

To: California Off-Highway Motor Vehicle Recreation Commission

From: Wayne Hall, Resident of Creston, SLO County, CA

Date: May 16, 2024

Re: Public Comment on SLOAPCD

Good Morning Honorable Commission Members. Thank you for this opportunity to provide public comment on a topic not on your May 16, 2024 meeting agenda. My comments regard the San Luis Obispo Air Pollution Control District (APCD) and that agency's drive to enhance revenues. First, my credentials in the way of work history: fifteen years as an executive in SLO County Administration (much spent overseeing land-based departments), almost ten years as a Superior Court executive, and ten years as a land use and regulatory compliance consultant. I've seen the APCD from the inside and out.

While the APCD you know has been around a long time, there was a time when its' focus was less on the money and more on the AIR. That was a time when a common car license frame boasted "San Luis Obispo - COME UP FOR AIR"; before the APCD told us our air was bad. This was a time when the Agency and its' board didn't have to worry about staffing, salary setting, personnel rules, accounting, technology, facilities, legal counsel, etc. because it was all provided by the County, for a direct cost fee, benefiting greatly from economies of scale.

APCD is a regional governance formed by a joint powers agreement between the county, cities, and districts. Other regional governance's in SLO County include Council of Governments, Solid Waste Management, Regional Transit, and Local Agency Formation Commission. Regional governance, by the way, was a popular coordination tool for the LA and Bay area basins multitude of competing local jurisdictions. It's remained debatable if it was needed in a small county like SLO County. We are all familiar with the State's "one size fits all" approach to problem solving. We were stuck with it whether we needed it or not.

This is how the APCD transitioned from county supported to SELF-supported:

In the 1990's, County staff assigned to the regional agencies wanted bigger salaries so they petitioned County Personnel for a study. County Personnel and Administration studied the requests and denied them as unwarranted with supporting analysis. Not long after the denials, I would learn from Board members that these same staff were pressuring city council representatives on the various regional entities to dump county services and form their own stand-alone agency. The staff assigned to the regional agencies didn't want anyone looking over their shoulders. They asserted that the "County" was unduly imposing a county bias on all of these staff to the detriment of cities. It was a classic move that worked for them (divide and conquer) in an environment that already had the County and cities at odds.

This resulted in all of the regional agencies in the County buying their own buildings, contracting their own legal counsel, creating their own support departments, but most important to the staff (in my opinion), setting their own salaries and staffing levels. At the time, I warned members of the County Board of Supervisors of inflated salaries and benefits (they added performance pay, as well), inflated staffing levels, and many other extravagances that the inexperienced governing boards were being sold. The regional agency staff got just about everything they wanted as there was no oversight or independent analysis of their requests. It was probably easier for the governing boards to give so much away as the costs weren't directly coming out of any city or county budgets; they were coming out of State funding and agency generated revenues (mostly fees). I warned Board members of the dangers of corruption in these agencies having so little oversight and transparency. Structurally they have

few controls in place. These agencies set their own fees in a fee friendly environment and with little accountability. The agencies can grow without concern for efficiencies or actual mission competence. They just charge more fees and everyone is happy.

In my estimation, much of what I warned about has come to fruition. Look today at the sizes and costs of these various regional entities; inflated job titles; ridiculous staffing levels, surges of growth in budgets. The SLO APCD is among the worst. After recent news of extensive corruption at the SLO Co. Integrated Waste Management Agency (another regional agency with a very similar board), one can only wonder what is covered up at the APCD. With nothing but a part-time Board of unwieldy size, with primary interest in their home jurisdictions, there is little to prevent the APCD staff from “empire building” and serving themselves instead of their constituents. This is what the structure lends itself to.

As a land use and compliance consultant I had mixed experiences with the APCD. It was often a relief to the client to just pay fees regardless of how much. I have seen “projects” where it appeared that all the APCD wanted was money; the statutes were used to leverage as high of a price as they could get as if that was all that was needed (money) to mitigate air pollution.

The bottom line is, beware of an agency that was structurally built to serve itself; that builds its’ budget off of fees; that has little accountability; and that its’ board members have been deeply involved in corruption at other regional agency boards they serve on. The mission is often dwarfed by self-serving interests.