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## Fight the Blight!

*Your Chamber and Local Governments Tackle the Regional Scourge of Neglected Properties*

It's demoralizing for Monterey County residents to drive or walk by long-vacant and neglected buildings day after day. They are a symbol for people who believe the county, the state, and the region are in a state of deterioration, decay, and decline. Occasionally someone from the public will take the initiative to add some unauthorized new graffiti or broken windows for ornamentation on these blighted buildings. It's a shame.

Even more frustrating for ordinary residents is the belief that the public can't do much about the ugly, dangerous structures that compromise enjoyment and safety of this beautiful region. Why don't the owners of long-vacant, decaying private properties maintain them or sell them for a profit? Why can't the government transform its own abandoned properties into a community asset instead of a liability? These are questions the public asks.



*Blighted buildings in the City of Salinas.*

Residents can complain to their local government authorities about safety and aesthetics with a blighted property, but ultimately the government itself has the responsibility to resolve that complaint. Unfortunately, private property owners can exploit their constitutional rights and evade public accountability for the condition of their properties for many years. For governments that own blighted properties, the cost to demolish or renovate those properties is often the main obstacle - defying entropy is expensive.

Your Chamber of Commerce understands how blighted buildings undermines economic prosperity and quality of life. While tackling the issue seems futile, the business community has actually seen progress as it proactively works to propose, initiate, and support programs and projects to Fight the Blight.

### Fighting the Blight in the City of Salinas

Founded in 2015, the Salinas City Center Improvement Association (SCCIA) quickly recognized that a few large deteriorating vacant buildings hindered advancement of the Downtown Vibrancy Plan, a vision for revitalization and improvement approved in 2015 by the Salinas City Council. Although several blighted buildings marred

**BLIGHT** - Continued on page 4

## California's Environmental Laws Used for Other Objectives

*by Kevin Dayton, Chamber Staff*

Monterey County is not immune from the schemes of front groups, non-profit organizations, labor unions, businesses, and individuals to exploit the California Environmental Quality Act (CEQA) for purposes unrelated to environmental protection. As long as the California legislature refuses to make meaningful changes to this law, the abuses will continue. Here are a few examples of recent environmental objections in Monterey County that your Chamber views as suspicious or unfounded.

### Stopping Projects Approved by Local Elected Officials

On July 12, 2021, the governing board of Monterey-Salinas Transit voted 13-0 to approve the agency's environmental review of the planned SURF! Bus Rapid Transit dedicated bus lane adjacent to Highway 1 between Marina and Seaside. This lane is meant to help relieve the time-consuming commute and reduce greenhouse gas emissions of ordinary workers who can't afford to live on the Monterey Peninsula but work there. Your Salinas Valley Chamber of Commerce supported the project.

As expected, a group called Keep Fort Ord Wild has now filed a lawsuit in Monterey County Superior Court alleging that the environmental review is inadequate under the California Environmental Quality Act (CEQA). Some people suspect this lawsuit is not so much about sufficient environmental review, but instead is meant to stop the project from happening.

Taxpayers will have to pay for Monterey-Salinas Transit to hire lawyers to defend the lawsuit, and it potentially could delay the project for years, if the project even happens in the end.

### Stopping Artificial Electromagnetic Radiation in the Visible Light Spectrum

A mysterious group called Turn Down the Lights sued the City of Monterey for allegedly inadequate environmental review under CEQA for replacing old streetlights with energy-efficient LED lights. While it seems obvious that LED lights reduce greenhouse gas emissions and therefore benefit the environment, the lawsuit decried the environmental and health impacts of the lights and hinted at the possibility of the city not having streetlights at all, which would REALLY save the environment. After a Monterey County Superior Court judge ruled against the city, the law firm representing Turn Down the



**CEQA** - Continued on page 6

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# Climate Change

by Kristy Santiago, Board Chair



This month I thought I would share an interesting story about Climate Change that was written by our Chief Meteorologist Dann Cianca.

<https://tinyurl.com/x57s9v6b>

**CLIMATE CHANGE:** We all hear a lot about it, but what exactly does it mean for us here on the Central Coast?

Why and how is the climate changing? Atmospheric CO<sub>2</sub> is at its highest level in the last three to five million years and has jumped significantly over the past hundred years due to man-made emissions. Carbon dioxide is a greenhouse gas, meaning it traps the longwave radiation emitted by the earth into the atmosphere.

The more greenhouse gasses we have in the atmosphere, the warmer it will get and it has been getting warmer.

NOAA released its new 30-year normal temperature statistics this year, these normals are updated every 10 years and are an average of the past 30 years of data.

The new set of normals shows Central Coast cities have warmed by 0.2°F since the last set of data 10 years ago. This may not seem like much, but keep in mind that due to our proximity to the ocean, we should have a pretty stable climate. This stable climate is why we live here and the reason we can harvest crops year-round in many cases.

One of the most noticeable changes is the number of hot days we experience. The data show since 2010, Salinas has set or tied at least 64 daily record high temperatures, but in the same period, only 8 record lows. That's 8 times more highs than lows! It is not just Salinas, King City has set or tied 10 times more highs than lows and Santa Cruz 11 times more highs than lows. All three cities have set their all-time record highs in the last ten years as well.

**RAIN:** The warmer the atmosphere is, the more moisture it can hold, which sounds great now while we are in the middle of a drought. Studies show we will get more rain focused in the winter and less in the Spring and Fall. Which will lead to a longer dry season, and possibly heavy rains in shorter periods of time which can lead to flooding.

**DROUGHT:** Drought is not uncommon in California. In the long run, it may not be the lack of rainfall that makes drought worse but the heat making it more extreme. It works like this: snow is nature's water reservoir and the snowpack spreads out the release of runoff over months and sometimes all the way to summer. However, warmer temperatures mean higher elevation snow levels in the mountains and ultimately, less snowpack, which can lead to water problems in our longer dry summers. This can mean more evaporation from lakes and streams and even crops and other plant life. This can make vegetation stressed and more prone to disease, insects, and mortality.

Our Spring and Fall seasons, which is when we see the most wind, have been warmer and dryer. All of those factors contribute to more frequent and intense fires. Last summer was a good reminder to us all that fire is a real threat on the Central Coast.

**FIRE:** Low intensity fire is normal part of the ecosystem. Warmer, dryer conditions along with drought stressed vegetation and forest management have all lead to more intense and frequent fires. Our Spring and Fall seasons, which is when we see the most wind, have been warmer and dryer. All of those factors contribute to more frequent and intense fires. Last summer was a good reminder to us all that fire is a real threat on the Central Coast.

