



WEEKLY UPDATE February 2 - 8, 2025

COLAB

San Luis Obispo County



16TH ANNUAL DINNER & FUNDRAISER

THURSDAY, MARCH 27, 2025
MADONNA INN EXPO CENTER

A NEW ERA IN GOVERNMENT

Enjoy a bipartisan dialogue on the opportunities and challenges faced by the County and State as the current revolution in Washington progresses. How can the County and Cities take advantage at the local level by tailoring initiatives and changes to the best interests of our local circumstances and issues? Two of our collaborative and experienced local elected officials will form an enlightening exploratory panel.



Dawn Ortiz-Legg, Board Chair &
District 3 Supervisor

5:00 PM SOCIAL HOUR & OPEN BAR
6:15 PM FILET MIGNON DINNER & WINE

AUCTION WILL BE HELD AFTER DINNER
(AUCTIONEER TODD VENTURA)

\$165/ PERSON
\$1,650/ TABLE (SEATS 10)



Heather Moreno, District 5 Supervisor

For tickets:

Mail your check to: COLAB SLO County, PO Box 13601, SLO, CA 93406

or

On-Line Reservations & Payment can be made at www.colabslo.org/events.asp

Cocktail Attire Optional - More info at (805) 548-0340 or colabslo@gmail.com

**THIS WEEK
SEE PAGE 6**

ALERTS

BATTERY STORAGE FACILITY SLID INTO NIPOMO
99 MEGAWATTS OF RISKY LITHIUM BATTERIES
FORMER SUPERVISOR COMPTON OPPOSED IT – ONCE SHE
WAS GONE, IT WENT RIGHT THROUGH
SEE PAGE 22 FOR DETAILS

ACTION ALERT!
Nipomo and Local Communities at Risk!

Massive Battery Plant Risk:
Caballero Project

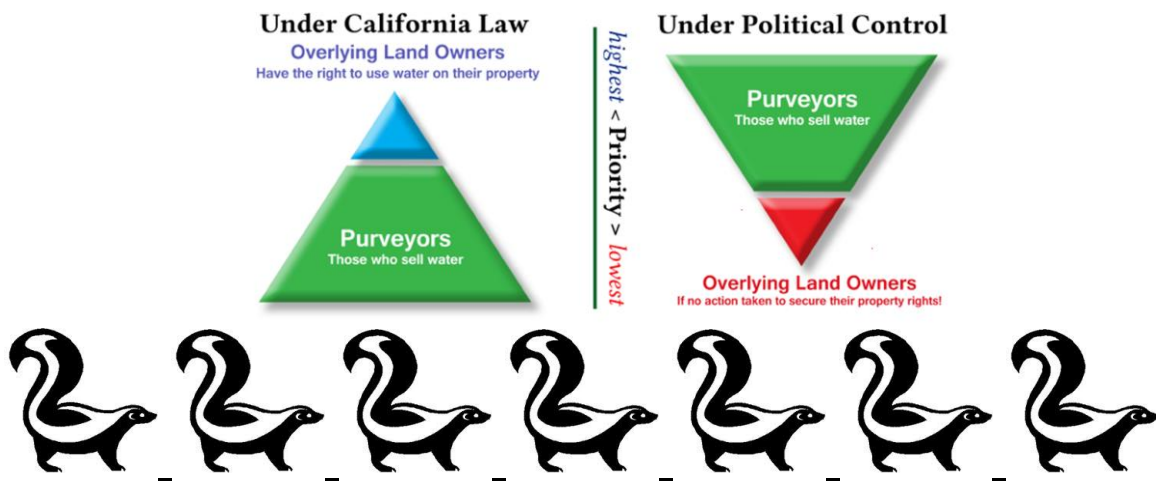
Voice your concerns to protect residents, property, environment and first responders by attending the SLO County Board of Supervisors meeting next week!

When: Feb 4, 2025 @ 9:00 AM
Where: Katcho Achadjian Government Center, 1055 Monterey St, San Luis Obispo

Please attend in-person. See you there!



PASO BASIN WATER TAKEOVER ON CONSENT
CALENDAR – 9:00 AM SHARP
NEW JOINT POWERS AGENCY PROPOSED
MOST PASO BASIN OVERLIERS TO BE DISENFRANCHISED
SEE PAGE 7 FOR DETAILS



BOARD OF SUPERVISORS MEETING
ADOPTON OF FEES FOR THE LOS OSOS
HABITAT CONSERVATION PLAN MITIGATIONS
ON CONSENT CALENDAR – DOESN'T THIS REQUIRE A HEARING?

PASO BASIN WATER TAKEOVER
NEW JOINT POWERS AUTHORITY TO DISENFRANCHISE
MOST OVERLIERS

2025-26 BUDGET GOALS AND POLICIES,
BUDGET BALANCING STRATEGIES,
APPROACHES, AND BOARD PRIORITIES
& NEED FOR MORE INTENSE BUDGET REVIEW PROCESS

REVISED ITEM ON \$400K KPMG
DEPARTMENTAL REVIEWS

COUNTY COUNSEL TO RETIRE IN MARCH
BOARD TO CONSIDER OPTIONS IN EXEC SESSION

HEARING ON SIERRA CLUB'S CHALLENGE TO
PHILIPP'S DECOMMISSIONING PLAN CONTINUED

SUPERVISOR REQUESTS & NEW DIRECTION

CALIFORNIA COASTAL COMMISSION TO
DOUBLE DOWN ON PROHIBITING
VANDENBERG LAUNCHES

**LAST WEEK
SEE PAGE 25**

SLO PENSION TRUST MEETING
THE FUND EARNED 7% IN 2024

NO BOARD OF SUPERVISORS MEETING

OTHER AGENCIES DORMANT

**EMERGENT ISSUES
SEE PAGE 27**

**ZOMBIE FOUNDATIONS THREATEN THE
NATION AND ALL OF CREATION**

The bloated nonprofit sector exploits American wealth and freedoms to erode liberty and prosperity—it's time for reform and accountability before it consumes you

**NATURALLY, CA DEMS BLAME FIRE DAMAGE
ON CLIMATE CHANGE, BLAME OIL
COMPANIES**

Bonta and state legislators hope these cases will bury the U.S. oil industry, while leaving China free to pollute our state at will

**CALIFORNIA POLITICIANS NOW WANT OIL
COMPANIES, NOT INSURERS, TO SUBSIDIZE
PEOPLE LIVING IN WILDFIRE ZONES**

**DISCOVERY OF RARE PLANT COULD BE
TROUBLE FOR SLO COUNTY HOUSING
DEVELOPMENT**

COLAB IN DEPTH SEE PAGE 34

PRESIDENT TRUMP CAN RESTORE SANITY TO CALIFORNIA'S ENVIRONMENTAL POLICIES

*Trump's executive order highlights how CEQA's red tape fuels
California wildfires, pushing for reforms to restore balance and
prioritize safety over bureaucracy*

BY EDWARD RING

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THIS WEEK'S HIGHLIGHTS

SLO County Board of Supervisors Meeting of Tuesday, February 4, 2025 (Scheduled)

Item 1 - Consideration of an Ordinance to establish Los Osos Habitat Conservation Plan mitigation fees for implementation of the Los Osos Habitat Conservation Plan. Doesn't this need to be set for a date certain hearing? They can't just come in and adopt fees on the consent calendar. This does not say that it is a 2nd reading.

Search Phrase:

GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57697] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 1. CITIES AND COUNTIES [50001 - 52203] (Division 1 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 1. General [50001 - 50290] (Chapter 1 added by Stats. 1949, Ch. 81.)

ARTICLE 2. Powers and Duties of Legislative Bodies [50020 - 50034] (Article 2 added by Stats. 1949, Ch. 81.)

50022.4. After the hearing, the legislative body may amend, adopt or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other **ordinances**; and, except as to the **adoption** of a code of existing **ordinances** of the adopting agency, nothing in this article shall be deemed to permit the **adoption** by reference of any penalty clauses which may appear in any code which is adopted by reference. Any such penalty clauses may be enacted only if set forth in full, and published, in the adopting ordinance. It is further provided that all changes or additions to any code made by the legislative body shall be published in the manner which is required for **ordinances**.

(Added by Stats. 1953, Ch. 1466.)

Mitigation Fee Summary per Square Foot¹

Restoration /Management/Administration Fee	1.72
Habitat Protection Fee	0.23
Total	1.95

¹ Project fees will be charged by multiplying the area of ground-disturbing activities in square feet by the values listed here.

Summary of Los Osos Habitat Conservation Plan Mitigation Costs and Fees ^{1, 2}			
Category	Acres ²	Planning Level Mitigation Total Costs (\$)	Percentage of Total Mitigation Costs
Mitigation Cost			
Administration (permit term)	532	16,683,835	38%
Administration (post-permit)	532	4,060,452	9%
Management and Monitoring (permit term)	386	5,892,370	14%
Management and Monitoring (post-permit)	386	6,899,673	16%
Preserve Start-Up	279	1,944,715	4%
Restoration	46	3,020,422	7%
Acquisition of Fee Title	77	4,934,145	11%
Total Cost		43,435,612	100%
Mitigation Fee Summary per Acre			
Restoration /Management/Administration Fee	532	72,435	
Habitat Protection Fee	521	9,467	
Total		81,901	
Mitigation Fee Summary per Square Foot³			
Restoration /Management/Administration Fee	532	1.66	
Habitat Protection Fee	521	0.22	
Total		1.88	

¹ The costs in this table have been updated from the December 2020 version of the LQICB (Table 7.8).


Item 24 – Request to approve and authorize the Chairperson to sign two versions of the Joint Exercise of Powers Agreement for Administration of the Paso Robles Area Groundwater Sub-Basin Groundwater Sustainability Plan and creating the Paso Robles Area Groundwater Authority, one that includes all five Groundwater Sustainability Agencies (“GSAs”) (the County of San Luis Obispo, the City of Paso Robles, the San Miguel Community Services District, the Shandon San Juan Water District and the Estrella-El Pomar-Creston Water District) and one that includes all of the GSAs with the exception of the San Miguel Community Services District in substantial form to the documents attached hereto and approved as to form and legal effect by County Counsel. The project is exempt from the California Environmental Quality Act. Approval of this item will effectively create a new government entity to control the water use in the Paso Basin. Approval is tantamount to resurrecting the AB 2453 water District that voters rejected by over 70 percent of basin voters in 2016. Proponents will argue that this is different on the grounds that the structure and various details are different. While this is superficially true, the real purposes and outcomes were and are always the same:

- Place control of the water in the basin in the hands of larger landowners who pump about 90% of the water. These include out of county corporations, foreign pension systems, and real estate investment corporations, in addition to real wine producers. If the large users

simply reduced their pumping by a collective 9,000 acre feet per year, none of this would be necessary and the problem would be solved. Then they could develop new sources and best practices, as recommended in the adopted SGMA Plan. For example, if the City of Paso could stop pumping so much ground water and use its Naci water instead, thousands of acre feet could be saved. The problem is that the groundwater is cheaper.

