



**WEEKLY UPDATE JULY 16 - 22, 2023**

**THIS WEEK  
SEE PAGE 2**

**GRAND JURY REPORT CASTIGATES COUNTY  
HOMELESS CAMP OPERATION**

**BOARD TOLD TO DENY CONGREGATION BETH  
DAVID HOMES**

*BUT DID COUNTY COVID LOCKDOWN HARM THEIR ATTENDANCE  
AND FINANCES?*

**LAST WEEK  
SEE PAGE 12**

**“BUREAUCRATESE”<sup>1</sup> OBFUSCATES BOARD  
ITEMS**

**ITEM 28 - HOMELESS ENHANCED MEDICAL CARE**

**ITEM 24 - AD HOC HOMELESS CAMPGROUNDS PERMANENT**

**INTERIM CAO LESS INTERIM - NEW 1 YEAR CONTRACT  
ADOPTED**

**\$13 MILLION HOMELESS CAMPING GRANT**

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<sup>1</sup> Bureaucratise: a form of language used by managerial elites to suppress the citizens and democracy.

**STATE NOW ACCEPTS AD HOC CAMPS AS STATUS QUO**

**DIABLO POWER PLANT DEMOLITION PERMIT UPDATE  
EIR COST OVERRUN - STAY TUNED FOR MORE?**

**EMERGENT ISSUES**

**DECLARING A 'RIGHT' TO HOUSING WON'T  
SOLVE HOMELESSNESS**

*Instead, try making it easier to build more housing!*

**COLAB IN DEPTH  
SEE PAGE 18**

**'PROGRESSIVE' POLITICIANS ARE CHOKING  
THE HOPE OUT OF LIVING IN CALIFORNIA  
CALIFORNIA'S RADICAL PROGRESSIVE POLITICIANS ARE AT WAR  
WITH THE PEOPLE  
BY KATY GRIMES**

**TEN REASONS WHY AFFIRMATIVE ACTION DIED  
BY VICTOR DAVIS HANSON**

**THIS WEEK'S HIGHLIGHTS  
ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED**

**Board of Supervisors Meeting of Tuesday, July 18, 2023 (Scheduled)**

**Item 7 - Request to 1) approve responses to the FY 2022-23 Grand Jury report titled "SAFE PARKING? OKLAHOMA is not OK!" and 2) forward the responses to the**

**Presiding Judge of the Superior Court by August 4, 2023.** The report details the problems inherent in attempting to serve the homeless population, even those with a recreational vehicle. This section should be read in conjunction with **Item 39** (see page 13 below) from last week's Update. That item contains information on a much elaborated \$13 million dollar transition from camping to interim to permanent housing program.



**The private sector runs RV campgrounds successfully; however the patrons are self-sustained middle-class people who do not suffer the self-infected pathologies of the homeless.**

The Jury summarized its findings:

*It became clear early on that the County had put minimal thought or planning into what was needed to establish a successful safe parking program. Overall, the safe parking site and associated programs appear to have been (and continue to be) operated largely in a reactive mode by the County, rather than proactively managed through foresight and planning.*

**This one is too bad:** The County staff has demonstrated strong project management skills in other venues such as compliance with the Groundwater Management Act; winter deluge recovery; early preparation for COVID in case it had developed a very high infection rate and death rate; and implementing greatly improved jail medical procedures. It is strange that this did not carry over here. Is it possible that CAPSLO, which had the contract to manage the camp, was too lax? As we have recommended in the past, the County should consider hiring employees to run camps who have strong disciplinary and leadership presence. Former Army and Marine drill instructors would keep order over the immature and weak individuals who comprise the bulk of the homeless population.

The report continues:

- *A major rule that has been and continues to be violated is the 90-day rule limiting a participant's stay at the Site to 90 consecutive days.18 According to the mission statement, the purpose of the safe parking facility is to provide a "temporary [emphasis added], safe, and sanitary space for vehicle-residing individuals and families." As of the end December 2022, some 85% of the participants had overstayed the 90-day limit, making the Site, in effect, an*

*encampment. As a result of the County’s failure to enforce the 90- day limit, other individuals and families needing safe parking have not been able to participate.*

- Another rule limits the occupants of RVs to owners and approved registered household members. County program and case managers have observed many persons not approved/registered to be hiding inside the vehicles of participants. Although some former participants were banned from the Site, on at least one occasion a banned individual was hidden by another resident.*
- Some of the vehicles do not run and some are disassembled which is also not permitted.*
- A major rule frequently violated is the prohibition against illegal drugs or alcohol, either on their person or in their vehicles. In extreme cases, this has resulted in the eviction of the offending participants.*
- The rules prohibit participants from possessing weapons on the Site. On one occasion a gun was found during a response by a sheriff’s deputy.*
- Aggressive animals are prohibited; however, a County employee was bitten by a pit bull at the Site.*

The tally of Fire (below) and Sheriff’s (next page) responses demonstrate the general anti-social behavior implicit in the homeless population. How will the newly proposed \$13 million camp be different if it is not managed by tough staff? Social work school does not prepare individuals to manage this environment.

