



## Legislation Text

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**File #:** 23-0348, **Version:** 1

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Department of Transportation recommending the Board:

- 1) Receive a presentation on the Department of Transportation's recommended use of Tribe Funds; and
- 2) Discuss and approve staff's recommendation for the annual allocation of Tribe funds and personnel allocations in the amount of \$1,943,105 for the addition of 5.0 FTE Highway Maintenance Workers, 1.0 FTE Office Assistant, \$650,000 in contracted vegetation management, and \$650,000 in contracted road maintenance, to be updated at recommended FY 2023/24 budget.

**FUNDING:** Tribe Fund. (100%)

### **DISCUSSION / BACKGROUND**

#### **Tribe Fund**

On September 28, 2006 (Legistar# 06-1589, Item 2), the Board entered into a Memorandum of Understanding (MOU) and Intergovernmental Agreement between the County of El Dorado and Shingle Springs Band of Miwok Indians (Tribe) stating that the Tribe would provide compensation to the County to mitigate anticipated impacts of the casino, including traffic.

On November 13, 2012 (Legistar #12-1409, Version 1), the Board approved the first Amendment to the MOU. On June 6, 2017 (Legistar# 12-1409, Version 3) the Board approved Amendment II, and on November 8, 2022 (Legistar 22-2020), the Board approved Amendment III to the MOU. Amendment III simplified the Tribe's payment by modifying and streamlining the County's administrative process for the funding currently paid by the Tribe to the County for qualifying public improvement projects and the County to the Tribe for qualifying healthcare contributions, thus resulting in a net payment of \$2.6 million from the Tribe to the County for qualifying public improvement projects, including a 2% increase each year.

The Department of Transportation (Transportation) is allocated \$2.6M with a 2% increase each year from the Tribe Fund, with \$1.375M allocated to the Maintenance of Effort, as required by the 2017 SB1 parameters, and the remaining dollars added to the Tribe Fund balance. The Tribe Fund balance at the beginning of Fiscal Year (FY) 2022/23 was approximately \$11.2M and is projected to be \$9.4M (dropping due to the previous designation of funds programmed to the Missouri Flat Signal, Enterprise Signal Projects, Newtown Rd/Weber Creek Bridge Replacement Project and additional grinding and paving) at the end of FY 2023/24. However, the Tribe Fund balance will increase by approximately \$1.6M-\$2M each year if funds are not programmed, for a total projected balance of \$17M by the end of FY 2027/28.

#### **Road Fund**

As far back as February 12, 2019, (Legistar# 19-0180), the Director of Transportation forecasted that there could be a negative Road Fund balance due to the lack of revenue and high increases in

expenses. Therefore, to be fiscally responsible, Transportation has had to cut back on labor and material to keep a positive cash balance, forcing a change from a proactive maintenance approach to a mostly reactive approach. This reactive approach restricts Transportation from making needed repairs to infrastructure and deferring maintenance into further years. In an effort to regain a proactive approach, the Board allocated \$4M from the General Fund in FY 2022/23 for the maintenance of roads. Additionally, in September of 2022, the Board allocated Transportation additional staffing and directed Transportation to begin a dedicated Road Crew focused on vegetation management to help reduce the overgrowth alongside our county roads.

While both actions help in getting Transportation out from behind a compounding workload, there is still a heavy amount of deferred maintenance to catch up on. Years of neglect have created a very long list of projects and roads to repair. Furthermore, after this winter's storms, Transportation's executive staff have determined that Transportation lacks the capacity to respond efficiently and effectively to emergencies and severe weather.

### **Solution**

Transportation is requesting that the Board approve an annual Tribe allocation of \$1,943,105, as follows:

- \$558,760 to fund 5.0 FTE Highway Maintenance Workers
- \$84,345 to fund 1.0 FTE Office Assistant
- \$650,000 to fund approximately 550,000 Sq. Ft. of contracted grind and pave based on the most recent bid,
- \$650,000 to fund approximately 131 additional working days of contracted brush removal in County right-of-way and County owned property.

With the proposed annual allocation, Transportation would maintain a Tribe Fund balance of approximately \$6.9M-\$7.4M for cash flow and emergency purposes.

Transportation runs five crews for the West Slope of El Dorado County. There are three eight-man crews, one seven-man crew, and one three-man crew to maintain approximately 930 miles of roadway. The West Slope is split into four areas: North County, South County, East County, and West County, with one crew assigned to each area and the newly formed three-man crew focused on vegetation management. Within each of those crews, some individuals perform specialized duties on a daily basis. There are two sweeper operators, one employee performing dead animal removal, and one or two employees responsible for herbicide application for six months out of the year. During winter operations, crews are further decreased due to reassigning West Slope staff to the Tahoe Basin for snow removal operations. There are 19 positions in the Tahoe Basin, 4 are supervisors, and 15 are Highway Maintenance Workers I/II/III's, totaling an average of 1 crew member per 10.5 lane miles. With 34 positions on the West Slope, 5 are supervisors, and 29 are Highway Maintenance Workers I/II/III's, totaling an average of 1 crew member per 31.9 lane miles. Out of the 29 on the West Slope, only 23 or 24 are available daily to perform road repairs, brush removal, ditching, etc. The additional duties then reduce the crews to 6 or 7 people, not including any

individuals who are on vacation or sick.

At a minimum, it typically takes nine employees to perform a brushing or paving project. Therefore, supervisors must combine crews to ensure there is enough staff to complete a project, causing a reduction in available crews to service each area of the County. Instead of having five crews, we see two or possibly three in the field. With two “full” crews, Maintenance and Operations can only complete two projects at a time, leaving the other two areas of the County under-served for the period of the project.

If Maintenance and Operations were allocated an additional five Highway Maintenance Worker I/II/III positions, it would create four nine-man crews, thus doing away with combining crews and allowing the division to service each area of the County daily, including having an additional three-man crew to address vegetation management. Additionally, projects would be completed more efficiently, and many uncompleted requests and projects could be addressed more quickly, improving customer service. The division would not only be able to complete more projects internally but would also be able to contract out additional roadway repairs to increase PCI and provide county roadway services worth an estimated \$3,000,000 annually. Each additional position costs approximately \$111,752 for a total of \$558,760 annually. With the additional contracts and projects made possible with more funds and crew, Transportation would require the allocation of one additional full-time Office Assistant at a yearly cost of \$84,345, to support contract tracking, assist in supporting the new vegetation management activities, and to help with maintenance phone calls and emails, of which we receive hundreds of service requests each week.

## **ALTERNATIVES**

The Board could choose not to allocate Tribe Funds for the addition of staff and contracts; however, the Tribe Fund balance would continue to grow, and Transportation would not be able to increase its services.

## **PRIOR BOARD ACTION**

Outlined in the Discussion / Background section above.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Chief Administrative Office, Community Development Finance & Administration

## **CAO RECOMMENDATION / COMMENTS**

Approve staff recommendation.

## **FINANCIAL IMPACT**

There is no financial impact to Net County Cost; however, the annual allocation of \$1,943,105 will be offset by the Tribe fund. The tribe fund balance will decrease and the annual tribe funding will be allocated to the staff and contracts (discussed above) for increased road maintenance.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

## **STRATEGIC PLAN COMPONENT**

Good Governance, Infrastructure

**CONTACT**

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Department of Transportation