**SEA LEVEL RISE:** According to NASA sea levels have risen about 4" over the last 30 years, which may not be noticed at your day at the beach, but when we have high tide during winter storms with high surf, it all adds up. As ocean levels are expected to continue to rise, it will mean more coastal erosion of our beautiful beaches and cutting into coastal bluffs and cliffs, along with more frequent flooding in low areas near the coast during our King Tides in winter.

Drought and sea level rise can also be a bad combination in that salt water can intrude our normal fresh groundwater.

So how concerned should we all be? Most of this is a slow process, but more frequent fires and floods can have an impact on our businesses. We should be prepared as Californians to face any disasters resulting from climate change.

*Kristy Santiago*

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the new Downtown Community Benefit District, three buildings were particularly problematic. These were the Bruhn Building (the former Farmers Mercantile Company Building, built in 1925), the former Greyhound Bus Station, and the El Rey Theater (built in 1935).

At the urging of SCCIA leaders, the City of Salinas in early 2018 cited the out-of-area owner of the El Rey Theater with code violations related to unsafe conditions with the marquee that extends over the sidewalk on Main Street. Forced into repairs on the building, the owner then sold it to local residents, who did some improvement and maintenance work but are now trying to sell it. SCCIA is trying to figure out what kind of government incentives and promotional strategies could attract a buyer with sincere interest and financial resources to restore the theater. The price of the building is relatively low, but the cost to restore it is high.

While the city was dealing with the El Rey theater, Salinas City Councilmember Steve McShane (who represents Downtown Salinas) and then-Mayor Joe Gunter and other city council members were intrigued by documentation compiled by SCCIA showing how other California cities (specifically, San Francisco, Berkeley, Oakland, San Jose, and Fresno) were fighting downtown blight. Recognizing how long-vacant, neglected buildings were hindering a market demand for revitalization of their own downtowns, these cities had recently enacted innovative legislation to increase accountability for private owners of blighted properties.

Why not try some of these ideas in Salinas? On March 19, 2019, the Salinas City Council unanimously approved a Blight Accountability Ordinance that gave the city additional powers to address long-neglected, blighted buildings. The city subsequently used this new authority to cite the out-of-area owner of the Bruhn Building and Greyhound Building for numerous code violations.



*Blighted buildings in the City of Salinas.*

After the owner failed to correct code violations at the burned-out Bruhn Building, the city sought a court order in December 2019 to appoint a receiver to take over the building. After losing in court, the owner surrendered and sold the two buildings to Taylor Fresh Farms in October 2020.

The once-beautiful Bruhn Building at 300 Main Street will soon become one of the high-profile successes of the Adaptive Reuse Ordinance (enacted by the Salinas City Council in 2018). It will feature retail development on the ground floor and apartments above, with an exceptional interior design. Taylor Fresh Foods has an ambitious plan for the former Greyhound bus terminal as well.

Downtown is not the only Salinas neighborhood that has benefited from the Blight Accountability Ordinance. The City of Salinas proceeded with court action in 2020 against the out-of-area owner of a prominent and notorious large blighted house on the corner of West Alisal Street and Lorimer Street, one block from the Hartnell College main campus. This action apparently motivated the owner to sell the property to someone local, to the delight and relief of the long-suffering surrounding residential neighborhood.



*City of Marina plans for blighted building removal.*

The City of Salinas itself has been working to Fight the Blight on its own properties. Recently the city completed exterior improvements to the former Salinas Women’s Club on Lincoln Avenue, across from City Hall. This building was built in 1923 in the Mission Revival architectural style and now displays its original beauty as the city promotes its Historic Downtown Lincoln Avenue Corridor Redevelopment Plan. This building remains unoccupied; however, the city would be interested in public-private partnerships with potential tenants that would help to fund the estimated \$700,000-\$1 million total cost of interior renovations, including removal of hazardous materials such as asbestos and lead. Contact Chamber CEO Paul Farmer if you’re interested in initiating discussions with city staff.

**Fighting the Blight at the Former Fort Ord**

Fort Ord closed in 1994, creating a dominant regional resource with great potential but also significant challenges. At the time of its closure, Fort Ord had 4,000 structures identified as inadequate or contaminated by hazardous materials.

As anticipated in the 1997 Fort Ord Base Reuse Plan, the U.S. Army in 2000 transferred 45 square miles of former base land to the Fort Ord Reuse Authority (FORA), including more than 3,500 buildings and related infrastructure, with the restriction that FORA and local government jurisdictions took possession of the property with the surplus military buildings “as-is, where-is.”

“As-is” often meant “needs to be demolished.” About 35% of Fort Ord buildings have been reused, while almost 55% of the remaining buildings have been demolished over the past 20 years. Many buildings were constructed using friable asbestos, lead-based paint, and toxic materials requiring costly removal. Even the cement bases of barracks contained asbestos. It was estimated by FORA officials in 2019 that the demolition of each barracks could cost as much as \$900,000 each. (The cost of debris removal was much less after an abandoned barracks would burn down - something that happened on occasion.)

Some Fort Ord buildings that perhaps initially had potential for reuse became dilapidated over time and were targets for graffiti, vandalism, dumping, and anti-social activities. Decaying structures visible from Highway 1 and major secondary thoroughfares such as Imjin Road became a symbol for regional government dysfunction and the divisiveness of sharply competing visions for the region.

In October 2018, the Fort Ord Reuse Authority (FORA) board directed agency staff to investigate the legality and feasibility of borrowing money for the purpose of demolishing the remaining blighted buildings on public property in the former Fort Ord. In late 2019, the FORA board had a proposal ready for borrowing money for the demolition by selling bonds to investors. The investors would be paid back over time, with interest, using property tax revenue generated from former Fort Ord property.

FORA prepared a list of the remaining blight on public property and estimated demolition costs:

- City of Marina - \$45 million – Cypress Knolls, Dunes City Park, Arts District, Equestrian Center, and Dunes areas
- City of Seaside - \$18 million – The Surplus II area
- Transportation Agency for Monterey County (TAMC) - \$3.5 million – 1st Street Transit Center area ➡

➡ **BLIGHT** – Continued from page 4

- Monterey County - \$2.5 million – Ammo Supply Point & Development Areas
- California State Parks - \$1.6 million – Waste Treatment Plant
- Marina Coast Water District (MCWD) - \$1.5 million – 4th Street storage area
- Monterey-Salinas Transit (MST) - \$1 million – 1st Street Transit Center area and Surplus II storage



*Barracks were demolished earlier this year on this plot of land near Imjin Road and Highway 1. The City of Marina anticipates a 150+ room hotel at this location.*

Divided by incompatible municipal interests, the unwieldy FORA board had often struggled to make major decisions. Recognizing the Fort Ord blighted buildings might be left to decay in our region for another generation, your Salinas Valley Chamber of Commerce supported the bond proposal and stayed alert against threats to derail the plan.