- Provide an ongoing patronage system for spending millions of dollars on redundant engineering and water studies, fattening a cadre of consultants who are regurgitating the same million dollar studies over and over.
- Enable the wheeling of water credits throughout the State for huge profits to some of the proportionate operators.
- Force diminimus users and non-users to pay for water to which they already have the primary rights and to help offset the costs to the large users.
- Enhance 2nd District Supervisor Bruce Gibson's control over the Basin and distribution of patronage and related campaign financing returns. Note that he received \$55,000 from proponents and affiliates of this effort in in his 2022 campaign.
- Vitiate the will of the voters who voted over 70% to not surrender democratic control of the basin's 8,000 overlies to a few hundred large water users.

Election results

Paso Robles Basin Water District, Measure B		
Result	Votes	Percentage
 No	2,285	73.05%
Yes	843	26.95%

- Perpetuate the 2013 water moratorium on smaller users to make it easier for the large users to comply with SGMA .
- Strike hard after former Supervisor Debbie Arnold retired. She had opposed this whole scheme for years.

The Board letter states that the alleged purpose of the new joint powers authority is:

The purpose of the Joint Exercise of Powers Agreement is to establish the Paso Robles Area Groundwater Authority (“Authority”) and to set forth the terms and conditions under which the Authority is authorized to implement the GSP and otherwise manage the Basin under SGMA within the collective service area of the GSAs that enter into the JPA Agreement (referred to in the JPA Agreement each as a “Member” and collectively as the “Members”).

Of course the Board letter does not answer the fundamental question: What problem are we trying to solve? There is no analysis of why a new government entity should replace the current cooperative board representing the affected agencies. There is no analysis. It simply states that 1) they want to establish fees over the entire area, and 2) they believe that consolidated administration would be more efficient. No current problems are listed. No examples of why it would be more efficient are provided.

*The GSAs were able to delay the discussion of a long-term governance structure due in large part to the fact that the majority of early GSP administration / implementation costs have been grant funded. However, now that the GSAs have taken steps to establish a fee(s) to fund GSP implementation and the County retained a rate consultant to conduct a fee study as contemplated in Section 10.2 of the GSP, **it has become clear that the MOA (and PBCC) needs to be replaced.** At the same time, it has become apparent that an agreement creating a single separate agency to levy the fee(s) and conduct implementation activities funded by said fee(s) would likely be the best option to ensure a unified / coordinated approach to Basin management. As a result, and in coordination with efforts on the fee study, **GSA legal counsel began preparing a Joint Exercise of Powers Agreement to replace the MOA.***

Did the Board of Supervisors authorize staff to undertake this project? – not in public.

If the above is true, why were the 2 new water districts (El Pomar and San Juan) created in the first place?

There are both process and substantive problems that demand that this recommendation not be rejected:

Process Issues:

1. Why is such a contentious major policy issue placed on the consent agenda? Since it impacts thousands of people, shouldn't it actually be a pre-noticed public hearing item or at least a business item?
2. What is the rush? Why are staff and the proponents attempting to slide this under the door with only 5 days (2 are weekend days) notice on a consent calendar that was released just last Wednesday morning (January 29, 2025)?
3. Did staff ever run this by San Luis Obispo County Cattlemen, County Farm Bureau, Quiet Title Group, Templeton Community Advisory Committee, small grape growers, other crop growers, COLAB, or anyone other than the Paso Basin Wine Alliance?

4. Who authorized the hiring of Cooperative Committee Counsel, Stoel Rives, LLP, to prepare the proposed governing document? Did the County representative concur? Who was that? Was the full Board of Supervisors aware? Or was this similar to the treatment of some Board members during the development of the putative AB 1452 water district run-up, when some were cut out? Who decided and who was provided the information?

5. How much has Stoel Rives, LLP, been paid so far? How much more expense have they incurred? How much is their retainer? Has the County been fronting this expense?

Substantive Issues and Inadequacies of the Board Letter:

1. The Board letter contains no estimates of the administrative overhead costs for the new entity. It will have an executive director, clerical staff, billing staff, contract counsel, liability incurrence, pension costs, HR management, office space, and all the other costs of running a government entity.

2. What are the estimated program costs for the next few years, including for those projects already being undertaken and those that are likely to be added? What will a typical budget look like in 2026, 2027, and going forward. For example, how much in fees will this require?

3. From this analysis, what is the general level of fees that will be necessary to offset the costs? Are these likely to be uniform, or will small users, cattle grazers, and owners of fallow land be exempt or subject to a lower fee? The write-up states in part:

As indicated above, the JPA Agreement provides that it is anticipated that the vast majority of costs associated with the GSP implementation activities delegated under the agreement will be funded through a fee(s) on all extractors within its boundaries.

4. How much in fees will be assessed to the owners of property who are still subject to the 2013 water moratorium?

5. Will the fees be subject to the Proposition 218, 50% fee challenge provision/?

6. How can the Board of Supervisors agree to this without such an analysis?

7. The governing structure is inherently undemocratic and loaded in favor of the 2 new water districts and the City of Paso. The 2 water districts contain only a few hundred property owners. The City of Paso is an appropriator pumping water with high power pumps located outside of the City. The City will have one vote. The other 8,000 residents will only have one vote (for the entire group). That vote could well be Supervisor Gibson. Shouldn't it be Supervisor Moreno or Supervisor Peschong if this Authority is actually enacted? Will Gibson forswear serving as the representative?

8. In regard to **Item 7** above, members of JPAs are required by law to represent the interests of the JPA as a fiduciary duty, even if there is a conflict with the policies of the agency he or she is representing. Supervisor Gibson is famous and infamous in adhering to this law, especially in connection with his opposition to Proposition 3.

9. For whatever reason, the write-up makes a point of stating that the current agreement does not empower the new Authority to undertake any capital projects but that if it does seek this power in the future, it will be exempt from CEQA under the water code .

Although the JPA Agreement does not authorize the Authority to undertake any capital projects identified in the GSP without further approval by the GSAs, the Authority would conduct the required CEQA review for any projects that it undertakes. Based on the foregoing and the fact that adoption of the GSP is statutorily exempt under Page 6 of 8 Water Code Section 10728.6, approval of the project is exempt under CEQA Guidelines Sections 15378(b)(4), 15378(b)(5) and 15061(b)(3).

This seems strange, since at least one capital project is already underway. The County has received a State grant of \$7.6 million to execute some of the projects and has parceled some of the money out to the City of Paso Robles (\$3 million) and the San Miguel Community Service District (\$1 million). The SMGA plan lists a number of conceptual projects:

Table 9-1. Conceptual Projects

Project Name	Water Supply	Project Type	Approximate Location	Average Volume (AFY)
City Recycled Water Delivery	RW	Direct Delivery	Near City of Paso Robles	2,200
San Miguel Recycled Water Delivery	RW	Direct Delivery	Near San Miguel	200 ^a
NWP Delivery at Salinas and Estrella River Confluence	NWP	Direct Delivery	Near the confluence of the Salinas and Estrella Rivers	2,800
NWP Delivery North of City of Paso Robles	NWP	Direct Delivery	North of Huer Huero Creek, due west of the airport	1,000
NWP Delivery East of City of Paso Robles	NWP	Direct Delivery	East of the City of Paso Robles	2,000
Expansion of Salinas Dam	Salinas River	River Recharge	Along the Salinas River	1,000

This project will use up to 2,200 AFY of disinfected tertiary effluent for in-lieu recharge in the central portion of the basin near and inside the City of Paso Robles. Water that is not used for recycled water purposes will be discharged to Huer Huero Creek with the potential for additional recharge benefits. The general layout of this project and relevant monitoring wells are shown on Figure 9-2. Infrastructure includes upgraded wastewater treatment plant and Paso Robles Subbasin GSP November 13, 2019 9-19 pump station, 5.8 miles of pipeline, a storage tank, numerous turnouts, and a discharge to Huer Huero Creek. Additionally, a conceptual pipeline to the north of the main line will deliver recycled water to a larger geographical area. The cost to upgrade the wastewater treatment plant is also not included in the cost estimate, since the upgrades were required per the NPDES permit regardless of use for recycled water. Since this project is already in the predesign phase, the predesign project cost estimate is provided for this GSP.

What is the status of this project? Do they have any customers signed up to take the water?

10. Eminent Domain: A number of these projects require extension of water lines into the Paso Basin. Will these be subject to CEAQ, or not? More concerning is whether they will require

eminent domain if a property owner or many property owners will not sell them right of way for the water pipes being extended into the basin. The Board letter is silent on this issue.

11. Issuance of Debt: Some of these projects will be very costly and will require the sale of treated water every year to amortize their cost. The write-up indicates that the authority powers do not include the issuance of debt. How can this work? Is this just a subterfuge to grease the vote through now? Later the Authority will add the debt power. The statute is clear that the authority to issue debt is already embedded :

6515 In addition to other powers, any agency, commission or board provided for by a joint powers agreement entered into pursuant to Article 1 (commencing with Section 6500) of this chapter between an irrigation district and a city, if such entity has the power to acquire, construct, maintain or operate systems, plants, buildings, works and other facilities and property for the supplying of water for domestic, irrigation, sanitation, industrial, fire protection, recreation or any other public or private uses, may issue revenue bonds pursuant to the Revenue Bond Law of 1941 (commencing with Section 54300) to pay the cost and expenses of acquiring, constructing, improving and financing a project for any or all of such purposes.

Does the clause above mean that they could issue debt under the umbrella of the City of Paso's debt issuance powers?

