

COLAB SAN LUIS OBISPO COUNTY

WEEK OF AUGUST 11-17, 2013

SAVE AUGUST 27, 2013

NO NEW WATER USE IN PASO BASIN

NO NEW DEVELOPMENT THAT USES WATER



NO IRRIGATED AG.



NO FEED

NO JOBS

NO TRUST



NO HOMES

**FOOD STAMPS CAN NOW BE USED
AT RESTAURANTS**

**OBAMA CARE COST AND BUREAUCRACY
RAMPING UP**

**GROVER BEACH CITY COUNCIL KEEPS MAYOR
ON THE APCD BOARD FOR NOW**

Board of Supervisors Meeting of Tuesday, August 6, 2013 (Completed)

Item 27 - Presentation of potential options for an Urgency Ordinance covering the Paso Robles Ground Water Basin. In one of the more ill considered and blatantly pandering actions we have seen, the Board voted unanimously to direct the County staff to prepare emergency ordinances which will, if adopted, ban all new development that uses water on lands overlying the Paso Robles Water Basin. Staff was directed to complete the drafts, prepare findings justifying the emergency, and develop related implementation plans and present them on the Board Agenda of August 27, 2013. Supervisors Gibson and Hill led the effort, with Supervisors Arnold and Mecham going along, albeit, with many questions, reservations, and pleas for a more constrained approach. Nevertheless, on August 27th all 4 Supervisors (and perhaps a new 5th Supervisor – if the Governor appoints one by then) will be voting on the ordinances. Approval will require a 4/5ths vote. Essentially Gibson and Hill have developed an alliance with an activist group from the north county, the Sierra club, and well-meaning frightened homeowners whose wells have reportedly gone dry. This alliance is vilifying larger vineyard owners and other agriculturalists as the cause of dropping water levels in the Paso Robles Water Basin.

Several hundred people, sharply divided on the issue, attended the hearing. Forty-seven spoke in favor of adopting an emergency ordinance, sixty were opposed and four were incomprehensible.

Some “Highlights”. The proponents on the Board of Supervisors, in an effort to soften the sell, are dubbing the adoption of an urgency ordinance a “time out” to allow solutions to be developed and permanent ordinances to be crafted and adopted.

During preliminary questions Chief Deputy County Counsel McNulty stated that the County has the power to monitor existing wells under the police power.

The local Sierra Club Executive Director, Andrew Christie, stated that any Supervisors who opposed the ordinance were financial captives of big money corporations. Supervisor Mecham took special pains to refute this slander.

One unanticipated consequence of the proposed ordinance is that people are rushing in to the County to obtain well permits. As of Monday, August 5, 2013, 53 applications for new wells had been filed. By Wednesday, August 7, the number had grown to over 100.

The County Administrator tried to bevel the issue as the need for a cooperative effort.

C. R. Lara, a leader in the Hispanic community, pointed out that between the wine industry and the hospitality industry, there are 30,000 workers who have a stake in the situation. Lara cautioned the Board to take this fact into consideration before they made any hasty decisions.

The Direction: Supervisor Gibson distilled the direction to staff: Prepare an ordinance which prohibits any new land use and new development unless it offsets its water use on a 2:1 ratio. Gibson is clearly providing the intellectual drive for the strategy and execution of this moratorium. He wants the moratorium to cover the entire basin. County actions must be based on demand management to reduce overdraft. He stated “that this (the situation) is not a crisis of this year’s drought. We need to come up with a fair system of governance. The Board has the fundamental responsibility to act now.”

It achieves much of his long-term goal to prohibit development in rural and suburban areas and force development into incorporated cities and inside unincorporated urban limit lines (URL’s). For example, and if the ordinance passes, Gibson has annihilated the Agriculture Subdivision Ordinance anywhere in the Paso basin by another means.

The Muscle: Supervisor Hill provides the muscle. Hill strongly rejected the idea of voluntary cooperation to deal with the problem. He stated “we owe it to the home owners to do what we have to do. We have the power. There is not trust, responsible enlightened self-interest. We are not going to get there without adjusting supply to make people work together.” All this is a clear expression of Hill’s belief that the agricultural community, and especially the wine industry, must be coerced into reducing water use and ceasing to expand.