Table 4. Summary of Fire Incidents at the Oklahoma Avenue Parking Village

DATE	CAUSE	OUTCOME
February 2022	RV fire	Death of the occupant Extinguished by Cal Fire
March 2022	Motorcycle caught fire while being worked on in violation of Site rule	Extinguished by security guard
May 2022	Gasoline container fire	Extinguished by security guard
November 2022	Vehicle fire	Extinguished by security guard
March 2023	RV fire	RV completely destroyed Extinguished by Cal Fire

Table 3. *Summary of Sheriff's Office Responses to Oklahoma Avenue Parking Village*

REASON	Number of Responses
Coroner's Case	3
Arrests	2
Spousal Abuse/Battery	7
Restraining Order Violation	2
Threats	5
Weapons Offense/Brandishing	1
Vandalism	3
Cruelty to Animals/Animal Services	3
Suspected Criminal Act/Suspicious Subject	22
Citations/Traffic Stops	4
Emergency/EMS	43
Mental Health	50
Suicidal Subject	4
Missing Person	1
Check the Welfare	34
Keep the Peace	7
Alcohol & DUI	4
Burglary, Theft, Fraud & Lost Property	13
Disturbance of the Peace	42
Probation Activity	18
Patrol Check/Extra Patrol	111
Trespassing	9
Field Interview/Follow-up	18
Incomplete 911 Call	24
Miscellaneous	30
Citizen Assistance	33
<b>TOTAL</b>	<b>493 responses</b>

*The Grand Jury heard reports from multiple individuals regarding the widespread use of illegal drugs at the Site including fentanyl and heroin. This is especially concerning because of the presence of minor children onsite. In one instance during a visit, one of the Grand Jurors witnessed what was perceived to be a drug sale close to the entrance to the Site. There has been at least one death attributed to a drug overdose that occurred onsite, and several people have been removed from the program for reasons related to their substance abuse. The problem persists and appears to be getting worse.*

*Violence and threats of violence are common occurrences at the site. In one incident, Sheriff's deputies found a gun; in another, a resident threatened a County employee with an axe. Incident reports received by the Grand Jury detail episodes in which residents threatened security*

guards, got into fist fights, threw rocks at other participants' trailers, and so on. In March 2022 one participant was assaulted so severely by another participant that hospitalization was required.

The safety of minor children at the Site is of paramount concern to the Grand Jury. California Penal Code Section 273a(a)19 makes it a crime to willfully cause or permit a child to be placed in a situation where his or her person or health is endangered. Exposing minor children to the rampant substance abuse and drugs present at the Oklahoma Avenue Parking Village clearly places them in a situation in which they are endangered. Likewise, exposing minor children to an environment where violence and threats of violence are a daily occurrence also clearly places them in a situation where they are endangered. To compound the danger to these minor children, known sex offenders have resided at the Site, without notice provided to other participants.



**Overfilled open trashcan with rotting food and maggots  
(February 2023)**



**Unsafe and unsanitary conditions with food and alcohol  
(February 2023)**

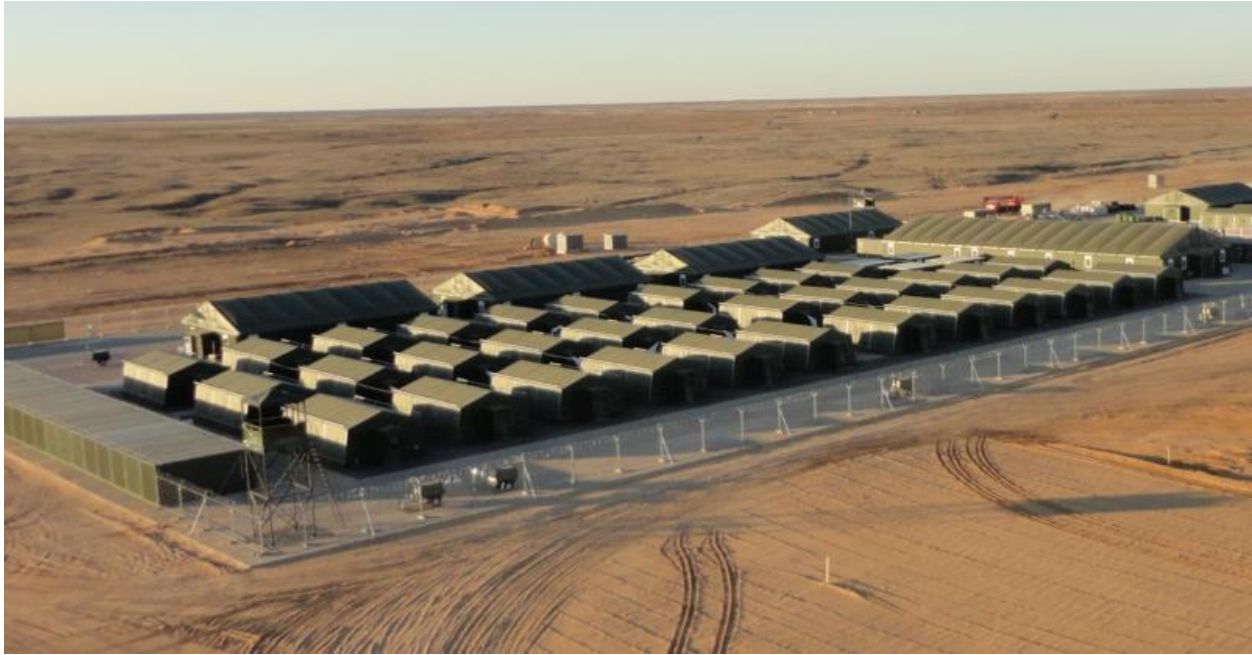


**The sinks provided look functional  
(February 2023)**



**Until you look inside!  
(February 2023)**

Again, reference **Item 39** below (on page 13) in last week's Update. The County is going to spend \$13 million to transition a few score homeless people from camping to supervised hut camping, and on to permanent housing. The pictures below illustrate where our soldiers and marines live in Iraq. Why not simply set up camps such as these instead of sending millions on interim and permanent shelter? Allow no drugs or alcohol within the camp. The one illustrated below would hold 720 individuals, or about one half of the County's estimated unsheltered homeless on any given day.



