

2004-126a
6 month

State of California
Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Commission
PO Box 942896
Sacramento, CA 94296-0001

Baird
Calloway

Due 2/3/06
Rev'd 4/18/06

April 10, 2006

Honorable Elaine M. Howle
California State Auditor
555 Capitol Mall, Suite 300
Sacramento, CA 95814

RE: Six month response to BSA audit of Off-Highway Motor Vehicle Recreation Division

Dear State Auditor Howle:

This letter is in response to the Bureau of State Audit's (BSA) request for a six-month response to the BSA's audit of the Department of Parks and Recreation Off-Highway Motor Vehicle Recreation Division (Division) and Off-Highway Motor Vehicle Recreation Commission (Commission).

The Commission discussed the audit recommendations at its December, 2005, and January, February, and March 2006 meetings and is enthusiastically implementing the audit recommendations that affect the Commission.¹ However, in the last four years, while I have personally requested information and support, in many cases it was met with deafening silence. Essentially, very little staff has been dedicated to the work of the Commission and recent requests for carrying out the work of subcommittees was met with the response that "we have lost staff" and probably won't be able to help. Overall, this lack of response is not a positive way to run a government body responsible to the taxpayers of California.

The following describes actions by the Commission to implement audit recommendations:

To ensure that the OHV program is adequately balanced between OHV recreation opportunity and environmental concerns as the Legislature intended, the division and the commission should develop a shared vision that addresses the diverse interests in the OHV program. Once developed, the division and the commission should implement their vision by adopting a strategic plan that identifies common goals for the grants program and the SVRAs, taken as a whole, and specifies the strategies and action plans to meet those goals.

¹ Many audit recommendations address program elements that are implemented by the Division and do not affect the Commission.

Commission action: At its March 2006 meeting, the Commission hosted a professionally-facilitated workshop to develop a shared vision with the Division for the overall program. At the workshop, the Commission made recommendations to a draft shared vision that was prepared by Division staff. The Commission also established a subcommittee to further refine the shared vision. Once finalized, the shared vision should become the basis for a new strategic plan that will be adopted by the Commission and Division that identifies common goals for the grants program and SVRAs, taken as a whole, and specifies the strategies and action plans necessary to meet those goals.

To make efficient use of division staff's time and provide appropriate guidance to applicants for the grants program, the commission should develop and communicate priorities based on a strategy for using the grants program to promote a balanced OHV program.

Commission action: In 2005, the Commission used a new procedure for implementing grants and cooperative agreements. For the first time, Commission utilized a scoring system, whereby applications were given point scores based on pre-established criteria. These criteria addressed an array of program elements and the scoring system, which took into account environmental protection and recreational opportunities, ensured that the program maintained a proper balance. In 2005, the Commission also, for the first time, identified funding targets for conservation, law enforcement, restoration, and other.² Should you wish to review the grant application review and evaluation system, along with the scoring criteria, they are located at:

<http://ohv.parks.ca.gov/pages/1140/files/chapter%2020evaluation%203005%20415pm.pdf>.

In December 2005, the Commission adopted grant scoring criteria for the 2006 grant cycle. As with the 2005 criteria, the criteria adopted by the Commission addresses a variety of factors, including environmental protection and recreational opportunities, and communicates the Commission's priorities for the 2006 grant cycle. Finally, in March 2006, the Commission adopted funding targets for conservation, law enforcement, restoration, and other. These funding targets will provide further guidance to potential grant applicants as to the Commission's priorities and ensure that the program remains balanced and consistent with its authorizing legislation.

After months of delay, the Division is submitting permanent regulations that will govern the 2006-2007 grant cycle and that should implement the Commission-approved criteria as guidance for grant applicants.

² These funding categories are consistent with those required by Public Resources Code section 5090.64 and Revenue and Taxation Code section 8352.8.

The division and commission should evaluate the current spending restrictions in the law to determine whether they allow for the allocation of funds necessary to provide a balanced OHV program and seek legislation to adjust those restrictions if necessary.

Commission action: The Division is undertaking an evaluation of current spending restrictions and may consider whether to seek legislation to adjust restrictions, if necessary. To date, the Division has not shared the results of its evaluation with the Commission. The Commission will agendaize this item for discussion and action at its upcoming meeting.

To ensure that it obtains information critical to the performance and planning for the OHV program, the commission should prepare and submit the required biennial program reports on the status and performance of the OHV program when they are due.

Commission action: The Commission is a part-time, volunteer body. Under Public Resources Code section 5090.32 (g), the Division is required to provide staff support for the Commission. Public Resources Code section 5090.32(i) requires the Division to "Conduct, or cause to be conducted, surveys and prepare, or cause to be prepared, studies that are necessary or desirable for implementing the program." Based on the legislative scheme, the Division, as staff of the Commission, bears the responsibility for providing the required biennial reports for Commission review and approval.

In November 2005, the Commission Chair requested that Deputy Director Greene devote the staff necessary to complete the required biennial reports, as well as the report required by Public Resources Code section 5090.15(d). Deputy Director Greene has not responded to the request to assist in the preparation of the required reports. Without appropriate staff support from the Division, it will be difficult for the Commission to complete the required reports in a timely manner.

The division and commission should ensure that they do not reallocate funds among Forest Service districts without regard for the period of availability for grant funds and state contracting rules.

Commission action: Since the audit release, the Commission has not reallocated any funds among Forest Service districts.

To ensure that recipients of funds from the grants program spend the money only on projects that meet the intent of the OHV program, the commission should ensure that it allocates funds only for purposes that clearly meet the intent of the OHV program.

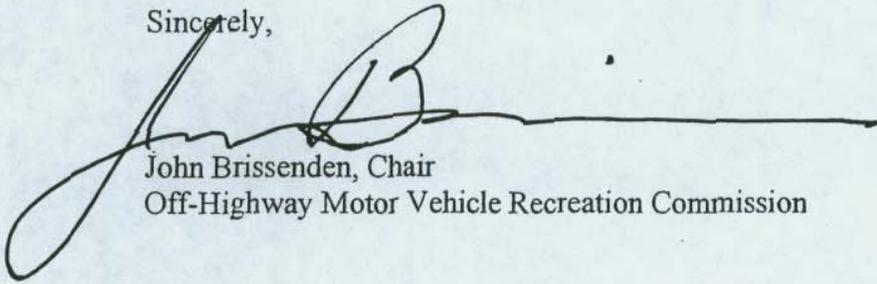
Commission action: Of the millions of dollars of grants and cooperative agreements reviewed, the BSA identified \$68,000 in expenditures that it deemed "questionable." These expenses included funds for federal agencies to conduct grant-writing workshops,

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projects with unclear deliverables, and support for a Forest Service position that had been detailed to the Division. The Commission has ceased funding these activities.

Please let me know if you have any questions or comments regarding this report.

Sincerely,



John Brissenden, Chair
Off-Highway Motor Vehicle Recreation Commission