

COLAB SAN LUIS OBISPO COUNTY

WEEK OF NOVEMBER 6-12, 2011

INSIDE THIS UPDATE:

**EVENTS ORDINANCE: 2ND HEARING AND POTENTIAL ADOPTION
1:30 PM TUESDAY NOV 8, 2011 SLO COUNTY BOARD CHAMBERS
COME AND DEMAND A MORATORIUM**

(WILL YOU NEED A PERMIT FOR CHRISTMAS DINNER AT YOUR HOUSE?)

**CARRY OUT PLASTIC SHOPPING BAG BAN: INTRODUCTION AND
HEARING, 1:30 PM WEDNESDAY NOVEMBER 9, 2011
SLO COUNTY BOARD CHAMBERS
COME AND DEMAND THEY STOP**

**NOT ONLY THE LONELY: SENIORS AND DISABLED ADULTS GETTING
POORER/LESS SERVICES WHILE PLANNING THRIVES**

Board of Supervisors

Board of Supervisors Meeting of November 1, 2011 (Completed)

Housing Extortion “Fee.” The Board set a hearing for December 6, 2011 to consider raising the so called housing in-lieu fees which are paid by developers and home builders in lieu of including affordable units in their developments. The program, authorized by the Legislature (called inclusionary housing) several decades ago, enables cities and counties to shake down developers and builders for money in exchange for granting the permits required to build housing developments. The funding raised is to be used to subsidize the construction of affordable housing elsewhere. The program is really a scam to levy a tax on home construction without going to a Proposition 13 or Proposition 218 election requiring a two-thirds vote for a special tax. Obviously, the tax is hidden in the cost of the market house.

COLAB pointed out that the Board should request that the staff prepare performance data on the progress of the program from its inception until now. We also requested that they present the program in the context of other fees and exactions and show how much

government cost is built into the price of the typical house. This would include public service fees and capital project fees, permit processing costs, and the value of dedicated land.

Santa Margarita Drought Buffer. The Public Works staff recommended and the Board approved a 5 acre feet per year drought buffer (accumulative to a bank of 80 acre feet) for Santa Margarita which would be available in years when the two community wells become insufficient. The source would be State water wheeled through one of the water districts that has an allotment. The exact district has not been determined. The actual physical water can be provided directly through a new turnout because the central coast aqueduct runs along the edge of Santa Margarita. After considerable debate, staff was directed to move forward and work out the details. An alternative idea suggested by a resident was that the County try to access water from Santa Margarita Ranch. Staff and the Board members did not think such an arrangement was possible. The Santa Margaritians will have the opportunity to vote in a Proposition 218 election to determine if they wish to raise their rates to pay for the required physical facilities and the water.

San Miguel Community Plan Update. The Board authorized the Planning Department to establish a new project to update the San Miguel Community Plan. Funding would initially be provided from the State Sustainable Communities Grant approved several weeks ago.

Board of Supervisors Meeting of November 8, 2011 (Scheduled)

Sheriffs Management Association Union Contract. The County and the San Luis Obispo County Sheriffs' Management Association (SLOCSMA) have reached agreement on a three year contract that is before the Board for ratification by the Board of Supervisors. SLOCSMA is a small unit with a reported 12 members. The importance of this item is that it is an example of the County's ongoing effort to control labor costs and restrict future pension cost growth through labor concessions. Two provisions are of immediate benefit: 1) the contract contains no general pay raise during its term; and 2) current and future employees will have to share any increase in pension costs 50/50 with the County.

Impacting the long term are provisions that reduce benefits for new hires, including 1) normal retirement age will be 55 instead of the current 50 and final average salary for pension calculation purposes will be an average of the 3 final years of service instead of the current highest (usually the last) year of service. The benefit time multiplier will still be calculated at 3% for each year of service. For example, the pension for a commander with 25 years of service making \$148,000 per year would be calculated: $3\% \times 25 \text{ years} = 75\% \times \$148,000 = \$111,000$. It will take many years (20 to 30) for the current cohort of members to be replaced by new tier hires. Accordingly, real savings on the pension side will not occur for more than a decade.

State Legislative Program: The County's Sacramento Lobbyist, Shaw/Yoder/Antwih, will provide a report on the status of County supported legislation. Successes include a law protecting employees from violent inmates at the Atascadero State Hospital and enabling legislation that will allow the county to use state and Federal grants (if it can successfully

win any) to lower sewer charges for low and very low income residents who will be served by the Los Osos sewer system.

The most important part of the lobbyist's report is a list of grim projections with respect to the current FY 2011-12 State Budget and the projected FY 2012-13 State Budget. The current fake budget contains automatic reduction triggers scheduled to take place if certain revenue projections fail. This is likely to occur and could result in severe reductions to the UC and CSU systems as well as County run Health and Human Services programs this year. Similarly, local public education could lose \$1.5 billion mid-year. Next year an \$8-10 billion deficit is impending. This deficit could result in severe cuts to County administered social service, health and justice system programs. This in turn could add pressure to spend declining local general fund dollars.