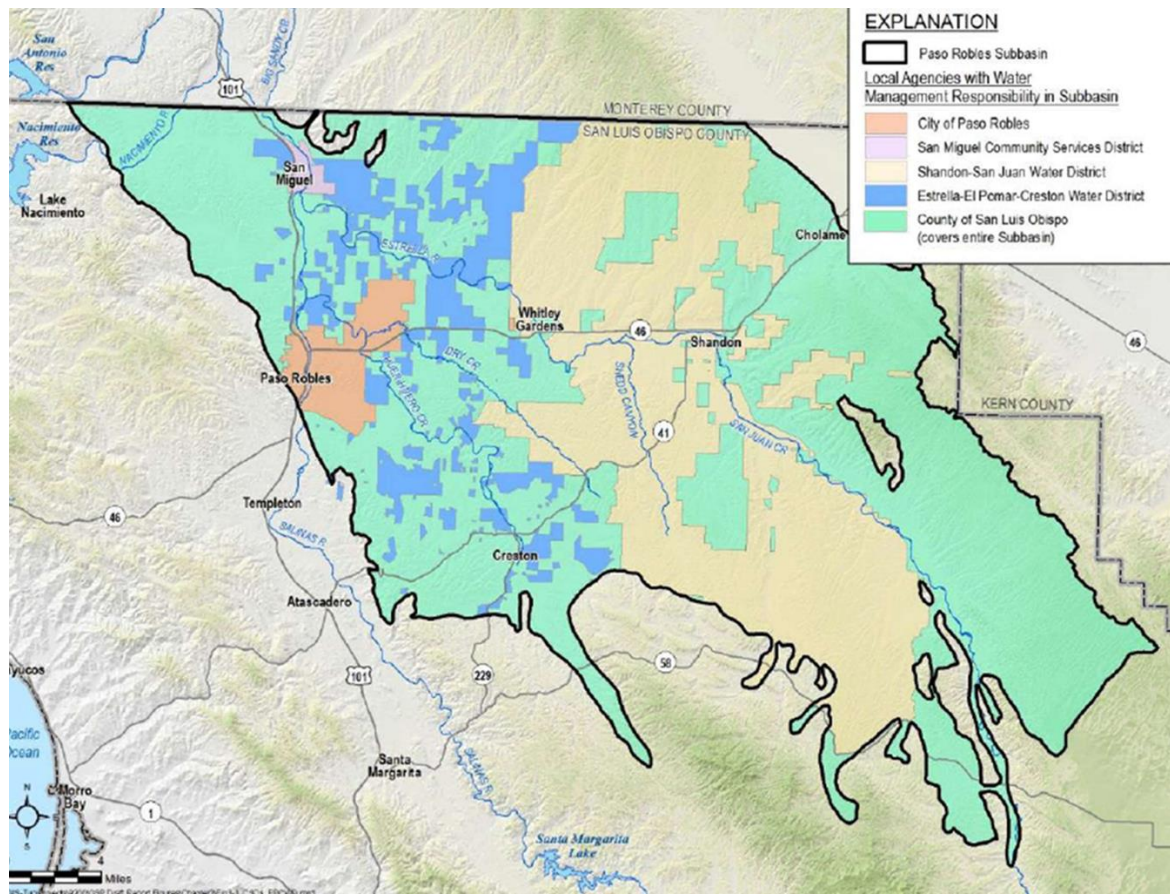
12. Liability of Agencies: Debt for capital projects is supposedly not the responsibility of the member agencies. However, debt for everything else (like liability lawsuits) is the responsibility of the member agencies. The write-up is deficient in that it does not disclose this. The legal analysis below outlines the problem that is not disclosed in the write-up.

Debts, Obligations and Liabilities of Joint Powers Authorities

In contrast to the manner in which the enabling legislation expressly insulates member agencies from obligations of a joint powers authority related to the issuance of revenue bonds, the legislation specifies that member agencies are jointly and individually liable for all other obligations and liabilities unless the joint powers agreement provides differently. Section 6508.1 states:

[T]he debts, liabilities, and obligations of the agency shall be debts, liabilities, and obligations of the parties to the agreement, unless the agreement specifies otherwise. A party to the agreement may separately contract for, or assume responsibility for, specific debts, liabilities, or obligations of the agency. (Emphasis added).

Whenever any public entities enter into an agreement, they are jointly and severally liable upon any liability which is imposed by any law other than this chapter upon any one of the entities or upon any entity created by the agreement for injury caused by a negligent or wrongful act or omission occurring in the performance of such agreement. (Emphasis added).



Paso Basin Prescriptors

Item 35 - Review of the FY 2025-26 Budget Goals and Policies, Budget Balancing Strategies and Approaches, and Board Priorities, and provide direction to staff as necessary. This is an annual check in with the Board by the CAO to make sure that the impending Budget preparation is in line with the Board's policies. This is important in case there are changes. This year's report is divided into 2 main parts:

Part I: The first deals with restructuring the County's financial reserves, including the consolidation of some major accounts. Another facet of this section is to adopt a policy to provide for a higher level of general reserves (unrestricted), as much of the money now in reserves is earmarked for specific functions and would not be available for purposes other than those which are earmarked.

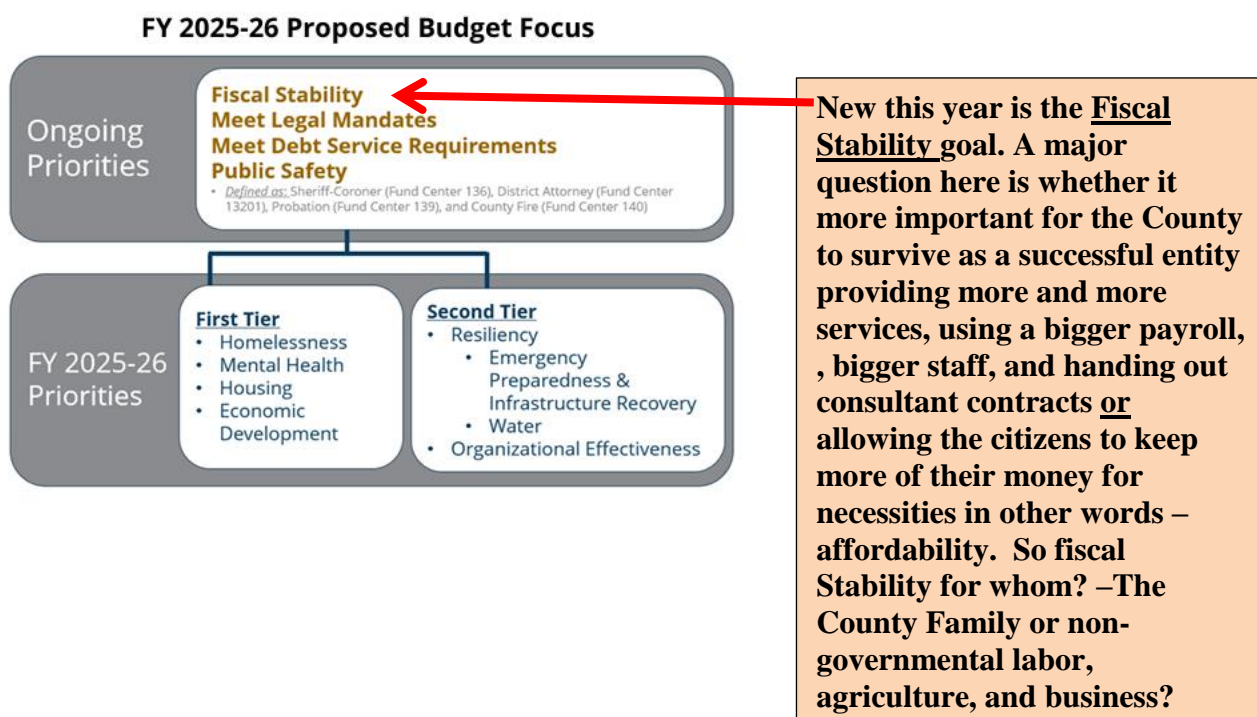
Designation	Current Balance	Recommendation
COVID 19	\$6.1M	Recommendation A - Eliminate the COVID 19, Rainy Day Funds, and Solar Plant Mitigation designations and transfer balances (\$26.6M) to the Tax Reduction Reserve.
Rainy Day Funds	\$4.8M	
Solar Plant Mitigation	\$15.6M	
SB 1090 Econ. Dev.	\$306K	Recommendation B - Transfer \$2,248,173 from SB 1090 Infrastructure to SB 1090 Economic Development Designation per the SB 1090 Spending Plan
SB1090 Infrastructure	\$3.9M	
General Gov. Building Repl.	\$46.5M	Recommendation C - Eliminate the Library - Cambria designation and transfer the balance (\$1,698,552) to the General Government Building Replacement designation.
Library-Cambria	\$1.7M	
Facilities Planning	\$9.2M	Recommendation D - Eliminate the New Government Center Repairs Designation and transfer the balance (\$1,986,400) to the Facilities Planning designation.
New Govt Ctr Repairs	\$2M	

Why is it recommended that the entire Solar Mitigation reserve be transferred to the Tax Reduction Reserve? This is funding from the solar plants in the eastern county for Sheriff, roads, fire, and other facilities and services. Is Supervisor Moreno okay with this, or is it another rip off of funds that will ultimately fund projects in the 2nd District (after being laundered through the tax reduction reserve? These funds are ordinarily paid to compensate local governments for taxes lost because of tax relief measures, such as the homeowner's exemption. Does this mean they are giving away the \$15.6 to cities and school districts?

Solar Plant Mitigation			X	15,640,187	●	N/A - Recommend transferring funding to Tax Reduction Reserve and eliminate designation
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Part II: This section contains the County's traditional presentation of:

1. The established Budget priorities and staff recommendations for any changes.



As an alternative priority, a Board of Supervisors could adopt: ***Reduce the number of services, reduce civil service unionized staff, private wherever possible, and the regulatory environment to promote homes and business expansion.*** Fat chance: The County government is a monopoly without competition, sustained by its favorable location next to the ocean in a Mediterranean climate with most of its scenic amenities historically protected by private agriculture and the National Forest Service. State hospitals, prisons, universities, tax exempt hospital corporations, local school districts, and one heavily regulated utility provide most of the jobs.

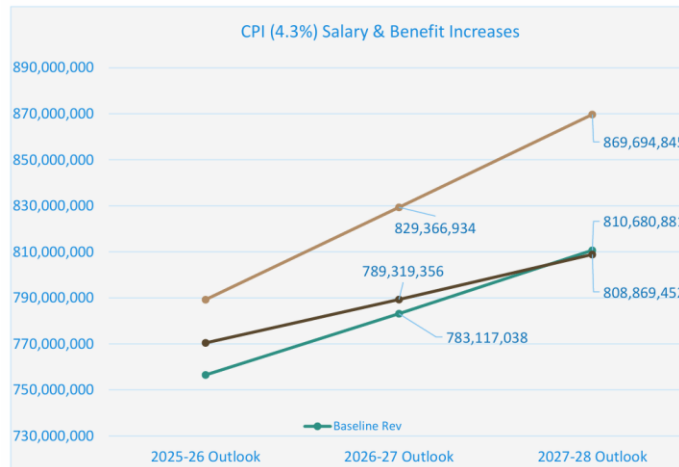
2. A forecast for next year's FY 2025-26 Budget's revenues and expenditures.

