

**CAIFORNIA OFF-HIGHWAY MOTOR VEHICLE RECREATION  
COMMISSION**

MEETING MINUTES  
RADISSON HOTEL, EDGEWATER B  
500 LEISURE LANE  
SACRAMENTO, CALIFORNIA 95815

FEBRUARY 4, 2005

**(MINUTES APPROVED APRIL 15, 2005 AS PRESENTED)**

**COMMISSIONERS PRESENT**

Robert F. Chavez, Vice-Chair  
Judith A. Anderson  
Michael F. Prizmich  
Harold M. Thomas  
Edward H. Waldheim

**COMMISSIONERS ABSENT**

Paul J. Spittler arrived at 9:12 a.m.  
John E. Brissenden

**DIVISION STAFF PRESENT**

Tim La Franchi, Legal Counsel, DPR  
Daphne C. Greene, Deputy Director, OHMVR Division  
Rick LeFlore, Superintendent IV, OHMVR Division  
Jess Cooper, Superintendent III, OHMVR Division  
Joan Grammer, Senior Park and Recreation Specialist, OHMVR Division  
Julie D. Hom, Staff Park and Recreation Specialist, OHMVR Division  
Lowell Landowski, Associate Park and Recreation Specialist, OHMVR Division  
Lisa McClung, Associate Park and Recreation Specialist, OHMVR Division  
Felicia Miller, Associate Park and Recreation Specialist, OHMVR Division  
David Quijada, Associate Park and Recreation Specialist, OHMVR Division  
Clark Woy, Associate Park and Recreation Specialist, OHMVR Division  
Kathleen E. Mick, Deputy Director's Assistant-Special Projects, OHMVR Division  
Tom Ward, Recreation Manager, OHMVR Division  
Laurie J. Taylor, Executive Secretary, OHMVR Division  
Sandra J. Elder, Commission Assistant, OHMVR Division

**OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT**

Kenneth J. Pogue, Deputy Attorney General

**REGISTERED VISITORS**

Tom Tammone, CORVA, CTVC  
Diana Craig, Regional Wildlife Ecologist, USFS, Vallejo  
Nick Haris, AMA  
Jim Keeler, BLM, Sacramento  
Rich Farrington, OHV Coordinator, USFS, Vallejo  
Fred Wiley, CNSA  
Jay Dobler, CNSA  
Bill Dart, ORBA  
David Pickett, District 36, Motorcycle Sports Committee  
Sky Zaffarano, BLM, Redding  
Harold Soens, SDORE, AMA, District 38  
Pete Conaty, Pete Conaty & Associates  
Dana Jones, Superintendent, Twin Cities District, DPR  
Bruce Brazil, CERA  
Don Amador, BRC  
Eric Lamb, Calaveras County Sheriff's Dept.  
Dawn Lamb, Altaville  
Karen Schambach, PEER  
Greg West, self, San Jose  
Barry Jones, CNSA

**CALL TO ORDER**

Vice-Chair Chavez called the meeting to order at 9:08 a.m. in the Edgewater B Room, Radisson Hotel, 500 Leisure Lane, Sacramento, California 95815.

**PLEDGE OF ALLEGIANCE**

Vice Chair Chavez led the meeting attendees in the Pledge of Allegiance.

**ROLL CALL**

Chair Spitler and Commissioner John Brissenden were absent.

**APPROVAL OF AGENDA**

Chair Spitler arrived at 9:12 a.m.

Commissioner Waldheim asked why there were no minutes from the January 22, 2005 meeting. Deputy Director Greene stated there had been insufficient time to put the minutes in final form. He stated that he felt they were necessary for reference during the Unfinished Business portion of the agenda.

Commissioner Prizmich asked staff why there was only review and comment on the proposed draft regulations and not an action by the Commission? Deputy Director Greene stated Commission approval or adoption was unnecessary before being submitted to the Office of Administrative Law for final approval; however she was interested in receiving their comments.

Commissioner Chavez indicated there had been no input from fellow Commissioners for preparation of a resolution to encourage the Little Hoover Commission to recommend that the OHMVR Commission be removed from the Governor's proposal for termination of Boards and Commissions.

