



County of El Dorado

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Legislation Text

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Department of Transportation recommending the Board approve the Department's use of up to \$100,000 from the Sacramento Municipal Utility District Fund (Index 8803311) to cover costs that are not reimbursable other than from the County General Fund for two Rubicon Trail projects:

- a) Work Order 99426 to fund activities related to the Clean-Up and Abatement Order; and,
- b) Work Order 99427 to fund the costs to develop the State Off-Highway Motor Vehicle Recreation Grant within FY 2009/10 that are not reimbursable by the grant.

FUNDING: El Dorado-Sacramento Municipal Utility District Cooperation Agreement Fund (Index 8803311).

BUDGET SUMMARY:		
Total Estimated Cost		\$100,000
Funding		
Budgeted	\$	
New Funding	\$	
Savings	\$	
Other*	\$100,000	
Total Funding Available	\$100,000	
Change To Net County Cost		\$0

* Estimated Reimbursement amount from SMUD Trust Fund

The FY 2009/2010 budget process assumed that the majority of the initial Clean up and Abatement Order (CAO) efforts related to the Rubicon Trail would be covered under the current budgeted in-lieu funds and the 2008/2009 State OHMVR Grant funds received. After the FY 2009/2010 budget addenda was approved by the Board in September 2009, the Department of Transportation began developing a preliminary cost estimate related to the CAO and Grant activities and created two separate Work Orders (WO) to capture the expenses: 1) WO #99426 was specifically assigned for all the CAO activities (i.e. Rubicon Trail maintenance, trail rehabilitation, and watershed assessment); and 2) WO #99427 was specifically assigned for the 2010 State Off-Highway Motor Vehicle Recreation grant program activities. It has since been determined that additional funding is needed to cover the cost of these work orders.

Fiscal Impact/Change to Net County Cost:

There is no net cost to the County General Fund associated with this agenda item. The reimbursement of expenditures will come from the SMUD Fund. However should this request not be approved it is highly likely that the unreimbursable costs incurred under these work orders would need to be covered by the General Fund.

Background:

On April 30, 2009, the Central Valley Regional Water Quality Control Board (CVRWQCB) issued a Clean Up and Abatement Order (CAO) No. R5-2009-0030, which requires the County and the United States Forest Service (USFS) to take a number of actions on the Rubicon Trail to cleanup and abate some of the problems that vehicular travel has created over the years.

During the summer of 2009, the Department of Transportation initiated the various activities related to the CAO, such as ground operations under the 2009 State Off-Highway Motor Vehicle Recreation (OHMVR) grant program, site surveys in coordination with the 2008 California Geological Survey Assessment Report, Rubicon Trail route recognition efforts, quarterly progress reports, maintenance reporting, and increased coordination efforts with the USFS.

During the fall of 2009, the Department of Transportation continued working on various required items under the CAO, more specifically, a major milestone item related to the Rubicon Trail Route recognition Section 6 d) of the CAO. This high priority CAO item allowed the Department of Transportation to focus on maintenance and other CAO items on the Rubicon Trail which were directly related to a specific location.

At the January 26, 2010 regular Board meeting the Department of Transportation presented the Rubicon Trail Route Recognition Board Item #10-0049, which provided three options related to the Rubicon Trail location. The Board selected and approved a modified option 2 which included additional trail maintenance work related to the Little Sluice area, and removal of a trail variant section at Buck Island.

On February 1, 2010, the Department of Transportation began working on the 2009/2010 State OHMVR Preliminary Grant Applications, a CAO budget, and follow-up route recognition actions, which were all based on the Board direction and motion with respect to the route recognition process for the Rubicon Trail.

On March 1, 2010 the Department of Transportation submitted the Preliminary Grant Application to the OHVMR in the amount of \$1,440,000 for various trail activities related to the CAO. The Department of Transportation submitted the Final Grant Application to the State OHVMR on May 3, 2010.

On October 18, 2005 the County entered into a Cooperation Agreement with Sacramento Municipal Utility District (El Dorado-SMUD Cooperation Agreement) (Agreement), which provided funding for various County activities with respect to the Ice House Road area. The Rubicon Trail is part of the Ice House Road area. Pursuant to Section 4.4 within this Agreement, the County can use the funds *for "capital improvements to Ice House Road and other miscellaneous capital projects related to the UARP and its impacts on facilities owned or services provided by, or any resource or other interest within the jurisdiction of, the County"*. DOT has determined and is recommending that the various activities within the two Work Orders comply with this Section of the Agreement and that the funds can be used to offset costs not reimbursable through other funding and grant monies. DOT consulted with County Counsel and County Counsel has concurred with DOT's recommendation.

Reason for Recommendation:

There are activities within the CAO that are not included within the OHMVR Grant Program that were

either outside the current funding availability or not allowable activities under the Grant program guidelines. In order to continue to comply with the CAO activities (WO #99426) and the 2009/2010 OHVMR Grant Program activities (WO #99427), the Department of Transportation is recommending reimbursement from the El Dorado-SMUD Cooperation Agreement up to \$100,000 within Fiscal Year FY 2009/2010. The Department of Transportation is unable to fund these activities with Road Fund monies. The other option is to cover them with County General Funds

If the Department of Transportation is successful in obtaining the requested 2009/2010 OHMVR Grant, it is estimated that various CAO Rubicon Trail maintenance efforts, such as the Ground Operations and Trail Variant Restoration work will be fully funded in FYs 2010/2011 and 2011/2012. Therefore, the Department of Transportation will re-evaluate the funding needs for the CAO and Grant Program WOs upon receipt of the final 2009/2010 OHMVR Grant amount, and return to the Board to provide a more comprehensive budget analysis within a Board presentation. This analysis will include the Department of Transportation's best estimate of all CAO activity expenses, on-going routine Rubicon Trail annual maintenance expenses, and on-going Grant program expenses. The Department of Transportation will closely monitor the expenditures within each Work Order and will work to maximize revenues and control expenditures to minimize the impact on the cash balance in the Sacramento Municipal Utility District (SMUD) fund.

Action to be taken by the Department following Board approval:

1. The Department of Transportation will request reimbursement for work undertaken as a part of this effort from the SMUD Fund (Index #8803311) as needed to cover expenses outside of existing grants for each Work Order.
2. The Department of Transportation will complete a comprehensive budget analysis for the CAO and Grant Program and return to the Board at a later date to present this budget analysis.

Contact:

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