# County of El Dorado

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## Legislation Details (With Text)

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| **File #:** | 20-0444 **Version:** 3 | | |
| **Type:** | Agenda Item | **Status:** | Approved |
| **File created:** | 3/17/2020 | **In control:** | Board of Supervisors |
| **On agenda:** | 6/23/2020 | **Final action:** | 6/23/2020 |

**Title:** Planning and Building Department, Planning Division, recommending the Board approve and authorize the Chair to sign amendments for two (2) Agreements for Services as follows:
1) Amendment V to Agreement for Services 510 with ICF Jones and Stokes, Inc. (ICF), increasing the maximum obligation by $77,880.37 for a total not-to-exceed amount of $653,307.38 to provide direct consultant services to the County for preparation of Environmental Impact Reports and planning consultation services for the Lime Rock Valley Specific Plan Project; extending the term of the Agreement for Services 510 for a further three years; updating the fee schedule and changing the Contract Administrator; and
2) Amendment V to Agreement for Services 516 with ICF, increasing the maximum obligation by $120,939.63 for a total not-to-exceed amount of $716,196.64 to provide direct consultant services to the County for preparation of Environmental Impact Reports and planning consultation services for the Village of Marble Valley Specific Plan Project, extending the term of the Agreement for Services 516 for a further three years; updating the fee schedule and changing the Contract Administrator. (Cont. 5/12/20, Item 14)

FUNDING: 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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Executed Agreement Amendment V 516, 2. Executed Agreement Amendment V 510, 3. 3A - Signed CRS - 510 (LRV), 4. 3B - Amendment V - 510 (LRV), 5. 3C Original Contract & Amendments - 510 (LRV), 6. 3D - Signed CRS -516 (VMV), 7. 3E - Amendment V - 516 (VMV), 8. 3F Original Contract & Amendments - 516, 9. A - Draft CRS - 510 (LRV), 10. A - Revised CRS - 510 (LRV) BOS Rcvd 4-9-20, 11. B - Draft Amendment - 510 (LRV), 12. C - Original Contract & Amendments - 510 (LRV), 13. D - Draft CRS - 516 (VMV), 14. D - Revised CRS - 516 (VMV) BOS Rcvd 4-9-20, 15. E - Draft Amendment - 516 (VMV), 16. E - Revised Amendment - 516 (VMV) BOS Rcvd 4-9-20, 17. F - Original Contract & Amendments - 516 (VMV)

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 6/23/2020 | 3 | Board of Supervisors | Approved | Pass |
| 5/12/2020 | 2 | Board of Supervisors | Continued | Pass |
| 4/14/2020 | 1 | Board of Supervisors | Continued | Pass |

Planning and Building Department, Planning Division, recommending the Board approve and authorize the Chair to sign amendments for two (2) Agreements for Services as follows:
1) Amendment V to Agreement for Services 510 with ICF Jones and Stokes, Inc. (ICF), increasing the maximum obligation by $77,880.37 for a total not-to-exceed amount of $653,307.38 to provide direct consultant services to the County for preparation of Environmental Impact Reports and planning consultation services for the Lime Rock Valley Specific Plan Project; extending the term of the Agreement for Services 510 for a further three years; updating the fee schedule and changing the Contract Administrator; and
2) Amendment V to Agreement for Services 516 with ICF, increasing the maximum obligation by



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$120,939.63 for a total not-to-exceed amount of $716,196.64 to provide direct consultant services to the County for preparation of Environmental Impact Reports and planning consultation services for the Village of Marble Valley Specific Plan Project, extending the term of the Agreement for Services 516 for a further three years; updating the fee schedule and changing the Contract Administrator. (Cont. 5/12/20, Item 14)

**FUNDING**: 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.

**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 (EIR). The County has had Agreements with ICF Jones and Stokes, Inc. (ICF) since 2012 to prepare EIRs for the proposed Lime Rock Valley Specific Plan Project (LRV) and Village of Marble Valley Specific Plan (VMV). Services provided by ICF are fully funded by the respective Project applicants.

The information in these EIRs will help the public, the Board, staff, and others evaluate and make decisions regarding the application. Processing the application and preparing the EIRs does not represent a commitment that the proposed Project, or any portion of the application, will be approved by the Board.

The Department is requesting budget augmentations and term extensions for Agreement for Services No. 510/ (LRV) (formerly 267-S1311) and Agreement for Services No. 516/ (VMV) (formerly 268-S1311) with ICF. Based on delays to the project schedule and changes in air quality regulations and models, additional budget and term extensions will be required to complete the draft environmental and planning documents. Additional task requirements are described below.

Air Quality (AQ)/Greenhouse Gas (GHG)

During the extended timeframe both projects have been in process, AQ and GHG regulations, guidance, and models have been revised and updated, primarily as a result of new CEQA case law. The AQ and GHG chapters for the public draft Environmental Impact Report (EIR) have remaining tasks to be completed. In addition, it will be necessary to revise analysis and update references throughout the document.

Public Comments & Final EIR

Based on experience with the Central El Dorado Hills Specific Plan (CEDH) EIR, ICF has increased the hours required to respond to public comments and prepare the Final EIR.

Public Meetings & Notice of Determination

Consultant hours have increased based upon experience with the CEDH Specific Plan.

