

**COLAB SAN LUIS OBISPO COUNTY**  
**WEEK OF NOVEMBER 25 – DECEMBER 1, 2012**

**ALERT**

**SAVE TUESDAY, DECEMBER 4, 2012**  
**AGRICULTURAL CLUSTER PROPERTY CONFISCATION**  
**ORDINANCE CONSIDERATION CONTINUES**  
**COME BACK-BRING FIVE FRIENDS-SAVE YOUR PROPERTY**  
**TIME NOT CERTAIN YET**  
**1055 MONTEREY ST. SAN LUIS OBISPO**

**NO BOARD OF SUPERVISORS MEETING**  
**ON NOVEMBER 27, 2012**

**EXCELARON OIL SUES COUNTY FOR \$6 BILLION**  
**PATTERSON CHASTISES COLAB FOR PUBLICIZING THE**  
**DEC. 4 AG. CLUSTER HEARING**

**SLO COUNTY ORGANIZATIONAL VALUES**  
**ARE VALUELESS?**

<b>Board of Supervisors Meeting of Tuesday, November 20, 2012 (Completed)</b>
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**Fee increases.** The Board adopted a variety of fee increases for 2013. COLAB questioned the need for fee increases in Planning and Building and Public Works related to land use permitting. COLAB asked the question: why are the fees going up, since the County reports that it has stabilized employee and salary costs (no raises, no pension cost increases, no pay steps) through concessions from its employee unions. Additionally, they claim to have very low debt and debt service costs. They also claim to have a ton of sales tax from the

construction materials on the solar projects. So why is a “minor” use permit with a review to determine if it needs CEQA going from \$9,173 to \$10,775?

After public comment on the item the Board requested the Deputy Planning Director to answer the question. She responded that some of the increases were part of a 3-year plan to reach “full cost recovery,” and some increases were the result of “time studies of the average time the work takes.” The Board accepted this non-answer and then further justified the increases with statements about how fee increases were necessary to forestall the subsidizing of private development with general tax dollars. Of course they neglected to mention that the general tax dollars are used to generate more plans, ordinances, and regulations, which in turn require more administration and monitoring staff and more fees.

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**Cold Canyon Landfill Appeals.** The Board heard two appeals of its approval of the expansion and life extension of the Cold Canyon Landfill. A private citizen appealed, and the applicant, Corral de Piedra Land Company, appealed a number of the conditions imposed by the County.

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**FY 2012-13 First Quarter Financial Report.** The Board received the First Quarter Financial report, which indicates that budgeted revenues and expenditures are pretty much on schedule. After the presentation, with no discussion, no questions, and no debate about the report, the Board congratulated the County Administrator and Department Heads for living within their legally budgeted appropriations.

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**Patterson Chastises COLAB For Publicizing Dec. 4<sup>th</sup> Hearing.** COLAB spoke at general public comment and complained about the lack of notice for the Ag. Cluster Ordinance and the ban on speakers who appeared at the November 13<sup>th</sup> hearing. A smirking Supervisor Patterson took the opportunity to publicly chastise COLAB for requesting that opponents of the ordinance bring their friends and associates to the hearing. When we requested an opportunity to respond, he refused. This attitude of disrespect and hubris is all the more reason to have as many individuals and organizations as possible come and exercise their civic duty and oppose the illegal and oppressive ordinance. Remember, the Board majority disparages those who cite constitutional and property rights reasons for their opposition.

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#### **No Board of Supervisors Meeting on November 27, 2012 (Not Scheduled)**

The Board will not meet on the 27<sup>th</sup>, as members will be attending the California State Association of County's Annual Conference in Long Beach.

#### **Planning Commission Meeting of Thursday November 29, 2012 (Cancelled)**

#### **Excelaron Oil Sues County for \$6 Billion**

*Cal Coast News* scooped this news first. Please see the article on the next page (used by permission), which summarizes the scope of the lawsuit. An Exceleron victory would put a dent in things. Of course, the Board majority thinks property rights are some sort of extremist cause. As we opined back in August when the Board summarily denied a permit and even refused to consider a test well, the matter would likely end up in court. Board members stated that they were just denying this permit in this specific location. It was suggested that Excelaron might try a different location (even though they didn't have access). It will be interesting to hear the Board members' responses to a question about which specific alternative Huasna locations they had in mind, when they are under oath at a deposition and later on in the witness box. They either had some idea of where they might consider approving a permit or they had no idea and were probably coached by County Counsel to make it appear that they were not totally rejecting the underlying mineral rights (private property).

