

John J Benoit

Riverside County Supervisor, 4th District

73710 Fred Waring Drive, Palm Desert, CA 92260-2574

[760-863-8211](tel:760-863-8211) JJBenoit@rcbos.org www.RivCo4.org

REFERENCED EMAIL FROM MAYOR HOBART AS FORWARDED TO ALL C.V. MAYORS

From: Gdanahobart@aol.com

To: tkirk@cvag.org

CC: randyb@RanchoMirageCA.gov, steveq@qalawyers.com,

isaiahh@RanchoMirageCA.gov, tjweill@yahoo.com

Sent: 5/1/2015 11:32:26 A.M. Pacific Daylight Time

Subj: CV Link

Tom:

Our 1.5 hour discussion in Palm Desert a few days ago is apparently not moving forward with the speed Rancho Mirage hoped and expected.

To recap: I thought we had agreed that the three most pressing questions that needed resolution ASAP before we (CVAG) commit to moving the project forward in high gear were:

1. Securing a Legal Opinion from a major Los Angeles law firm to advise CVAG and its representative members as to the legality of using Measure A funds to pay for O&M expenses related to the CV Link as currently conceived with NEVs and golf carts.

2. Each city council would schedule a meeting after the legal opinion is received to answer the following question: Should [our city] support or oppose partially paying CV Link O&M expenses from Measure A funds? [Should we use Measure A funds for this purpose?]

3. Is the \$1.6 Million current CVAG O&M projection reasonably accurate? [To answer that question I suggested the question be examined by an outside organization, uninfluenced by CVAG, except to provide necessary information.]

I also suggested that we curtail accepting further Grants until we have answered the foregoing questions. As we know, grants often come with a reimbursement clause if the project is not completed, and sometimes with an obligation to pay interest on the use of those grant funds. And some come with a discretionary right not to request reimbursement.

I also likened the CV Link project to a snow ball rolling downhill: it is consuming more and

more money as it gets larger and larger. We are wasting considerable sums if the cities individually or collectively vote not to go forward with the CV Link concept or not to pay for the O&M.

I believe that our only disagreement concerning what I have just written is that you suggested that the first priority not be the legal opinion, but rather, that we determine what a more accurate projection of the O&M figure for the first year of full operation. I responded that we do not need a precise figure because the legal opinion would stand on its own, regardless if the correct figure is \$100, \$100,000, or \$10,000,000. If Measure A funds are going to be considered to bear some of the O&M responsibility, we must not move this ball forward without a sound legal opinion to guide us. You said you would consider that matter further. Several days have passed and we are doing nothing to slow down the expenses being incurred. Just today we learned that CVAG is hiring Erica Felci who I presume will be engaged in community persuasion, public relations work re the CV Link, etc. Does she replace Burke Rix Communications? Will any part of her salary/contract be paid from the CV Link account? Why are we still running our CV Link television commercials, such as one that ran this morning?

Some may wonder if CVAG is trying to build public support for the project to put pressure on the cities to support the O&M burden regardless.

You were going to get back to me regarding the precise language of the CalTrans \$11M grant with respect to our repayment obligations in the event the CV Link was finished without having the very expensive component of electric vehicles and golf carts. In other words, what are the odds they would forgive the loan?

The bottom line to my position was that Rancho Mirage needed to know NOW whether the valley cities DO OR DO NOT accept the responsibility for paying, for generations to come, the O&M expenses of the CV Link before we advance any further toward a designed and partially implemented 30' wide (in areas) CV Link project.

I am confident you do not want the CV Link project to progress to far down the line so as to place cities in the squeeze position of thinking they have no real final choice but to approve the debt obligation that O&M would entail.

Finally, what are you doing toward putting together a meeting where each city is present with 5 or 6 persons including council members, city managers, finance directors and/or public works directors? It is critically important that each city hear the thoughts and views of each other city. We need to hear answers to questions that we mutually raise. Is this project more achievable if NEVs and golf carts are eliminated? And so forth...

