COLAB San Luis Obispo County

The Coalition of Labor Agriculture and Business

WEEKLY UPDATE
JANUARY 7 - 13, 2024

THIS WEEK
SEE PAGE 2

BOARD OF SUPERVISORS MEETING

SELECTION OF A CHAIRMAN AND VICE CHAIRMAN

COMMERICAL AIR SERVICE GROWING – BIGGER PLANES

ENERGY COMMISSARS TO BE EMBEDDED IN DEPARTMENTS

COUNTY PICKS DEI FIRM TO CONDUCT CAO RECRUITMENT

SLOCOG MEETING

2024 REGIONAL TRANSPORTATION PLAN

CENTRAL COAST OPERATIONS BOARD (3CE) MEETING

SLO COUNTY SERVICE TO START JANUARY 1, 2025
(THEY NEED TO FIND THE ENERGY SOURCES)

MEANWHILE THEY ARE CONTRACTING FOR OVER HALF A BILLION IN GAS PEAKER PLANT 15 YEAR BATTERY STORAGE DEALS
(DOESN'T SOUND SO CO_2 FREE)

PAST 3 WEEKS - CHRISTMAS RECESS
SEE PAGE 11

NO BOARD OF SUPERVISORS MEETING

LAFCO CANCELLED

MOST AGENCIES OFF UNTIL WEEK OF JAN. 8, 2024

EMERGENT ISSUES

SEE PAGE 11

THE ELECTRIC VEHICLE DOOM LOOP

MAJOR SUPREME COURT CASE

COULD END OR MODIFY CALIFORNIA'S SCHEME OF EXACTIONS
ROAD, FACILITY, AND SCHOOL FEES COULD ALL BE IN TROUBLE

COLAB IN DEPTH

SEE PAGE 15

2024—THE YEAR OF OUR RECKONING

***WILL WE MEET THE CHALLENGES OR ENSURE THE ONGOING DECLINE*?**

BY VICTOR DAVIS HANSON

THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

Board of Supervisors Meeting of Tuesday, January 9, 2024 (Scheduled)

Item 3 - It is recommended that the Board elect Chairperson Arnold and Vice-Chairperson Ortiz-Legg for the 2024 term per the Board's Rules of Procedure. The staff report recommends that the Board follow the rotation system update adopted in 2019. This would result in Supervisor Arnold being appointed as Chair and Supervisor Ortiz-Legg as Vice Chair. It is not known if there will be any effort by Gibson and the Board majority to override the rotation. Such a move would be seen as unseemly and could generate negative blowback.

The write-up states in part:

On January 7, 2019, the Board of Supervisors updated Section IV B of the Rules of Procedures to amend processes regarding electing the Chairperson and Vice-Chairperson. Section IV B is referenced below:

"At the first regular meeting of the calendar year after the swearing-in ceremony, a Chair and Vice Chair shall be elected by majority vote of the Board and such Chair shall preside for one year. The process for nominating the Chair and Vice Chair shall be on a rotation basis. Beginning in 2019, the rotation shall be District 5, District 3, District 4, District 2, District 1; with the Chair for a subsequent year serving as Vice-Chair (e.g. 2019 Chair – District 5, 2019 Vice- Chair – District 3). Once completed, the district rotation will start again with District 5 (2024) and continue using the same sequence for Chair and Vice-Chair (District 5, 3, 4, 2,1). If the person nominated for Chair or Vice-Chair declines the nomination, she or he shall be rotated on the list. It is intended, but not mandated, that the Supervisor elected as Vice-Chair will succeed the Chair in the following year. In the absence or inability to attend by the Chair or Vice- Chair, a Chair protem shall selected by the members present."

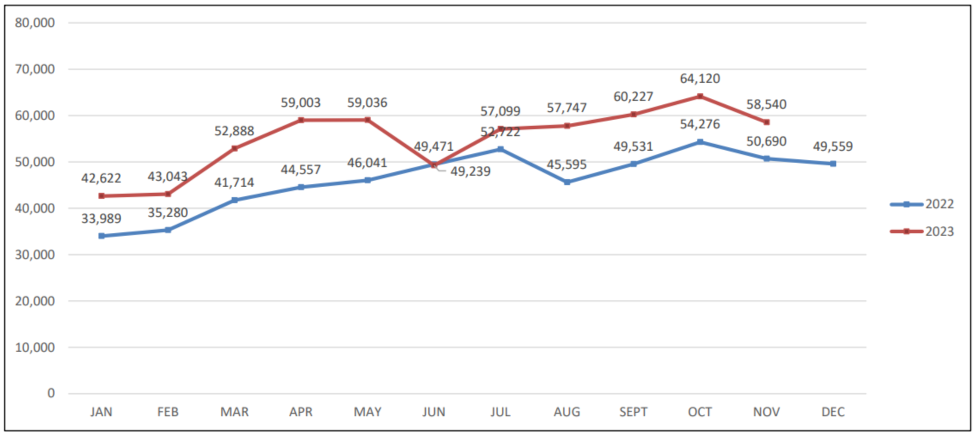
Following the rotation outlined in the Board of Supervisors Rules of Procedure Supervisor from District 5 is recommended to be the next Chairperson, and Supervisor from District 3 Vice-Chairperson in 2024.

The Chair's main powers are to help set the Board meeting agendas, preside over the meetings, and represent the County as its chief elected official.

Item 7 - Request to approve a Scheduled Airline Use and Lease Agreement Assignment from SkyWest Airlines, Inc. to United Airlines, Inc. for the purpose of providing commercial airline service at the SLO County Airport, by 4/5 vote. This is good news. Passenger boardings have grown to the point where larger planes are required. The agreement between SkyWest, a regional carrier, and the County needs to be assigned to United, an international carrier, to provide the larger planes on some routes.