Although there were various threats that jeopardized the plan - including state objections - in the end FORA staff, the FORA board, and the local governments with jurisdiction over the blighted buildings managed to get the bond plan implemented before the June 30, 2020 termination of the

agency. Investors bought \$30,705,000 in bonds, with the principal to be paid back to them with interest through 2037.

With funding obtained, there is progress toward the elimination of the Fort Ord blight. On September 13, 2021, the Monterey-Salinas Transit (MST) Board of Directors voted unanimously to approve environmental review and a demolition contract to remove unsightly and decayed structures on their land parcels that were once part of Fort Ord. MST is cooperating with the Transportation Agency for Monterey County (TAMC) on this contract also to include demolition of decayed structures on TAMC land parcels.

Meanwhile, the City of Marina is planning its demolition work funded by the bond proceeds. In January 2021, the Marina City Council approved funding for removal of 47 barracks buildings on the future Dunes City Park and removal of 31 duplexes in Cypress Knolls.

A recent high-profile demolition of former Fort Ord buildings was the removal of about 70 military barracks near the intersection of Imjin Road and Highway 1, across the street from the Dunes on Monterey Bay Retail Center (the shopping center that includes a Target store). This land is owned by a private developer - Shea Properties' Marina Community Partners - and is the planned site of a hotel with at least 150 rooms and some housing. Marina Community Partners had previously removed 390 other Fort Ord blighted structures before building the retail center and adjacent commercial and residential developments associated with The Dunes on Monterey Bay.

**Vision: No Blight in Monterey County by 2026**

The Salinas Valley Chamber of Commerce has not adopted a formal position on a comprehensive regional plan to eliminate blight. But it doesn't seem outlandish to support a cooperative effort among Monterey County local governments to eliminate all of it by 2026. Residents know and complain about isolated cases of blighted buildings all over the county. It's time to create public accountability for the owners, so they improve or demolish these eyesores.

The public needs to ask local governments to maintain pressure on irresponsible private property owners to ensure health, safety, and aesthetic conditions comply with code standards. And the public needs to ask local government how they can expedite renovation or demolition of their own blighted buildings.

Your Chamber can help with this: contact Paul Farmer at 831-751-7725 to get more information and work with us to Fight the Blight. ■



## CEQA – Continued from page 1

Lights demanded city reimbursement of legal fees totaling more than \$550,000. In the end, the City of Monterey won its appeal in a California appellate court. The lights remain on.

Meanwhile, groups calling themselves “Preserving the Peace” and “Taxpayers for MPUSD Accountability” sued the Monterey Peninsula Unified School District (MPUSD) on August 27, 2021 to stop installation of lights at the Monterey High School football field. Neighbors who oppose the lights have overwhelmed the district with objections to environmental review, and the district has already paid more than \$250,000 to develop an Environmental Impact Report that responds to their claims. Although the school district has established restrictions on use of the field with lights, neighbors seem intent on preventing football games or any other outdoor athletic, musical, or drama activity from ever happening outside after dark.

### Seeking Economic Concessions from Developers

The Salinas Union High School District and Santa Rita Union School District have sued the City of Salinas alleging that the environmental review for the West Area Specific Plan was inadequate under CEQA. They want the city to require the developers to pay more money to the school districts for facilities construction to accommodate additional students, or the developers to voluntarily agree to pay more money for it.

### Pressuring Developers to Sign Labor Agreements

Often, the party wanting something from a private or public developer doesn't even need to file a CEQA lawsuit to get the developer to surrender. A group called California Unions for Reliable Energy (CURE) submitted records requests and critical comments about the environmental review of the PG&E/Tesla Moss Landing Energy Storage Project. The same group submitted objections to environmental review of the Cal Flats Solar Battery Energy Storage System and the original California Flats Solar Project in Monterey County, as well as the Cal Am Monterey Peninsula Water Supply Project.

Allegedly CURE wanted the owners of these private projects to sign a Project Labor Agreement giving unions representation and dispatching rights to construction trade workers on the project. Their objections to environmental review were eventually resolved in settlements with the project owners.

It's not just construction unions that seem to use objections to environmental reviews under CEQA as part of an effort to ensure a union workforce on proposed projects. The Unite Here Local 483 hotel workers union has contended that environmental review is inadequate for proposed hotels on the site of the American Tin Cannery in Pacific Grove.

### Demanding Payoffs

A mysterious group called Better Neighborhoods Inc. based in Irvine submitted objections to the environmental review of a 40-unit senior independent living apartment building in the City of Monterey. It was unclear why this group cared about this building, and their ultimate

objective was unknown. However, news reports indicated the group asked for payments from developers seeking approval for projects in other California cities. The Monterey project ended up proceeding without a lawsuit.