Best personal regards,

Dana

From: Gdanahobart@aol.com
Subject: Fwd: CVLink
Date: May 7, 2015 at 5:36 PM
To: GDanaHobart@aol.com

Benoit and Hobart Discussion Re CV Link Expenses, Costs and Who Pays

From: Gdanahobart@aol.com
To: jjbenoit@rcbos.org, greg@gregpettis.com, stephenpougnnet@gmail.com, sahernan33@gmail.com, asanchez@cityofdhs.org, tpeabody@indianwells.com, doug@hansonco.com, linda.evans@tenethealth.com, JHarnik@dc.rr.com, levans@la-quinta.org
Sent: 5/7/2015 5:31:35 P.M. Pacific Daylight Time
Subj: Re: CVLink

TO AVOID BROWN ACT COMPLICATIONS PLEASE DO NOT REPLY TO ALL

Dear Mayors:

I appreciate Supervisor Benoit's willingness to engage in public discussion of the important, unresolved issues related to the CV Link, whether in person or via email. A broad discussion is exactly what is needed. I greatly admire and respect our Supervisor and abhor being critical of any part of a project he supports. As I explained recently when he and I briefly met, I feel I have a responsibility to the residents of Rancho Mirage to act in what I perceive as their best interests regardless of other factors. At present I believe the future O&M obligations advanced by the CV Link leadership to become the economic burden of the cities are excessive, unreasonable and unacceptable

My recent efforts regarding this matter have been directed to fully understanding the financial obligation to be imposed on Rancho Mirage under the recommended 8% TOT formula relating to O&M expenses generated by the proposed CV Link. If the impact is excessive or unreasonable in some respects, I would consider opposing the project, after considering the wishes of our other valley cities, assuming an acceptable route through Rancho Mirage existed.

In his email to you (below), Supervisor Benoit attached a copy of my 5/1/15 email to Tom Kirk which is also connected (below) to this email chain. My email to Mr. Kirk followed a lengthy meeting he and I had a few days earlier. In my email to Mr. Kirk I restated the substance of our conversation which included the following points important to Rancho Mirage.

1. Are CVAG member cities willing to accept the 8% TOT formula being recommended and commit those TOT funds to paying the future O&M expenses for the proposed project? This must be resolved ASAP.
2. Secure a legal opinion concerning the legality of CVAG's proposal to use Measure A funds for O&M expenses.
3. If they are determined to be legally used, I suggested that we urge each city to meet and separately decide if they felt Measure A's sales tax-generated monies should be diverted from needed road repair and used for CV Link O&M expenses.
4. I suggested that before we vote or lock ourselves into final decisions (as were being recommended by CVAG at the time) all cities, their council members, city managers, finance directors *et al* meet together in a location where we can all listen to and learn each city's concerns regarding the burden of O&M expenses.
5. I suggested we retain an independent, outside firm, to assess the accuracy of the projected O&M expense of \$1.6 million. Hand-picking such a person (as they are currently doing) to make this assessment is yet another version of loaded dice.
6. I suggested that CVAG consider "slowing down" the advancement of the CV Link project and the expenditure of funds until the foregoing objectives and issues have been clarified and settled. It makes no business sense for development to continue at full speed when the most important financial issue remains unresolved: Who pays for the O&M costs and how much? Mr. Kirk responds by asserting that he does not have the discretionary authority to slow down development.

My response to Supervisor Benoit's specific email comments appear below in red ink. You will observe that he did

not address four of the six issues raised above, and only perfunctorily mentioned # 5 and #6.

Dana Hobart, Mayor, City of Rancho Mirage

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Mr. Benoit's Email Comments Begin:

Dear Mayors:

Let me start by affirming that I believe CVLink holds great promise as a wonderful new tourist attraction, an alternate means of non-polluting transportation, and a healthy place for all our valley residents and visitors to exercise and recreate. I also believe that some of the recent dialogue regarding this project has been uninformed and inflammatory, and I want to share some facts so you have an accurate and complete picture.

As you may know, Mayor Hobart has been criticizing CVLink since shortly after the publication of a proposed TOT-based O&M funding formula in the April 3 CVAG Transportation agenda. **Correct.** After reading the agenda, Mr. Hobart called for a closed session of the Rancho Mirage City Council, which then voted unanimously to oppose the CVLink project. **Incorrect: we opposed the proposed O&M formula . We have never voiced opposition to the concept.**

Mayor Hobart immediately took notice of that closed-session vote to the Desert Sun and others in an apparent effort to build support for the city's position. **On the advice of our city attorney who foresaw the possibility of legal action being involved, we discussed the matter in closed session. Could CVAG actually force cities to accept the 8% TOT formula? Prior to March 30th when Mr. Kirk came to city hall no council member had heard so much as one word about this concept or formula for paying the long term O&M expenses. We were shocked when Mr. Kirk first explained the formula. Yes, we did contact the newspaper because we knew that nobody else had learned of this formula idea and we wanted it publicly exposed quickly. This was kept secret from us until it was being identified in the Transportation Committee Staff Report for April 6, 2015, as follows: "Recommendation: Approve an Agreement to Establish and Fund CV Link Operations and Maintenance Fund." It was not labeled a "discussion" item; it was up for final approval before this committee just 6 days later after we first learned of it. Contrary to Supervisor Benoit's statement that I had "been criticizing CVLink since shortly after the publication of a proposed TOT-based O&M funding formula..." I had never criticized the CV Link. My criticism has only been directed to the secrecy and the preposterous formula being advanced. I have also been critical of proposed routes through Rancho Mirage.**

