

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of: June 18, 2002

TO: Board of Supervisors

FROM: Thomas W. Hutchings, Director
Department of Planning and Community Development

SUBJECT: Approval Of An Agreement Between California State University, Sacramento - The California Center For Public Dispute Resolution (CSUS - The Center) And The County Of Sacramento For Facilitation Services For The First Phase Of The American River Parkway (ARP) Plan Update

CONTACT: Ann Baker, Senior Planner and Sunny Williams, Planner (874-6141)

Overview:

The Planning Department requests the assistance of professional facilitation services to assist with the Update of the American River Parkway Plan. Per the 1985 American River Parkway (ARP) Plan, the ARPP “shall be reviewed approximately every five years, or earlier if it is determined to be necessary to reflect changing conditions” (ARPP 1-3). This Update of the 1985 ARP Plan provides an opportunity to incorporate a breadth of biological, environmental, and recreational advancements and knowledge that have occurred during the past 17 years. Due to the complexity of interest topics, agencies with jurisdiction along the Parkway, and diversity of stakeholder groups, the Planning Department recommends CSUS - The Center to provide facilitation services. The Center’s extensive experience and knowledge of the lower American River and facilitation of the Lower American River Task Force will provide a more efficient process and an environment where diverse views will be able to be heard and openly discussed. This contract consists of the first of a two-phase process for the ARPP Update. A decision for the second phase of the contract will be determined during the budget hearings for fiscal year 2002-2003.

Recommendations :

1. Approve the attached Resolution, Attachment A.
2. Approve the contract for \$52,184 (Attachment B) to hire The Center for facilitation services for the first phase of the ARP Plan Update.

Fiscal Impact:

Phase 1 of the Agreement will be \$52,184. The Planning Department has obtained financial assistance for fiscal year 2001-2002 in the amount of \$85,000 from the Parks Department to be

allocated for technical assistance to the Parkway Update, from Board of Supervisors approved item number 35, Agenda dated December 12, 2000.

BACKGROUND:

American River Parkway Plan 1985

The American River Parkway Plan (ARPP) is a regulatory document that provides policy direction for resource conservation, recreation use and development, adjacent land uses and administration. The Parkway Plan is adopted by the Board of Supervisors as an element of Sacramento County's General Plan, by City Council as an element of Sacramento City's General Plan, and by the California State Legislature, pursuant to the Urban American River Parkway Preservation Act, Public Resources Code §5840. The Board of Supervisors approved beginning the ARPP Update process on December 11, 2001 during the River Corridor Management Plan presentation.

River Corridor Management Plan

The recently completed River Corridor Management Plan (RCMP) provides significant foundational technical work and scientific research for the Parkway Plan update. As a comprehensive management document, the RCMP forged consensus among a broad cross-section of stakeholders on near term actions, consistent with the 1985 Parkway Plan that would benefit the Parkway.

The Board of Supervisors endorsed the River Corridor Management Plan (RCMP) on December 11, 2001. The RCMP creates a blueprint for preserving and enhancing the Lower American River's (LAR) fish and wildlife habitat, flood conveyance capacity, and wild and scenic recreational values, consistent with the 1985 American River Parkway Plan. The appendices of the RCMP include the following four elements:

- Fisheries and In-stream Habitat Management Element,
- Vegetation and Wildlife Management Element,
- Flood Management Element, and
- Recreation Management Element.

The RCMP employed consensus-based decision making with the Lower American River (LAR) Task Force serving as the general forum, and is legally non-binding. Four focused working groups were created for the development of each of the fore-mentioned appendix elements. The working groups also addressed cross-linkage issues and reported to the LAR Task Force. Participants include the 18 Federal, State, and local governmental agencies with significant management responsibilities affecting the LAR and more than 17 community based organizations with strong interests in the environmental, recreational, and flood control issues addressed by the RCMP.

