



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 11-0373      **Version:** 6

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

**File created:** 7/29/2014      **In control:** Board of Supervisors

**On agenda:** 9/16/2014      **Final action:** 9/16/2014

**Title:** Community Development Agency, Environmental Management Division, recommending the Board approve and authorize the Chair to sign the Second Amendment to Agreement for Services # 008-A-10/11-BOS (396-S1111), with The Law Offices of Thomas M. Bruen, to provide legal services for a variety of environmental issues, increasing the compensation by \$275,000 for a not-to exceed amount of \$575,000 and extending the term to September 30, 2016.

Funding: CSA #10 - Special Revenue Fund

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 6A - Blue Route 9-16-14, 2. 6B - Second Amendment 9-16-14, 3. Executed Agreement 9-16-14 item 9.pdf, 4. 5A - Blue Route, 5. 5B - Amendment I, 6. A - Blue Route, 7. B - Agreement - FINAL - Consultant Signed, 8. C - Fully Executed Agreement, 9. Fully executed Amend. I Agreement Thomas Bruen.pdf

Date	Ver.	Action By	Action	Result
9/16/2014	6	Board of Supervisors	Approved	Pass
4/9/2013	5	Board of Supervisors	Approved	Pass
4/3/2012	4	Board of Supervisors	Approved	Pass
4/19/2011	2	Board of Supervisors	Approved	Pass

Community Development Agency, Environmental Management Division, recommending the Board approve and authorize the Chair to sign the Second Amendment to Agreement for Services # 008-A-10/11-BOS (396-S1111), with The Law Offices of Thomas M. Bruen, to provide legal services for a variety of environmental issues, increasing the compensation by \$275,000 for a not-to exceed amount of \$575,000 and extending the term to September 30, 2016.

**Funding: CSA #10 - Special Revenue Fund**

<b>BUDGET SUMMARY:</b>	
Total Estimated Cost.....	\$275,000
Budget - Current FY.....	\$200,000
Budget - Future FY.....	\$ 75,000
New Funding.....	\$275,000
Savings.....	
Other.....	

Total Funding Available.....	
Change To Net County Cost.....	\$0.00

**Fiscal Impact/Change to Net County Cost**

Funding is available in the FY 2014-15 CSA #10 budget (\$200,000), and the additional amount will be included in the request for the FY 2015-16 proposed budget (\$75,000). This second amendment will increase the Agreement by an additional \$275,000, for a total not-to-exceed amount of \$575,000.

**Background**

The Community Development Agency, Environmental Management Division (Division) has utilized the legal services from the Law Offices of Thomas M. Bruen (Tom Bruen) for over fifteen (15) years for a variety of legal environmental issues. These services include, but are not limited to, air quality, hazardous waste, liquid waste and solid waste, legal issues relating to naturally occurring asbestos, solid waste ordinance and franchise agreements, solid waste infrastructure, Union Mine Disposal Site, and legal issues pertaining to the Meyers Landfill and the Unites States Forest Service, Department of Agriculture. This Second Amendment to the Agreement will increase the compensation by \$275,000 and change the term from perpetual to a specific expiration date of September 30, 2016.

**Reason for Recommendation**

Pursuant to County Charter Article II, Section 210b(6), it is appropriate to obtain an outside consultant that has specialty skills not expressly identified in County Classifications such as air quality management, legal services relating to solid waste infrastructure, solid, liquid and hazardous waste, asbestos and franchise agreements. Tom Bruen has successfully provided these services to the Division and County Counsel for the past several years. It is more economical and feasible to utilize outside legal services to perform this specialized work. As the Division continues to face litigation or potential litigation matters in these specialty areas, it is essential to the Division and County Counsel to retain these critical legal services to assist with issues such as Meyers Landfill, solid waste contracts, various components of the solid waste management plan, and other issues as they may arise.

**Action(s) to be taken following Board approval**

Board Clerk to provide one set of the fully executed Amendment to the Community Development Agency contracts unit for distribution, encumbrance and administration.

**Contact**

Gerri Silva, M.S., REHS, Director of Environmental Management Division

**Concurrences**

County Counsel and Risk Management