**Living quarters, chow hall, training and counseling space, bathrooms, and perimeter security.**





No problems here

## Matters after 1:30 PM

**Item 24 - Hearing to consider an appeal (APPL2023-00005) by John Rourke of the Planning Commission's denial of a request by John Rourke/Congregation Beth David for a Tentative Tract Map (TR3169) to subdivide an existing 92-acre parcel into 8 parcels: four approximately 2.5-acre parcels intended for future residential development, one 20-acre parcel containing Congregation Beth David, one 5.92 acre parcel to be designated for a low income residence and possible mixed-use development, and two larger parcels of 20.12 acres and 35.93 acres. The division would create one on-site private roadway. The proposed project is within the Agriculture Land Use category and is located at 10180 Los Osos Valley Rd. In March the Planning Commission strongly denied a permit for the project. The Commission also suggested that the applicant should seek relief by appealing to the Board of Supervisors. The staff report recommends denial in very strong language and provides a detailed analysis.**

We are only guessing, but it is likely that the Congregation is attempting to raise some money for its endowment to help sustain itself. Government imposed COVID lockdowns damaged religious



attendance everywhere. People got out of the church habit and just didn't come back. The lockdown was a government-imposed policy by bureaucrats. The Board should explore the hardship issues, since the government did the damage. The County could consider cutting the Congregation some slack under the COVID restoration polices. Why not work on a low-lying cluster of California bungalow style homes, keeping most of the parcels for agriculture? Note that the Congregation had attempted agriculture but could not find sufficient labor.



The staff report slams the door hard on the application in the Resolution for denial:

*EXHIBIT A – FINDINGS CONGREGATION BETH DAVID VESTING TENTATIVE TRACT MAP/CONDITIONAL USE PERMIT (SUB2021-00025/TR3169)*

*Environmental Determination*

A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves

*Tentative Map B. The proposed map is not consistent with applicable County General Plan policies. The proposal conflicts with policies for agricultural protection, including AGP 20, AGP 18, AGP 17, AGP 11 because the proposed parcel sizes and development would hinder the agricultural use of the property, could adversely affect water supplies, and the property is proposed to be subdivided in a manner not consistent with the standards for the agriculture land use category. The proposal conflicts with Open Space Policies, including OS 4.6 and OS 4.7 because the proposal would have the effect of expanding small lot rural parcels and conflicts with an established greenbelt program of the City of San Luis Obispo.*

*C. The proposed map is not consistent with the county zoning and subdivision ordinances because the parcels do not meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.*

*E. The site is not physically suitable for the type of development proposed because available information indicates serious concerns regarding water quantity and quality and adequate wastewater service has not been demonstrated.*

*F. The site is not physically suitable for the proposed density of the development proposed because the site's ability to support the proposed density of residential development has not been shown. H. The proposed project could result in significant land use compatibility impacts affecting onsite agricultural operations, including complaints about agricultural practices due to the proximity of residential development near agricultural uses.*

*I. There is no conflict between the Framework for Planning- Inland Element of the General Plan and the Land Use Ordinance in terms of determining minimum parcel size. The Framework for Planning does not provide a separate, independent means of calculating minimum parcel size or density. It identifies and defers to the Land Use Ordinance for the standards used to determine minimum parcel size.*

*J. Neither the Framework for Planning- Inland Element of the General Plan nor the Land Use Ordinance permits a range of densities. The allowable density for any given parcel is calculated by first determining the minimum parcel size using the objective criteria for the respective land use designation in the Land Use Ordinance. Then the number of residences allowed per the land use designation is applied to each parcel created to arrive at total density.*

*Requested Concessions J. Mixed-Use zoning on parcel 2 would not be compatible with the existing or planned development in the area as required by Government Code section 65915(k)(2). All surrounding parcels are zoned agriculture. Existing development is rural and low-density.*

Similarly, the Planning Commission was tough:

#### ***Environmental Determination A***

*This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.*

***Tentative Map B.*** *The proposed map is not consistent with applicable county general and specific plans. The proposal conflicts with policies for agricultural protection because the proposed parcel sizes and development would hinder the agricultural use of the property, and the property is proposed to be subdivided in a manner not consistent with the standards for the Agriculture land use category.*

*C. The proposal is not consistent with AGP 20, because the smaller parcel sizes and resulting future development would not ensure the long-term protection of agricultural resources. The property does not have a history of sustained irrigated crop production, and has additional agricultural limitations including drainage and flooding concerns, as well as an existing church facility that occupies over 5-acres of the property; thus a larger parcel size is necessary to ensure the long-term agricultural sustainability of the subdivided parcels.*