At this point the staff is forecasting a \$10-13 million revenue expenditure gap. Barring some catastrophe, such as a sudden recession or a Trump impoundment of Federal funds for California, it is likely to be largely resolved by June, when the Board takes up the Budget. This

one is confusing, because the year's forecast displays a \$32.5 million gap for next year. This is predicated on salary negotiations costing 4.3% above current levels.

3. Also included is a 3-year Budget forecast (should be a 5-year forecast). This year's version displays minimal problems, again if there are no sudden and unexpected shocks.

Multi-Year Forecast – 4.3% CPI Salary & Benefit Increases



	FY 2025-26	FY 2026-27	FY 2027-28
Revenues	\$756,515,505	\$785,232,740	\$812,887,558
Expense	\$789,242,710	\$829,366,934	\$869,694,845
Deficit	-\$32,727,205	-\$44,134,194	-\$56,807,287

Item 38 - Executive Session – PERSONNEL (Government Code section 54957.) It is the intention of the Board to meet in closed session to: **(17) Consider Public Employee Appointment for the Position of County Counsel.** They could appoint someone, plan a recruitment, or take other related actions. The current County Counsel, Rita Neal, is retiring in March. She is a Gibson favorite. He is featured prominently on the County Website, stating:

“Rita is an exceptional person and attorney and it’s been a great pleasure to know and work with her for more than 25 years.” Said Gibson. *“During my time in office, she helped guide the county through extremely difficult events, always with her calm good nature and solid legal advice. Her strength, composure and commitment to public service are extraordinary – I, along with our organization and communities, will miss her greatly and wish her the best in her next phase.”*

We will see if she pops up as a Superior Court Judge next. The County family that preys together, stays together.



Separate Budget Issue

Once again, we recommend that the Board adopt a more intense Budget review process. A few afternoons should be set aside each week in May to go through the Budget in detail, using both the Budget Book and the underlying accounting sheets. This would allow the Board to understand what is actually to be expended in each department. They could meet in budget workshops in the classroom on the first floor in scheduled open meetings. A problem is that the County budgets at such a high level of generality that the program level and its related costs and staffing are invisible. This places the staff in a commanding position over which the Board cannot connect the requested resources to the program outputs – performance measures.

Added Consent Item:

Added item #42 - Request to 1) waive the terms of the County Contracting for Services Policy and approve a sole source professional services contract with KPMG LLP, for an assessment and management review of the Health Agency; and 2) approve a corresponding budget adjustment in the amount of \$436,700 from General Fund Talent Development Reserve Designation to FC 104 - Administrative Office, by 4/5 vote. What happened here? We thought that the contract was approved several meetings ago. Was there a legal glitch in authoring a sole source contract without a bid? Did County Counsel have second thoughts and determine to rework the recommendation? In any case, this is a more refined and detailed agenda item than the first version:

The County Administrative Office recommends initiating the first phase of an intended multi-year assessment to review each County department designed to provide a high-level assessment of each department, identify strengths, opportunities and weaknesses, compare financial and operational areas with similar jurisdictions, as well as identify baseline and enhanced levels of services and recommended evidence based best practices for implementation. The goal of the assessment is to assist the Board of Supervisors in weighing public needs and setting its priorities for the most effective utilization of the limited financial resources available.

Matters After 1:30 PM

Item 39 - Amendment to Item #39 - Hearing to consider an appeal (APPL2024-00029) by the Sierra Club of the Planning Commission's approval of a request by Phillips 66 for a Development Plan/Coastal Development Permit (DRC2022 00048, ED23-054) to allow demolition and remediation of the Santa Maria Refinery, affecting approximately 218 acres of developed area within the 1,642-acre Phillips 66 owned property at 2555 Willow Road, Arroyo Grande. The Project includes aboveground demolition of refinery structures to ground level, followed by site characterization and soil remediation. Belowground infrastructure would be removed where necessary, to accommodate removal of contaminated soils. After demolition and remediation, hardscape would be replaced where removed and exposed soil areas would be revegetated. At Project completion, features to remain include asphalt and concrete surfacing, perimeter fencing, an electrical substation, water wells, truck scales, and two rail spurs, as well as monitoring wells and equipment associated with ongoing remediation under separate permits. The Sierra Club has requested

that the item be continued to April 29th. This will give them more time to shake Phillips down for millions of dollars to make their objections go away.



How can we contend with evil when it is done in the name of good?

Item 41 - Any Supervisor may ask a question for clarification, make an announcement, or report briefly on his or her activities. In addition, Supervisors may request staff to report back to the Board at a subsequent meeting concerning any matter or may request that staff place a matter of business on a future agenda. Any request to place a matter of Business for consideration on a future agenda requires the majority vote of the Board.

California Coastal Commission Meeting of Thursday, February 6, 2025 (Scheduled)

Item 9 - On October 10, 2024, the Coastal Commission objected with the subject consistency determination by a vote of 6-4. Because the Commission action differed from the staff recommendation on the consistency determination in relation to the motion, resolution and findings that were adopted, this report contains revised findings to reflect the Commission's action. Commissioners who are eligible to vote on the revised findings are those from the prevailing side who were present at the October 10, 2024, hearing (Commissioners Hart, Bochco, Escalante, Newsom, Uranga, Aguirre). The proposed revisions below reflect the Commission's action and will be incorporated into the adopted findings. Modifications to the previous staff recommendation are shown as additions, in underlined text, and deletions in ~~strikethrough text~~. As stated in the title, the Commission denied the US Air Force and Space Force Application for a consistency determination (that additional launches are consistent with the Coastal Act). Staff has gone back and written up final language and rationale for the denial. The Commission was about to approve the determination back in October, when Commissioner Newsom (no relation to the Governor) blew the whole meeting up over sonic booms. Backed up by the biased staff report, she contended that the sonic booms are a threat to marine life, animals on land, and people. Five of the Commissioners ended up agreeing with her.

It will be interesting to see if they have come to their senses in the ensuing months. Rather than admit it, they could simply say that since the Board item was prepared, the Air force has clarified some data and then the Commission will vote to approve the consistency determination.

She further asserted that Space X, one of the contract launchers, is a capitalist private sector exploiter and that the Airforce and Space Force were illegally benefitting a private company. She expressly condemned Space X and Elon Musk of being allied with then-candidate Trump. Of course, this violates the standards of a regulatory agency. Subsequently, Musk has sued the Commission.

A key paragraph in the Air Force's application states:

It is in the national interest to continuously enhance Starlink network capacity, particularly in furtherance of U.S. Government purposes and objectives. SpaceX's rapid launch capability and continuous deployment of Starlink satellites on orbit directly correspond to improved network performance that scales directly with network growth to meet escalating demand. Starlink launches are not incidental; each individual Starlink launch is part of a deliberate, planned effort to meet capacity needs to support specific requirements or demand, including the U.S. Government. The capability of new satellites allows SpaceX to add capacity more quickly and interconnect the Starlink constellation, to serve critical U.S. Government needs around the globe, and to launch critical communication services for aviation and maritime in the U.S. and the rest of the world's most remote locations.

Background:

1. For several years the Air Force and the Space Force have sought a consistency permit from the Coastal Commission to increase the number of rocket launches from Vandenberg. The current request is to go from 12 to 36 per year. It is expected that in November, the Space Force will apply for an increase from 36 to 50. In 2026 it is expected that there will be a request to increase the number from 50 to 100 or more per year.
2. Increased launches are good for Santa Barbara and SLO Counties, as more private firms that support a variety of involved technologies expand in the two counties, creating jobs and related economic multipliers.
3. During the spring of 2024, the Air Force and Space Force reached agreement with the Coastal Commission staff on a very expansive and expensive series of monitoring and mitigations that the Commission required.
4. Subsequently, someone complained to the Commission about sonic booms. This caused the Commission to add 3 new very lengthy and costly conditions to the draft permit that had already been proffered. During the August meeting, the Air Force declined to accept the 3 new late hit conditions. The Commission then denied the Consistency. Commissioners also rose the complain that the main contractor for launches is SpaceX, owned by Elon Musk. SpaceX launches private sector and military Starlink satellites as well as other military payloads.

5. Some Commissioners then began to complain that the SpaceX and other contractors should not have the benefit of having their launches approved under the Federal (Airforce) Consistency Permits. They suggested that the private sector companies should apply for regular coastal development permits as private entities.

6. Surprisingly, as the time approached for the October meeting, the published agenda indicated that the Air Force had changed its position and agreed to the new permit conditions related to sonic booms, and that the Commission staff and the Air Force had collaborated extensively and were signing Kumbaya. The staff recommended approval of the expanded permit that now included Sonic Boom mitigation provisions. It was expected that this would be approved at the October meeting.

At the October 10, 2024 Meeting:

1. It became apparent that the Air Force turnabout was fostered by the highest levels. It turned out that Assistant Secretary of the Air Force, Dr. Ravi Chaudhary (a Biden appointment) had taken over management of the issue.

2. It is not known how Chaudhary's injection had been engineered. Chaudhary came to California and, assisted by the Vandenberg AFB Commander, agreed to the Commission's demands.

3. Commission Chairwoman Caryl Hart, three of the Commissioners, and Commission staff were hosted at the Base, where they toured many environmental projects. They came away very impressed. In fact, they were so effusive that they forgot to notice their ex-parte discussion with the applicant Air Force. This required them to correct on the record during the meeting.

4. Chaudhary is a well-spoken retired Air Force Officer who is very highly educated and slathered praise on the Coastal Commission staff. In the end (right on the floor of the meeting) the Commission proposed yet another condition tantamount to requiring that SpaceX apply separately for permits and not operate under the Air Force consistency. This was again a bridge too far and Chaudhary demurred.

5. A new Commissioner, Gretchen Newsom, (not related to the Governor) led the attack on the approval consistency, the Air Force, SpaceX, Elon Musk, and just about everything else. She was focused, organized, articulate, and a firebrand. Her anger was not flagrant but simmering hot. Separately from environmental issues, Newsom painted Musk as a corrupt and harsh employer who allows his workers to suffer from injuries and harassment. She called him the richest man in the world. She read her statement before deliberations and indicated she would oppose the Consistency. Her day job is the public relations manager for a northern California unit of the International Brotherhood of Electrical Workers.