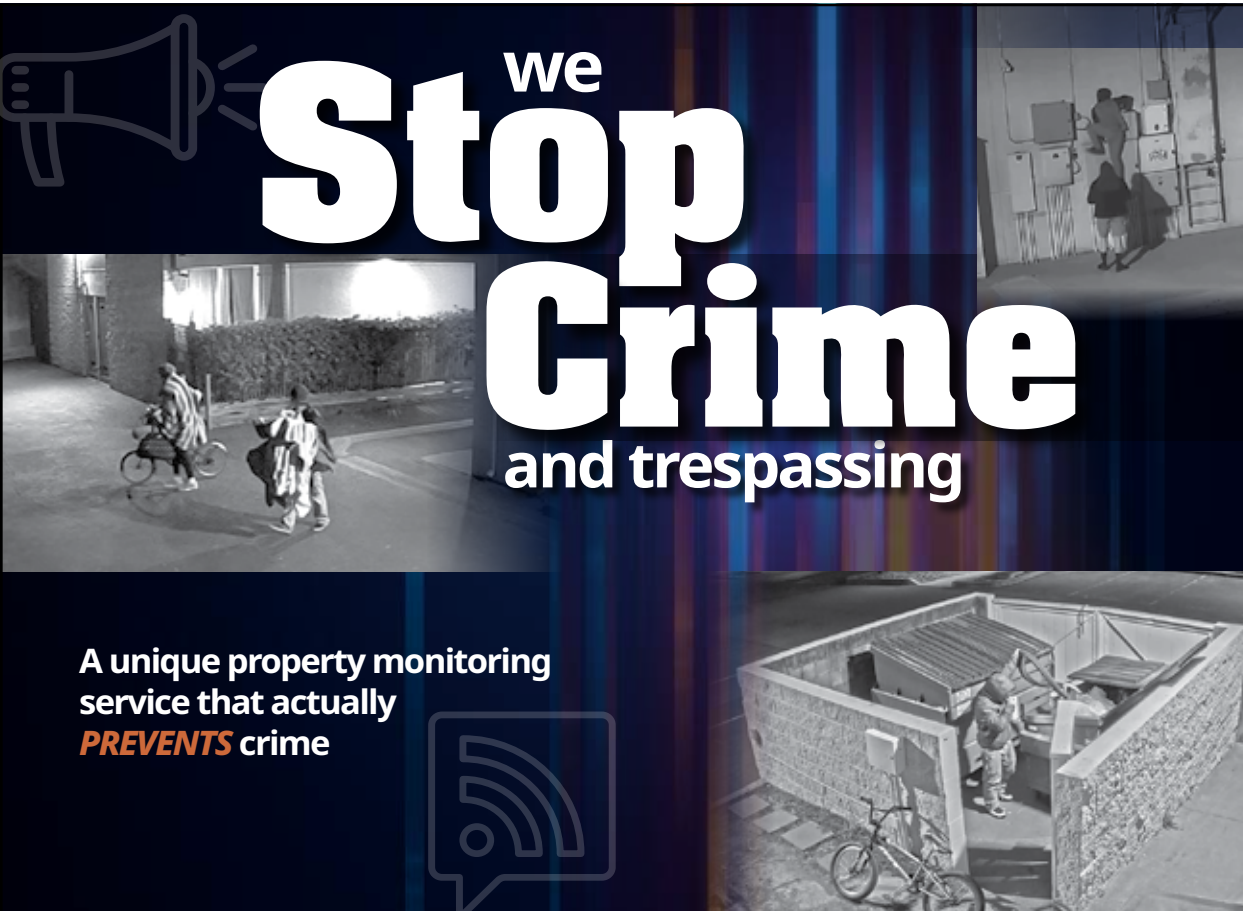
### Eliminating Competition

After the Seaside City Council approved the Campus Town development, a mysterious group called Committee for Sound Water and Land Development on Fort Ord filed a lawsuit against the city contending that the environmental review under CEQA was inadequate. But someone working for the law firm representing this group neglected to redact the real identity of the client in a document submitted to the city. The group was actually a front for a company seeking approval from the city for another development. The two developers were competing for rights for water supply, which is strictly limited on the Monterey Peninsula.

### All We Can Do Is Expose It

Not every comment or lawsuit contending inadequate compliance with the California Environmental Quality Act (CEQA) is baseless or done with motivations unrelated to environmental protection. But too many of them are a racket.

Your Chamber is not aware of any efforts to compile all apparent abuses of the California Environmental Quality Act (CEQA) in Monterey County. This list is probably just scratching the surface of what's going on. We will continue to inform the public when mysterious entities and other groups with ulterior motives start claiming local governments aren't complying with CEQA. ■



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# Lab-Direct Testing is Wave of Future

by Spenser Smith, Lab Manager, ARCpoint Labs of Monterey Bay & Salinas



*Spenser Smith,  
Lab Manager,  
ARCpoint Labs of  
Monterey Bay & Salinas*

It's a cliché by now to say that the pandemic has changed how business is done. Take the rise of online ordering for restaurants, instant streaming for major movie releases, or the widescale adoption of remote work for office jobs, just to name a few. Some of these changes, made to react to the needs of an ongoing pandemic, have proven popular with consumers and will likely persist. In the realm of medical and wellness testing, ARCpoint Labs of Monterey Bay & Salinas is committed to bringing these transformations in how patients can order and receive medical and wellness testing to our community.

Whether for travel, events, work, school, or to check on symptoms, millions of Americans and thousands of businesses have ordered COVID-19 testing directly from a laboratory. At ARCpoint Labs here in Monterey County, we have done nearly 30,000 such tests for patients and businesses ourselves. By bypassing overburdened hospitals, consumers have found greater reliability, improved turnaround times, and transparent, overall lower costs through direct lab testing straight from the source.

Although it is often an out-of-pocket fee, many consumers have found that a COVID-19 test from a local lab is not only faster and more convenient, with quicker results and less exposure to other potentially sick patients, it can actually cost less than the insurance copays and fees from a traditional hospital or clinic-based test.

Enterprise solutions for businesses, schools, and other organizations are also on the rise, and ARCpoint Labs offers the most comprehensive mix of rapid testing, expedited PCR testing, and COVID-19 blood testing anywhere in Central California.

This shift isn't confined solely to COVID-19 testing. Patients who could not receive a doctor's appointment during quarantines and shelter-in-place orders turned to direct-to-consumer lab testing to get the bloodwork they needed done. According to Everlywell founder Julia Cheek, demand for direct-to-consumer lab testing has risen by 300% during the pandemic, with no sign of slowing down.

While COVID-19 has certainly accelerated these trends in patient testing, they aren't exactly new. In fact, it is something that we have been working on at ARCpoint Labs for a long time.

When I moved back to my hometown to start ARCpoint Labs of Monterey Bay with my family in the summer of 2017, our goal was simple: to put patients in control of their own health and wellness testing, saving them money in the process.

Our lab believed in shifting how patients plan and track their own wellness, empowering patients to understand how lifestyle changes affect their health in real time, and to proactively promote wellness rather than responding to sickness after the fact. We believed in putting the patient at the center of their own wellness, giving them the choice and the data they need to make educated decisions about their own lifestyle and health choices.

The ARCpoint franchise group was a great launching point for me and my family, because their business model shared a conviction that the medical insurance business and payment model in America is broken. Opaque pricing, high deductible and copay fees, and surprise bills make it a confusing maze to order simple tests. Replacing that with a transparent, upfront pricing model not only saves patients money, it improves access to medical care and testing by

removing the uncertainty and barriers that so often stand between patients and accessing their own medical information.

There are a lot of reasons that patients order tests directly from the lab. One, of course, is cost. Routine tests for blood sugar, cholesterol, vitamins, and other useful biomarkers can cost hundreds of dollars through the hospital and only a fraction of that price from the local lab. Often as much as 80% less. With lab direct testing, it becomes affordable and practical for patients to test the biomarkers they are interested in and test regularly, following along in real time as their numbers improve in response to lifestyle and diet changes, for instance.

Convenience and quality of the patient experience is important as well.

