$80 billion — more potential debt than the state has put on the ballot since at least 1980, even adjusting for inflation — the sheer scale of the state’s potential borrowing plans could test the upper limit of what voters are willing to stomach.

BY BEN CHRISTOPHER AUGUST 3, 2023 , CAL MATTERS

ITEM 2 - 25.4% Of All New Cars Sold In California Now Electric

Electric cars put a huge strain on the state’s electric grid

By Evan Symon, August 3, 2023 11:50 am

According to a new California Energy Commission (CEC) report released on Wednesday, over 25% of all cars sold in the second quarter of 2023 were electric, putting California on pace to have 100% all electric car sales by 2035.

While electric cars have seen steady growth in California since the 2000’s, the state didn’t see a drastic rise in sales until 2020. Between 2018 and 2020, sales lingered at around 7%-8% of all new cars sold being electric.

However, in September 2020, Gavin Newsom issued an order of a staggered plan requiring that 35% of all new cars sold in California in 2026 to be electric or hybrids, 68% by 2030, and 100% by 2035.

Newsom’s order was quickly met with criticism. While many car manufacturers were generally in line to do so, many in state and federal government, including the head of the EPA, questioned the decision. However, after gas prices rose to new highs earlier this year nationwide, with Californians seeing amongst the highest in the nation, public and governmental reception warmed. Despite numerous problems associated with the 2035 plan, including concerns of enough electricity being available to power cars and battery component issues that could potentially make the 2035 plan impossible, the California Air Resources Board (CARB) approved the 2035 plan in August 2022, making national and international news.



ZEV sales in California chart (Photo: gov.ca.gov)

“Energy consumption is a big drawback to electric vehicles,” explained Veronica Deer, an auto industry analyst who focuses on the electric market, to the Globe on Thursday. “The state has [said that they can handle it](#), but many remain doubtful. There were [huge grid problems last year](#), and California has clearly contradicted themselves, as they [have asked electric car owners to not charge their cars during days when the grid was stressed](#). Asking electric car owners not to charge their cars because you can’t provide enough electricity is a warning sign that they can’t handle it right now.

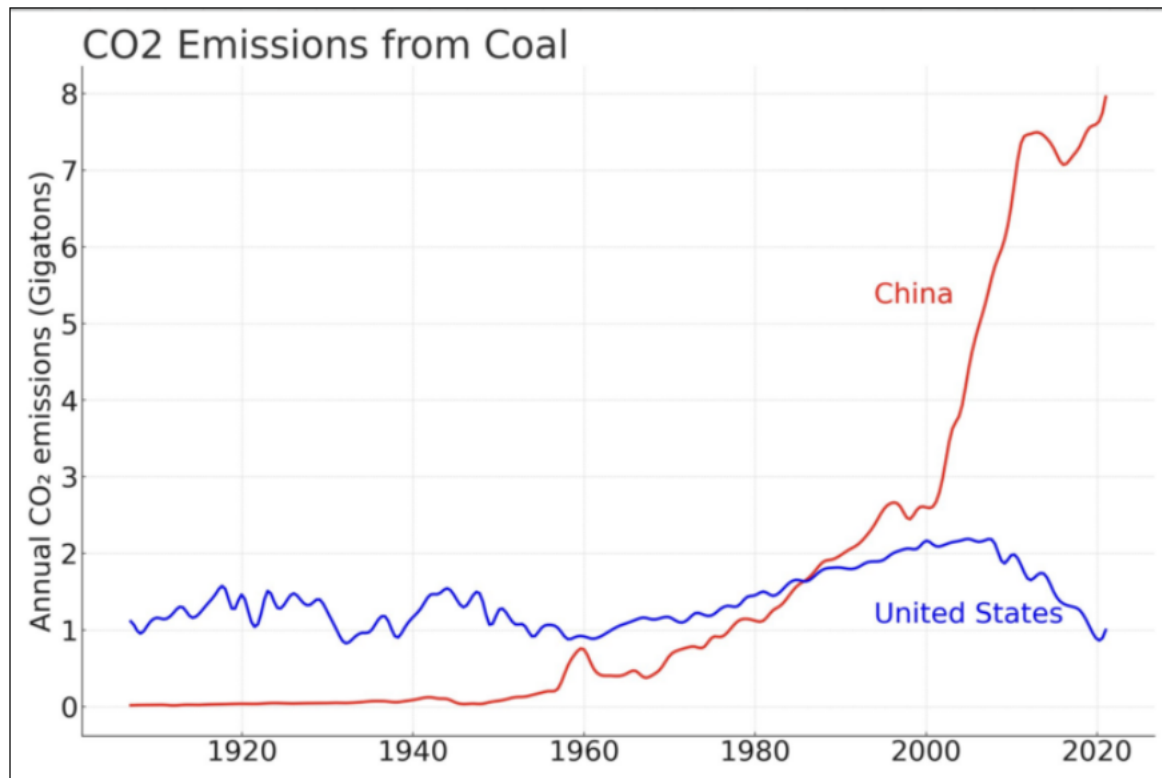
Evan V. Symon is the Senior Editor for the California Globe. Prior to the Globe, he reported for the Pasadena Independent, the Cleveland Plain Dealer, and was head of the Personal Experiences section at Cracked. He can be reached at evan@californiaglobe.com. Cal Globe - August 3, 2023.

