



## Legislation Details (With Text)

**File #:** 22-0672      **Version:** 1

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

**File created:** 4/6/2022      **In control:** Board of Supervisors

**On agenda:** 5/24/2022      **Final action:** 5/24/2022

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

1) Approve and authorize the Chair to sign Amendment 1 to Agreement 3855 with John S. Krueger, doing business as National Market Real Estate Advisors, Economic Development Consulting Services, extending the term by an additional two (2) years for a revised expiration date of June 3, 2024, and other minor administrative changes necessary, with no changes to the scope or not-to-exceed amount of the Agreement, for the provision of establishing a business attraction and retention program, marketing outreach, and a new program analysis including New Finance and Incentive Tool Identification for the County of El Dorado; and

2) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 3855, including amendments which do not increase the not-to-exceed amount of term of the Agreement, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** Transient Occupancy Tax.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Amendment Routing Sheet, 2. B - Amendment 1 to Agreement 3855 - PE, 3. C - Original Fully Executed Contract Agreement 3855, 4. Executed Agreement 3855

Date	Ver.	Action By	Action	Result
5/24/2022	1	Board of Supervisors	Approved	Pass

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

1) Approve and authorize the Chair to sign Amendment 1 to Agreement 3855 with John S. Krueger, doing business as National Market Real Estate Advisors, Economic Development Consulting Services, extending the term by an additional two (2) years for a revised expiration date of June 3, 2024, and other minor administrative changes necessary, with no changes to the scope or not-to-exceed amount of the Agreement, for the provision of establishing a business attraction and retention program, marketing outreach, and a new program analysis including New Finance and Incentive Tool Identification for the County of El Dorado; and

2) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 3855, including amendments which do not increase the not-to-exceed amount of term of the Agreement, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** Transient Occupancy Tax.

**DISCUSSION / BACKGROUND**

On January 29, 2019 (File No. 19-0033, Item No. 31), the Chief Administrative Office and Planning and Building Department recommended the Board receive an update on Transient Occupancy Tax

Funding, Economic Development efforts, and related staff reorganization. Included in this item was conceptual approval of Economic Development's reorganization and transfer to the Planning and Building Department (Department).

Included with the Board's conceptual approval of the Economic Development reorganization was the intent to contract with a consultant to provide professional services to assist with the development of the following Programs:

- Business Retention and Expansion Program Development;
- Marketing Outreach; and
- New Program Analysis including New Finance and Incentive Tool Identification

On June 4, 2019 (File No. 19-0743, Item No. 35), following the January 29, 2019 presentation, the Board approved and authorized the Chair to sign Agreement 3855 with John Krueger, dba National Market Real Estate Advisors, to establish a business attraction and retention program, marketing outreach, and new program analysis including New Finance and Incentive Tool Identification, with a not-to-exceed amount of \$100,000 and a term of 3 years.

This proposed Amendment 1 extends the term of the Agreement by an additional two (2) years with a revised expiration date of June 3, 2024.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made throughout the Agreement. These changes included: updating the Notice of Parties Article to update the County's notice recipients; updating the Contract Administrator Article to update the County's Contract Administrator; replacing the articles for Consultant to County, Independent Contractor, Default, Termination, and Cancellation, Indemnity, Conflict of Interest, and Nondiscrimination in their entirety to address recent changes in state law and revised standard County contract language. Similarly, three (3) new articles, Force Majeure, Waiver, and Electronic Signatures were added to the Agreement for the same purpose.

## **ALTERNATIVES**

The Board may choose not to approve the proposed Amendment 1. This would require the Department to pursue a new agreement for these services and would result in an intermission in marketing outreach and in current efforts to establish a Business Attraction, Retention, and Expansion program.

## **PRIOR BOARD ACTION**

See Discussion/Background above.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have approved the proposed Amendment 1.

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The amendment does not increase the total amount for the contract. Funding for these services has been included in the Department's Fiscal Year 2022-23 budget, and funding for these services beyond Fiscal Year 2022-23 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 1; and
- 2) The Clerk of the Board will forward one (1) fully-executed original of Amendment 1 to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

### **STRATEGIC PLAN COMPONENT**

Economic Development: The continuation of these services will provide much needed support by assisting in the attraction, development, and retention of businesses that provide economic sustainability and quality job creation.

### **CONTACT**

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Planning and Building Department