SLO COUNTY AIRPORT

ANNUAL AIRLINE PASSENGER SUMMARY
BY YEAR AND MONTH
12/21/2023



2022	33,989	35,280	41,714	44,557	46,041	49,471	52,722	45,595	49,531	54,276	50,690	49,559	553,425
2023	42,622	43,043	52,888	59,003	59,036	49,239	57,099	57,747	60,227	64,120	58,540		603,564
INC/DEC PRIOR YEAR	25.4%	22.0%	26.8%	32.4%	28.2%	-0.5%	8.3%	26.7%	21.6%	18.1%	15.5%		9.1%
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	

Item 11 - It is recommended that the Board adopt a resolution to establish the salary range and bargaining unit for the new Sustainability Manager classification. The County apparently created a new position class of Sustainability Manager. This agenda item sets the salary range for the position.

Classification	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Monthly Min	Monthly Max	Bargaining Unit
Sustainability Manager	$50.94	$53.49	$56.16	$58.97	$61.92	$65.02	$8,829.60	$11,270.13	07

The annual salary range is from $105,955 to $135,240. This does not include benefit costs such as pensions, health insurance, or disability insurance, which can add up to about 40% of the base salary.

Energy Commissars: Various departments may each have a sustainability manager assigned depending on their respective needs. In this regard the write-up states:

The Human Resources Department has identified a need to establish a Sustainability Manager classification for multiple County departments. The proposed classification will enable the County to recruit and retain in-house subject matter experts to plan, organize and manage energy sustainability efforts and projects in various departments, enabling them to provide energy cost saving and containment solutions, as well as other sustainability initiatives.

The write-up goes on to provide a few samples:

Airports worldwide are facing increasing pressure to adopt sustainable practices due to the growing awareness of environmental concerns and the aviation industry's contribution to carbon emissions. The Federal Aviation Administration (FAA) has issued a goal of achieving net-zero *greenhouse emissions by 2050. As part of the sustainability goals, airports worldwide are pivoting to more electrical energy. The electrification needs of County airports will continue growing and require substantial planning and infrastructure improvements to meet the FAA's net-zero goal. The Department of Airports would utilize a Sustainability Manager to focus on electrification, other broad strategic planning efforts, and development and execution of energy and sustainability projects.*

The idea of reducing CO_2 and other greenhouse gasses at the airport seems to ignore the elephant in the room. Commercial aviation has been growing exponentially and now constitutes over 2% of world greenhouse gas generation. Many environmental groups are advocating for people to fly less. Does the Board of Supervisors actually believe that electrifying the fuel trucks and baggage tugs at the airport will have a meaningful impact on the issue? Of course there is also the production and transport of jet fuel, not to mention thousands of flights per day spewing a billion metric tons of greenhouse gases all over the world every year.

And

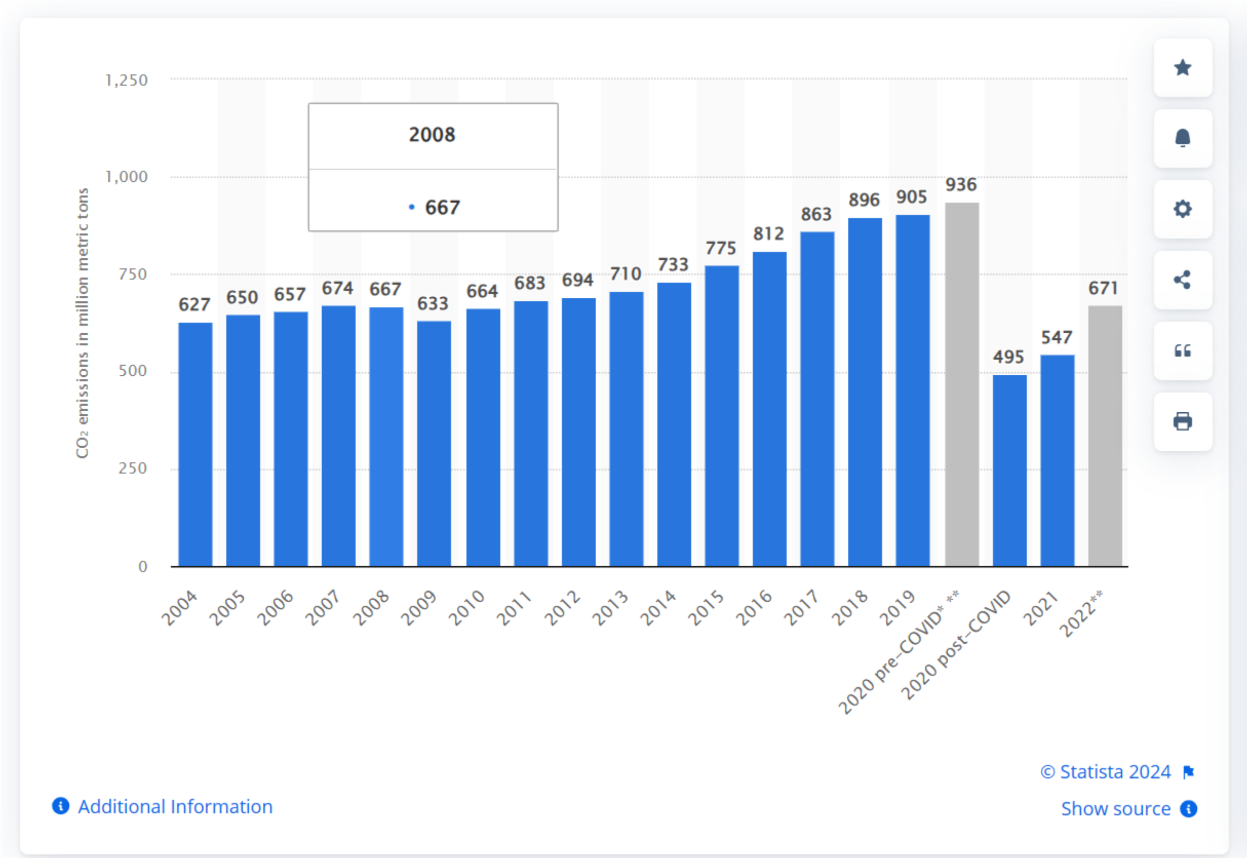
In the Public Works department, a Sustainability Manager position would focus on energy cost containment and offset strategies for the County's surrounding cities and towns. The position would plan, direct, administer, and lead energy and sustainability programs, projects, and practices that benefit County facilities and infrastructure, contain utility rates, and aid taxpayers.