Item 3 - China CO₂ from Coal Rises Exponentially as do US Exports of Coal to China: But you have to buy and electric car.

POSTED ON AUGUST 3, 2023 BY [STEVEN HAYWARD](#) IN THE DAILY CHART

THE DAILY CHART: LEARNING FROM CHINA?

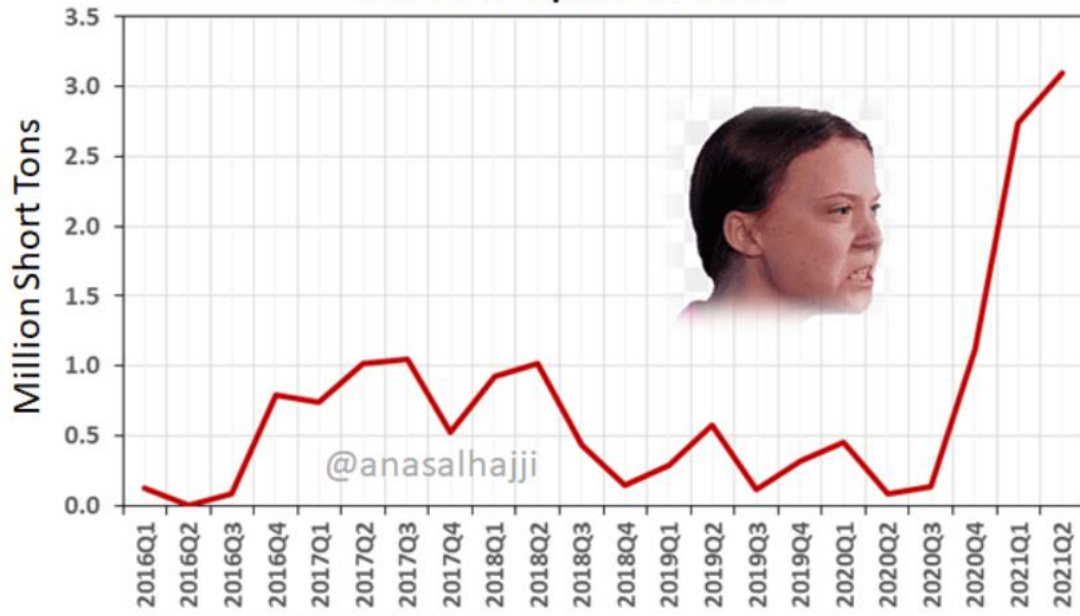
Biden’s energy secretary Jennifer Granholm really said recently that “We have a lot to learn from China on energy.” Now before you jump to conclusions, entertain the possibility that Secretary Granholm just might be right, but not in the way she intended:





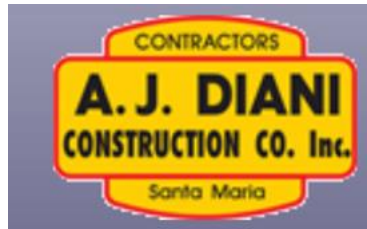
THE LEVIN-RICHMOND COAL TERMINAL ON SAN FRANCISCO BAY

U.S. Coal Exports To China



Source: EIA, 2021 & EOA, 2021. 2021Q2 are estimates

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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

END OF THE ENCAMPMENTS?

BY JUDGE GLOCK

Americans have lost patience with homeless advocates' arguments that letting vulnerable people sleep on sidewalks and in parks is an acceptable part of urban life.

Homelessness activists have lectured Americans about how they should learn to live with the large tent encampments of their “unhoused neighbors” on sidewalks and in parks. They have derided as bigotry observations that these encampments spawn violence. They have argued that the camps would disappear only when every unsheltered person receives permanent, subsidized housing, which even the most optimistic admitted would take years or decades.

Americans have stopped listening to the activists. Citizens and politicians of all stripes have recently taken steps to pass or enforce laws against public encampments, often in the same locales that once embraced a housing-only approach. They have begun to realize that the activists' promises that encampments would be abandoned once the government provided enough handouts and housing were a mirage.

This political shift resulted in part from the government's encouragement of homeless camps during the pandemic. The Centers for Disease Control and Prevention (CDC)—in just one example of its confidence in upending all aspects of American life—recommended against closing public encampments [unless](#) “individual housing units are available.” The CDC said that clearing encampments [would](#) “break connections with service providers.” This advice was pure social engineering, with only the flimsiest connection to disease prevention. But many cities used it as an excuse for inaction and allowed the camps to spread.

The CDC also recommended social distancing in homeless shelters. The head of one of the agency's Covid task forces [recognized](#) that some shelters couldn't socially distance, so they had to “plan for how to reduce crowding.” For [many cities](#), that meant reducing shelter beds and returning people to the streets. Of course, neither the CDC nor these shelters considered that homeless individuals living on the streets might have bigger problems than Covid.

The first sign that Americans were fed up with the sudden explosion of camps came in liberal Austin, Texas, in 2021, when voters overwhelmingly reinstated a camping ban that the city council had recently repealed. The Texas state legislature, with a large bipartisan majority, also passed a law requiring cities to enforce laws against camping. The following year, Missouri and Tennessee passed laws banning public camping. Missouri's statute included a ban on state funding for permanent housing for the homeless, with the funds instead going to shelter or services.