Commissioner Thomas moved and Commissioner Anderson seconded the motion to approve the agenda as presented. MOTION CARRIED.

## **UNFINISHED BUSINESS**

### Grant Evaluation Criteria and Point Score Process

Chair Spitler announced the discussion of the grant evaluation criteria and point scoring process. The funding levels in the CESA & NON-CESA categories were adopted at the previous meeting. He asked Commissioners to hold motions until all Commission discussion and public comment was complete.

Division staff made an abbreviated presentation outlining suggested steps for the Commission to take in establishing grant criteria (see Step 4 through 13 in Attachment A).

### Commissioner's Comments

Commissioner Anderson stated she was confused about how past performance was to be taken into consideration. She said her understanding was that those applicants with poor performance would not make the final list presented to the Commission. She felt there should be criteria in each grant category dedicated to past performance.

Commissioner Thomas indicated he felt that the least amount of process is best. He is also opposed to the use of a panel. He supported making the application process more open. He expressed concern that the process would result in more red tape.

Commissioner Waldheim stated he is opposed to the entire system. He wanted to know who came up with the proposal. He felt there was zero public input. He indicated that the Division can set up its own process and the Commission would use it as one factor, public input being the most important factor. He stated if the Waldheim Budget Forms were used, there wouldn't be any worry about where money comes from. User community should know what agencies are using the money for. We should have an agreement with the public and agencies about what the mission is. Agencies are responsible to meet the OHV needs.

Deputy Director Greene indicated that she and Chair Spitler had worked together in an effort to bring forward a viable process to the Commission.

Commissioner Waldheim stated that the Division could do what they want with the process, as there has been a lack of public input. He asked the Commissioners to support him in letting the Division "do their thing", per their responsibility.

Commissioner Prizmich stated that when he first reviewed the proposal he was not pleased, but after the Division's presentation he was more in favor. He liked the ability to change rankings once a decision is made. He stated he is not a fan of big government. He also felt the Commission has contributed to applicant confusion. Also, the public should provide more input and that the Commission should provide a generalized mission for the applicant to follow.

Commissioner Chavez felt the grants program was out of balance with the enabling legislation. He referred to the Public Resource Code sections defining what the program should do, citing expansion of opportunity, which the Commission has not allocated funding for in some time. He supported revamping the process.

### Public's Comments

Nick Haris, AMA, would like to see a real discussion on the criteria and see if we can all agree on one.

Barry Jones, CNSA, felt there should be a more balanced group on the panel.

Commissioner Thomas asked Mr. Jones why staff shouldn't do the ranking? Mr. Jones responded that the grants staff should go out into the field more. Also the grants staff should be increased.

Bill Dart, ORBA, indicated his group supports the concept of criteria, as it would enable the applicants to know what is expected. He stated that both Commissioner Waldheim and Thomas have ignored public input. He felt that the

Commission does not fund law enforcement. He felt the Commission has a political agenda and act in an arbitrary and capricious manner, acting as a rogue Commission.

Don Amador, BRC, supported Bill Dart's statements. He felt the Commission asked agencies for input and then told them to shut up and sit down.

Bruce Brazil, CERA, echoed Don Amador. He said the system was not working; money was not going where needed, especially trail re-routes.

Karen Schambach, PEER, objected to historic and current program comments. She felt conservation and OHV public should be given equal consideration. In the past, trail maintenance grants have not been spent on trail maintenance. The use of criteria is a good concept.

Commissioner Chavez asked if Commission members should be on the evaluation panel. He felt it was more important the panel consist of staff and public.

Dave Pickett, AMA Dist. 36, agreed with Commissioner Chavez. He stated the Commission should remember where the funding comes from.

Commissioner Thomas discussed bonus points and felt they were just as arbitrary.

Tom Tammone, CORVA, asked the Commission to keep an open mind and consider the point system. There should be more emphasis on trail maintenance. Felt efficiency should be given a higher rank.

Dr. Rich Farrington, USFS, Vallejo, stated that the forests are frustrated because there is no money for law enforcement. He favored criteria and the scoring system, as it will give more guidance and a better level of funding.

Commissioner Anderson asked staff if the scoring points would change from year to year.

