



Legislation Details (With Text)

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Title: Planning and Building Department recommending the Board approve and authorize the Chair to sign the Third Amendment to Agreement 236-S1710 with Ascent Environmental, Inc., extending the term of the contract by an additional six months, with a revised expiration of April 5, 2023, amending Article XII, Independent Contractor/Liability, and increasing the compensation amount by \$400,000 for a total not-to-exceed amount of \$800,000.

FUNDING: Applicant Funded.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - CRS - 447, 2. B - Amendment - 447, 3. C - Original Contract & Amendments - 447, 4. Executed Agreement for Services #236-S1710

Date	Ver.	Action By	Action	Result
6/30/2020	1	Board of Supervisors	Approved	Pass

Planning and Building Department recommending the Board approve and authorize the Chair to sign the Third Amendment to Agreement 236-S1710 with Ascent Environmental, Inc., extending the term of the contract by an additional six months, with a revised expiration of April 5, 2023, amending Article XII, Independent Contractor/Liability, and increasing the compensation amount by \$400,000 for a total not-to-exceed amount of \$800,000.

FUNDING: Applicant Funded.

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).

Pursuant to Agreement for Services #236-S1710, Ascent Environmental Inc. (Ascent) has been in contract with the County to assist the Planning and Building Department in providing on-call planning and environmental services for specific plan projects since October 6, 2016. Services provided by Ascent are fully-funded by the respective Project applicants.

This Third Amendment extends the term of the contract by an additional six months, with a revised expiration of April 5, 2023, amends Article XII, Independent Contractor/Liability, and increases the compensation amount by \$400,000 for a total not-to-exceed amount of \$800,000. The amendment to Article XII, Independent Contractor/Liability, is necessary to address recent Assembly Bill No. 5 legislation. Assembly Bill No. 5 (2019-2020 Reg Session) changed the definition of “independent contractor” for purposes of the Labor Code and the Unemployment Insurance Code by adding Section 2750.3 to the Labor Code.

Ascent is currently assisting the Planning and Building Department in processing several major development applications, including Central El Dorado Hills Specific Plan, Village of Marble Valley Specific Plan, Lime Rock Valley Specific Plan, and Montano De El Dorado Phase 1 and 2 Commercial Development, Dorado Oaks, and Villages at Town Center West Mixed Use Development (Projects). This amendment would allow the Department to finalize the Projects with Ascent's assistance. In addition, the County could rely on Ascent for additional planning and environmental services for current and anticipated development projects on an on-call basis.

ALTERNATIVES

Should the Board decide not to approve this Third Amendment, existing staff would have to absorb the additional work needed to complete the processing of Projects currently in progress. Existing County planning staff is currently fully-tasked. An increased staff workload would cause delays to other applications currently being processed and future development projects as they arise.

In addition, most County staff does not have the environmental and technical expertise in processing these types of complex applications. Ascent's experience in processing a broad range of development applications helps to ensure that the public, staff, the Board and others have the information necessary to evaluate and make decisions regarding the Projects.

PRIOR BOARD ACTION:

On April 25, 2017, (Legistar file 17-0213, Item 19), the Board of Supervisors approved the First Amendment to Agreement for Services #236-S1710, which involved a change in Contract Administrator, increased the total amount of compensation from \$65,400 to \$300,000, and expanded the scope of work to include planning and environmental services for other development project applications.

On September 24, 2019, (Legistar file 19-1355, Item 13), the Board approved the Second Amendment to Agreement for Services #236-S1710. The Second Amendment included changing the Contract Administrator to Rommel (Mel) Pabalinas, Planning Manager, extending the term of the contract by three years to expire on October 5, 2022, and increasing the compensation amount by \$100,000 for a total not-to-exceed amount of \$400,000.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management.

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. No costs are to be incurred by the County. All costs are paid by the project applicant. Funding for this Agreement has been included in the Planning Division's Fiscal Year 2019-20 Professional Services budget, and will be requested in future Fiscal Years.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on two originals of the Third Amendment to Agreement 236-S1710 with Ascent Environmental, Inc.; and
- 2) Clerk of the Board to return one (1) fully executed original of the Third Amendment to Agreement

236-S1710 with Ascent Environmental, Inc. to the Chief Administration 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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