

**From:** Dean Getz <dean@deangetz.com>  
**Sent:** Thursday, October 5, 2023 2:44 PM  
**To:** BOS-Clerk of the Board  
**Subject:** RE: BoS File # 23-1626 [October 10, 2023 Agenda]  
**Attachments:** Executed Agmt. Serrano 4-14-15 item 9.pdf

Dear Supervisors (via BoS – Clerk of the Board):

RE: BoS File #23-1626

BoS File #23-1626 is an amendment to El Dorado County's Agreement 5349 with ICF Jones and Stokes, Inc., which includes the consultant's compliance with Gov. Code Section 84308.

This government code section (84308) was amended, effective January 1, 2023, "to require appointed officers of an agency to refrain from accepting, soliciting, or directing contributions, including campaign contributions, from any party or participant while a proceeding involving a license, permit, or other entitlement for use is pending before the agency."

This ICF Jones and Stokes, Inc item being amended is admittedly identified as "Applicant-funded," which stems from an existing BoS agreement, county file 'PA 12-0003,' which appears to have been last amended in April 2015 (Attached as "Executed Agmt. Serrano 4-14-15 item 9").

**Regardless, BoS must require the applicant (Serrano Associates, LLC.) to comply with Gov. Code Section 84308—just as is being done here with ICF Jones and Stokes, Inc., as El Dorado County's ongoing funding agreement (i.e., past January 1, 2023) with the applicant funds an entitlement-related consideration pending before the agency necessitating the County's and the applicant's compliance with the new state law.**

Thank you in advance,



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# ORIGINAL

## Serrano Associates, LLC

### SECOND AMENDMENT TO FUNDING AGREEMENT No. 004D-F-12/13-BOS

#### COUNTY FILE NUMBER PA12-0003

**THIS SECOND AMENDMENT** to that Funding Agreement No. 004D-F-12/13-BOS made and entered into by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "County"), and Serrano Associates, LLC, a Delaware limited liability company duly qualified to conduct business in the State of California, whose principal place of business is 4525 Serrano Parkway, El Dorado Hills, California 95762 (hereinafter referred to as "Applicant");

### RECITALS

**WHEREAS**, Funding Agreement No. 004D-F-12/13-BOS, dated November 27, 2012, the First Amendment dated March 11, 2014, all incorporated herein and made by reference a part hereof (hereinafter referred to as "Agreement"); provides a mechanism for Applicant to reimburse County for the costs incurred in the preparation of an Environmental Impact Report (EIR) and related planning services for the Central El Dorado Hills Specific Plan (Project);

**WHEREAS**, County has determined that due to unanticipated delays, changes to the Project, and additional complexity of the Project resulting in a longer timeline, additional funding is required to complete the preparation of the EIR and provide related planning and professional consulting services for the Project;

**WHEREAS**, the parties hereto desire to amend **ARTICLE IV, Funding for this Agreement**, to increase the not-to-exceed amount of the Agreement by \$224,934, and to increase the deposit amount by \$67,481;

**WHEREAS**, the parties hereto desire to amend **ARTICLE VIII, Notice to Parties**;

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises and covenants hereinafter contained, County and Applicant mutually agree to amend the terms of the Agreement in this Second Amendment as follows:

**ARTICLE IV, Funding for this Agreement, of the Agreement is amended in its entirety to read as follows:**

#### **ARTICLE IV**

**Funding for this Agreement:** Funding for this Agreement is provided entirely by Applicant. Upon execution of this Agreement, Applicant shall deposit with County the sum of \$92,405. Upon execution of the First Amendment to the Agreement, Applicant shall deposit with County an additional sum of \$78,264. Upon execution of the Second

Amendment to the Agreement, Applicant shall deposit with County an additional sum of \$67,481 for a total deposit amount of \$238,150 as compensation for Consultants to be engaged by County for the preparation of an EIR for the Project, and to provide related planning and professional consulting services. The total amended deposit amount represents thirty percent (30%) of the estimated cost for the preparation of the EIR and related planning and professional consulting services. Applicant agrees to maintain a minimum of \$238,150 in the account until there is less than thirty percent (30%) of the costs remaining. Applicant agrees to replenish the account within fifteen (15) days of receipt of written notice by County.

The total amount of this Agreement, as amended, shall not exceed \$793,829.

It is understood that the funds deposited by Applicant are the only source of funding for the agreements contemplated between County and its Consultants. By deposit of the above-referenced funds and by execution hereof, Applicant agrees that County may utilize said funds to compensate its Consultants to do the necessary work.

**ARTICLE VIII, Notice to Parties, of the Agreement is amended in its entirety to read as follows:**

**ARTICLE VIII**

**Notice to Parties:** All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid and return receipt requested. Notices to County shall be in duplicate and addressed as follows:

To County:

County of El Dorado  
Community Development Agency  
Long Range Planning Division  
2850 Fairlane Court  
Placerville, California 95667

Attn.: David Defanti  
Assistant Director

With a copy to:

County of El Dorado  
Community Development Agency  
Administration and Finance Division  
2850 Fairlane Court  
Placerville, California 95667

Attn.: Michele Weimer  
Administrative Services Officer  
CDA Contract & Procurement Unit

or to such other location as County directs.

Notices to Applicant shall be addressed as follows:

Serrano Associates, LLC  
c/o Kirk Bone  
4525 Serrano Parkway  
El Dorado Hills, California 95762

or to such other location as Applicant directs.

Except as herein amended, all other parts and sections of Funding Agreement No. 004D-F-12/13-BOS shall remain unchanged and in full force and effect.

**Requesting Administrator and Division Concurrence:**

By:   
\_\_\_\_\_  
David Defanti, Assistant Director  
Long Range Planning Division  
Community Development Agency

Dated: 4/14/15

**Requesting Department Concurrence:**

By:   
\_\_\_\_\_  
Steven M. Pedretti, Director  
Community Development Agency

Dated: 4/14/15

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to Funding Agreement No. 004D-F-12/13-BOS on the dates indicated below.

- - COUNTY OF EL DORADO - -

Dated: 4-14-15

By: Brian K. Veerkamp  
Brian K. Veerkamp, Chair

Board of Supervisors  
"County"

ATTEST:  
James S. Mitrison  
Clerk of the Board of Supervisors

By: James S. Mitrison  
Deputy Clerk

Dated: 4-14-15

- - APPLICANT - -

Serrano Associates, LLC,  
a Delaware limited liability company

By: Parker Development Company,  
A California corporation, Its Managing Member

By: William R. Parker  
William R. Parker  
Its: President

Dated: 4-7-15

*W*