Staff in this classification will act as the County's representatives at various sustainability events, liaison with County departments and other public agencies and stakeholder organizations. These positions will also anticipate risks and initiate new projects in the community with the aim of saving County taxpayers and utility ratepayer's expenses while reducing the County's carbon footprint.

Wouldn't it be better to spend this money on more rural crime Sheriff's deputies, firefighter para-medics, and another road maintenance crew? This would surely be better than installing a set of environmental commissars in each department to further indoctrinate the other employees.

Carbon dioxide emissions from commercial aviation worldwide from 2004 to 2022

(in million metric tons)



Item 24 - Any Supervisor may ask a question for clarification, make an announcement, or report briefly on his or her activities. In addition, Supervisors may request staff to report back to the Board at a subsequent meeting concerning any matter or may request that staff place a matter of business on a future agenda. Any request to place a matter of business for consideration on a future agenda requires the majority vote of the Board. This is now a standing item at the end of each Board Meeting.

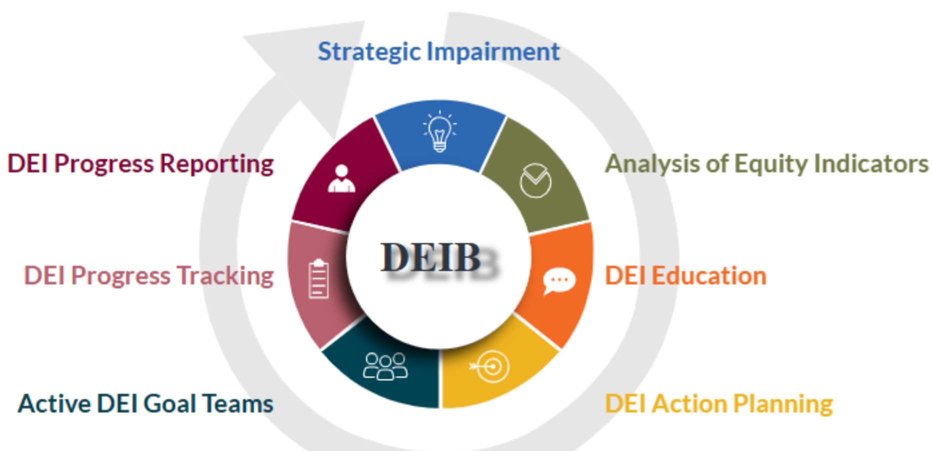
Item 25 - Executive Session – Appointment of a new County Administrative Officer. The item would appear to be a discussion of the recruitment for a new CAO. The County has contracted with an outside recruitment firm, CPS HR Consulting,[1] to conduct the process, which would culminate in the recommendation of finalists for the Board to interview. In addition to

[1] Headquartered in Sacramento, California, CPS HR has offices in Littleton, Colorado and Austin, Texas. Our 120+ full-time employees and 200+ project consultants serve more than 1,200 public and nonprofit clients throughout the United States and Canada. CPS's web site indicates that they are heavily involved in executive search, designing exams, ensuring compliance with State personnel laws relating to public agencies, and helping jurisdictions install Diversity, Equity and , Inclusion (DEI) programs for government agencies.

recruiting and designing personnel systems, CPS lists one of its key products as installing DEI programs in its clients' organization. You have wonder what sort ideologies they might favor in their recommended CAO candidates? Their website states in part:

Creating Connection Belonging and Safety through DEIB

The conversations around ethnic diversity, equity and inclusion have become more comprehensive and multidimensional in the 21stCentury.Considering the most recent events occurring around the United States and reverberating around the world, this topic is more relevant now than ever before. High performing organizations in both the public and private sector are actively embracing an employee engagement strategy, which directly navigates through these "challenging waters" for the express purpose of creating meaningful connections among employees to promote diversity, equity, inclusion and belonging.



In any case, the job requirements they have posted are limiting, vague, and low:

Qualifications

A bachelor's degree in public administration, business, or a related field is required, with an advanced degree preferred. A minimum of ten years of administrative and executive experience in the public sector, along with a minimum of five years in a management or leadership capacity within a County or City Government, is essential. Demonstrated experience in directing strategic planning, budgeting, personnel management, and administrative functions in a large-scale, public-sector environment is crucial.

Ideal Candidate Profile

We seek an exemplary leader with a commitment to personal and professional integrity, possessing seasoned administrative and executive abilities. Your exceptional communication skills, political acumen, and emotional intelligence will be key in navigating a politically divided Board and inspiring a culture of respect and transparency within the organization. A track record of successful strategic planning and execution, coupled with a keen understanding of community engagement, is essential.

The full brochure can be accessed at the link:

https://online.flipbuilder.com/kper/xbwi/

Compensation and Benefits

The salary range for this position is **$241,841.60-308,651.20**, commensurate with skills and qualifications. The County of San Luis Obispo also offers a competitive benefits and wellness package, reflecting our commitment to employee well-being.