Writing in *strategy-business.com*, health experts at Price Waterhouse agree that patient empowerment will be at the heart of the new healthcare experience going forward.

"COVID-19 has highlighted the importance of keeping patients, families, and caregivers informed and connected, and of valuing them as co-creators in building the future of healthcare delivery," they write. "People need greater control over their own care. They need to be able to take responsibility for the management of their health and well-being. And everyone — including care providers — needs to have their voice heard so they can function as co-creators in the healthcare experience. In short, patients, families, and healthcare professionals need to be empowered. These needs didn't originate with COVID-19, nor will they disappear once we've put the virus behind us. The urgent dynamics of the pandemic, however, have forced healthcare organizations to refocus and adapt in various ways that will help increase empowerment."

There is no question that the pandemic has been a monumental challenge for healthcare in America, for businesses at large, and for employers and businesses in the Salinas area in particular. But as with other moments of crisis throughout American history, this challenge has also catalyzed transformations that will be adapted and adopted moving forward, ultimately improving the experience of patients, lowering costs, and improving healthcare outcomes. I am proud of what we at ARCpoint Labs have accomplished during the pandemic, and excited to bring the latest advancements in patient-centered wellness testing to our community in Salinas and Monterey County.

ARCpoint Labs can be reached in Salinas at [salinas@arcpointlabs.com](mailto:salinas@arcpointlabs.com) & 831-975-4313 or in Monterey at [Monterey@ARCPointLabs.com](mailto:Monterey@ARCPointLabs.com) (831) 324-0772. ■

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# Rebalancing to Maintain Portfolio Risk

by Bill Hastie, MBA



rebalance must be determined. The two most common methods of rebalancing are either in time intervals or by reaching pre-determined percentage allocation triggers.

Rebalancing a portfolio in specific time intervals, such as quarterly or annually, is the easiest to implement. The investor can simply mark their calendar from the date their portfolio should next be rebalanced. Because they are considered to be very long-term in nature, some advisors recommend rebalancing retirement plan portfolios less frequently.

Another approach is to closely monitor each asset class in the portfolio and not rebalance until any reach a predetermined minimum or maximum. This is by far the most hands-on approach that requires constant monitoring not only of the mix of stocks vs. bonds, but the percentage allocation to each individual stock and bond asset class. Studies have shown that this approach may provide returns slightly better than rebalancing on specific time intervals, quarterly for example, but not as high as not rebalancing at all. This seems to be the "happy medium" between rebalancing on time intervals and not at all.

While there is no clear-cut answer as how to best maintain a portfolio but focusing on the desired portfolio risk level is where the process should begin. From there, it is a matter of the amount of time and energy one is willing to devote to monitoring their investments. ■

*Bill Hastie, MBA is the Founder of locally-owned Hastie Financial Group. If you would like to discuss your personal or company's investment needs, please contact Bill at [william.hastie@hastiefg.com](mailto:william.hastie@hastiefg.com)*



For many investors, performing the research and building a portfolio appropriate for their goals and objectives is a considerable task. They must answer the very difficult questions of what investments to include in their portfolio and in what proportion. Once completed, their portfolio must be monitored and maintained in order to keep the portfolio at its original, desired risk level.

This maintenance process is known as "rebalancing" and is intended to maintain a constant level of desired risk in a portfolio. Rebalancing involves selling portions of the portfolio investments that have increased in value and purchasing additional amounts of the

investments that decreased in value. At initial glance, this seems to make sense – sell high and buy low. Unfortunately, there are other issues to consider that can make a noticeable difference.

There are two sides to this equation – risk vs. return. From solely a return standpoint, industry studies have shown that never rebalancing a portfolio has historically provided the highest returns. Here is an example of why. Let's assume an investor desires a moderately aggressive portfolio and chooses to implement a 60% stocks/40% bonds allocation. In the long term, stocks have outperformed bonds by a fairly large margin. So, in this sample allocation as stocks outperform bonds the proportion of stocks to the total portfolio increases – which accounts for the superior long-term return. But with the increasing stock allocation also comes increasing portfolio risk. Over time, the portfolio can become far more aggressive than the "moderately aggressive" allocation they sought.

Assuming the investor wants to maintain a constant level of risk, as most investors do, how and when to



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# Join the Keep It Golden Movement

## Join the thousands of Californians fighting climate change by saving energy

Energy Upgrade California® is a statewide initiative committed to reaching our state's energy goals. They're here to give you the tools, knowledge and inspiration to Keep it Golden, as it takes all of us to move California forward.

Check out the tips below on simple steps to take to save energy today and reduce your energy bills. Then, on October 6th, World Energy Efficiency Day, join the Salinas Chamber, in partnership with Energy Upgrade California, to expand your knowledge of energy efficiency with a presentation from PG&E. To learn more and RSVP for this hybrid event visit the Chamber's Event Calendar at [www.SalinasChamber.com](http://www.SalinasChamber.com).

Ready to take bigger steps towards energy efficiency in your home? Take a Home Energy Assessment today at [www.energyupgradeca.org/home-energy-efficiency/assessments](http://www.energyupgradeca.org/home-energy-efficiency/assessments). When operating at full energy efficiency, your home could increase in value and even feel more comfortable. The first step in improving your home energy efficiency is understanding your energy usage and the best place to start is with your energy bills.

Thinking about replacing your appliances with energy efficient products or installing solar panels? When upgrading your home to the latest energy-efficient appliances and equipment, many energy providers offer a variety of rebates for energy-efficient products, including rebates for washing machines, water heaters and smart thermostats. Learn more at <https://www.energyupgradeca.org/home-energy-efficiency/rebates-incentives> and <https://www.energyupgradeca.org/home-energy-efficiency/solar-power-systems>.

Follow Energy Upgrade California on social media channels for fun and informative ways to save energy. When you share their content, you're inspiring other Californians to Keep it Golden.

## How to Save Energy

Check out these tips to see what action you can take this season or year round.



### Space to Vent

Move furniture away from vents. Obstructing vents blocks heat, wastes energy and may even pose a fire hazard.



### Cover the Floor

Rugs and carpeting aid with heat retention, and they're more comfortable on bare feet.



### Lower the Heat

Switch the thermostat to 68°F or lower to stay comfortable and save energy.



### Power to the Strip

Using a power strip for electronic equipment, will help reduce phantom loads. Remember to turn the strip off when you're not using it.



### Adjust Your Water Heater

Turn your water heater down to 120°F to save energy.



### Unplug the Charger

Leaving charged smartphones and laptops plugged in wastes energy and can damage the battery.

