



COMPAS

Citizens Organized to Monitor Protect And Serve, Inc.

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July 15, 2011

TO: Jim Ware, Director DOT
Jeremy McReynolds, Superintendent Marshall Gold Discovery State Historic Park

CC: Sheriff John D'Agostini
Congressman Tom McClintock
Senator Ted Gaines
Assemblywoman Beth Gaines

**RE: Meeting 7/12/11 with Marshall Gold Discovery Historic State Park & DOT
Proposed Meeting with EDC Sheriff's Office**

Gentlemen,

Thank you for your time and consideration during our meeting and walking tour of Mt. Murphy on Tuesday morning. I appreciate the recap sent by Jeremy. However there remain several issues requiring further discussion and clarification highlighted below.

It was apparent during our excursion that both Mt. Murphy and Bayne Roads are degenerating into public hiking trails. This raises a valid concern about the effective utilization of property taxes to maintain county roads within our historic district. The number of times we had to get out of the path of vehicles underscored citizen concerns about safety, code and law enforcement.

The various aspects of public safety and land management that we discussed were initially broached during the 9/5/07 meeting held in the Marshall Gold Discovery Museum. With the support of Congressman Doolittle, representatives from the offices of Senator Cox, Assemblyman Gaines and CA State Parks were present. The primary purpose of our meeting was to coordinate services and improve community relations. It is significant that Supervisor Briggs, American River Conservancy, Sheriff Jeff Neves and Fire Chief Bill Holmes refused to participate in that important meeting. It's now been nearly four years without making any headway.

The topics we addressed are relevant to the River Management Advisory Committee (RMAC) and the execution of the River Management Plan (RMP). These matters are vetted at monthly meetings prior to RMAC representatives making their recommendations to the Board of Supervisors. As you've been made aware, these meetings have a long history of being very contentious. Pertinent information regarding public safety, transparency and accountability have been typically diverted, obfuscated or censored from the minutes thus depriving the public of their right-to-know. The public plays a crucial role in the RMP process; however residents have typically been intimidated and/or discouraged from participating in these public meetings where Bagley-Keene and Brown Act violations abound.

Lack of **Code and Law Enforcement** in the Coloma region is a primary concern of residents that has been frequently expressed during RMAC meetings but typically avoided. **For this reason I have copied Sheriff D'Agostini to encourage his active involvement in future meetings to address relevant issues.**

During our hike on Tuesday Jim indicated that he was not familiar with the function of RMAC. It is important to understand the RMP is a vital element of both the EDC General Plan and the Parks & Trails Master Plan.

A hard copy of the RMP may be obtained through Greg Stanton or Gerry Silva in Environmental Management, or you can refer to the RMAC website:

http://www.co.el-dorado.ca.us/Government/EMD/Rivers/River_Advisory_Committee.aspx

Note **Chapter 6 - RMP Elements** addresses the coordination of **Federal, State and local government** agencies as well as **non-government agencies** (NGOs) to fulfill the safety related elements of the RMP, specifically:

- **Bureau of Land Management**
- **Marshall Gold Discovery Historic State Park**
- **CA Dept. of Parks & Recreation**
- **EDC Sheriff's Department**
- **Department of Transportation**
- **Environmental Management**
- **Code Enforcement**
- **Planning Commission**
- **EDC Fire Protection District**
- **American River Conservancy**

DOT CONCERNS – Jim Ware

1. The December 9, 2010 Planning Commission hearing regarding Special Use Permit #S08-0018 contains material relevant to DOT, Code and Law Enforcement on Mt. Murphy. I suggest you check with Pierre Rivas in Planning. He can provide detailed documentation of incidents concerning DOT maintenance on Mt. Murphy included in my appeal to the Commission dated November 26, 2010. You'll find that file also addresses your comments regarding Bill Center.
2. Residents were delighted with the 2006 improvements made to the lower portion of historic Mt. Murphy Road. The hard surface is safer, totally eliminates the dust clouds caused by increased traffic, doesn't erode into deep gullies or speed bumps, and lasts far longer than the inferior dirt & gravel composition. It stands to reason that it would be more cost efficient to utilize the superior materials especially since its durability would require less regular DOT maintenance. The cost comparison between loads of the inferior versus the superior recycled road materials would be most helpful in determining a cost efficient, long term solution for this historic icon. Thanks in advance for providing that information.
3. Jeremy's suggestion to provide "No Parking" signs and boulders within the DOT easement on Robinson's private property still does not address the problem of frequent intrusions and damages caused by vehicles using my driveway as a turn around. I've heard a lot about what DOT *won't do*, but I'd be interested to know what the county proposes as an effective resolution to this perpetual safety & security issue?

