



## WEEKLY UPDATE OCTOBER 15 - 21, 2023



### I AM A JEW BY BEN SHAPIRO

I am a Jew.

Those have been the words of the Jewish people for three millennia.

Those were the words of the men, women and children of Masada.

Those were the words of the followers of Bar Kochba.

Those were the words of Jews in Granada in 1066 and the Rhineland in 1096 and Khmelnytsky from 1648-1657 and Kishinev in 1903, in Hebron in 1929.

Those were the words of Jews in Auschwitz and Treblinka.

Those were the words of Daniel Pearl.

Those are my words, too.

They are the words of my parents, my wife, my children.

Over the weekend, my people were attacked. Murdered. Mutilated. Our women raped. Our children kidnapped.

This has happened millions of times before, to millions of Jews. Jew-hatred exists because evil exists. Because there are people who have, for all of human history, hated the Jews and sought to strike at them while they are weak. Who have blamed the Jews for

their own problems, who have crafted complex conspiracy theories about the supposed power of the Jews, who have sought to destroy the Jews.

From Pharoah to Haman. From Hitler to Hamas.

The words of the Nazis are indistinguishable from the words of the Hamas charter. The chain is unbroken. And for two millennia, since the destruction of the last Jewish dynasty in the holy land of Israel, those Jew-haters were ascendant.

No longer. That is the promise of the State of Israel.

Never again.

The Jews will not stand by and be murdered. They will not leave their Biblical homeland. They will not surrender. They will be strong and courageous, as Joshua said three thousand years ago.

Israel is indispensable. Its presence is a miracle, its strength a gift.

Thank God for the State of Israel.

There are those who say that anti-Zionism is not antisemitism. Tell that to the dead women and children in Sderot. Tell that to Hamas, who proclaim in their charter: "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it."

There are those who say that the Israeli-Arab conflict is a "cycle of violence." Only the morally blind and obtuse could ever say such a thing.

Look at the videos. Look at the pictures.

That is what evil looks like.

LOOK.

Look, because this is what moral equivalence brings. Rape of women. Kidnapping of children. Murder of hundreds of innocents, including full families.

For decades, we've been told that to look evil in its face was somehow unsophisticated. That to pretend evil away was an act of intellectual virtue. That to cater to evil, to concede to evil, was the pathway toward a better world. It was all a damned lie.

LOOK.

There are those who proclaim the complexity of it all. Those people are fools. What's worse, they are enablers of evil, fellow travelers, justifiers of the worst human rights violations on the planet, from targeting civilians to hiding behind them.

Do not turn away.

LOOK.

This was the worst week for Jews since the Holocaust.

Do not turn away.

LOOK.

Look it in the face. I know that you will. I know you will because I am a Jew, and because I am an American.

Americans love justice. Americans love good. Americans resonate to the book of Psalms, that says, "Hate evil, those who love the Lord."

Hate evil. And fight it. Americans always have, and they always will.

I know we will.

*Ben Shapiro, 39, is a graduate of UCLA and Harvard Law School, host of "The Ben Shapiro Show," and co-founder of Daily Wire+. He is a three-time New York Times bestselling author; his latest book is "The Authoritarian Moment: How The Left Weaponized America's Institutions Against Dissent." To find out more about Ben Shapiro and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate website at [www.creators.com](http://www.creators.com). Ben Shapiro has been the keynote speaker at the COLAB annual dinner fundraiser.*

**THIS WEEK  
SEE PAGE 5**

**BOARD OF SUPERVISORS MEETING LIGHT**

**COUNTY EXPORTING ITS DYING INDIGENT TO CLOVIS  
INSUFFICIENT BOARD AND CARE FACILITIES IN SLO COUNTY**

**LAST WEEK  
SEE PAGE 10**

**NO BOARD OF SUPERVISORS MEETING**

**SEE THIS WEEK ABOVE - THE NEXT MEETING**

**CENTRAL COAST COMMUNITY ENERGY (3CE)  
OPERATIONS BOARD**

**REGULATORY ENVIRONMENT ADS COST PRESSURE**

**3CE ENERGY SUPPLIERS BEHIND SCHEDULE & MORE COSTLY  
JUST LIKE HIGH SPEED RAIL**

**PLANNING COMMISSION CANCELLED**

**DANA RESERVE HOMES COMING UP ON OCTOBER 23<sup>RD</sup> & 24<sup>TH</sup>  
MARK YOUR CALENDAR IN ADVANCE – SUPPORT MORE HOMES**

**COASTAL COMMISSION MEETING**

**PACIFIC GAS & ELECTRIC COMPANY TO DREDGE 70,000  
CUBIC YARDS OF SEDIMENT FROM  
THE DIABLO CANYON POWER PLANT INTAKE COVE  
IF NOT APPROVED THEY WILL HAVE TO SHUT THE PLANT DOWN  
STAFF RECOMMENDS APPROVAL - WHO KNOWS ABOUT THE COMMISSION?**

**APCD HEARING BOARD MEETING**

**REVIEW OF COMPLIANCE WITH THE DUNES DUST  
MANAGEMENT ORDER  
AS OF FRIDAY, OCT. 6 NO WRITTEN MATERIAL PROVIDED  
IF NOT CURED BY 72 HOURS PRIOR – WILL BE BROWN ACT VIOALTION**

**EMERGENT ISSUES**

**SEE PAGE 15**

**THE COST OF BIDEN'S FOOLISHNESS  
NATIONS OIL RESERVES HAVE ONLY 17 DAYS LEFT**

**THE OFFSHORE-WIND BOONDOGGLE**  
*Green advocates remain undaunted by the energy source's surging  
costs and questionable efficiency*

# OFFSHORE WIND IS AN ECONOMIC AND ENVIRONMENTAL CATASTROPHE

*California project would be one of the most egregious cases of environmental destruction in human history*

