

# COLAB SAN LUIS OBISPO COUNTY

WEEK OF FEBRUARY 3-9, 2013

**BOARD IGNORES GIBSON LEG. AIDE REINSTATEMENT  
(AND KEEPS GIBSON AS CSAC DELEGATE TOO)**

**SUPERVISORS STONEWALL REQUEST  
FOR INDEPENDENT INVESTIGATION  
(OR EVEN A COMMENT ON THE SITUATION)**

**SLOCOG FORCED TO PROMOTE SMART GROWTH**

**COASTAL COMMISSION STICKS IT TO COUNTY**

**COLAB SLO County**  
**4th Annual Dinner & Fundraiser**

Thursday, March 21st, 2013  
Madonna Expo Center, San Luis Obispo

Social hour - 5:30 pm  
Dinner - 6:30 pm

*Details to follow... We hope to see you there!*

**SAVE THE DATE!**



*Speaker Victor  
Davis Hanson*

<b>Board of Supervisors Meeting of Tuesday, January 29, 2013 (Completed)</b>
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**Item 8 – Board Reappoints Gibson as California State Association of Counties (CSAC) Representative.** Notwithstanding considerable public opposition, the Board voted 4-1 (Arnold dissenting) for Supervisor Gibson to be reappointed as the County’s representative to the California State Association of Counties (CSAC). The current turmoil surrounding Gibson did not seem to bother 3 of the other 4 Board members. A number of the speakers were concerned about the domestic commotion and negative public perception surrounding Gibson and the propriety of having him represent the County at CSAC because of its important role in Sacramento.

COLAB and some speakers complained about Gibson unilaterally voting support on behalf San Luis Obispo County for the 2012 Proposition 30 Income and Sales tax increase at a CSAC meeting without having first placed the matter on the public agenda back home for consideration by the full Board of Supervisors in a public meeting. This position was met with swift derision by Gibson and Hill and with tacit agreement by the rest of the Board except Arnold. Gibson excused the omission by rationalizing that Proposition ultimately passed in both San Luis Obispo County and the State as a whole. Hill also fought back, stating that “the Proposition 30 issue was a red herring for a personal attack on Gibson.”

Gibson outlined his extensive involvement with CSAC over the years and his current position as Chairman of its Government Finance Committee as justification for his reappointment. He stated, “as to Proposition 30, I had no specific direction.” He cited support of Proposition 30 by the State Sheriffs’ Association and State Probation Chiefs’ Association as corroborating justification for his support. He further pointed out that educators supported the measure.

Mecham said that one point in favor of Gibson’s reappointment is his willingness to serve in the position, which requires travel to Sacramento and other cities as well as extensive study of issues, coalition building, and other work.

**Endorsement of a Shell Game:** County Administrator Buckshi jumped in to support Gibson by stating that one of the beneficial provisions of the Proposition is that it provides a Constitutional guarantee for State funding of the Proposition 109 Realignment for the costs of the State’s shifting of certain categories of sentenced prisoners and parolees to County responsibility.

**Failure to Engage the Issue:** Of course, none of these self-serving and evasive comments respond to the criticism of Gibson and the question of whether the Board members think that such an important matter as County endorsement of a large tax increase should be brought to the entire Board in advance for full and open public discussion and a public vote by the Board members.

**Imagine: Had the Board actually done the right thing back in 2012 and held a hearing, discussed the matter, and engaged public comment, the outcome in San Luis Obispo County may have been different!!!! Enjoy your new higher taxes. More are coming.**

**Item 13 - Increased Funding for the Community Action Partnership (CAPSLO) for Case Management Services.** This was a routine matter which augmented funding for a contract with CAPSLO as follows:

*The AB 109 Plan Update includes an additional \$58,034 for CAPSLO for FY 12-13. The existing contract with CAPSLO amounts to \$360,132 for an amended amount of \$418,166. The Board action adopted on October 30, 2012 amended the affiliated County Departments' budgets which included the additional revenue of \$58,034 from Public Safety Realignment Revenue and an associated increase in Professional Services to fund the contract amendment for Behavioral Health Fund.*

Supervisor Hill recused himself from the vote for funding for CAPSLO. He did not give a reason for his recusal. It has been alleged that he has a close personal relationship with a CAPSLO Manager.

**Item 24 - Appointments to the Homeless Services Oversight Council (HSOC).** This was a routine item under which the Board appoints citizens to the HSOC. Supervisor Hill recused himself from the vote. He did not give a reason for his recusal.

