

Comments on RMAC meeting April 11, 2016

Hilde Schweitzer

RE: Discussion item 4-16-0264

To re-iterate my comments from the March 22, 2016 RMAC meeting regarding the request of \$25,000 to talk to State Parks and BLM:

I am opposed to spending \$25,000 to hire a consultant to do a task that is within the scope and expertise of staff. The Board of Supervisors in no way directed staff to hire a consultant. I find it insulting and disrespectful to have this continued to be brought up at RMAC and the Board of Supervisors meetings.

Reviewing the video of the 2-23-2016 Board of Supervisors meeting where this was discussed, there is NO mention of funding a consultant with River Trust Fund monies to meet with BLM and State Parks to discuss the above.

The motion states that “staff”, meaning El Dorado County staff, is authorized to meet with these organizations to discuss options. Ms. Sanders indicated that she would be the one meeting with the two groups and the Board requested that the Economic Development Officer also attend. Below is the BOS motion and the funding clearly states “NA” which I take to mean that there is no direct cost associated with the motion aside from staff salary.”

The Board minutes state:

Chief Administrative Office, Parks Division recommending the Board:

- 1) Receive a presentation on the update to the River Management Plan and process;
- 2) Direct **staff** to explore the opportunity with the Bureau of Land Management and California Department of Parks and Recreation of the potential feasibility and interest for input for more efficient and beneficial management of whitewater recreation on the South Fork by removing redundancies and reducing fees which may result in the County not needing to continue with its past level of management of whitewater recreation on the South Fork of the American River; and
- 3) Direct staff to return to the Board with a report on the discussions and recommendations from those meetings.

FUNDING: N/A

Public Comment: N. Rangel, K. Payne, M. Lane, B. Krishman, J. Cirocozzi, K. Mulvaney

The consultant that was hired has not provided what was written in the contract as deliverables. If ESP has been paid for something that is incomplete I would first request that ESP be tasked with what it has been contracted to do.

If Staff is unable to meet with BLM and State Parks like the Board of Supervisors advised then it may be time to review their job descriptions.

The last RMP update by ESP was horribly over budget (\$519,336 in the end) The same tactics of add-ons and additional money requests were used during that update. To hire the same consultant without RMAC or Board approval does not seem appropriate. It was an incomplete plan in 2001 and it is on target to be incomplete as an update.

Below is a summary of expenditures from that timeframe showing payments for the update:

El Dorado County
River Program Expenditures

| Fiscal Year | Expenditures |
|-------------------|---|
| 00/01 budgeted | \$ 117,856 Operations 37,460 Administration |
| 39,000 | River Management Plan Update consultant expenditures |
| \$194,316 | |
| ----- | |
| 99/00 actual | \$115,154 Operations 30,274 Administration |
| spending | 38,207 River Management Plan Update consultant expenditures |
| \$183,635 | |
| ----- | |
| 98/99 actual | \$93,707 Operations 32,041 Administration |
| 36,959 | River Management Plan Update consultant expenditures |
| \$162,707 | |
| ----- | |
| 97/98 actual | \$87,664 Operations 15,661 Administration |
| 119,618 | River Management Plan Update consultant expenditures |
| \$222,943 | |
| ----- | |
| 96/97 actual | \$114,712 Operations and Administration 217,304 River Management Plan Update consultant expenditures |
| \$332,016 | |

95/96 \$86,610 Operations and Administration
actual 64,778 River Management Plan Update consultant expenditures
\$151,388

I would request that a full audit of the expenditures and deliverables between ESP and the County be conducted before anything additional is approved in terms of funding.