**COLAB IN DEPTH  
SEE PAGE 23**

## AB 5 UPDATE

***HOW THE STATE IS STILL DESTROYING THE GIG ECONOMY***  
**BY KAREN ANDERSON**

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

**Board of Supervisors Meeting of Tuesday, October 17, 2023 (Scheduled)**

**In General:** This appears to be a fairly light meeting which does not seem to contain any major policy issues.

**Item 19 - Request to 1) approve two new contracts with Anjaleoni Enterprises, and Christina's Care Home, Inc., for FY 2023-24, in the cumulative budgeted amount not to exceed \$4,845,263 to provide residential and intensive mental health services in board and care facilities for adults who cannot care for themselves due to their mental illness; and 2) delegate authority to the Health Agency Director or designee to sign amendments to the board and care contracts, including options to renew for one additional year (through June 30, 2025), that do not increase the level of General Fund Support required by the Health Agency.** It appears that the County sends some of its poor and fragile aging and dying people to board and care homes in Clovis. The write-up states in part:

*The Health Agency's Behavioral Health Department contracts with various residential providers within a wide range of adult residential services, providing appropriate levels of care to seriously mentally ill individuals in need of residential placement. Board and care facilities offer varying levels of residential care in a non-locked facility, as opposed to State hospitals, acute care hospitals, and Institutions for Mental Disease (IMD) which are locked residential facilities providing the most intensive levels of care.*

**And**

*Most clients placed in board and care facilities may be stepping down from a higher level of care (IMD) to a lower level of care (board and care facility), or have not succeeded in outpatient*

*settings, and often have been placed in residential settings under conservatorship by the courts. Residential services are designed to enhance basic living skills, improve social functioning, and allow for training opportunities within the community. Mental health support Page 4 of 5 groups are provided at some facilities to help clients gain insight into their illness, assist them in symptom management, and encourage peer support activities. As clients demonstrate stability in the board and care setting, the County residential case manager evaluates the potential of transferring clients to more independent living arrangements within San Luis Obispo County, or stepping down services as appropriate, and board and care facilities provide the assistance and structure necessary for each client to be successful in a less restrictive setting and to reintegrate back into the community. Although the desired outcome is to move clients to the least restrictive level in which they can be successful, a certain percentage of the population with severe mental illness will, at any given time, need the level of treatment offered in a board and care setting.*

When we researched the 2 vendors and the facilities, it seemed that the program is primarily focusing on the mentally ill aging. Several entrepreneurial families in Clovis seem to have captured the Board and Care Industry in the area, offering many locations and levels of service. For example ,the Anjaleoni family operates board and care homes at the locations listed below.

Anjali House – 2508 Barstow Avenue, Clovis, CA 93611 ii. Leonie House – 2931 Caesar Avenue, Clovis, CA 93611 iii. Stephen House – 1824 Donner Avenue, Clovis, CA 93611 iv. Jana’s Place – 2315 Mitchell Avenue, Clovis, CA 93611

**Their website shows 2508 Barstow Avenue among others.**



**See more on the next page:**



**EXHIBIT B**  
**CONTRACT FOR BEHAVIORAL HEALTH SERVICES**  
**COMPENSATION**

1. **Compensation.** Prior to commencement of services, Contractor shall provide a valid, current taxpayer ID number to the San Luis Obispo County Auditor/Controller at: 1055 Monterey Street, Room D220, San Luis Obispo, CA 93408. County shall pay to Contractor, as compensation in full for all services performed by Contractor pursuant to this Contract, the following sums in the following manner:

a. Resident charges are as follows:

**Basic Care Rates**

Client is receiving basic services and is ambulatory. Resident requires no assistance with activities of daily living. Resident has minimal medical conditions and no behavior conditions that require support.

Shared Room \$3,500/mo

Private Room \$3,850/mo

Private Room (w/attached bathroom) \$4,250/mo

**Additional Care Charges**

**Level 1** \$1,000/mo

Client is ambulatory but requires moderate assistance and support with transferring. Client may have episodes of incontinence and require moderate assistance with activities of daily living. Client may have moderate medical or behavior issues which require additional support.

**Level 2** \$2,000/mo

Client is non-ambulatory and requires extensive assistance with maximum support for activities of daily living. Client is incontinent or has episodes of incontinence. Client may have significant medical or behavior conditions which require additional support.

**Level 3** \$3,000/mo

Client is on Hospice Care and receives comfort measures or palliative care. Client may require total care at this level. Client is bedbound.

**Level 4** \$4,000/mo

Client may be bedbound and require total care. Client may have substantial physical, medical, or psychological needs.

**Other** \$500-\$1,500/mo

Additional health and/or behavior concerns, incidental expense, etc. mutually agreed upon with County and Contractor.

Was this a Freudian slip or was someone at the County just trying to be cute? Were they thinking of the Bach funeral mass?

Evidently the land use restrictions of SLO County and its 7 component cities are so difficult that places for the poor mentally ill, those suffering from dementia, the fragile elderly, and the dying elderly cannot be planned or receive zoning approval on a sufficient scale provide for county residents within the county.

1. How many Board and Care patients does the County serve per year?
2. What is the average length of stay?
3. How many are served outside the county vs. inside?
4. What are the demographics of this group?
5. What are the total annual costs for board and care contracts per year?
6. How many Board-and-Cares exist in the County and how many of these are within the unincorporated county?
7. What are the top 5 diagnoses of County supported Board-and-Care patients?
8. What are the long term trends?
9. How is the legalization of recreational cannabis affecting various types of dementia?

In August, the County received a \$200,000 State grant to study some of these issues.

**County zoning limits locations for board and care facilities:** Development of a facility requires a full conditional use permit. These permits can take years and cost tens of thousands or more in permitting fees and the cost for hiring experts to help manage the permit application. The Zoning ordinance requires in part:

**22.30.320 - Nursing and Personal Care.**

*Allowable in the Residential Suburban, Residential Multi-Family and Commercial Retail categories subject to the following provisions.*

**Location.** *Nursing and personal care facilities shall be located within an urban or village reserve line.*

**Note:** This requirement eliminates most of the land area of the County from eligibility. In fact, per the table below they are only permitted in 2 residential zones and the commercial zone.