The states have continued acting on homeless encampments this year. Georgia's legislature this spring [passed](#) SB 62, which requires cities to enforce local laws against street camping, mandates a performance audit for homeless spending, and prevents cities from dropping off the homeless in areas where they have nowhere to sleep. Despite activists' pleas, the bill received bipartisan votes in the legislature. With Democratic and Republican support, Arizona also [passed](#) a bill to ban public camping this year, though the state's new governor, Katie Hobbs, vetoed it.

Cities are taking action, too. Both candidates in Denver's June mayoral runoff said that they wanted to [enforce](#) existing laws against street camping. Recent polling found that 57 percent of Denver voters [endorse](#) sweeps to remove homeless encampments; only 34 percent oppose them. Mayor Eric Adams of New York has [cracked down](#) on people sleeping on subway trains and moved to allow involuntary commitment for homeless people suffering a mental-health crisis.

The West Coast has seen the worst of the encampment crisis, thanks to the 2018 Ninth Circuit Court of Appeals ruling in *Martin v. City of Boise*, which said that cities under its jurisdiction could not enforce camping bans unless sufficient shelter space was available. Though many cities made the ruling another excuse for inaction, especially during Covid, other local governments have found alternatives. Las Vegas passed a law [aimed](#), in the city's phrasing, "at helping to connect the city's homeless population with services" by making it a misdemeanor to camp or sleep downtown or in residential districts' sidewalks and streets. In 2022, to ensure that enough shelter was available to enforce the law under terms set by *Boise*, the city expanded its open-air Courtyard Homeless Resource Center, which now provides space for 800 people to sleep. Las Vegas keeps a constant count to ensure that open spaces are at hand in the courtyard or at other shelters, making it possible to enforce the camping law.

Portland, Oregon, which has become an international symbol of America's homeless crisis, [voted](#) last November to ban camping in the city by 2024. Mayor Ted Wheeler has begun creating sanctioned camping sites to provide alternatives to those removed from illegal encampments. Last year, Sacramento implemented new laws to limit camps and increase enforcement. Even Los Angeles, despite fevered protests from activists, voted to ban camps within 500 feet of schools or day-care centers.

Some citizens are using the courts to fight back against *Boise* and its results. In Phoenix, citizens filed a lawsuit against the city's decision to crowd the homeless into a [notorious](#) area known as "the Zone." In March of this year, a state judge [declared](#) the Zone a public nuisance and ordered it cleaned up. Disabled plaintiffs in [Portland](#) and [Sacramento](#) have sued to demand that the cities clean up their illegal camps. They argue, justifiably, that the camps make it impossible for those in wheelchairs to use sidewalks. Portland [settled](#) with the plaintiffs and promised to start removing tents.

Neither these disabled individuals nor the many residents of America's cities are willing to wait indefinitely for some utopian future in which every homeless individual gets a free house. They know the costs of waiting are too high, especially for the homeless themselves. Last year, Phoenix and its surrounding county saw more than 700 homeless deaths, and Los Angeles County more than 2,000. One reason for these high (and rising) numbers is drug abuse inside the encampments; in some cities, overdoses make up the majority of all homeless deaths. Another reason is violence. Recent statistics [show](#) that 15 percent of the violent crime in Los Angeles involves the 1 percent of the population who are [homeless](#), and that 24 percent of the city's murder victims are homeless. The idea that L.A. or other cities should do nothing to remove these deadly camps until sufficient subsidized housing is available is absurd.

Americans understand that the homeless deserve compassion and dignity, but they also know that nothing is less compassionate or dignified than letting people die slowly in illegal encampments. They refuse to accept that these camps, almost unknown to American cities as recently as two decades ago, are an inevitable part of urban life—and they are pushing back.

Judge Glock is the director of research and a senior fellow at the Manhattan Institute and a contributing editor of City Journal.

BRING ON THE COUNTERREVOLUTION CONSERVATIVES NEED A NATIONAL AGENDA THAT RECLAIMS AMERICAN INSTITUTIONS FROM THE LEFT.

A BLUEPRINT EXISTS, FROM A SURPRISING SOURCE.

BY CHRIS RUFFO.

America is trapped in the loop of 1968. The politics of that fateful year have set the patterns and bounds of our national life for decades.

It's as though we have lived an endless recurrence: the Black Panther Party reappears as the Black Lives Matter movement; the Weather Underground pamphlets launder themselves into academic papers; the Marxist-Leninist guerrillas trade in their bandoliers and become managers of an elite-led revolution in manners and mores. The ideology, narrative, and aesthetics of the left-wing social movements of that earlier time, though now often degraded through cynicism and repetition, have maintained the position of a jealous hegemon.

The cultural revolution that began a half-century ago, now reflected in a deadening sequence of acronyms—CRT, DEI, ESG, and more—has increasingly become our new official morality. Many conservatives have made an uneasy peace with this transformation of values, even as the culture around them has, in many places, collapsed.

This attitude no longer suffices. It is time to break the loop of 1968. We need a counterrevolution.