Deputy Director Greene indicated that yearly the criteria would be re-evaluated and changed as needed.

Commissioner Waldheim stated each agency has its particular needs, and it is the agency's responsibility to state their needs.

Deputy Director Greene stated the Division proposes to reduce the amount of paper documentation provided to Commissioners.

Jim Keeler, BLM, Sacramento, indicated he liked the idea of a process where applicants have a better understanding of requirements.

Chair Spitler called for a break at 10:55 a.m.

Chair Spitler reconvened the meeting at 11:17 a.m.

**PUBLIC COMMENT, AGENDIZED AT 11:00 A.M.**

There was no public comment.

**UNFINISHED BUSINESS (Continued)**

Grant Evaluation Criteria and Point Score Process (continued)

Chair Spitler said, "I would just like to get a sense of where the Commission stands, not on the specifics of the scoring that have been proposed here, but generally whether or not the Commission wants to move forward with this process. If the sense is yes, I would suggest that the next step would be that we walk through each of the proposed scoring criteria and make our amendments and changes and adopt the whole thing."

He stated that the evaluation and scoring criteria process provides a good opportunity for the Commission to let the public and the potential applicants know Commission priorities up front. A big step was taken at the January 22<sup>nd</sup> meeting in stating our priorities and funding levels (CESA & NON-CESA: Restoration, Conservation, Law Enforcement, and Operations and Maintenance).

He further stated that he believed the process was good and commended Deputy Director Greene and Kathy Mick for their hard work. He said, "Now I would like to hear the sense of the Commissioners as to the procedure of working through these criteria, amending them as we see fit, and then adopting them at the end of the process. Is there support from this Commission to do that?"

Commissioner Waldheim asked Deputy Director Greene if staff would use the criteria for the next grant cycle if the Commission adopted the proposal. Deputy Director Greene stated that staff would perform level 1 and 2 completeness review and provide input to the panel.

Commissioner Waldheim asked who would decide the dollar amount. Deputy Director Greene indicated the Commission would suggest the allocation of funds.

DPR Counsel La Franchi informed the Commission that the proposed panel would be advisory to the Deputy Director and she would make the final recommendation.

Commissioner Chavez stated that no commissioner should sit on the panel. The Commission has the final vote and should not sit on the panel.

Commissioner Anderson agreed on removing commissioners from the panel. She said, "I would like to see three (3) staff and two (2) members of the public on the panel and also an advisory monetary recommendation."

Commissioner Thomas stated he still has the opinion that this whole proposed process was unnecessary and would not support it.

Commissioner Waldheim agreed that there be no commissioner on the panel. He related his disappointment in the ranking system. He stated he has full confidence in the staff, but has reservations about management overriding staff recommendations. He felt it was imperative that staff goes out in the field in order for the recommendations to be accurate.

Commissioner Chavez moved and Commissioner Prizmich seconded the motion to see if this Commission is going to conceptually approve the proposed process submitted by the Division.

Chair Spitler called for the discussion.

Commissioners Thomas and Waldheim both stated they would vote against it.

Chair Spitler called for a roll call vote:

Anderson – aye  
Chavez – aye  
Spitler – aye  
Thomas – nay  
Prizmich – aye  
Waldheim – nay

**MOTION CARRIED WITH FOUR AYES AND TWO NAYS.**

Recessed for lunch at 11:55 a.m.

Reconvened the meeting at 1:13 p.m. and continued with the agenda.

Chair Spitler asked Commission to walk through the Draft Grant Evaluation and Scoring Criteria (Attachment B). He also asked for Commissioners to propose amendments, individually, and adopt the whole package at the end of the day.

Commissioner Prizmich noted that Law Enforcement is located in four (4) of the eleven (11) components.

Commissioner Chavez asked where the money would come from for the eleven (11) categories (Planning Projects; Studies; Acquisition Projects; Development Projects; Trail Maintenance, Trail Conservation, and Trail Reroute Projects; Facilities Operation and Maintenance Projects; Resource Management Projects; OHV Safety or Education Projects; Equipment Purchase, Law Enforcement Projects; & Restoration Projects).

Chair Spitler indicated there are several large buckets: Conservation and Enforcement Services account, and Restoration account.