**Item 33 - Resolution Acknowledging California Coastal Commission Conditional Approval of Amendments to the County's Grading and Storm Water Management Ordinances.** This item underscores the problem of the oppressive and out of control California Coastal Commission. In this case, the County worked over time to try to make improvements to portions of its zoning ordinances relating to grading and storm water management. After the County approved its amendments, they were sent to the Coastal Commission for review and certification. City and county land use plans and zoning ordinances in the coastal zone must be reviewed and certified by the Commission. If the Commission withholds certification, the subject ordinances (or new portions thereof) may not go into effect. In this case, the Commission conditioned its certification on the County making changes that were particularly harmful to agriculture.

The Board correctly refused to accept the Commission mandated changes and now must start over on the process. Supervisor Gibson and some of the County staff believe that they can work with the Commission staff and a Commissioner to get a more acceptable result. This matter illustrates:

- The cost and waste caused by the Commission.
- The erosion of local control by the State and Commission.
- The power of an unaccountable appointed political body.

- The inability of elected officials to get reforms.
- The need for direct local action and organizing.

**Board of Supervisors Meeting of Tuesday, February 5, 2013 (Scheduled)**

**Summary:** There do not appear to be any issues of broad policy concern on this agenda with the exception of 3 items. These include potential future policy consequences of a zoning appeal by a vineyard; appointments to the Water Resources Advisory Committee; and an Executive Session discussion of the lawsuit against the County challenging the Paso Robles Water Basin lot subdivision moratorium and “appointment of a Planning and Building Director.”

**Item 10 - Appointments to the Water Resources Advisory Committee.** This is a broad based committee with members nominated from interest groups such as environmentalists, agriculture, general business, citizens at large, and each Board member. It provides recommendations to the Planning commission and Board of Supervisors on overall County Water management strategy and specific implementing actions. Its reports and recommendations are often cited in County staff reports related to various strategic and implementing land use items. It seems to have been supportive of the County’s “smart growth strategy” and subordinate implementing plans and regulations. See the link below for a list of the nominees by class:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/1815/V1JBQ19BcHBvaW50bWVudHNfQXR0X0RfcGRmQS5wZGY=/12/n/11724.doc>

It will be important for this Committee to have balance, including people who understand the Constitutional, economic, and regulatory issues involved in the County’s strategic policy. Members need to be open to solutions which go beyond the ideological doctrine of so called “resource based planning,” which would freeze or even revoke human progress and impose additional government control. “Resource based planning” accepts the notion that the universe is inherently limited and that humans cannot use or find new ways to improve and grow natural resources. (Like fire or penicillin).

**Item 16 - Executive Session Item on Pending Litigation, including the suit against the County by citizens who believe that the Paso Robles Ground Water Subdivision Moratorium was adopted illegally.** There is speculation that the County is nervous. Is County Counsel recommending a settlement, or will they move for a summary judgment if they really believe they are right? There is also an item on appointment of a Planning Director. Current Director Jason Giffen, who seems like a pleasant and competent professional, is apparently leaving. It’s possible he was too professional for SLO County and the underlying embedded planning mafia which “reports” to Gibson and Hill.

**Item 20 - Appeal of Conditions Imposed by the Planning Commission as part of a Conditional Use Permit (CUP) for an Expanded Winery (Opolo Vineyards).** In March,

and after a long and arduous process, the Commission approved a CUP for an expanded winery, consisting primarily of an expanded barrel storage room. There were a number of onerous conditions, and the owners are appealing some of them to the Board of Supervisors seeking to reduce some of the more irrational and egregious portions. These include arbitrary limitations on the number of events, kinds of events, and the number of people who can attend the events. There is also a condition which would prohibit amplified music after 5 PM!!! Readers can see the ugly details at:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/1818/SXR1bV9Eb2N1bWVudF8oUHVibGljKV8=/14/n/11752.doc>

**San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday, January 23, 2013 (Completed)**

**CORRECTION:** Last week we reported on the rejection of Adam Hill as APCD Chairman. In the report we said that after Hill's name was placed in nomination, Grover Beach Mayor Debbie Peterson placed Roberta Fonzi's name in nomination. It was actually Pismo Beach Councilman Ed Waage who led the effort by placing Ms. Fonzi in nomination. See last week's update for all the details. Mayor Peterson was articulate in her opposition to Hill.