Hill tries to portray himself as the Board member who supports business and leads economic development. Apparently only to a point, and when it does not conflict with the larger agenda of “ smart growth,” wealth transfers (in this case through water), and the opportunity to expand the scope and power of the government. During the meeting he suggested that he and Board members needed to emulate Depression/World War II era Mayor Fiorello LaGuardia. He said he admired LaGuardia because LaGuardia would reject policies and actions that would help his friends when it was in the public interest.¹ (Except when it came to the Police Union, Fire Union, Sanitation Union and

¹ The on line Internet encyclopedia Wikipedia notes of LaGuardia: LaGuardia was a domineering leader who verged on authoritarianism but whose reform politics were carefully tailored to address the sentiments of his diverse constituency. He defeated a corrupt Democratic machine, presided during a [depression](#) and a [world war](#), made the city the model for New Deal welfare and public works programs, and championed immigrants and ethnic minorities. He succeeded with the support of a sympathetic president. He secured his place in history as a tough-minded reform mayor who helped clean out corruption, bring in gifted experts, and fix upon the city a broad sense of responsibility for its own citizens. His administration engaged new groups that had been kept out of the political system, gave New York its modern infrastructure, and raised expectations of new levels of urban possibility.

The intemperate mayor was rough on his staffers and left no doubt who was in charge. He lost his intuitive touch during the war years, when the federal money stopped flowing in, and never realized that he had created far more infrastructure than the city could afford... "represented a dangerous style of personal rule hitched to a transcendent purpose", **according to Thomas Kessner, LaGuardia's [biographer](#), adding that today, "people would be afraid of allowing anybody to take that kind of power"**.

Teachers Union, as well as the needs and wants of the power broker Robert Moses).
What a legacy!!

OK, all that is consistent with current observations.

Interestingly Gibson took pains to disassociate himself from Hill's justification of the proposed ordinance on the basis of its coercive ability to force various interests to work together. Gibson continues to focus on his key policies of Demand Management, Supply Enhancement, Self-Organized Governance, and the "time out."

THE KEY ISSUES CONTINUE TO BE:

No Findings Justifying an Emergency: An urgency ordinance should contain findings that clearly demonstrate an actual public health and/or safety emergency which requires extraordinary action. Nothing in the Board item write-up or the sample ordinance language (attachment C) to the Board item write-up contained any specimen language. How can the Board consider such an ordinance when its staff has not provided this justification for its consideration and public debate?

No Specific Data Justifying an Emergency: There is no analysis of the problem contained in the Board item write-up. In fact, the most important required data is entirely missing. This would include an analysis of the problem – that is – the extent and location of the properties with wells that actually have gone dry, when they went dry, and the extent and location of the properties with wells that are likely to go dry this year. There should be accompanying maps that show the locations graphically. This data should be based on field verification. It is outrageously irresponsible for the Board to be considering an urgency ordinance in the absence of this information.

No Projections of How Much Water Will be "Saved": Similarly, the Board item write-up did not contain any projections of how much water (how many acre feet and where) the various proposed restrictions would allegedly save into the future. The residential subdivision moratorium enacted last year saves only a projected 17.5 acre-feet per year. Flows into and out of the basin can amount to 100,000 acre-feet per year. Thus, the existing ordinance is a symbolic and unjustified nullity. It is outrageously irresponsible for the Board to be considering an urgency ordinance that would impact peoples' farms and ranches, homes and economic future, and property rights in the absence of a projection (perhaps 20 years) of the number of acre-feet of water that would be saved each year.

