



## Legislation Details (With Text)

**File #:** 23-1443      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 7/20/2023      **In control:** Board of Supervisors

**On agenda:** 10/24/2023      **Final action:** 10/24/2023

**Title:** Planning and Building Department, Planning Division, recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign Amendment VII to Agreement 510 with ICF Jones and Stokes, Inc. for the provision of preparing environmental documents and planning consultation services for the proposed Lime Rock Valley Specific Plan, extending the term of the Agreement by two (2) years for a revised expiration date of November 12, 2025, with no changes to the scope of work or not-to-exceed amount; and
- 2) Approve and authorize the Chair to sign Amendment VII to Agreement 516 with ICF Jones and Stokes, Inc. for the provision of preparing environmental documents and planning consultation services for the proposed Village of Marble Valley Specific Plan, extending the term of the Agreement by two (2) years for a revised expiration date of November 12, 2025, with no changes to the scope of work or not-to-exceed amount.

**FUNDING:** Applicant Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet - 510, 2. B - Amendment VII to Agreement 510 - PE, 3. C - Original Agreement and Amendments - 510, 4. D - Approved Contract Routing Sheet - 516, 5. E - Amendment VII to Agreement 516 - PE, 6. F - Original Agreement and Amendments - 516, 7. F Revised - Original Agreement and Amendments - 516, 8. Executed Amendment VII to Agreement 510, 9. Executed Amendment VII to Agreement 516

Date	Ver.	Action By	Action	Result
10/24/2023	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign Amendment VII to Agreement 510 with ICF Jones and Stokes, Inc. for the provision of preparing environmental documents and planning consultation services for the proposed Lime Rock Valley Specific Plan, extending the term of the Agreement by two (2) years for a revised expiration date of November 12, 2025, with no changes to the scope of work or not-to-exceed amount; and
- 2) Approve and authorize the Chair to sign Amendment VII to Agreement 516 with ICF Jones and Stokes, Inc. for the provision of preparing environmental documents and planning consultation services for the proposed Village of Marble Valley Specific Plan, extending the term of the Agreement by two (2) years for a revised expiration date of November 12, 2025, with no changes to the scope of work or not-to-exceed amount.

**FUNDING:** Applicant Funded.

### DISCUSSION/BACKGROUND

The California Environmental Quality Act (CEQA) and County CEQA Resolution 61-87 allow the

County to utilize consultants, funded by the project applicant, to prepare complex and comprehensive CEQA documents such as Environmental Impact Reports (EIRs).

The County has had Agreements with ICF Jones and Stokes Inc. (ICF) since 2012 to prepare EIRs for the proposed Lime Rock Valley Specific Plan Project (LRV), Agreement 510 (formerly 267-S1311), and Village of Marble Valley Specific Plan (VMV), Agreement 516 (formerly 268-S1311). Since the execution of both original Agreements, there have been six (6) amendments to each Agreement to address various components including but not limited to changes in CEQA Guidelines, adjusting ICF's fee schedule, and budget increases to support the extended project schedules and additional associated work.

Proposed Amendment VII to Agreement 510/LRV and Amendment VII to Agreement 516/VMV, will extend the terms of the Agreements by two (2) years for revised expiration dates of November 12, 2025, with no changes to the scopes of work or not-to-exceed amounts. Due to delays in project schedules and the general passage of time of both projects, there is a need to address continued amendments to CEQA Guidelines, such as the project's impacts on wildfire hazards and climate change and sustainability, and additional time is required to prepare legally and technically adequate EIRs for both projects. The requested extensions to the terms of both Agreements will allow for ICF to continue preparing the EIRs and to address the on-going revisions and additions to CEQA Guidelines and to see both projects through completion.

In addition to the changes noted above, other minor administrative changes were determined necessary and made throughout both Agreements, as amended. These changes included: replacing the Conflict of Interest article in its entirety and incorporating Exhibit E, California Levine Act Statement, to address recent changes in state law and revised standard County contract language.

Approval of these amendments to the existing agreements will allow for the completion of the environmental review process to identify, evaluate, and prevent the potential environmental effects of the projects, and does not promote the specific plan projects or provide approval for any aspect of the project.

## **ALTERNATIVES**

The Board may choose not to approve the proposed Amendments. As a result, the Department anticipates the applicants to obtain a consultant to complete the preparation of the EIRs and submit them to the County, which would limit the County's oversight of each EIR's preparation and completion.

The Department believes it is in the County's best interest to remain in an oversight role in this process for each project to ensure that the County's and public's interests are directly represented throughout the EIR preparation process, and to maintain maximum control over the content and analysis in each EIR.