**Supervisors Stonewall Calls for Independent Investigation of Gibson Affair/Staff Complicity (January 29, 2013)**

After a scalding and chastening public comment period, during which 17 speakers explored various aspects of Gibson's behavior and the lack of Board response to the growing scandal, the Board members did and said nothing. It is rumored that Supervisor Arnold had expressed her desire to open the matter up for discussion but, for whatever reason, Chairman Teixeira suddenly called a recess and then had the Clerk call for the next item on the agenda. Clearly, the male Supervisors are very uncomfortable about sanctioning Gibson or even discussing the issue. More appallingly, they seem to accept County Counsel Neal's and County Administrator Buckshi's overt and unauthorized move to paper the whole thing over and restore Ms. Aipsuro to the 4<sup>th</sup> floor County love shack. Moreover they seem to accept their top administrators serving one member to the exclusion of the others.

**COLAB again called for an independent investigation.** There was no comment by any Board Member, the CAO, or County Counsel with respect to this request.

**Double Standard:** One articulate 2<sup>nd</sup> district resident speaker pointed out that the Board, led by Gibson, conducted a protracted and expensive investigation of former CAO David Edge when his assistant (Gail Wilcox) accused him of harassment. (Edge had been consensually advising Wilcox on dating and fashion matters. The supposed proximate cause was that Edge had given Wilcox a book on dating.) Edge fired her when he found out that she was having a personal relationship with a person with which she was conducting labor

negotiations on behalf of the County, a clear conflict of interest. Edge wasn't even accused of having a relationship with Wilcox. It would appear that there is a clear and inexcusable double standard at play in this situation. In retrospect, it may be prudent to include the prior (Edge/Wilcox) Board investigation and resulting Board actions in a de novo expanded investigation of this entire matter. Like Aispuro, Wilcox was an at will employee who served at Edge's pleasure. Why did the County pay her off instead of defending itself? Was the County's failure to mount a defense in that instance because Supervisors were worried that other facts and problems embarrassing to themselves would come out during written discovery and depositions? Or did they figure it was just cheaper than paying for a defense? Or did Gibson not want to be put under oath and deposed by an attorney representing either Edge or Wilcox? Was Edge railroaded for unrelated reasons?

Perhaps the "happiest place" is really a toxic place. On the other hand, the County government is not the entire community but an infected organ. A real test is whether the two political parties, various component political clubs, neighborhood groups, and professional and industry associations accept the situation, or will they call for a broad house cleaning and real reform. In other words, do they just want to go to luncheons and receive awards (and a few policy crumbs) or will they step up? Or are they afraid of retribution if they speak out?

For background, see Weekly Update, January 27-February 2, 2013.

### **Some Questions:**

- Did the other Supervisors approve of this deal (or know about it in advance)?
- Do the other Supervisors support this deal, either overtly or by saying and doing nothing?
- Since it involves a sensitive personnel matter and potential litigation (as evidenced by Neal's insistence on the "no litigation agreement"), should this matter have been submitted to the full Board in Executive Session prior to the two high level bureaucrats moving forward?
- Did Neal commit a Bar violation and/or County job description violation by serving one Supervisor in this matter, to the exclusion of the other four?
- Did Neal and the County Counsel's office draw up the "no lawsuit agreement" or did Gibson hire a private attorney? In either case, were County resources used (for legal research, writing, or review) to promote one Supervisor's desires?
- Or on the other hand, did Neal and Buckshi check with other Supervisors privately to get approval? If they did, they conducted an illegal serial meeting vote in violation of the California Open Meeting law, and both they and any involved Supervisors are subject to prosecution and legal sanctions.

-Neal and Buckshi defend the deal on the grounds that the supervisorial aide position is at will and thus is not subject to normal County standards. What sort of example does this provide for the rest of the organization?

-Do County Supervisors constitute some sort of “noble” class where normal community standards for leaders do not apply?

-What are the Board’s Options? Shouldn’t they seek outside help (i.e., a 2<sup>nd</sup> opinion to develop these?)?

-Were Neal and Buckshi pressured?

-Is it true that a Supervisor is able to appoint and have anyone works in his or her office and that the rest of the Board can do nothing? Should the County Counsel, who is professionally accountable to the full Board (her client), have the last word on this question?

