



COLAB SAN LUIS OBISPO COUNTY

WEEK OF FEBRUARY 15-21, 2015



CALL 805 548-0340 – RESERVE YOUR TABLE/TICKETS

PLANNING WORK PROGRAM CALLS FOR PROMOTING CITIZEN "CONSENSUS" TO SUPPORT SMART GROWTH (SEE THE BRAINWASHING SCHEME ON PAGE 9)

2 WEEKS AGO BOARD TERMINATED THE AG. WATER OFFSET PROGRAM ON 3/2 VOTE (NOW IT'S COMING BACK)

San Luis Obispo County Board of Supervisors Meeting of Tuesday, February 10, 2015 (Completed)

Item 12 - Public Comment For Matters Not on the Agenda. At the end of the public comment period and in a major reversal, Supervisor Mecham requested that the Board schedule the Agricultural Water Offset Program for reconsideration. Readers will recall that the program and certain companion programs had been rejected the week prior on a series of split votes. As we reported, the proposed **Agricultural Water Offset Program** was abandoned on a vote of 3/2, with Hill and Gibson voting to move forward with a program. Implementation of the program would be a major step in making the Paso Moratorium permanent. Mecham said that he might be able to support it if it included a sunset clause and would automatically expire. Mecham also indicated that he would consider language that would end it if the drought ended or a water management district is approved. Gibson and Hill are opposed to a temporary ordinance, indicating that it would be too weak.

The first vote failed, and some acrimonious discussion ensued. Gibson was clearly trying to position and punish Mecham for having originally voted to terminate work on the program. He said that there would have to be conditions before he would reconsider it. Later in the day, and for what reasons we do not know, a second vote succeeded, with Meacham, Hill, and Gibson in support. Arnold and Compton maintained their vote to terminate work on the program. At this point it is expected that the staff will return with some sort of modified proposal.

Background: Gibson and Hill have been seeking ways to make various aspects of the Paso Moratorium permanent. One portion was the establishment of a program regulating how much water farmers and ranchers could pump, under what circumstances they could drill new or expanded wells, how close new wells could be to existing wells, and a multitude of other complex and burdensome features. The current proposal contains a very complex provision for landowners to sell and buy water offsets as a commodity. Farmer x who needs 25 new acre-feet of new water could buy a 25 acre-feet credit from landowner y, which would enter into a contract with the County to cease using (extinguish) 25 acre-feet of water. The long-range property rights restrictions and economic issues were complex and appalling.

San Luis Obispo County Board of Supervisors Meeting of Tuesday, February 17, 2015 (Scheduled)

Board Meeting Summary: The meeting follows a holiday and contains a special agenda which is called *Strategic Planning*. General Public Comment for Matters Not on the Agenda is Item 1 and comes right at 9:00 AM. There are no regular business items. In addition to public comment, the agenda contains the following items:

Item 2 - Fiscal Year 2015-16 County and State Budget update.

Item 3 - Adoption of the Five-Year Infrastructure and Facilities Capital Improvement Plan.

Item 4 - Report on Department of Planning and Building Priorities.

Item 5 - Request for Board direction regarding Public Works Department reorganization to create a Water Resources Division.

The public may comment on each of the agenda items separately in accordance with the normal procedures.

Item 2 - Presentation regarding the Fiscal Year 2015-16 County and State budgets. The item does not contain a strategic analysis. It lists some of the uncertainties attendant to State funding impacts on the County budget:

Possibly the largest impacts, in no particular order, will be changes to:

1. 2014 Water bond (Proposition 1)

2. AB109 (Public Safety Realignment) growth

3. Gasoline taxes (Wonder if the County is going to support the proposed 54 cents gasoline tax increase or the idea of a per mile driving tax?)

4. Medi-Cal allocations

5. Pre-2004 mandate reimbursements

6. Cap and Trade distributions for sustainable communities (Has the Board considered the strategic implications to the economy of the carbon gasoline tax and the carbon tax on electric utilities?)