**Minimum site area.** 20,000 square feet.

**Parking requirement.** *One space per four beds. The Commission may reduce such requirements where it can be found that parking needs are less than required because of the nature of the facility or residents, and that other transportation is available to the facility as part of the program of care.*

[Amended 1984, Ord. 2163; 1992, Ord. 2553] [22.08.108]

LAND USE (1)(2)(10)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific Use Standards
	AG(9)	RL	RR	RS	RSF	RMF	
Nursing & Personal Care				CUP		CUP	<a href="#">22.30.320</a>

**The County itself has identified the lack of these facilities as a problem in its Housing Element and has scheduled a project to amend the zoning ordinance. This section is excerpted below.**

<b>Program U</b> Group Homes and Other Residential Care Facilities	Medium	Target Start: January 2023 Target Completion: January 2025	Objective HE 1.00	No
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## **Program U**

### **Group Homes and Other Residential Care Facilities**

#### **Purpose**

To comply with state law regarding small residential care facilities and to encourage the development of residential care facilities, particularly group homes.

#### **Description**

Amend ordinances to facilitate the development of residential care facilities, particularly group homes. Also, review and, if necessary, amend ordinances to align the definition of "family" with federal and state fair housing law.

Residential care facilities are establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on the ability for self-care, but where medical care is not a major element and 24-hour supervision is provided. This may include children's homes, orphanages, halfway houses, rehabilitation centers, and self-help group homes with 24-hour supervision.

More specifically, group homes are residential care facilities primarily designed to assist children and adults (including seniors) with chronic disabilities, including physical disabilities, mental disorders, and addiction. Group homes can provide a sense of community and continuous supervision or care.

#### **Desired Result**

Increased development of group homes and other residential care facilities.

#### **Responsible Agency**

Department of Planning and Building

#### **Time Frame**

Target Start: January 2023

Target Completion: January 2025

#### **Funding Status**

Unfunded

#### **Potential Funding Source**

General Funds

#### **Priority Level**

Medium

**Item 43 - Conference with legal counsel – Personnel. Consider Public Employee Performance Evaluation for the Position of County Administrative Officer.** The Interim CAO has been on board since May. There was a review back in June, after which his contract was extended from 3 months to one year. Are they going to hire him permanently without a competitive search? Permanence in the world of County CAOs and city managers, like college football coaches, is a relative concept. The current incumbent, John Nilon, appears to be advancing the Board majority's agenda with vigor.

In the meantime, the County lost its Homelessness Prevention and Remediation Program Director, Joe Dzvonic. There was high hope for this effort under his skillful project management. Dzvonic joined former SLO CEO Wade Horton in Santa Barbara County. If they thought SLO is a leftist paradise, wait until they deal with the SB South County's Environmental-Socialist Arch Druids who have Sovietized what used to be one of the sweetest places on the planet.



Back In the Day

## LAST WEEK'S HIGHLIGHTS

**No Board of Supervisors Meeting on Tuesday, October 10, 2023 (Not Scheduled)**

The next meeting is slated for Tuesday, October 17, 2023.

**Central Coast Community Energy Operations Board Meeting of Wednesday, October 11, 2023 (Completed)**

**Item 3 - Receive Regulatory Update.** The report was short. Only Santa Barbara County CEO Mona Miyasato asked questions. Everyone else appeared to be dazed, scratching their chins, or otherwise inert. SLO County sent its Assistant CAO.

This report seems to be a standing item included in each month's agenda. The State regulatory environment is even hostile to the State's favored green energy programs. Some excerpts provide concrete examples:

### **Resource Adequacy (RA)**

*Issue The Resource Adequacy (RA) program is the California Public Utilities Commission's (CPUC) main grid reliability planning program. All load serving entities (LSEs) under the CPUC's jurisdiction, including CCAs, must demonstrate purchase of a specified amount of*

*eligible RA generation capacity each month and year to comply with RA program requirements. Increasing demand for and a decreasing supply of eligible RA capacity over the past five years have resulted in sharply increased prices and unprecedented difficulty procuring sufficient RA to achieve compliance. Over the past year the CPUC has also sought to tie RA compliance to other, unrelated functions such as CCA expansion into new communities.*

**Note:** SLO County, unfortunately, slid under the closing door on this one.

*Status* On June 29th the CPUC passed a Decision setting new rules for the RA program. CCAs seeking to expand service into new communities must now be RA compliant for at least two calendar years first. The CPUC also closed the RA proceeding and there will be no new RA policymaking until at least early 2024.

#### *Integrated Resource Planning (IRP)*

*Issue* Integrated Resource Planning (IRP) is the CPUC's greenhouse gas (GHG) reduction planning program. LSEs must submit IRPs every two years demonstrating that planned future procurement will produce GHG emissions below an assigned benchmark while contributing to a resource fleet that meets sectorwide GHG targets while maintaining grid reliability. LSEs submitted their most recent IRPs in November 2022, and previous IRP cycles have produced the three procurement mandates 3CE must comply with.

*Status* This proceeding has three major developments scheduled for Q3-Q4 2023. First, the CPUC will release its analysis of the aggregated 2022 IRPs, which will end the current IRP cycle and may result in another procurement mandate. Second, it will rule on two stakeholder petitions to modify aspects of the current procurement mandates. Third, CPUC staff will release for comment a proposed long-term procurement framework that would replace the ad hoc mandate structure used so far.

**Note:** The CPUC is attempting to force the CCAs, including 3CE, to be more honest in their use of non-CO<sub>2</sub> generating sources. This also puts financial pressure on them.

**Item 8 - Approve and authorize the CEO to execute an amended and restated power purchase agreement with San Luis West Solar LLC, and any necessary ancillary documents, in an amount not to exceed \$115,000,000.** The repackaged contract was approved unanimously on a roll call vote. Staff indicated that they believe this is the last of the repackaging deals (this one is the 6<sup>th</sup>). Their previously contracted project developers of solar farms and battery storage facilities could not meet their contractual obligations for completion dates or costs. Instead of firing them or seeking reimbursement from their bond insurance, 3CE and other CCAs determined that obtaining new supply contracts in today's market would cost much more than renegotiating the old contracts.

