



COLAB
San Luis Obispo County

The Coalition of Labor Agriculture and Business

Weekly Update Oct. 12 - 19, 2026

A Vote for In-Person Voting

By now, you should have received your ballot in the mail. The process allows you to fill out the ballot and return it at your leisure in the comfort of your own home.

Great – except when it isn't.

In the June Primary elections just a few months ago, 3,313 voters in San Luis Obispo County had their votes cancelled because their mail in ballots didn't arrive in time or had signature issues. 93,479 ballots were disqualified statewide because they arrived too late for the June primary, and another 44,000 were disqualified statewide because the signature did not match.



See your ballot in there – somewhere?

Here in San Luis Obispo County, it seems that some mail is trucked to Goleta where it is processed and date stamped before being trucked back to our county for delivery. This process can add days to what would otherwise be local mail delivery. Some suggest that this is primarily a problem for North County mail - hmmm.

What this tells us is that if you really want or need to use the mail in ballot, be sure to post it early and make sure your signature is clear.



Mail-in ballots are handled by a whole bunch of people.

Better, if you can, take your mail-in ballot to your precinct polling place on election day and trade it in for a real polling place ballot (DO NOT allow them to talk you into simply depositing your mail-in ballot). That in person ballot goes directly to the County Clerks office at the close of the polls and is counted that very evening. No worries about your ballot travelling all over the landscape and being handled by who knows how many people.



In person voting is easy. Try it.

Again we stress, if you choose this process, do not let the poll workers try to talk you into using the mail-in ballot. Use the real precinct ballot that you are entitled to use.

Voting in person takes very little effort. You can bring your notes or preferred voter guides with you (as long as you don't flash them around) and you get that cute little sticker as well!



It's nice to have options, and we certainly suggest that you utilize one of those options because your vote is very important. Sometimes our schedules make it difficult to go to the polling place. Should you prefer to utilize the mail-in ballot, please take the precautions of mailing it at least a week before election day, and be sure your signature is clear. If you can go to the polling place, give some serious thought to doing so. It's the best way to make sure your vote will be counted.

Ballot Measure recommendations

While COLAB SLO does not recommend, we suggest the Howard Jarvis Taxpayers Foundation: [2026 California Voting Guide & Endorsements | HJTA](#)

County Staff Budget Training

Last week, we mentioned extra training that county staff were undertaking to improve budgeting skills. The training is through the County Supervisors Association of California, better known as CSAC.



California specific budgeting skills will result in better fiscal management.

We asked the County Administrative Office for more details on the training program. Lisa Howe Assistant Chief Executive Officer, was kind enough to share more details:

“Our staff has partnered with the CSAC Institute for Excellence in County Government to bring its Executive Credential program directly to our organization. We have 55 participants from across the County participating in the 10-session program, which runs from October through January.

The program focuses on key areas of county leadership, including public service values, critical thinking and decision-making, project management, team dynamics, risk management, budgeting and financial planning, and change leadership. Participants who successfully complete the program will receive the CSAC Executive Credential.

We see this as a great opportunity to invest in our current and future leaders, strengthen relationships across departments, support succession planning, and build greater organizational capacity. We’re excited about the strong participation and our partnership with CSAC.”



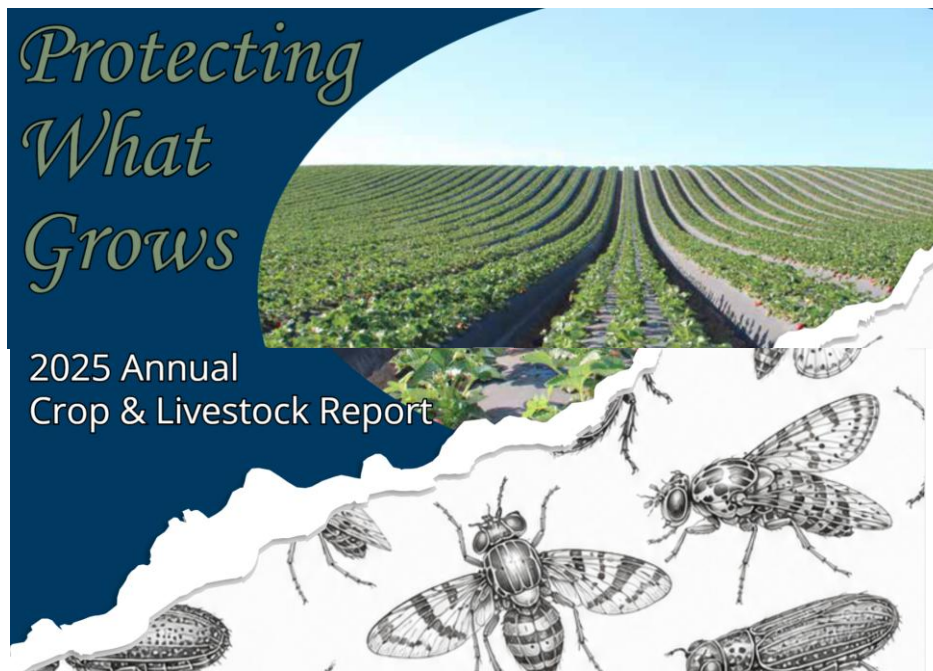
Lisa Howe Assistant Chief Executive Officer County of San Luis Obispo

As we have said previously, we like the more organized and efficient management model that the county has had in place for 2 years. We understand that a key component of the training will be greater understanding of the California State

Budget and how that relates to counties. Further, the program promotes better understanding of state agency budgeting which also enhances the county's ability to improve those interactions.

We hope that this training, combined with the higher level of accountability under the new management, will produce greater value for the taxpayer.

2025 Crop and Livestock Report



The San Luis Obispo County Department of Agriculture and Weights and Measures has produced its 2025 annual crop and livestock report. The 26-page report includes a comprehensive picture of various crop performances and the challenges facing the agriculture community in San Luis Obispo County.

The report contains financial data as well as specific data about nursery crops, vegetable crops, fruit and nut crops, wine grape varieties, field crops, and the animal industry, as well as comprehensive articles on sustainable agriculture, organic crops, pesticide enforcement programs, and especially pest detection.