*D. The proposed map is not consistent with AGP 18 because the proposed parcels would not result in the most productive agricultural land being kept available for crop production. The proposed map would site residential parcels in the area of the site that has most recently been used for crop production and would result in a loss of crop production area.*

*E. The proposed map is not consistent with AGP 17, because the developable area of the residential parcels is not large enough to allow for a sufficient buffer to protect agricultural uses and could severely limit the capacity of the resulting parcels for agricultural cultivation.*

*F. The proposed map is not consistent with AGP 11, because the increased residential density could adversely affect water supplies for agricultural use.*

*G. The proposed map is not consistent with Policy OS 4.6 because it would expand small lot rural development in a rural area.*

*H. The proposed map is not consistent with Policy OS 4.7 because resulting residential and mixed-use development would conflict with the City of San Luis Obispo's established greenbelt policy.*

*I. The proposed map is not consistent with the county zoning and subdivision ordinances because the parcels do not meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.*

*J. The site is not physically suitable for the type of development proposed because available information indicates serious concerns regarding water quantity and quality and adequate wastewater service has not been demonstrated.*

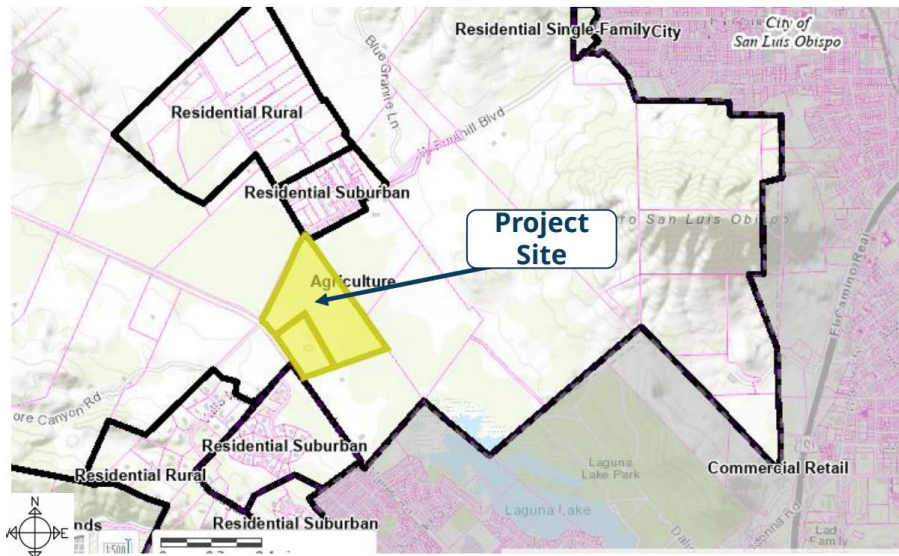
*K. The site is not physically suitable for the proposed density of the development proposed because the site's ability to support the proposed density of residential development has not been shown.*

*L. The proposed project could result in significant land use compatibility impacts affecting on-site agricultural operations, including complaints about agricultural practices due to the proximity of residential development near agricultural uses.*

#### *Requested Concessions*

*I. A reduced minimum parcel size would not result in identifiable and actual cost reductions because residential units do not need to be constructed on individual lots. The proposed housing development is surrounded on all sides by parcels zoned agriculture and on at least two sides by land being used for agricultural purposes. The proposed development has serious water and wastewater concerns. J. Mixed-Use zoning on parcel*

*2. would not be compatible with the existing or planned development in the area as required by Government Code section 65915(k)(2). All surrounding parcels are zoned agriculture. Existing development is rural and low density.*



The City of San Luis Obispo piled on and sent a detailed letter opposing the project. The City states that the project is in its open space zone and does not meet the requirements for a density bonus.

## LAST WEEK'S HIGHLIGHTS

### Board of Supervisors Meeting of Tuesday, July 11, 2023 (Completed)

**Item 28 - Request to retroactively authorize the Health Agency Director to apply for the Providing Access and Transforming Health – Capacity and Infrastructure Transition Expansion and Development Initiative Grant for the period of July 1, 2023, through June 30, 2024, in the total amount of up to \$876,768, to provide enhanced care management services to Medi-Cal members under California Advancing and Innovating Medi-Cal.** The item provided a sterling example of how government bureaucratized language obfuscates the issue to be remedied and the potential benefits. The write-up states in part:

*California Advancing and Innovating Medi-Cal (CalAIM) seeks to improve outcomes of Medi-Cal beneficiaries with the most complex needs, but our ability to deliver these new benefits is dependent upon our capacity to track health outcomes and share data between disparate systems of care. The County Public Health Department (PHD) applied for funding from the Providing Access and Transforming Health- Capacity and Infrastructure Expansion and Development (PATH-CITED) for the period of July 1, 2023, through June 30, 2024, in a total amount not to exceed \$876,768. Due to tight application deadlines the PHD was unable to request permission from the Board to apply before application submission and are requesting retroactive authority to apply. If awarded, this funding will be used for technical infrastructure development to implement CalAIM initiatives. PHD hopes to accomplish this in a multifaceted manner. The objectives are to purchase a cloud based Electronic Health Record (EHR) system to improve clinical documentation, program monitoring and interoperability with other County Information Technology (IT) systems, such as the Homeless Information Management System (HMIS), and to continue leading county-wide efforts to connect disparate systems of care by establishing a Community Information Exchange (CIE). A CIE is a communityled ecosystem comprised of multidisciplinary network partners who use a shared language, resource database, and integrated technology platforms to deliver enhanced community care planning. It facilitates the integration of individual data from multiple partners' data systems to populate a single, longitudinal person record, enables bidirectional closed loop referrals, and provides care coordination alerts.*

### **How many patients will get better?**

**Item 30 - Request to approve an amendment to the Employment Agreement with John Nilon to serve as County Administrative Officer (CAO) for a period of 12 months.** The interim CAO was originally hired on a renewable 3-month contract to provide time for the County to conduct an open search for a permanent CAO. Now the contract is being extended to a full year. This may be a good thing, as the Interim CAO has expressed an intention to reform the County's Budget presentation. This will take some time.