4. I pointed out that “No Parking” Signage is also needed at the corner of Mt. Murphy & Carvers Road where hikers and CDF crews park their vehicles. After a 2009 meeting in the Marshall Gold Discovery Park Supervisor Briggs indicated he would address this matter, but for two years he’s remained unresponsive to follow up inquiries. I acknowledged the CA State Parks staffing and maintenance deficit, but isn’t it actually the responsibility of DOT to provide signs and services that are **funded by our property taxes**?
5. Dumping has been a regular occurrence on Mt. Murphy. The ineffectiveness of the 8” x 10” sign posted up in the tree is apparent. A common sense solution would be to remove the absurd 4’ x 4’ signs located on Cold Springs Road and Lotus Road: “**Dogs worrying livestock will be shot.**” I suggest strategically relocating the signs after they’ve been repainted as “No Dumping” signs on Mt. Murphy Road.
6. Jeremy’s suggestion for DOT to look into an MOU for State Parks collecting use fees along county road right of way is a hot topic that came up at the November 2010 Annual RMAC meeting held in the Gold Discovery Park Museum. It again came up at another RMAC meeting in early 2011. The concern was expressed that RMAC representatives are in collusion with State Parks to find a means to get around the failed **Proposition 21** (DMV Fees/CA Parks Maintenance). Like many other important discussions, that issue was censored from the RMAC minutes. COMPAS would appreciate being included in discussions about an MOU *prior* to submission to RMAC and the BOS.

MGDHSP – Jeremy McReynolds

The safety and security of private property surrounded by *inadequately monitored public land* is a growing concern of El Dorado County residents. Five arson fires within eight years have threatened private property owners upon historic Mt. Murphy. In the event of another emergency, of primary concern is the vital need to address ample egress on one-lane county roads that are obstructed by parked vehicles, and the safety & security issues caused by increasing tourist traffic.

1. The problems with land management and Code & Law Enforcement existed long before the budget crisis exploded in 2007. As you are aware, these issues have been perpetually minimized or evaded by RMAC and the government agencies listed on page two of this memorandum. Commissioner Walt Matthews best expressed the situation during the December 9, 2010 Planning Commission hearing, “*The Park is the problem instead of part of the solution.*” The question remains: *When will the Park appropriately respond and contribute to the necessary solutions in the Coloma region?*
2. Clarification is necessary about the funding by CA State Parks to provide “No Parking” signage and their authority to issue citations on private property. My understanding from past dialogs with law enforcement is that CA State Parks has no authority on private property; they are limited to within the MGD Park boundaries.
3. Maintaining a defensible space was addressed in my correspondence dated November 20, 2010. It was my understanding that 24 hour notice would be given by CDF & Park maintenance crews to cut the fallen trees along our mutual boundary lines. Robert indicated the branches were to be stacked and burned during the winter, yet we are well into the fire season and the opportunity to burn has long passed. What plans does the Park have to address this potential fire hazard within a reasonable time frame?

4. During our walking tour I pointed out the cut fence on the east boundary towards Dutch Creek where trespassers frequently access my property. The NE boundary in the ravine along the miner's trench is also problematic since hikers utilize that path on my property to access the vantage point above Troublemaker rapids. It has been over four years yet requests for repairs to the fence erected by American River Conservancy have not been addressed nor have the "No Trespassing" signs been replaced. What plans does the Park have to utilize volunteers or Growlersberg crews to repair fences, replace signage, and address the problem of restoring fire access on my private property at Bayne Road?
5. Brief discussion was broached about an alternate trail to discourage trespassers from private property on Mt. Murphy. However this raises several questions about the size, wording and actual placement of the signs you proposed. I'd appreciate the opportunity to discuss this further before any action is taken.
6. Environmental Management has been uncooperative in providing public information regarding the Chili Bar Conceptual Plan and its relation to the **EDC Parks & Trails Master Plan**. Janet Postlewait and Kate Kirsh (Foothill Assoc.) have also been unresponsive to inquiries involving the Planning Commission, Parks & Recreation and land acquisitions by American River Conservancy. Transparency, safety and encroachments are valid concerns of residents adjacent to public land and trails. An appeal is now being made for CA State Parks to be forthright and cooperative in mitigating these matters.
7. Lack of privacy, security, Code and Law Enforcement on the S. Fork American River region historically has been cause of contention at RMAC meetings. No local representation has left residents feeling disenfranchised and frustrated with the "good old boys" network that has dominated our region. Since CA State Parks, Code Enforcement and the Sheriff's Office all share responsibility in the coordination of the RMP, it would therefore be advantageous for Sheriff D'Agostini to join us in a meeting to begin mitigating solutions for our river community. In anticipation of his support, I'll contact his assistant Lora Lyons to help coordinate a meeting.
8. Last but not least, the MOU-Management Plan that you proposed segued to the topic of our conversation in the parking lot regarding AB42. As you can ascertain, the RMP appears to be a major component in this Assembly Bill. Attached are concerns involving AB42 specific to the American River Conservancy and the Marshall Gold Discovery Historic State Park. It pretty well encompasses the purpose of our meeting and focus of this memo, matters that RMAC and Supervisor Briggs have taken great pains to circumvent.