The real takeaway from this report is that the Board of Supervisors needs to cease adopting programs and plans which suppress economic development, job creation, and local revenue growth.

Not Only The Lonely: The Adult Services Program Council Report: The introduction to the staff report states that "*The Adult Services Program Council (ASPC) advises the Board of Supervisors in implementing policy and providing services that will enhance the economic, environmental, and social quality of life for seniors and adults with disabilities.*" The Council consists of representatives from 45 non-profit agencies, commissions and boards and government agencies. Most of the report is general and discusses the success of several programs as well as the impact of State budget cutbacks on various programs of interest to the Council.

Poverty Increasing/Resources Decreasing: The important message to the Board of Supervisors underscored in the report is that the quality of life for many seniors and adults with disabilities in San Luis Obispo County has declined substantially due to the economic recession. This should be yet another wake-up call to the Board that its ability to fund basic services is in decline and that there is significant economic distress within its service jurisdiction. The Council's section on "Concerns" is worth quoting in this regard:

SHELTER: There is an ongoing lack of affordable housing in the County. As economic challenges intensify, many seniors and adults with disabilities are losing their ability to pay their mortgages. Complicated reverse mortgages can result in the loss of homes. According to the 2010 Action For Healthy Communities Report, 35% of residents over the age of 60 spend between one third and one half of their monthly income on housing; 13% spend more than one half of their monthly income on housing.

HEALTHCARE SERVICES: Contract negotiations and budget cuts to the Community Health Centers may mean reduced medical services for Medi-Cal, Medicare and uninsured persons in the County. The Departments of Public Health, Mental Health, and Drug and Alcohol Services experienced budget cuts as well. Reduced reimbursements for Medi-Cal services means there will be fewer providers and fewer covered services for beneficiaries. Discussions are on-going regarding the Low Income Health Program (LIHP) in our County: the implications for care and service providers are yet to be fully determined.

FOOD: The Senior Nutrition Program for congregate and home delivered meals has seen their client population (60+) increase by almost 20% since 2008, with specific requests for home delivered meals increasing 32%. Sadly, the increased need coupled with funding issues has resulted in the implementation of a waiting list for people needing home delivered meals. It should be noted that more than half of Senior Nutrition Program's clients live alone.

Oh well, at least the San Luis Obispo County Integrated Waste Management Board (made up of the 5 Supervisors and a Council Member from each of the cities) can spend \$40,000 to give them a cloth reusable bag to carry their groceries home (assuming they can buy any). Similarly, the Planning and Building Department can expend millions more on developing plans and regulations designed to further suppress the economy in the name of the United Nations protocols on greenhouse gas reduction. And while we're at it, let's ban oil and gas development, and put corn-based ethanol in the County fleet so food prices can rise even more (17%-35% for meat in the last year) and starve our poor seniors. Oh, and additionally, let's promote heavily subsidized solar energy (pays no County or school property taxes on production facilities; the utilities are forced to pay a premium for it; the Feds give multibillion dollar loan guarantees, and we will pay for it in our higher electric rates and Federal tax bailout bill.

Williamson Act Adjustments: The minor changes to the Williamson Act which were conceptually approved earlier this year are now calendared for actual implementation. Minimum acreages to qualify for designation under the agricultural preserve and land conservation contract would be increased from 100 to 160 acres for Class 3 and 4 soils (dry farm land) and from 100 to 320 acres for class 6 and 7 soils (grazing land).

Events Ordinance: COLAB has consistently opposed this effort to make the requirements more stringent and more expensive for both not-for-profit (charitable fundraisers) and for profit events (using a ranch, historic barn, or estate house for a wedding, celebration, corporate banquet, etc.). We have repeatedly pointed out to the Planning Commission and the Board of Supervisors that adding regulatory restrictions, escalated time consuming permitting processes, and cost (in terms of permit processing and compliance) during a severe recession is bad public policy. We have pointed out that the ability of agriculturalists, ranchers, mini farm owners, and others to host events may well provide the margin of survival in this economy. We have suggested that the Board declare a moratorium on such initiatives.

During its October 4, 2011 hearing, the Board directed staff to change some of the Planning Commission's recommendations which the Board felt were too obtrusive. The Board appeared somewhat annoyed that the Planning Commission apparently had not followed the Board's original instructions, given back in 2009. In general, the Board's direction provides a little more flexibility and eliminates some of the more loony requirements, such as forced busing of participants to rural venues for events with 176 or more attendees (they would have had to park in the nearest city or unincorporated village).