I met privately April 22 with Mr. Hobart to seek a better understanding of his concerns. He reiterated the points in a May 1 email (copied below) and added a concern that he felt the CVLink Operations and Maintenance (O&M) budget had been grossly understated. **That comment grossly misstates what I said.** He referenced the \$6 million+ annual O&M cost for the American River Parkway in Sacramento, which he described as a "26-mile running, bike path." Mr. Hobart said he was not sure if it was exactly an apples-to-apples comparison, but he was nevertheless very concerned about the CVLink O&M estimates. A short while later, I asked Mr. Kirk to investigate this comparison. **Yes, the accuracy of the \$1.6 formula was an issue I thought deserved an outside analysis. I still do. In my 12-page report given to each Executive Committee member I raised the question of the American River Parkway's O&M numbers, but I said that I "Urge Caution in accepting these numbers as being relevant to us" and I suggested it may not be an "apples-to-apples" comparison. I have never said the projection was "grossly understated." But I wanted to know if it was. If Rancho Mirage or any city failed to test the assumptions behind the 8% TOT formula idea, we would rightly be perceived as derelict in meeting our responsibilities.**

Subsequently, at the CVAG Executive Committee, the Rancho Mirage City Council, the Desert Sun and elsewhere, Mr. Hobart reiterated the TOT objection while adding the threat of potential catastrophic and massive future O&M debt. He repeatedly made a direct comparison between CVLink and the American River Parkway's "over \$6 million O&M budget" for an "eight-foot-wide, 26-mile running, bike path."

In the May 1 email to Mr. Kirk Mayor Hobart stated his desire to halt all CVLink work until Mr. Kirk met his demands. **False statement.** I understand that Mr. Kirk has let Mayor Hobart know in writing that he must take his direction from the Executive Committee and cannot stop or slow work on a specific project at the whim of one member. **Whim? I represent**

a city being asked to assume a large financial obligation. Is it a whim to establish a clear picture of the future O&M costs and who pays them before we spend millions in the construction? (We have already budgeted over \$5 million through June 30, 2015. I prefer sound business principle especially when the risk is to the taxpayers we are supposed to represent. I also understand that Mr. Kirk sent you a brief follow up e-mail indicating that he did not share Mayor Hobart's opinions. Mr. Kirk agreed that all of Mr. Hobart's concerns should be addressed, openly and publicly, beginning with a scheduled review of the O&M costs. I have not suggested to Mr. Kirk or Supervisor Benoit that CVAG should "halt all CVLink work" until Mr. Kirk met my "demands". I have made no demands whatsoever to anyone. Supervisor Benoit offered no quote of mine to support this baseless charge. In my email (below) I suggested we "slow down" the expenses being incurred until we get the primary issues resolved. I did and do question the wisdom of continuing with expenses for TV commercials, hiring new personnel, etc. until we know that there is a way to finance the long term O&M expenses. I continue to think it is unwise to plod forward with design and other expenses until we know that an acceptable payment plan has received approval from those who will pay those expenses. To CVAG this apparently seems a novel experiment. It is imprudent business practice to do otherwise and only serves to put pressure on cities to go along with the project despite unresolved issues of such magnitude as to disrupt city budgets for decades to come. Rancho Mirage will not be maneuvered into such a corner.

By the way, there have been countless public and open meetings concerning CVLink, and I look forward to many more. There have been no closed sessions at CVAG regarding CVLink. **Not a word about this 8% formula can be found in the minutes of the Executive Committee, the TAC Committee or the Transportation Committee prior to April 1, 2015. The 8% formula was never disclosed in any open meeting, but we have established that there were months of secret meetings where this subject was discussed.**

At Monday's CVAG Transportation Committee meeting, we learned a great deal about the American River Parkway during a healthy, two-hour discussion about O&M costs for CV Link, including comparisons to other similar projects and to one very dissimilar project.