Revenue \$8,243,381			Expenditures \$8,243,381		
State Funds	\$3,602,535	44%	Salaries & Benefits	\$6,902,556	84%
Federal Funds	\$868,286	10%	Services & Supplies	\$768,962	9%
County Funds	\$3,063,107	37%	Overhead	\$571,863	7%
Collected Fees	\$709,453	9%	Equipment	\$0	0%

San Luis Obispo County Ag Department revenue and expenses.
The Top Ten Crop list is a fascinating look into what our local fields produce and the volumes attached to each of those crops:

Top Ten Crops			
Rank	Crop	Value	%
1	Strawberries	\$310,641,000	27.94%
2	Wine Grapes all	\$196,145,000	17.64%
3	Cattle and Calves	\$78,938,000	7.10%
4	Avocados	\$50,731,000	4.56%
5	Broccoli	\$44,984,000	4.05%
6	Cauliflower	\$33,846,000	3.04%
7	Vegetable & Ornamental Transplants	\$32,751,000	2.95%
8	Lettuce, Leaf	\$25,800,000	2.32%
9	Lettuce, Head	\$23,470,000	2.11%
10	Lemons	\$22,963,000	2.07%
Top Ten Total		\$820,269,000	73.78%

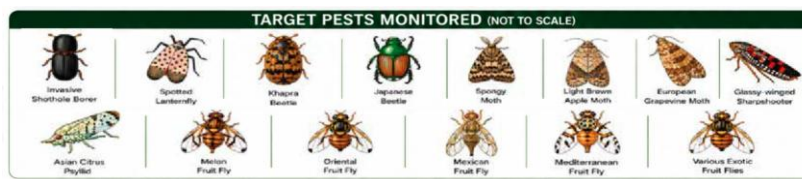
Total value over the last 10 years has been growing. Unfortunately, no graphic illustrating increased costs is accompanying the attached graph:

Ten Year Total Value Comparison						
Year	Fruit/Nut	Animal	Vegetable	Nursery	Field	Total
2016	\$568,129,000	\$45,350,000	\$212,734,000	\$86,933,000	\$16,784,000	\$929,930,000
2017	\$566,592,000	\$47,909,000	\$210,716,000	\$82,802,000	\$16,679,000	\$924,698,000
2018	\$656,609,000	\$48,596,000	\$230,327,000	\$81,190,000	\$18,777,000	\$1,035,499,000
2019	\$615,218,000	\$41,073,000	\$217,972,000	\$80,566,000	\$24,180,000	\$979,009,000
2020	\$603,283,000	\$46,509,000	\$232,783,000	\$75,883,000	\$20,217,000	\$978,675,000
2021	\$713,904,000	\$43,108,000	\$233,548,000	\$76,503,000	\$14,889,000	\$1,081,952,000
2022	\$624,332,000	\$48,247,000	\$293,656,000	\$88,640,000	\$20,056,000	\$1,074,931,000
2023	\$688,753,000	\$61,960,000	\$243,848,000	\$88,970,000	\$20,439,000	\$1,103,970,000
2024	\$565,892,000	\$67,741,000	\$279,575,000	\$84,776,000	\$20,137,000	\$1,018,121,000
2025	\$649,699,000	\$80,346,000	\$276,687,000	\$83,710,000	\$21,238,000	\$1,111,680,000

Pest management is a constant challenge for the industry and for the department. Recent climate change has brought new pest threats as populations of invasive species are on the move. Below is a summary of the efforts taken to keep San Luis Obispo ag production pest free:



Below is a graphic illustrating the pests that our local Department of Agriculture monitors:



One pest of significant concern is the Glassy-winged Sharpshooter. This pest has decimated entire wine-grape producing regions. It has most recently been discovered in Napa as well as portions of the Central Valley. None were reported in 2025, but one was found in Nipomo this year. While it is believed that that single specimen arrived via a shipment of plants from a nursery, diligent monitoring has since produced no new examples:



The report contains a great deal more information than we have room for here. We thank our San Luis Obispo County Agricultural Commissioner/Sealer of Weights and Measures Martin Settevendemie and his team for the comprehensive report.



Martin Settevendemie
Agricultural Commissioner/Sealer of Weights and Measures

The 2025 Annual Crop and Livestock Report can be found here:
[Crop Report Current - County of San Luis Obispo](#)

Keep on Truckin'... er, Votevanning...

Item 4 on the October 6 BoS agenda read as follows: Request to approve a budget adjustment in the amount of \$150,000 using state election funding allocated specifically for voter outreach and ballot counting during the November 3, 2026, General Election, by 4/5 vote; and amend the fixed asset list for FC 110.

There were no details posted in the staff report. Nothing indicating where the money was coming from exactly (we all know it originated from taxpayers), why it is being offered or what use a \$150,000 van is to the Clerk Recorder office.

Supervisors Moreno and Peschong were both inquisitive about those details, pointing out the ongoing expense of storing and maintaining a van, and inquiring if

it wouldn't be more cost effective to just rent vans on a short-term basis if they are needed. Clerk Recorder Elaina Cano addressed the Board about this odd request.



Clerk Recorder Elaina Cano spending taxpayer money creatively.

She explained that the one-time grant was offered by the state (still unclear about which division offered the limited availability grant and why), and that the vehicle, called the Votemobile, would be outfitted with a secure ballot drop box along with voter support functions. Apparently, its initial use will be in low voter turnout areas of the county. Long-term plans include service as a mobile Clerk Recorder office and ultimately as a mobile polling place for situations where polling places may need to close unexpectedly. She went on to say that her team felt the Votemobile would be the highest and best use of the funds.



Both Peschong and Moreno expressed concern that better ballot counting machines or temporary staff to speed up the counting process might be a better investment than a depreciating asset.



Is a custom van a good way to get out the vote?

It's sad to see this type of government stereotype showing up in this way. The State has a gob of taxpayer money apparently sitting around, so they send out a hair on fire grant – use it or loose it! The grant is too late to really impact the intended election, so staff dreams up a creative way to spend the other people's money – in a not very convincing way.

Good Gap or Bad Gap?

We rarely have good things to say about Supervisor Gibson (and we suspect he likes it that way) but we are frequently impressed with his attention to detail. Item 6 on October 6 BoS agenda read: Request to approve the Board of Supervisors Meeting Calendar for 2027.

In the staff report, the 2027 proposed calendar was presented with a fairly consistent every other Tuesday meeting schedule. That is, as Gibson pointed out, until a six-week gap between June 15 and July 27.

Gibson was quick to acknowledge that he would be retired from his Board service by that time and didn't wish to presume anything about the business of the new Board. He simply pointed out the gap in case others had not yet noticed it.



One could, in a most philosophical way, opine that Gibson is a man of governmental action, and a six-week gap of inaction stands out as missed opportunity if nothing else.

We see it as a six-week break from all those opportunities that might have otherwise been exercised.

It is worth noting that Gibson has but 5 more San Luis Obispo County Board of Supervisor meetings left before his retirement. We have no news about his next venture.

