

Three Blocks Upwind of Downtown

The anatomy of a civics train wreck in Los Osos

by Ron Crawford, (slocreek.com -- 9/22/04)

Sip Bloody Mary's at most bars, and you're likely to overhear chatter about sports, easy women and self-absorption. Sip Bloody Mary's at the Merrimaker, and you overhear something entirely apart from the usual bar rants. Baywood Park's favorite (and only) watering hole has an astute clientel, and nosey patrons can easily eavesdrop and overhear some interesting statements — statements like: "Putting a sewer in the middle of town is about the stupidest (sound of pool balls breaking)ing thing I've ever heard."

And you know what? The nicely plump, apparently foul-mouthed, middle-aged woman sitting three stools down seems to have a fairly accurate take. Especially if your definition of "stupid" is the way the Los Osos Community Services District goes about their business.

Stupid? You decide:

The Los Osos Community Services District, through lack of foresight and careless, misleading tactics, is now in the awkward position of forcing a costly park down the throats of the town's taxpayers... the same taxpayers that have already said through the ballot box that they don't want to pay for a park. Even worse (much worse), the park that Los Osos doesn't want to pay for is dictating the highly controversial central location of the proposed \$100 million sewer — three blocks upwind of downtown. But wait, there's more. The park that Los Osos doesn't want to pay for, *and* is dictating the central location the community doesn't want, is also dictating the type of sewer — a more expensive type than would be needed *without* the park. All of this is according to my new favorite book, the *Los Osos Community Services District Wastewater Facilities Report*.

Sounds like my bar mate has a pretty accurate take.

Where to we begin? Let's start with what's actually IN the facilities report — the fun cloak and dagger/conspiracy-theory stuff comes later in the form of what's NOT in the report.

It's clear from reading the facilities report that other potential sites that could have accommodated the sewer project on the outskirts of town never had a chance. The situation reminds me of the questions some clever reporters were asking George Bush just before he invaded Iraq, "Do you see any scenario that would prevent our invasion?" Saddam Huessein himself could have been filmed personally destroying weapons

of mass destruction while surrounded by U.N. inspectors, and the U.S. was still rolling into Iraq, no matter what. Similarly, it seems, that, from the outset, the centrally located "Tri-W" site was the site of choice because it was close to town and could accommodate a park. The sewer was going there... no matter what.

Any doubts? Consider these statements lifted straight from the facilities report:

"The size and location of the other sites did not provide an opportunity to create a community amenity. The sites on the outskirts of town, could not deliver a community use area that was readily accessible to the majority of residents in the manner that a central location such as Resource Park could."

and,

"Although the Turri site would have less potential environmental impacts, its distance from the center of town precluded it from providing a community amenity in the form of a public use area."

and

"(The Andre site) is 1.5 miles from the edge of the community and would not be able to provide the community with a readily accessible recreational area... On a non-cost basis this site was viewed as less favorable than the Resource Park site."

and,

"Following is a description of the benefits of the project...:

- *Creates a Community Amenity and Visual Resource*

... the wastewater treatment facility will be constructed and landscaped to maximize active and passive recreational space in the center of the community. Not only will this provide aesthetic benefits, but it will also provide park space for local schools and community groups near the existing community center."

and,

"It is essential that any proposed wastewater project within the community of Los Osos reflect these strongly held community values."

One of these "strongly held community values:"

"Creating a wastewater treatment facility that is a visual and recreational asset to the community..."

"The size and location of the other sites did not provide an opportunity to create a community amenity?" Are you kidding me? With that logic, why even consider other potential sites at all?

Just from these quick passages, it appears that the park element of the plan is clearly dictating the location. It would be nice to actually *prove* that the park is dictating the location, but, unfortunately, the information required for that is *missing from the facilities report and no one knows where it is!* (Los Osos, you want might want to listen up here) Other than being pigeon-hold as the only suitable site due to its "central loca-

tion” for the park, the controversial Tri-W site was also chosen because it topped a list of seven potential sites following an evaluation of all the sites. That’s why the CSD Board voted for it. It came out number one. Makes sense, right?

But when the criteria used to rank the sites is examined, there’s substantial weight given to (euphemism alert here) something called “Community Acceptance,” and a large portion of that criteria is “Open space, enhancement, access” and “Aesthetic factors.” Specifically, the five criterium used to rank the potentials site and their weight were:

Cost (56), Resource Sustainability (33), Regulatory (31), Community Acceptance (25) and Future Flexibility (1). When these numbers are plugged into a model (developed by a subcommittee of a subcommittee, incidentally), a ranking is produced with the sites with the highest scores in descending order. In this case, Tri-W was #1. At least that’s what I remember it being from that faithful CSD Board meeting four years ago.