We learned the American River Parkway is actually a complete park system spread **over 4,900 acres** and bears very little resemblance to CVLink. It includes a river with multiple public access points, large landscaped recreational facilities, multiple restrooms facilities and other public areas which host major local events.

CVLink's first phase is a narrow 48-mile multi-use roadway which sits on fewer than **100 total acres**, with little to no landscaping. Clearly it was grossly inaccurate to repeatedly compare CVLink's O&M cost to such a massive park system. **Another misleading comment. It was never compared without my repeated admonition that the two projects many not be similar enough for comparison. I assume my Executive Committee comments are borne out in the recorded ExecComm session.**

The Transportation meeting included a review of how the CVLink O&M proposed budget was developed. A representative from the national firm developing the plan outlined the hundreds of pathways with which they have had years of experience and how they developed their O&M estimate.

We heard from a La Quinta representative about the approximately \$10,000 per mile they spend annually (exclusive of landscape maintenance) to maintain their 2.5-mile Bear Creek biking path, which is a concrete path, narrower than but similar to CVLink. The representative said the city and the La Quinta Resort cherish this amenity which is one of the most popular, well-used amenities in the city. They advised it that DOES NOT REQUIRE special security, extra public employees, etc. to "operate."

The Riverside County Parks Director gave a presentation about the Santa Ana River Trail, which is essentially a bike and pedestrian roadway without much landscaping. He indicated that the Santa Ana River trail is being maintained for far less than the proposed CVLink O&M budget provides, and the minimal expenses are covered by the park system's general maintenance budget.

After hearing all of the above, I believe CVLink's 14-foot-wide cement roadway, and adjoining jogging walking path, will actually cost closer to the \$10,000 spent per mile annually on La Quinta's similar project. Consequently, I agree with each

of the presenters, that the estimated \$36,000 per mile cost provided for in the proposed CVLink O&M budget is more than adequate and perhaps too high.

There was further discussion regarding the use of volunteers and "adopt-a-highway" type initiatives to further lower the estimated O&M costs. I believe the Coachella Valley's potential for recruiting volunteers to help in this endeavor is enormous and could easily result in the elimination of more than \$500,000 of the \$1.6 million estimated CVLink O&M budget.

Building roadways is expensive, maintaining them is far less expensive. But doing so periodically is critical so you don't have to fix major problems later. We need a reasonable budget and plan to maintain CVLink.

We should keep in mind that with CVLink we are bringing tens of millions of dollars, and many construction jobs, into our economy to create a wonderful new amenity. I don't support stopping work on the project. I support continuing with an open, public process to resolve any differences. I sincerely hope that we can have a civil, informed and rational public discussion regarding all of this at future CVAG meetings.

This is intended as one-way communication to each of you. I wanted to share my observations but understand that due to Brown Act requirements, a majority of us should not engage in a back-and-forth discussion. I look forward to working with you publicly to achieve our common objectives.

John J Benoit

Riverside County Supervisor, 4th District

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Best personal regards,

Dana

From: **John Benoit** jjbenoit@rcbos.org
Subject: Intent of the Brown Act
Date: June 28, 2015 at 7:08 PM
To: John Benoit jjbenoit@rcbos.org

Friends,

It's come to my attention that many of you have received one or more detailed emails from the mayor of Rancho Mirage regarding his strongly held positions on CVLink. In general his messages are related to matters scheduled for appropriate public discussion at CVAG. I have not directly received the mayor's emails, but some of you have passed several of them along to me. Thanks.

I have a great deal of respect for the Mayor of Rancho Mirage. I also respect both the letter and intent of the law, in this case the, Brown Act. The clear intent of the Brown Act is to insure that the public's business is conducted in full view of the public. To that end we have collectively spent many hours, in many public meetings discussing all aspects of the CV Link project. We will spend even more time continuing to publically address issues that are critical to the planning process. These are conversations that have attracted widespread interest across the Coachella Valley, as witnessed by the 100-plus people who crowded into two conference rooms for the June 1 Executive Committee meeting.

However, there is a CVLink related one-way conversation going on between the valley's electeds, completely out of view of the public. This occurs when one public official repeatedly sends forth his opinions, at great length and in great detail, to local electeds by email. Each of these lengthy statements have been forwarded to dozens of local elected officials, but outside of the public's view or the public record. Each of these emails includes the admonishment "Please do not respond by 'Reply All' or to me directly." By this clever and self-serving apparent deference to the Brown Act the author claims the right to repeatedly disseminate his opinion, privately, to dozens of involved electeds. He then points out that the Brown Act prohibits any one of them from responding. How convenient.