Fall Forum Less Than 2 Weeks Away

Have you made your reservation for our October 21 Fall Forum yet? If not, please call the COLAB office at 805 548-0340 or email us at COLABSLO@gmail.com. And don't forget to invite guests. Everyone is welcome.

This promises to be a fun and informative evening, complete with great hors d'oeuvres, refreshments, a fantastic setting and lots of good discussion. As part of the community education aspect of COLAB, the evening is completely free of charge.

Jon Coupal is one of the leading tax fighters in our nation. He is regularly featured in media from nationally syndicated radio and television to news and op-ed pieces in newspapers and posts. He is the chief proponent of Proposition 43 and presents the best chance taxpayers have to preserve the protections of Proposition 13.

Please join COLAB in giving Jon a warm San Luis Obispo welcome.

Fall Forum October 21

Bring a friend.

Enjoy a fun evening.

Meet community leaders.

Learn something important.

Meet Jon Coupal – taxpayer Hero.

Leave your wallet and checkbook at home: It's Free!



FALL FORUM



Wednesday, October 21st
5:30–7:30 PM



Thousand Hills Ranch
550 Thousand Hills Rd.
Pismo Beach, CA

PROP 43 - **KNOW WHAT WE ARE** **PROTECTING AND WHY**

Join Jon Coupal, President of the Howard Jarvis Taxpayers Association and California's preeminent tax fighter, for a discussion on Prop 43, the "Save Prop 13" ballot measure, and the protections it would provide for California taxpayers.



Jon Coupal
President of HJTA



**BEER, LOCAL FINE WINES,
AND
HOT & COLD APPETIZERS
WILL BE SERVED**

RSVP'S ARE APPRECIATED BY OCTOBER 14TH

THERE IS NO CHARGE FOR THIS INFORMATIVE EVENT!
colabslo@gmail.com | (805) 548-0340



Driving note: *Thousand Hills Road is off Price Canyon Road. The entrance is somewhat hidden around a bend and may come up suddenly. Continue approximately one mile to the red-roofed barn on the right.*

Last Week

Rudeness and Apathy Contagion

Two unrelated local government crises may be related after all. The San Simeon Community Service District is desperately trying to find a path forward in its stymied efforts to remain of service to that community.



At the same time, the Templeton Advisory Group, better known as TAG, is throwing in the towel and disbanding. TAG is not a community service district, but rather an advisory board.



San Simeon is a district that provides needed services such as water, sewer, road maintenance and lighting, while TAG only serves to provide feedback and recommendations to the Board of Supervisors. So, what could their troubles possibly have in common?

Both organizations have had trouble finding enough community volunteers interested in serving on their boards. Both are down to 3 Board Members, making it impossible to maintain a quorum. In the case of San Simeon, the community only has about 350 residents which makes finding dedicated local leaders difficult. In the case of Templeton, fiery personalities have run off anybody that might have an interest.

The common denominator is that recruiting locals to serve has become impossible, and without them, the local control falls apart. We wonder if these two examples are outliers, or if the problem is more common than not.

Serving on something like a local school board or community service district requires a great deal of time, commitment and patience. The dedication needed to fully understand all sides of the issues in order to make responsible decisions can be overwhelming.



Yelling, swearing, interrupting and ridiculous dramatic performances rarely result in positive outcomes, yet it's becoming common behavior at public meetings.

Perhaps even more discouraging is the tenor of the meetings themselves. Too often, dialogues devolve into shouting matches, insults and threats. Accomplishing something of significance is almost impossible because of the rudeness, anger and sometimes scary behavior of people demanding their way only.

Fortunately, the TAG disbandment doesn't appear to come with a financial price tag. San Simeon, however, has an almost insurmountable debt. Asking the County to step in is a very expensive request.



As the BoS tiptoes around the San Simeon situation, we hope that they take careful stock of other CSDs that may also want a bail out. Once the county begins helping San Simeon, others may show up with their hands out.

If there are other Community Service Districts, or other such organizations that are struggling with leadership and/or getting the necessary business done, we would hope that some problem-solving attempts are enacted before huge debts are run up with no resolution beyond taxpayer bailouts.

\$9 Million Windfall to a Good Cause?

Last week we commended the BoS for dedicating most of an unexpected \$9 million windfall of excess funds from the 2025/26 budget to emergency preparedness. With the Super El Nino coming, winter forecasts are concerning and having extra funds on hand for emergencies makes sense.



We need to be prepared for disasters such as flooding on the Salinas River.

Just when everyone was sanguine about the concept, Supervisor Gibson chimed in with a few convoluted questions about the fund center that the dollars were committed to. Eventually he made it clear that he was wondering if the funds could be used for other "emergencies" such as bailing out San Simeon with their \$55 million debt and ongoing water treatment and delivery issues. The answer was yes; the funds could be directed for such a purpose.



Does Gibson want to take funds away from El Nino preparedness?

The San Simeon situation is an awful mess, and finding solutions will not be easy. However, it didn't pop up overnight and won't be solved in any expedient fashion. Storm damage does pop up overnight and often needs to be resolved as quickly as possible.



The San Simeon CSD has found itself \$55 million underwater and sinking fast.

It's good to see Gibson watching out for his constituents, but we can't help but wonder why he has waited so long and let the crisis grow so big. Why didn't he ring the emergency bell when the community was only \$5 million upside down – or \$15 million upside down?

Presumably, all taxpayers will end up bailing out San Simeon. In the meantime, let's hope that the BoS doesn't start using these funds that have been set aside for emergency situations as their personal pet project slush funds.

Budget Grows, Process Improves

The 2026/27 budget was passed with hardly a blink at the September 29 BoS meeting. Nearly \$1.2 billion dollars of taxpayer money to run our county and provide all the services that comes with it.

We will say that the new administrative model of having a CEO has raised the level of accountability with the budget process. The KPMG audits have found savings and efficiencies that the CEO and the BoS have embraced.

CEO Matt Pontes is running a much more organized team with department leaders finally seeming to row in the same direction.



CEO Pontes

One example of the new approach is about to be implemented. The California State Association of Counties (CSAC) has a high-level training program for county administrative staff that prepare budgets.



Another great example is the extra \$9 million in carryover from the previous budget. While some might say that budget planning should be more precise, we are encouraged that enough fiscal responsibility was exercised that those funds weren't just squandered.

That doesn't mean that we are entirely comfortable with the spending priorities and methods of our county's government. A glaring example of gross mismanagement was the recent "feasibility study" paid for with taxpayer dollars (we are still trying to find out how much). That "study" done by a (presumably qualified and high paid) consultant was poorly done, left out important options and concluded with what can only be described as (purposeful?) misdirection.