Each of these will be briefly discussed as part of the presentation. (Note: you will have to wait until the meeting to see the PowerPoint slides before you can understand what is being considered here.)

In October 2014, the staff forecast that the natural growth of the County's core local discretionary general fund revenue (property tax, sales tax, and hotel tax) would provide about \$4 to \$7 million new dollars in FY 2015-16. That estimate has been raised to \$6 to \$8 million. No specific uses are proposed, but recently negotiated salary increases and increasing reserves may be in the picture. The report states that the department heads have requested about \$9 million in new programmatic funding on the local general fund side and a total of \$16 million when all funding sources are considered. According to the Board members, the CAO does a good job of protecting the general fund and resists program expansions.

One thing that would add to the strategic nature of this report would be a five-year general fund revenue and expenditure projection, as well as a five-year all funds revenue and expenditure projection with the underlying assumptions listed. The projections should be both in chart and table formats.

Item 3 - Review and accept the proposed Five-Year Infrastructure and Facilities Capital Improvement Plan, FY 2015-16 through FY 2019-20 and, acting in the capacity of the County planning agency pursuant to Government Code 65401, find that the Capital Improvement Plan conforms to the adopted County General Plan. The County has developed a comprehensive 1-year and 5-year Capital Improvement Plan (CIP) process and document. This is one of the most important annual documents produced by a local government. Others include the annual operating budget, the Comprehensive Annual Financial Report, and the annual actuarial report on the funding status of the pension system. The 5-year CIP contains 121 projects costing \$449 million. Year 1 (FY 2015-16) contains \$106.4 million in expenditures. A significant portion is the construction of the Los Osos Sewer system treatment plant.

Our concerns:

The document does not indicate the size and scope of the County's deferred road maintenance deficit. Two years ago the annual budget document reported this to be \$167 million. Insofar as we know, it has not been reported since. This issue should be a major subject of the unfunded needs of the County. There is only a vague reference in the CIP:

Road Preservation – This category involves maintenance of the existing system ,primarily road surface condition as well as adhering to State and Federal Mandates such as NPDES and ADA requirements. The target of road system preservation is established by the Board which is currently to maintain an overall system pavement condition of not less than 65.

Note the reference to the pavement condition rating system at 65. This is a national rating system with a scale of 1-100, with 100 being perfect. The last time the County reported, it was 65 and falling.

The CIP should contain a discussion of the current unfunded status, the current overall rating, and a projection of how much funding would be needed to 1) stop the decline and 2) bring the system up to 75 or better.

The first of the 2 CIP project charts displayed on the following page indicates that the plan contains only \$1.68 million per year for seal coating roads. The 2nd chart indicates that only \$1.62 million per year is allocated for repaying. The notes in both charts state that this level of expenditure is sufficient to maintain the road pavement condition in the "low 60's." Both charts indicate that the County road system (this is separate from state maintained highways) has over 1000 miles of roads, which it must maintain.

a. How many miles per year does the combined \$3.4 million per year maintain?

b. Each CIP project is represented by a project chart similar to the ones illustrated here. For the purposes of this Board agenda these charts are referenced in an attachment which then sends the reader to a link to the actual data. It is not known if the Board members actually have a CIP book that contains them. It would be prudent for Board members to review these and then discuss some of them in public at the Board meeting.

c. The CIP is too important to be subsumed as one item in the so-called strategic policy discussion. It should have a separate, full blown hearing where critical project concerns are aired out and the larger strategic funding issues are explicated. This is just a hit and a lick.