Unfortunately, I’m forced to rely on my memory because (here’s the good conspiracy-theory part) both the model used to calculate the criteria AND the list of site rankings, two critical components that led to Tri-W’s selection, are missing from the god damn facilities report! When asked about the missing information, Los CSD general manager, Bruce Buel, waves his hands a few times over the document and says that I will have to contact the engineering firm overseeing the project to get the information.

Wrong Bruce.

I called the engineering firm, Montgomery Watson, and spoke with project engineer, Steve Hyland. He doesn’t have the information either. When he points to the rankings of the sewer *type*, that actually *is* found in the facilities report, I have to tell him that those rankings are for the *type*, not *site*.

Hyland pauses, then gets off this gem, “Huh? You’re right.”

Listen Hyland, I *KNOW I’M RIGHT*. *I do not need* to be told that I’M right, *what* I do need to be told, however, is that YOU are right. I am calling YOU and asking the questions. Remember? I’M NOT THE ONE WHO NEEDS TO BE RIGHT in this situation. YOU NEED TO BE RIGHT.

Anyway, he finally concedes that the facilities report was created “before I started on it” and he passes me on to, get this, ANOTHER FUCKING ENGINEER that doesn’t even work at the same company. One desperate, futile, final call to the other “engineer” (quotes intentional), and that’s where the trail ends, because, apparently, he doesn’t return phone calls. But why should he? He was able to bail out of this mess early in the process, and in all likelihood, has no intentions of revisiting it. In the meantime, I defy

anyone in Los Osos (ANYONE! PLEASE!) to find that information. Because, then, and only then, could we redo the model that originally ranked the site locations — the rankings that made Tri-W number one — but this time get rid of that ridiculous (by all credible accounts) park element, divide that criteria's points proportional to the other criterion, and then simply spit out the rankings again. Does Tri-W (again, Los Osos, you might want to listen up here) still come out #1? If it doesn't, then the park that Los Osos doesn't want to pay for is dictating the location they don't want, and, the more expensive type of sewer, according to the facilities report. (*"Although the hybrid alternative is not the least costly, it provides a balance between reasonable cost and delivery of a public amenity in the form of accessible park space"*)

One has to ask here, where does this drive for a "drop dead gorgeous" park come from? What's the source of these "strongly held community values"? Who came up with these horrible euphemisms (I'm looking in your direction Pandora Nash-Karner. After all, you were a member of the "Vision Team", a member, if not leader, of the "Solution Group," the number one vote-getter in the inaugural CSD Board, a long-time and current member of the County Park Commission, and someone who throws highly-documentable phrases like these around liberally)?

Brace yourself for yet another rash of euphemisms. According to the facilities report, the *Vision Statement* authored by the apparently self-important "Vision Team" is the primary source that documents this so-called "strongly held community value" of including a park in the wastewater project. The problem is that the *Vision Statement* dates back to 1995, and, by all appearances, it looks like some of those "community values" may have lost a bit of their worth over the years. In 1997, for example, Los Osos voters had a chance to pass Measure E-97 that would have added \$10 a year (a year!) to property taxes to be used for recreational purposes in Los Osos. That measure failed. Now, I may not possess the "out-of-the-box thinking" skills that the CSD Board seems so proud of, but THAT sounds like a "strongly held community value" to me. Yet Measure E-97 doesn't show up in the facilities report at all. The "Vision Team" seemingly suffered from "Vision Loss" after 1995.

Furthermore, according to the facilities report, although there were dozens of public CSD Board meetings involving the sewer, there were only *two* public "workshops" that led to the development of the critical, and missing, decision model that ultimately led to the number one Tri-W ranking. Because those workshops were held by a *subcommittee of a subcommittee*, it's probably safe to assume that they were sparsely attended. But why even have *two* workshops? It was "clear" following the very *first* "workshop" of a subcommittee of a subcommittee that the Tri-W location was where this albatross was going to rest. Again, straight from the facilities report in italics: *"The clearest result of the first workshop was that the Resource Park (euphemism for the central location that includes Tri-W) site was the preferred site because of its size and central*

location.” And that was that.