Facebook: @EnergyUpgradeCalifornia

Insta: energyupgrade\_ca

Twitter: @EnergyUpgradeCA

Join the movement and sign up for Goldie's weekly text challenges to save energy, <https://www.energyupgradeca.org/the-movement/#>. ■

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# When to Hire a Workplace Investigator

by Sara Boyns, Fenton & Keller



Many situations arise in the workplace that may trigger the need for a workplace investigation, including allegations of discrimination, harassment, or retaliation, violation of company policies, fraud or theft, bullying, and mismanagement. In many cases, employers may resolve these issues by doing internal investigations, but this may not be the best approach. It is valuable for employers to know when it is appropriate to hire an outside, neutral investigator to determine if the factual allegations made in a report or complaint are supported by evidence.

A good first step is to determine if an investigation is required by law. In California, the Fair Employment & Housing Act requires prompt, thorough and neutral workplace investigations in response to complaints of harassment, discrimination, and retaliation. If the investigation is not performed by an employee of the employer, California law requires that the investigation be done by a state-licensed private investigator or state-licensed attorney. Human resource consultants who are not licensed attorneys or private investigators cannot legally conduct such investigations.

It is important to hire a qualified state-licensed private investigator or attorney investigator in the following situations:

- 1. To Ensure Neutrality.** It is more likely that an impartial investigation will occur when the investigator has no personal or other connection to the witnesses. Investigators who are employed by the employer may be accused of bias, or witnesses may not be forthcoming with an employee investigator.
- 2. To Maintain the Attorney-Client Privilege.** Although hiring a neutral attorney investigator does not guarantee that an investigation will be confidential and automatically covered by the attorney client privilege, the privilege is more likely to apply to a lawyer's investigation when the investigation is completed properly. A skilled attorney investigator can advise the employer about the scope and structure of the investigation in a manner that can help to protect privilege and maintain confidentiality.

### 3. To Make Sure the Investigation Complies with Legal

**Requirements.** The Fair Employment & Housing Act, Title VII of the Civil Rights Act, and case law define the requirements for an adequate workplace investigation. An investigator must be trained to properly define the scope of an investigation, interview witnesses, evaluate relevant documents and statements, assess witness credibility, and manage unexpected issues that arise like uncooperative witnesses, social media, and privacy issues. The investigator must also be skilled at weighing evidence, reaching factual conclusions, and knowing when to seek additional evidence or witnesses to ensure a thorough investigation.

### 4. When the Allegations Are Serious or the Accused is an Owner or Officer.

Allegations of serious employee misconduct or unlawful behavior can carry significant consequences for all involved. Allegations against a high-ranking employee also have significant impact on the reputation of the company and individuals involved. If the investigation is not performed well, employers and accused employees may be subject to legal liability. When the stakes are high, employers need an independent investigator who is skilled in identifying the relevant issues, gathering the appropriate evidence, and providing an objective investigation report that will allow the employer to make the best decisions for the workplace.

Workplace investigations can be disruptive and damaging to morale. In order to maintain a safe, positive, and productive workforce, employees need to know their reports of workplace issues will be taken seriously. When appropriate, hiring an external investigator can help inspire employee confidence. ■

*Sara Boyns is an employment lawyer with the Fenton & Keller law firm in Monterey and is an Association of Workplace Investigators certificate holder. This article is intended to address topics of general interest, and should not be construed as legal advice. For more information, please visit [www.fentonkeller.com](http://www.fentonkeller.com).*



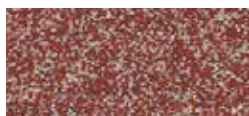
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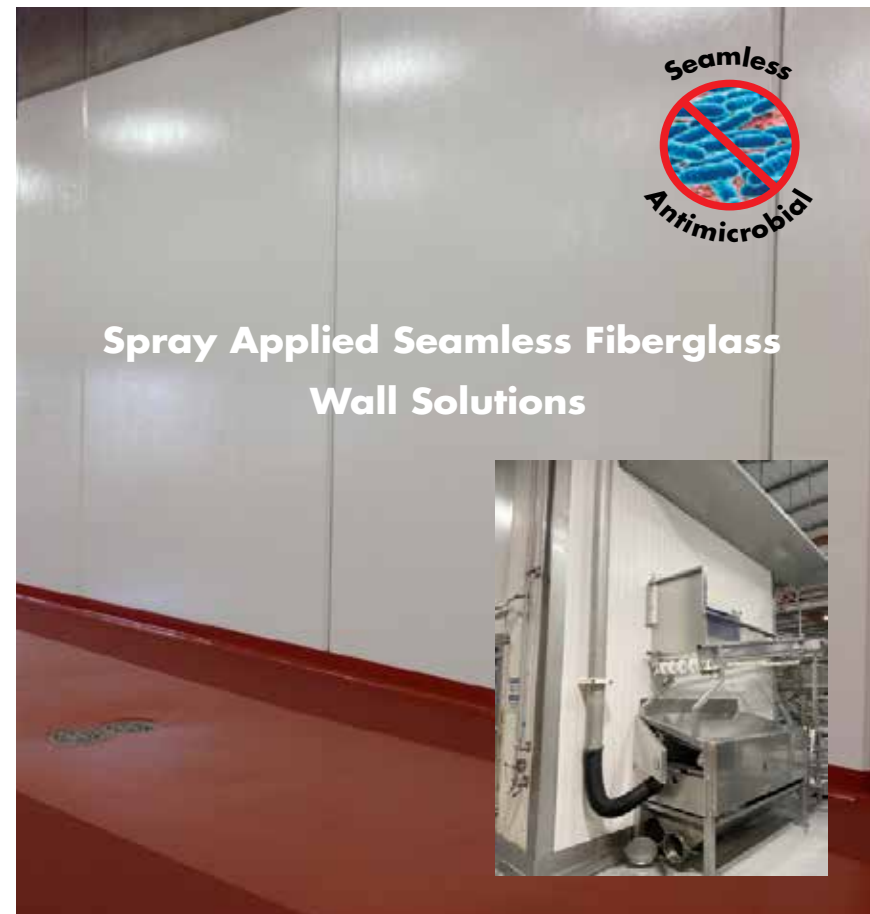
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# New Member Profiles

## California Youth Outreach

California Youth Outreach is dedicated to reaching out to all gang-impacted youth, their families, and their communities by means of education services, intervention programs and resource opportunities that support a positive and healthy lifestyle. The organization also promotes awareness and provides training to build the capacity of individuals, families, and communities to prevent the participation of youth in gangs and help acquire the knowledge and skills needed to assist those that are looking to leave the gang lifestyle.