## ***SLO County hit with \$6 billion property rights lawsuit***

*November 20, 2012*

*By DANIEL BLACKBURN*

*Excelaron, the company seeking to drill as many as 12 oil wells in the Huasna Valley near Arroyo Grande, filed a more than \$6 billion lawsuit against San Luis Obispo County.*

*In the lawsuit filed Monday, attorney Sophia Treder said the county effected a regulatory taking of Excelaron's property and failed to follow laws that require just compensation for that taking. The lawsuit requests that the San Luis Obispo County Board of Supervisors follows existing law and set aside its decision denying the project, or compensate the company for its damages.*

*In August, the board voted to deny an appeal of a planning commission rejection of the project based on the contention that oil production is incompatible with the character of the Huasna Valley.*

*The suit argues that the Huasna Valley has been the site of much oil exploration and production, producing from the early 1900s through 1988. The Mankins Ranch itself has several old oil pads, access roads and at least five abandoned wells.*

*The Mankins Ranch is zoned for agricultural use, and under San Luis Obispo County's Land Use Ordinance, "petroleum extraction is allowed... subject to permit." That law established development standards for oil projects in the county.*

*The ranch lies over a 720-acre pool of oil estimated to contain "approximately 208 million barrels of oil," according to the lawsuit. "At the current price of about \$100 a barrel, this amounts to a gross value of \$20.8 billion."*

*Of that supply, approximately 30 percent would be recoverable. That would amount to \$6.24 billion, according to the lawsuit, which also seeks attorneys' fees and other related expenses.*

*Excelaron applied for a drilling permit in 2009. The county accepted the application for processing and hired an independent consultant to prepare an environmental impact report (EIR). Ultimately, Excelaron paid the county more than \$500,000 for a project review, preparation of the EIR and administrative fees.*

*A week before the planning commission was to hear the permit application, county staff issued a recommendation for denial — the first time Excelaron officials learned that staff was planning to reject the project.*

*Excelaron's planner Carol Florence told the Board of Supervisors in August that the county planning commission's denial of the project was based on inaccurate information that conflicted with the county's environmental impact report. She asked the supervisors for a continuation so that project alternatives could be studied. The board rejected her request.*

*The lawsuit claims county officials "do not intend to approve any oil project in the Huasna area" and call that "tantamount to a complete prohibition on oil development in the area." And that Excelaron's proposal "complied in all respects with the county's standards for oil projects."*

*The county, the lawsuit alleges, "abused its discretion" because the supervisors' decision "was not supported by the findings it adopted, and the findings were not supported by substantial evidence on the record." The county "failed to proceed in the manner prescribed by its own laws and regulations."*

*County officials have not commented on the lawsuit.*

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Board of Supervisors and Organizational Discipline
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The Board of Supervisors governs a large, complex organization that employs 2500 highly skilled professional specialists. These include sworn peace officers who may from time to time exercise deadly force in the execution of their duties. The workforce also includes prosecutors, public defenders, child protective service experts, civil attorneys, tax assessors, public health inspectors, and others who are entrusted by the public with substantial power over their lives and property. Employees are held to a variety of separate professional and organizational codes of conduct and ethics (bar, medical, peace officer, etc.). The overall tone and spirit of the organization is set by those at the top. The Board of Supervisors subjected themselves and the rest of the employees to the **County Organizational Values Statement**, which was developed and publicly adopted with much fanfare several years ago after another episode of SLO County ethical turmoil (See below). It is explicit that elected officials are guided by certain values and is self-explanatory. One question is whether the Board of Supervisors supports it or whether it was just an expedient camouflage piece adopted in response to that previous SLO County organizational ethical lapse. Does the Board of Supervisors subscribe to a policy that defines behavior as OK if it's not illegal?

<i>Organizational Values</i>
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<i>The employees and elected officials of San Luis Obispo County are guided by the following values. Our decisions and actions demonstrate these values. Putting our values into practice creates long-term benefits for stakeholders, customers, employees, communities and the public we serve.</i>
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•*Integrity*

*We are dedicated to high ethical and moral standards and uncompromising honesty in our dealings with the public and each other. (Our emphasis)*

*We behave in a consistent manner with open, truthful communication, respecting commitments and being true to our word.*

•*Collaboration*

*We celebrate teamwork by relying on the participation and initiative of every employee.*

*We work cooperatively within and between departments and the public to address issues and achieve results.*

•*Professionalism*

*We are each personally accountable for the performance of our jobs in a manner which bestows credibility upon ourselves and our community.*

*We consistently treat customers, each other, the County, and the resources entrusted to us with respect and honesty.*

•*Accountability*

*We assume personal responsibility for our conduct and actions and follow through on our commitments.*

*We are responsible managers of available fiscal and natural resources.*

•*Responsiveness*

*We provide timely, accurate and complete information to each other and those we serve.*

*We solicit feedback from customers on improving programs and services as part of a continuous improvement process.*