The application deadline is on a short yank, with January 19, 2024 as the final date for applying. Several knowledgeable people in the community have indicated that, notwithstanding the ostensible open recruitment, the position is wired for someone who is well known and amenable to the left progressive majority. The acting CAO, Rebecca Campbell is rumored not to be interested in the position as this time. Accordingly, could it be former Public Works Director (and erstwhile director of several special districts) Paavo Ogren or current Public Works Director John Diodati? Diodati and Public Works did a great job during emergency storm operations and recovery during the 2023 exceptional rains. What about SLO City Manager Derek Johnson? He has certainly earned his stripes as able to function in a leftist organization. Or is there another retired city manager/CAO type with leftist cred lurking in the County or nearby.

The recruitment brochure focuses on homelessness as the most important issue facing the County, but control of the water in the Paso Basin is and has been the driving interest of the Board majority. Who could help the majority deliver the bacon in the Basin? Or is that already now a fait accompli? It will be informative to see how various Basin players contribute in the recall election of Supervisor Gibson.

Remediation of homelessness is a decoy issue used to distract the public from the real issues of massive capital investment deficits, massive maintenance deficits, shortages of patrol deputies in the Sheriff's office, an under deployed fire department, the pension deficit, insufficient land zoned for housing, and an unsustainable model of government structure and financing. No one actually has the guts to admit that the homeless problem is ultimately the result of governments failing to enforce behavioral standards and providing consequences for narcotic use and alcohol abuse.

Would they ever hire a County Administrator who is empowered to speak up in these regards?

San Luis Obispo County Council of Governments Meeting of Wednesday, January 10, 2024 (Scheduled) 9:10 AM

Item B 2 - 2024 Regional Transportation Improvement Program. The Regional Transportation Plan is a long range plan for allocation of Federal, State, and local funding for roads, bridges, new highways, highway widening, transit services, and bikeways. This item seems to be a snapshot of what has been approved for 2024.

In summary, SLOCOG's Draft 2024 RTIP recommends the following investments (See Table 1).

A. **Maintain all prior commitments for fully funded projects,** including minor budget augmentation and capital contingencies.
   - #1 - Avila Beach Rd. Intersection – Roundabout
   - #2 - US 101 Managed Lane
   - #6 - SR227 Los Ranchos Rd. – Roundabout
   - #9 - SR46E Corridor Imps. WYE
   - #17 - Morro Bay to Cayucos Connector
   - #21- Uncommitted Balance | Priority - Capital Contingencies #2 (US 101 Managed Lane).

B. **Partner with Caltrans District 5** and **close capital funding gap** two projects.
   - #16 – 1/41/N. Main St. Op. Imps (Prior $5.9M, New $2.4M = $8.3M) Caltrans & Morro Bay providing match contributions to Caltrans SHOPP program.

C. **Maintain 10% match commitment** for improvements seeking state and/or federal grants supporting the region's Sustainable Communities Strategy regarding housing and employment.
   - # 5 - US 101 Prado Rd. Overpass – Ph1 (SLO) * (Prior $6.0M, New $4.2M = $10.2M)
   - #11 - SR 46 Union Rd. Overpass – Ph 1 (Paso) * (Prior $3.5M, New $2.5M = $6.0M)
   - #13 - SR 46W/US 101 (New $1.7M – SB1 SCCP, IIJA)

D. **Advance other corridor priorities on SR 227 and SR 46;** and match grants for capital funding when ready
   - # 7 - SR 227 Buckley, Edna Trail, Crestmont Rd Imps. (New $950K for PreCON)
   - #12 - SR 46E/101 I/C E/B off-ramp (New $2.3M)
   - #14 -Temp. to Atascadero Connector (Reduce from $2M to $0M; Encourage Caltrans D5 to sponsor improvement as a "project of statewide significance" – ATP Cycle 8)

E. **Support preconstruction investments** (Environmental and/or Design)
   - #8 - Separated multi-use trail Edna Valley – Buckley to Farm House (New $400K)
   - #18 - Separated multi-use trail Chorro Valley Trail - SLO to Cuesta (New $500K)

F. **Other Local and Regional Programs**
   - #19 – Local choice funds. Apportionment of State Highway Account funds
   - #20 - Community Betterments (Cycle 2) $8M Call for Projects

G. Uncommitted Capacity – Priority (Direction from SLOCOG Board 12/6/2023)

- #21 Cycle 1 Community Betterments Cost Increases
  - i. In Grover Beach, West Grand Ave (Not to exceed $1.6M)
  - ii. In Atascadero, El Camino Real (Not to exceed $800K)
- #21 Reserve remaining uncommitted capacity to address the following priorities:
  - i. Capital contingencies for US 101 Part Time Use of Shoulder.
  - ii. Pending efforts to secure state and/or federal grant funds for Project #7 - SR 227/Buckley Rd. Roundabout - pending efforts to secure federal grant funds.

There is no mention of the push for a half cent sales tax increase in this write-up. However, the detailed tables show many projects as only partially funded or dependent on future Federal and State allocations for funding. We expect the push for a sales tax to appear in future documents.

Central Coast Energy Authority (3CE) Operations Board meeting of Wednesday, January 10, 2024, 10:30 AM

Item 7 - CEO's report.

START OF SERVICE FOR CITY OF ATASCADERO AND COUNTY OF SAN LUIS OBISPO CONFIRMED On December 18, 2023, 3CE received a letter from the California Public Utilities Commission confirming that 3CE had met its expansion requirements and setting January 1, 2025, as the "implementation date" to allow the residents and businesses within the City of Atascadero and the County of San Luis Obispo to begin receiving service as 3CE customers.

