

# COLAB SAN LUIS OBISPO COUNTY

WEEK OF JULY 23-July 30, 2011

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### Board Meeting of July 19, 2011 (Completed)

More Union Concessions. The Board ratified a side letter (amendment to a labor contract) with its Engineers and Technicians sub unit (about 180 employees) of the San Luis Obispo County Employees Association (SLOCEA), which contains a 2<sup>nd</sup> tier (less costly) pension provision for employees hired after July, 2011. The key provisions are that full retirement age will be 60 instead of 55 and the pension formula will be computed on the amount of the average salary for the final 3 years of employment instead of the highest year. It will take ten to twenty years for the impact to benefit the actuarial calculations. The current and future employees will have to pay for any actuarial increases which occur as a result of market losses, assumption changes, and demographic changes. This is likely to be substantial in the future and the fact that the employees will have to pay instead of the County paying is a significant benefit to the taxpayers. The Board will be voting on a side letter with the Union amending the contract to adopt these provisions.

Contract negotiations continue with thousands of other employees including SLOCEA Public Services sub unit, Supervisors sub unit, and Clericals sub unit; Deputy Sheriffs Association; District Attorney Investigator's Association; SLOCEA Trades and Crafts; Sheriff's Management; Deputy County Counsel's Association; and San Luis Obispo Government Attorney's Union.

Redistricting of Supervisorial Districts. The Board tentatively picked a map known as option B. This version maintains most of the Templeton area as part of the 1st District. Several other versions would split the community, a great concern to the residents. During the meeting the Board considered four alternative redistricting proposals which had been

developed by the staff as a result of community workshops. The hearing for the Board to select a redistricting plan was originally scheduled for September 13, 2011. A second hearing was to occur on September 27, 2011, when the Board was to adopt the ordinance setting the new boundaries. The ordinance will go into effect on October 27 2011. COLAB pointed out that this schedule left little time for public input into the final adoption of the map. After some discussion it was determined to move the first hearing up to August 9, 2011 to provide more time and flexibility. It is not clear when the 2<sup>nd</sup> hearing will be scheduled.

The maps can be seen at:

[www.slocounty.ca.gov/Redistricting\\_2011/Redistricting\\_Maps.htm](http://www.slocounty.ca.gov/Redistricting_2011/Redistricting_Maps.htm)

For redistricting purposes, the County population is 262,192, which is an increase of 24,424 since 2000. The official population is 269,637, which includes 7,445 California Men's Colony inmates and Atascadero State Hospital inmates. Each district would need to contain 52,438 to have equal population. Currently, the 1<sup>st</sup> has 57,998; the 2<sup>nd</sup> has 50,272; the 3<sup>rd</sup>, 48,204; the 4<sup>th</sup>, 55, 386; and the 5<sup>th</sup>, 50,332. The primary requirement under the State Statute and the Federal Voting Rights Act is that the districts should as equal in population as possible. Secondary considerations include topography, geography, contiguity, integrity, compactness, and preserving communities of interest (cities, unincorporated towns, school districts, ethnic groups, etc.).

In the event that the Board fails to meet the statutory deadline of November 1, 2011, a Redistricting Commission consisting of the County Assessor, County Superintendent of Schools, and the District Attorney draw up the boundaries.

Meadow Creek and Arroyo Grande Creek Flood Remediation Status. As we previously reported on May 24, 2011, the Board considered this item and directed Public Works to return with solutions which could be implemented prior to the next rainy season as well as longer range solutions. Staff is now pursuing the common sense solution of securing a permit to breach the sandbar which blocks water from escaping the lagoon. They are also planning to install temporary bypass pipes to help drain the water.

Interestingly, and in the context of short term or emergency solutions, discussion of silt removal or removal of reeds and willows which are choking the lagoon, were not included in the short term alternatives. Decades ago this was done regularly but is now regarded as environmentally too challenging. There is a detailed 90 page item on the July 28, 2011, Planning Commission Agenda (see below) seeking Commission approval of a Development Plan which would give the County the ability to raise the height of levees, remove willows and remove silt. For whatever reason, the Public Works Staff, which is the "Water Agency Staff," did not mention this longer range companion piece.