PLEASE SEE THE CHARTS ON THE NEXT PAGE





Item 4 - Report on Department of Planning and Building Priorities. This item provides a list of the major general planning policy projects on which the staff is working. It requests the Board to confirm or alter the priorities. The top items on the "hit parade" are listed below:

1. Making the Paso Basin Moratorium Permanent and Spreading it to Other Basins I.

Complete various amendments to address water demand management In LOS III basins and Countywide (COSE Implementation)	No – Discretionary	50%	Early 2015 to spring 2015	Various amendments to general plan and ordinances to address water demand and efficiency	-
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Complete the Public Review Drafts of Various General Plan and Ordinance Amendments Relating to Water Demand and Supply

Status: In Progress. In May 2014, your Board directed staff to begin work on five water programs: retrofit on sale, new landscape requirements, water neutral new development in Level of Severity III basins (including new irrigated agriculture), water waste prevention, including

agricultural water waste, and providing incentives for reductions in outdoor water use. In July 2014, your Board directed the department to prioritize these programs so that water neutral new development and water waste prevention ordinances are brought to the Board prior to the expiration of the Paso Robles Groundwater Basin Urgency Ordinance on August 27, 2015. On February 3, 2015, your Board directed staff to stop working on the development of several water programs: retrofit on sale, water neutral new development in Level of Severity III basin for new irrigated agriculture, and the water supply study preparation mandate for land divisions. Your Board also directed staff to develop Best Management Practices in the Agricultural Element of the General Plan and educational outreach regarding increased water agricultural water efficiency efforts instead of developing a permanent agricultural water-waste prevention ordinance.

2. Making the Paso Basin Moratorium Permanent II

Develop and implement an offset program consistent with the PRGWB Urgency Ordinance	Residential Offset approved by BOS and in operation; Ag Offset program eliminated by BOS	Residential Offset February 2014 Ag Offset eliminated February 2015	Residential program developed in house.	1,2
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Complete Paso Robles Groundwater Basin (PRGWB) Urgency Ordinance Implementation

Status: In Progress. On August 27, 2013, your Board adopted an Urgency Ordinance covering a majority of the PRGWB that requires new uses to offset their water demand at a ratio of 1:1 and new wells to be metered and monitored by the property owner. On October 1, 2013, your Board took action to provide direction to staff relative to implementation of the ordinance. Implementation includes preparation of a County Approved Conservation Program for both new development (residential and commercial) and agricultural offsets. The new development offset program was approved by your Board on February 25, 2014 and began in April 2014. On October 28, 2014, your Board directed staff to continue to a date uncertain the establishment of an Agricultural Water Conservation Program (Agricultural Offset program developed by the Upper Salinas-Las Tablas Resource Conservation District) for new irrigated agriculture in the Paso Robles Groundwater Basin. On February 3, 2015 your Board directed staff to not include the Agricultural Offset program as part of the Countywide Water Neutral New Development program and Implementation of the ordinance for Urban/Rural Water Conservation Offset Program (Plumbing Retrofit requirements and Turf Removal Incentives), is ongoing.

3. Mandate Low Water Landscaping. (Or you could move to Tucson)

programs		all yard areas. To be incorporated into water conserving 3 landscape ordinance authorized by BOS as part of Countywide water programs	
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4. Los Osos Plan (Condition of Approval of Los Osos Sewer Plant by Coastal Commission)

Estero Plan Local Coastal Plan Amendment	Yes State and COA of Coastal Permit	Winter 2015	Complete update of the Estero Area Plan – BOS authorized December 2012	1,2,4
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5. The RMS postulates limits on Water, Sewer, Roads, Schools, Air Quality, and Open Space. It then allows Board to adopt severity levels and, in turn, new restrictions.

Biennial Report: Resource	Yes	Biennially	Provides early warning of	2,3,4
Management System	County	Completed	resource and infrastructure	
			needs	

Status: In Progress. This draft report on the status of resources and infrastructure has been completed by the consultant, and has been distributed for public review and comment. Following public review, including review by the Water Resources Advisory Committee, the Board is expected to consider the final Biennial Report on April 14, 2015.