The other Commissioners were stunned, but 5 of them plus Newsom rolled over to deny.

Watch out for her in the future. Once the Socialist takeover is complete, she will be one of the commissars sending you to the Gulag or the killing fields.



Watch out for her in the future. Once the Socialist takeover is complete, she will be one of the commissars sending you to the Gulag or the killing fields.

Wonder what the new Sheriff in Town will do about the Coastal Commission interfering with national defense? Hopefully, the Commissioners and staff can be deported to Guantanamo.



Coincidentally Vandenberg Issued a Press Release Praising a record number of launches in 2024 and indicating that many more per year are to come.

VSFB Achieves Historic Milestone with 51 Launches in 2024

Published Jan. 15, 2025

- **By Staff Sgt. Joshua LeRoi**
- **Space Launch Delta 30**

VANDENBERG SPACE FORCE BASE, Calif. --

Vandenberg has revolutionized west coast space and test launch with an historic 51 launches in 2024 from the United States Space Force's West Coast Spaceport and Test Range. This achievement was driven by the base's commitment to innovation, revising practices and procedures, and close partnerships with launch and test mission partners.

"This year marks a historic milestone for our nation's space launch capabilities, achieving a level of activity not seen in the past 50 years at Vandenberg," said Col. Mark Shoemaker, Space Launch Delta 30 commander. "As we accelerate our space launch efforts and push boundaries, we are rewriting the playbook of what is possible within the rules of the game."

The last time Vandenberg achieved this number of launches was in 1974.

Vandenberg has modernized operations by implementing measures that focus on maximizing capacity, resilience, agility, and responsiveness. These efforts include optimizing the Day of Launch crewforce footprint, updating policies, and integrating digital tools into operations. Through these initiatives, SLD 30 is reducing processing timelines and improving overall efficiency, enabling support for an increasing number of launches.

On June 17, 2024, an unarmed Mk21A reentry vehicle (RV) was tested after being launched from Vandenberg aboard a Minotaur I rocket. The launch was an in-flight environmental test supporting the development of the Air Force's new Mk21A RV.

"Within just five years, our West Coast spaceport and test range has evolved from supporting 4-6 launches annually to executing more than 50 launches per year, transforming our operations to a high-capacity spaceport," said Shoemaker.

To achieve this launch cadence, SLD 30 has made significant progress in developing its architecture to improve launch readiness. The implementation of the Western Range Modernization Network and the transformation of the Western Range Operations Control Center are key components of maintaining a safe and effective spaceport. By supporting rapid range reconfiguration and modernizing weather data distribution, SLD 30 is ensuring that its spaceport operations are adaptable and responsive to the needs of the Department of Defense and mission partners.

On April 11, 2024, the first U.S. Space Force mission carrying Weather System Follow-on – Microwave (WSF-M) satellite launched aboard a SpaceX Falcon 9 rocket from Space Launch Complex 4-East at Vandenberg. This launch was the 13th mission from Vandenberg during 2024. The low-earth orbit space vehicle is capable of sensing, storing, and transmitting microwave raw sensor data to enable derivation of ocean surface vector wind, tropical cyclone intensity, snow depth, soil moisture and sea ice characterization, supporting joint military operations and mission planning across the globe.

In 2024, SLD 30 implemented indirect charging as authorized by U.S. Congress to collect up to 30% of indirect costs related to direct costs from commercial space launch entities. The revenue generated by this process supported the base's capacity and responsiveness improvements for launch activities.

Vandenberg Guardians and Airmen also supported three unarmed Minuteman III intercontinental ballistic missile test launches this year, with two of them occurring within a day of each other. As the primary ICBM test range, Vandenberg supports testing for this mission each year to ensure the capability is current and operational in defense of the nation.

As the number of launches continues to rise, Vandenberg Space Force Base is poised to remain at the forefront of the nation's defense architecture and assuring access to space from the west coast.

"We are scaling our capacity and accelerating our space launch capabilities to meet national demands and maintain a competitive edge in the space domain," said Shoemaker. "I have no doubt that our skilled and dedicated workforce of civilians, military, and contracted professionals will continue to build on our successes."

Vandenberg USSF USAF 2024

Non-Agenda Item – General Public Comment 9:00AM Tuesday, February 4, 2025

Concurrent Issues Not Yet on the Board Agenda.

Item -1 Nipomo Residents Upset Over PG&E Battery Storage Plant.

The large fire at the Vistra battery storage facility in Marina, next to Monterey Bay (as well as other similar fires around the nation), have stirred up concern about County approval of a 99 MGW facility in Nipomo.

Nipomo Caballero Lithium Battery Storage Plant

What Blows Up in Nipomo Doesn't Stay in Nipomo!

By Andy Caldwell

The County of San Luis Obispo has completely failed the citizens living in the area between Orcutt and Five Cities, including Guadalupe. All these communities are well within what I am going to refer as the toxic-gas blast zone, depending on wind conditions and inversion layers, for a new battery energy storage facility located in Nipomo, a mere 1,000 feet from the 101 freeway.

Whereas the SLO county government only bothered to notify residents within a mere 300 feet of the new project before construction began, up in Monterey County, where a similar type of battery plant just blew sky high, residents within 8 miles of the facility were forced to evacuate. And upwards of 100,000 residents throughout the region were advised to shelter in place. Moreover, schools were ordered to be closed 70 miles away.

When the County of SLO did environmental review of the possible impacts of the project on the community, they had the gall and temerity to determine it was *not likely* that the facility could create a *significant hazard* to the public or the environment through *reasonably foreseeable* upset and accident conditions involving the release of hazardous materials into the environment! Tell that to the folks in Monterey County who are now living amidst a toxic waste site because of the

fire and explosion that happened at Moss Landing battery storage site. In San Diego, two of their three battery facilities had fires too, one lasting two weeks!

At a minimum, the entire region should have received the following warnings and instructions that were buried online as it pertains to a mandatory evacuation or sheltering in place. Before a Battery Energy Storage System facility incident, you are to do the following if you live or work near a facility: Build an emergency supply kit with the addition of plastic sheeting, duct tape and scissors. Make a family emergency plan and remember to include emergency planning for your pets. Ensure that you have signed up for emergency alerts. Know how to operate your home's ventilation system because you are going to have to shut it off and seal it! Identify an above-ground shelter room with as few openings as possible.

Further instructions for sheltering in place include: Bring pets inside. Close and lock all exterior doors and windows. Close vents and fireplace dampers. Turn off heaters and air conditioners. Seal gaps under and around the following areas with wet towels, plastic sheeting, duct tape, wax paper or aluminum foil: doorways and windows, air conditioning units, stove and dryer vents. Avoid eating or drinking any food or water that could be contaminated. Note: ten square feet of floor space per person will provide enough air for up to five hours.

Again, these protocols could easily apply to everyone living in the area from Orcutt to Five Cities in the event of an emergency!

Wow! And they call this green energy? How come every single household in the region has not received a set of these instructions? Moreover, one additional instance of gross negligence on the part of SLO County which approved this facility has to do with the fact that there was no mention, no planning, and no evaluation or concern issued regarding the fact that dozens of farmworkers work the fields in the immediate vicinity of this facility.

Finally, we have serious concerns that the first responders who would be called on in the event of an emergency have not been properly trained and equipped for a fire at this facility. The standard practice is to let lithium battery fires burn themselves out because putting water on them can make the fire worse. However, in the meantime, first-responders should all be equipped with self-contained breathing apparatus including members of the Highway Patrol who would be charged with closing the 101 freeway during the incident.

We are asking the SLO County Board of Sups on Tuesday, Feb 4 at 9 am, during public comment, to declare an emergency and prevent this plant from starting up until our concerns about public safety and first responder issues are answered to our satisfaction.

Please show up to the county government center located at 1055 Monterey Street in San Luis Obispo (first floor of the government building) at 9 am on Tuesday, Feb 4, to voice your concerns.

Andy Caldwell is the Executive Director of COLAB of Santa Barbara County, a regional public affairs radio show host, and long term government watchdog.

Recent articles highlight the problem with small lithium batteries. Do you want to live next to giant ones?

California's Obsession with EVs Is Turning Neighborhoods Into Minefields

Story by Ben Zeisloft, February 1, 2025 , The western Journal.



David McNew / Getty Images© The Western Journal

The fires that swept through the Los Angeles area pose a massive challenge for city officials and residents, not just from the sheer scale of the initial damage, but from the unique challenges presented by the cleanup.

Among the most difficult challenges will be handling the [damaged](#) lithium ion batteries found in electric vehicles left on properties during the evacuation.

Even worse, residual heat can cause an explosion days, weeks, or months after the initial disruption.

The cars may show no visible sign of damage, presenting danger to residents and contractors returning to destroyed properties to start the cleanups.

EV Magazine said that added dangers include the leakage of hazardous materials into the environment and the difficulty of identifying partially combusted batteries among other debris.

There also exists limited recycling infrastructure to handle the electric vehicle batteries, especially after a massive influx of needed capacity, and the fact that specific protocols are needed to even handle and dispose of the batteries in the first place.

In short, a novel technology is producing a novel challenge to Californians, marking one of just many drawbacks of the electric vehicles which the state government heavily incentivized.

Ben Zeisloft is the editor of The Republic Sentinel, a conservative news outlet owned and operated by Christians. He is a former staff reporter for The Daily Wire and has written for The Spectator, Campus Reform, and other conservative news outlets. Ben graduated from the University of Pennsylvania's Wharton School with concentrations in business economics and marketing.

LAST WEEK'S HIGHLIGHTS

San Luis Obispo County Pension Trust Meeting of Monday, January 27, 2025 (Completed)

Item 15 - Monthly Investment Report for December 2024 (Full Year). The fund returned 7%. Its annual assumption rate is 6.75%. It was on track to make more in December, but markets turned down. The write-up states in part:

In December, U.S. equities declined, with the S&P 500 dropping -2.4% as investors reassessed the Fed's 2025 rate-cut trajectory, though the index still ended 2024 up +25.0%, largely driven by the Magnificent Seven stocks. Unlike typical years, there was no "Santa Claus Rally" - the usual late-December stock market boost - as concerns over interest rates and economic strength weighed on sentiment. Inflation edged up to 2.7% year-over-year, with shelter costs remaining a persistent challenge.