**Independent Investigation Required: Once again, we recommend that the County Board hire an independent expert attorney from outside the Central Coast to conduct a full investigation of this continuously expanding scandal. The attorney should separately interview each Board member, their aides, the County Administrator, the former County Administrator, the County Counsel, and the former County Counsel. An offsite office should be set up and hours set for any employees or other witnesses to speak confidentially to the attorney-investigator. The attorney would deliver an independent report to the Board and the County Clerk for publication.**

**San Luis Obispo County Council of Governments (SLOCOG) Meeting of Wednesday, February 6, 2013, 8:30 AM, 1055 Monterey St., San Luis Obispo (Scheduled)**

**Item A.2 - Regional Housing Need Allocation (RHNA).** SLOCOG will be considering the process for review and adoption of the 2014-19 Regional Housing Allocation Need Plan. This is a key State tool to promote densification of neighborhoods and the “smart growth” provisions of SB 375. The full draft report is available at the link below:

[http://library.slocog.org/PDFs/Agency\\_Mtgs\\_Agendas/SLOCOGBoard/2013/February%202013/A-2%20Attachment%20B%20--%20Draft%20Regional%20Housing%20Needs%20Plan%20RHNP%20Feb\\_2013.pdf](http://library.slocog.org/PDFs/Agency_Mtgs_Agendas/SLOCOGBoard/2013/February%202013/A-2%20Attachment%20B%20--%20Draft%20Regional%20Housing%20Needs%20Plan%20RHNP%20Feb_2013.pdf)

The Plan is instructive and contains considerable language justifying the whole smart growth stack ‘em and pack ‘em effort. The increasingly pervasive “smart growth” doctrine is included in the report:

**MAJOR CONSIDERATIONS**

**SLOCOG has not yet adopted a Sustainable Communities Strategy (SCS) per SB 375 (Chapter 728, Statutes of 2008). SB 375 changes housing element law to synchronize the**

*schedule and develop common land use assumptions for regional housing and transportation planning that requires the RHNA to conform to the SCS. The SCS will be incorporated into the 2014 Update of the RTP.*

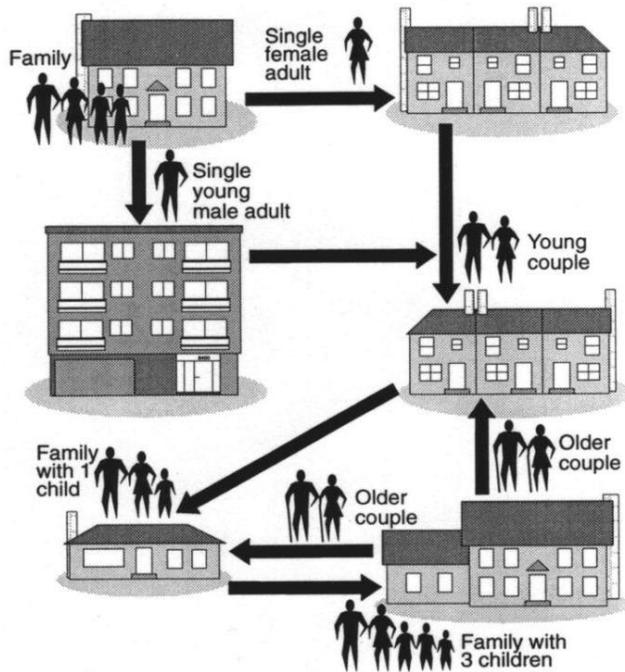
*In December of 2010 SLOCOG did adopt a Regional Transportation Plan and Preliminary Sustainable Communities Strategy (2010 RTP-PSCS) that seeks to more closely integrate transportation planning and programming with land use decision making as envisioned under SB 375. The allocation of units in this RHNP is intended to increase the housing supply and the mix of housing types, tenure, and affordability in all jurisdictions within the region in an equitable manner. About forty percent of each jurisdiction’s unit allocation is assigned for low and very-low income households which are primarily located in the Target Development Areas delineated in the SLOCOG 2010 RTP-PSCS.*

*The RHNP, in conjunction with the 2010RTP/PSCS will promote infill development and support socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns by supporting each jurisdiction in their development of the Target Development Areas within the region.*

*The equitable distribution of the projected housing need will help promote an improved intraregional relationship between jobs and housing. The need for more affordable housing in all jurisdictions in the region continues to be a problem. High demand for second homes, vacation rentals and retirement living compete with the need for units that serve individuals and families with limited incomes. While this has continually been a problem for the visitor serving and agricultural sectors, it has become increasingly difficult to provide and maintain an adequate housing stock that supports housing that is affordable for workforce housing serving small manufacturing, retail and other employees. The allocation formula is shown as follows:*