Couple the *Vision Statement* with Measure E-97, and it seems fair to say that Los Osos *may* WANT a park, they just don’t want to PAY for a park. That is a very important distinction in this entire discussion.

I’m telling ya, the *Los Osos Wastewater Facilities Project* really is a hoot. You should give it a read sometime. It was my favorite book this summer, other than that one I got off the Bookmobile that talked about “Ridding My Dog of Separation Anxiety.” Excellent advice.

So, what makes a normally dry and boring *Wastewater Facilities Project Report* such a good read? Bundled amongst all of the other glaring omissions and misleading euphemisms (worth the read right there), there’s yet another great unsolved mystery. On the cover of the report is a fairly standard archetecual drawing of how the project will lay out. On this nice drawing there are all kinds of things like “Dog Park”, and “Amphitheater” scattered about the nuts and bolts of a fairly standard sewer project. I know what you’re thinking, ‘cause I thought the same thing too, “An amphitheater in a sewer project? What the hell?” But, I swear, it’s there. Right on the cover... for all to see.

Along with the “Dog Park” and “Amphitheater,” there are a few other things “proudly” displayed on the cover; things like “Play Fields” and “Picnic Area” and “Parking” and “Water Garden” and “Demonstration Garden” and “Bridge” and “Multi-use path” and “Arbor Walkway” and... you get the point.

The cover certainly makes the project appear “drop dead gorgeous.”

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(I want to pause on that phrase for a moment: “drop dead gorgeous” is yet another one of the many misleading euphemisms that show up throughout the facilities report (see side-bar), and is the only rotten, leftover from the terribly ill-conceived *Solution Plan*, an alternative sewer idea that flamed out in spectacular fashion the moment it came under official scrutiny in 2000 [*New Times* cover story, **Problems With the Solution**, 7/13/00]. Unfortunately for Los Osos taxpayers, the zeal for a “drop dead gorgeous” park didn’t crash and burn with the rest of that dim plan. Instead, it was passed on to the next generation of sewer debacles in Los Osos. With the ruins of their “Solution” now smoldering at their feet, the CSD had a decision to make. How could they salvage at least some of the “better, faster, cheaper” project they promised voters and *still* develop a viable, and state-mandated sewer? With “faster” and “cheaper” in ashes with the rest of the awful Solution Plan (euphemism), the CSD had to turn to the

much more subjective “better” in a loose attempt to cling to at least some of their sewer promises.

The Los Osos CSD, I’m sure, is also keenly aware that there are more than a few people that believe the only reason the Los Osos CSD was passed by voters in the first place (it failed in two previous elections), was because they were promised a “better, faster, cheaper” sewer to what the county was proposing. No “cheaper,” “faster” AND “better”... well, draw your own conclusion.

One more good conspiracy-theory item: If the “drop dead gorgeous” element of the project wasn’t dictating the location *and* type of the sewer, there’s a fairly good chance that the final resolution would have been, some quick jargon here, an SBR sewer type at the so-called Pismo location. Why is that important? It is the EXACT project the county was proposing for over decade, when the estimated cost of the project was some \$30 million dollars less. The county’s plan was shelved after the CSD was formed under less-than-clear circumstances, and *county* taxpayers picked-up the roughly \$5 million bill that came from the preliminary planning and, by all reasonable accounts, frivolous, and expensive extra testing that was demanded by Los Osos residents of the original county project. In hindsight, ol’ county supervisor Harry Ovitt was right. He consistently voted *against* funding additional studies to determine if Los Osos actually needed a sewer – which it desperately does. Yet, in the end, Ovitt’s constituency still helped pay for the Solution Group’s blunders, along with the rest of the county’s taxpayers. The Solution Group, it seems, owes SLO County taxpayers a \$5 million apology *and* Los Osos taxpayers a \$30 million-and-counting apology. Think they’ll be forthcoming anytime soon? That’s one expensive park that Los Osos doesn’t want to pay for.

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Too bad the estimated cost summary of the project can’t back up the cover’s promise of a “drop dead gorgeous” facility. The cost estimates of the amenities are nowhere to be seen in the report. When I asked Buel if he could point out the estimated costs of the amenities featured on the cover, again, he simply waved his hand over the page and said I’d have to contact the engineering firm. The last time I witnessed this much hand waving was the ‘04 Rose Bowl Parade.