The whole green energy development industry is suffering from massive cost increases for materials, labor, and financing. Like other large scale government projects, such as high speed rail, the CCAs will simply add to the budget and increase rates in the future.

No one on the 3CE Board asked what the aggregate cost overrun is for the 6 renegotiated projects.

A real acid test will come if another round of these restructurings occurs in the future.

**Background:** Apropos of the CPUC requiring more real green energy and reliability (an oxymoron in itself), the 3CE has had to scramble around to procure enough future energy. Many projects are behind or going out of business. The write-up attempts to put the best face on it, but it cannot conceal the problem. Check out the excerpts from the item write-up below:

*The Original PPA was jointly negotiated with Silicon Valley Clean Energy (SVCE) after the project was selected as part of a competitive solicitation. 3CE's share is for a 62.5 MW solar generation and 15.625 MW (4-hour discharge) battery energy storage systems. The Original PPA would meet roughly 3% of 3CE's total load and was for a term of 15 years and a notional value not to exceed \$74 million.*

*The renewable energy industry has seen an unprecedented number of challenges in bringing clean and renewable projects online because of a combination of factors, including supply chain constraints, COVID, tariff impacts on foreign manufacturing, increases in raw material costs, and general inflationary pressures.*

*3CE and SVCE have worked collaboratively with Origis Energy to determine a project structure that would preserve value to our customers, allow for regulatory compliance, and provide greater certainty that the project will achieve commercial operations.*

*The adjusted MTR Mandate due dates provide some relief but remain challenging, if not infeasible for new projects, given the time it takes to move through the interconnection process has more than doubled. Rather than the 2–3-year interconnection timing typical of a few years ago, it now takes a new project 5 to 8 years to interconnect.*

#### **Planning Commission Meeting of Thursday, October 12, 2023 (Cancelled)**

**The posted notice stated:**

#### ***THE OCTOBER 12, 2023, PLANNING COMMISSION MEETING IS CANCELLED***

*The next regularly scheduled meeting will be on October 26, 2023. Meetings are held in the Katcho Achadjian County Government Center, Board of Supervisors Chambers located at 1055 Monterey Street, Room D-170, San Luis Obispo.*

*The Planning Commission will hold a two-day hearing for the Dana Reserve Specific Plan on October 23 and 24, 2023. For additional information, please visit Dana Reserve Specific Plan - County of San Luis Obispo ([ca.gov](http://ca.gov))*

**The Dana Reserve project is an acid test for the Planning Commission and ultimately the Board of Supervisors on whether they actually support more housing.**

#### **Air Pollution Control District Hearing Board Meeting of Friday, October 13, 2023 (Completed)**

**Item 5 - Progress report activities called out in Stipulated Order of Abatement (Case No.17-01): In the Matter of California Department of Parks and Recreation - Off-Highway**



**Motor Vehicle Recreation Division – Oceano Dunes State Recreation Area. No action required. Includes review and workshop addressing Provisionally Approved Annual Report and Work Plan and Advisory Group Recommendations.**

- a. Introduction by SLO County APCO.**
- b. Presentation by California State Parks.**
- c. Presentation by the Scientific Advisory Group.**
- d. Presentation by SLO County APCD.**
- e. Accept public comment.**
- f. Board member questions or comments.**

The Board heard an hour and 45 minute presentation from State Parks, the Scientific Advisory Group, and the APCO.

The Hearing Board did not take into account the testimony of Dr. Lynn Russell before the APCD Board 2 weeks ago. Supervisor Arnold appeared and made the request that they schedule the matter. They ignored her and scheduled their next meeting to review dust reduction on October 16, 2024. This is insane. Representatives of dunes riders also pleaded with the Hearing Board to do the same.

The APCD Board should direct the Hearing Board and the Air Pollution Control Officer to schedule a meeting immediately to hear Dr. Russel in person or at least review the video of her presentation in a formal meeting with the public present.

**Background:**

The purpose of the Board is:

*The APCD Hearing Board is a five member quasi-judicial body whose purpose is to decide on matters of conflict between the Air District and industry and to act at the time of an air pollution emergency resulting from an upset or breakdown. The Hearing Board is an independent body, appointed at-large by the APCD Board and consists of an attorney practicing law in California, a registered professional engineer, a member of the medical profession, and two public members.*

Members of the Hearing Board are:

Member Name	Member Position	Alternate Name	Alternate Position
William Johnson - Chair	Public Member	<i>Vacant</i>	Public Alternate
Charles "Chuck" Anders	Public Member	James Fitzgerald	Public Alternate
Dr. Robert Lapidus	Medical Member	<i>Vacant</i>	Medical Alternate
Robert Vessely	Engineering Member	<i>Vacant</i>	Engineering Alternate
Paul Ready	Attorney Member	<i>Vacant</i>	Attorney Alternate

**California Coastal Commission Meeting of Friday, October 13, 2023 (Completed)**

**Item 8 - An Application by Pacific Gas & Electric Company to dredge approximately 70,000 cu. yds. of sediment from the Diablo Canyon Power Plant Intake Cove,**

**approximately six miles north of the City of Avila Beach and place dredged sediment approx. 2000 ft. offshore of Morro Bay State Park sandspit, San Luis Obispo County.** It is not clear at this point what happened. The Commission seemed to skip the item. It was not moved to consent.

The staff recommended approval with many detailed conditions. The write-up summarizes the project in part:

*Pacific Gas and Electric Company (PG&E) proposes to dredge approximately 70,000 cubic yards (cy) of shoaled sediment from the Diablo Canyon Power Plant (DCPP) seawater intake cove. This will be the first dredging episode to maintain the intake system since the DCPP went into operation in 1985. PG&E has determined that sediment buildup in the intake cove poses a substantial risk in the near term to the operations of the DCPP's seawater intake equipment which cycles 2.5 billion gallons of seawater each day for cooling. PG&E has observed sediment in equipment and increased kelp and algal growth in the intake cove, which it is concerned increases the risk of an inadvertent shutdown and interferes with divers performing critical maintenance of the intake structure.*

No one knows how the Commissioners may react. The ability to withhold the permit gives them considerable leverage to bargain for other things statewide. Even the Governor, who ostensibly supports extension of the Diablo permits, could be impacted.