Commissioner Chavez moved and Commissioner Prizmich seconded the motion to change the first box of criteria points possible for DEVELOPMENT PROJECTS to 40 points and the second box of criteria possible to 80 points.

Chair Spitler called for a roll call vote:

Anderson – aye  
Chavez – aye  
Spitler – aye  
Thomas – aye  
Prizmich – aye  
Waldheim – aye

MOTION CARRIED UNANIMOUSLY.

Commissioner Thomas moved and Commissioner Anderson seconded the motion to add an additional criteria box to LAW ENFORCEMENT PROJECTS entitled “Grantee has adequate staffing assigned to meet grant objectives” with 15 points and reduce the first box to 15 points, 6<sup>th</sup> box to 10 points, & 7<sup>th</sup> box to 10 points.

Chair Spitler called for a roll call vote:

Anderson – aye  
Chavez – nay  
Spitler – aye  
Thomas – aye  
Prizmich – nay  
Waldheim – aye

MOTION CARRIED WITH FOUR AYES AND TWO NAYS.

Commissioner Anderson moved and Commissioner Chavez seconded the motion that all grant categories add an “Applicant History” component and have a

score of ten (10) points assigned, taking no points away from any other criteria. First time applicants be assigned the full ten (10) points and earn thereafter. Chair Spitler called for the vote. MOTION CARRIED UNANIMOUSLY.

Chair Spitler moved and Commissioner Thomas seconded the motion that the Commission award and/or deduct up to fifty (50) points from individual grant ratings based upon public input, fiscal accountability, and past performance/history.

Commissioner Chavez made an amended motion and Commissioner Prizmich seconded that the scoring system be realigned at the front end of grant cycle only between panel, the Division and Commission with no alterations thereafter.

Chair Spitler called for a roll call vote on the amended motion:

Anderson – nay  
Chavez – aye  
Spitler – nay  
Thomas – nay  
Prizmich – nay  
Waldheim – nay

MOTION FAILED WITH FIVE NAYS AND ONE AYE.

Chair Spitler called for a roll call vote on the original motion:

Anderson – aye  
Chavez – nay  
Spitler – aye  
Thomas – aye  
Prizmich – nay  
Waldheim – aye

MOTION CARRIED WITH FOUR AYES AND TWO NAYS.

Chair Spitler called for a break at 2:20 p.m.

Meeting reconvened at 2:35 p.m.

Commissioner Waldheim moved and Commissioner Prizmich seconded to add the following:

Add to OHV SAFETY/EDUCATION PROGRAM PROJECTS  
School Outreach  
Add to TRAIL MAINTENANCE, TRAIL CONSERVATION & TRAIL  
REROUTE CATEGORY  
Red Trails Elimination  
Maps for Recreational Opportunity

Volunteer Group  
Regular Meeting with Public  
Add to FACILITIES OPERATION & MAINTENANCE (FO&M) PROJECTS  
Visitor Services Available (staff) for Public to Obtain Information  
De we have a School Outreach Program  
Add to PLANNING PROJECTS  
Does Applicant have an overall budget?  
OHV Route Inventory & Designation

Chair Spitler called for the vote. MOTION CARRIED UNANIMOUSLY.

Commissioner Chavez moved and Commissioner Prizmich seconded the motion to have the points for the first criteria box for EQUIPMENT PURCHASE changed from 80 to 55 and the points for the second criteria box be changed from 30 to 55.

Chair Spitler called for a roll call vote:

Anderson – abstain  
Chavez – aye  
Spitler – nay  
Thomas – nay  
Prizmich – aye  
Waldheim – nay

MOTION FAILED WITH TWO AYES, THREE NAYS, AND ONE ABSTENTION.

Commissioner Chavez moved and Commissioner Prizmich seconded the motion to have the points from the first criteria box for ACQUISITION PROJECTS changed from 80 to 40 and the points for the second criteria box be changed from 40 to 80.

Chair Spitler called for the vote. MOTION CARRIED UNANIMOUSLY.

Commissioner Chavez moved and Commissioner Prizmich seconded the motion to direct the Deputy Director and the Commission Chair not have members of the Commission on the panel.

