

January 17, 2020

Lisa Mangat, Director
California State Parks
1416 9th Street
Sacramento, CA 95814

RE: OPPOSITION TO RFP for Fitness & Recreation Concession at Carlsbad State Beaches

Dear Director Mangat:

I am writing as a concerned citizen and volunteer head of North Coast Beach Volleyball (NCBV). NCBV is a large, diverse ad hoc Meetup group of recreational volleyball players (about 150) located in north San Diego County. I believe the views and opinions stated below are representative of the larger recreational volleyball community and reflect those of many involved with yoga, Pilates, martial arts and other activities (also included in the RFP).

The local volleyball community is STRONGLY opposed to the issuance of the above mentioned RFP which bears your signature. We urge State Parks to withdraw the RFP because:

1. **It greatly reduces public access to a public resource (beach volleyball courts) in conflict with the stated goals of the California Coastal Act.** The current concessionaire (Dennis Shay / CVAC) has been charging \$10/day or \$180/year to play on other courts included in his existing concession. This RFP would effectively privatize an additional five (5) courts which are currently public and free leaving only 3 open for public play on all of Carlsbad State beaches.
2. **Mr. Shay's concession was recommended for termination in November 2018 by State Parks own internal auditors.** This was due to numerous contract, financial and management irregularities. The audit really only scratches the surface of what has been going on for years with the concession.
3. **State Parks appears to have a high-level, internal advocate for the concession and concessionaire affecting local decision-making.** This may be due to a personal friendship with Mr. Shay.
4. **The new RFP is highly biased towards the current concession and contains unusual language that greatly limits the universe of potential bidders.** Further, the RFP is being fast-tracked with a public meeting scheduled for January 23 and "intent to bid" letters due by February 7.
5. **There has never been a properly researched, surveyed, documented and/or demonstrated need for the concession.** The local community has NEVER been consulted or involved with the development of concession requirements.
6. **The concession, in its best year (2019), has only netted about \$8,500 for State Parks.** This is an insignificant amount relative to any public benefit the concession provides. In fact, State Parks has probably lost money (via personnel time) simply dealing with concession complaints and problems.

The local beach community has been actively opposed to this concession since its inception in 2012 and we have become even more opposed over the years. The concessionaire has mismanaged the limited areas of responsibility outlined in his existing contract, is highly unpopular with the community and was the subject of credible #metoo accusations. The concessionaire has also used State Parks rangers on many occasions to bully/intimidate casual players and kick them off courts that aren't even being used. (He once said "This is my beach" directly to some friends of mine who had this happen.)

Your own State Parks internal auditors stated the following (emphasis mine):

The report contains all findings discussed with the San Diego Coast District during the course of the audit and recommends that the District terminate the concession contract as the **concessionaire's financial records lack key information, the concessionaire did not comply with the terms of the contract, and as a result, a significant risk to the Department's reputation, public safety, and natural resources exists.**

The District should directly manage the Carlsbad State Beach operations for a period of time to determine demand and actual revenues generated at these locations. With the collected data, the District should work with headquarters to determine whether out-sourcing all or a portion of this effort, or directly managing the entire operations best suit the Department's mission.

In spite of State Parks own recommendations, the concession was never terminated and continues operating to this day on a month-to-month basis. The new RFP actually grants more public resources to the concession. Further, because the concession site definition has changed slightly, past negative performance evaluations may end up not being applied to the existing concessionaire.

Local volunteerism will be discouraged. In October 2019, State Parks asked for the local volleyball community's help relocating 5 public courts that had to be moved due to State Fish & Wildlife Batiquitos Lagoon dredging project. These courts were built and maintained by NCBV, local volunteers and Carlsbad High School.

The volleyball community responded with some **30 volunteers** on the beach physically removing old poles, digging holes, installing new poles & hardware and finally, grading and cleaning the rock-filled sand with rakes and shovels. **Those same courts that were built by volunteers and open for public play will now fall under the concessionaire and turn into "pay-for-play".**

We urge you to take the following actions:

1. **Please review your department's audit. I have included it for your convenience.**
2. **Cancel this RFP or at the very least, put it on hold.**
3. Conduct your own inquiries as to the need for this RFP. As written, the RFP may not be legally compliant with California State law or stated goals of the California Coastal Act.
4. Have State Parks follow the recommendations of its own auditors and terminate the existing concession contract. State Parks should resume direct management of all beach operations in Carlsbad.
5. Meet with members of the community directly and get their feedback on the concession and its goals. If State Parks still feels there is a need for this concession, then work with local community to develop RFP terms and goals that meet the needs of the beach going public!

I have included a copy of the State's own internal audit along with a "white paper" that reflects the issues outlined above as well as providing more detail and history.

In the meantime, the local community has been taking action. This includes an online petition at <https://northcoastvolleyball.org> (160 signatures in just one week) plus people are contacting state/local representatives, state and local agencies, and the media. In fact, the issue was featured on CBS 8 News last Wednesday. We also have more than 50 people committed to attending State Parks public meeting on January 23 in Carlsbad.

Please note. No one wants this relationship with State Parks to be antagonistic. We appreciate the work Parks does in keeping the beaches safe and accessible. Our group and others would prefer to work with Parks on the local level. Volleyball should be open, accessible and free to as many as possible. It's a great sport.

If you have any questions, feel free to call me at 858-610-9020 or email me at tom@geldner.com. I look forward to your positive actions on our community's behalf.

Respectfully yours,



Tom Geldner
on behalf of North Coast Beach Volleyball
2814 Rancho Pancho
Carlsbad, CA 92009

Cc: Lisa Urbach, Brian Ketterer, Jared Zucker – State Parks
Assembly Member Tasha Boerner Horvath
State Senator Patricia Bates
California Coastal Commission
Carlsbad City Council

Enc. Copy of State Audit, White Paper