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June 19, 2012

Board of Supervisors  
County of El Dorado  
330 Fair Lane  
Placerville, CA

Re: **Approval of Agreement for Legal Services with Abbott and Kindermann for preparation of the targeted General Plan Amendments, Comprehensive Zoning Ordinance Update and Update to the Traffic Demand Model**

Honorable Supervisors:

**Recommendation:**

County Counsel recommends that the Board of Supervisors approve and authorize the Chair to execute the attached Agreement for Legal Services with the law firm of Abbott and Kindermann.

**Reasons for Recommendation:**

In November 2011, the Board of Supervisors adopted a Resolution of Intent to amend its General Plan and prepare a comprehensive update to the Zoning Ordinance. In May 2012, the County issued the Notice of Preparation and has been holding numerous community scoping meetings. As soon as those scoping meetings have been completed, ICF, the environmental consultants retained by the Board, will commence work on the draft EIR.

Due to the history of controversy surrounding the General Plan process in El Dorado County, the complexity of the issues involved and the possibility of litigation, the Board determined it would be helpful to hire outside counsel to assist County Counsel and the LUPPU team with the preparation and review of the various documents.

Abbott and Kindermann is a law firm that specializes in land use and CEQA matters. William Abbott is a recognized expert in the field of California land use law. The firm is highly qualified to assist the County in the preparation of, and ultimate defense of, these documents, if necessary.

On May 22, 2012 in closed session, the Board considered retention of outside counsel and directed retention of Abbott and Kindermann for these purposes, with a contract to be returned to the Board. This contract documents that action.

The cost of the legal advice for the preparation of these legislative documents and any necessary litigation defense is difficult to predict. We are proposing initial funding in the amount of \$150,000. We are hopeful that this will cover all or a substantial portion of the total cost of the administrative process; however, we need to advise the Board of the possibility of additional funding being needed during the administrative process or litigation process.

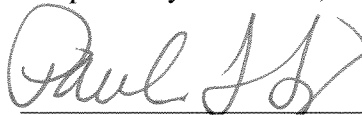
**Fiscal Impact:**

Total costs under this contract cannot be predicted accurately. Initial funding of \$150,000 is being requested.

**Actions to be Taken Following Approval:**

Following execution of the contract, County Counsel will work with Abbott and Kindermann on all legal services connected with the preparation of, and defense of, the General Plan amendments, the comprehensive zoning ordinance update and update to the traffic demand model.

Respectfully submitted,



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Paula F. Frantz  
Deputy County Counsel