



Legislation Details (With Text)

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File created: 5/17/2024 **In control:** Board of Supervisors

On agenda: 6/25/2024 **Final action:** 6/25/2024

Title: County Counsel recommending the Board approve and authorize the Chair to execute Amendment 2 to Agreement 4089 with Abbott & Kindermann, Inc. for legal services pertaining to Environmental Impact Report review and California Environmental Quality Act (CEQA) compliance for various specific plan applications being processed by the Planning & Building Department, revising the Notification of Conflict, Costs, and Compensation sections, and extending the agreement by two years to June 30, 2026.

FUNDING: Applicant funded.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A- 4089 Agreement Amendment 2, 2. B- 4089 Agreement Amendment 1, 3. C- 4089 Agreement, 4. D- Approved 4089 Amd 2 CRS, 5. Executed Agreement 4089 Amd II

Date	Ver.	Action By	Action	Result
6/25/2024	1	Board of Supervisors	Approved	Pass

County Counsel recommending the Board approve and authorize the Chair to execute Amendment 2 to Agreement 4089 with Abbott & Kindermann, Inc. for legal services pertaining to Environmental Impact Report review and California Environmental Quality Act (CEQA) compliance for various specific plan applications being processed by the Planning & Building Department, revising the Notification of Conflict, Costs, and Compensation sections, and extending the agreement by two years to June 30, 2026.

FUNDING: Applicant funded.

DISCUSSION / BACKGROUND

The County currently has an agreement for legal services with Abbott & Kindermann, Inc. to provide legal services to the County related to CEQA compliance for the following proposed specific plan projects: Lime Rock Valley Specific Plan SP12-0001 (Lime Rock Valley, LLC as successor-in-interest to G3 Enterprises, Inc.), Central El Dorado Hills Specific Plan SP12- 0002 (Serrano Associates, LLC), and Village of Marble Valley Specific Plan SP12-0003 (Marble Valley Company, LLC) (collectively referred to as the "Specific Plans"). The cost of the Agreement is entirely funded by the Specific Plan applicants pursuant to Funding Agreements requiring the applicants to bear the full cost of these services and provide the County with a deposit to ensure sufficient funding. Although the application for the Central El Dorado Hills Specific Plan has been withdrawn, processing of the remaining two Specific Plan applications (Village of Marble Valley Specific Plan SP12-0003 and Lime Rock Valley Specific Plan SP12-0001) is still ongoing; however, the Agreement is set to expire by its terms on June 30, 2024. Since there is an ongoing need for outside legal assistance related to CEQA compliance for the remaining two Specific Plan applications, it is recommended that the term of the Agreement be extended for an additional two years, that the rate schedules for the additional two years be added with appropriate references updated, and that the not-to-exceed amount be deleted

because this agreement is entirely applicant-funded.

Abbott & Kindermann, Inc. 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 with CEQA compliance for various specific plan applications.

ALTERNATIVES

The Board could disapprove Amendment 2 and allow the Agreement to expire on June 30, 2024.

PRIOR BOARD ACTION

Legistar Item 19-0792 - June 25, 2019 - Approval of Agreement 4089 with Abbott & Kindermann
Legistar Item 22-1020 - June 21, 2022 - Approval of Amendment 1 to Agreement 4089, extending the Agreement two years to June 30, 2024

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Planning and Building Department

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

No impact to the General Fund. This Agreement is entirely funded via cost reimbursement agreement with the remaining Specific Plan applicants (Lime Rock Valley, LLC (as successor-in-interest to G3 Enterprises, Inc.), and Marble Valley Company, LLC).

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. Obtain signatures on 2 sets of Amendment 2 to Agreement 4089.
2. Return one fully executed copy to County Counsel, retaining one original for the Clerk's file.

STRATEGIC PLAN COMPONENT

N/A

CONTACT

Kathleen Markham, Sr. Deputy County Counsel