Employment	Population	Jurisdiction	Employment Share	X	0.6	+	Population Share	X	0.4	X	Regional Housing Need	=	Unadjusted need	%	+	Vacancy Factor (131)	-	Vacant Units Not Absorbed by 2014 (131)	=	Total Jurisdiction need	% Share
5,200	17,252	Arroyo Grande	5.42%	X	0.6	+	6.40%	X	0.4	X	4,090	=	238	5.8%	+	8	-	8	=	238	5.8%
8,400	28,310	Atascadero	8.76%	X	0.6	+	10.50%	X	0.4	X	4,090	=	387	9.5%	+	12	-	12	=	387	9.5%
6,100	13,156	Grover Beach	6.36%	X	0.6	+	4.88%	X	0.4	X	4,090	=	236	5.8%	+	8	-	8	=	236	5.8%
3,500	10,234	Morro Bay	3.65%	X	0.6	+	3.80%	X	0.4	X	4,090	=	152	3.7%	+	5	-	5	=	152	3.7%
11,800	29,793	Paso Robles	12.30%	X	0.6	+	11.05%	X	0.4	X	4,090	=	483	11.8%	+	15	-	15	=	483	11.8%
4,000	7,655	Pismo Beach	4.17%	X	0.6	+	2.84%	X	0.4	X	4,090	=	149	3.6%	+	5	-	5	=	149	3.6%
33,000	45,119	San Luis Obispo	34.41%	X	0.6	+	16.73%	X	0.4	X	4,090	=	1118	27.3%	+	36	-	36	=	1,118	27.3%
72,000	151,519	Incorporated Areas	75.08%	X	0.6	+	56.19%	X	0.4	X	4,090	=	2762	67.5%	+	88	-	88	=	2,762	67.5%
23,900	118,118	SLO County Unincorporated Area	24.92%	X	0.6	+	43.81%	X	0.4	X	4,090	=	1328	32.5%	+	43	-	43	=	1,328	32.5%
95,900	269,637	County Total	100.00%				100.00%						4090	100.00%		131	-	131		4090	100.00%

The Chart above contains the analysis for the proposed assignment of housing units. Note that the law does not require that they be built. It requires that the jurisdictions zone enough land to allow them. The chart uses the concept of “jobs housing balance,” which is planner jargon meaning that the more jobs a jurisdiction has, the more affordable housing it should be required to build. The diagram on the next page illustrates how the planners would have people live at various stages of their lives. Wonder where the SLO County smart growthers will allow the single-family, freestanding houses depicted in the diagram to be built? All us grannies will be forced into a condo or apartment.



**Item B.2 - SLOCOG 2013 Legislative Program.** The proposed Legislative program focuses on preserving funding streams for transportation, promoting local control, and lessening regulatory burdens. This is a departure from some of last year’s proposals, which included tax measures.

This 2013 Program crosses into the danger zone in one section quoted below:  
*Support legislation to increase dedicated funding to maintain and improve the transportation system and provide maximum flexibility to cost effectively address needs and deficiencies and provide local and regional agencies authorization to increase local funding, as recommended in the CTC State Transportation Needs Assessment, including the following:*

- a) Increase revenue from traditional sources and provide appropriate new sources of fee-based revenue to broaden and increase the revenue base.
- b) Passage of legislation to place a constitutional Amendment on the ballot to reduce the public vote required for approval of a new or extended local option sales tax for transportation purposes from 2/3rds to 55%, consistent with approval of school bonds.
- c) Allocation of revenue from the sale of Cap & Trade credits derived from fuels to transportation projects and programs based on the following statewide principles endorsed by a statewide transportation Coalition consisting of the League of California Cities (LCC), the California State Association of Counties (CSAC), California Alliance for Jobs, California Transit Association (CTA), Transportation California and the California Association of Councils of Governments (CALCOG):

- 1. Allocate revenue to regions by a pop/road mile formula for transportation purposes.
- 2. Dedicate revenue to transit, road maintenance and complete streets.