This is the word that haunts the revolutionary mind. The French Revolution fell to the forces of Thermidor; the Revolution of 1848 fell to the empire of the bourgeoisie; the Bolshevik Revolution fell to the democratic-capitalists, the imperialist-backed juntas, and the forces of global capitalism. Marx himself viewed counterrevolution as an overwhelming threat. “Every important part of the revolutionary annals from 1848 to 1849 bears the heading: Defeat of the revolution!” he lamented.

The urgent task for the political Right today is to comprehend the dynamics of revolution and counterrevolution and to create a strategy for dislodging the New Left ideology of 1968, which has solidified control over the most fundamental structures of American society. The challenge must be met not solely in the realm of policy debate but on the deepest political and philosophical grounds.

Today's counterrevolution is not one of class against class but takes place along a new axis between the citizen and an ideologically driven state. Its ultimate ambition is not to replace the new "universal class"—the heirs of the 1960s cultural revolution, who have worked to professionalize it and install it in elite institutions—or to capture the bureaucratic apparatus that the universal class currently controls; instead, it seeks to restore the nation's founding principle of citizen rule over the state.



The next conservative president should use federal tools to punish universities that pursue racial preferences. (TOM CROKE/ALAMY STOCK PHOTO)

The current moment can be symbolized as a conflict between the Revolution of 1968 and the Revolution of 1776. And despite the seemingly overwhelming power of their opponents, the partisans of 1776 have some significant advantages. The 1968ers promise liberation through the destruction of old forms of order; they appeal to the romantic spirit of the revolutionary. But their campaigns inevitably collapse into nihilism. They tear away the supposed masks, denounce the great ideals, humiliate the old heroes—and leave nothing but an immense void in their place.

The counterrevolution must take its bearings from the common citizen and offer to restore his dignity and mastery over his own life. It must reverse the process of institutional capture, break up centralized ideological powers, and return influence to local communities. The strategy has been described as “right-wing Leninism,” but this misunderstands a key point: while the revolution seeks to demolish America's founding principles, the counterrevolution seeks to restore them; while the revolution proceeds by a long march through the institutions, the counterrevolution works to remove power from institutions that have lost or betrayed the public trust.

The architects of the counterrevolution—intellectuals, activists, and political leaders—must develop a new political vocabulary that can break through the Left's identitarian and bureaucratic narratives, tap into the reservoir of popular sentiment that will provide the basis for mass support, and design policies to sever the connection between the radical ideologies and administrative power.

Given current circumstances, with the Left’s seemingly wholesale capture of major institutions—public education, the universities, private-sector leadership, culture, and, increasingly, even the sciences—the current battlefield can appear overwhelming. But today’s Left has an Achilles heel: its power is, to a significant degree, a creature of the state, subsidized by patronage, loan schemes, bureaucratic employment, and civil rights regulations. These structures often appear permanent, but they can be reformed, redirected, or abolished through the democratic process.

With a presidential election looming, conservatives need to develop a national counterrevolutionary agenda. For some ideas for what that might look like, they can turn to a surprising guide: Richard Nixon.



Today’s radicals are the spiritual heirs of the revolutionaries of the late sixties. Here, student activists stage a takeover of Columbia University’s campus in 1968. (AP PHOTO)
The movement against the Revolution of 1968 had already begun to take form in the closing stretch of that year. As the radical left-wing factions asserted themselves in the universities and in the streets, voters cast their presidential ballots for former vice president Richard Milhous Nixon, who promised to restore “law and order” on behalf of the “silent majority.” Nixon is held in contempt these days, even by many conservatives, but parts of his legacy deserve reappraisal. He acutely understood the threat of ideological revolution and anticipated the dynamics of bureaucratic capture.

In his presidential nomination speech of 1968, as the forces of the New Left’s cultural revolution were rapidly ascending, Nixon set the stakes for the American public and established themes that still dominate American politics today. “My friends, we live in an age of revolution in America and in the world,” Nixon said. “We see cities enveloped in smoke and flame. We hear sirens in the night. We see Americans dying on distant battlefields abroad. We see Americans hating each other; fighting each other; killing each other at home.”

Through the chaos and tumult of the cultural revolution, Nixon called to the “great majority of Americans, the forgotten Americans, the non-shouters, the non-demonstrators.” He defended this silent majority against attacks that have since become ubiquitous. “They’re not racists or sick; they’re not guilty of the crime that plagues the land; they are black, they are white; they’re native-born and foreign-born,” he told the convention audience in Miami Beach. “And this I say, this I say to you tonight, is the real voice of America.”

Nixon appealed to the Revolution of 1776 as the antidote to the Revolution of 1968. “To find the answers to our problems, let us turn to a revolution—a revolution that will never grow old, the world’s greatest continuing revolution, the American Revolution,” he said. “The American Revolution was and is dedicated to progress. But our founders recognized that the first requisite of progress is order. Now there is no quarrel between progress and order because neither can exist without the other. . . . And to those who say that law and order is the code word for racism, here is a reply: Our goal is justice—justice for every American.”

An early priority in Nixon’s counterrevolution was to tame the national bureaucracy. Between 1969 and 1971, Nixon unveiled a series of proposals under the concept of the “New Federalism,” designed to consolidate federal agencies under tighter presidential authority, convert entire federal programs into direct block grants to states and municipalities, eliminate specific expenditures through the budget impoundment process, and replace the Great Society’s antipoverty initiatives, which sought to reengineer human behavior, with a simple guaranteed income program for the poor.

