

December 11, 2012

Honorable Gary Tofanelli and Members of the Board of Supervisors
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: General Plan Update and November 13, 2012, Board Meeting

Dear Supervisor Toffanelli and Members of the Board:

In the last few days we have had a chance to watch the online video¹ of the Board of Supervisors November 13, 2012, meeting during which the Board considered and approved a \$300,000 contract with Raney Planning & Management to complete the General Plan Update. We respect the County's and the Planning Director's (Rebecca Willis) prerogative to use another consultant team to complete the update, especially a consultant Ms. Willis has worked with several times in the past. However, **we are taken aback that the decision to hire a new consultant was justified by a distorted and erroneous recounting of the history of the General Plan Update program that we managed. We feel compelled to set the record straight in defense of our professional reputation and as a service to the current, past, and future decision-makers, and the people of Calaveras County.**

We offer the following points to clarify the history of the General Plan Update and our role in the project. **All of these points are completely verifiable** by the published history of the General Plan Update process and the substantial amount of correspondence between County staff and Mintier Harnish.

The General Plan Update was substantially complete when it was put on hold. In February 2011, when we submitted a complete administrative review draft of the Policy Document, **the General Plan Update process was more than 80 percent complete.** We had prepared a public review draft of the Baseline Report, worked with county residents to prepare a vision statement and guiding principles, completed the alternatives process, submitted an administrative draft of the complete General Plan Policy Document, and begun work on the Environmental Impact Report. **We were on track to complete the General Plan Update within a year or less. In other words, the Board could have adopted a new General Plan as early as Spring 2012.** However, our contract with the County was allowed to expire at the end of 2011, after Ms. Willis expressed a desire to "go a different direction."

¹ <http://calaverascap.com/november-13-2012-calaveras-board-of-supervisors-part-2/>

We committed to fulfill our contract within our existing budget. During the November 13, 2012, Board meeting Ms. Willis indicated that we were “released” from the General Plan Update due in part to our request for additional compensation to complete the project. While we did discuss with County staff, including Ms. Willis, the need for additional funding to finish the project, **we also committed to finish the Update within our remaining contract budget.**

In March and April 2011, we had discussions with County staff (Jeanne Boyce, CAO; Brenda Gillarde, General Plan Coordinator; and Christine Poe, Administrative Analyst) concerning the status of the General Plan Update budget and revisions to the scope of work. In those discussions **Ms. Boyce made it clear that the County would not be able to provide additional compensation for us to complete the General Plan Update.** Following up those discussions **we made a commitment in writing to Ms. Boyce and Janis Elliot, County Counsel, to complete the General Plan Update within the remaining budget – approximately \$140,000 – knowing that we would have to absorb substantial unreimbursed costs.** We then negotiated a revised scope of work and schedule with County staff to complete the General Plan Update, again without additional compensation. The changes from our approved work scope focused primarily on reducing the number of meetings we would attend. We reached tentative agreement with Ms. Gillarde on the revised scope and schedule on May 20, 2011. At our first meeting with Ms. Willis on September 29, 2011, and in several subsequent emails to her, we repeated our offer to Ms. Willis to complete the project without additional compensation. However, **Ms. Willis decided to allow our contract to expire at the end of 2011. She also refused to honor our closing invoice for \$39,513.59 for costs we and our subcontractors had incurred since February 2011.** Those costs included project work conducted at the direction of County staff prior to our work being put on hold, as well as later meetings, research, and analysis requested by Ms. Willis to bring her up to speed on the project.

Based on discussions with County staff in March and April 2011, **it was our understanding that the County did not have the financial resources to provide additional compensation to support completion of the Update,** which is why we committed in writing to complete the project within our remaining budget. However, subsequently the County has paid Raney Planning & Management \$50,000 for General Plan-related work and approved a contract with Raney Planning & Management for an additional \$300,000 to complete the General Plan Update. We are, therefore, confused by statements that we were “released” from our contract because of our request for additional compensation to complete the General Plan Update.

We provided high quality work products. Several comments made by Ms. Willis and Board members during the Board discussion created the impression that our work products were somehow inadequate or inaccurate. As an example, Ms. Willis stated that the **Public Review Draft Baseline Report** was obviously inadequate because of the number of public comments that were received. This statement ignores the fact that **County staff reviewed and approved every page of the report in administrative draft form before it was released as a public review draft.** The assertion that we did not deliver a final version of the Baseline Report is also misleading, since we were committed to updating the Baseline Report in conjunction with preparing the Draft EIR as part of our contract. That the Baseline Report needed to be updated by Raney Planning & Management for use in the EIR is understandable, since the

baseline information was “stale,” given that it was produced four years earlier, which included the 20 months the General Plan Update was put on hold in March 2011.

Other than the comments that can normally be expected during the administrative review process, we were never told by any County staff or the Board of Supervisors that any of our work products were inadequate or that they did not reflect community input received during the process. To the contrary, on numerous occasions we received both verbal and written comments from County staff and decision-makers extolling both our level of service to the County and the quality of our work products.