6. A Solar Plant or Wind Farm Could Be Coming Your Way.

Renewable Energy Combining Designation & Streamlining Program (RESP) (COSE Implementation)	No – Discretionary	Fall 2014	Received a CEC grant to revise County policies and regulations to eliminate barriers to renewable energy projects in rural areas (staff and consultant costs offset by grant). Board consideration in March 2015	1,3,4
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7. Stack-and-Pack

Prepare Ordinance Amendments to Revise Standards to Encourage In-Fill Development

Status: In Progress. The department received a grant to complete amendments that would evaluate and revise existing ordinances to facilitate development in-fill sites in urban areas in compliance with the County's strategic growth policies. A phased set of ordinance amendments to encourage infill development that fits in with existing neighborhoods and community character has been prepared. The first phase of amendments focuses on permit streamlining for infill development. The project consultant also prepared a "Great Communities Design Toolkit" that illustrates a range of "development types," along with examples of planning and design recommendations. The toolkit contains guidelines and is an informational document. It is already being used as a public outreach tool as part of the San Miguel and Los Osos Community Plan updates.

Selling Strategic Growth Policy ("Smart Growth") With Your Tax Dollars (on page 16 of the attachment) has not gone away:

Strategic Growth Policy Implementation			
 Amend ordinances to encourage design and amenities 	No – Discretionary	Unknown	Compact buildings and subdivisions and projects that include amenities
 Update the Countywide Design Guidelines (also COSE Implementation) 	No – Discretionary	Unknown	Create maximum connectivity between neighborhoods and illustrate compact neighborhood/building design
 Inform public about strategic growth and create consensus 	No – Discretionary	Unknown	Use various means, such as forums and the media. Create consensus about attaining compact, walkable communities and rural preservation
 Promote cooperation between the county and all jurisdictions 	No – Discretionary	Unknown	To carry out strategic growth policies

County Intends To Brainwash Citizens on Smart Growth:

Note the task in bullet 3 above, which sends the staff out to spend public tax dollars propagandizing for smart growth. The County is going use your public tax dollars to "create consensus about attaining compact, walkable communities and rural preservation. How outrageous and insulting. They tell us they had a huge "stakeholder process" back in 2008, 09, and 10 to sweat everyone in on "smart growth." What happened? People still want to live in single-family freestanding homes with yards, a big garage, and privacy. Why should the County government tell them how they should live?

The Board should cut this whole section right out.

Whatever Happened to This One: Easier, Faster, Less Costly Permitting? Several years ago the Board promised to simplify and streamline the permit application process. Did it work? Have velocities increased and costs decreased? What do architects, engineers, homebuilders,

developers, farmers, and citizens who are attempting to build a home have to say? The Board should show us the data and hold a well-noticed public hearing to receive feedback.

Meet regularly with users of the Department's services to develop and implement process improvements	No – Discretionary	On going	N/A	Continue to have regular meetings with the Building User Group and the Planning User Group	1,4
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Item 5 – 1. Establish a Water Resources Division within the Department of Public Works and return to the Board to amend the Position Allocation List (PAL) to add a 1.0 FTE Division Manager – Water Resources to the 14/15 FY budget (current year), and

-- 2. Return to the Board to Designate John Diodati as the Paso Basin District Project Manager and Amend the Salary Range for Employee Position Class 280 Department Administrator to Effect a Temporary 15% Salary Increase.

The write-up and accompanying attachment propose that the Current Public Works Department Utilities Division be divided into two divisions. One would be responsible for the ongoing utility management functions of the County's dependent water and sewer districts. The new proposed water management division would focus on water basin sustainability, implementation of AB 2453 (the proposed Paso Basin Water Management District), implementation of SB 1168 et al (the Groundwater Management Act of 2014), and the Integrated Regional Water Management planning and implementation. The report indicates that this can be accomplished within current budget appropriations.

In May 2013, COLAB recommended in the Weekly Update that the Board of Supervisors set up a separate management structure to deal with the Paso Basin issues, including reported well declines, acquisition of new water supplies, water recharge, and related matters. We pointed out that a discrete, focused, and accountable project structure commanding priority staff, financial, and technical resources be put in place immediately. Instead we have had nothing but a moratorium, a storm of proposed regulations, special legislation which contains some scary regulatory powers, expensive consultant reports, confusion, and acrimony. There is still hearsay information that some wells have gone dry, but no mapping and no rigorous data about numbers of wells, depths, or anything else that would properly define the problem.

