Columbia River Gorge Commission
Administrative Review
Findings, Conclusions, and Recommendations
What we were asked to do...

INTENT:

“Analyze current CRGC structure and requirements; provide recommendations for optimizing the Commission to accomplish its mandated and ancillary work.”

WORK PRODUCTS:

- Conduct organizational assessment
- Conduct a comparative case study
- Conduct legal assessment within body of compact law
- Prepare a summary and findings report
Introduction

Assessment Frameworks

Cameli, Mogren, & Shinn (Organization)
- Interviews & document review
- Open-system model
- Focus on internal components

Cooper (Legal)
- Document review
- Interviews w/ Counsel
- Four-part IGR framework:
  - Political
  - Fiscal
  - Organizational
  - Legal

Clarke & Evans (Comparative)
- Best practices and lessons learned:
  - Tahoe Regional Planning Agency (TRPA)
  - Chesapeake Bay Commission (CBC)
- Interviews & document review
- Media representations:
  - Environmental Quality
  - Economic Vitality
  - Agency funding
  - Coalition Building
  - Management

Those organizations whose internal processes are relatively isolated from events occurring outside the organization are termed "closed systems."
Introduction

Report Architecture

Synthesis Report

Legal Assessment
Phillip J. Cooper

Organizational Assessment
Lisa M. Cameli
Eric T. Mogren
Craig W. Shinn

Comparative Assessment
Victoria Clarke
Laura Evans
Introduction

Peer Review

Legal Assessment
• John Marshall, J.D., Tahoe Regional Planning Agency
• Richard Masters, J.D., National Center for Interstate Compacts
• Chester Newland, Ph.D., University of Southern CA

Organizational Assessment
• Craig Thomas, Ph.D., University of WA
• Sy Adler, Ph.D., Portland State University
• Christopher Koliba, Ph.D., University of Vermont

Comparative Assessment
• Megan Mullin, Ph.D., Duke University
• Sy Adler, Ph.D., Portland State University
Synthesis Report

Findings and Conclusions
Findings and Conclusions

Thematic Conclusions:
1. Complexity of legal and operational environments
2. Dynamic nature of legal and operational environments
3. Intergovernmental relations and coalition building
4. Communications, outreach and education
5. Organizational capacity

Emerging Issues:
• Increases in recreational visitation
• Climate change
• Movement of petroleum products

Issues of Concern for Commission Legitimacy
Findings and Conclusions

1. Complexity

- Evolving nature of compact law
  - Established principles; much ambiguity
  - Each compact is unique

- Overlapping legal jurisdictions
  - Six WA state courts
  - Two OR state courts
  - Four federal district courts

- Overlapping political jurisdictions
  - Two states, six counties, thirteen cities, four tribes
  - State and federal agencies

- Multiple political cultures, worldviews, and perspectives

- Conclusion: Stable core of expertise in law, planning, & IGR
2. Dynamism

- Evolving nature of compact law
  - Need to track and apply federal / state court rulings
- Political environment
  - Selection of commissioners
  - Public perceptions
  - Uneven resourcing from state legislatures
- Multiple political cultures, worldviews, and perspectives
- Commission recognition
  - Proposed revisions to Management Plan
  - Vital Signs Indicator Project
  - Impacts of increased recreation use
- Conclusion: Capacity for flexibility and resiliency
3. IGR and Coalition Building

- Scenic Area Act is Framework for Gorge Governance
  - Good governance requires good relationships
  - Fosters inclusiveness and transparency
  - Reduces transaction cost
- TRPA and CBC excel at coalition building
  - “Culture of collaboration”
- CRGC seems to struggle
  - Friction with federal and state agencies (?)
  - Mistrust / misunderstandings with public (?)
- Formal and informal modes of agreement
  - Intergovernmental / interlocal agreements
  - Informal interactions / work groups / problem solving
- Conclusion: Capacity for coalition building is essential
Findings and Conclusions

4. Communications, Outreach, & Education

• Area in which TRPA and CBC excel
  o Dedicated staff for outreach and intergovernmental relations
  o “Culture of collaboration”

• Internal and external dimensions
  o Training / education of new commissioners and staff
  o Outreach in support of coalition building with local stakeholders
  o Education for officials on nature of law and role of Commission

• Conclusions:
  • Dedicated capacity needed
  • Improvements to functionality and legitimacy
5. Capacity: What’s it Mean?

- Internal components:
  - Quality of leadership, level of training, allocation of personnel, technology, processes, etc.