What Hyland at Montgomery Watson had to say about the missing costs estimates for the park amenities is stunning. “I wasn’t under the impression that the amenities were ever going to be included in the project.” I’m not kidding. That’s what he said. Even with the park amenities all over the cover of the facilities report... even with the park element dictating both the location *and* the type of sewer, apparently, it was never going to be included after all. The “strongly held community value” of a park was all a big fantasy, a pipe dream, I guess? Or did they realize, a little too late, that the ameni-

ties were going to add to an already massive price tag, now edging towards \$100 million, and decided to back away from that expensive little afterthought? Because that is exactly what happened. Remarkably, the CSD eventually removed the park amenities from the project entirely. In fact, it wasn't until just last month that the California Coastal Commission forced the CSD to reinstall the amenities, calling the CSD's tactics, "A little bait-and-switchy." That is a great quote.

As of September 2, 2004, there are now numbers associated with the cost of the amenities, according to Buel. The cost? \$300,000 for materials and hundreds of thousands more for construction and continued maintenance. All in a community that, just a few short years before the publication of the facilities report, voted *not* to pay \$10 a year for public recreation. Incidentally, the State Revolving Fund that's going to be used to help pay for this mess, doesn't cover park facilities.

In all fairness, let's not just lay the "stupid" label at the CSD's feet. Sure, it's the elected officials in this seaside hamlet that green-light one ill-conceived idea after another, but I'm not sure we can rule out stupidity on the part of the opponents to this project. For years, they have been too inept to formulate a plan to stop it. But that may be a bit harsh. They can hardly be blamed for letting this project fester for years with few, if any, substantial victories. Their lack of a viable plan of attack is understandable considering the glaring omissions of critical information in the facilities report, and those hideous, misleading euphemisms that are peppered throughout the document.

So, here's what I'd do if I wanted to get the sewer moved: I would go before a judge, tell him the community was mislead (*again*... remember the highly misleading Solution Plan?), show him that the park amenities were not included in the assessment vote that passed in 2001, but you are now stuck paying for (very important). Then break out Measure E-97 that shows that the community doesn't want to be taxed for a park. Now, I'm no fucking tax attorney, but it seems *any* judge, Democrat or Republican, man or women, black, white or other, would dissolve what has to be an illegal assessment district and call for a revote. And there's your opening. Los Osos, if you want a park, then plan, fund, and build a park, as they did so gracefully with the dog park in El Chorro Regional Park, but you *need* a sewer.

It would be interesting, also, to see how the Regional Water Quality Control Board would react if the above scenario were to play out. The state-controlled regulatory agency has, for years, threatened to fine Los Osos \$10,000 a day if there were delays in constructing the sewer, but CSD officials continually whine that all delays are beyond their control, and the RWQCB has generously agreed, over and over again. However the misleading "bait-and-switch" tactics by the CSD Board, this time, have nothing to do with outside influences. This time the responsibility stops right at the doorstep of

the CSD office. This time the RWQCB may not be so generous.

So, what are the lessons of this civics train wreck? Perhaps it lies in information communities could glean from this terrible saga on how NOT to develop policy. Perhaps it's the old adage about keeping an eye on elected officials. Whatever it is, there are many, many lessons here.

One last, important, bottom-line point: The Los Osos CSD came into office riding one more awful euphemism, "out-of-the-box thinking." Memo to the Los Osos CSD Board: If the *Wastewater Facilities Report* is any indication of this "out-of-the-box thinking," I strongly recommend that you climb back in that box as quickly as possible, and firmly tape it shut.

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SIDEBAR:

When George Bush says, "we are working to advance liberty in the broader Middle East," we can pretty much interpret this as "continue our global imperialism." It's called a euphemism – a phrase or word that masks the real meaning.

Now, let's plug in some of the Los Osos CSD's favorite euphemisms and you tell me, does the following make any sense (save the last sentence)?

The "Solution Group" developed the *Solution Plan* with a bunch of help from the "Vision Team" that authored the *Vision Statement*. This apparently confirmed the "strongly held community values" that exist in Los Osos for a "drop dead gorgeous" sewer project that led to the decisive criteria "community acceptance" (not "park and open space," mind you, but "community acceptance"). But when the "Solution" ended up being anything but, a "hybrid" system was specifically developed to better accommodate "amenities." Mix all this in with a nice dose of "out-of-the-box thinking" and here's what you get (sans euphemisms): A park that Los Osos doesn't want to pay for, dictating a sewer location that Los Osos does not want, and a more expensive type of sewer to accommodate the park that Los Osos doesn't want to pay for.

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