Board of Supervisors Meeting of Tuesday, August 13, 2013 (Scheduled)

Item 9 - Renewable Energy Grant (\$638,152) to Streamline Permitting Process for Renewable Energy Projects. The County will use the grant to make changes in the various regulatory ordinances to make it easier for applicants with green energy projects to get them approved. The write up states in part:

This grant will allow the County, with the assistance of a consultant, to revise its policies, combining designations and ordinances to streamline development of renewable energy projects in areas of the County that meet selected criteria. The grant program also includes preparation of an Environmental Impact Report that evaluates specific areas proposed for a new Renewable Energy (RE) combining designation based on mapping of resources, infrastructure and constraints. This will assist future applicants with a more streamlined environmental review of specific renewable energy projects.

It would be helpful to know what the phrases highlighted in yellow mean.

The contract is being awarded to PMC, which is the author of the County's Climate Action Plan.

Since it was first engaged, how much has PMC received from the County (over the past 7 years)?

Item 16 - Report of the Homeless Oversight Council. The Council is a Countywide committee representing 27 organizations and individuals involved in trying reduce homelessness. Most of the report contains information about meeting federal standards, establishing coordinating mechanisms, and other bureaucratic trivia.

One remarkable piece of information contained in the report includes:

Restaurant Meals Initiative

Next month, a Restaurant Meals initiative will be launched by the Department of Social Services to increase access to food for homeless persons. Under the restaurant meals initiative, persons who receive CalFresh food assistance benefits may use their CalFresh card to purchase prepared meals at local restaurants. CalFresh recipients may use Electronic Benefit Transfer (EBT) cards to purchase food at grocery stores; however, due to federal restrictions, recipients may not use CalFresh benefits to purchase prepared meals from such stores. Because many homeless persons do not have access to cooking facilities or refrigeration, this restriction makes it more difficult to use EBT cards to obtain healthy meals. In communities that establish a restaurant meals program, however, CalFresh recipients may use their EBT cards to purchase prepared meals at participating restaurants.

CalFresh is the new name for the food stamp program. How Cool! I don't feel like cooking tonight, so the taxpayers are going to subsidize going out to a restaurant. The Apple Farm can change its billboards on the 101 – "Farm to table and food stamps too". We aren't sure what the new picture would be to replace the 1940's era lady by the pool.

Can you eat in the bar?

Perhaps this is part of the Uniquely SLO economic development strategy.

The significant missing data from the report is: how is the ten-year plan to end homelessness doing? The Plan was adopted with much fanfare in 2008. The ten years is half over. Have the number of homeless people been reduced by half? No real performance outcome data is contained in the report.

Item 17 - More Staff Additions to Implement Obama Care. As our readers are aware, the County, from time to time, has been adding staff members to implement the “Affordable” Care Act (ACA). It has also contracted with a firm to help develop and operate a call center, which will be necessary to handle the increasing volumes and to interact with State’s ACA exchange. In this, the latest iteration, the County is adding 24 staffers at a cost of \$2.1 million. The Board letter underscores the seriousness of the situation:

The State Department of Health Care Services, in consultation with the Universities of California Berkeley and Los Angeles, has projected each county’s new applicants utilizing a combination of census and demographic data. San Luis Obispo County’s applications for Medi-Cal are expected to increase by 9,179—a major increase in the context of a program that currently is averaging 11,457 cases per month, and just over 800 new applications monthly. Additionally, it is projected that we will process 999 new applications for coverage under Covered California. Though the Covered California cases will be managed on an ongoing basis by the Exchange, the County will be responsible for continuing case management for the estimated 6,700 new Medi-Cal cases established as a result of the ACA.

Caseload almost doubles.

To accommodate this workload, the Department of Health Care Services has augmented the County’s Medi-Cal administrative allocation by \$2,205,774 for both the current Fiscal Year and for Fiscal Year 2014-2015. These funds are intended to provide for staffing and related expenses for establishment of the County’s call center and for the additional staffing required to manage the increased caseload. There are no County General Fund dollars required to match this allocation.

The County is not perturbed because, as the item states, there are no County General Fund dollars required since the Feds and the State are funding the increase. That means it’s your “general fund” which is paying in the form of your higher income taxes and health insurance premiums.