Projects that have this type of regional impact deserve to be debated in an open and transparent fashion. CVAG staff have worked diligently to address the questions that Rancho Mirage has raised about Measure A, O&M costs and the CVLink in general. We should all demand that they continue to do so - and that we all be allowed to participate in any related conversation. These conversations should be held in full view of the public. Anything less is a disservice.

You'll note that I'm not providing my own opinions on the policy issues raised by Rancho Mirage. My sole purpose here is to ask you to not be drawn into a one-sided, out of public view discourse on important topics such as CVLink. Let's all demand that these discussions be held in full public view, as the Brown Act intended.

Please feel free to call or email me with any questions, comments or concerns.

Sincerely,

JOHN J BENOIT
Riverside County Supervisor, Fourth District

Palm Desert Office
73710 Fred Waring Drive, Suite 222, Palm Desert
760-863-8211, www.RivCo4.org

Desert pols push open meetings law boundaries

*Desert
Sun pg. 2*

By Jesse Marx
The Desert Sun

Dana Hobart's position on the CV Link has been well established. As mayor of Rancho Mirage, he's concerned that the \$100 million, multi-use path will prove too expensive to maintain in the long run. He thinks a second legal opinion is needed before committing regional sales tax funds to build and maintain the pathway.

Since April, he's made these and other opinions known in just about every medium possible: newsletters, city council meetings, radio, Facebook. And now, private email.

The recipients? More than three dozen elected officials, all of whom serve in one capacity or another on the Coachella Valley Association of Government, which is the lead authority on overseeing the CV Link.

Riverside County Supervisor John Benoit was one of those recipients and one of the first to point out how potentially problematic Hobart's latest choice of communication was, echoing some of his desert colleagues. The California Brown Act prohibits private gatherings or discussions among a majority of elected board members, in this case the CVAG executive committee.

Please see DESERT, 8A



THE DESERT SUN FILE PHOTOS
Rancho Mirage Mayor Dana Hobart, left, and Riverside County Supervisor John Benoit.

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7-7-15*

Desert

Continued from 1A

But by joining the conversation, even in dissent, Benoit and at least two other public officials contributed to a questionable practice that goes back a couple of months, if not more. One even wrote back to Hobart asking to be included on his email list.

It is unclear how many such outside-the-public-view emails have been penned by elected officials serving on CVAG committees and who started the chain. While not illegal, these emails — at least six between May and last week — are part of a discourse that experts say belongs in the public domain rather than among elected officials.

"The purpose of the Brown Act is to protect the public from secret, closed-door decisions being made by public policymakers," said Kathay



DESERT SUN - PG. 2
Artistic rendering of the CV Link, a proposed bicycle, pedestrian and low-speed electric vehicle path. CVAG

Feng, executive director of California Common Cause. She was one of four attorneys specializing in free speech or governmental affairs who, at the request of The Desert Sun, reviewed the emails in question. All agreed that this form of communication tests the boundaries of the law.

Nikki Moore, staff attorney with the Californian Newspaper Publishers Association, concluded that there was a potential violation of the "serial meetings" provision of the Brown Act. These missives reached a majority of CVAG committee voting members, and whether those members actually engaged in a back-and-forth dialogue on the same thread is irrelevant, as the perspective of one or more members can still spread without the public knowing about it.

This point was echoed by Peter Scheer, executive director of the First Amendment Coalition.

"Deliberation is the key word in the Brown Act," he said.

In a June 25 email, Hobart appealed to his colleagues to seek a second legal opinion about the use of a regional sales tax, otherwise known as the Measure A fund, a method that he has also publicly criticized.

Hobart's argument failed to sway fellow ex-

ecutive committee members who four days later voted 10-2 against his motion. The only other representative to take his side was Indian Wells Mayor Ty Peabody, who for months has voted with Hobart on CV Link-related items.

On June 28, Benoit started a new email thread, questioning the "one-way conversation going on between the valley's electeds." He characterized Hobart's disclaimer atop his emails, which asked recipients not to reply to him directly, as a "clever" and "self-serving" move that allows the author to "repeatedly disseminate his opinion, privately."

"How convenient," Benoit added.

The supervisor closed by asking that the debate over the pathway continue in an open and transparent fashion, not just with public oversight, but with CVAG staff available to answer questions.

Benoit, too, included a Brown Act disclaimer at the end of a May 6 email that reached 10 Coachella Valley public officials, including Hobart. In it, Benoit took the mayor to task for "uninformed and inflammatory" statements he'd made, and reiterated, on several platforms.