Nixon believed that the federal government should provide a financial backstop for the American people, but he wanted to curb the power of the government’s experts, managers, and bureaucrats, who, he recognized, wanted to remake organic social institutions in the service of left-wing ideology. Nixon once asked his domestic policy advisor Daniel Patrick Moynihan if his proposed basic-income program would “get rid of social workers.” Moynihan responded: “It would wipe them out.”

The second element of Nixon’s counterrevolution—the most successful during his presidency—was the campaign to reestablish “law and order.” The late 1960s were marked by mass rioting, looting, and arson in America’s urban areas. The promise of the civil rights movement, which established full formal equality for black Americans in 1964 and 1965, had turned to disillusion. Members of the New Left’s coalition of white middle-class students and black urban agitators took to the streets in a cataclysm of political violence, promising to wage guerrilla war against the government and to establish a Marxist-Leninist state. Radicals planted thousands of bombs and assassinated police officers in major cities.

Nixon responded with an appeal to the middle class. “When the nation with the greatest tradition of the rule of law is plagued by unprecedented lawlessness; when a nation that has been known for a century for equality of opportunity is torn by unprecedented racial violence,” Nixon said, “then it’s time for new leadership for the United States of America.”

As president, Nixon ruthlessly dismantled the radical organizations, such as the Black Panther Party, Black Liberation Army, Weather Underground, and Communist Party USA, that threatened violent revolution against the state. His FBI director, J. Edgar Hoover, launched a sophisticated campaign to infiltrate, disrupt, and disperse their networks, with devastatingly effective results. Of course, some of what Hoover’s FBI did ran the gamut from questionable to flatly illegal, and these practices not only violated the rights of numerous American citizens but also undermined the authority by which the U.S. government rightly engages in containment of lawless individuals or groups. Still, by the end of Nixon’s first term, most of the subversive organizations had imploded, and many of their leaders were on the run, in prison, or in the ground.

And the New Left’s intellectual leaders believed that Nixon’s drive against radical groups was succeeding. “The Nixon Administration has strengthened the counterrevolutionary organization

of society in all directions,” wrote the neo-Marxist philosopher Herbert Marcuse in 1972. “The Black Panther party has been systematically chased down before it disintegrated in internal conflicts. A vast army of undercover agents is spread over the entire country and through all branches of society.” The revolution, he believed, was finished.

The third element of Nixon’s counterrevolution was the formation of a counter-elite. Nixon felt besieged by the post–New Deal liberal establishment and the New Left counterculture that had captured the sympathies of the press. The bureaucracy, he believed—whether in the Communist Soviet Union or capitalist United States—would inevitably be controlled by a ruling elite that, with the advent of mass communications and administration, could wield unprecedented powers. He feared that the new elites would undermine older middle-class values, and his notorious “enemies list” was a crude proxy for the kind of individuals who would make that happen.

“The leadership class is made up of highly educated and influential people in the arts, the media, the academic community, the government bureaucracies, and even business,” Nixon maintained. “They are characterized by intellectual arrogance, an obsession with style, fashion, and class, and a permissive attitude,” he wrote, a profile that has not changed much in the half-century since. Nixon was blunt: “The press is the enemy. The establishment is the enemy. The professors are the enemy,” he told advisor Henry Kissinger in the Oval Office.

In their place, Nixon hoped, his administration could help “create a new establishment” to counterbalance the elite universities and the media, which, Nixon estimated, was “90–10” against him. In meetings with his chief of staff, H. R. Haldeman, Nixon shared his desire to freeze out liberal reporters, to adopt a harder line against his foes, and to “go out into the heartland” to recruit a conservative counter-elite uncorrupted by the Ivy Leagues. He believed that a resounding reelection victory could establish the conditions for a deeper shift in the nation’s power structure. “What [liberal presidential candidate George] McGovern stands for, the eastern liberal media stands for, the eastern intellectuals stand for . . . must be crushed,” he told aides in October 1972. “It cannot come back and have an opportunity to have much influence in American life for a while.”

By the end of his first term, frustrated by the permanent administration in Washington, Nixon had conceived of his most important task as leading a counterrevolution against the state bureaucracy—or, as he put it in his 1971 State of the Union Address, a “New American Revolution,” in which the federal government would be put back into check and power returned to the common citizen. As Nixon aide Richard Nathan explained in his book *The Plot That Failed: Nixon and the Administrative Presidency*, the president increasingly saw himself as a champion of the “general interest,” caught at the center of a system arrayed against it.

In November 1972, Nixon got his resounding reelection, winning with the largest popular vote margin of any candidate in the postwar era, defeating McGovern in 49 out of 50 states, including McGovern’s home state of South Dakota. The press immediately noted the significance of Nixon’s ambitions. The *New York Times* published a postelection editorial titled “Nixon Counterrevolution,” warning that the reelected president wanted to “advance an ideological grand design” that would reverse the progression of the New Deal and the Great Society, abolishing federal programs that imposed elite-approved views on local communities and administered society from above. “Mr. Nixon seeks to accomplish a retrogressive counterrevolution in the guise of an administrative reorganization,” the editorial cautioned. As his second term began, Nixon proceeded to abolish entire federal offices and programs that promoted left-wing social theories; suspend federal housing programs, pending review; and restrict the methods and ideological scope of federally funded social-services initiatives. He also

proposed a truly ambitious system of “revenue sharing,” which would send billions in federal funding directly to states and municipalities, which, he believed, could administer social programs in greater alignment with local communities. The only way to avoid the slide into bureaucratic tyranny, Nixon believed, was to centralize control over the executive branch in the White House and to decentralize financing and administration of social programs, ensuring that they operated with minimal bureaucracy and as close to the people as possible.