**See the photo diagrams on the next page:**







## EMERGENT ISSUES

**Item 1 – The Daily Chart: The Cost Of Biden’s Foolishness**  
 BY STEVEN HAYWARD IN THE DAILY CHART

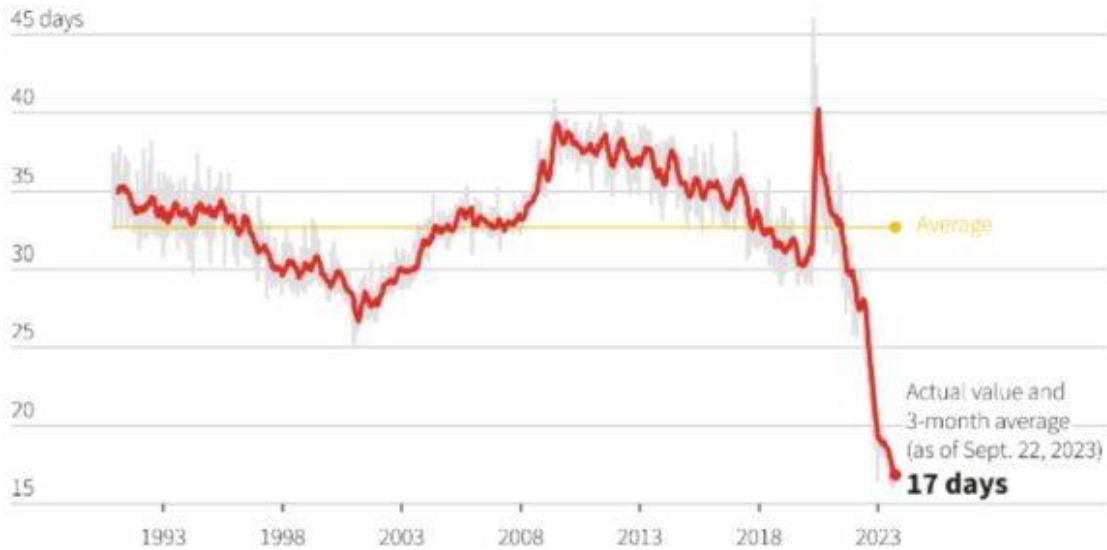
### THE DAILY CHART: THE COST OF BIDEN’S FOOLISHNESS

The role of Biden’s foreign policy—especially his administration’s financial support of Hamas and the \$6 billion giveaway to Iran—has been widely pointed out the last 48 hours. The stock market is going to slump hard at the open today, and the price of oil is going to spike. Just what the American economy needs right now. Well, at least if there is a general war in the Middle East in the coming weeks, we have our Strategic Petroleum Reserve for just such emergencies.

Oh, wait:

## Days Left in the Strategic Petroleum Reserve

U.S. Department of Energy



Source: LSEG Datastream | Reuters, Sept. 28, 2023

Reuters Graphics

That's right: Biden drained it for political reasons the last two years, and hasn't bothered to refill it. He probably thought we'd all be driving solar-powered cars by now.

At least our revitalized domestic oil industry can help out. Oh, wait:

### **Pace of drilling permits for oil slows under Biden**

*Slowdowns in oil and gas drilling permits for federal lands and the Gulf of Mexico is drawing allegations by oil companies and Republicans that the Biden administration is purposefully trying to reduce domestic oil production to reduce greenhouse gas emissions.*

*The Bureau of Land Management, which oversees drilling on federal lands, approved fewer than 2,900 drilling permits last fiscal year, down from more than 4,900 permits in 2021, according to the agency's data. That was the lowest level since 2017, when oil prices averaged \$51 a barrel, compared to \$75 today.*



## Item 2 - The Offshore-Wind Boondoggle

*Green advocates remain undaunted by the energy source's surging costs and questionable efficiency.*

# **CALIFORNIA OFFSHORE WIND PROJECT WOULD BE ONE OF THE MOST EGREGIOUS CASES OF ENVIRONMENTAL DESTRUCTION IN HUMAN HISTORY MOREOVER IT DOESN'T MAKE FINANCIAL OR ENERGY SUPPLY SENSE**

**Summary:** The scandalous double standard at work here can only be attributed to a combination of powerful special interests representing the wind power industry, interacting with a state legislature and environmentalist movement that is either bought off or alarmingly stupid. As it is, hundreds of billions of taxpayer subsidies are on track to pay for offshore wind. If it is not stopped, it will be one of the most egregious cases of economic waste and environmental destruction in human history. – Edward Ring

Like the proverbial skunk at a garden party, reality has disrupted the offshore-wind fantasy. After announcing a potential \$2.3 billion write-down on its U.S. offshore-wind projects, Ørsted CEO Mads Nipper said that it was “inevitable” that consumers would need to pay more for renewable energy, since offshore wind “faces cost increases in orders of magnitude.”

Nipper’s confession makes a jarring contrast with claims made about offshore wind’s costs only a few years ago. In 2017, Michael Liebrich told [BloombergNEF](#) that green-energy costs were at a “[tipping point](#)” and had fallen below those of fossil fuels as technology “slash[ed] the costs” of offshore wind and solar. “One of the reasons those offshore wind costs have come down to be competitive without subsidies,” Liebrich [said](#), “is because these turbines are absolute monsters.”

Even before supply-chain woes, crippling inflation, and inevitably higher interest rates intervened, the promise of rapidly declining costs driven by ever-larger turbines was always a delusion. In Europe, as University of Edinburgh economist Gordon Hughes [documents](#), wind energy’s capital costs have risen over time, and newer and larger offshore wind turbines have regularly broken down.

President Biden’s Inflation Reduction Act allows offshore-wind developers, unlike their on-land cousins, to claim a minimum 30 percent investment tax credit, an extra 10 percent if they use U.S.-manufactured equipment, and a further 10 percent if they build their projects in “energy communities.” All this federal help has not stopped developers like Ørsted from demanding even more concessions from U.S. taxpayers and beleaguered ratepayers in the Northeast, who already pay some of the highest electricity rates in the country.