Item 8 - Approve and authorize CEO to execute Hybrid - Battery Energy Storage System Power Purchase Agreement with MRP Pacifica Marketing II, LLC for the Panoche Hybrid Project, in a form substantially similar to the attached, as well as any necessary ancillary documents, with a power delivery term of 15 years starting with an expected Commercial Operation Date of January 1, 2026, in an amount not to exceed $168,000,000. This appears to be a 15 year contract for energy from a gas fired peaker plant connected to a battery storage facility in Fresno County.

The write-up states that the facility will use less gas than current plants and is therefore CO_2 saving. The actual language is obfuscatory. Why are they signing up for long term gas fired peaker plants?

Innovation

3CE supports projects that accelerate decarbonization while remaining cost competitive. This project is a creative repurposing of an existing site, utilizing its valuable and scarce transmission capacity to transition away from a conventional power facility towards an energy storage system.

The modeling indicates the new energy storage system will compete with the existing natural gas Peaker to use the interconnection capacity, and is predicted to reduce emissions on average between 54% to 78%. Actual results are contingent on the real time energy market prices affecting the economics around either running the Peaker or charging and discharging the battery.

Item 9 - Approve and authorize CEO to execute a Hybrid - Battery Energy Storage System Power Purchase Agreement with MRP Pacifica Marketing II, LLC for the Midway Hybrid Project, in a form substantially similar to the attached, as well as any necessary ancillary documents, with a power delivery term of 15 years starting with an expected Commercial Operation Date of January 1, 2026, in an amount not to exceed $368,000,000. This one is similar to **Item 8** above. The write-up states in part:

Contribution to 3CE's Mission and Goals With the volatile Resource Adequacy ("RA") market dynamics, inclusive of a major reform called the 24- hour Slice-of-Day paradigm going live in 2025, this hybrid resource will provide valuable fixed-price RA benefits to ensure RA compliance for 3CE. It will meet approximately 13% of 3CE's RA obligation.

It will provide a cost-effective energy hedge to 3CE and the CAISO. During constrained market condition events and the Peaker is dispatched, the financial structure has the energy being purchased directly by the CAISO from Seller. Thus, it will have no reportable emissions on 3CE's Power Content Label.

Thus when there is an energy shortage, 3CE will get energy credits but will not be responsible for the related carbon generated. This does not seem to be an ethical position, given all their crowing about being carbon free.

LAST WEEK'S HIGHLIGHTS

No Board of Supervisors this week - The next meeting will be on January 9, 2024

EMERGENT ISSUES

Item 1 - The electric vehicle doom loop
By Mike McDaniel
The inevitable, planet-saving, path to universal electric vehicle (EV) ownership is becoming increasingly cratered. Some 4000 dealers recently begged President Biden to stop pushing EVs. They can't give them away. About half of all Ford Dealers refuse to stock them, and more

than 50% of Buick dealers recently went out of business rather than sell them. Ford has largely bet its EV future on the F-150 Lightning pickup. It's a sucker's bet. Ford recently announced it was cutting its EV production plans in half. Articles like Motor Trend's "Our Last Ford F-150 Lightning EV Pickup Road Trip Was A Nightmare" explains why:

> I've learned quite a few things driving *MotorTrend*'s owned 2022 Ford F-150 Lightning Lariat extended range pickup for the past year. For starters, my ABCs: Always Be Charging. If there's an open plug nearby, our Lightning is hooked to it so as to not waste the downtime. Lesson two: As my colleagues running our 2023 F-150 Lightning XLT in Detroit have learned, speed matters, and 70 mph is the frustratingly low sweet spot between maximum speed and range. And lastly, the 20 minutes or so spent route planning via the FordPass app and third-party sources like PlugShare can save at least twice that time on a road trip. Unfortunately, that last one went out the window when my wife and I got the call Labor Day afternoon about a family emergency nearly 600 miles away. Without hesitation, we grabbed our suitcases, stuffed them with clothes, and piled into the Lightning. That's where things almost immediately went awry.

What went awry is range anxiety is real. The onboard range estimator was wildly optimistic, and chargers the software picked out didn't work:

> We pulled off I-5 with 37 miles of range and a 14 percent charge, navigated through the 98 Tesla Supercharger stalls, dodged the holiday crowds stopping for dinner, and found the distinctive green glow of Harris Ranch's six Electrify America towers. Two were occupied by charging vehicles, one was completely offline with its screen dark, and one showed a "Charger Unavailable!" message, but the final two appeared to be online. We plugged into the first open tower, yet despite futzing with the connector a few minutes, the charging session wouldn't start. I reached over to grab the cable from the adjacent charger to try that. No dice.

It got worse:

> So we waited. The unsympathetic i4 owner got on the charger about 20 minutes later, and a long line of other EVs piled up behind me. We waited some more. The 350-kW tower that was working, it seems, just barely met that definition. Nearly two agonizing hours later, I was finally able to get our Ford plugged in and charging at the absurdly low rate of just 33 kW. It was now almost 8 p.m., and our midnight arrival now looked more like 2 a.m.

It took the author an hour to get to 182 miles or range before he gave up. Despite a hellish trip, the author remains something of an EV cheerleader:

> We'll eventually get to the point where traveling with an EV is as easy as it is with a gas-powered vehicle, but trips like this are reminders that huge growing pains remain, largely with the state of the infrastructure still incapable of supporting the growing EV marketplace.

Actually, we *won't* get to that point. The government allocated $7.5 billion for EV charging stations, and managed to build *one*—in Ohio. That's a pricy charger, even for government work. Federal subsidies expire after a few years, leaving private owners with unprofitable chargers.