Through the LAR Task Force, the Recreation Working Group which produced the Recreation Management Element, provided staff with a document entitled "American River Parkway Plan Update:

Recommendations of the Lower American River Task Force Overseeing the Recreation Management Element of the River Corridor Management Plan.” This document makes recommendations on how that process might go forward and identifies the following as significant grounds for updating the Parkway Plan: new recreational uses unknown in 1985, changing regional demographics, heightened importance of protecting riparian habitat and natural floodways, new land uses planned for areas adjacent to the Parkway, and a desire to consider how to sustain the invaluable, but informal, collaborative relationships between the numerous agencies managing the Parkway.

The Lower American River Task Force deferred policy issues to the Update process that were inconsistent with the 1985 Parkway Plan or issues considered important enough to demand broader community input and detailed discussion than were available to the LAR Task Force’s Recreation Working Group. These deferred policies address some, but not all, of the issues that will need to be considered during the Parkway Plan Update.

Need For Facilitation

The Planning Department requests the use of professional facilitation services for the Update of the ARPP. The policy issues that were deferred to the Parkway Update process and briefly discussed during the RCMP were often quite contentious. The issues raised directly impact the type of recreational uses that some people would like to legally engage in along the Parkway (ex. mountain biking), address land uses that may impact private property, the allocation of those lands currently in recreation reserve, possible land trades within the Parkway, and habitat restoration possibilities. For each of these topics there is a diverse array of opinions, personal beliefs, legal requirements, and biological assessments and/or needs.

In order to address the needs of the public and incorporate their input into the Parkway Plan Update, it is our recommendation that we utilize the facilitation services of the California Center for Public Dispute Resolution. The Planning Department estimates the drafting of an Updated Plan to be a year-long process. The Center has worked extensively on issues along the lower American River and will facilitate the process within those time constraints, while providing a neutral environment that will enable divergent views to be openly discussed and addressed. The Planning Department recommends the Center for Public Dispute Resolution due to their unique knowledge and experience along the lower American River.

The California Center for Public Dispute Resolution

The California Center for Public Dispute Resolution (Center) has been working with lower American River issues continuously for the past nine years. The following dates reflect the Center’s involvement in various lower American River projects and the corresponding lead agency.

- Water Forum Agreement, Water Forum August 1993 – January 2000
- Water Forum Successor Effort, Water Forum January 2000 – on-going

- FISH Working Group, Water Forum September 1999 – on-going
- Recreation Working Group, SAFCA December 2000 – August 2001
- Lower American River Task Force June 2000 – on-going

During the months of September and October 2000, SAFCA hired a consultant from the Center to conduct 25 individual and small group interviews with Parkway stakeholders. The purpose of these interviews was to assess how best to proceed with SAFCA's River Corridor Management Plan/Recreation Management Element and define its relationship to the American River Parkway Plan Update. The outcome of these interviews is documented in the Center's *Recommendations for Developing the Recreation Management Element of the Lower American River Corridor Management Plan and Updating the American River Parkway Plan*.

The Center's extensive involvement in the LAR Task Force and its working groups provides a basis of knowledge, understanding and sensitivity that would be immensely difficult, if not impossible, to fully relay to another consultant. With 18 Federal, State, and local governmental agencies with significant management responsibilities affecting the LAR, more than 17 community based organizations, and a myriad of individuals with interests along the Parkway, there exists a labyrinth of roles, interests and responsibilities along the Parkway. The Center's involvement in the RCMP with multiple staff members, establishes a depth of knowledge that is irreplaceable.

Within these varied interests, the Center's staff has been able to develop strong working relationships and contacts with representatives from numerous agencies and organizations that enable their participation in the process to provide an additional level of skill and public trust to a complicated stakeholder process.

The Center has also been requested to provide capacity building skills with their Planning Department staff counterparts. This will assist Planning Department staff in being able to facilitate any sub working groups that may be formed on an ad hoc basis during the Update process. Capacity-building, as applied to the ARPP Update, is expected to occur in the following ways:

- The partnership between the lead mediator (Sharon Huntsman) and the Planning Department's project manager (Sunny Williams), through which the two will bring their respective forms of expertise to designing and implementing a myriad of interventions and will learn from each other in the process; and
- Situation-specific coaching and mentoring that the Center's staff (primarily Sharon Huntsman) may provide to Planning Department staff as they prepare to handle process-related challenges that may arise during the Update (e.g., management of ad hoc subgroups by the Planning Department's project manager); and
- Provision of written tools (e.g., one-pagers / short "how to" documents) to impart the concepts and skills necessary to support the first two bullet points.