- External Components:
  - Functions assigned
  - Expectations (executive, legislative, and judicial branches and public)
  - Resources provided

- Our focus: Internal components, functions, and resourcing

- “Phase 2”: Examine other external components
Findings and Conclusions

Purposes of the Act

- “...to protect and provide for enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

- To protect and support the economy of the Columbia River Gorge area by encouraging growth in existing urban areas and by allowing future economic development in a manner that is consistent with the first purpose.”

Source: Scenic Area Act, §544a
5. Capacity: *Functional Analysis*

1. Mandates of the Act impacting ongoing workloads
   a. States will enter into a compact and create the CRG commission (544c)
      i. Commission will establish regulations relating to admin procedures, making of contracts, conflicts of interest, financial disclosures consistent with the more restrictive statutory provisions of either state
      ii. Federal agencies are authorized to provide Commission with technical assistance on a reimbursable basis
      iii. Secretary is authorized to provide assistance on a non-reimbursable basis
      iv. The Commission shall establish volunteer technical and advisory committees
   b. Scenic Area Management Plan (544d)
      i. Establish Resource inventory
      ii. Establish Economic Opportunity Study
      iii. Recreational Assessment
         1. Interpretive center in Oregon
         2. Convention center in Washington
         3. Identify areas for public use facilities for recreational opportunities
         4. Identify areas for increase access to the Columbia River
      iv. Land use designations
         1. Designate agricultural, timber, open spaces, commercial areas, residential development, urban areas
   c. Administration of Scenic Area – (544e)
      i. Administer the non-federal lands in accordance with Management Plan
      ii. Adopt land use ordinances
         1. If a county fails to adopt the Plan the Commission will do administer land use regulations for given county
      iii. Review of approved development review by other counties 544h(c)
      iv. Coordinate with FS for administration of SMA’s
   d. Economic Development (544i)
      i. Review and approve any proposals for economic Dev plan consistency with Plan
   e. Enforcement – (544m)
      i. Monitor activities in counties and take actions as it determines necessary Hear and Manage appeals for land-use decisions
      ii. Assess civil penalties for non-compliant land-uses
      iii. Address civil suits as they arise

2. Mandates of the Bi-State Compact impacting ongoing workloads
   a. Commission Establishment/Function (Article I)
      i. Sue and be sued -
      ii. Disapprove land-use Ordinances
      iii. Review all major developments
      iv. Hire/fire/pay staff
      v. Right to contract
      vi. Establish and maintain a place of business
      vii. Adopt by-laws, rules and regulations
   b. Funding (Art. IV)
      i. Compensation of commissioners
      ii. Provide Budget x2 prepare, lobby, oversee
      iii. Equal budget expenditures –tracking and report
      iv. Accounting for annual auditing
      v. Public records

3. By-laws Impacting ongoing workloads
   a. Monthly meetings
   b. Record Meeting Minutes
   c. On-going management of staff/budget/work plans
   d. On-going communication with the Public
   e. Periodic Reporting to Commission
   f. Enter into Contracts
   g. Address litigation and report to Commission
   h. Other duties as assigned
5. Capacity: *Functional Analysis*

- **Mandated Functions**
  - Scenic Area Act (35 provisions)
  - Interstate Compact (13 provisions)
  - CRGC Bylaws (8 provisions)
  - State requirements (Financial accounting)
  - Klickitat County permitting

- **Essential Additional Functions**
  - Intergovernmental coordination, to include Tribal governments
  - Public outreach and education
  - Criteria for monitoring
  - Projects (such as Vital Signs Indicators)
5. Capacity: 
Comparison with TRPA and CBC

### Current Staffing Levels (in FTE)

<table>
<thead>
<tr>
<th>Category</th>
<th>CRGC</th>
<th>TRPA</th>
<th>CBC</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE MANAGEMENT (Exec Director)</td>
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<td>1.0</td>
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<tr>
<td>ADMINISTRATIVE SUPPORT</td>
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<td>PLANNING AND COMPLIANCE</td>
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<tr>
<td>LEGAL</td>
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<tr>
<td>OPERATIONS MANAGEMENT</td>
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<tr>
<td>PUBLIC EDUCATION AND OUTREACH</td>
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<tr>
<td>INTERGOVERNMENTAL COORDINATION</td>
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<td>FINANCIAL AND ADMIN SUPPORT</td>
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<tr>
<td>RESEARCH AND ANALYSIS</td>
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</tbody>
</table>

* No dedicated staff; functions performed by another member of the staff as an additional duty

**TOTALS:** 
- Staff: 5.6
  - Commission: 13
  - Gov. Board: 14

- Staff: 57
- Staff: 21
Findings and Conclusions

5. Capacity

Historic Resourcing

- Annual Budget Adjusted to 2013 Dollars
- FTE
5. Capacity:
*Interview Results - Funding*