[www.cyoutreach.org](http://www.cyoutreach.org)  
[cyoffice@cyoutreach.org](mailto:cyoffice@cyoutreach.org)  
559-445-2608



## Casamigo Restaurant

Owner Orlando Bonilla was born in El Salvador. At the age of 17 he moved to CA to work in the fields. Later he became a dishwasher at Casa Maria Restaurant in Monterey but he wanted to learn how to prep and cook food. Almost 10 years later his dream of owning a restaurant came true. Since 1987 he has owned 3 restaurants and has since sold two of them. In 2017 he opened Casamigo Taqueria in Watsonville. Two years ago, he was ready to open Casamigo 2 in Salinas but because of the pandemic he had to wait. Casamigo 2 Mexican Restaurant is now ready for all of us to enjoy.

<http://seefoodapp.menu/Casamigo2>  
831-272-3332  
[maincasamigo@gmail.com](mailto:maincasamigo@gmail.com)



## Citrine Aesthetics dba Skin by Karina

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831-315-5884  
[skinbykarina@gmail.com](mailto:skinbykarina@gmail.com)



## Pebble Beach

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(831) 975-4175  
[dianasvma@gmail.com](mailto:dianasvma@gmail.com)



## The Epicenter

The Epicenter exists to empower At-Promise and system-involved youth ages 16- 24 to flourish by connecting them to community resources that provide opportunities for equity and hope in order to improve youth outcomes in Monterey County. The Epicenter is a youth-led, youth-run center that has a wide variety of programming that focuses on youth development, including foster youth support services, LGBTQ+ support services and Drug and alcohol prevention. Epicenter also has drop-in services for youth ages 16-24 to assist with locating resources.

[www.EpicenterMonterey.org](http://www.EpicenterMonterey.org)  
831-998-7291  
[info@epicentermonterey.org](mailto:info@epicentermonterey.org)





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# Leadership Monterey County

**LEADERSHIP**  
MONTEREY COUNTY

In August, the Leadership Monterey County class participated in Education Day, where they received an A+ curriculum. Highlights of the day included visits to:

► CSUMB, where we had the distinct honor of hearing directly from President Eduardo Ochoa about one of Monterey County's leading employers with a community spending impact of \$133M.

► The Salinas Adult School, where we were welcomed and educated by Director Tatiana Roganova. SAS has played a prominent role in promoting adult education in the Salinas area for more than 100 years, and offers programs in ESL, Parent Education, Adult Secondary Education, and more.



Visiting Salinas Adult School.

► Monterey County Office of Education, where we heard first-hand from Superintendent Dr. Deneen Guss and her team about their strategic roadmap that addresses long-standing inequities to create more inclusive and engaging learning environments and close opportunity gaps. The MCOE represents 24 districts with more than 75,000 K-12 students. Their strategic plan may be found here.

► Monterey Peninsula College, where we heard from several Deans, faculty, and students about MPC's outstanding programs. MPC is almost free for first-time, full-time students.

And in September, the LMC students kicked off their South County Day fueled by Aera Energy's dynamic team who shared their vision for safety and commitment to environmental stewardship and community outreach. Aera Energy is one of California's leading energy companies, the 4th largest taxpayer in Monterey County, an employer to more than 100 employees and contractors in San Ardo (and LMC's generous sponsor of the day).

A visit to the Agricultural and Rural Life Museum, a beautiful, family-friendly location to consider visiting for a few hours or renting for many different types of functions, inspired the LMC group to celebrate Salinas Valley's significant contributions to the agricultural industry - both locally and globally. The LMC Cohort wrapped up its day with a Behind the Barrels Tour at Scheid Vineyards led by an esteemed wine maker followed by warm hospitality and wine tasting while listening to South County Supervisor Chris Lopez passionately and humbly share his vision for growth along the South County Corridor. A toast to South County for its diverse and notable contributions to Monterey County and beyond. ■



Scheid Vineyards offered a pleasant end of South County Day.

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~ Don Chapin, Jr., President Don Chapin Co. Inc.

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# Focus on Non-Profits

## National Association for the Advancement of Colored People



### NAACP Mission Statement:

Together with more than 2 million activists across the country we work to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

### Why Join the Monterey County Branch NAACP?

The famous case that ended legal segregation in this country – Brown vs. Board of Education

– was brought, argued and won by NAACP lawyers. Rosa Parks' famous act of civil disobedience was not a chance occurrence as many erroneously believe. It was a coordinated action she undertook as secretary of the Montgomery NAACP. In 2021, we are now experiencing a great rise in identity-based hate crimes nationally and locally along with a resurgence of anti-democratic white supremacy, the greatest roll-back of civil rights, and the most coordinated attack on voting rights since the 1960s. The Monterey County Branch NAACP is leading the fight against all of these trends and your membership funds these efforts. Please consider bolstering our efforts by joining at <https://montereynaacp.org/membership/>.

### Deeper Involvement

Simply purchasing a membership is very helpful to the organization. But the work of the NAACP is done in committee and to be frank there is more work than workers! So, if it works in your life to roll-up your sleeves and dive in, explore our committee descriptions on our website at: <https://montereynaacp.org/committees>.

Our monthly meetings are the 4th Thursday of the month at 7 PM at Oldemeyer Center, 986 Hilby Ave., Seaside. Join us!

You can reach us by mail, phone, or email:  
P.O. Box 782, Seaside, CA 93955  
831-394-3727  
Mcbnaacp1049@att.net ■

## Non Profits Calendar

**October 5th, 2021—2:00 - 3:00 PM**

### Best Practices for Giving and Receiving Feedback Across Lines of Difference

Free virtual workshop from the Center for Non-profit Excellence of the Community Foundation for Monterey County

RSVP: <https://www.cfmco.org/event/best-practices-for-giving-and-receiving-feedback-across-lines-of-difference/>

**October 12th, 2021— 11:00 AM - 12:30 PM**

### Diversity, Equity, Inclusion and Belonging in Partnership with the Community (DEI Learning Group)

\$15 virtual discussion hosted by the Center for Nonprofit Excellence of the Community Foundation for Monterey County

RSVP: <https://www.cfmco.org/event/dei-in-partnership-with-the-community-dei-learning-group/>

**October 14th, 2021—9:30 – 11:00 AM**

### Tune in to Your Leadership Voice – for emerging nonprofit leaders

Free virtual discussion and peer coaching from the Center for Nonprofit Excellence of the Community Foundation for Monterey County

RSVP: <https://www.cfmco.org/event/tune-in-to-your-leadership-voice-2021-10-08/>

**October 14th, 2021—11am Tee Time**

### Monterey County Farm Bureau—Bill Barker Memorial Annual Golf Tournament

This tournament will play both courses of Bayonet & Blackhorse. The proceeds benefit a variety of organizations including the Bill Barker Education Fund, Monterey County Agricultural Education, and the continuing efforts of Monterey County Farm Bureau to maintain your farming, ranching, and agricultural business interests locally and statewide.