Of course, one big problem most people have with the BoS is the apparent total disregard for prioritizing roads in the budget process. Plenty for pleasant bicycle paths – edaciously little for roads.

We are also still concerned about duplications and efficiencies in the hundreds of programs run by our county and hope that those making spending decisions are always looking for the best deal.

Sacramento Lobbying Report

Our county lobbyist in Sacramento, Paul Yoder of Shaw Yoder Antwih Schmelzer and Lange, presented his semi-annual report to the BoS at the September 29 meeting. He offered mostly good news in that the legislation that was deemed detrimental by the Board had been vetoed, and others that were supported have been signed into law.



Lobbyist Paul Yoder

Yoder is a contract lobbyist, meaning he has many clients. As a lobbyist, he serves as both an advocate for his client's positions as well as a conduit for information about pending legislative issues that may impact his clients.

The fuzzy part of his report had to do with the Diablo Canyon Power Plant. He acknowledged that the BoS was in support of a 20-year extension and explained that there were too many big-ticket items before the legislature this year. He said that he expects the issue to be taken up early next year.

All the while, he seemed to be hedging his comments. Several times, he offered praise for Assemblymember Addis and Senator Laird, but never really offered an explanation about why they are so ambivalent about the 20-year extension that is awaiting an enabling bill from the legislature. It remains unclear whether either of them supports the extension.

Yoder also mentioned the sad fact that the legislature had not found the time or inspiration (our words) to take up the critical issue of wildfire liability reform. He said that discussions are underway for a special session of the legislature to address the issue but expressed some doubt that it would happen.

He also mentioned that this year brought about more of the shameful process called "gut and amend" than ever before. This is where a bill that has survived the entire legislative hearing process is stripped of its (usually unrelated) language and substituted with an entirely different bill. The new bill does not go through the somewhat transparent process of committee hearings and floor sessions of the

legislature. It's a process that would probably not stand up to a strict rules review, but it is too convenient a tool for legislators to have in their back pocket.



Why do we even have a legislative process when “gut and amend” is allowed?

Supervisor Ortiz Legg pointed out that there is much riding on the extension, including a fair and reasonable unitary tax that funds local schools, a huge workforce, local economic drivers and a safe reliable electric grid.

She also pointed out that the longer it takes to get the extension, the more expensive it becomes for ratepayers who are already paying for many of the land conservation concessions that accompanied the Coastal Commission approval.



Ortiz Legg advocating for affordability.

Supervisor Gibson broke into a rambling soliloquy about ... well we are not really sure what his point was, but he was passionate about it. In the end, he said that he was glad that the legislature did not act on the extension for Diablo Canyon because of the lingering “unanswered questions”. This is his favorite crutch, never

expanding on the specifics of those questions, but always calling for more and more delays.

He also pointed said that if our county is host to a nuclear power plant, all residents should benefit. Would his idea of benefit include being able to know the electricity will be on when the sun isn't shining or the wind blowing?

Quiet Title Clarity Drafted

In the seemingly never-ending chronicles of the vagaries surrounding the Paso Groundwater Basin, the recent culmination of the 12-year Quiet Title litigation appeared to close a chapter, answer some questions and resolve serious challenges to private property rights. But is that really the case?



Who won what?

We applaud those who fight for private property rights. Taxation, regulation and restrictions are all constant battles for those who seek to enjoy their own land. Having quiet title is a strong step to protecting private property and ensuring priority rights to pump up to 90,000 acre-feet of groundwater annually.

When the recent litigation was finished, many were left with questions surrounding the impact on Paso Robles Area Groundwater Authority (PRAGA) Prop 26 fees (and any other groundwater sustainability program) on those who gained Quiet Title status.



Paso Robles Area Groundwater Authority

Below is a publication posted by San Luis Obispo County on October 2, 2026, that addresses some of the questions that so many have had. The publication can be found at: [Steinbeck \(Paso Robles Groundwater Quiet Title\) Litigation Background - County of San Luis Obispo](#)

As far as we know, this is the only written summary available. While it seems comprehensive and thorough, we would not be surprised to see challenges to some of the conclusions from people with differing interpretations.



Our hope is that the enormous amounts of energy and resources that have been spent over the decades fighting back and forth will be redirected to focusing on achieving greater sustainability. Getting out of the supposed “severe overdraft” category that drives so much of the fight would be good for everyone.

Here is the County position paper:

On September 24, 2026, the Santa Clara Superior Court issued its final judgment in *Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.* (Steinbeck litigation). This judgment represents the culmination of nearly 13 years of litigation involving quiet title claims asserted by hundreds of landowner parties against several water suppliers, including the County of San Luis Obispo, City of Paso Robles, San Miguel Community Services District, Templeton Community Services District and Atascadero Mutual Water Company as well as the County Flood Control District. The County was a defendant based on its ownership and operation of water systems in Shandon and Santa Margarita, collectively serving over 800 customers.

The Steinbeck litigation was heard in Santa Clara County to avoid local conflicts of interest and

was conducted in six separate phases of trial due to the complex nature of the issues.

The final judgment primarily reiterates the separate decisions rendered in each phase of trial as well as other related orders. For instance, one order established the geographical boundaries of the basin. Another phase of trial resulted in the public water suppliers establishing prescriptive rights to groundwater based on the volume of groundwater they pumped for non-overlying use during a historical period of overdraft (1981 – 1990). For example, the County established a prescriptive right to 310 acre-feet per year in connection with its service to Shandon and Santa Margarita. During a subsequent phase, a limited group of landowners produced sufficient evidence that they also pumped during the 1981 – 1990 period to establish “self-help” as a defense to the established prescriptive rights. The court suggested this would give these landowners an equal priority with the prescriptive users during times of shortage but made no official determination because of the nature of the action. Specifically, the Steinbeck litigation was a limited quiet title action that did not assess the current status of the groundwater supply or allocate pumping rights.

Notably, the final judgment does not require the County or the water suppliers to take any actions nor does it inhibit any agency from continuing to manage the basin. In short, the final judgment does not dictate any changes with respect to implementation of the Sustainable Groundwater Management Act.

Frequently Asked Questions

Q1 Did the County bring this lawsuit against landowners overlying the Paso Robles Groundwater Subbasin?

No. The County was a defendant in this lawsuit. The plaintiffs were a collection of landowners owning land in or around the basin who filed this quiet title action against water suppliers and public agency defendants.

Q2 Did the plaintiffs “win” the lawsuit?