**Item 39 - Request to 1) Approve grant allocation agreement with the Business, Consumer Services and Housing Agency's California Interagency Council on Homelessness for the Encampment Resolution Funding Rolling grant in the amount of \$13,361,999, 2) Delegate authority to the Director of Social Services, or designee, to sign grant agreements, amendments, subcontracts, or documents related to the grant award/allocation agreements, and 3) Authorize a budget adjustment of \$13,361,999 to Fund Center 290 – Homeless Services and Affordable Housing by 4/5 vote.** The item was approved unanimously and with broad public support. See **Item 7** above (page 2 ) in the current **Weekly Update** for a discussion of the inherent risks and problems of operating a homeless comp ground.

The item is significant in that its existence as a State program is an admission that ad hoc homeless campgrounds will continue indefinitely into the future. In other words, the State and localities foresee no permanent solution to the problem. The grant is designed to:

*Assist Local Jurisdictions in ensuring the safety and wellness of people experiencing homelessness in encampments.*

- Provide grants to Local Jurisdictions and Continuums of Care to resolve critical encampment concerns and transition individuals into safe and stable housing; and
- Encourage a data-informed, coordinated approach to address encampment concerns

**The narrative continues with the kafoozeling statement:**

The Encampment Resolution Funding (ERF) Program will fund actionable, person-centered local proposals **that resolve the experience of unsheltered homelessness** for people residing in encampments. Resolving these experiences of homelessness will necessarily address the safety and wellness of people within encampments, resolve critical encampment concerns, and transition individuals into interim shelter with clear pathways to permanent housing or directly into permanent housing, using data-informed, non-punitive, low-barrier, person-centered, Housing First, and coordinated approaches.

We wonder what **“resolve the experience of unsheltered homelessness”** means? Perhaps the experience can be made more meaningful. They could set up the sound pods in the camps and serve a Champagne brunch on Sundays?



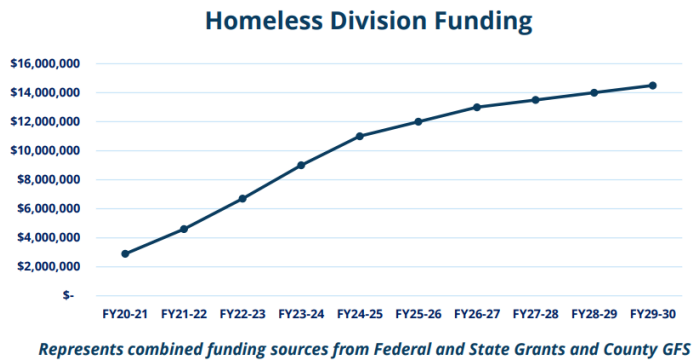
**Proposed Project Budget**

Project Category	ERF-2 Proposed Budget	Estimated Annual Ongoing Costs - After Expiration of Grant
<b>Operation of Welcome Home Village</b>		
Operational Costs	\$2,557,888	\$1,364,330
<b>Encampment and Outreach Services</b>		
Encampment Cleanup	\$166,120	\$83,919
Outreach Services	\$334,060	\$74,485
<b>Construction Costs</b>		
Permanent Housing Units	\$4,500,000	-
Interim Sheltering Units	\$600,000	-
Services Building	\$540,000	-
Development/Construction	\$4,000,000	-
<b>Administration Costs</b>		
Administration	\$663,931	\$331,965
<b>Total</b>	<b>\$13,361,999</b>	<b>\$1,854,699</b>

**Encampment Resolution Fund (R2) – “Welcome Home Village” Project  
Risk Mitigation – Build the Budget, Balance the Need**

**Build the Budget – Balance the Need**

- Limited number of these ops are needed
- Balance w/street outreach, prevention
- HMIS improvements will help with \$\$
- Continue to identify new sources and braid funding from within
- Will soon shift priority to LI / VLI housing



**Item 42 - Submittal of 1) a quarterly update on the PG&E Diablo Canyon Power Plant Decommissioning Project permitting and Environmental Impact Report preparation; and 2) a request to approve and execute Amendment No. 2 to the Special Services consulting contract with Aspen Environmental Group, Inc., amending the term of the contract to July 13, 2024 and increasing the contract by \$407,378 (\$214,012 plus \$193,366 in contingency), for a total amount not to exceed \$2,465,469, to complete preparation of the Environmental Impact Report and document certification for the PG&E Diablo Canyon Power Plant. The County is running on 2 parallel paths with respect to the future of the Plant.**

1. Process the permit to allow demolition and restoration of the site as well as plan for future uses.
2. Hope that the State, Feds, and environmentalists realize that the state-wide electric grid will collapse if the plant is closed. We should hope that instead, it is permitted for another 20 years.