According to its recent [announcement](#) of potential financial impairment, Ørsted, which the Danish government owns, is now “negotiating” with the United States to relax the domestic-manufacturing requirement, so that the company can obtain an additional 10 percent credit. Ørsted and other offshore-wind developers have requested that the New York Public Service Commission unilaterally alter its long-term contracts to raise purchase prices—already three to

four times higher than New York’s average wholesale-market prices. In total, the four offshore-wind-projects—Beacon Wind, Empire Wind 1 and Empire Wind 2 (being developed by Equinor and BP), and Sunrise Wind, being developed by Ørsted—have [requested](#) that the NYPSC let them collect an additional \$38 billion from ratepayers. Meantime, the Alliance for Clean Energy New York, an advocacy group whose board members include renewable-energy developers and environmental organizations like the Sierra Club, has [requested](#) an extra \$10.7 billion.

Those higher costs do not reflect the additional costs that would be incurred by the New York Independent System Operator to ensure that the state has sufficient back-up power supplies for when the wind doesn’t blow, which, according to the U.S. Energy Information Administration, is more than half the time, even for offshore projects.

The soaring costs of wind power and demands for ever more taxpayer and ratepayer subsidies raise a simple but key question: Who will benefit from these projects? Not U.S. taxpayers, who will be forced to send billions of dollars to European firms and the governments that own them. Not consumers and businesses, who will be required to pay even higher prices for electricity, reducing economic growth and costing thousands of jobs. Not commercial fishermen and seafood processors, whose livelihoods will be devastated by offshore-wind construction and operation in some of the world’s most productive fisheries. Not whales, which the Bureau of Ocean Energy Management recently [admitted](#) can be harmed by offshore-wind development, contrary to offshore-wind-proponents’ dismissal of links between development and whale deaths as “disinformation.” And not the climate, which won’t be measurably affected by any greenhouse-gas reductions associated with offshore wind development.

Using an eighteenth-century technology to meet the needs of a twenty-first-century economy is a costly and futile gesture that will benefit the politically connected few at the expense of everyone else. Eventually, the offshore-wind industry will collapse. The only question is how much economic and environmental damage it will be allowed to cause before it does.

***Jonathan Lesser** is the president of Continental Economics and an adjunct fellow with the Manhattan Institute. The article first appeared in the City Journal of October 9, 2023.*

**Item 3 - Offshore Wind is an Economic and Environmental Catastrophe** - California project would be one of the most egregious cases of environmental destruction in human history.

By [Edward Ring](#)  
October 11, 2023

When it comes to “renewables” wreaking havoc on the environment, wind turbines have stiff competition. For example, [over 500,000 square miles](#) of biofuel plantations have already replaced farms and forests to replace a [mere 4 percent of transportation fuel](#). To source raw materials to build “sustainable” batteries, [mining operations](#) are scaling up, with no end in sight, in nations with [appalling labor conditions](#) and [nonexistent environmental regulations](#). But the worst offender is the wind industry.

America’s wind power industry somehow manages to attract almost no negative coverage in the press, or litigation from environmentalists, despite causing some of the most obvious and tragic environmental catastrophes so far this century. Last August I wrote about the [ongoing slaughter of whales](#) off America’s northeast coast thanks to construction of offshore wind turbines:



“When you detonate massive explosives, repeatedly drive steel piles into the ocean floor with a hydraulic hammer, and blast high decibel sonar mapping signals underwater, you’re going to harm animals that rely on sound to orient themselves in the ocean. To say it is mere coincidence that hundreds of these creatures have washed ashore, dead, all of a sudden, during precisely the same months when the blasting and pounding began, is brazen deception.”

Nonetheless, when the story can’t be buried, deception is the strategy. Not one major environmental organization, government watchdog agency, or media outlet has called for a slowdown in industrial offshore wind projects. Instead, they repeatedly claim these allegations are misinformation. And from that paragon of truth, FactCheck.org, [we get this](#): “No Evidence Offshore Wind Development Killing Whales.”

Let’s set aside the obvious negative impact on whale populations of tens of thousands of marine surveying and construction sorties into offshore areas where shipping traffic has never before been concentrated, or the impact of noise and explosions on not one site, such as would be the case with a lone oil rig, but on [thousands](#) of sites, each one being prepared for an offshore wind turbine. The destruction wrought by wind turbines extends well beyond what it’s doing to whales.

A [report just released](#) by a New England fishermen association summarizes research they completed on offshore wind projects. Their findings are stunning. Just the geographic extent of these proposed offshore wind projects is unprecedented. According to the report, “Federal regulators at the Bureau of Ocean Energy Management (BOEM) have designated almost 10 million acres for wind farm surveys and development.” That is over 15,000 square miles.

Not included in that allocation are the corridors where high voltage lines will have to cross the ocean floor to transfer electricity from the turbines to land-based power grids. The report found that “electromagnetic fields (EMFs) emanating from subsea cables appear to produce birth deformities in juvenile lobster.” That’s just the beginning.

The report also found that wind farms “increase sea surface temperatures and alter upper-ocean hydrodynamics in ways scientists do not yet understand,” and “whip up sea sediment and generate highly turbid wakes that are 30-150 meters wide and several kilometers in length, having a major impact on primary production by phytoplankton which are the base of marine food chains.” And there’s more.

Wind turbines “generate operational noise in a low frequency range (less than 700 Hz) with most energy concentrated between 2 and 200 Hz. This frequency range overlaps with that used by fish for communication, mating, spawning, and spatial movement,” and “high voltage direct current undersea cables produce magnetic fields that negatively affect the drifting trajectory of haddock larvae by interfering with their magnetic orientation abilities.” Haddock are “a significant portion of U.S. commercial fish landings and are an important component of the marine food chain.”

Nothing to see here, right?

What’s going on off the coast of New England is being allowed to happen because of disgraceful negligence on the part of America’s environmentalist community. What’s about to happen in California is just as bad, and is proceeding without any organized opposition or serious criticism.