No. As reflected in the final judgment, the history of this complex litigation does not support this simple conclusion. For instance, the case contained multiple phases, including one in which a jury found in favor of the water suppliers—specifically, that each public water supplier proved it has a prescriptive right to pump a certain amount of water with the exception of the County Flood Control District and Atascadero Mutual Water Company who did not assert prescription based on their groundwater use or lack thereof (e.g. Atascadero Mutual Water Company exercises overlying rights).

Q3 Does this lawsuit allocate groundwater pumping rights within the Paso Robles Groundwater Subbasin?

No. This lawsuit does not allocate groundwater pumping rights in the basin; as a limited quiet title action between the plaintiffs and the defendants, it is not a comprehensive groundwater basin adjudication. As noted by the court in its phase 5 statement of decision, the action does not quantify or allocate current pumping rights or create a physical solution but only concerns

the plaintiffs' title to the groundwater rights associated with their specific lands and only as of November 25, 2013, the date they filed suit.

Since no allocations or other actions were imposed, the court did not issue injunctive relief or order the parties to take any specific actions whatsoever. The final nature of this decision is reflected in the fact that, despite the plaintiffs' request, the Court did not retain any continuing jurisdiction over basin groundwater matters.

Q4 Does the final judgment affect any groundwater sustainability agencies or the Paso Robles Area Groundwater Authority with respect to any of their powers under the Sustainable Groundwater Management Act?

No. As indicated above, this was a limited quiet title action rather than a comprehensive adjudication to determine current pumping rights. The final judgment makes no holdings related to the Sustainable Groundwater Management Act, basin management or the imposition of basin management fees; and the Sustainable Groundwater Management Act was only peripherally discussed during the litigation, specifically concerning the State's recognition of the Atascadero Groundwater Subbasin as a separate basin from the Paso Robles Groundwater Subbasin under the Act.

Q5 Can Groundwater Sustainability Agencies or the Paso Robles Area Groundwater Authority still impose groundwater pumping restrictions and fees to fund implementation of the Groundwater Sustainability Plan?

Yes. The Sustainable Groundwater Management Act makes clear that its provisions do not modify rights or priorities to groundwater or determine or alter groundwater rights; rather, it authorizes groundwater sustainability agencies to implement groundwater sustainability programs and adopt fees to fund those programs consistent with applicable constitutional requirements (see e.g. Water Code sections 10720.5 and 10730).

In short, the final judgment does not impact implementation of the Sustainable Groundwater Management Act or the Groundwater Sustainability Plan.

Q6 Are plaintiffs excused from paying the Paso Robles Area Groundwater Authority's groundwater charge or from otherwise complying with groundwater management actions under the Sustainable Groundwater Management Act?

No. The final judgment says nothing about groundwater management fees or groundwater management actions under the Sustainable Groundwater Management Act. Separately, courts have held that any person challenging any groundwater fee imposed under the Act must pay the fee before bringing an action for a refund (*Mojave Pistachios, LLC v. Superior Court of Orange* (2024) 99 Cal.App.5th 605). Nothing in the Court's decision or applicable statute suggests that plaintiffs would be entitled to such a refund.



The final quiet title judgment can be found here: [1-14-CV265039 \(2\).pdf](#)

So, how does the community move on from here?

Ballot Propositions

Special thanks to retired election attorney Chuck Bell for the ballot analysis that he has provided. We have run these analyses over the past three weeks and conclude this week with Props 1,37,39 and 43. Additionally, a special thanks to Barry Fisher for broadcasting discussions with Chuck about each of the ballot measures on his radio show, Protecting What Matters, on Tuesdays at 12:30 on KPRL.

Measures 1,37 and 38 are each General Obligation Bond measures. This means they are each effectively tax increases in that the bonds will be paid back by the taxpayers. Typically, a bond costs roughly two times the original bond value. In other words, in the case of Prop 1, \$11.25 billion will be raised from the bonds, but taxpayers will ultimately pay back around \$20 billion.

Props 1 and 37 together are over \$36 billion for subsidized housing. The payback for taxpayers will be around \$70 billion,

TYPE: LEGISLATIVE STATUTE		Number 1
Title: AUTHORIZES BONDS FOR HOUSING AFFORDABILITY PROGRAMS		
CATEGORY: BOND		
DESCRIPTION OF WHAT ARE MEASURE'S CHIEF PURPOSES AND POINTS • Authorizes \$11.25 billion in state general obligation bonds for housing affordability programs, including for California veterans, and to finance housing development projects seeking federal tax credits. • Allocates funds: • \$5.1 billion to build and rehabilitate multifamily rental housing; • \$2.1 billion to acquire, rehabilitate, or preserve affordable housing units, and provide supportive housing for those experiencing homelessness; • \$1.25 billion for state-funded mortgages for California veterans; • \$1.1 billion for homeownership and downpayment assistance; • \$1 billion for farmworker, tribal, and student housing; • \$500 million for housing infrastructure; and • \$200 million to support local housing programs.		
COST: \$11.25 B – 25 YR - \$500-600M/Annual Cost = \$23.75 B Total; General Fund Revenues -		
DOES BALLOT TITLE FAIRLY REPRESENT MEASURE'S CHIEF PURPOSES AND POINTS OR IS IT BIASED? YES		
Chief Supporters • Gov. Newsom; California Democratic Party; California Apartment Association; AFL-CIO California		Chief Opponents • Some Republican state legislators

Sources: [Official Voter Information Guide](#) | [California Secretary of State - Ballot Propositions](#) - [California Budget & Policy Center](#) -

POLITICAL IMPLICATIONS/CONTEXT/DESCRIPTION & ECONOMIC AND POLITICAL IMPACT OF MEASURE Generally popular state housing finance loan programs that spread public funds to private developers and non-profit housing providers for a variety of housing assistance efforts – in this case for the variety of recipients listed above, but free market economists and policy analysts argue that these programs, though well-intentioned, are fundamentally flawed interventions in the real estate market that distort market mechanisms, misallocate capital, and ultimately fail to address the root causes of housing unaffordability.	
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TYPE: LEGISLATIVE STATUTE		Number 37
Title:		
CATEGORY: BOND		
DESCRIPTION OF WHAT ARE MEASURE'S CHIEF PURPOSES AND POINTS		
• Authorizes \$25 billion in bonds to offer eligible buyers fixed-rate mortgages for up to 17% of purchase price of a newly constructed home priced below about \$1.5 million. • Borrowers must be California residents, occupy the home, meet income limits, and pay at least 3% down. Bonds repaid by mortgage payments, not the State. • Developers also could choose to participate in a “qualified builder option.” Developers that chose this option would be required to meet higher labor standards, such as using workers with a certain type of training for certain types of housing projects. In exchange, developers would be subject to different construction defect rules.		
DOES BALLOT TITLE FAIRLY REPRESENT MEASURE'S CHIEF PURPOSES AND POINTS OR IS IT BIASED?		
YES		
Chief Supporters		Chief Opponents
• Sen. Rob Hertzberg (ret.); Building a Better California; California Realtors Assn; Carpenters Unions		• California Policy Center
POLITICAL IMPLICATIONS/CONTEXT/DESCRIPTION & ECONOMIC AND POLITICAL IMPACT OF MEASURE		
• While proponents view it as a solution for Californians priced out of the market, policy analysts, local advocates, and state critics have raised significant housing subsidy critiques regarding its efficacy, financial burden, and unintended consequences: Critics argue the additional monthly payment may entirely offset the financial benefit of avoiding private mortgage insurance; The program allows households earning up to 200% of the Area Median Income (AMI) to qualify. In high-cost regions, this diverts state-administered resources toward relatively high earners rather than families facing the steepest barriers to housing; Because the subsidy is limited strictly to newly built homes or non-residential conversions, buyers face peripheral new-development costs. These include HOA fees, Mello-Roos taxes, and skyrocketing fire insurance premiums.		

