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County of El Dorado

Legislation Details (With Text)

File #:	20-1071 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	8/10/2020	**In control:**	Board of Supervisors
On agenda:	9/29/2020	**Final action:**	9/29/2020
Title:	Department of Transportation recommending the Board approve and authorize the Chair to sign Amendment 9 to Subdivision Improvement Agreement 06-1060 for Silver Springs - Unit 1, TM 97-1330, with Silver Springs El Dorado County, Inc., extending the performance period to September 24, 2021. FUNDING: Developer Funded.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Approved CRS, 2. B - Amendment 9 to AGMT 06-1060, 3. C - AGMT 06-1060 and Amendments 1-7, 4. D - Amendment 8 to AGMT 06-1060, 5. Executed Agreement 06-1060		

Date	Ver.	Action By	Action	Result
9/29/2020	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign Amendment 9 to Subdivision Improvement Agreement 06-1060 for Silver Springs - Unit 1, TM 97-1330, with Silver Springs El Dorado County, Inc., extending the performance period to September 24, 2021.

FUNDING: Developer Funded.

DISCUSSION / BACKGROUND

On September 26, 2006 (Item 15), the Board approved the Subdivision Improvement Agreement (SIA) and Final Map for the development known as Silver Springs, Unit I. The SIA required completion of all subdivision improvements no later than September 26, 2008. On July 17, 2007 (Item 19), the Board of Supervisors approved the First Amendment to the SIA which allowed the Owner to substitute the original performance and labor and materialmens bonds with bonds issued by a different surety. The original bonds were released at that time.

Subsequently, the Owner requested a one-year time extension to the required completion date. As one of several complex and interrelated agreements for the Silver Springs development and pursuant to authority granted by the Board of Supervisors, the Director of Transportation granted the time extension to September 26, 2009. Transportation, however, did not thereafter process a written amendment to the agreement.

On April 6, 2010 (Item 25), the Board of Supervisors approved the Second Amendment to the SIA which allowed the Owner a second one-year time extension to the required completion date of September 26, 2010.

On September 25, 2012 (Item 34), the Board of Supervisors approved the Third Amendment to the

SIA which allowed the Owner an extension to the required completion date of September 26, 2013. This Amendment was included with five other Silver Springs related agreements.

On November 5, 2013 (Item 17), the Board of Supervisors approved the Fourth Amendment to the SIA which allowed the Owner an extension to the required completion date of September 24, 2014.

On September 16, 2014 (Item 12), the Board of Supervisors approved the Fifth Amendment to the SIA which allowed the Owner an extension to the required completion date of September 24, 2015.

On October 13, 2015 (Item 10) the Board of Supervisors approved the Sixth Amendment to the SIA which allowed the Owner an extension to the required completion date of September 24, 2016.

On January 12, 2016 (Item 25), the Board of Supervisors adopted Resolution 012-2016 approving the performance period extension of agreements with a performance period expiration date in the 2016 calendar year. Resolution 012-2016 authorized staff to process the SIA performance period extensions without having to bring each amendment before the Board. Amendment 7 to Agreement 06-1060 for Silver Springs - Unit 1 extending the performance period to September 24, 2017 was processed under this authority.

On February 26, 2019 (Item 16) the Board of Supervisors approved the Eighth Amendment to the SIA, changing the Owner to Silver Springs El Dorado County, Inc. (Successor Owner) and extending the performance period to September 26, 2020.

Resolution 96-95 authorizes the Department of Transportation (Transportation) director to sign a one-time, twelve (12) month extension of improvement agreement performance periods. Subsequent extensions must be approved by the Board.

Due to changes in ownership and resultant changes to the plans and cost estimate, there have been delays in the completion of the project and the Successor Owner has requested a one year extension of the performance period to September 24, 2021. The construction of this subdivision is substantially complete; however, the Developer needs to be within the performance period of the agreement in order to complete any remaining items and finalize the project. Transportation requires a valid performance period at project completion.

ALTERNATIVES
N/A

PRIOR BOARD ACTION
See Discussion / Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT
County Counsel

CAO RECOMMENDATION
Approve as recommended.

FINANCIAL IMPACT
There is no fiscal impact or change to Net County Cost associated with this Board action.

CLERK OF THE BOARD FOLLOW UP ACTIONS

1) The Clerk of the Board will obtain the Chair's signature on the two (2) originals of the Amendment with Silver Springs El Dorado County, Inc.

2) The Clerk of the Board will return one (1) signed original Amendment to Chief Administrative Office, Procurement and Contracts Division, attention Tara Baird, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation