



County of El Dorado

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Legislation Details (With Text)

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Type: Agenda Item **Status:** Approved

File created: 11/20/2007 **In control:** Board Of Supervisors

On agenda: 11/27/2007 **Final action:** 11/27/2007

Title: Chief Administrative Officer recommending Chairman be authorized to sign the following pertaining to the proposed "Diamond Dorado Retail Center":
 (1) Reimbursement Agreement for Funding of Legal Services for Preparation of Environmental Impact Reports for PD 07-0034, A07-0018, Z07-0054, S07-0029 and Development of the Diamond Springs Parkway; and Agreement for Legal Services between El Dorado County and Remy, Thomas, Moose, and Manley; and
 (2) Budget transfer to recognize the applicant payment and increased appropriation. (4/5 vote required)
RECOMMENDED ACTION: Approve.

FUNDING: Developer Deposit.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Reimbursement Agt for Funding of Legal Serv.pdf, 2. Remy, Thomas, Moose & Manley legal services agt.pdf

Date	Ver.	Action By	Action	Result
11/27/2007	1	Board Of Supervisors	Approved	Pass

Chief Administrative Officer recommending Chairman be authorized to sign the following pertaining to the proposed "Diamond Dorado Retail Center":
 (1) Reimbursement Agreement for Funding of Legal Services for Preparation of Environmental Impact Reports for PD 07-0034, A07-0018, Z07-0054, S07-0029 and Development of the Diamond Springs Parkway; and Agreement for Legal Services between El Dorado County and Remy, Thomas, Moose, and Manley; and
 (2) Budget transfer to recognize the applicant payment and increased appropriation. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Developer Deposit.

BUDGET SUMMARY:		
Total Estimated Cost		\$100,000.00
Funding		
Budgeted	\$	
New Funding	\$100,000.00	
Savings	\$	

Other	\$	
Total Funding Available	\$100,000.00	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost:

Background: On November 14, the County’s Development Services Department received an application from Leonard Grado and GGV Missouri Flat, LLC (“applicants”) to develop property in the Missouri Flat corridor south of the U.S. 50/Missouri Flat interchange. The project also includes the relocation of the Materials Recovery Facility (MRF) from its existing location to a new location at the western terminus of Industrial Drive. Also included is the construction of a new roadway, anticipated in the General Plan, connecting Missouri Flat Road and Highway 49.

Reason for Recommendation: The applicants have requested that the County conduct needed Environmental Impact Reports (EIRs), as required by the California Environmental Quality Act (CEQA), for the three projects. County staff recommends that the Law Firm of Remy, Thomas, Moose and Manley (“Law Firm”) be engaged to assist in EIR preparation in order to fulfill the County’s obligations as the public agency having primary responsibility for discretionary actions.

Staff recommends that the Board authorize the Chairman to execute two documents that effect the preparation of the necessary EIRs:

- The *Reimbursement Agreement for Funding of Legal Services* provides for the engagement of the Law Firm. Upon execution of this agreement, the applicants will pay the County \$100,000 as compensation to the Law Firm for its legal advice for the preparation of the EIRs and the Mitigation Monitoring Program. This payment, and any subsequent payments made for this work, is the only source of funding for this agreement. It is important to note that the Law Firm will act solely as the consultant to the County and not to the applicants.
- The *Agreement for Legal Services Between El Dorado County and Remy, Thomas, Moose and Manley* outlines the scope and work and compensation for associated legal services with the three projects.

Action to be taken following Board approval: County and applicants to execute agreement