It's a doom loop: there's little demand for EVs, which average $67,000 each, and Bidenomics has driven interest rates to unaffordable heights. Limited EV range demands millions of chargers, but because there are so few EVs there's no profit in chargers. Finally responding to market forces rather than government coercion, manufacturers have chopped EV production and investment in Chinese battery plants. Only Americans in the top 7% in income can afford EVs, and they already have all they want. As if that weren't enough, EVs have an alarming tendency to spontaneously burst into unquenchable flames. Fire Departments just keep their surroundings from igniting as EVs melt into the pavement. Two of the three major manufacturers have recently had EV-related fires.

Combine all of this with the reality EVs *aren't* better for the environment than conventional vehicles, a reality increasingly surfacing in the media, and the doom loop is complete.

EVs aren't ready for prime time. Absent unimaginable leaps in technology, they never will be, though that won't stop the Mummified Meat Puppet Administration from trying to shove them down American's throats and bank accounts.

Mike McDaniel is a USAF veteran, classically trained musician, Japanese and European fencer, life-long athlete, firearm instructor, retired police officer and high school and college English teacher. His home blog is Stately McDaniel Manor.

Item 2 - Major Supreme Court Case on Development Exaction Fees set for February. The hearing will take place on February 7. The case involves Sonoma County charging a road fee of $24, 000 for a person to install an 1800 sq. ft. mobile home on a large lot. Just about every interest group in the Country involved in land development, construction, environmentalism, real estate, home building, and private property rights has filed amicus briefs on one side or the other.

Both the California State Association of Counties and the California League of Cities have filed briefs in support of Sonoma County. This is a case which may have profound impacts on the entire scheme. The Wall Street Journal took notice this past weekend.

THE WALL STREET JOURNAL.

Saturday/Sunday, January 6 - 7, 2024

Please see the editorial on the next page:

The Supreme Court's Road to El Dorado

The Supreme Court on Tuesday will hear what could be a landmark property-rights case (*Sheetz v. County of El Dorado*) with major economic implications. The question is simple: Can governments use building permits to extort property owners?

Can governments use building permits to extort property owners?

George Sheetz in 2016 applied for a permit from El Dorado County to build a small home in northern California near Lake Tahoe. The county board of supervisors conditioned the permit on a $23,420 "traffic impact mitigation" fee to cover the costs of expanding public roads to reduce congestion.

Mr. Sheetz sued in state court, arguing that the fee was excessive. Under the High Court's *Nollan* (1987) and *Dolan* (1994) precedents, permit conditions and exactions must have an "essential nexus" and be "roughly proportional" to a development's adverse impact. Local governments had conditioned building permits on property owners making some of their land available for public use. The Justices ruled that such exactions violated the Fifth Amendment, which bars government from taking property without just compensation.

As the High Court explained in *Koontz* (2013), "the government may choose whether and how a permit applicant is required to mitigate the impacts of a proposed development, but it may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts."

Mr. Sheetz says the purpose of El Dorado's permit fee isn't really to mitigate traffic from his home's construction. California's Prop. 13 limits property tax increases, and raising sales taxes is politically unpopular. So local governments like El Dorado ratchet up permitting fees to raise general revenue.

Permit "impact" fees for single-family homes in 2019 averaged $13,627 nationwide and $37,471 in California. They run up to $146,631 per home in Los Altos and $104,241 in East Palo Alto. As several friend-of-the-court briefs note, such fees increase building costs and reduce new development, contributing to the shortage of affordable housing.

Governments also extort property developers in other ways, such as conditioning permits on providing daycare centers or ride-share programs. The city of Oakland requires multifamily housing developers to fund public art installations. Los Angeles imposes fees on developers to build affordable housing.

Yet courts in California and other states have ruled that the *Nollan* and *Dolan* precedents don't apply when elected officials are doing the extorting. Their theory is that the political process will constrain elected officials from imposing excessive fees and exactions.

A California appellate court dismissed Mr. Sheetz's lawsuit on this basis, and the state's Supreme Court declined review. The Justices now have an opportunity to patch California's Fifth Amendment loophole, as well as create a bulwark against other government takings.

El Dorado argues that *Nollan* and *Dolan* involved land conveyances, and "purely monetary fees are not takings." Under this strange logic, government couldn't demand that a developer fork over land worth $100,000 to build a bike path. But it could demand that a developer pay a $100,000 fee to do so.

The Biden Solicitor General's argument that permit fees are no different from property taxes makes even less sense. Property taxes are applied uniformly on property owners based on property value. Permit fees and exactions such as Oakland's or El Dorado's are imposed on a small number of land owners.

As the U.S. Chamber of Commerce notes in a friend-of-court brief, "legislators have strong electoral incentives to attract voters by shifting costs for public-facing benefits onto developers and private property owners." These allow "many residents to enjoy the benefits of public improvements without paying for them."

* * *

The Constitution's framers intended the Takings Clause to protect property holders from such majoritarian depredations. As Alexander Hamilton wrote in Federalist No. 10, the "great object" of the Constitution was to secure private property "against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government."

Politicians increasingly trample property rights to promote what they deem to be the public good. Think of mandates that housing developers set aside a share of apartment units for low-income tenants. Progressive states and cities warn that a ruling for Mr. Sheetz could imperil such schemes. Perhaps. But the Constitution doesn't let the government commit highway robbery.

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

2024—THE YEAR OF OUR RECKONING

WILL WE MEET THE CHALLENGES OR ENSURE THE ONGOING DECLINE?

BY VICTOR DAVIS HANSON

We should remember the now modern proverb of Nixon-era economic advisor Herb Stein to the effect that what cannot go on (without destroying the nation), simply will not go on.