3. *Invest revenue in integrated transportation and land use strategies*
4. *Allocate revenue for development of performance measurement tools.*
5. *Provide incentives, assistance and flexibility to local agencies to determine how to implement SB 375 and meet GHG reduction goals voluntarily.*
6. *Program funding at the regional level under statewide criteria.*

As tempting as it is to try to persuade the State to share cap and trade revenue for local transportation, there is a bigger issue. That issue is: do local officials (in order to be bribed with revenue) thereby want to end up supporting cap and trade? Similarly, as much as increased revenue is needed to widen obsolete highways (and even though most people support better highways), is it prudent to lower tax measure voting requirements in a State that already has the highest income tax, the 4<sup>th</sup> highest sales tax, huge capital debt, and massive pension debt?

**Item C.1 - 2013-14 Work Program and Budget.** The report lists all the Federal and State mandated functions and activities which SLOCOG must carry out. These are displayed as distinct programs. It also discusses potential budget changes from the current 2012-13 year to 2013-14. It is unremarkable and not in a real program budget format.

The disturbing part is a section discussing the smart growth activities and the Sustainable Community Strategy (SCS) and how this will integrate with the RHNA strategy (see item A-2 above):

*a. 4100 Regional Transportation Plan*

- *Finalize Goals and Policies, address new legislative requirement to include Public Health and assure consistency with State and Federal Livability and Sustainability Principles,*

*including:*

- o Provide more transportation choices; promote equitable, affordable housing; enhance economic competitiveness; support existing communities; leverage federal policies and investment; and value communities and neighborhoods.*

- *Finalize Draft Financial assessment, fiscal constraint and Financial Element.*

- *Develop updated RTP Chapters*

- *Develop updated Sustainable Communities Strategy*

- *Develop updated Environmental Analysis*

- *Prepare Draft Document for SLOCOG Board and public review*

*b. 4200 Intergovernmental Review, Coordination and Support within context of Adopted RTP/PSCS*

- *Local & regional governmental coordination and facilitation*

- *Review & comment on current projects, studies & plans*

- *Assess & modify procedures, rules & programming to address new state and federal requirements and consistency with MAP 21*

- *Develop vehicle trip reduction strategies in partnership with APCD & Caltrans in coordination with SLO Regional Rideshare*

*c. 4965 (FORMERLY 9650) Strategic Growth Council Sustainable Communities Grant (carryover)*

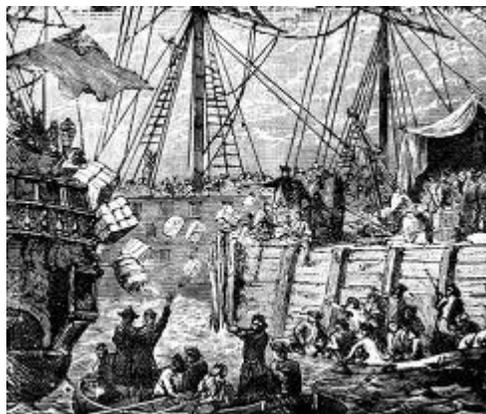
- Refine Sustainable Communities Strategy and its integration into the RTP Update
- Develop enhanced quantification techniques with land use model and other data
- Support jurisdiction and project level sustainable communities planning
- Refine data collection and land use and transportation model outputs
- Refine transportation modeling scenario development and application
- Monitor and participate in Strategic Growth Council activities

C-1-10

- Further develop outreach and visualization tools to meet requirements of SB 375
  - Vision and action plan refinement and facilitation
  - Public input and member agency plan integration
  - Integrate AB 32 and SB 375 Greenhouse Gas Emission Reduction Strategies into ongoing agency activities and programs.
  - Work with member agencies to catalog and integrate information regarding resource service capabilities in coordination with LAFCO
  - Integrate the Regional Housing Needs Assessment, the AB 1600, and a Regional Affordable Housing Financing Mechanism Study recommendations into the Sustainable Communities Strategy
  - Integrate Health in all Policies program into ongoing efforts
  - Manage consultant contract. Prepare and submit quarterly reports.
- d. 4966 (FORMERLY 9660) Strategic Growth Council Sustainable Communities

A number of SLOCOG representatives don't necessarily support all of this smart growth doctrine but are afraid to say anything for fear of losing transportation grant money. They are trying to bevel the impact of the policies by trying to do the minimum necessary to meet the requirements and forestall punishment by the State of Federal grantors or worse yet incur a suit by the State Attorney General.

**BIG PICTURE:** It is clear from reading the different agendas of the various local public bodies over time that the massed power of the enviro-socialist movement is driving the public agenda at all levels. Local organizing, education, and resistance are the last hope. Thousands of people in each county need to ban together and resist.



Rejecting The Government Tea Monopoly.

