



DEPARTMENT OF PARKS AND RECREATION
GOLD FIELDS DISTRICT
Marshall Gold Sector
Post Office Box 265
Coloma, CA 95613
Telephone: (530) 622-3470
Facsimile: (530) 622-3472
Email: Barry.Smith@parks.ca.gov

April 10, 2018

El Dorado County
Board of Supervisors
330 Fair Lane
Placerville, CA 95667

RE: River Management Advisory Committee (RMAC):
California State Parks Representation

Dear Board of Supervisors:

As an agency who shares management over whitewater recreation on the South Fork of the American River, California State Parks & Recreation will no longer provide department representation on the River Management Advisory Committee.

In the future, if the committee should request it, California State Parks & Recreation is open to providing information and or guidance to the committee.

Should you have any questions or concerns, please feel free to contact me at (530) 622-3470 or Barry.Smith@parks.ca.gov.

Sincerely,

 SPS# 4/10/18

Barry C. Smith, Superintendent
Marshall Gold Sector
Gold Fields District

cc: El Dorado County Parks Division



County of El Dorado

Chief Administrative Office

Parks Division

330 Fair Lane
Placerville, CA 95667-4197

Don Ashton, MPA
Chief Administrative Officer

Phone (530) 621-5360
Fax (530) 642-0301

DATE: May 9, 2017
TO: Board of Supervisors
FROM: Laura Schwartz, Deputy Chief Administrative Officer
RE: River Management Advisory Committee

Background

In 2001, the Board adopted Resolution number 065-2002 establishing the River Management Advisory Committee (RMAC). The committee consists of seven members appointed by majority vote of the Board of Supervisors. The RMAC was formed to provide a forum for the discussion of river use issues, ideas or conflicts among persons or groups with an interest in the South Fork of the American River. The committee is advisory to the Board of Supervisors.

El Dorado County Chief Administrative Office, Parks Division entered into a contract with Environmental Stewardship and Planning on July 28, 2014. The purpose of this contract was to prepare a redlined revision of the River Management Plan (RMP). This plan has not been updated since 2001 and since that time the County has fifteen years of data to support the recommendations made in the redlined version. One of the recommendations from the consultant was specifically related to the River Management Advisory Committee (RMAC). The recommendation was as follows:

5. Dissolve the RMAC.

The most significant change that we propose is to dissolve the RMAC. This committee has done some very good and dedicated work since its inception in 1984, but has evolved into more of a community-focused, rather than River-focused organization. Because of the lack of substantive issues that require deliberation and the wide-ranging interests of the RMAC, we recommend that this committee be dissolved and that the County encourage interested participants to form an ad-hoc committee. This committee could be supported by the County in same manner as the Rubicon Oversight Committee that has successfully conducted ad-hoc meetings for over 10 years.

CALIFORNIA BROWN ACT

PREAMBLE:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

CHAPTER V.

RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.

As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (Leventhal v. Vista Unified School Dist. (1997) 973 F. Supp. 951; Baca v. Moreno Valley Unified School Dist. (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)