**Findings and Conclusions**

**INTERVIEW AVERAGE: ANNUAL FUNDING**

- **Comissioner Funding**
  - $1,600,000
- **Staff Funding**
  - $3,333,333

- Inflation Adjusted 1987 Funding Level
- 2013-15 Average Annual Funding:
  - $891,000
5. Capacity: 
*Interview Results - Staffing*

![Bar Chart]

**INTERVIEW AVERAGE: FTE**

- Commissioner Proposed
- Staff Proposed

**Average Suggested Staffing**

- **HISTORIC HIGH** = 9.75 FTE
- **CURRENT STAFFING LEVEL** = 5.6 FTE
Emerging Issues (known)

- Increased recreation in Gorge
- Climate change
  - Biophysical effects (insects / fire)
  - Demographics (in-migration)
- Increased transport of fossil fuels
  - Oil, natural gas, and coal
  - Rail, truck, and barge
- Conclusion: Flexibility for new issues
Findings and Conclusions

Issues of Concern for Legitimacy

• Anecdotal evidence:
  o Comments to staff from residents
  o Public frustration with permit complexity and lag time
  o Work proceeding without required permits
  o Unknown: Extent & degree to which this is unique

• Weak relationships with federal and state agencies

• Conclusions:
  o Additional study regarding permit compliance
  o Capacity for outreach, monitoring, and enforcement
Summary of Thematic Conclusions

• Extremely complex legal, political, & operational environment
  o Requires core expertise in law, planning, and intergovernmental relations

• Complexity exacerbated by uncertainty & change
  o Requires capacity to address known emerging issues
  o Requires capacity for flexibility and resiliency

• Constructive relationships, communications, & outreach are essential for success
  o Requires capacity for formal and informal coalitions/partnerships
  o Requires capacity for internal and external communications and education
  o Required for purposes of functionality and legitimacy

• CRGC has never been sufficiently resourced to carry out the functions assigned or meet purposes of the Act
  o Agreement that more is needed
  o Disagreement as to how much is needed
Recommendations
Staff Capacity

• Continue team building activities initiated in 2013

• Agree on governance model for Commission
  o Codify in Bylaws or some other document

• Recognize the legal practice as critical core function of the Commission

• Ensure adequate legal staff capacity
  o Avoid reliance on state attorneys general

• Develop further the special legal issues associated with Tribal governments
Recommendations

Staffing

Based on:
- Functional analysis
  - Ten function categories
  - Hours => FTE
- Staff discussions
- Staff workload estimates
- Interview results
- Historic resourcing
- Our judgment

Opportunity to reduce base staffing by 1.8 FTE

A note on rounding...

<table>
<thead>
<tr>
<th>Function Category</th>
<th>Current Staff Effort</th>
<th>Baseline Staffing for Mandated Functions</th>
<th>Staffing for Essential Additional Functions</th>
<th>Total</th>
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<tr>
<td>Planning</td>
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<tr>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5.6</strong></td>
<td><strong>16.9</strong></td>
<td><strong>8.5</strong></td>
<td><strong>25.5</strong></td>
</tr>
</tbody>
</table>

(Totals rounded to nearest tenth)

1. Relates effort currently dedicated to function category and not staff positions
2. May be full time, temporary, intergovernmental agreement, contract, or other
Staffing Reduction Measures (1.8 FTE)

- Klickitat County adopts National Scenic Area Ordinance

- Establish agreement with OR & WA to streamline or consolidate records, budgeting, and accounting requirements of two states

- Rules Review

- Establish Intergovernmental Agreements (IGA’s) with local and state agencies for administrative compliance
Staffing (continued)

- Phase increases in over time
- Allocate staffing to all function categories
Funding

• Baseline funding: $2.5 million / year, indexed for inflation (all categories of funding)
• Essential additional functions: $1 M / year (will fluctuate)
• Phase increases in over time, consistent with staff increases
Intergovernmental Relations & Coalition Building

• Develop “culture of collaboration” within Commission and staff
  o Transparency
  o Dedicated staff for outreach

• Develop communication channels with agencies on legal issues

• Enhance collaborative relationships with Gorge communities
Recommendations

Communications, Outreach, & Education

• Ensure continuous learning on and influence the shaping of compact law
• Establish capacity for internal and external training and education
• Establish capacity to build and sustain external coalitions and partnerships
• Recognize education as central element of legal staff roles
Additional Recommendations

• See consolidated executive summaries
Final Thought

Policy Objectives

Capacity

Legitimacy
THANK YOU!!