Sources: [Official Voter Information Guide](#) | [California Secretary of State - Ballot Propositions](#) - [California Budget & Policy Center](#) -

Prop 38 is one more step in putting the government into the medical business. While the research is very important, it should be done by the medical community and industry, not funded by taxpayers.

TYPE: INITIATIVE STATUTE		Number 38
Title: AUTHORIZES BONDS FOR IMMUNOLOGY MEDICAL RESEARCH		
CATEGORY: BOND		
DESCRIPTION OF WHAT ARE MEASURE'S CHIEF PURPOSES AND POINTS Authorizes \$8.4 billion in general obligation bonds for immunology and immunotherapy research, half to a single University of California-affiliated nonprofit medical research institute, half to research grants.		
DOES BALLOT TITLE FAIRLY REPRESENT MEASURE'S CHIEF PURPOSES AND POINTS OR IS IT BIASED? YES		

Chief Supporters Michael J. Fox Foundation; ALS Association • Alzheimer's Association • American Nurses Association\California • Blood Cancer United • California Colorectal Cancer Coalition • Liver Coalition • Michael J. Fox Foundation • National Multiple Sclerosis Society • Parkinson Association of Northern California; American Nurses Assoc\CA	Chief Opponents Robert J. Kaplan, PhD., former National Institutes of Health Assoc. Director
POLITICAL IMPLICATIONS/CONTEXT/DESCRIPTION & ECONOMIC AND POLITICAL IMPACT OF MEASURE Similar to 2004 Measure funding Stem Cell Research through a similar funding arrangement for a research entity largely funded and run by the measure's proponent. Critics say limiting California's flexibility to address changing health priorities. Research funding should be guided through the normal budget process—not by ballot initiatives.	
COST: \$8.4 B - \$500 million \$600 million interest – 20 years to repay the research bond = \$10 B; Total \$18.4 B	
Related Ballot Initiatives	
None	

Sources: [Official Voter Information Guide](#) | [California Secretary of State - Ballot Propositions](#) - [California Budget & Policy Center](#) -

Prop 43 is arguably one of the most important measures we will see on the ballot for many years. It restores the protections that were originally voted in with Prop 13. 79% of the electorate passed Prop 13, yet courts and legislative brinksmanship have whittled away some of those protections. This measure restores those protections and prevents runaway tax increases.

2026 CALIFORNIA BALLOT PROPOSITION REVIEW

TYPE: CONSTITUTIONAL AMENDMENT	Number 43
Title: LIMITS VOTERS' ABILITY TO RAISE REVENUES FOR LOCAL GOVERNMENT SERVICES	
CATEGORY: TAX RELATED; BOND; ELECTION RELATED; MISCELLANEOUS/OTHER TAX	
DESCRIPTION OF WHAT ARE MEASURE'S CHIEF PURPOSES AND POINTS - Requires local government voter- proposed special tax measures to obtain 2/3ds vote to adopt - Applies to measures approved after January 1, 2027	
DOES BALLOT TITLE FAIRLY REPRESENT MEASURE'S CHIEF PURPOSES AND POINTS OR IS IT BIASED? YES	
Chief Supporters Howard Jarvis Taxpayers Association and California Business Roundtable, California Republican Party	Chief Opponents No major opponents to date
POLITICAL IMPLICATIONS/CONTEXT/DESCRIPTION & ECONOMIC AND POLITICAL IMPACT OF MEASURE - Proponents say Prop. 43 protects taxpayers by restoring Proposition 13's two-thirds vote requirement to pass local special taxes, including sales taxes, real estate taxes and utility taxes. Courts have allowed special interests to pass earmarked tax increases with fewer votes. Prop. 43 closes this loophole, protecting taxpayers, homeowners and renters. - Opponents say Prop. 43 limits voters' ability to fund essential local services including fire protection, 911 response, schools, roads, hospitals and affordable housing. It doesn't cut your taxes and lets just 33.4% of voters veto what nearly 67% want.	

Sources: [Official Voter Information Guide](#) | [California Secretary of State - Ballot Propositions](#) - [California Budget & Policy Center](#) -

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Jon Coupal
President of HJTA



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The Bullet Train's Cash Clock: Funding Could Run Out by December 2027

Does California's Prop. 45 Apply to Data Centers?

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The Bullet Train's Cash Clock: Funding Could Run Out by December 2027

A state watchdog says the price tag leaves out billions in interest and contingency

By Jose Navarro, October 9, 2026

A project budget is only as honest as what it leaves out. California's high-speed rail authority is learning that in public, because the state's own inspector general says the agency **could exhaust its funding as soon as December 2027** if it does not secure new financing. That is about 14 months away, and less than a year after a new governor takes office.

The inspector general's numbers are specific. The authority faces a cumulative funding gap of \$9.5 billion from fiscal 2027-28 through 2031-32, and it needs \$2.2 billion in 2027-28 alone to keep construction on schedule. It has identified \$39.3 billion in long-term funding, including \$1 billion a year from the state's Cap-and-Invest program, but that money arrives too slowly for the peak construction years, according to the **report as summarized by FOX 11**. The authority says the Cap-and-Invest commitment runs until 2045, per the **International Railway Journal**.

Then comes the part a controller reads first: what the estimate excludes. The Merced-to-Bakersfield segment is now priced at \$35.7 billion. By the inspector general's account, that figure leaves out \$3.6 billion to \$6.6 billion in interest if the authority borrows, along with a \$1.2 billion contingency gap, \$816 million in construction costs covered by third parties and \$1.7 billion for required infrastructure. If all of those apply to the same segment, the omissions run from about \$7.3 billion to \$10.3 billion, or roughly 20 to 29 percent on top of the stated price. That is my arithmetic, not the report's, and the authority may dispute how the pieces fit together.