In the end, the Brown Act is a fairly flexible law, with plenty of gray area

between what's a legal and illegal mode of communication, experts say.

According to Terry Francke, general counsel for Californians Aware, for instance, one-way communication of this kind gives an upper hand to the sender. "The receivers may well want to take issue with what's been said, but may...also be leery of being accused of violating the Act if they participate."

Francke added that the solution might be a bylaw requiring public officials to publish any message that reaches a majority of their colleagues through their own agency's website.

Hobart said he was just flexing a right — the right to speak his mind — telling The Desert Sun, "That's the democratic process." He added that the Rancho Mirage city attorney "has guided every step of my conduct and confirms that I have never violated the Brown Act, which confirms my own assessment of the matter."

Benoit, in his defense, said he was frustrated by the long, detailed emails that Hobart frequently distributes and that summarize almost his entire case. "While it's not a violation of the letter of the law, I felt it was a violation of the spirit of the law, and I needed to respond."

He wasn't alone. Despite the disclaimer, Indio City Council member Michael Wilson clicked "reply all" to Hobart's June 25 email. He, too, was tired of the "constant attack and barrage of accusations/allegations," he wrote, and urged the mayor, as Benoit had done, to keep the conversation at the CVAG committee level.

"It is a tried and true system that works and has worked well," Wilson said, adding, "It is time to stop the lawyering."

Jesse Marx is The Desert Sun political reporter. Reach him at jesse.marx@desertsun or @marxjesse on Twitter.

Benoit blasts Link critics

County leader defends project

By Jesse Marx

The Desert Sun

Riverside County Supervisor John Benoit emailed 10 elected officials in the desert this week to say that recent criticism over the proposed CV Link has been "uninformed and inflammatory."

Included on the email was Rancho Mirage Mayor Dana Hobart, who's been waging war against the \$99 million, 50-mile cycle, pedestrian and electric vehicle trail that's expected to run from Desert Hot Springs to the Salton Sea.

Hobart has raised questions about cost estimates and funding sources, suggesting that the figures being provided to the public by the Coachella Valley Association of Governments are understated. The plan is still in the early stages, but currently calls for an operations and maintenance budget of \$33,600 per mile, or \$1.6 million per year, for assorted cleanup, repairs and staffing.

In response, Benoit wrote Wednesday to his fellow politicians, "Building roadways is expensive, maintaining them is far less expensive. But doing so periodically is critical so you don't have to fix major problems later."

Please see **BENOIT, 19A**



Benoit

Continued from 1A

He added that CV Link is expected to boost tourism dollars and provide construction jobs — to say nothing of the value of the new amenity in itself.

The disagreement stems from a March 30 meeting between CVAG and Rancho Mirage staff in which a proposal was floated to use hotel and resort funds from the current nine cities involved in the project — also known as the transient occupancy tax — to help pay for the trail's future upkeep. The proposal was made public the following day, and two days after that, Rancho Mirage voted unanimously, behind closed doors, to reject it.

On April 16, the City Council rejected another CVAG proposal to build the trail near the Rancho Mirage Public Library.

Then on Thursday, Hobart and the City Council made it clear they would also refuse any proposals to lay the trail across Highway 111 or Bob Hope Drive, which narrows the list of possible routes in an area dominated by gated communities.

Meanwhile, Benoit's email comes to us on the heels of a CVAG transportation committee meeting that took place Monday. During that, he and the other members heard from consultants and public officials with experience maintaining urban trails in California.

Hobart has pointed in recent weeks to the American River Parkway trail in Sacramento County as a project of similar scope, with more than \$6 million in annual costs. However, as Benoit put it, ARP is "actually a complete park system spread over 4,900 acres and bears very little resemblance to CV Link," which will touch fewer than 100 acres.

A better example, Benoit said, is the Bear Creek Canyon Trail in La Quinta, which costs \$10,000 a year to maintain. He added that the subsequent budgeting of \$33,600 per year for the CV Link is therefore "more than adequate and perhaps too high."

Benoit concluded his email by calling for a more "civil, informed and rational public discussion."

During the public comment section of the May 4 meeting, Hobart took the podium to reiterate his questions, but was interrupted after several minutes.

"I have an appointment to get to," said Palm Springs Councilwoman Ginny Foat, putting on her sunglasses. She then dangled her car keys close to the microphone.

Hobart responded by collecting his papers and walking out.

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