**San Luis Obispo County Council of Governments (SLOCOG) Meeting of
Wednesday, August 7, 2013, 8:30 AM (Completed)**

B-5: Regional transportation Plan Update “Progress” (RTP) 2014. Several public-spirited speakers complained to the SLOCOG Board about the blatantly ideological rhetoric included in the staff report accompanying the item. The SLOCOG Board tried to tell the staff to take the wording out. Supervisor Gibson took control and sent the matter to a special subcommittee.

The planning process is more than merely listing highway and transit capital investments; it requires the development of strategies for operating, managing, maintaining, and financing the area’s transportation system in such a way as to advance the region’s long-term goals. Not only does the transportation system provide for the mobility of people and goods, it also influences patterns of growth and economic activity through accessibility to urban and rural areas. The performance of the system affects such public policy concerns as:

- Mobility*
- Air quality*
- Greenhouse gas emissions*
- Natural resources*
- Environmental protection and conservation*
- Social equity*
- Smart growth*
- Affordable housing*
- Economic development*
- Safety*
- Security*
- Health*

We thought the paragraph below was particularly revealing of the elitist and manipulative view that citizens’ preferences and views must be changed through “education” in order to conform with the revealed knowledge of the government class elites.

Community resistance to change is common. Higher-density development, infill development, redevelopment, and the adaptive re-use of existing buildings are often controversial and resisted by neighbors and community groups. Educational efforts to demonstrate attractive and compatible examples are needed to show how the resulting more efficient utilization of land resources and more compact urban areas can fit within existing neighborhoods. (Page B-5-10) And we thought the elected representatives on SLOCOG were supposed to represent our views.

**City of Grover Beach City Council Meeting of Monday, August 5, 2013, 6:30 PM
Grover Beach City Hall, 154 S. 8th Street (Completed)**

Item 11 - Discussion Regarding Appointment of Council Members to the Air Pollution Control District (Proposed Removal of Mayor Debbie Peterson from the APCD). The Council (3/2) voted to retain Mayor Peterson on the APCD Board. There were about 60 people at the meeting. Eight spoke in favor of removing the Mayor and twenty-three spoke against her removal. Clearly, Council Member Bill Nicolls was the leader of the effort to remove the mayor. Council Member Jeff Lee (a County employee) also voted for her removal. Council Member Bright seemed to agonize over the decision and put the Mayor through a lengthy interrogation in order to formulate her decision. In the end she voted to retain the Mayor on the condition that she is “objective.”

During the debate Nicolls and Lee indicated that they had received multiple emails and/or phone calls from Supervisor Hill and phone calls from Supervisor Gibson. Interestingly, the Mayor reported that she had received none, even though it is the City’s procedure to distribute communications to all Councilmembers if they are addressed to multiple members. You would think that since they involved the Mayor, they would have been given to her. Was someone deliberately be excluding the Mayor? These communications are part of the subject of a prior COLAB records request which we filed on July 30, 2013. We are still waiting for the documents.

COLAB also requested that the two County employees recuse themselves because they ultimately work for Hill and Gibson. They refused. Lee stated that he had talked to the City Attorney who must have privately opined that Lee did not have a conflict.

Background I: During the Council meeting of July 15, 2013, Council Member Bill Nicolls requested that an item be placed on the agenda for discussion regarding the city’s current appointment to the APCD and whether it should be changed. Some of the Council members say they wanted to remove the Mayor because she talked to citizens about filing a petition with the APCD to repeal the dunes dust rule. The rule could eventually lead to the restriction or prohibition of the use of off-the-road vehicles on the dunes. This in turn could severely negatively impact the economy of the five cities area.

This matter is not just a local Grover Beach City issue but impacts the entire County, given the regulatory powers of the APCD. Mayor Peterson has asked questions and has opposed issues supported by Hill and Gibson. The proposed action was vindictive payback.

Background II - A Horrible Conflict of Interest: Also, and nastily, both Hill and Gibson have reportedly (now confirmed by the Council Members) been encouraging the Grover

Beach City Council to remove Mayor Peterson from the APCD Board because she has been questioning policies which they support and going against them on some votes. Further poisoning the issue is the potential conflict of interest because two members of the Grover Beach City Council are also County Public Works Department employees.