To be sure, not all of Nixon’s domestic policy proposals were wise or successful. He enacted wage and price controls, expanded the reach of government through the creation of the EPA and other departments, and strengthened President Lyndon Johnson’s affirmative-action policy. His guaranteed income and block-grant proposals, if adopted, might have yielded unintended consequences, disincentivizing work and enabling ideological capture at the local level, respectively. But Nixon, whatever his flaws, thought seriously about how to reshape America’s institutions and had a vision for policy that was commensurate with the problem.

In the end, Nixon was subverted by the very forces he feared most. His enemies in the bureaucracy and the press were able to use the Watergate scandal to oust him and stop his plans for realignment. The tragedy of Nixon is that he accomplished his dream of winning a “new majority” but was unable to transform it into a “new establishment.” His closest aides described the experience as working in “the White House surrounded”—in a position of constitutional power, vitiated by the rise of the permanent bureaucracy.

With Nixon’s counterrevolution long since halted, the process of institutional capture has only intensified. Today, the federal government spends billions of dollars yearly supporting left-wing ideology and administration. The institutional Left, both within and without government, has built a vast network of departments, programs, contracts, grants, nonprofits, and service providers that circulate money throughout the system. Further, the federal government has financed and guaranteed more than \$1.6 trillion in student loans, which help subsidize left-wing academic departments and “diversity and inclusion” bureaucracies at universities across the United States. Indeed, the entire federal bureaucracy, with more than 2 million civilian employees, is now under orders to advance “diversity, equity, and inclusion”—that is, to conform all its programs to racial ideology—across every department of government. It is not just social workers, then, but doctors, scientists, law-enforcement agents, and military commanders who have been recruited, willing or not, into the Left’s ongoing cultural capture.

Herbert Marcuse was premature in declaring the death of the revolution. Left-wing activists have today resurrected the militancy and tactics of the 1960s radical movements, organizing demonstrations and using the threat of violence to achieve political aims. During the summer of 2020, the Black Lives Matter movement led protests in 140 cities. Many of these demonstrations became violent—the largest eruption of left-wing race rioting since the late 1960s. Members of BLM, Antifa, and other so-called antifascist groups rampaged through neighborhoods, established street dominance in certain areas, and even launched a short-lived “autonomous zone” in Seattle. Protesters in Portland, Oregon, laid siege to a federal courthouse and rioted for more than 100 consecutive nights.

The intellectual descendants of the so-called New Left have warped the national narrative in dramatic ways. Today’s master-signifiers, their grounding first developed during the earlier period—“systemic racism,” “white supremacy,” “white privilege,” “antiracism”—have pushed the Right into a posture of seemingly permanent defense. The Black Lives Matter movement has recast the country’s “greatest heroes as the arch-villains,” as one old-time activist put it. And the

managers of America's institutions have ensured that schools, universities, nonprofits, and corporations repeat these themes ad nauseam, transmitting them to the next generation.

Conservatives today rarely appeal to Richard Nixon for inspiration, allowing the Watergate narrative and Nixon's own ideological and policy inconsistencies to obscure the potential of his vision for resisting the Left's cultural revolution. This is a mistake—but what would Nixon's blueprint for counterrevolution look like today?

The starting point is correctly to perceive the current state of play in America. The bitter irony of the Revolution of 1968 is that it has attained power but hasn't opened up new possibilities. Instead, it has locked major institutions of society within a suffocating orthodoxy. Though it has amassed significant administrative advantages, it has failed to deliver positive results to the broad public. It has thus not gained the trust of the common citizen. Its hold remains tenuous; it can be overcome.

The Oval Office can help drive the counterrevolution. Following the Nixon centralization-decentralization model, the next conservative president should establish ideological authority over the federal bureaucracy in the White House and, in partnership with Congress, decentralize as much of the federal government as possible, with an eye toward gutting the power of the social engineers. For decades, conservatives in Congress have effectively written a blank check to captured institutions, experienced dismay at the subsequent behavior of those institutions, and then continued to fund them. These are all policy choices—and they can be changed.

On the first day in office, the new president could prepare executive orders targeting the concepts and formulations that have traveled from the fringes of the 1960s Left to the center of American power. At the head of this list would be a ban on the government promotion of left-wing racialist ideology, or critical race theory, and to abolish the “diversity, equity, and inclusion” bureaucracy that serves as its administrative vehicle. The order would replace all this with a system of strict color-blind equality, prioritizing the values of equal treatment, individual excellence, and race-neutral decision-making. As part of this policy, the president could also rescind Lyndon Johnson's Executive Order 11246, which established the legal basis for “affirmative action”—a euphemism for state-sanctioned racial discrimination in the interest of favored identity groups—and forbid the use of identity-based quotas, preferences, and “disparate impact” analysis as an acceptable basis for any federal decision-making, to the fullest extent of the law.