This item pertains to path one and details the current permitting status, which is hung up in the scoping of a massive Environmental Impact Report (EIR). The cost of just scoping the report has now exceeded the budget, and a new \$600,000 is needed to allow the process to continue. PG&E (that means you the rate payer) must fund the permitting process. The overall permitting cost is now estimated at about \$2.5 million. Stay tuned for future increases.

**Items 43 - 46 are appeals by neighbors of various land use permits that have been issued by the Planning Department.** The appeals all involve single family projects that are opposed by the neighbors. The staff recommends denial of the appeals. Damned, even after you go through the whole process for years.

**EMERGENT ISSUES**

## Item 1 - Declaring a 'Right' to Housing Won't Solve Homelessness

**Instead, try making it easier to build more housing!**

By STEVEN GREENHUT



(Photo by Naomi August on Unsplash)

Several California Assembly members this year introduced a constitutional amendment that declares housing a "fundamental right." Who knew? Lawmakers have wrestled with innumerable complex issues over the years, but finally someone realized that all they needed to do to magically solve any problem is to pass a new "right" to something.

Expected soon: constitutional amendments declaring "rights" to a million dollars, to a brand-new electric SUV, and to a dog that's properly housebroken. Sorry for the facetiousness, but Assembly Constitutional Amendment 10 epitomizes the lack of seriousness we've come to expect from the Legislature. Actually fixing the housing problem is a tough slog.

The legislation, which would need approval by California voters, is modeled on United Nations measures from 1948 and 1966 declaring similar rights. The world's housing stock has dramatically improved since then, but anyone who thinks that two toothless UN measures were the cause—rather than a booming market economy—really should claim the right to a therapist.

This proposed amendment is remarkably demanding. The Assembly analysis explains that the measure isn't a right to "shelter," which it finds inadequate. "The right to adequate housing should not be interpreted narrowly," it notes. "Rather, it should be seen as the right to live somewhere in security, peace, and dignity." Yet a state that can't provide basic shelter for 180,000 homeless people shouldn't be promising inchoate benefits such as dignity.

The legislation also defines the right to housing as "a right to protection from forced evictions, equal and nondiscriminatory access to housing, and that housing must be adequate." That means housing "with security of tenure; availability of services, materials, facilities, and infrastructure" along with a location that offers "cultural adequacy." Huh?

I have no idea what it means to have housing with "cultural adequacy," but I do know what it means to have "protection from forced evictions" and "security of tenure." That seems to mean



that landlords would no longer be able to evict tenants for almost any reason, perhaps even including nonpayment of rent. That creates a practical (not to mention a constitutional) problem. If a property owner can't properly vet tenants and potentially can't evict them, then they aren't going to invest in or rent out apartments. They certainly aren't going to make repairs to houses lived in by non-paying tenants, which will make the housing stock less adequate. We need more housing, not less, and such edicts discourage housing investment. For precedent, ACA 10's supporters point to the state's "Human Right to Water" law declaring "that every human being has a right to safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes." Signed by then-Gov. Jerry Brown in 2012, it sounded noble. Who doesn't want everyone to have potable water?

But in the ensuing years, the state failed to provide clean drinking water to poor, farm-worker towns in the south San Joaquin Valley, even though the fix (hooking up those communities to infrastructure in neighboring water districts) was a tiny expense relative to the state budget. Apparently, the state is willing to grant human rights as it sees fit—but only if they're cheap and easy. Following that law's passage, the state continued to neglect its duty to build more water infrastructure.

So spare us these meaningless "rights" bills, which seem designed to result in press conferences rather than meaningful solutions. In fairness, some of ACA 10's goals are reasonable—e.g., pushing localities to approve more housing construction. But this law wouldn't accomplish that.

The state already is taking a serious approach toward deregulating land use through laws such as Senate Bills 9 and 10, which create a "by right" approval process for duplexes and mid-rise condos. The state also is battling NIMBY (Not In My Back Yard) cities such as Huntington Beach, which are fighting the laws' implementation in the court system.

Those laws—and ones that reduce parking minimums and allow developers to build housing on commercial sites—were the result of hard work that involved tough negotiations, coalition building, and the usual legislative sausage-making. This "housing right" amendment is an affront to those efforts by pretending that there's a shortcut.

There's also much wrong philosophically with creating new "rights" via legislation and voter initiative. Historically, there are two types of rights—"negative" ones and "positive" ones. The former protects individuals from government usurpations. The First Amendment's speech protections ("Congress shall make no law ...") is the premiere negative-right example. By contrast, your positive right to housing means the government must force others to give it to you by taking their money (via taxation) or undermining their property rights (by limiting their right to evict you). Not only is that approach ethically wrong, but it will only lead to fewer available rentals. Then again, there's nothing we can do to rein in lawmakers' right to introduce worthless legislation.

*This column was first published in The Orange County Register. July 14, 2023 Steven Greenhut is western region director for the R Street Institute and was previously the Union-Tribune's California columnist. He is based in Sacramento.*




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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**

**PROGRESSIVE' POLITICIANS ARE CHOKING**  
**THE HOPE OUT OF LIVING IN CALIFORNIA**  
**CALIFORNIA'S RADICAL PROGRESSIVE POLITICIANS ARE AT WAR**  
**WITH THE PEOPLE**  
**BY KATY GRIMES**



California was once the land of opportunity. People from all across the country, and from countries all across the world came to the Golden State to create a future for themselves and their families. Anyone could create a business, get a job, build something, and live freely... until they couldn't.