## **PRIOR BOARD ACTION**

On November 13, 2012 (File No. 12-1372, Item No. 8), the Board approved Agreements with ICF for three (3) proposed Specific Plans: Central El Dorado Hills, LRV, and VMV. These Agreements provide direct consultant services to the County for the preparation of EIRs and planning consultation services, to be fully funded by the respective applicants: Serrano Associates, LLC; G3 Enterprise, LLC; and Marble Valley, LLC.

On March 11, 2014 (File No. 12-1370, Item No. 5), the Board approved Amendment I to Agreement for Services No. 510/LRV, increasing the maximum obligation by \$76,225, for a total not-to-exceed amount of \$359,307, to accommodate extended project schedules and additional work needed to complete the processing of the application.

On March 11, 2014 (File No. 12-1354, Item No. 8), the Board approved Amendment I to Agreement for Services No. 516/VMV, increasing the maximum obligation by \$70,209, for a total not-to-exceed amount of \$371,596, to accommodate extended project schedules and additional work needed to complete processing of the application.

On July 22, 2014 (File No. 12-1352, Item No. 5), the Board approved Amendment II to Agreement for Services No. 510/LRV, authorizing an amendment to Exhibit C to adjust ICF's fee schedule.

On July 22, 2014 (File No. 12-1354, Item No. 6), the Board approved Amendment II to Agreement for Services No. 516/VMV, authorizing an amendment to Exhibit C to adjust ICF's fee schedule.

On April 14, 2015 (File No. 12-1352, Item No. 9), the Board approved Amendment III to Agreement for Services No. 510/LRV, increasing the maximum obligation by \$103,774, for a total not-to-exceed amount of \$463,081, to provide consultant services for the preparation of EIRs and planning consultation services.

On April 14, 2015 (File No. 12-1354, Item No. 10), the Board approved Amendment III to Agreement for Services No. 516/VMV, increasing the maximum obligation by \$111,321, for a total not-to-exceed amount of \$482,917, to provide consultant services for the preparation of EIRs and planning consultation services.

On March 8, 2016 (File No. 12-1370, Item No. 13), the Board approved Amendment IV to Agreement for Services No. 510/LRV, increasing the maximum obligation by \$121,340, for a total not-to-exceed amount of \$575,421, to increase the budget for Task 6 and to provide additional funding to address greenhouse gases (GHG) concerns.

On March 8, 2016, (File No. 12-1354, Item No. 12), the Board approved Amendment IV to Agreement for Services No. 516/VMV, increasing the maximum obligation by \$112,340, for a total not-to-exceed amount of \$595,257, to increase the budget for Tasks 5 and 6 and to provide additional funding to address GHG concerns.

On March 23, 2020 (File No. 20-0444, Item No. 36), the Board approved: 1) Amendment V to Agreement 510/LRV increasing the total compensation by \$77,880.37, for a not-to-exceed amount of \$653,307.38, extending the term by three (3) years, updating the fee schedule, and changing the Contract Administrator; and 2) Amendment V to Agreement 516/VMV increasing the total compensation by \$120,939.63, for a not-to-exceed amount of \$716,196.64, extending the term by three (3) years, updating the fee schedule, and changing the Contract Administrator. Both Amendments were required to address changes in air quality (AQ) regulations and models to continue with preparing draft environmental documents and providing planning consultation services.

On July 19, 2022 (File No. 22-1102, Item No. 37), the Board approved 1) Amendment VI to Agreement 510/LRV increasing the total compensation by \$57,564.59, for a new not-to-exceed amount of \$710,871.97 and revising the scope of work, with no changes to the term of the Agreement; and 2) Amendment VI to Agreement 516/VMV increasing the total compensation by

\$71,345, for a new not-to-exceed amount of \$787,542.4 and revising the scope of work, with no changes to the term of the Agreement. Both Amendments were deemed necessary to address changes to CEQA Guidelines, the changing AQ and GHG regulations, and due to the general passage of time.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have approved the proposed Amendments.

### **CAO RECOMMENDATION**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item as no costs are to be incurred by the County. All costs are paid by the project applicants. Funding for these services has been included in the Department's Fiscal Year 2023-24 budget. Funding for these services beyond Fiscal Year 2024 -25 will be included in subsequent budgets accordingly.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment VII to Agreement 510;
- 2) The Clerk of the Board will forward one (1) fully-executed original Amendment VII to Agreement 510 to the Chief Administrative Office, Procurement and Contracts Division, for further processing;
- 3) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment VII to Agreement 516; and
- 4) The Clerk of the Board will forward one (1) fully-executed original Amendment VII to Agreement 516 to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

### **STRATEGIC PLAN COMPONENT**

Good Governance: Evaluate requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

### **CONTACT**

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Planning and Building Department