

January 13, 2020

Chris Lopez, Chair
Monterey County Board of Supervisors
County of Monterey
Salinas, CA 93901

Re: Item 19, January 14 agenda. Request to pull Citygate item for discussion, take public input, and revise the proposed \$200,000 contract.

Dear Chair Lopez and members of the Board of Supervisors:

I represent The Open Monterey Project, which asks you to pull this item from the consent calendar. My clients have substantial concerns about the proposed contract scope and approach. The County is starting out on the wrong foot in this effort. Please correct that now so that there is a chance of a successful result.

This is the first time the public has been able to review the scope of this \$200,000 contract. This review of the planning department has not been proposed in public, and the scope and content has never been vetted or reviewed by the public. This is a good example of the ongoing problems. The County has worked in secret for years behind closed doors, and has not had a healthy public discussion and dialogue, even where this is a problem about which the public is very concerned and vocal. Now the County has released a detailed contract that misses the mark, and the County is refusing to consider public feedback, saying the contract has already been prepared. The planning department problems have gone on for years and another week or two spent on the contract could make a big difference in how the County spends the public's money and what the County and the public get for it.

- The key words that I hear when people talk about County planning problems are not addressed here. This contract should specifically address competency and consistency as standards to be assessed and for specific recommendations for correction and improvement.
- The core consultant team does not include anyone with California planning expertise. A lone planner would be contacted only "as needed... as an off-site Technical Advisor." (Citygate proposal, p. 24.) That person has no expertise in California law, California general plans, policies, agricultural issues, or California coastal issues, or the other unique problems and strengths affecting California and Monterey County today.¹ He is employed as the COO for a 60+-employee public agency in Nevada.
- Glaring problems with the proposed contract include:
 - Not nearly enough public participation as part of the process.
 - No identification of the "stakeholders" and how they would be selected.

- No information as to who are the focus groups and how they and their members would be selected.
- No information as to who would get face to face interviews.
- No information as to who would be selected for the customer survey.
- The customer survey would be in English only. It should be in English and Spanish as appropriate.
- The proposed contract has a boilerplate scope that is a generic consultant's request seeking at least \$200,000 of the public's dollars. The proposal contains extensive gobbledygook. It should be rewritten in plain English – and Spanish as appropriate – so there is no confusion or ambiguity. The contract is the controlling document. It should be clear.
- It should not be the consultants' job to “assess the adequacy and currency of underlying land use and related policies” of the County, contrary to the proposal (at p. 1). The General Plan is the constitution for land use, and we do not see the General Plan even mentioned in the proposed scope. This omission is glaring in light of the County planning's shocking failure to implement most of the 2010 General Plan policies.
- The proposed scope does not define “customer.” The County planning staff defines “customers” as those who have paid an application fee. Mr. Chiulos told me the intent is broader than that. If so, the true intent should be stated in the contract. The undefined term would perpetuate business as usual, which is what the County should be trying to change.
- The proposed scope focuses on “organizational changes and process improvement to enhance customer service” but there is nothing in the scope about improving staff competence, hiring skilled trained staff, and improving knowledge of plans, policies, and CEQA.
- The Assistant CAO who would administer the contract had no knowledge of the past reviews of the planning department and Grand Jury reports, and the contract scope does not mention them. The County has made no effort to learn from the past reports/critiques, to figure out what those reports recommended, which were implemented, which were not, what the County did right, what it did wrong, and what a new report should do differently. In short, after more than thirty years of throwing taxpayer dollars at bureaucratic consultants, the County is once again proposing to demonstrate its unwillingness to identify the real problems and proposed real solutions so we can have a real planning department.
- The residents of Monterey County do not need another generic report that noone will read and noone will abide by. The County is on the brink of

spending another \$200,000 on a whitewash that will be set on the shelf and ignored, as has happened with the last several reports. The proposed contract scope could easily result in a superficial inch-deep analysis. A shallow analysis and report would help nobody and would hurt the County even more, and allow inequities, inconsistencies and incompetence to continue.

- No mention of confidential interviews with past planners. The County has suffered from a significant exodus of experienced planners at severe cost to the County due to the loss of experience and institutional knowledge.²
- No mention of exploring the actual reasons for high planning staff turnover, including the claim about cost of living which the current RMA director has repeatedly used as the excuse for the turnover.

The County should take a more effective approach.

The County should consider hiring unbiased consultants with California knowledge who can focus on the problems and deliver solutions:

- Hire an experienced California land use attorney.
- Hire a California human resources expert.
- Hire a competent and experienced professional planner with expertise in California and coastal public agency documents, procedures, planning management, and systems.

These consultants should do confidential interviews with current and past planners and with identified members of the public, review the planning department operations and basic documents, review project files, and recommend improvements, templates and procedures, as appropriate to their expertise. The approach would be efficient and focused. You could have concrete and workable reports and recommendations within months.

Request.

TOMP urges you not to compound and repeat the problems of the biased and inefficient planning department by approving this one-size-fits-noone generic contract proposal. For decades the Monterey County planning department has been a laughing stock across the state of California. The proposed contract will not solve any of the problems. Please do not proceed with this deeply flawed approach. Please involve the public in what should be a public process.

Thank you for considering these comments.

Sincerely,

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Endnotes:

1. Public records show that Mr. Hester has spent more than three decades of his career in the state of Nevada, where he continues to be employed. Before that he worked in Ohio and Texas.
2. Many Monterey County planning employees have not been adequately trained to comprehend and synthesize complicated California planning concepts and procedures, and even in some cases to understand a public agency agenda. As an example of the lack of training and experience of the County planning staff, the planning department sent out a mass email stating that the proposed Citygate contract would be on the Board's agenda at 1:30 PM, which is inaccurate and misinformed people who may want to participate in the item. On January 10, 2019, at 3:35 PM, the planning department sent an email called "Final Revised Agenda of the Monterey County Board of Supervisors: Tuesday, January 14, 2020" that stated this:

The following Land Use projects are scheduled at 1:30 p.m.:

Agenda Item No. 19 – Citygate Associates, LLC and the County of Monterey

Agenda Item No. 20 – Amendment No. 3 to Standard Agreement No. A-13559 with Albion Environmental, Inc.