### **Today's California:**

The highest-in-the-nation income tax rate, highest state sales tax rate and highest gas tax, with another .8 cents just added to the gas tariff.

San Francisco is dying under the crush of decades of progressive democrat and leftist policies. Insurance companies are [no longer writing policies](#) in California. The downstream impact will be devastating for small and mid-size business owners.

That the free state of California is actually considering [reparations](#) to people who were never slaves, paid for by people who never owned slaves, is beyond all reason. And it doesn't stop there – the reparations commission wants the state to forgive all debt for blacks, provide homes for \$1, as well as eliminate child support debt of black deadbeat dads who owe back child support for their children.

As the Globe [reported](#) in January, both the San Francisco African American Reparations Advisory Committee and State Reparations Task Force are expanding reparations beyond slavery. It's become a grab and hustle for all grievances. [As the Globe reported in December](#), Reparations task force member Jovan Scott Lewis introduced the “racial wealth gap in the state of California.” Racial wealth gap. Think about that.

The California Reparations Task Force also formally recommended that the State Legislature repeal [Proposition 209](#), a ban on affirmative action, passed by California voters in 1996, which prohibits discrimination or preferential treatment by the state, public universities, public employment, or other public entities, and banned affirmative action policies.

Howard Jarvis Taxpayers Association President Jon Coupal [warns](#) “In addition to last week's record-busting \$310 billion dollar budget, the legislature is also advancing a \$15 billion ‘Climate Bond’ to appear on the ballot sometime in 2024” – a Green Agenda climate tax.

The Green Agenda pushed by radical environmentalists in California is on steroids and is making food, cars, energy and homes unaffordable. The radical greenies are responsible for the no-forest management policies which ignite into California's annual “wildfire season.” The radical greenies are responsible for the government created water shortage. The green agenda is planning to completely shut down the extraction of California's wealth of natural resources – oil and natural gas.

The remaining oil and natural gas production is under attack by environmental justice and climate change groups, led by California Governor Gavin Newsom. His new gas tax under [SBX1-2, jammed](#) through the Legislature in record time, creates a new panel of unelected bureaucrats with subpoena power, to investigate oil and gas companies, impose penalties, new costs and regulations, which will inevitably lead to gas shortages, rationing and price spikes. The bill creates a new government agency to arbitrarily decide how much profit oil and gas businesses are allowed to make, disrupting California's energy market and threatening the reliability of the state's fuel supply, Assembly Republicans warned repeatedly earlier this Spring.

Feeling the pinch yet? The radical green Democrats are making sure you do while they continue to use their gas grills, drive their SUVs, fly on private jets and eat Wagyu beef.

Democrats are driving up gas prices enough to force people out of their cars and onto public transportation – unsafe and unclean transportation which no one really wants to ride. Interestingly, not long ago, the California Energy Commission found no evidence of gasoline retailers fixing prices or engaging in false advertising. “On April 22, 2019 Governor Newsom asked the [California Energy Commission \(CEC\) to do an in depth analysis](#) of differential cost between national & California gas prices. In the end, the report delivered October 15, 2019, ruled out refiner margins as well as crude oil prices. The CEC also found “no evidence that gasoline retailers fixed prices or engaged in false advertising,” Dave Noerr, the Mayor of Taft, CA and President and CEO of Huddleston Crane Service, [reminded](#) the Globe.

Gov. Newsom has been agitating for some time against “Big Oil” and their supposed “windfall profits,” but always leaves out his and Democrats’ important role in escalating oil and gas prices in California through regulations, surcharges, “clean-air” and “low carbon” programs, the cap and trade farce, and more “climate” schemes.

Dave Noerr explained how. “The growing difference between the price of crude oil and the retail cost of gas and diesel, as well as the additional cost Californians pay compared to every bordering state and the rest of the U.S. is:

- The Sacramento surcharge
- The cost of California
- The growing of Government
- The Low Carbon Fuel Standard
- The Cap and Trade Program
- Vapor recycling requirements
- Data collection
- Air quality mandated equipment replacements

“So California, the fact of the matter is, you are paying the same or less for the crude oil contained in a gallon of gas or diesel. You are just paying a lot more for government,” Noerr added.

As the Globe concluded, [Gov. Newsom’s “Stronger Proposal to Hold Big Oil Accountable” is Full of Organic Matter.](#)

What is happening in California is pure evil. While there is plenty of incompetence in government to go all around, those pulling the strings of the elected useful idiots are evil and are destroying the state.

As California plummets deeper into decline under the destructive progressive policies, as cities like San Francisco and Los Angeles devolve, and more people can’t afford the very expensive housing, expensive food, the cost of heating and cooling their homes, the cost of water, the taxes on their diminishing incomes and property, crime will continue to rise, and homeless drug addicts and criminals will continue to take over the streets, parks and rivers.

With leftist politicians ignoring the pleas of the people and continue to pass their anti-California, anti-America policies and laws, parts of the state resemble Zimbabwe or Venezuela.

