



## Legislation Details (With Text)

**File #:** 21-0617      **Version:** 1

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

**File created:** 4/8/2021      **In control:** Board of Supervisors

**On agenda:** 5/4/2021      **Final action:** 5/4/2021

**Title:** Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment 1 to Agreement 3506 with Goodwin Consulting Group, Inc., for the provision of services for peer reviews of Fiscal Impact Analysis (FIA) and Public Facilities Financing Plans (PFFP) for various development projects, extending the term of the Agreement by three (3) years with a revised expiration of March 6, 2025, increasing the compensation by \$335,000 for a total not-to-exceed amount of \$400,000, updating Exhibit B to reflect 2021 rates, and other minor administrative changes as needed.

**FUNDING:** Non-General Fund / Developer Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Signed CRS, 2. B - Amendment I, 3. C - Original Contract, 4. Executed Agreement 3506

Date	Ver.	Action By	Action	Result
5/4/2021	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment 1 to Agreement 3506 with Goodwin Consulting Group, Inc., for the provision of services for peer reviews of Fiscal Impact Analysis (FIA) and Public Facilities Financing Plans (PFFP) for various development projects, extending the term of the Agreement by three (3) years with a revised expiration of March 6, 2025, increasing the compensation by \$335,000 for a total not-to-exceed amount of \$400,000, updating Exhibit B to reflect 2021 rates, and other minor administrative changes as needed.

**FUNDING:** Non-General Fund / Developer Funded.

### DISCUSSION / BACKGROUND

On March 6, 2019, the Planning and Building Department (Planning and Building) entered into Agreement 3506 (Agreement) with Goodwin Consulting Group, Inc. (Goodwin) to conduct peer reviews of FIAs and PFFPs for various applicant funded development projects. Based on current and anticipated development projects, staff have determined that there is an additional need for Goodwin to continue to provide these services for peer reviews of FIAs and PFFPs beyond the services and projects included in Agreement 3506. As such, Planning and Building is recommending the Board approve the proposed Amendment 1 to extend the term of the Agreement for an additional three (3) years and increase the not-to-exceed amount to \$400,000. Rates have not increased since the original agreement was executed in 2018, and as such are increasing by a range of 10% to 19% depending on the . These 2021 rates will remain in place for the rest of the term of the agreement under this amendment, unless another amendment was considered in the future. Additionally, in light of Assembly Bill No. 5 (2019-2020 Reg Session), the proposed Amendment 1 also adds language to memorialize the independent contractor relationship created through the Agreement.

Goodwin is currently conducting peer reviews of FIA and/or PFFPs for Planning and Building on a number of projects including, but not limited to, Village of Marble Valley, Lime Rock Valley, Creekside Village, Heritage at Carson Creek, and Dorado Oaks. There have been three Task Orders issued under the current agreement for a total of \$55,000. This proposed Amendment 1 will allow the County to rely on Goodwin to continue their work on current and future development projects.

Policy 10.2.1.5 of the Economic Development Element of the General Plan states a public facilities and services financing plan that assures that costs burdens of any civic, public, and community facilities, infrastructure, ongoing services, including operations and maintenance necessitated by a development proposal are adequately financed to assure no net cost burden to existing residents may be required for Specific Plans and residential projects located within a Community Region or Rural Center which exceeds 50 units. The additional projects and peer review services contemplated under this proposed Amendment 1 are consistent with Policy 10.2.1.5 and include, but are not limited, to the following:

- Peer reviews of FIAs and PFFPs to provide County with an independent and impartial analysis;
- Review Development Agreements for projects to evaluate whether the agreement would result in funding shortfalls, infrastructure delays, and fiscal deficits for the county;
- Prepare memorandums and analyses that summarize the findings of their peer review;
- Review and comment on revisions made to FIAs and PFFPs to ensure identified risks have been mitigated to the maximum extent possible, and financing burdens are viable and competitive in the marketplace;
- Assist in developing and updating FIA and PFFP related policies and guidelines as necessary for the County;
- Answer questions about the application of particular financing mechanisms and analyze developer proposals; and
- Attend meetings with County staff, conduct workshops, participate in conference calls, and be available as needed to answer questions, discuss alternatives, summarize findings and recommendations, and generally assist in the implementation of fiscal analysis for new development proposals within County.

These tasks allow the County to receive a thorough and impartial review and evaluation of FIAs, PFFPs, and Development Agreements.

In accordance with Chapter 3.13.130 of County Ordinance Code, Planning and Building is recommending the Board concur that the aforementioned services provided by Goodwin are more economical and feasible by engaging an independent consultant as Planning staff are currently fully-tasked. Additionally, these peer review services require specialty skills and qualifications not available with current staffing. This proposed Amendment 1 will allow current and new tasks to be completed in a timely manner.

## **ALTERNATIVES**

The Board may choose to not approve this proposed Amendment 1. This would result in Planning staff needing to absorb the additional work necessary to complete these services for future anticipated projects. Planning staff are currently fully tasked, and an increase to staff's workloads would result in significant delays for other applications currently being processed and future development projects as they arise.

**PRIOR BOARD ACTION**

N/A

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have approved the proposed Amendment 1.

**CAO RECOMMENDATION**

Approve as recommended.

**FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. Funding for this Agreement, as amended, is provided by the project applicants. No costs are to be incurred by the County. Appropriations for these services, with offsetting revenue from the project applicants, has been included in the Fiscal Year 2020-21 budget request, and will be included in subsequent years' recommended budgets to cover the extended term of the Agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment 1.
- 2) The Clerk of the Board will forward one (1) fully executed copy of Amendment 1 to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

**STRATEGIC PLAN COMPONENT**

Good Governance: Implement measures that improve system-wide process and departmental collaboration.

**CONTACT**

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Planning and Building Department