



## Legislation Details (With Text)

**File #:** 21-1257      **Version:** 1

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

**File created:** 7/22/2021      **In control:** Board of Supervisors

**On agenda:** 12/7/2021      **Final action:** 12/7/2021

**Title:** Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment II to Agreement 3802 with Dudek, increasing the compensation amount by \$400,000 for a total not-to-exceed amount of \$800,000 and other minor administrative changes determined necessary with no changes to the scope or term of the Agreement.

FUNDING: Applicant Funded / Transient Occupancy Tax.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - CRS - 3802, 2. B - PE Amendment II - 3802, 3. C - Original Agreement & Amendment - 3802, 4. Executed Second Amendment to Agreement for Services 3802

Date	Ver.	Action By	Action	Result
12/7/2021	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment II to Agreement 3802 with Dudek, increasing the compensation amount by \$400,000 for a total not-to-exceed amount of \$800,000 and other minor administrative changes determined necessary with no changes to the scope or term of the Agreement.

**FUNDING:** Applicant Funded / Transient Occupancy Tax.

**DISCUSSION / BACKGROUND**

The California Environmental Quality Act (CEQA) and County CEQA Resolution 61-87 allow the County to hire consultants, funded by the applicant, to prepare complex and comprehensive CEQA documents such as Environmental Impact Reports (EIRs).

Dudek is currently assisting the Planning and Building Department (Department) on a variety of planning projects including providing CEQA related services and staff support. This Amendment II would allow the Department to finalize the projects with Dudek’s assistance. In addition, the County could rely on Dudek for additional planning and environmental services for current and anticipated development projects on an as-needed basis.

On June 25, 2019 (File No. 19-0641, Item No. 33), the Board approved Agreement 3802 with Dudek for on-call land use planning services.

On October 20, 2020 (File No. 20-1272, Item No. 21), the Board approved Amendment I to Agreement 3802, which extended the term of the Agreement by three (3) years with a revised expiration of June 25, 2025, and increased the compensation amount by \$250,000, for a total not-to-

exceed amount of \$400,000.

This proposed Amendment II increases the compensation amount by \$400,000, for a total not-to-exceed amount of \$800,000. This increase will allow the Department to continue utilizing Dudek to assist staff with current and anticipated development projects. At this time it has been determined by staff there will be an additional need for supplemental staff and assistance with current planning activities, including environmental review, community outreach, meeting facilitation, application processing and other land use entitlement services as new development proposals are processed by the County.

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 to Parties Article to update the County's notice recipients; updating the Contract Administrator details; replacing the Consultant to County, Independent Contractor, Default, Termination, and Cancellation, Indemnity, Conflict of Interest, and Nondiscrimination articles in their entirety to address recent changes in state law and revised standard County contract language. Similarly, two (2) new articles, Force Majeure and Waiver, were added to for the same purpose.

### **ALTERNATIVES**

The Board may choose not to approve this proposed Amendment II; however, this would require that existing staff would have to absorb the additional work needed to complete the processing of projects currently in progress. Existing planning staff are currently fully-tasked and an increased staff workload would cause delays to other applications currently being processed and future development projects as they arise.

In addition, many planning staff do not have the environmental and technical expertise in processing these types of complex applications. Dudek's experience in processing a broad range of development applications helps to ensure that the public, staff, the Board, and other stakeholders have the information necessary to evaluate and make decisions regarding the projects.

### **PRIOR BOARD ACTION**

See Discussion/Background above.

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

County Counsel and Risk Management have approved Amendment II.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The majority of costs associated with this Agreement are paid by project applicants, with a small portion of costs paid for using Transient Occupancy Tax for economic development related planning and environmental work. Funding for these services has been included in the Department's Fiscal Year 2021-22 budget. Funding for these services beyond Fiscal Year 2021-22 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 II; and
- 2) The Clerk of the Board will forward one (1) fully-executed original of Amendment II 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**

Christopher Perry, Interim Director  
Planning and Building Department