As leftist politicians continue emptying out the prisons, misery and hopelessness will increase, and the once Golden State’s economy will continue to decline, ushering in even more anarchy, lawlessness and mobocracy.

And more Californians will migrate to other states only to be replaced by third world illegal immigrants.

*This article first appeared in the California Globe of July 11, 2023. Katy Grimes is the Capitols signature investigative reporter and runs the California Globe.*

## **TEN REASONS WHY AFFIRMATIVE ACTION DIED**

**BY VICTOR DAVIS HANSON**

The end of affirmative action was inevitable. The only surprise was that such intentions gone terribly wrong lasted so long.

**First**, supporters of racial preferences always pushed back the goal posts for the program's success. Was institutionalized reverse bias to last 20 years, 60 years, or ad infinitum? Parity became defined as an absolute equality of result. If "equity" was not obtained, then only institutionalized "racism" explained disparities. And only reverse racism was deemed the cure.

**Second**, affirmative action was imposed on the back end in adult hiring and college admissions. However, to achieve parity, remediation early at the K-12 school level would have been the only solution. Yet such intervention was made impossible by teachers' unions, the rise of identity politics and government entitlements. All were opposed to school choice, self-help programs, critiques of cultural impediments, or restrictions on those blanket entitlements,

**Third**, class, the true barometer of privilege, was rendered meaningless. Surrealism followed. The truly privileged Barack and Michelle Obama and Meghan Markel lectured the country on its unfairness—as if they had it far rougher than the impoverished "deplorables" of East Palestine, Ohio.

**Fourth**, affirmative action supporters could never square the circle of proving that racial prejudices didn't violate the spirit of the Declaration of Independence and the text of the Constitution. What they were left with was the lame argument that because long ago the 90% white majority had violated their own foundational documents, then such past bad unconstitutional bias could legitimately be rectified by present-day "good" unconstitutional bias.

**Fifth**, supporters never adequately explained why the sins of prior generations fell on their descendants who grew up in the post-Civil Rights era. Nor could they account for why those who had never experienced institutionalized racism, much less Jim Crow apartheid or slavery, were to be compensated collectively for the suffering of long-dead individuals. No wonder 70% of the American people in many polls favored ending affirmative action including a half of African-Americans.

**Sixth**, there never was a "rainbow" coalition of shared non-white victimhood—a concept necessary to perpetuate the premise of white privilege, supremacy, and rage, so integral to race-based reverse discrimination. More than a dozen ethnicities earn more per capita than do whites.

Asians have been subject to coerced internment, immigration restrictions and zoning exclusions. Yet on average they do better than whites economically and enjoy lower suicide rates and longer

life expectancies. The arguments for affirmative action never explained why Asians and other minorities who faced discrimination outperformed the majority white population. As a result, affirmative action ended up discriminating against Asians on the premise they were too successful!

**Seventh**, no one ever explained when affirmative action was to apply. Blacks, for example, were vastly “overrepresented” in merit-based professional football and basketball. Yet no one demanded “proportional representation” to address such “disparate impact,” despite underrepresentation of all other demographics.

Yet if blacks were “underrepresented” in baseball, then reparatory measures were supposed to address that fact—even if Latino players were “overrepresented” and whites “underrepresented” as well. No one in our race-obsessed culture, of course, objected that white males died at twice their demographics in combat in Afghanistan and Iraq.

**Eighth**, in our increasingly intermarried mass-immigration society, few could adjudicate who was what, or much less what standard gave one racial preference. In lunatic fashion, pink, blond Senator Elizabeth Warren became Harvard’s first “Native American” law professor due to her “high cheekbones.” Light-skinned Latinos were considered marginalized while some darker Italians or Greeks were not.

**Ninth**, an odious wokism absorbed affirmative action and changed it into something even more abhorrent—as the original spirit of the Civil Rights movement was trashed. So Americans were asked to stomach a return to distasteful segregated dorms, “separate but equal” graduation ceremonies and racially exclusive workshops.

**Tenth**, and finally, affirmative action was insidiously destroying meritocracy. That hallmark American value of tribally-blind inclusivity had once explained why the nation outshone the world by discarding the old class prejudices of Europe. But increasingly this value seemed to have been abandoned.

When Stockton Rush, the late captain and inventor of the ill-fated Titan deep-sea explorer was quoted postmortem bragging that his company had no need of “old white guys” with long military expertise in submarining, Americans realized that woke racial discrimination was not just repulsive but could get you killed.

A nation whose pilot training, medical-school admissions, and military high command promotions were increasingly adopting racial, gender, or sexual-orientation essentialism was a country headed for the sort of Third World tribalism characteristic of failed states abroad.

In the end, the court finally stepped in to end this unconstitutional aberration, more like the old Soviet commissariat than our ideals of equality under the law.

The American people concurred. And the only regret seemed to be why not sooner?

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American military historian, columnist, a former classics professor, and scholar of ancient warfare. He has been a visiting professor at Hillsdale College since 2004. Hanson was awarded the National Humanities Medal in 2007 by President George W. Bush. Hanson is also a farmer (growing raisin grapes on a family farm in Selma, California) and a critic of social trends related to farming and agrarianism. He is the author most recently of *The Second World Wars: How the First Global Conflict Was Fought and Won*, *The Case for Trump* and the recently released *The Dying Citizen*. This article first appeared in the American Greatness of July 13, 2023.



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