#### Board Meeting of July 26, 2011 (Scheduled)

Road Fee Deferral. Per direction of the Board of Supervisors, the Public Works Department has submitted a proposal for deferral payment of this fee. The fee is designed to help offset the cumulative road cost engendered by new development. Currently the fee must be paid at

the time a building permit is issued. This proposal would defer the payment until the certificate of occupancy is issued, which could benefit home builders and others, especially during the continuing recession. The fees range from \$10,000 to \$20,000. Staff is resistant to the program, and the Board will have to be firm in its resolve to make it happen.

Public Facility Fee Deferral. The Board will consider adoption of an implementing resolution to amend the facilities fees which are levied on new construction. As our readers know, the Board directed the staff to bring forward a policy on April 5, 2011. The staff has now agendized a program description and the implementing documents for Board consideration.

Background: In order to pay for capital infrastructure improvements which are made necessary by development, the County charges Public Facilities fees to help offset the marginal costs of new development for libraries, fire facilities, Sheriff's facilities, parks, and general government facilities. The fee for a single family unit is \$5,705; a multifamily unit, \$3,709; an office project, \$2,283 per 1000 sq. ft., \$1,737 per 1000 sq. ft. for retail, and \$1,056 per 1000 sq. ft. for industrial. Currently the fee must be paid at the time a building permit is issued. The problem is that the applicant cannot realize revenue (and the potential service and facility impacts do not occur) until the new house, business or whatever is occupied. In recognition of the economic recession, the Board is considering allowing applicants to defer part of the payment until an occupancy permit is issued. During its April 5, 2011 meeting, the Board discussed the idea and directed staff to return with a proposal. As we reported at that time, the staff was not thrilled with the idea because of the lag in revenues.

Under the proposed deferral, the applicant will enter into an agreement with the County to pay all fees prior to final inspection. A 20% deposit plus an administrative processing fee will be required. To be eligible, the applicant must be in compliance with all project conditions and have no unpaid balances due to the county; all taxes and assessments shall be current; and no County Code violations may be present on the property. The deferral provision will sunset on September 30, 2014, in the belief that the recession may be over by then.

County Jail Will Receive More Sentenced Prisoners. The Board will receive a report from staff about new State shifts of sentenced prisoners to counties. As a result of the State structural budget deficit the Legislature approved and the Governor signed AB 109, which will result in the incarceration of some non-violent, non-serious, and non-sexual offender convicts in county jails instead of the State Prison System. Some offenders will no longer be on State Parole, but will be placed under the supervision of the county probation departments. The bureaucratic term for this shift is "realignment." It should be more accurately termed, "State devolution of its historic responsibilities." The County staff will be reporting on its implementation plans in order to meet the October 1, 2011, start date. The County will supposedly receive \$2.2 million from the State to cover the costs. The real problem is that there is no guarantee that the State can or will provide funding in future fiscal years. Our prediction is that this is yet another punch by the State politicians which will further undermine local government.

Of course a prudent County would do everything possible to diversify and intensify its economic base in order to withstand the blows which will come when the State eventually welches on this one. This in turn would require a sea change in the regulatory, fee, and tax approach.

## OTHER GOVERNMENT ENTITIES

### Planning Commission Meeting of July 28, 2011(Scheduled)

Events Ordinance. This is a continued hearing from June 30, 2011. It is possible that this will be the last Planning Commission hearing before the matter is sent to the Board of Supervisors for adoption. This is essentially a complete re-write of the ordinance. We have been presenting the material in the background section below to alert stakeholders of the increased restrictions and processing requirements. Businesses and agriculturalists that augment their income by conducting events should pay attention. Similarly, not-for-profit organizations that conduct events also need to pay attention and weigh in on the new restrictions and processing requirements. New requirements related to site access, sites located on agricultural land, riparian setbacks, parking on public roads, off-site parking, traffic control, hours of operation, amplified sound, lighting, building remodeling, dust control, setbacks, public noticing, water, toilets, solid waste disposal, vector control, and food service are promulgated in the new ordinance.

A major policy question is why would the County amp up this ordinance at this time during an economic recession when many businesses and not-for-profit organizations are already struggling? Ideology trumps economic reality.