The schedule carries the same optimism. The authority still points to a 2032-33 start for the first segment. The inspector general says September 2034 is the appropriate estimate and that even this may be "likely insufficient," according to **KPBS**. The plan also disclosed a nine-month slip without explaining it, and the segment itself shrank from 171 miles to 162. The inspector general also warned that moving the Merced station would break a legal requirement to connect with Amtrak and Altamont Corridor Express service, per the railway journal.

Procurement tells a similar story. An August 6 notice cut the initial train order from six trainsets to three, moved delivery to February 2030 and dropped Buy America requirements for the first trains, as FOX 11 reported. The International Railway Journal adds that the authority is weighing a lease-purchase structure and keeps an option for 19 more trains. Buying fewer trains lowers this year's bill, which is the point. It does not shorten the track that must be finished before they run.

The authority is entitled to its side. It told the inspector general it values constructive oversight, and it disputed some findings as differences of interpretation, according to KPBS. Its supporters note that Washington pulled about \$4 billion in federal grants in 2025, a move the administration justified by calling the project a boondoggle and California challenged in court as political retribution. Those fights over motive are real. They do not change the arithmetic of what the state must now finance.

What does change the conversation is the inspector general's warning about disclosure. KPBS reports that the watchdog said the authority "has obscured basic facts about the project," that its draft plan lacked statutory elements and that many earlier recommendations remain unimplemented. Lawmakers cannot weigh a financing decision they cannot see.

That decision is coming. Options under consideration include internal state borrowing, revenue bonds and private financing, and each carries interest the current estimate does not show. Newsom leaves office at the end of this year, so the next governor and the next Legislature will inherit the choice, along with annual budget deficits of \$25 billion to \$30 billion that the Legislative Analyst's Office and the governor projected earlier this year.

Three steps would give Californians a fair accounting. First, the authority should publish an all-in cost estimate, with interest, contingency and third-party costs shown as ranges and updated every quarter, not once a year. Second, the Legislature should decide the financing structure before construction contracts lock in peak-year spending, and it should ask the Legislative Analyst for a lifetime-cost score. Third, the authority should report publicly on every open inspector general recommendation until each one is closed.

There is a deadline worth watching. According to KPBS, the revised train solicitation is due October 16, and the authority's next update report is due March 1, 2027. Both will show whether transparency is improving or whether the cash clock is simply running.

Voters can reasonably disagree about whether California should build this railroad. They should not have to guess what it costs. A budget that omits interest, contingency and delay is a wish list. The honest question is the whole bill, who pays it, and when the public will be told.



Jose Navarro

Does California's Prop. 45 Apply to Data Centers?

Does California have a definition of 'data center'?

By Chris Micheli, October 6, 2026

Some have claimed that Prop. 45 – which seeks to expedite review of specified types of projects under the California Environmental Quality Act (CEQA) – includes data centers. Is that possible? This is a case of statutory interpretation of a proposal before the electorate of the state of California. As such, we need to review the language of the proposed ballot measure.

As an introductory matter, does California have a definition of “data center”? Recently enacted legislation (AB 1577) defines the term as: “‘Data center’ means ... a facility, or part of a facility, that houses computing infrastructure, including graphics and central processing units, servers, storage devices, networking equipment, and associated power and cooling systems, for the primary purpose of processing, storing, or distributing electronic data.”

All parties can agree that there is no mention of data centers in the language of Prop. 45, nor a definition of that term in the ballot proposition.

There are eight types of projects specified to be eligible for the expedited environmental review under Prop 45. All parties can agree that data centers are not any of the following specified projects:

- Essential housing project
- Essential water project
- Essential public health project
- Essential public safety project
- Essential education facility project.
- Essential transportation project.

That would leave us with two remaining types of qualifying projects that may provide a basis for those who claim data centers are included:

- Essential clean energy project
- Essential broadband internet access project

The first place we turn is found in Article 7. Definitions Section 21028 of Prop. 45. Initially, what is an essential project? The following is the definition:

“(m) ‘Essential project’ means a project that meets all of the following requirements:

(1) (A) The project is an essential housing project, essential water project, essential clean energy project, essential public health project, essential public safety project, essential broadband internet access project, essential education facility project, or essential transportation project.

(B) An essential project includes all related and ancillary public, private, and utility infrastructure and public service facilities required by a utility or public agency, or included in an essential project application as part of the whole of the project, to serve a project identified in subparagraph (A), including electric, telecommunication, gas, water, wastewater, stormwater, transit, police, fire, and transportation improvements that provide required public and utility services and infrastructure to the project. When a particular labor standard is applied to an essential project by other provisions of this chapter, that labor standard shall apply to the components of the essential project described in this subparagraph.

(2) The project does not include a jail or other detention facility, or involve the development of a new oil or natural gas production facility.”

The only language that may be applicable to the data center claim is “all related and ancillary public, private, and utility infrastructure and public service facilities required by a utility or public agency.” However, those facilities are “required to serve a project.” Does a data center serve either of those two categories of essential projects? It would not appear that they do.

The second place we turn is to the definitions of the two possible projects. The first one:

“(i) (1) ‘Essential broadband internet access project’ means a project to provide massmarket retail service by wire service, wireless service, or radio to customers in this state that provides the capability to transmit data to, and receive data from, all or substantially all internet endpoints, including, but not limited to, any capabilities

that are incidental to and enable the operation of the communications service, excluding dial-up internet access service.”

Based on this definition, a data center does not provide “massmarket retail service ... to customers.” As a result, it does not appear that data centers are eligible under this definition.

The second one: “(j) (1) ‘Essential clean energy project’ means a project that supports California’s climate, energy efficiency, reliability, electrification, sustainability, or clean energy objectives through one or more of the following: (A) (i) Producing, generating, or storing electricity derived from renewable or sustainable resources, including, but not limited to, solar, wind, geothermal, fuel cells that comply with the emissions standards adopted by the State Air Resources Board pursuant to the distributed generation certification program requirements of Section 94203 of Title 17 of the California Code of Regulations, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and associated transmission lines. (ii) For purposes of this section, “associated transmission lines” means a transmission line that is required for the interconnection or delivery of electricity from a facility described in clause (i). (iii) Notwithstanding clause (i), this subparagraph excludes producing or generating electricity from nuclear power. (B) Producing, generating, storing, transmitting, or distributing clean hydrogen that is not derived from a fossil fuel feedstock. (C) Developing, constructing, or installing microgrids and associated infrastructure. For purposes of this subparagraph, “microgrid” means a microgrid as defined in subdivision (d) of Section 8370 of the Public Utilities Code. (D) Capturing, transporting, or storing carbon dioxide emissions for permanent isolation from sources, including, but not limited to, energy production, manufacturing, or refining facilities. (E) Developing, constructing, upgrading, or expanding transmission or distribution system components identified in a transmission planning process approved by the Independent System Operator or in an integrated energy policy report adopted pursuant to Section 25302, including financing of those facilities, assets, or components through sale, lease, assignment, mortgage, or other disposition or encumbrance requiring state agency approval.”

Based on this definition, a data center does not produce electricity or clean hydrogen, or construct microgrids. As a result, it does not appear that data centers are eligible under this definition.

Nonetheless, assuming a court finds some ambiguity in these definitions, we should look at intrinsic evidence of intent, which is found in the ballot measure language

itself. So, third, we should take a look at Section 21011. Findings and Declarations. Courts can rely upon these statements when interpreting statutory language.

The only relevant provision is the following:

“The people of the State of California hereby find and declare all of the following:
...

(e) Every year of delay means Californians wait longer and pay more for the things they need most. The act applies to the state’s most essential projects, including: ...
(3) Clean energy and reliable electricity to reduce energy bills and fight climate change. ... (8) Broadband and telecommunications infrastructure to connect underserved communities and expand opportunity.”

Based upon these findings and declarations, “[essential] clean energy” projects are meant to reduce energy bills, which would not include a data center. And “[essential] broadband” projects are meant to connect underserved communities,” which would not include a data center.

In addition, Prop. 45 contains the following directives that are intended to guide the interpretation of its provisions:

“Article 8. Construction of Chapter and General Provisions 21029. Construction of Chapter (a) It is the policy of the people of the State of California that this chapter be interpreted and implemented to afford the fullest possible weight to the interest of, and the approval and realization of, essential projects. (b) (1) It is the intent of the people of the State of California that courts, consistent with generally accepted rules of statutory interpretation, not interpret this division or the state CEQA Guidelines in a manner that imposes procedural or substantive requirements upon essential projects beyond those explicitly stated in this division or the state CEQA Guidelines. (2) It is further the intent of the people of the State of California that this subdivision be interpreted and applied by the courts as directed by Section 21083.1, and is in pari materia with Section 21083.1 so that, to the maximum extent permitted under the law, this subdivision constrains the authority of the courts to issue a judgment or impose a remedy that is not expressly authorized by this chapter.

These provisions basically direct the judicial branch to follow the general rules of statutory construction and be confined by the language of Prop. 45. In doing so, there is no basis for finding that Prop. 45 would include data centers as projects eligible for the expedited environmental review.



Chris Micheli

Chris Micheli is an attorney and lobbyist with Snodgrass & Micheli, LLC, as well as an Adjunct Professor at McGeorge School of Law.

MODEST PENSION REFORM SURVIVES IN CALIFORNIA

JON COUPAL

OCTOBER 5, 2026

In what is surely this legislative session's biggest surprise, Gov. Gavin Newsom vetoed Assembly Bill 1383, which would have substantially weakened a modest pension reform bill backed by former Gov. Jerry Brown in 2012. The veto was especially unexpected given that AB 1383 cleared both houses of the legislature by nearly unanimous votes.

In 2012, California's pension debt exceeded \$200 billion, requiring the state and local governments to make up the difference out of their annual budgets. Voters then became aware of the phrase "crowd out," meaning that the annual allocation from the state and local governments that was required to meet the constitutionally mandated pension obligations were "crowding out" money needed for all other public services.

California found itself in this precarious position when Brown's predecessor, Gray Davis, signed Senate Bill 400 (1999), that gave prison guards, park rangers, Cal State professors and other state employees the most generous public retirement benefits in the nation. Especially benefited were California Highway Patrol officers under the bill.

The dire situation motivated Brown to propose a 12-point comprehensive pension reform plan which, had it been enacted, would have solved virtually all of California's public pension problems. Although the California legislature rejected many of the proposals, they eventually passed a scaled down pension reform bill known as PEPPRA, the Public Employees' Pension Reform Act. A key feature of the

reform was that it maintained benefits for current workers and retirees but reduced them for future hires and made employees assume a larger share of the costs.

Fast forward to the legislative session that just ended. Reminiscent of the saying that those who don't study history are doomed to repeat it, the legislature pushed passage of AB 1383, the core of which would have given enhanced pension benefits to police officers and firefighters. Specifically, the bill proposed lowering the normal retirement age for public safety employees receiving full benefits from 57 back to 55 and would have increased maximum accrual rates up to 3% (from 2.7%) and raise compensation caps used for calculating lifetime benefits.

AB 1383 was an invitation for another pension crisis, and as this column warned back in 2018, "California's pension crisis exists in large part due to the very nature of defined-benefit plans. Unlike defined-contribution plans, where the taxpayers' obligation to each public employee ends with every pay period, defined-benefit plans depend on a projection of future investment returns. And therein lies the problem. California has been horribly wrong in its application of assumed rates of return, leading to hundreds of billions in unfunded liabilities. And this shortfall is occurring in good economic times when the state of California is relatively flush. A recession will quickly expose this short-sighted thinking."

Lance Christensen, Vice President of Government Affairs & Education Policy with the California Policy Center, is a leading expert on public sector pensions. He comprehensively lays out the reasons why AB 1383 was so dangerous:

- It increases pension liabilities by billions of dollars without providing any new funding to cover those costs, repeating the exact mistake of SB 400 in 1999.
- It reduces the PEPRA safety retirement age from 57 to 55 and creates a new 3% at 55 formula, generating \$338 million or more in new annual normal cost contributions and \$3.6 billion or more in present value liability increases.
- It expands the definition of pensionable compensation for all PEPRA members, adding costs in the low hundreds of millions annually.
- It allows employers and unions to negotiate away the 50 percent employee cost-sharing requirement through MOUs, eliminating a key taxpayer protection without any public input or accountability.
- It imposes these costs on local governments, cities, counties, and school districts that are already financially strained and have explicitly stated their inability to absorb additional pension mandates.
- It undermines a law — PEPRA — that has already generated \$5.8 billion in savings and is projected to save an additional \$25 billion if left intact.

Fortunately, there was one political leader in California whose memory was clear about what happens when pension benefits are expanded irresponsibly. In vetoing AB 1383, Gov. Newsom said, “This is an era of California history I do not wish to repeat.”

Jon Coupal is president of the Howard Jarvis Taxpayers Association

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