Earlier this year, the federal government leased 583 square miles of deep ocean waters off the coast of California for offshore wind farms. When the first phase of these offshore wind developments are completed, these [wind farms will deliver 4.5 gigawatts](#) of “clean” electricity to the California grid. That may sound like a lot of electricity. It’s not.

To begin with, even offshore wind only blows intermittently. The most optimistic projections for the actual yield of these turbines are [never more than 50 percent](#). This means that in terms of baseload power, only 2.25 gigawatts will come from these new offshore wind farms. California’s [average electricity consumption](#) is 32 gigawatts (of which only 22 gigawatts are produced in-state), which means if these offshore wind farms are ever completed, they’ll supply a mere 6 percent of California’s current electricity demand – the same amount currently coming from Diablo Canyon, California’s last operating nuclear power plant. But how many turbines will this take, and what will they look like?

The biggest wind turbines in the world can now produce 10 megawatts at full output. To generate this much electricity, [these machines are 1,000 feet tall](#), which is more than three times higher than the Statue of Liberty from the water line to the tip of the torch. To achieve a collective capacity at full output of 4.5 gigawatts, 450 of these would have to be built, floated 20 miles offshore, anchored to the seabed with cables nearly a mile long, then from each one a high voltage line would also have to descend 4,000 feet to reach the ocean floor, where it would then lie on the sea bed – some proposals actually call for them to be buried – to transmit electricity to the onshore power grid. [Four hundred and fifty](#) floating wind turbines, each one of them with vertical dimensions that are longer than a modern aircraft supercarrier. There are huge and [unresolved engineering hurdles](#) involved in developing large floating wind turbines.

Bear in mind, if California’s state legislature gets its way, and the state goes fully electric – think all [space heaters, water heaters, dryers](#), along with all [trucks, buses and cars](#) going fully electric – electricity demand will more than triple. While it’s hypothetical, the math is simple and revealing: to get 100 gigawatts of baseload power from offshore wind, you would need 20,000 turbines. And imagine all the high voltage distribution lines, and all the batteries to buffer the massive surges of intermittent power.

To somewhat return to reality, we must acknowledge that none of California’s enlightened planners intend to use offshore wind to generate 100 percent of California’s renewable electricity. But in one of the most reputable mainstream studies produced to date, a professor of civil and environmental engineering at Stanford University, Mark Jacobson, completed a series of simulations, culminating in a [report released](#) in December 2021 that called for 20 percent of California’s electricity to derive from offshore wind. Making more conservative assumptions regarding the size of each offshore turbine and the yield, he predicted more than 12,000 offshore wind turbines would be required.

Imagine the logistics.

How many ships will this take? How many submarines and divers? How many port facilities? How many new homes for the construction workers? What about the undersea power cables? What about the storage batteries needed to buffer nearly 20 gigawatts of on again, off again electricity? What about the ongoing maintenance? What about the raw materials needed to build all these leviathans? What about the billions and billions of dollars that will flow into the pockets of the special interests behind this disaster of a project, paid by taxpayers and ratepayers?



Overall, Jacobson’s study projected about one-third of California’s electricity to come from a combination of onshore and offshore wind turbines. Shall we reiterate what else we already know about wind turbines? Their [slaughter of raptors, bats, and insects](#)? Their [incessant, low frequency sound](#) that is audible for miles and, despite [“debunking” articles](#) that defy basic common sense, drives people and animals nuts? The [visual blight](#)? The staggering [quantity of materials](#) required for their manufacture, and the difficult if not impossible task of [recycling the materials](#) after they’ve reached the end of their service life?

Where are the environmentalists?

Where, for that matter, are the economists? Is the mantra “climate crisis” so powerful that literally anything goes, including a scheme that delivers not only environmental but economic catastrophe? In 2020, an [in-depth financial analysis](#) by the Manhattan Institute documented how “offshore wind’s costs will far exceed its benefits.” And that was before the supply chain problems, inflation, and interest rate hikes that have forced offshore wind developers [from New England](#) to [California](#) to greatly increase required rates, or pull out of projects altogether.

Imagine if this was an oil rig, a desalination plant, or a nuclear power plant. The opposition would be apoplectic, and that is not hypothetical conjecture. California had a chance to build another major desalination plant which would have supplied [55,000 acre feet per year](#) of drought proof fresh water to the residents of Orange County, population 3 million. Along with other projects in the works, this desalination plant could have made that relatively arid coastal county completely independent of imported water. But environmentalists fought the project at every turn, and in May 2022, [in a unanimous vote](#), the California Coastal Commission denied the construction permit.

As for oil and gas, California’s state legislators are doing everything they can to [destroy production in the state](#). Despite having [massive reserves](#) of oil and gas, Californians have to import more than [75 percent of their oil](#) and more than [90 percent of their natural gas](#). And when it comes to nuclear power, the Diablo Canyon nuclear power plant, California’s last one, [narrowly escapes regulatory shutdown](#) every few years, despite being designed to operate well past the middle of this century.

The scandalous double standard at work here can only be attributed to a combination of powerful special interests representing the wind power industry, interacting with a state legislature and environmentalist movement that is either bought off or alarmingly stupid. As it is, hundreds of billions of taxpayer subsidies are on track to pay for offshore wind. If it is not stopped, it will be one of the most egregious cases of economic waste and environmental destruction in human history.

*Edward Ring is a senior fellow of the Center for American Greatness. He is also a contributing editor and senior fellow with the California Policy Center, which he co-founded in 2013 and served as its first president. Ring is the author of [Fixing California: Abundance, Pragmatism, Optimism](#) (2021) and [The Abundance Choice: Our Fight for More Water in California](#) (2022).*

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## AB 5 UPDATE <sup>1</sup> BY KAREN ANDERSON

*Editor's note: There's so much misinformation about the state of AB 5, that we asked Karen Anderson, founder of Freelancers Against AB 5, for an update.*

<sup>1</sup> AB5 is the State law designed to outlaw gig economy workers and independent contractors such as truckers who own their own rigs. Many other professions and services are impacted.