Thank you for the opportunity to comment on this item,
Hilde Schweitzer

Public Comment for 04/11/2016 RMAC meeting
From: Karen Mulvany

1. What El Dorado County code says about River Management Plan (RMP) Updates:

According to section (V)(A) of the 2001 Board of Supervisors (BOS) Resolution that outlines River Management Advisory Committee (RMAC) powers and duties, which can be retrieved at:
<https://www.edcgov.us/BosBoardsCommissionsPdfUploads/Executed%20Resolution%20065-2002.pdf>

"RMAC shall be advisory to the BOS on the following matters:

1. Administration of the River Management Plan and Plan update by the county.
2. Implementation of the river management plan update.
3. Amendments to the RMP and plan update.
4. Ordinances or regulations relating to private or commercial activities on the South Fork American River.
5. Use of the River Trust Fund."

And, per section (V)(B):

"RMAC shall be advisory to the Planning Commission on the following matters:

1. Amendments to the River Management Plan Update and Plan Update."

The above codified provisions show that it is RMAC, not Parks staff, which is empowered to advise the BOS and planning commission on RMP updates. RMAC is also obligated to report to the BOS on county administration of the plan update and use of the River Management Trust funds. It is staff's obligation to facilitate, not impede, RMAC actions that serve these duties.

2. Complying with El Dorado County code in implementing the RMP Update

Park staff's description of proposed consulting deliverables in its memo to RMAC, which can be found at <https://eldorado.legistar.com/View.ashx?M=F&ID=4377232&GUID=EFA9D632-9142-4097-8B7C-0A567BA597A3>

underlie its request for an additional \$25K in RMT funding, which will be paid to a new consultant, Dudek. It states:

"We have a rough outline of a contract but have not moved forward until the funding is secured.

The tasks would be as follows:

- Dudek will work with County staff, the Bureau of Land Management, the California State Parks Department and other individuals and agencies, as directed by the Parks Division Manager to incorporate recommendations and options in accordance with the RMP.
- Dudek will assist with the response to public comments and incorporate recommendations and options from those comments as needed.
- Dudek will assist County staff with the development of options for the Board of Supervisors and assist in the presentation to the Board.

The proposed RMP update process is to be directed by Parks Division Manager, not RMAC as required by the BOS Resolution. There is zero collaboration, or even inclusion, of RMAC. Staff's statement that RMAC must approve the \$25K funding before a proposed consulting contract will be finalized and

disclosed to RMAC defies explanation. Excluding RMAC from the update process and refusing to provide RMAC with vital information associated with a funds request is contrary to the BOS Resolution.

Furthermore, keeping plan update information from RMAC has already been demonstrated to be nonproductive and financially damaging. Had ESP and the Parks Manager disclosed to RMAC and the public their plan to remove power and control from RMAC, as they reportedly did to Melody Lane in July 2015¹, many months of consulting fees would not have been wasted on an idea that proved to be unanimously unsupported. RMAC and the public first learned of the plan to eliminate RMAC in February 2016, six months after it was privately disclosed to Ms. Lane. A public input meeting held at this time was attended by more than 70 people, dozens of whom spoke at the meeting, and all of whom opposed the proposal to eliminate the River Management Advisory Committee. The idea to transfer away county control of river management, including management of the county's #1 outdoor recreation tourism draw, to a state or federal entity also met with a chilly reception from the majority of the BOS on 02/23/2016 (item 16-0032).

The update process must abandon these secret, noninclusive tactics and fully include RMAC and the public. Nearly two years of consulting effort has been focused around widely opposed strategies. Purely from a practical financial standpoint, this cannot continue, given limited River Management Trust (RMT) resources. It is time for Parks staff to leverage the diverse expertise of the RMAC and truly collaborate to implement a viable plan update, focusing on identifying incremental revenue sources, including SMUD funds, as recommended by the BOS on 2/23/2016.

3. Location of RMAC meetings

To start, the location of RMAC meetings must change. RMAC has repeatedly requested that the location of its meetings be returned to the Lotus Coloma Valley, and this has been denied. A closer venue is especially important during this time when public input to the plan update should be maximized, not constrained. ESP advocated strongly for data-driven planning (“adaptive management”) in its draft plan update, and there is no better source of data than public input.

As recently as Thursday, March 17, 2016, the Parks and Recreation Commission was allowed to move its regular meeting from the BOS room in Placerville to the Community Building at Pioneer Park, as can be verified at:

<https://eldorado.legistar.com/LegislationDetail.aspx?ID=2572739&GUID=6DAB6A47-0AAF-43E1-AB7A-EFB024C32BBD&Options=&Search=>

¹ In the BOS meeting on 2/23/2016, Melody Lane in her public comment said (06:19:42) that on 07/14/2015, she had a private unplanned meeting with Vickie Sanders, Parks Manager, and Steve Pederson of Environmental Stewardship Planning (ESP) regarding the BOS agenda item involving Parks and Recreation and RMAC and “at that time, Steve and Vicki rolled out the plan to remove the power and control from RMAC.” Ms. Lane stated that she had made an audio recording of this meeting. RMAC and the public were not provided with this disclosure until six months later, in February 2016.

There is no reason for Parks to deny RMAC the same request, particularly now, in the midst of the RMP update. The county-owned Pavilion meeting room at Henningsen Lotus Park has been used in prior years for HLP plan update meetings, and it is free and ADA compliant.

4. Proceeding with the Plan Update Without Compromising River Management Operations

A continuation of high plan update expenses is unaffordable for the RMT, and will compromise the fund’s ability to support current river management operations. The 2001 RMP update ultimately cost over \$500K. If the proposed BLM discussions do not bear fruit, alternative sources of funding for plan updates or a more cost effective update process should be explored. We need a plan to update the plan.

- More cost effective options for updating the RMP:
 - First, RMAC can clarify goals that define the reason for EDC river management, along with administrative goals to reduce plan implementation cost and complexity. These should drive decisions about what to include in RMP updates.
 - RMAC can host public meetings that outline options for identified plan update areas, and collect public input for preferences, priorities, and timeframes for implementation.
 - RMAC authorize an ad hoc committee to conduct public drafting sessions to update the RMP.

5. The \$25,000 RMT funds transfer request to finance additional consulting

According to p. 16 of the 2015 Annual Report on the River Management Plan, for fiscal 2015 ending June, revenues were \$158K, expenditures were \$187K vs. a \$211K budget, and the River Management Trust fund balance at year end was \$190K. This section states, "The \$27,282 for the RMP update was rolled over from last year’s budget and is not in addition to the original budgeted amount of \$65,000."

See

https://www.edcgov.us/Government/EMD/Rivers/River_Mgmt_Plan/2015_Annual_River_Report.aspx

| Fiscal Year 2014/2015 | |
|---|-----------|
| Fund Balance as of July 1, 2014 | \$219,280 |
| Revenue (July 1, 2014 through June 30, 2015) | \$158,259 |
| Expenditures (FY 2014/2015 approved budget was \$211,169) | \$187,186 |
| River Trust Fund balance as of June 30, 2015 | \$190,353 |
| 2015/2016 Approved Budget | \$193,585 |