Background: “The purpose of this section is to establish a set of regulations applicable to the various types of events held throughout the County. The Board of Supervisors through adoption of these standards recognizes the important role that events play including promoting countywide tourism, providing a source of additional income to agriculturalists and landowners, as an educational or recreational tool for the public and support of nonprofit organizations. The Board also recognizes that, even as they provide economic, educational and recreational benefits, events also have the potential to negatively impact surrounding residential or agricultural uses by increasing burdens to infrastructure, such as rural roads and add noise or other impacts that may negatively affect the rural and neighborhood character, the essential quality on which tourism and the County’s economy depends. The specific purpose of this Section is to set standards for events to ensure compatibility with surrounding residential and agricultural uses.”

Changes from prior versions:

Nonprofit events:

- Will be limited to 3 per year on any property.
- Maximum attendance is limited to 500. (No COLAB dinner in a tent)
- Any event with more than 175 must bus people from the nearest urban or village area.

- No more than 50 vehicles allowed to park on site.

All events:

- Ministerial Permit required if event 175 or less is still subject to all requirements.
- Minor use Permit required for events 176-250.
- Conditional use permit required for 250 or more.
- Decreased set back from a water course (blue line stream) from 300 ft. to 100 ft.
- Parking allowed on public roads outside of urban or village reserve line where traffic control plan allows

Arroyo Grande Creek Channel Flood Management. This item is related to the Board item on this subject which has been reported above and in prior weeks. The requested Planning Commission action is for approval of a Coastal Development Plan which would allow the County to raise the height of the levees, remove silt from the flood channels and lagoon, and remove reeds and willows from the flood channels.

The real test (assuming the Commission grants approval) is whether the State Department of Fish and Game, the State Regional Water Quality Control Board, the United States Fish and Wildlife Service, and especially the California Coastal Commission will grant concurrent approvals/permits for the project. Their decisions present an acid policy test of which is more important to the governments involved: the people who are being flooded out or the reeds which have taken over the channels and lagoon (and which used to be removed periodically).

#### Air Pollution Control District (APCD)

Fee Increases. The APCD is requesting its Board approve what amounts to an apparent 5.7% across the board fee increase for FY 2011-12. Shockingly, their reasoning is that they did not get a fee increase for the prior year, salary and pension costs have gone up, and they lost annual inspection fee revenue because the Morro Bay Power Plant is being phased out.

While You Were Sleeping: The APCD is yet another quasi-independent agency governed by a board of directors consisting of the County Board of Supervisors and a representative council member from each city in the County. We call these “derivative boards” because they are composed of officials elected to other bodies that have other primary responsibilities and are not directly elected to govern entities such as the APCD and similar derivative agencies, such as the Integrated Waste Management Authority, Transit District, San Luis Obispo Council of Governments, or Local Agency Formation Commission. The APCD has extensive authority to promulgate and enforce its own air quality regulations as well as enforce State and Federal regulations. It has a budget of \$4 plus million, 23 staffers, and a battery of expert consultants. It derives more than half of its revenue from fees it charges for permits, annual permit renewals, and inspections.

The APCD regulates emissions on everything from oil processing facilities to crematory incinerators to gasoline pumps to wine fermentation and storage to bakeries to wood working operations. In order to renew its existing annual permit a wood working operation will have to pay \$744. After paying a base fee of \$424 for just existing, a winery will have to pay \$3.60 per 1000 gallons of storage plus \$.48 for each 1000 gallons of white wine fermentation and \$1.20 for each 1000 gallons of red wine fermentation. (And we thought this stuff added to the ambiance). A large bakery will pay \$4,689. An agricultural burn permit will cost from \$50 to \$250 depending on the size of your property and the amount of material to be burned. Each gasoline dispensing nozzle will be \$50.40. Clearly the aggregate cost burden to the community and business imposed by this agency is significant.

As we have asked repeatedly in connection with so many different programs, why would our elected officials raise fees given the state of the economy and the County's avowed commitment to economic development?

One of the efforts in APCD's work program is listed as the Climate Action Plan (CAP). This effort is in addition to that of the County Planning and Development Department, which published a Draft Climate Action Plan in June. The San Luis Obispo County Council of Governments is also working on Climate Action Plan related efforts. Other than suspending the whole CAP effort, consideration could be given to fixing responsibility and not having multiple agencies running around duplicating analysis, writing, attending meetings, traveling and otherwise generating more reason and ways to mess with us.

Drink your wine now because its fermentation is contributing to climate change and is just another peril, like plastic bags, that needs to be addressed.