**ALTERNATIVES:**

CEQA and Chapter 5.3 (A) of County Resolution 61-87 allow applicants to retain a consultant to prepare and submit an EIR to the County. Should the Board decide not to approve amendments to the Agreement, staff anticipates the applicant would retain a consultant to complete preparation of the EIR and submit it to the County. If this were to happen, the County would no longer be as directly involved in the oversight of the EIR preparation.

Staff believes it is in the County's best interest to remain in control of this process to ensure that the County's and public's interests are directly represented throughout the EIR preparation



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process, and to maintain maximum control over the content and analysis in the EIR. There is no cost to the County under any scenario; all costs are paid by the project applicant whether or not the amendments are approved.

Costs were formerly paid by the applicants through Funding Agreements. Consultants are now paid on a Time-and-Materials basis.

**PRIOR BOARD ACTION:**

On November 13, 2012, Item number 8, the Board approved Agreements for Services with ICF and Michael Baker International (MBI) (formerly Pacific Mutual Consultants) for three (3) proposed Specific Plans: Central El Dorado Hills, Village of Marble Valley (VMV), and Lime Rock Valley (LRV). The Agreements provide direct consultant services to the County for preparation of EIRs (ICF) and planning consultation services (MBI), to be fully funded by the respective applicants: Serrano Associates, LLC; Marble Valley, LLC; and G3 Enterprise, LLC. Consultants began work on November 19, 2012.

On March 11, 2014, item number 5, the Board approved Amendment I to Agreement for Services No. 267-S1311/ LRV, authorizing additional funding to accommodate extended project schedules and additional work needed to complete the processing of the application. .

On March 11, 2014, item number 8, the Board approved Amendment I to Agreement for Services No. 268-S1311/ VMV, authorizing additional funding to accommodate extended project schedules and additional work needed to complete processing of the application.

On July 22, 2014, item number 5, the Board approved Amendment II to Agreement for Services No. 267-S1311/ LRV, authorizing an amendment to Exhibit C, the Fee Schedule.

On July 22, 2014, item number 6, the Board approved Amendment II to Agreement for Services No. 268-S1311/ VMV, authorizing an amendment to Exhibit C, the Fee Schedule.

On January 23, 2015, $65,567.36 was transferred from Task 1, Task 3, and Tasks 5 through 7 to Task 4 to enable ICF to complete the Draft EIR (DEIR). Amendment III to Agreement for Services No. 267-S1311/ LRV was necessary to replenish the budgets for Task 1 and Task 3, and Tasks 5 through 7, and to provide additional services described in Attachment 4A.

On January 23, 2015, $77,280.23 was transferred from Task 1 and Tasks 3 through 8 to Task 4 to enable ICF to complete the Draft EIR (DEIR). Amendment III to Agreement for Services No. 268-S1311/ VMV was necessary to replenish the budgets for Task 1 and Tasks 3 through 8, and to provide additional services described in Attachment 4A.

On April 14, 2015, item number 9, the Board approved Amendment III to Agreement for Services No. 267-S1311/ LRV with ICF Jones & Stokes, Inc., increasing the maximum obligation by $103,774 for a total not-to-exceed amount of $463,081 to provide direct consultant services to the County for preparation of EIRs and planning consultation services.

On April 14, 2015, item number 10, the Board approved Amendment III to Agreement for Services No. 268-S1311/ VMV with ICF Jones and Stokes, Inc., increasing the maximum obligation by $111,321 for a total not-to-exceed amount of $482,917 to provide direct consultant services to the County for preparation of EIRs and planning consultation services.

On January 28, 2016 through a reallocation, $15,340 was transferred from Task 6 to Tasks 4 and 10 to enable ICF to address the GHG analysis described below and to provide for additional direct expenses. Amendment IV to Agreement for Services No. 267-S1311/ LRV was approved by the board on March 8, 2016 to replenish the budget for Task 6 and to provide additional funding to address GHG concerns.

On January 28, 2016, $17,440 was transferred from Tasks 5 and 6 to Tasks 4 and 10 to enable ICF to address the GHG analysis described below and to provide for additional direct expenses. Amendment IV to Agreement for Services No. 268-S1311/ VMV was approved by the Board on

March 8, 2016 to replenish the budget for Tasks 5 and 6 and to provide additional funding to address GHG concerns.

**OTHER DEPARTMENT/AGENCY INVOLVEMENT:**
County Counsel and Risk Management have approved these Amendments.

**CAO RECOMMENDATION:**
It is recommended that the Board approve this item.

**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 included in future Fiscal Years.

**CLERK OF THE BOARD FOLLOW UP ACTIONS:**
1) The Clerk will obtain the Chair's signature on two (2) originals of Amendment V to Agreement for Services No. 510 with ICF; and
2) The Clerk will return one (1) fully executed original of Amendment V to Agreement for Services No. 510 to the Chief Administration Office, Procurement and Contracts Division for further processing. ; and
3) The Clerk will obtain the Chair's signature on two (2) originals of Amendment IV to Agreement for Services No. 516 with ICF; and
4) The Clerk will return one (1) fully executed original of Amendment IV to Agreement for Services No. 516 to the Chief Administration Office, Procurement and Contracts Division for further processing. .

**STRATEGIC PLAN COMPONENT:**
Good Governance. This ICF Agreement provides a complete assessment of the best available information, with the goal of reaching well informed decisions.

**CONTACT:**
Tiffany Schmid, Director,
Planning and Building Department