Visit <http://montereycfb.com/index.php?page=golf->

**October 15, 16, 22, 23**

### Fridays at 7 pm and Saturdays at 2 pm & 7 pm Schoolhouse Rock Live Too!

320 Main Street in Oldtown Salinas

Celebrate live theatre with this colorful production about The Conjunction Junction Diner, a struggling restaurant that needs some musical help to get business moving in the right direction again. For information and tickets visit [www.arieltheatrical.org](http://www.arieltheatrical.org).

**October 22nd, 2021**

### CASA of Monterey County—Fore the Kids Golf Tournament

Sponsorship opportunities are available. Funds raised will support the only child advocate program in Monterey County for children and youth in foster care.

Link: <https://casamcrgolf.givesmart.com>

**October 29th, 2021**

### Haunted Trail at Wonder Wood Ranch

This fun, family-friendly evening will include a hayride around our decorated, half-mile trail through the woods, pumpkin painting, snacks and cider, barn games, pictures with the horses, and more! More information and tickets available at: <https://bit.ly/3BOlu9h>

**October 30th-31st, 2021**

### 40th Anniversary of the California International Airshow

This event will feature the USAF Thunderbirds and the Navy's F-35 Top Gun. 40 years of family fun that has raised \$8.5 million for local charities. Get your tickets now at [www.salinasairshow.com](http://www.salinasairshow.com)



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Cardinale Stadium  
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soccer team.*



*The Chamber  
helped the  
California Rodeo  
unveil the new  
Taylor Farms  
Pedestrian Bridge  
Walkway at  
the start of this  
year's Rodeo.*



*Yee haw!  
It's the kickoff  
mixer for the  
California Rodeo.*



*Owner Dr. Joseph  
Davi wields his  
fearless biceps  
on the ribbon  
at the opening  
of "The Joint  
Chiropractic" in  
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## Montenegro Owen Hired

The Monterey County Office of Education is thrilled to announce the placement of Esmeralda Montenegro Owen as Communications and Public Relations Officer effective immediately.

Montenegro Owen comes with over 21 years of experience in media, public relations, communications, marketing and more. In Monterey County, Esmeralda has held significant positions at the Steinbeck Center, Hartnell College, and Youth Orchestra Salinas.

"I am honored to hold this position," said Montenegro Owen. "My passion for education and for this community will only ignite my curiosity to find all those great stories waiting to be told."



Esmeralda Montenegro Owen

## MBEP State of the Region



Joe Ben Bevirt  
(PHOTO BY: ETHAN PINES/  
THE FORBES COLLECTION)

Founder and CEO of Joby Aviation (Joby), Joe Ben Bevirt will be the keynote speaker at the Monterey Economic Partnership (MBEP) 7th annual State of the Region on October 29, 2021 to share insights on how his company is changing the way we think about transportation. Joby is building a fully electric vertical take-off and landing (VTOL) passenger aircraft optimized to deliver an air taxi service beginning in 2024. Founded in 2009, Joby employs more than 700 people, with worldwide offices that include Santa Cruz and Marina.



MBEP's annual State of the Region includes cross-sector conversations covering a range of topics from childcare to housing, systemic racial bias in our education system, how state surplus and federal funds are being deployed to benefit our region, and more. The complete program and registration info can be found on MBEP's website at [www.mbep.biz](http://www.mbep.biz)

## BofA Names Dacquisto President

Bank of America has named Jennifer Dacquisto as President of Bank of America Monterey Bay. Dacquisto succeeds Bill Tebbe, who will continue in his role in Business Banking and as an active local leader.

As Monterey Bay President, Dacquisto will continue Tebbe's work to establish and nurture strong relationships both inside and outside the company to connect the banking and investment resources offered through our eight lines of business to people and companies across the Monterey Bay area. She will also lead the effort to deploy Bank of America's resources to address social and economic concerns, strengthen communities and support the health and safety of local teammates.



## Property Tax Reassessment upon Change in Entity Ownership

by Patrick Casey, JRG Attorneys



Landing, LLC merged with Downey Landing SPE, LLC. This transaction was deemed to be a "change in ownership" and thus the new owner should have filed the Form BOE-100-B with the Los Angeles County Assessor's Office in 2006. The new owner did file a certificate of merger with the Assessor's Office in 2006 but it did not file the actual Form BOE-100-B in 2006. In fact, the new owner did not file the form with the Assessor's Office until 2013. After a hearing before the Assessment Appeals Board, then a trial and then an appeal, the appeals court ruled that the Los Angeles County Assessor's Office could reassess the property taxes back to 2006 when the Form BOE-100-B should have been filed. This resulted in a total additional assessment of \$16,014,000. In reaching this decision, the appeals court determined that all property owners must strictly comply with the filing requirement of Form BOE-100-B. It reasoned that there is no way an Assessor's Office could know about such a change of ownership or change in control without the new owner actually filing this form. As such, the Assessor's Office was not going to be limited in reassessing property taxes if the new owners failed to file the form in a timely manner.

This case is a cautionary warning to any entity owning real property to timely file this form. All owners of such entities must be careful of this rule (and requirement) when conducting any stock transfers or other changes of ownership or control. ■

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Any legal entity that owns real property must file a Statement of Change in Control and Ownership of Legal Entities (Form BOE-100-B) with the County Assessor's Office if there is a "change in ownership" or a "change in control". As a general matter, the County Assessor's Office can go back 4 years to reassess the property taxes in the event of an escape assessment (meaning that for some reason the Assessor's Office failed to pick up a change in ownership or a change in control). However, a recent California case (Prang v. L.A. City Assessment Appeals Board No. 2) established that there is no limit on how far back the Assessor's Office can go to reassess the property taxes if the owner failed to file Form BOE-100-B.

For purposes of property tax reassessment, a "change in control" occurs when any person or legal entity obtains more than 50% of the ownership interest in a legal entity. A "change in ownership" occurs when cumulatively more than 50% of the original co-owners' interest in the legal entity is transferred. The "original co-owners" means those persons that owned the entity at the time it originally acquired the real property. Interpreting these rules can be complicated and a property owner should consult counsel in doing so.

In the Prang case, Downey Landing, LLC owned a shopping center in Los Angeles County. In 2006, Downey



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