LEGAL ISSUES

County Counsel approved as to form the agreement between the County of Sacramento and the California Center for Public Dispute Resolution (Center). The Planning Department requests the ability to sole source (71-J) to the Center. Facilitation service professionals with a working knowledge of lower American River issues are not available through County staff. Sole sourcing to the Center is a result of their unique knowledge and historical experience working with topics, agencies and organizations along the lower American River.

FINANCIAL ANALYSIS:

The Board of Supervisors, through approved item number 35 of December 12, 2000, approved the allocation of \$85,000 annually for three years to the Regional Parks, Recreation and Open Space (Parks) Department to support the Update of the American River Parkway Plan. This will be the second allocation of those monies.

Other agencies that have dedicated funding for the Parkway Plan Update include:

- SAFCA: \$35,000/year for 3 years
- Water Forum: \$35,000/year for 3 years.

Under the planned time schedule, these allocations will begin in fiscal year 2002-2003.

Fiscal Year 2001-2002

The Center's cost for Phase 1 – Stakeholder Assessment and Process Design is \$52,184. This will be paid in full by funds already committed in the current budget, fiscal year 2001-2002, by the Parks Department. The \$85,000 from the Parks Department will provide complete coverage of Phase 1 – Stakeholder Assessment, while providing a portion of funding for Phase 2 – Facilitation/Mediation Support for the ARPP Update Process.

Fiscal Year 2002-2003

Through the stakeholder assessment and analysis, the Center will propose a Process Design and estimated cost for the continuation, Phase 2 – Facilitation/Mediation Support for the Parkway Update process. This second phase will be brought before the Board of Supervisors in a separate contract.

Dedicated financial allocations will be used to continue facilitation services throughout the Parkway Plan Update process. This includes a final allocation of \$85,000 from the Parks Department and the above-mentioned annual allocations of \$35,000 each from SAFCA and the Water Forum for three years.

Total amounts:

Fiscal Year	Phase	Funding Sources	Funding Amounts
2001 – 2002	A – stakeholder assessment/process design	County Parks	\$85,000

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2002 – 2003	B – Public process, drafting of the plan	County Parks, SAFCA, Water Forum	\$155,000 = (\$85,000 + 35,000 + 35,000)
2003 – 2004	Environmental Review	SAFCA, Water Forum	\$70,000 = (\$35,000 + 35,000)
2004 – 2005	Public review process and adoption	SAFCA, Water Forum	\$70,000 = (\$35,000 + 35,000)

The creation of an Updated Parkway Plan is anticipated to be a year-long process. This will be Phase 2 - Facilitation/Mediation Support for the Parkway Update process with the Center. The facilitation of stakeholder meetings and drafting of the Updated Parkway Plan will be the primary focus of Phase 2. The following phase will entail the environmental review process. We are allocating a year for the Sacramento County Department of Environmental Review and Assessment to write the environmental document.

The third year is projected for the public review process, including adoption by the Sacramento County Board of Supervisors, Sacramento City Council, and the State Legislature.

CONCLUSION:

Planning Department staff will be the project manager for the American River Parkway Plan Update, working directly with the Center’s staff, Parks Department, the City of Sacramento, and all other interested parties. We request the approval of an agreement between the County of Sacramento and the Center - CSUS to efficiently draft and Update the American River Parkway Plan while collaboratively working with the stakeholders.

Respectfully submitted,

APPROVED:

Thomas W. Hutchings, Director
Department of Planning and
Community Development

Terry Schutten, County Executive

John O’Farrell, Administrator
Community Development and
Neighborhood Assistance Agency

Concur:

Ron Suter, Director

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Regional Parks, Recreation, and
Open Space Department

ATTACHMENTS:

1. Resolution
2. Agreement