To start reshaping the culture inside federal agencies, the president should order an executive supplement to the Hatch Act, which prohibits civil service employees from engaging in partisan political activity, that would bar all social and political activism unrelated to such workers' official duties. The policy would restrict federal employees from promoting the messages or displaying the symbols of political causes, such as Black Lives Matter or radical gender activism, while using federal resources and facilities. In principle, the restriction would apply equally to the Left and Right; in practice, it would almost exclusively restrict left-wing activism, given the left-dominated composition of the federal workforce and culture of the federal bureaucracy.

Following this, as Nixon demonstrated using the budget impoundment process, the next president should aggressively “defund the Left” and assert, unequivocally, that all federal programs, contracts, grants, and projects must reflect the values of the voters who elected him or her, unless specifically required by statute to do otherwise. Existing grants and contracts that violate these principles should be canceled, litigated, and strangled with red tape. Over time, this impoundment effort could deprive the Left's public and private networks of hundreds of billions

of dollars, which are laundered through universities, schools, nonprofits, and other entities. With a willing majority in Congress, this order could be codified into law, blocking federal funding of partisan left-wing ideological programs, much as the Hyde Amendment bans federal funding for abortion.

Next, reprising Nixon’s great theme of “law and order,” the next president should create a federal task force for disrupting violent left-wing activist groups. As Nixon did with the Black Panther Party and the Weather Underground, the next president should, using entirely legal means, pursue action against violent or lawless left-wing groups such as Antifa. The threat of political violence cannot be allowed to shape life in America’s cities, nor can it be used to put pressure on the electoral process—both of which occurred in 2020. With a relatively modest budgetary commitment, federal law enforcement could infiltrate groups, disrupt their financial networks, and prosecute their criminal behavior.



President Richard Nixon saw how the Left was capturing America’s prestige institutions.

Watergate disrupted his ambitious plans to prevent that takeover. (BRIDGEMAN IMAGES) The new president could also work toward the objective that Nixon envisioned but never accomplished: the restructuring of American institutions more broadly. This can be attained through both content and form.

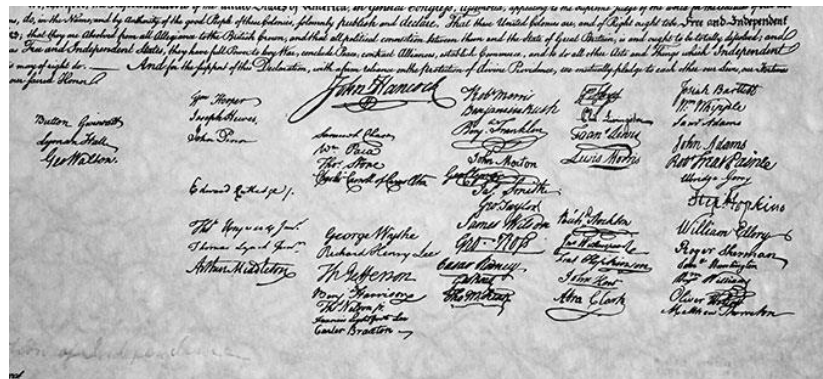
The federal government could use the tools of the 1968 revolution—above all, civil rights law—to advance the counterrevolution. The next administration can instruct the attorney general to set up a new civil rights enforcement office within the Department of Justice and then recruit hundreds of conservative lawyers to staff it. This new office, adhering to a conservative interpretation of civil rights law, would investigate corporations, universities, schools, and other institutions that engage in racial preferences, hostile diversity and inclusion programming, and critical race theory—style scapegoating and discrimination. These practices would all be deemed violations of Title VI of the Civil Rights Act and prosecuted with the full force of the Justice Department.

The president can instruct the Secretary of Education to employ a similar method to strike at the origin point of the revolution: the universities. On the first day of the new administration, the Department of Education should announce a new unit within its civil rights division, tasked with

investigating universities—beginning with the Ivy Leagues—for racial discrimination in admissions, identity-based preferences in hiring, and activist-style DEI programs. As a complement to these enforcement provisions, the DOE should also require all federally supported universities to submit race, sex, grade-point average, and standardized test data for each incoming class and tie federal student loan programs—accepted at virtually every university in the country—to specific metrics on academic merit, open debate, and civil discourse. Universities that tolerate mobs and enforce left-wing orthodoxy will be punished; universities that encourage equal treatment and academic excellence will be rewarded. As incentives change, so will the institutions.

Finally, reviving the spirit of Nixon’s early New Federalism, the president, working with Congress, should decentralize the government’s colossal “health, education, and welfare” bureaucracy, block-granting large portions of federal expenditures to state governments, which are, at least in theory, less vulnerable to ideological capture. In addition, the president should pursue, in Nixon’s phrasing, an “income strategy,” similar in function to Social Security, which prioritizes direct financial assistance, rather than a “service strategy,” which seeks to manipulate values and behavior. Families, not bureaucrats and social workers, should be in charge; bonds of affection, not coercion, should be the primary shaper of human life. The cultural revolution has gained ground by imposing its values through centralized administrative structures; the counterrevolution must fight not only to overturn that system on intellectual grounds but also to provide families with the freedom and resources to build a new, decentralized system that respects their deepest rights of conscience and belief.