In some sense, the country for recent years has been cruising on the fumes from prior and likely better wiser generations and institutions. In 2024, the tab for our current apathy, toxic politics, and incompetence will come due.

So next year we will likely see the climax to a number of current dangerous ideas, events, and forces, which finally will either overwhelm us or be addressed and remedied. We live in a Neronian age but can recover if we first understand how we got here and the nature of the suicide we are committing.

In 2023, it became clear, to even the most loyal supporters of the Biden administration, that the U.S. has simply lost or indeed forfeited American deterrence abroad. Our enemies do not fear us; our friends do not trust us; and neutrals do not care either way.

After the 2021 Kabul debacle, the 2022 Russian invasion of Ukraine, the 2023 brazen Chinese spy balloon's uncontested trajectory over the United States, the recent Hamas invasion of Israel, the serial Iranian-fueled terrorist attacks on U.S. installations in the Middle East, and the terrorist Houthis' veritable absorption of the Red Sea, many of America's opportunistic enemies drew conclusions and adopted strategies that would have been previously unthinkable.

Either adversaries will be so emboldened to start regional wars—an impotent Iran now brags it will block the entire Mediterranean—or a United States will be shocked into action and have to deter Iran, the Houthis, and Islamic terrorism, while dealing with an opportunistic China eager to annex Taiwan, and Russia determined to finish off Ukraine.

Those challenges will force the military to staunch its recruitment hemorrhaging, rectify low morale, and rearm. Such rebooting in turn will require discarding the woke agenda, stopping the DEI proselytizing and virtue signaling, and returning to a meritocracy focused on military preparedness and battlefield efficacy.

Since January 2021, the Biden administration has flagrantly and unapologetically dismantled federal immigration law. It destroyed the border as we once knew it. It has already greenlighted more than 8 million illegal entrants—with another quarter-million entering each month.

No one in government has offered any projected costs to states and federal agencies of offering health, food, housing, legal, and education subsidies to millions—who broke the law by entering the U.S. and continue to do violate it while residing unlawfully here. Is that the sign of a promising American citizen—that the first thing he does upon entering America is to break his host's law?

Incredibly, no one has even explained to Americans why millions of illegal aliens are exempt from the vaccine mandates, background checks, and adherence to the law that is demanded of U.S. citizens and legal immigrants. We will soon demand "real" IDs of American citizen airline travelers, while we fly illegal aliens all over the states without any identification?

In fact, those who blew up the border can't honestly even explain to the American people why they did so. Was it to ensure future (or even present) political constituents? Cheap labor? To ensure higher taxes to pay for more government services and to "spread the wealth?" Obeyance to the diversity/equity/inclusion lobbies? To make up for fleeing blue-state population?

The United States has now exceeded, both in real numbers and in percentages, all past numbers of non-native born American residents—at a time when civic education, the idea of the melting pot, and adherence to assimilation have never been more under assault.

In 2024, either the border will close, or the United States will suffer radical political realignments, sheer chaos in our major cities, protests from Americans furious over the complete flaunting of federal law by their own elected officials, and a likely impeachment of Joe Biden for deliberately forsaking his oath to "faithfully execute the Office of President of the United States."

The October 7 Hamas invasion of Israel and premodern massacring of nearly 1,200 Jews—and the virulent anti-Semitism that swept our elite campuses and big cities even before the October 27 Israeli Defense Forces' retaliatory invasion of Gaza—was a wakeup call about the racialized hatred and anti-Semitism now endemic on the Left.

Campus protestors dropped the prior protestations that they were not anti-Semitic in their hatred of Israel. Instead, they now call out Jews by name. They disrupt their homes and businesses, regardless of their views on Zionism. Pro-Hamas protestors feel free to harass Jews, and with impunity and arrogance chant genocidal chants promising the destruction of Israel and its Jewish population.

The main campus culprits for these sudden unabashed hatreds are tripartite. First, wealthy, mostly white leftist students—increasingly as ignorant of history as they are arrogant in their zealotry—feel it pays psychological and careerist dividends on campus to mouth orthodoxies of hating Israel and de facto siding with the Hamas killers.

Most have no idea of the Hamas charter, where flows the Jordan River, or what the British Mandate for Palestine or the Balfour Declaration were. Few of the loudest could never even find

Jordan, Israel, the West Bank, or Gaza on a map. No matter: being heard and seen on campus hating Israel is considered a necessary fad like 1970s bellbottoms or pet rocks.

Second, huge numbers of full-tuition-paying Middle-Eastern visiting students and green-card holders, along with Gulf-fueled and endowed faculty, assume that they are exempt from any legal consequences. So they often deface the federal monuments of their hosts, shut down traffic, swarm Jews on campus and in the street, break the law, and battle with police—with absolute impunity.

Third, just as startling are the undisguised hatreds emanating from radical diversity/equity/inclusion students and faculty. As the declared oppressed, they too feel exempt from any charge that they are mouthing racist and anti-Semitic venom, as they conflate Israel with the now maligned stereotyped "white" people.

The apogee of such extremism was evident in the congressional testimony of three ethically challenged Ivy-League presidents. They reminded the nation that no campus president would unequivocally condemn, much less punish, any anti-Semites on a campus, who openly called for the destruction of Israel and its Jewish population. And they lied about "free speech" constraints on their punishment of mainstreaming anti-Semitic and genocidal threats—given they routinely expel, censure, and variously punish all sorts of "hate speech," but only if it is directed against their own DEI constituencies.

All this is not tenable.

Our top universities are facing a perfect storm. Declining pools of students, crushing student loan debt, spiraling tuition and room and board costs, administrative bloat, defecting donors, and the public's distrust of such people being entrusted with their children's higher education, will all soon lead to a general reexamination of the very need of these universities in the first place, at least as they are presently constituted.