At this point the County needs to step back and objectively assess the range of structures and tools which are available to manage the Paso Basin and other basins subject to SB 1168. The only solution that has been considered is the proposed AB 2453 water management district.

This one is almost 2 years late and more than a dollar short.

Item C-1: Sustainable Groundwater Management Act (SGMA) & Water District

Application Update. This agenda item is an update SB 1168 (SGMA) and separately an update on recent Board of Supervisors actions with respect to the implementation of AB 2453. No action by LAFCO in these matters is contemplated at this meeting. These matters have been reported in prior weekly updates.

However, a significant fact, which we have been wondering about, related to the powers contained in AB 2453 is provided. During a recent Board of Supervisors meeting and in the Weekly update, we raised the question about whether the powers in AB 2453 are permissive or mandatory. That is, does LAFCO have the power to include some and exclude others based on citizen preferences? Later does the Board of Directors of the proposed Water Management District have the power to invoke some and ignore others? The Board of Supervisors ignored the question and did not ask staff to respond.

Now the LAFCO staff states:

At the meeting, LAFCO Staff provided information about the LAFCO process indicating that LAFCO has the authority to establish the boundaries and determine the powers of the District. LAFCO can determine what powers are active and which ones are latent (inactive). One explanation that should be clarified is that LAFCO can condition the approval to make activating a power difficult, but LAFCO cannot permanently ban or delete a power from a District's Principal Act.

In the end, every single power listed in AB 2453 may be subject to some temporary modification and included in the LAFCO conditions of approval, but they may not be permanently banned or deleted. Eventually, every basin overlier will probably be subjected to each one.

Some Letters to the Editor of the SLO Tribune Related to the Tom Fulks' Article on COLAB and John Peschong's Response

Reaction:

Those ne'er-do-wells

By Steve Lacki

Nipomo February 12, 2015

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I found <u>John Peschong's Viewpoint</u> entertaining. It could be a chapter out of Margaret Mitchell's "Gone With the Wind" about the antebellum South. To paraphrase the chapter:

Those damn Yankee liberal journalists are at it again. Don't they know that we are just fun lovin' good old boys living our God-given way of life? Our roots go back generations, and we're

not gonna stand for challenges to our state's rights. Who knows better about labor, agriculture and business than our benevolent organization of COLAB headed by the Sons of Liberty?

Last year, we all got together at the Winter Cotillion Ball to raise funds for our fair brothers of COLAB with some silly old raffles giving vacations, dinners and gifts to ourselves. We even take time to honor our citizens. At the Spring Debutante Banquet, we all came dressed as Hobos in respect for our homeless. Wasn't that a hoot? Next year, we plan to honor labor and come dressed as the Frito Bandito.

Who better to control government than us? If anybody's gonna regulate, it's gonna be us. Them crazy Yankee ne'er-do-wells and their liberal ideas tellin' us what to do.

The good old boys of COLAB are here to see that doesn't happen.

COLAB NOTE: At the time of the American Revolution the Sons of Liberty was a group of patriots who built support for independence and liberty. Some prominent members included:

- John Adams lawyer, Massachusetts
- <u>Samuel Adams</u> political writer, tax collector/fire warden, Boston
- <u>Benedict Arnold</u> businessman, later General in the Continental Army and then the British Army, Norwich^[20]
- <u>Benjamin Edes</u> journalist/publisher *Boston Gazette*, Boston
- <u>Christopher Gadsden</u> merchant, Charleston, South Carolina
- John Hancock merchant/smuggler/fire warden, Boston [21]
- <u>Patrick Henry</u> lawyer/fire warden Virginia
- John Holt, colonial publisher for 3 American colonies
- John Lamb trader, New York City
- <u>Alexander McDougall</u> captain of privateers, New York City
- James Otis lawyer, Massachusetts
- <u>Charles Willson Peale</u> Portrait painter and saddle maker, Annapolis, MD
- Paul Revere silversmith/fire warden, Boston [22]
- Benjamin Rush physician, Philadelphia
- <u>Isaac Sears</u> captain of privateers, New York City
- <u>Haym Solomon</u> financial broker, New York and Philadelphia
- James Swan American patriot and financier, Boston
- Charles Thomson tutor/secretary, Philadelphia
- <u>Joseph Warren</u> doctor/soldier, Boston
- Thomas Young doctor, Boston
- <u>Marinus Willett</u> cabinetmaker/soldier, New York
- <u>Oliver Wolcott</u> lawyer, Connecticut

Just to Note: One COLAB member's direct ancestor, Zechariah Story, was a member of the Sons Of Liberty and fought at the Battle of Bunker Hill. In contradiction to Mr. Lacki's shabby Gone With The Wind/states' rights allusion, some of his ancestor relatives served in New York's Dutchess County 150th Infantry Regiment of the Union Army in the Civil War. The 150th served at Gettysburg, numerous actions in Tennessee, all the battles for Atlanta, and marched with Sherman to Savannah and on to Bentonville, NC, where the last major Confederate Army surrendered. They would have poached Scarlet's flatware had they found it hidden in the garden.

Mr. Lacki, like Tom Fulks, stereotypes anyone who supports more limited government and less regulatory interference as uneducated rural southern "good old boys," with inferences of racism and slavery. Why else would he suggest that COLAB and Mr. Peschong are reminiscent of Gone with the Wind?



150th NY Dutchess County Infantry Regiment Memorial at Gettysburg. The 150th was at Culp's Hill.



DEFEATING REPEATED CONFEDERATE CHARGES ON CULP'S HILL JULY 2, 1863

Man vs. spoiled child

By Mike Morgan

Los Osos February 12, 2015

What a pleasure to read Mr. Peschong's clear and concise, no-nonsense letter. Juxtaposing Mr. Peschong's letter and the letter of Mr. Fulks is like reading the letter of a learned man beside the letter of a spoiled child ranting about an organization like COLAB, which has nothing but the best interests of the community on its agenda: the betterment of business and agriculture.

Liberals are quick to attack adhocracies like COLAB because a bureaucracy is all they understand, all they will tolerate. Socialists literally fear any private adhocracy that promotes prosperity. It's a shame.

The liberal's idea of progress is collectiveness. Make everyone equal by finding the lowest common denominator. This kind of so-called progress is the stuff of the dark ages.

Not nonpartisan

By Chris Hoffman

San Luis Obispo February 12, 2015

I enjoyed reading <u>Mr. Peschong's Viewpoint</u>, published Feb. 8, trumpeting the virtues of COLAB. I, too, support his concern for "water rights."

However, it would be false to think of COLAB (Coalition of Labor Agriculture and Business of San Luis Obispo County) as a "watchdog" of these rights. This descriptor should be reserved for nonpartisan organizations that work for the general welfare of all our citizens.

Don't try and fool us by referring to its "private membership" as being "diverse" and "civic minded." COLAB's support for "limited government and protection of private property" clearly signals its self-interests, as does its support and funding of local conservative candidates.

By definition, a "watchdog" should be impartial, considering the impacts and interests of all parties. Consistent with its politics, COLAB helped to derail the county's water offset ordinance, despite the ongoing drought and wells running dry. Running short of water is not in the best interest of county tourism, Cal Poly, our rich natural flora and fauna, or local homeowners. What about the water rights and needs of these groups? Let's call COLAB what it is: a political special interest group whose goal is to push its own agenda.

No thanks, Mr. Peschong, I will look to others to safeguard our county's interests.

COLAB NOTE: COLAB DOES NOT ENDORSE CANDIDATES FOR PUBLIC OFFICE OR PROVIDE POLITICAL CAMPAIGN CONTRIBUTIONS.