Please let me know your thoughts about coordinating a follow up meeting to discuss these issues with representatives from the offices of Congressman McClintock, Senator Gaines and Assemblywoman Gaines.

Regards,

Melody Lane

Melody Lane
President – **COMPAS, Inc.**
Citizens **O**rganized to **M**onitor **P**rotect **A**nd **S**erve

AB 42 (Huffman)

CA STATE PARKS

Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care, maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system.

This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, as identified by the director, with a qualified nonprofit organization, as provided. This bill would require the operating agreement to include, among other things, a requirement that the nonprofit organization annually submit a report to the department, to be available on the Internet Web site for both the department and the nonprofit organization. The bill would require the nonprofit organization and the district superintendent for the department to hold a joint public meeting for discussion of the report.

The bill would require the department to notify a Member of the Legislature of an intention to enter into an operating agreement relating to a park in the member's district, as well as notify specified committees of the Legislature. The bill would also require the department to report to the Legislature, on a biennial basis, the status of any operating agreement.

The bill would repeal these provisions on January 1, 2019.

PUBLIC CONCERNS RE AB42:

- What type of **contract agreement** between a non-profit and the state would be created?
- How does the bill AB 42 provide for **public involvement** outside of the nonprofit?
- What **conflict of interest** considerations are provided for in AB 42?
- Is the nonprofit (s) volunteering regarding payment for work provided in such agreements? **If not who funds what?**
- Is the state looking to provide **grant money (public money) to private nonprofits?**
- The PPP's can be a very **insidious and dangerous channeling away of public ownership** of and input into our park systems. The precedent of a nonprofit essentially lobbying and making their own agenda driven decisions rather than the state agencies that the public has already paid and tasked with oversight is a potential nightmare for the public.
- **Nonprofits as private do not have the transparency or disclosure requirements of a state agency and thus black holes of accountability are further formed.**
- With the public already having paid millions, billions into propositions and bonds for conservation purposes and water conservation purposes--why doesn't the state park system utilize this public gift itself, **hire more staff--** rather than delegate it to **private parties?**
- We now have PPPs without contracts or formal agreements that are acting as state agents. **This ongoing apparent misrepresentation is confusing to the public and does not provide even the small measure of accountability that the public has from our state agencies.**



SUMMARY OF PROPOSED ORDINANCE

ORDINANCE NO. _____

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Ordinance No. 4404, adopted December 19, 1995, which added Chapter 13.30 of Title 13 of the El Dorado County Ordinance Code entitled "CSD and Parks and Recreation Impact Mitigation Fees" is hereby rescinded and repealed in its entirety and shall be of no further force and effect.

Ordinance No. 3991, adopted December 13, 1988, which added Chapter 13.20 of Title 13 of the El Dorado County Ordinance Code entitled "Development Fees for Fire Protective Service" is hereby entitled "Development Impact Mitigation Fees for Special Districts" and amended to set forth the requirements for the establishment and administration of development impact mitigation fees collected by the County of El Dorado on behalf of a Special District.

The establishment of such fees shall be in accordance with the California Mitigation Fee Act. The collection of any fees by the County on behalf of a Special District shall be pursuant to a written agreement, which shall clearly define the rights and duties of each party and, to the fullest extent allowed by law, shall provide for the Special District to defend, indemnify, and hold the County, its officers, agents, and employees harmless from and against any and all liability, loss, damage, claims, judgments, costs, staff time, losses, expenses, and any other costs of defense arising out of, resulting from, or related to the creation, establishment, modification, collection, or disbursement of fees on behalf of the Special District or any other obligation of the Special District or County under the agreement to collect and distribute fees on behalf of the Special District, the Mitigation Fee Act, or this chapter. The agreement shall also provide that the Special District shall ensure that any fee collected on its behalf complies with the Mitigation Fee Act.

Ordinance No. _____

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PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of _____, 2014, by the following vote of said Board:

Ayes:

ATTEST

JAMES S. MITRISIN

Clerk of the Board of Supervisors

Noes:

Absent:

By _____
Deputy Clerk

Chair, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: JAMES S. MITRISIN, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By _____
Deputy Clerk