Agenda Item 15: Monthly Investment Report for December 2024

	1-month	YTD	2023	2022	2021	2020	2019
Total Fund (%)	(1.80)	7.0	8.9	(8.0)	15.2	8.9	16.3
(Gross)							
Policy Index (%)	(1.30)	8.5	10.2	(9.7)	12.8	10	16.4

	YTD	2023	2022	2021	2020	2019
Market Value (millions)	\$1,763	\$1,694	\$1,614	\$1,775	\$1,552	\$1,446

* Policy index as of Nov. 2021 Strategic Asset Allocation Policy with 2024 Interim targets:
 Public Mkt Equity- 20% Russell 3000, 17% MSCI ACWI ex-US
 Public Mkt Debt- 4% Bloomberg/Barclays US Aggregate,
 Risk Diversifying 8% Barclays 7-10yr Treasury, 7% Barclays 5-10yr US TIPS
 Real Estate & Infrastructure- 14% NCREIF Index (inc. Infrastructure)
 Private Equity- 12% actual private equity returns
 Private Credit- 10% actual private credit returns
 Liquidity- 8% 90-day T-Bills
 Pending annual updates to interim targets.

*Overall, the country did better. State and local **pension** returns exceeded expectations at 10.3% in 2024, thanks to strong stock markets. While last year's returns were beneficial for the financial outlook of the public pension system, there is still more than \$1.3 trillion worth of unfunded pension liabilities.*

Other Matters:

Much of the meeting will be devoted to training of the Trust members on fiduciary responsibilities, ethics, and financial policy development. It's pretty rigorous. Scroll down to **Item 20** and then to the section on "fiduciary refresher" on their website.

<https://www.slocounty.ca.gov/departments/pension-trust/board-of-trustees-meetings/bot-meeting-documents/agendas/2025/january-27,-2025-slocpt-board-meeting-materials>

No Board of Supervisors Meeting on Tuesday, January 28. (Not Scheduled)

The next meeting is set for Tuesday, February 4, 2025.

EMERGENT ISSUES

Item 1 - Zombie Foundations Threaten the Nation and All of Creation

The bloated nonprofit sector exploits American wealth and freedoms to erode liberty and prosperity—it's time for reform and accountability before it consumes us

BY MICHAEL S. KOCHIN

January 27, 2025

As the tide of totalitarian wokeness recedes from the swamp, some of its ugliest and most toxic creatures will find refuge as employees or grantees of tax-exempt nonprofits. In our pluralist and democratic society, we must, to some degree, tolerate organizations with intolerant, inhuman, or wicked purposes, not least because we should have the intellectual humility not to judge every cause on our present knowledge. Who knows what valuable chemotherapy will come from the poison mushroom the Sierra Club is fighting to save?

True, we need, or at any rate must suffer, the plague of foundations—for fear of an unhealthy political monoculture in which our own miscues and misdeeds go unchallenged. That does not mean these foundations' current powers and privileges should go unscrutinized. The Ford Foundation was set up in 1936 and now controls about \$17 billion in assets, and long since passed out of the effective control of the Ford family. The Rockefeller Foundation controls a mere \$6 billion but is so alienated from its roots in Standard Oil money that it is divesting from fossil fuels.

These foundations, and the endowed nonprofit sector more broadly, have been captured by a set of woke officers largely unsupervised by equally woke boards of trustees. They are globalist and frequently antihuman, but they benefit from tax privileges at the expense of the American people. The Ford Foundation has given hundreds of millions to Black Lives Matter and similar causes, and nothing to those whose homes and businesses were destroyed by BLM rioters. The Rockefeller Brothers Foundation pays anti-Semitic protestors on Ivy League campuses while claiming to be balanced because it funds the no less murderously intentioned astroturf organization, the Orwellian-monikered Jewish Voices for Peace.

We can't and we shouldn't make every rich man in America either blow his stash on drawing to inside straights and launching fast rockets or donate it to more humane causes. But we can require that all nontaxable foundations come to subserve the views of current donors, by requiring every entity in the nonprofit sector to spend down its endowment in a short period of time. At the moment, private foundations are required to spend 5% of their endowment a year.

Given market performance, especially in inflationary times, that is far from sufficient to ensure that these foundations do not outlive the intentions of their donors and eat American civilization.

The Federal government should set a spending level sufficient to ensure that all nonprofits are disendowed in a reasonable amount of time. If a 20% required annual payout is not sufficient, we can try 25% or even 50%. If a foundation can't find a way to spend that money within its alleged lawful purposes, no worries: it can just write a check to the IRS for the difference between what it managed to spend and the required payout. Our national debt is so large that Uncle Sam could swallow all the \$1 trillion dollars or more assets of all the private foundations in America with barely a burp.

If the Feds want to be really cynical, the IRS can police the payouts to detect shifting of endowments through shell foundations while ignoring the looting of endowments by foundation executives. No great harm will come to the world from nonprofit vice presidents flying off to Tahiti in private jets with bags of loot and nostrils coated in white powder—we cannot say the same for the money these foundations have lawfully and conscientiously spent on the agendas they hold in good faith.

The Ford Foundation claims to have faith and fidelity to the American nation and pride in the broader American story and to serve, rather than subvert American democratic capitalism. Given its role in funding and promoting the hateful and mendacious 1619 Project, which sought to undermine our faith in America by teaching that Black slavery was the essential pillar of the American project, it is time to put that claim to the destructive test by watching it spend itself down to nonexistence.

The bloated nonprofit sector feeds off American wealth and abuses fundamental freedoms to undermine both liberty and prosperity. Time for some political chemotherapy—but so long, and thanks for all the mushrooms!

Michael S. Kochin is Professor Extraordinarius in the School of Political Science, Government, and International Relations at Tel Aviv University. He received his A.B. in mathematics from Harvard and his M.A. and Ph.D. in political science from the University of Chicago. He has held visiting appointments at Yale, Princeton, Toronto, Claremont McKenna College, and the Catholic University of America. He has written widely on the comparative analysis of institutions, political thought, politics and literature, and political rhetoric. With the historian Michael Taylor he has written An Independent Empire: Diplomacy & War in the Making of the United States (University of Michigan Press, 2020).

Item 2 - Naturally, CA Dems Blame Fire Damage on Climate Change, Blame Oil Companies, By James Breslo, January 28, 2025

Bonta and state legislators hope these cases will bury the U.S. oil industry, while leaving China free to pollute our state at will

You knew this was coming. California's Democrat legislators presented a bill Monday to allow insurers and homeowners impacted by the Los Angeles fires to sue oil companies for their losses.

Senate Bill 222 aims to blame the fires on climate change caused by fossil fuels and make the oil companies bankroll the state's underfunded insurance plan, as the

The move is a predictable response by the one-party state's leaders seeking to deflect from their own gross mismanagement of the city and state which is the real cause of the disaster. They destroyed the home insurance market by driving out insurance companies through onerous price controls. As a result, the state is on the hook for billions in damages covered by its "FAIR Plan" insurance, established as coverage of last resort for homeowners. The bill proposes that the oil companies serve as the backstop for FAIR Plan.

Leaders bowing to environmentalists also created the conditions for huge wildfires by failing to properly manage the forests through basic brush clearance and controlled fires standard in other states. Also, through sheer gross negligence firefighters ran out of water because city officials allowed the Pacific Palisades 117-million-gallon reservoir, built to fight fires, to sit empty for almost a year awaiting a minor, \$130K repair. And they cut the LA Fire Department budget, leaving the city with the same number of firefighters and fire stations as it had in 1960. It's quite incredible since it is these same leaders who are constantly warning us that alleged "climate change" will cause a lot more fires.

The assertion that oil companies are responsible for the damage caused by the fires and thus should pay for the damages is absurd, but in line with similar efforts by state Democrats. California Attorney General Rob Bonta recently sued the oil companies for huge damages based on the alleged effects of alleged climate change. The money is to go into an "abatement fund," to be used to advance the goals of climate activists.

The new proposed legislation would allow insurance companies and insured to sue under the same theory. The merits of such cases are dubious. The state's case, *People v. Exxon*, was filed in California state court in San Francisco in September. It should be in federal court. Alleged pollutants rising to the skies and allegedly changing the world's weather is clearly a federal concern and preempted by numerous federal laws, including the Clean Air Act.

In addition to Exxon, Bonta sued Shell, Chevron, ConocoPhillips, and Phillips 66. The Complaint asks that the industry create "an abatement fund to pay the costs of such abatement." To abate the effects of climate change one must stop the climate from changing, which only God has been able to accomplish. The cost is unknown, unknowable, and infinite.

The first sentence of the complaint reveals its absurdity. It reads, "In 2023 alone, the State of California has endured both extreme drought and widespread flooding, sprawling wildfires and historic storms, and an unusually cold spring and a record-hot summer." Climate change, if it is to be believed, is a worldwide phenomenon occurring over about a hundred-year period. Thus, pointing to weather events in a single year in a tiny corner of the world makes no sense and proves nothing.

too hot and too cold. It says there has been both drought and storms and flooding.

The truth is, as President Trump has been highlighting, California's leaders have been negligent in managing the state's natural resources. It has severe droughts because its environmentalists refuse to allow the building of sufficient reservoirs to maintain water from wet years to get us through the dry years. They let the majority of water drain into the Pacific Ocean. It has severe wildfires because of forest mismanagement.

Environmentalists block the proper care for our forests, such as managing brush, leaving them susceptible to bigger fires. The forests in Arizona are much warmer than in California, yet Arizona does not have California's wildfire problem.

The Complaint goes on, "These extremes are the products of climate change, and climate change is the product of widespread combustion of fossil fuels." Not only are these weather events not evidence of climate change, but Bonta, and insurance companies under the new legislation, will not be able to prove fossil fuel is the cause. They would have to prove both that these weather events were caused by increased CO2 emissions in the state, and that the increase was caused by these five companies.

Climate change, whatever that is and to the extent it exists, does not come from California or from five companies. It is a global phenomenon. The truth is, thanks in part to these companies, the U.S. has been producing less air pollution in recent years. Notably, however, smog levels are still rising in the West due to pollution from China and India drifting over the Pacific Ocean. "Scientists found Asian air pollution contributed as much as 65 percent of an increase in Western ozone in recent years," according to one [NPR report](#). Bonta and state legislators hope these cases will bury the U.S. oil industry, while leaving China free to pollute our state at will with the fossil fuels of their choice.