Table 3. River Trust Fund Balance and Budget Summary

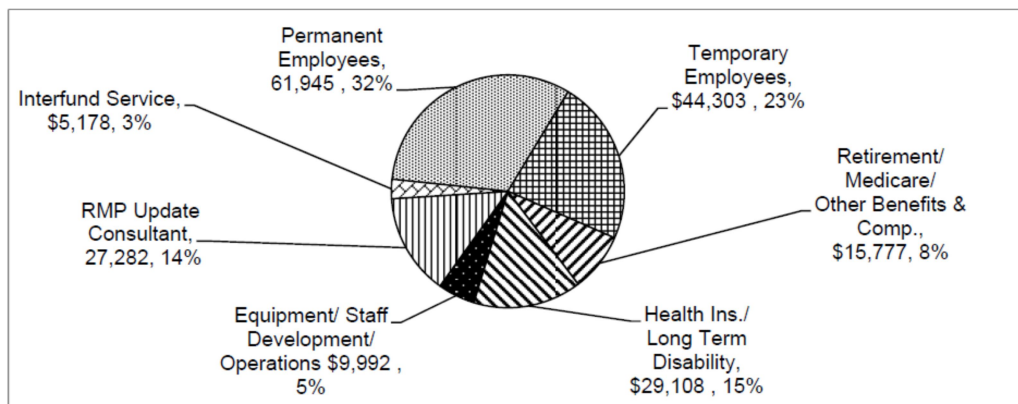


Figure 5. 2015/2016 River Program Budget

- Because the \$65K RMP Update contract with Environmental Stewardship Planning (ESP) was signed in July 2014, consulting expenditures for this update began in fiscal 2015, ending June. In that year, \$27K in ESP consulting was booked. This leaves \$38K in consulting fees that should be budgeted and booked after fiscal 2015.
- The fiscal 2016 and fiscal 2017 budget exhibit was just disclosed by staff at <https://eldorado.legistar.com/View.ashx?M=F&ID=4301926&GUID=05FB1166-698C-44D3-AFCD-506412873493>

It does not identify RMP update costs as a separate line item. However, it does identify a category called "professional and specialized services" with projected costs of \$3.3K in fiscal 2016, and \$9.9K in fiscal 2017, compared to the aforementioned \$27.3K spent on consulting in fiscal 2015. Although the Parks Manager indicated in her memo that the consulting contract had been fulfilled, the budgets provided do not disclose where the remaining \$38K in consulting fees has been allocated. There appears to be \$25K missing from the budget (\$65K contract - \$27K spent in FY 2015 - \$3.3K budget in FY 2016 - \$9.9K budget proposed for FQY 2017 = \$25K)

| Total Budgeted ESP Contract signed July 2014 | ESP \$ booked in FY 2015 | Professional services \$ budgeted FY 2016 | Professional services \$ budgeted FY 2017 | Missing \$ from RMP budget |
|--|--------------------------------|--|--|---|
| \$65,000 | \$27,282 | \$3305 | \$9858 | \$24555 |

- The \$25K missing from the budget matches the \$25K for which the Parks Manager is currently requesting RMAC authorization. This raises the question of whether the requested \$25K in fact will fulfill the standing \$65K consulting contract with ESP.

6. Meeting with BLM and State Parks

The majority of supervisors on 2/23/2016 stated that they were not inclined to give up local control of the SFA. Although they agreed to allow staff to have a speculative discussion with BLM and State Parks, this was with the understanding that there would be no additional cash outlays for those discussions. Staff should therefore pursue those discussions without a consultant, in the company of the economic development manager, as advised by the BOS on 2/23/2016.

The following may help staff frame these discussions:

- The financial aspects of the discussions with BLM or State Parks are simple:
 - Identify synergies, which in this case are duplicated efforts/expenses.
 - The proposed FY 2017 budget shows that the vast majority (87%) of current fiscal year RMT expenditures are allocated to staff overhead (\$156K out of \$179K budget). Staff overhead consists of the full time River Supervisor salary and benefits, temporary summer river patrol staff compensation and some unknown percentage of the Parks Manager salary and benefits., which can be found at https://www.edcgov.us/Government/HumanResources/Salary_Schedule.aspx
 - County staff should break out job duties and expenses for each employee before embarking on discussions.

- With one exception, the remaining 13% consists of miscellaneous immaterial expenses like signage and gas, and a \$5K transfer to the general fund (the reason for the general fund transfer should be disclosed.)
 - The exception is professional and specialized services, which at \$10K currently accounts for 5.5% of the FY 2017 budget. With additional funds being requested for consulting, this item is likely to rise dramatically. Updating river plans is an obvious area of duplicative expense where savings could be achieved. The total cost of the 2001 RMP update exceeded \$500K.