

Thomas M. Zuckerman

file

September 11, 1997

Lester A. Snow
Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

RE: Diminishing Role of Ecosystem Roundtable

Dear Lester:

A review of the materials distributed by Kate Hansel in preparation for the September 12, 1997 Ecosystem Roundtable meeting has, regrettably, prompted me to reduce to writing some criticism of the process which I have heretofore only discussed orally at various Roundtable meetings. My concern is that there is a progressive, and perhaps systematic, reduction in what was originally intended to be the role of the Ecosystem Roundtable in ensuring stakeholder involvement in the implementation of the CAL FED program.

At some point in the process a decision was made (apparently in consultation with the State Attorney General's office) that the initial round of funding proposals being submitted to CAL FED should be governed by state contracting law. State contracting law typically covers discrete projects being submitted to competitive bids and attempts to ensure that all prospective bidders are given the same information and provided the same opportunity in the bidding process. I do not believe that the intent of state contracting law is to obscure the bidding and award process from public scrutiny, but it would appear that the consequences of applying state contracting law as being

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applied to the initial Proposition 204 funding cycle is achieving that result. Since public confidence is an essential element in the CAL FED process, I am concerned that the application and interpretation of state contracting law may cast a long shadow over the CAL FED process and endanger public support and its opportunities for success.

At this point let me clarify what my true concerns are and reiterate the comments that I have made at previous meetings.

I am not concerned that the technical evaluation of individual proposals is being conducted by technical teams. Nor am I concerned that some preliminary recommendation for a consistent and balanced funding package is being made by an integration panel composed of experts with relatively broad perspectives. What does concern me is the absolute lack of any Roundtable involvement in that process to ensure that it is being conducted in a fair manner consistent with the public interest involved in the issues CAL FED is attempting to address, including financial responsibility.

At the July Ecosystem Roundtable meeting, I suggested that a Roundtable member serve as a non-voting chair of the Integration Panel with the sole responsibility of ensuring that the selection process was conducted fairly. This is especially critical given the involvement at the technical review and integration panel levels of many agency people and non-agency people whose organizations have submitted proposals for funding. This suggestion appeared to be well supported by Ecosystem Roundtable members although, as you know, we have not conducted votes on any suggestions.

This suggestion could have been discussed at the August meeting of the Roundtable which was rescheduled and subsequently cancelled apparently because of the press of activities related to the large number of funding proposals submitted. In the package which I received yesterday in anticipation of the September 12 meeting, there is a statement in the second paragraph of the Expanded Agenda: "Staff discussed the idea of a Roundtable member as a chairperson but decided against it due the difficulty in agreeing on only one member to attend the panel meetings and finding a member with the technical background and appropriate skills to serve as chair." As a non-voting member only concerned with the fairness of the process, the proposed Roundtable chair's technical background should not have been a road block. Furthermore, I believe based upon my experience as a Roundtable member, there are at least three individuals who have served as co-chair of the Roundtable who have demonstrated appropriate skills to serve as chair. In my opinion, any one of the 19 members would possess the skills to chair the Integration Panel.

In a larger sense, when staff disagrees with the Roundtable, it seems to me appropriate to bring that disagreement before the Roundtable rather than making unilateral decisions at the staff level and then reporting those decisions after the fact.

This may not seem a momentous problem to you, but I am concerned where this trend is leading us. I am very concerned about public accountability of this process through which millions and perhaps billions of dollars are ultimately to be expended. I have, on many occasions, expressed my concerns about the involvement of the Roundtable in the ongoing review of public contracts awarded through this process and vigorous exercise of retained power to ensure that public monies are being properly and

effectively spent. Aside from some tangential references, I have yet to see any efforts to describe how the Roundtable interest in its role in ensuring public accountability is to be exercised.

Speaking for myself I find it increasingly untenable to be held out to the public as a watchdog of its interests without having a good opportunity to ensure that the public interest is in fact being protected. I look forward to your usual thoughtful response to these concerns.

Yours very truly,


THOMAS M. ZUCKERMAN

TMZ:csf