If anyone should act as a backstop to the FAIR Plan, it is the electric company, Southern California Edison, not oil companies. "Residents are chronically underinsured under the FAIR Plan policies," said Alina Landver, an LA Wildfire and Insurance attorney representing victims of the Eaton fire which struck the Altadena and Pasadena communities. "Edison disputes the claim that its equipment started the fire, citing 'no interruptions or electrical or operational anomalies' until over an hour after the reported start time of the fire, but federal investigators now believe Edison suppressed evidence of its role in the 2017 Creek fire."

Common sense is required to return California to good governance, not novel, far-fetched lawsuits.

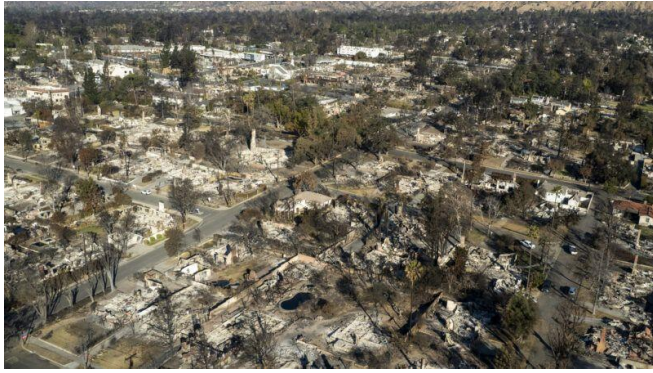
This article was updated with attorney Alina Landver's statement.

James Breslo

James Breslo is a civil rights attorney and host of the "Hidden Truth Show" podcast. He was formerly a partner at the international law firm Seyfarth Shaw and a public company president. He has appeared numerous times as a legal/political expert on Fox News and CNN. California Globe, January 28, 2025.

Item 3 - California Politicians Now Want Oil Companies, Not Insurers, To Subsidize People Living in Wildfire Zones, [CHRISTIAN BRITSCHGI](#) | 1.30.202

A proposed state bill would allow individuals and insurers to sue oil companies for wildfires damages.



(Ringo Chiu/ZUMAPRESS/Newscom)

For decades, California's byzantine insurance regulations effectively forced insurers to subsidize people living in wildfire-prone areas.

With the recent devastating wildfires in Los Angeles exposing the state's already in-crisis property insurance industry to tens of billions in losses, lawmakers are now proposing to shift the cost of that subsidy onto oil companies.

Earlier this week California lawmakers introduced Senate Bill (S.B.) 222, which would allow individuals, private insurers, and the state-run insurance plan to sue oil companies for damages they suffer from "climate disasters and extreme weather events."

"By forcing the fossil fuel companies driving the climate crisis to pay their fair share, we can help stabilize our insurance market and make the victims of climate disasters whole," said California Sen. Scott Wiener (D–San Francisco), one of the bill's authors, in a [press release](#).

Early estimates peg the [economic damage of fires at \\$250 billion](#). Insurers' losses could be as high as [\\$45 billion](#).

California's state-administered FAIR Plan, a property insurer of last resort, has just [\\$337 million](#) in reserves and is exposed to an estimated [\\$6 billion in losses](#) from the recent fires.

FAIR will raise that money via a special assessment on private insurers, who can then pass the costs onto individual policyholders. Private insurers [are themselves asking](#) for rate increases of as much as 50 percent in response to the fires.

By shifting financial liabilities for the wildfires from insurers and insured onto oil companies, S.B. 222 could spare individual insurance policyholders from what's sure to be a politically unpopular double whammy of a special FAIR assessment and hiked premiums.

The bill is "a twist on preexisting California law that allows insurers to collect from public utilities if there's any nexus between wildfire and utility lines," says Ray Lehman, a senior fellow at the International Center for Law and Economics.

One distinction is that a utility company's downed power line or sparking transformer can be [\(and has been\)](#) a direct cause of a destructive fire.

In contrast, emissions from oil companies (and their customers) are not the direct cause of any wildfires. They are a contributing factor to climate change, which is then a potentially contributing factor to the frequency and severity of wildfires.

States' past efforts to sue oil companies over the effects of climate change, which often rely on creative interpretations of nuisance or security fraud law, have been typically slapped down by courts.

But a tenuous direct link between oil companies' activity and the Los Angeles wildfires won't prevent lawmakers from making them liable for the fires anyway on climate change grounds, says Walter Olson, a legal scholar at the Cato Institute.

"There is something of an open door to states doing dangerous things in terms of assigning liability to nationwide and worldwide production processes," he tells *Reason*.

Lawmakers also have a lot of freedom to establish the kinds of defenses oil companies could use in response to insurer lawsuits, meaning that they can prevent them from using defenses that would allow them to actually win those lawsuits, says Olson.

Oil companies might be able to argue that California's proposed law is preempted by federal air pollution regulations, or deploy defenses that limit the amount of wildfire damages they are responsible for.

But, ultimately, if California wants to pass a law that allows insurance companies to sue oil companies for wildfire damages and easily win those lawsuits, there's no "slam dunk" constitutional argument against it, says Olson.

An irony of S.B. 222 allowing insurance companies to sue oil companies over losses from "climate disasters" is that, up until very recently, insurers themselves were forbidden from factoring climate risks into their premiums.

For decades, California regulations said that insurers could only cite averaged past losses from wildfires to justify premium increases.

That effectively forbade them from using forward-looking catastrophe models that factor in the increasing severity and frequency of wildfires caused by climate change. Proposition 103 also forbids insurers from passing on the rising costs of reinsurance (which does factor in the increased risks of climate change) to customers.

These regulations combined to keep California's insurance rates well below market rates, which in turn created a crisis of insurers not renewing policies and not issuing new ones.

To forestall a total collapse of the property insurance market, Ricardo Lara, California's insurance commissioner, issued emergency regulations in December 2024 that at last allowed insurers to use catastrophe models in setting premiums and pass on reinsurance costs to customers.

Those reforms came a little too late to shore insurance company finances before the Los Angeles fires that broke out just a week later. They also were likely to be hit with legal challenges from consumer advocates.

The president of Consumer Watchdog, the group that was the driving force behind the ballot initiative that created California's insurance regulatory regime, called Lara's reforms "the worst type of power grab" in comments to the *Los Angeles Times*.

Consumer Watchdog is now one of the leading groups supporting S.B. 222.

Making oil companies liable for wildfire damages would certainly save both the insured and the insurer a lot of money.

Olson suggests the law could even lead to lower insurance premiums in California, as insurance companies cut rates to attract customers, safe in the knowledge that any wildfire losses they suffer could be recouped by suing oil companies in sure-to-win lawsuits.

While S.B. 222 would shore up the finances of insurance companies on the backs of oil companies, it would nevertheless undermine the purpose of insurance. Insurance premiums relay important information to homeowners about the risks of building in wildfire-prone areas and the safety benefits of fire-safe building practices.

That useful function is of increased importance in a world where climate change is making the dangers posed by wildfires to people and property more severe.

By shifting liability onto oil companies, S.B. 222 would leave consumers bereft of better information about the risks of climate change-enhanced natural disasters.

The bill would create a strange situation in which oil companies would be effectively subsidizing people to put themselves and their property at more risk of climate-related disasters.

Rent Free is a weekly newsletter from Christian Britschgi on urbanism and the fight for less regulation, more housing, more property rights, and more freedom in America's cities. January 30, 2025 Reason

Item 4 - Discovery of rare plant could be trouble for SLO County housing development, by Joan Lynch, San Luis Obispo Tribune, January 29, 2025

The discovery of a new species of the manzanita plant found only in San Luis Obispo County could challenge the controversial Dana Reserve housing project's progress in court this year. According to a news release from citizens group Nipomo Action Committee, the Northern Chumash Tribe and California Native Plant Society, a study on the newly discovered *Arctostaphylos nipumu* species of manzanita — also called Nipomo Mesa Manzanita by researchers — was published Jan. 16 in the academic journal PhytoKeys, identifying a rare species native only to the Nipomo Mesa.

"Habitat loss along, with the added stress of a rapidly changing climate, is driving many species to extinction," Waycott said in the release. "Protecting this species is not just about saving a

plant — it's about preserving the ecosystem, the plant community where it grows, and a cultural heritage associated with that plant community.”

What makes Nipomo Mesa manzanita unique?

Waycott said he first encountered the plant in 2001 while on a hike with his wife and started observing and propagating the species for study during the COVID-19 pandemic.

He then shared his findings with researchers at San Francisco State University and began cataloging its DNA and physical characteristics, Waycott told The Tribune.

To the untrained eye, it may be difficult to differentiate species of manzanita.

Waycott said the Nipomo Mesa manzanita bears a few distinct characteristics that set it apart from most manzanita species, featuring shedding bark instead of smooth skin, changes in leaf size and color and variations in the way the leaf stem attaches to the rest of the plant.

According to the Native Plant Society [website](#), opinions on the number of manzanita species vary, from 40 to potentially hundreds depending on subspecies and cultivars.

“We believe that the center of diversity for the genus *arctostaphylos*, the genus of manzanita, is happening right here on the Central Coast — it's right under our noses,” Waycott said. “We have new species occurring in real time, right now as we speak.”

The plant was named with collaboration from the yak tityu yak tilhini Northern Chumash Tribe, departing from the normal species naming tradition of naming it after an individual in exchange for the pre-colonial indigenous name for the area.

Will new species delay Dana Reserve?

At the time of LAFCO's approval of the project's environmental impact report and annexation into the Nipomo CSD's service area, a peer-reviewed study on the new manzanita species had not yet been published.

“We were forced to file a second lawsuit against LAFCO and the county to protect our community and the environment because LAFCO ignored the significance of the discovery of this new species,” Naficy said in the release.

That lawsuit was filed in December, kicking off a second legal challenge to the project in addition to the Nipomo Action Committee's California Environmental Quality Act-based lawsuit against San Luis Obispo County.

“We argued, and I believe that given the science behind this and given the limited number of species and the limited range, that we met the threshold that they should reopen this for further review,” Naficy told The Tribune. “If we're right, and I think we are, then the type of avoidance and mitigation measures that would be warranted under these circumstances would be much stricter.”

Dana Reserve developer NKT Commercial took a different view of the discovery.

In an email to The Tribune, NKT Commercial spokesperson Jocelyn Brennan said the developer does not believe the discovery will have any impact on the project's approval, as its environmental impact report already includes mitigation measures specifically for manzanita plants regardless of the specific species.

Brennan said the NAC did not share any information on Waycott's study or its conclusion with NKT Commercial through the approval hearing and public comment process.