The process and work products reflected the County's values. The implication that we were somehow out of sync with the philosophy of Calaveras County is both puzzling and disturbing. From the beginning of the General Plan Update we managed a bottom-up approach. We worked closely with County staff to conduct three rounds of workshops throughout the county – 20 workshops in total – before finishing the administrative draft of the Policy Document. These workshops resulted in the creation of an Issues and Opportunities Report, Draft Vision and Guiding Principles document, and an Alternatives Report, in addition to numerous newsletters, presentations, workshop materials, and workshop summaries. None of these documents were criticized for not reflecting the values or philosophy of the county or the input we received from the extensive community outreach program. We also attended several rounds of study sessions with the Board of Supervisors and Planning Commission, which included extensive public input, to review milestone products. Our process was deliberately designed to ensure that the Board of Supervisors provided direction at the end of each phase before we moved to the next phase. Again, during these study sessions neither the Board of Supervisors nor the Planning Commission indicated that we had failed to capture the values of the community in the General Plan Update work products. It is important to note that we never had the opportunity to review the draft General Plan policies with the Board.

We did get fairly negative comments from County staff on administrative drafts of the Water Element and the Economic Development Element. Ironically, these were the only two elements that were developed by local stakeholders through facilitated workshops and funded entirely by local stakeholders. With the blessings of the Board of Supervisors and financial support from local stakeholders, General Plan Consultant team members helped facilitate these efforts and integrated these elements into the General Plan. Several Board members also participated in the stakeholder meetings. Given the amount of community, stakeholder, and Board member input and resources that went into these elements, it is interesting that we now understand from the new contract with Raney Planning & Management that neither of these elements will be part of the updated General Plan.

The Update suffered due to high staff turnover and changes in County project managers. One of the major challenges in this General Plan Update program was high County staff turnover and lack of continuity in County staff leadership. According to our records, there were ten changes in key County staff working on the project while we were involved, including five Planning Directors. Not one of the County staff members who started the General Plan Update works for the County today. It is therefore ironic that Ms. Willis has such a strong opinion about and harsh critique of our work on the General Plan Update. She was not present for any part of the General Plan Update process in which we were

involved. She has either misunderstood or deliberately misrepresented the history of the General Plan Update and our role in it.

In the November 13, 2012 Board meeting video, we heard Ms. Willis and Board members compare us to “bad mechanics,” describe the General Plan Update as a “death march,” describe our work for the County as a “shipwreck,” and say that the County needs to avoid the “lessons learned” from the Mintier Harnish experience and “fix the problems that we inherited from Mintier.” This is revisionist history. There is no basis for these characterizations of our work or our role in the Calaveras County General Plan Update.

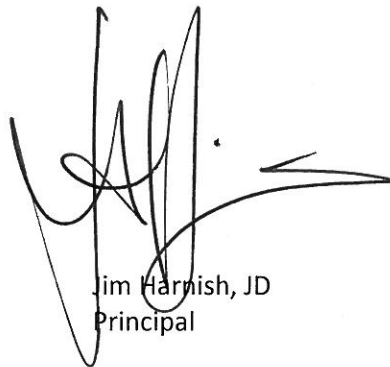
We have included a copy of the administrative draft of the General Plan Introduction, which recounts the history of the General Plan Update and describes the structure and organization of the draft General Plan we prepared prior to stopping work in March 2012. We have also included two memos we sent to the County in 2011 discussing the status of the General Plan Update and our commitment to complete the project within our remaining contract and budget.

We would be happy to answer questions from Board members, whether retiring, new, or continuing, or county residents about our work on the General Plan Update in the interest of accurately documenting the history of our what led to our “release” from the General Plan Update and the hiring of a new consultant. We will follow with interest the conclusion of the County’s update program.

Sincerely,



J. Laurence Mintier, FAICP
Principal



Jim Harnish, JD
Principal

CC:

Gary Tofanelli, Chair, Calaveras County Board of Supervisors
Merita Callaway, Vice-Chair, Calaveras County Board of Supervisors
Steve Wilensky, Board Member, Calaveras County Board of Supervisors
Tom Tryon, Board Member, Calaveras County Board of Supervisors
Darren Spellman, Board Member, Calaveras County Board of Supervisors
Cliff Edson, Supervisor Elect, Calaveras County Board of Supervisors
Chris Wright, Supervisor Elect, Calaveras County Board of Supervisors
Debbie Ponte, Supervisor Elect, Calaveras County Board of Supervisors
Ted Allured, Calaveras County Planning Commission
Fawn McLaughlin, Calaveras County Planning Commission
Michelle Plotnik, Calaveras County Planning Commission
Mike Miller, Calaveras County Planning Commission
Greg Gustafson, Calaveras County Planning Commission
Jeanne Boyce, County Administrative Officer, Calaveras County
Janis Elliot, County Counsel, Calaveras County
Rebecca Willis, Planning Director, Calaveras County
Brenda Gillarde, General Plan Coordinator, Calaveras County
Tom Infusino, Calaveras Planning Coalition
Diane Gray, Executive Director, Calaveras County Chamber of Commerce
Ray Weiss, Director, ESA
Doug Svensson, President, Applied Development Economics
Trish Kelly, Principal, Applied Development Economics
Gordon Shaw, Principal, LSC

Attachments:

Working Draft General Plan Introduction, December 2010
Memorandum to Rebecca Willis, October 11, 2011
Letter to Rebecca Willis, December 8, 2011