Chair Spitler called for a roll call vote:

Anderson – nay  
Chavez – aye  
Spitler – nay  
Thomas – nay  
Prizmich – aye  
Waldheim – nay

MOTION FAILED WITH TWO AYES AND FOUR NAYS.

Chair Spitler recessed the meeting for a break at 3:10 p.m.

The meeting was reconvened at 3:20 p.m.

Chair Spitler moved and Commission Anderson seconded the motion to adopt the Draft Evaluation and Scoring Criteria as amended.

Chair Spitler called for a roll call vote:

Anderson – aye  
Chavez – nay  
Spitler – aye  
Thomas  
(Voting stopped)

Commissioner Thomas called for a point of clarification. Chair Spitler restated that an aye vote means that the Commission approves the idea of having scoring criteria.

Chair Spitler asked that the roll call vote begin again:

Anderson – aye  
Chavez – nay  
Spitler – aye  
Thomas – nay  
Prizmich – aye  
Waldheim – nay

MOTION FAILED WITH A TIE VOTE.

Chair called for a break at 3:55 p.m.

The meeting was reconvened at 4:05 p.m.

## **NEW BUSINESS**

### **REVIEW AND COMMENT ON THE PROPOSED DRAFT REGULATIONS**

Chair Spitler asked if there was any Public Comment on the “Local Assistance Grants and Cooperative Agreement Program Regulations”. There was no public comment.

Commissioner Anderson asked staff why Section 4970.17 (b) has blanks. Deputy Director Greene indicated that the Stakeholders’ group is still working on this section.

Deputy Attorney General Pogue provided several corrections: On page 6, line 240, drop "Policies within"; line 249, the same, drop "Policies within".

Chair Spitler provided two changes: Page 7, line 304 should state "At the same meeting the Division shall request that the Commission provide priorities for funding to the Division for the current grant cycle." Page 20, line 889 should state, "The Division shall request that the Commission establish funding targets and priorities for the local assistance grant and operative agreement program based upon anticipated budget appropriations, statutory requirements and public input." Deputy Director Greene acknowledged this input and thanked Chair Spitler.

### LITTLE HOOVER COMMISSION

Deputy Director Greene informed the Commission that February 11 was the last day for public comment (written) to be heard by the Little Hoover Commission considering the Governor's list of Boards and Commissions proposed for termination.

Commissioner Waldheim stated that he did not realize that a resolution was wanted. As a private citizen he had sent the Little Hoover Commission his recommendation to keep the OHMVR Commission intact.

Commissioner Anderson moved and Commissioner Waldheim seconded the motion to encourage the Little Hoover Commission to recommend that the OHMVR Commission be removed from the Governor's proposal for termination of Boards and Commissions.

Bill Dart, representing the Off-Road Business Association, "...I think that this Commission today has proved as a body how ineffective and inefficient it's been. You spend half a day developing your own recommendations, and then reject them at the end. This is a great example of the disfunctionality of the current Commission and complete justification of its removal. Thank you."

Chair Spitler called for a roll call vote:

Anderson - aye  
Chavez - nay  
Spitler - aye  
Thomas - aye  
Prizmich - nay  
Waldheim - aye

MOTION CARRIED WITH FOUR AYES AND TWO NAYS.

Commissioner Waldheim stated that it gave him great pleasure to invite everyone to the ribbon cutting ceremony on March 9 of the paved road into the El Mirage OHV area sponsored by the Barstow Field Office of the Bureau of Land Management.

Commissioner Thomas asked for the date of the next budget submission. He indicated the Commission's interest in having an input to the budget.

Deputy Director Greene stated that the date would be forth coming shortly.

Commissioner Waldheim asked that a timeline of the grants process be provided at the next meeting.

Deputy Director Greene informed the Commission that the information would be available prior to that date and would be posted on the Division's website.

### **ADJOURNMENT**

Commissioner Waldheim moved and Commissioner Anderson seconded the motion to adjourn the meeting at 4:35 p.m. MOTION CARRIED UNANIMOUSLY.

Daphne C. Greene, Deputy Director  
California State Parks  
OHMVR Division

Sandra J. Elder  
Commission Assistant  
OHMVR Division