Citing a study by biological and environmental review firm Althouse and Meade Inc., Brennan said mitigation of loss of existing manzanita — Nipomo Mesa or otherwise — was already part of the developer's plan.

At the project's LAFCO hearing in November, project consultant Emily Creel said the new species is a re-classification of the manzanita species already identified in the final EIR, and said it's more widely spread from southern San Luis Obispo County down to Lompoc. She added that the last-minute introduction of the new information cannot retroactively require a new EIR, as the bar for needing the EIR to be recirculated is "quite high."

"As we noted previously, Dr. Waycott's findings show that the new species is visually indistinguishable from other species of sand mesa manzanita and that you can only distinguish them through DNA sequencing," Brennan said in an email. "Accordingly, all manzanita, regardless of their final identity, were identified as special-status species and were evaluated fully in the EIR."

Brennan said NKT Commercial does not believe there is any merit to any claims made in either lawsuit.

COLAB IN DEPTH

**IN FIGHTING THE TROUBLESOME, LOCAL DAY-TO-DAY ASSAULTS
ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO
KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL,
POLITICAL, AND ECONOMIC CAUSES**

PRESIDENT TRUMP CAN RESTORE SANITY TO CALIFORNIA'S ENVIRONMENTAL POLICIES

*Trump's executive order highlights how CEQA's red tape fuels
California wildfires, pushing for reforms to restore balance and
prioritize safety over bureaucracy*

BY EDWARD RING

"For weeks, residents of the Los Angeles area have watched raging fires consume their homes, belongings, beloved pets, and childhood memories. Almost immediately,

firefighters were unable to fight the blaze due to dry hydrants, empty reservoirs, and inadequate water infrastructure.”

– Excerpt from Presidential Executive Order, January 24, 2025

The executive order issued by President Trump in response to the Los Angeles wildfires is the first step in what promises to be an extraordinary effort by his administration to beat some sense back into California’s environmental policies. Trump has “threatened to withhold federal disaster aid for wildfire-ravaged Los Angeles unless California leaders change the state’s approach on its management of water.” Unlike previous presidents, it is quite possible that Trump will make good on his threats.

The Democrats who run California may decide to take Trump seriously, or they may merely use his remarks as additional fodder for performative litigation against the Trump administration. But regardless of how they react, it doesn’t change the fact that environmentalism run amok has inflicted grievous harm on the state. It has made California unaffordable at the same time as it has moved beyond helping the environment to actively harming the environment. The fires in Los Angeles are the latest proof.

Anyone familiar with the consequences of environmentalist extremism in California will almost invariably point to one particular law as the biggest culprit, the California Environmental Quality Act (CEQA), originally enacted by the state legislature in 1970. At that time, it was the first legislation of its kind in the nation, if not the world. Its original intent was to “inform government decision-makers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.”

Over the past half-century, CEQA has acquired layers of legislative updates and precedent-setting court rulings, warping it into a beast that denies clarity to developers and derails projects. When projects do make it through the CEQA gauntlet, the price of passage adds punitive costs in time and money. Knowing this will happen deters countless investors and developers from even trying to complete a project in the state.

The result of CEQA is higher prices and scarcity of everything, including housing, water, energy, and good jobs.

The reason CEQA has tied Californians up in knots is because it can apply to literally anything. Any water project, any energy project, or housing, manufacturing, retail, forestry, grazing—any activity whatsoever that makes so much as a scratch in the earth or releases a few molecules into the atmosphere or into a river or stream. Not only has CEQA turned into a bureaucratic obstacle, wherein voluminous reports and

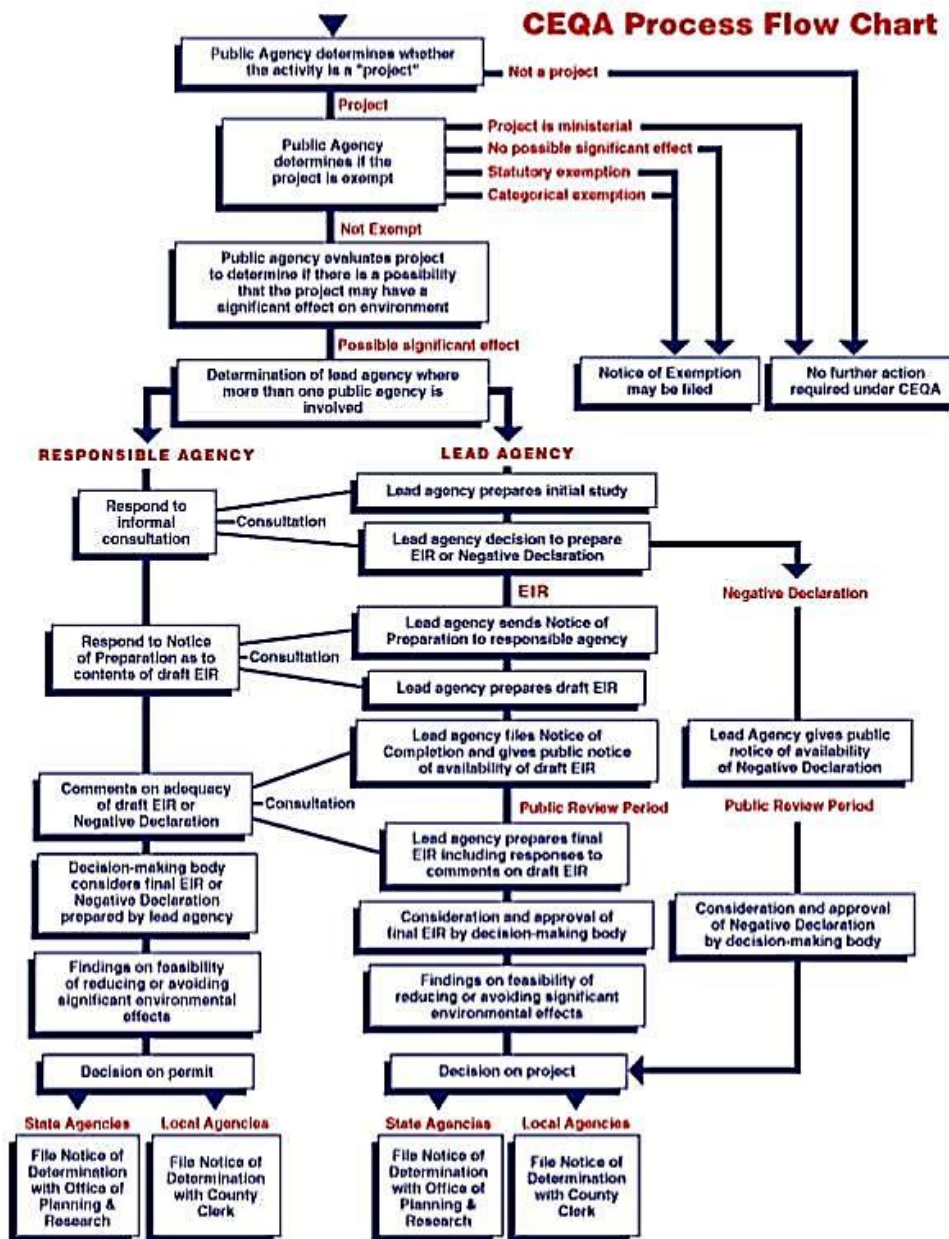
expert analyses have to be turned into multiple agencies for review and approval of projects, but in all these cases, any enterprising attorney can use CEQA provisions as the basis to file a lawsuit.

This is the reality of CEQA in California. Projects that are desperately needed are brought to a standstill, thanks to CEQA. Many developers and investors don't even bother. Why should they, when there are 49 other states open for business?

No wonder there is no longer enough water for California's cities and farmers, despite winter storms that dump tens of millions of acre-feet onto the state's watersheds even in dry years. And no wonder the state's forests and chaparral have turned into tinderboxes, despite the presence of Californians with the expert knowledge and capacity available to responsibly manage them.

The chart depicted below, courtesy of the California Department of Conservation, depicts the CEQA process. If anything, this elaborate flow chart understates what a project developer is up against thanks to CEQA. There is rarely just one "responsible agency." If any of these agencies determine there are any flaws or omissions in the required "Environmental Impact Report" (EIR), the process often has to be restarted. The delays between inter-agency responses can consume months if not years. The "public review period" leaves room for a 3rd party to file a time-consuming lawsuit right up to the last minute before a project is finally approved.

See the CEQA flow chart on the next page:



The irony would be funny if the results weren't so tragic. CEQA, along with a host of other environmentalist-inspired overregulation in California, has led to gross mismanagement of California's forests and chaparral. The results are catastrophic fires on a landscape that is overgrown way beyond historical norms. If you don't allow natural fires to burn, and you don't allow for human intervention in the form of logging, grazing, thinning, and controlled burns, you get superfires. The "climate crisis" has very little to do with it.

A prominent land use attorney who has spent decades fighting CEQA lawsuits offered the following specifications for meaningful CEQA reform:

“Until California housing costs are again affordable (3x median household income for-sale housing, and 4x median household income for rental housing—median by County), and until California’s supplemental poverty rate improves from the worst in the nation to no worse than the tenth poorest state in the nation, waive CEQA for housing, manufacturing and other employment projects, forest management, and infrastructure/utility and public service projects (“project”) which have (a) already been approved in whole or in part by a state or local agency in a plan, funding application or allocation, permit or other discretionary approval; (b) has already undergone a programmatic level of CEQA review because the project is an allowed use in a General Plan, Area Plan, Community Plan, Specific Plan, Master Plan, or Sustainable Communities Strategy. Limit standing for lawsuits seeking to enforce CEQA to elected law enforcement officials (district attorney for a project located within a county, and attorney general for a project located in multiple counties).”

The preceding solution may read as wonky to the uninitiated, but it also delivers the necessary detail and legal clarity for enforcement. It is one, and only one, potential condition that President Trump has the option to put onto delivery of relief funds to California.

Apart from federal aid administered directly and generously to homeowners and businesspeople harmed by the most recent fires in Los Angeles, President Trump should stick to his guns. Not one dime of disaster relief shall go to the State of California unless, among other things, they suspend CEQA until these conditions are met.

Edward Ring is a senior fellow of the Center for American Greatness. He is also the director of water and energy policy for the California Policy Center, which he co-founded in 2013 and served as its first president. Ring is the author of Fixing California: Abundance, Pragmatism, Optimism (2021) and The Abundance Choice: Our Fight for More Water in California (2022). This article first appeared in the American Greatness of January 29, 2025.



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