1. AB5 has not been overturned. It is still the law and continues to wreak havoc across a vast swath of professions and sectors in California—everything from performing arts, event planning and tutoring to transcription, independent filmmaking, community theater, and videography.
2. Prop 22 did not repeal AB5, nor did it exempt the entire “gig economy.” Passed by nearly 60 percent of the voters in November 2020, Prop 22 was a ballot initiative that provided an exclusive carve-out for on-demand rideshare and app-based delivery services only. The so-called “gig economy” includes many other sectors such as domestic work, tech, and all manner of work available via online platforms, all of which are NOT exempt via Prop 22.
3. In August 2021, a judge in Alameda County ruled Prop 22 unconstitutional. The rideshare and app-based delivery industry appealed the ruling, and in March 2022, the Court of Appeal upheld most of Prop 22. As of October 2023, SEIU is appealing the decision with the California Supreme Court, which has agreed to hear the case.
4. Truckers were allowed to be independent contractors for almost 2 ½ years after the passage of AB5. The trucking industry had a preliminary injunction against the enforcement of AB5 on the trucking sector from January 2020 until June 2022 when ongoing legal challenges came to an end after SCOTUS declined to hear the case on appeal. The preliminary injunction was dissolved and the Ninth Circuit’s ruling against California Trucking Association’s lawsuit prevailed. AB5 is now officially in effect on the trucking sector. CTA and OOIDA (Owner-Operator Independent Drivers Association) are currently seeking another injunction from the same judge who issued the first one in 2020.
5. Passed in September 2022, the “cleanup bill” AB2257 added a few more exemptions for chosen professions and some “clarifications” to some of the ambiguous language in AB5. There are still hundreds of categories of professions left out in the cold, however, and AB5/AB2257 remains as convoluted as ever.
6. There are almost 100 exemptions in AB5/AB2257, but most of them come with caveats and fine print. Just because a certain profession has received an exemption doesn’t mean that the exemption can be taken advantage of. Many of the exemptions are “partial” and must meet up to 13 requirements in order to bypass AB5’s ABC test. Some professions like doctors, lawyers and real estate agents received blanket exemptions from the ABC test, but regardless, all independent contracting relationships must still pass California’s traditional Borello worker classification multi-factor test, which is more flexible than the ABC test and has been in effect since 1989.
7. Having an LLC or SCorp does not exempt anyone from AB5, nor does it protect a hiring entity from fines and penalties if the IC they contracted with is deemed to be misclassified, regardless if the IC has an LLC or SCorp.
8. AB5 does not force a business to actually hire their ICs as W-2 employees, nor does it require that the employee be fulltime, thereby receiving benefits. More often than not, businesses will terminate their IC contracts rather than hire someone full-time or part-time. It’s irrelevant how many hours the IC is working either. Even a one-off who only works for a day or an hour could be misclassified and would need to be put on payroll. This especially affects the events industry and the performing arts sector.
9. Conducted by California’s Employment Development Department (EDD), worker classification audits (payroll tax audits) take place on one-person businesses and mom-andpops. It doesn’t matter how small your business is, how few ICs your business has contracted with, or how often, a business can be subject to a very costly and aggressive audit.

10. The onus is on the hiring entity to prove that its contracting relationships comply with AB5. The freelancer is not the one who is penalized for being misclassified, it's the hiring entity.
11. Penalties and fines for misclassification include \$10,000 workers' comp fines, payment of back taxes, back wages, overtime, breaks, back benefits, expense reimbursements and more. Civil penalties range from \$5,000 to \$25,000 per violation for willful misclassification.
12. The main trigger for the EDD to initiate an audit is if a hiring entity's IC erroneously applied for unemployment insurance benefits and named the client as the employer. Other triggers include workers who are injured on the job; a retaliatory claim by a disgruntled worker; a competitor reporting a business for misclassification; or an ex-spouse seeking hidden income owed for alimony or child support.
13. Enforcement agencies include state agencies, city attorneys, district attorneys, labor commission, attorney general of the state of California, and the EDD. The Division of Labor Standards Enforcement also conducts investigations into worker misclassification cases.
14. Although there are ABC tests in a couple dozen states, California has the strictest ABC test in the nation. Most ABC tests in other states apply only to one aspect of their labor codes, such as unemployment insurance. Many of these ABC tests have a two-part B-prong that is more flexible than California's infamous B-prong, which states that the worker is assumed to be an employee unless the work is performed "outside the usual course of the hiring entity's business."
15. A California-based business can contract with out-of-state independent contractors so long as the work is not being done in California. An out-of-state business must adhere to AB5 when contracting with ICs based in California.
16. The ABC test of AB5 is about 74 words, while the rest of the law totals more than 5,000 words that address exemptions, enforcement, restrictions and caveats.
17. California's ABC test was first established by the California Supreme Court in the Dynamex decision in April 2018. The ABC test of Dynamex applied to wage orders only (breaks, overtime, minimum wage). When AB5 was passed in September 2019, the California state legislature codified and expanded the ABC test beyond the wage orders to include all provisions of the labor and unemployment insurance codes, thereby controlling the entire independent workforce.
18. AB5 was sponsored by California Labor Federation, the largest labor organization in the state representing 1,200 unions and 2.2 million members. The author of AB5, former Assemblywoman Lorena Gonzalez (D-SD), now leads the California Labor Federation. Her husband, former San Diego Supervisor Nathan Fletcher, is currently being sued by a former public relations director of the Metropolitan Transit System for workplace sexual assault and harassment. Gonzalez is named in the complaint as having been complicit in attempting to silence the alleged victim.
19. On March 17, 2023, a three-judge panel of the Ninth Circuit issued a scathing rebuke of Lorena Gonzalez's actions and animus when crafting AB5, stating it is probable that AB5 violates the equal protection clause under the 14th Amendment. Brought by Uber and Postmates in 2019, the case (Olson v. the state of California) was to be sent back to the lower court that had dismissed it outright in February 2020, but the state of California is currently seeking an "en banc" review from the Ninth Circuit.

*Karen Anderson is freelance writer, managing editor, photographer, and founder of Freelancers Against AB5. This article first appeared on the California Policy Center of October 13, 2023.*



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