Would this battle be winnable? Nixon himself felt a sense of urgency, writing in his diary shortly after reelection that his second-term agenda was “the only way, and probably the last time, that we can get government under control before it gets so big that it submerges the individual completely and destroys the dynamism which makes the American system what it is.” Of course, for the battle to be winnable requires that it first be waged—and that requires winning elections, a formidable task.



We need to rediscover and revitalize the principles, language, and sentiments of an older revolution—that of 1776, the one that most Americans still believe in. (BRIDGEMAN IMAGES)

Yet, we have some reason for optimism. For the past half-century, the left-wing revolution has relied on a high-low coalition—the “new proletariat” of the white intelligentsia and the black underclass—but its reach is inherently limited. The counterrevolution has an opportunity to build a broad, multiracial, middle-out coalition that seeks to overthrow the synthetic institutions of the Left and protect the organic institutions of the common citizen. Nixon’s “silent majority” has diversified: Latinos and Asians are beginning to revolt against left-wing ideology, including

critical race theory and gender radicalism; parents of all racial backgrounds have flooded local school boards to express opposition to their ideological corruption. With a national leader drawing on the great themes of the counterrevolution, conservatives can reconstitute Nixon's majority and wield democratic power to bring the cultural revolution to heel.

The question that troubled Nixon during his presidency was the basic one of politics: Who rules? He saw that the deepest conflict in the United States was not along lines of class, race, or identity but between the bureaucracy and the people. And the Revolution of 1968, which sought to connect ideology to institutional power and to shape human society through elite guidance, was ultimately antidemocratic. Nixon understood that bureaucratic rule meant the end of our constitutional order.

The telos of the counterrevolution is the restoration of political rule—rule of, by, and for the people. From the summer of 1968 through the summer of George Floyd, the common citizen has found himself continuously shamed, cowed, and degraded. But despite this, he has retained the power of his instincts, which orient him toward justice, and of his own memory, which makes possible the retrieval of the symbols and principles that once animated the republic. Indeed, most Americans still believe in the promise of the Declaration and the Constitution. The statues of America's Founders might have been toppled, spray-painted, and hidden away; their principles might have been deconstructed, denigrated, and forgotten in the country's elite institutions. But the vision of the Founders strikes at something eternal. The common citizen understands this intuitively.

To this end, the counterrevolution's guiding purpose must be to reanimate the instinct for self-government and to mobilize an organic movement of citizens who will reassert their influence in the institutions that matter: the school, the municipality, the workplace, the statehouse, the Congress. The antidemocratic structures—the DEI departments and the intrusive bureaucracies—must be dismantled. The rule of experts must be replaced by the rule of the people; the threat of violence must be met with the power of justice.

The United States under counterrevolution will be a pluralist republic: local communities will have the autonomy to pursue their own vision of the good, within the binding principles of the Constitution. The common citizen will have the space for living and passing down his own virtues, sentiments, and beliefs, free from the imposition of values from above. The government will protect the basic dignity and political rights of the citizen, while refraining from the utopian task of remaking society in its image. The principles of the society under counterrevolution are not oriented toward sweeping reversals and absolutes but toward the protection of the humble values and institutions of the common citizen: family, faith, work, community, country. The promise of this regime lies in the particular, rather than the abstract; the humble, rather than the grandiose; the limited, rather than the limitless.

The great vulnerability of the cultural revolution is that it undermines the morality and stability of the common citizen. And as it corrodes the institutions of family, faith, and community, it causes an emptiness in the human heart that cannot be filled with its one-dimensional ideology. The counterrevolution must begin at that exact point. If the culmination of America's cultural revolution is nihilism, the counterrevolution must begin with hope. This means rediscovering and revitalizing the principles, language, and sentiments of the Revolution of 1776.

“The idea that a bureaucratic elite in Washington knows best what is best for people everywhere . . . is a notion completely foreign to the American experience,” Nixon observed. “The time has

now come in America to reverse the flow of power and resources from the States and communities to Washington and start power and resources flowing back from Washington to the States and communities and, more important, to the people all across America.”

It is a project against cynicism. Rather than simply present itself as a force of opposition, the counterrevolution must offer the population a competing set of values, in language that clarifies our choices: excellence over diversity, equality over equity, dignity over inclusion, order over chaos.

Christopher F. Rufo is a senior fellow at the Manhattan Institute and the author of America's Cultural Revolution. City Journal , August 6, 2023.

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NON MEMBER DONATION/CONTRIBUTION OPTION:

For those who choose not to join as a member but would like to support COLAB via a contribution/donation.
I would like to contribute \$ _____ to COLAB and my check or credit card information is enclosed/provided.

Donations/Contributions do not require membership though it is encouraged in order to provide updates and information.
Memberships and donation will be kept confidential if that is your preference.
Confidential Donation/Contribution/Membership

PAYMENT METHOD:

Check Visa MasterCard Discover Amex NOT accepted.

Cardholder Name: _____ Signature: _____

Card Number: _____ Exp Date: ____/____ Billing Zip Code: _____ CVV: _____

TODAY'S DATE: _____