Their racialist admissions, hiring, retention, and promotion protocols are destroying meritocracy. Their mediocre curricula, grade inflation, and campus polarization have convinced the public that they are no longer deserving of the many taxpayer indulgences that shield campuses from market realities—such as massive federal research grants and subsidies, tax-free billions of dollars in private donations, tax-free endowment income in the tens of billions of dollars, and taxpayer subsidized $2 trillion in student loans.

So insulated are these atolls of privilege that they cannot recognize growing public anger over the damage they are doing to the country. Iconic Harvard University cannot even fire its DEI president Claudine Gay, despite serial instances in her own past of plagiarism (which prompted Harvard's sycophantic board to defend her by embracing a new euphemism— "duplicative language" as if to signify the tiny clerical lapse of stealing the ideas and prose of others).

In 2024, radical changes in university administration and values will begin to be made, or higher education will face a reckoning from the public and a newly elected government.

Currently, Colorado has tentatively removed Donald Trump from its 2024 ballot on the specious grounds that he is an "insurrectionist." Thus, the state insists that he is subject to the 14th Amendment, Section 3 clause of 1868, that calls for the disbarment from future government employment or service those former federal officials and employees who had joined the Confederacy.

Aside from the misapplication of the spirt and letter of that post-Civil War legislation, those responsible for erasing Trump know that he has never been charged with, much less convicted of “insurrection. And he never will be.

They understand that half the country knows the January 6 “riot” was the work of unarmed, overzealous, and buffoonish protestors, who broke the law by entering the Capitol, but otherwise had no master insurrectionary plan. And the majority surrounding the Capitol did in fact obey the president’s call to protest “peacefully” and “patriotically.”

The left privately understands that their latest weaponization of government follows their “Russian collusion hoax,” their “laptop disinformation” farce, their two politicized impeachments, their performance-art Mar-a-Lago documents raid, and thus are all part of a systematic degradation of our campaigns, elections, and political customs, tradition, and discourse.

A jaded public knows too well that such punitive measures never applied to the 2016 Hillary Clinton crimes of destroying subpoenaed emails and devices, or the FBI’s illegal alteration of FISA documents or its contracting out social media to suppress news stories, or its hiring of a foreign national Christopher Steele, who compiled a fake “dossier” to destroy the candidacy of Donald Trump.

A majority of Americans further know that had Donald Trump not chosen to run for office in 2024, state and federal prosecutors such as the publicity-seeking and partisan Alvin Bragg, Letitia James, Jack Smith, and Fani Willis would never have indicted him.

All privately know that the entire Biden family, including the President, could just as easily be indicted on state and local felonies, but the Biden consortium finds itself exempt both for its leftist ideology and its current control of the Department of Justice.

What then do the campaign and election of 2024 foreordain?

We will be in entirely new and completely dangerous territory. The likely Republican nominee who currently leads incumbent president Joe Biden will be for most of 2024 the constant target of a coordinated state and local Soviet-like effort to destroy his candidacy before the voters can even vote for or against him in the November election.

The United States 2023 annual budget deficit is about $1.7 trillion; the nation is burdened by a $34 trillion national debt—even though the federal government since 2021 has raised all sorts of new income and excise taxes.

The era of printing money, zero interest rates, “modern monetary theory,” and spending wildly is drawing to a close. The mounting interest on the national debt is now crowding out optional but soon essential annual federal spending. At some point soon, one generation of Americans is going to have to exercise spending restraint or accept a continuing decline in its living standards.

In sum, in 2024, we will either see the destruction of presidential electoral politics as we have known them or a complete repudiation of lawfare. The current new normal that the party in power indicts the leading candidate of the opposition is not sustainable or compatible with the idea of America.

Either the military will have to deter dramatically our growing number of opportunistic enemies, or it will descend into something like the French army between the world wars—plagued by ideology, ossified brass, corruption, mediocrity, misplaced investments, and bankrupt strategies.

If there are not radical changes in higher education, our Ivy League and self-identified elite campuses will go the way of Bud-Light, Disney, and Target—once premier brands reduced to red ink and laughing-stock caricatures.

The United States is cracking under 8 million illegal entries; it cannot sustain another year and 2 million more illegal entrants—or a total of 55-60 million foreign-born residents, with no idea of how many are U.S. citizens, illegal aliens, or green card holders–or how many are employable, or free of criminal records or in need of massive federal and state subsidies.

In 2024, the U.S. will begin to see that to meet its spiraling debt, it will either keep inflating its currency, or slash spending, or raise even further taxes to the degree that even the lower middle class will have to pay 50 percent of their income in state and federal taxes, or renounce its debt, and thus go full-Third World.

Will we meet these challenges or ensure the ongoing decline?

If what we saw after October 7, or the wild and out-of-control reign of weaponized local and state prosecutors, or what we watch nightly on television at the border, or the paralyses we witness abroad of our military, or the breezy way in which our officials promise groups here and abroad billions of dollars in easy money, continues into 2024, then the country as we knew it will become unrecognizable.

Victor Davis Hanson is a distinguished fellow of the Center for American Greatness and the Martin and Illie Anderson Senior Fellow at Stanford University's Hoover Institution. He is an American military historian, columnist, a former classics professor, and scholar of ancient warfare. He has been a visiting professor at Hillsdale College since 2004, and is the 2023 Giles O'Malley Distinguished Visiting Professor at the School of Public Policy, Pepperdine University. Hanson was awarded the National Humanities Medal in 2007 by President George W. Bush, and the Bradley Prize in 2008. Hanson is also a farmer (growing almonds 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, *and the forthcoming The End of Everything (May 7, 2024)..*

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