



## Legislation Details (With Text)

**File #:** 20-1272 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 9/21/2020 **In control:** Board of Supervisors  
**On agenda:** 10/20/2020 **Final action:** 10/20/2020  
**Title:** Planning and Building Department, Planning Services Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign the First Amendment to Agreement for Services 3802 with Dudek for on-call land use planning, extending the term of the contract by three years with a revised expiration of June 25, 2025, amending Article XII, Independent Contractor/Liability, and increasing the compensation by \$250,000 for a total not-to-exceed amount of \$400,000.

**FUNDING:** General Fund / Reimbursed by Developer Funds.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - CRS 3802 AMD I, 2. B - PE Amendment I, 3. C - 3802 Original AGMT, 4. Executed Agreement 3802

Date	Ver.	Action By	Action	Result
10/20/2020	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Services Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign the First Amendment to Agreement for Services 3802 with Dudek for on-call land use planning, extending the term of the contract by three years with a revised expiration of June 25, 2025, amending Article XII, Independent Contractor/Liability, and increasing the compensation by \$250,000 for a total not-to-exceed amount of \$400,000.

**FUNDING:** General Fund / Reimbursed by Developer Funds.

### DISCUSSION / BACKGROUND

On June 25, 2019 the Board approved Agreement for Services 3802 with Dudek for on-call land use planning services. At this time it has been determined by staff there will be additional need for supplemental staff and assistance with current planning activities, including environmental review, community outreach, meeting facilitation, application processing and other land use entitlement services as new development proposals are processed by the County.

This first amendment extends the term of the contract by three years with a revised expiration of June 25, 2025, amends Article XIII, Independent Contractor/Liability, and increases the compensation by \$250,000 for a total not-to-exceed amount of \$400,000. The Amendment to Article XII, Independent Contractor/Liability, is necessary to address 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.

Dudek is currently assisting the Planning and Building Department on a number of development projects including providing California Environmental Quality Act analysis and staff support expected

to continue beyond the initial term of the contract. This amendment would allow the Department to finalize the projects with Dudek's assistance. In addition, the County could rely on Dudek 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 First 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.

### **PRIOR BOARD ACTION**

On June 25, 2019, (Legistar Number 19-0461, Item No. 33), the Board approved Agreement for Services 3802 with Dudek for on-call land use planning services, with an amount not to exceed \$150,000 for a term of three years.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement and Contracts, County Counsel, Risk Management

### **CAO RECOMMENDATION / COMMENTS**

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 project applicants. Sufficient appropriations, with offsetting revenue from the applicants, for this Agreement has been included in the Planning Division's Fiscal Year 2020 -21 Professional Services budget, and will be requested in future Fiscal Years.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board to obtain the Chair's signature on two (2) originals for First Amendment to Agreement No. 3802 with Dudek; and
- 2) The Clerk of the Board to return one (1) fully executed Original of the Amendment to the Chief Administrative 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**

Tiffany Schmid, Director  
Planning and Building Department