On the other hand the staff proposes to add a requirement that at first seems to exempt the "*Private gatherings of family and friends on private property that is owned, leased, or rented by the host*" from the provisions of the ordinance. However, the ordinance then also

states: *“Private gatherings of family and friends on a Residential Vacation Rental site are limited to four times per year. More than four private gatherings on a Vacation Rental site are subject to the provisions of this section.”*

Under this proposed requirement, if I own a beach house that I rent out from time to time to others but when it is not rented I live in the house, are my own family celebrations subject to the ordinance if I have more than four family events in any year? In other words, if I have a New Year’s Party, a Valentines Party, an Independence Day Party, and Thanksgiving Dinner, does Christmas Dinner trigger the requirements of the ordinance? Will I have to get some sort of permit and provide all the analysis, notify the neighbors, notify the Sheriff, and have the Fire Marshall inspect, submit a parking plan, and obtain an APCD permit for the Yule Log (fugitive smoke)?

County Never Did Financial Impact Analysis: The County has not conducted an economic impact analysis of the policies and procedures inherent in adopting the new strict ordinance. COLAB had suggested that the Board request the staff to provide data on the time required and applicant costs for various levels of existing Events Ordinance permits and then, based on the new requirements, project (forecast) workloads, velocity, and cost for the new ordinance. This should be done and considered prior to adopting the new ordinance.

OTHER GOVERNMENT ENTITIES

Planning Commission

Planning Commission of November 3, 2011 (Completed)

Rosetta/Level Studios Conditional Use Permit. The Commission approved a 46,000 sq. ft. office building near the south end of the San Luis Obispo Airport. After the Commission voted for approval, Commission Chair Carlyn Christiansen commented that “the Business Assistance Team” (which presumably helped expedite processing the application) “is a success.” We have not heard that the Business Assistance Team is helping the Exceleton Oil project in the Huasna Valley, the Las Pilitas Quarry near Santa Margarita, or the Coast National Bank foreclosure workout project in San Miguel. How are applicants selected to receive assistance from the Business Assistance Team?

Background: Level Studios, a high tech/creative firm that provides a variety of strategic global marketing and technical communications solutions to other companies (Apple, Cisco, eBay, etc.), had apparently been tempted to leave San Luis Obispo. Instead, it is working with the County to receive permits to build a new headquarters next to the Airport. The effort will be supported by the County’s Business Assistance Team. The County has promised expedited permit processing. Level has offices in San Francisco, San Jose, El Segundo, and Irvine. It was acquired by Rosetta (not Rosetta stone) last year. Rosetta is a similar but larger company headquartered in Princeton, NJ, with branch offices in NYC, Cleveland, Boston, Chicago, Denver, and Toronto. Rosetta reported revenues of \$215 million for 2010.

Planning Commission Meeting of November 10, 2011 (Scheduled) There are no matters of significant policy interest on the November 10, 2011 agenda.

Integrated Waste Management Authority (IWMA) Meeting of November 9, 2011(Scheduled)

Plastic Shopping Bag Ban. The single bag ban (plastic grocery bag ban) ordinance will be officially introduced at this meeting. The proposed ordinance is essentially the same as reported in prior editions of the COLAB Weekly Update and the August and October COLAB SLO Newsletters (See The IWMA). Staff has been visiting the various cities in the County to advocate for the ordinance and solicit support. Reportedly, the Pismo Beach City Council and the San Luis Obispo City Council are supportive.

The meeting will take place at 1:30 PM in the Board of Supervisors Hearing Room at 1055 Monterey St., San Luis Obispo. Citizens who oppose costly symbolic feel good government programs should appear and voice their opposition.

Basic Provisions of the Ordinance: Some of the provisions of the ordinance are detailed below. Check out the convoluted and intrusive requirements.

Will become effective September 1, 2012.

Will apply to supermarkets, pharmacies, convenience stores, and any retail stores over 10,000 sq. ft.

Will prohibit stores from providing single use plastic carryout bags at the point of sale. Illustrative of just how phony this ordinance is, is the fact that plastic bags sold for items such meat and fruit, the plastic bags in which home delivered newspapers are wrapped, ice cream bags, and all other similar bags are not included in the ordinance. Additionally the stores will continue to sell an extensive line of plastic garbage bags, plastic compactor bags, plastic freezer bags, and bottled water in plastic bottles.

The stores will be “allowed” to provide a recyclable paper bag at the point of sale that: (1) contains no old growth fiber and contains a minimum of 40 percent post-consumer recycled materials...(2) is accepted for recycling in curbside programs....”(3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and (4) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of post-consumer content. After December 1, 2012 stores must charge the customer the reasonable cost of the bag but at least a minimum of 10 cents.

The stores will be “allowed a reusable bag with handles that is specifically designed and manufactured to withstand repeated uses over a period of time and meets all of the following requirements: (1) is machine washable or is made from a material that can be cleaned or disinfected; (2) shall not contain lead, cadmium, or any other heavy metal in toxic amounts; and (3) if made of plastic or biologically based source, is a minimum of 2.25 mils. thick.