



## Legislation Details (With Text)

**File #:** 22-0711      **Version:** 1

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

**File created:** 4/11/2022      **In control:** Board of Supervisors

**On agenda:** 6/28/2022      **Final action:** 6/28/2022

**Title:** Planning and Building Department, Tahoe Planning, Stormwater, and VHR Division, recommending the Board consider the following:

- 1) In accordance with Chapter 3.13, section 3.13.030 of County Ordinance Code, Contracting Out, find that specialty skills and qualifications not expressly identified in County classifications are required for the performance of this work;
- 2) Approve and authorize the Chair to sign Agreement 6598 with the Tahoe Resource Conservation District for the provision of stormwater compliance monitoring services in the Lake Tahoe area, with a not-to-exceed amount of \$250,133 and a term of five (5) years; and
- 3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 6598, including amendments which do not increase the not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** General Fund (50%) and Public Utility Franchise Fees (50%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - TRCD Agreement 6598, 3. Executed TRCD Agreement 6598

Date	Ver.	Action By	Action	Result
6/28/2022	1	Board of Supervisors	Approved	Pass

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- 3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 6598, including amendments which do not increase the not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** General Fund (50%) and Public Utility Franchise Fees (50%).

### DISCUSSION / BACKGROUND

Under the County's Lake Tahoe Municipal National Pollutant Discharge Elimination System (NPDES) Permit No. CAG616001 issued by the Lahontan Regional Water Quality Control Board, the County is required to perform storm water quality compliance monitoring and reporting in the Lake Tahoe Basin in order to fulfill regulatory requirements.

Beginning in 2013, the Planning and Building Department (Department) has utilized the Tahoe Resource Conservation District (TRCD) to provide these stormwater monitoring and reporting services as part of a multi-jurisdictional effort, with the cost of the lake-wide monitoring services split equally between the County and the other six (6) participating jurisdictions. These six jurisdictions include the City of South Lake Tahoe, Placer County, Caltrans, Douglas County, Washoe County, and the Nevada Department of Transportation. As part of this collective effort, each jurisdiction entered into separate agreements with TRCD for the performance of these services. The current agreement with TRCD is set to expire on June 30, 2022. In order to continue these services and maintain compliance with the NPDES Permit without a lapse in service, the Department is proposing to enter into Agreement 6598 with TRCD with an effective date of July 1, 2022.

Under the proposed Agreement, TRCD's stormwater monitoring and reporting services include, but are not limited to, the following activities for the duration of the Agreement.

- Monitoring stormwater runoff at a minimum of six (6) catchment outfall sites and two (2) BMP sites around Lake Tahoe;
- Completing annual stormwater monitoring reports to submit to applicable regulatory agencies;
- Utilizing subconsultants to analyze samples and provide results; and
- Evaluating the success of the project through successfully meeting all applicable permitting requirements.

As these services will continue to be required in order to maintain regulatory compliance, the Department is recommending the Board approve the proposed Agreement as these services require specialized equipment, expertise, and analysis not available through County staff. In accordance with the County's Procurement Policy, section 7.11 Contracts Over \$100,000, the Department formed an evaluation committee to analyze the continuation of these services with TRCD, which included a review of TRCD's scope of work, qualifications, and previous experience with the County. As this is a multi-jurisdictional effort, it is not possible for the County to conduct the standard competitive selection process.

## **ALTERNATIVES**

The Board may choose not to approve the proposed Agreement; however, this would result in the County being out of compliance with its water quality monitoring requirements outlined in the Lake Tahoe Municipal NPDES Permit.

## **PRIOR BOARD ACTION**

The Board has previously approved the following items related to the current agreement with TRCD, which expires on June 30, 2022.

- December 18, 2018 (File No. 18-1863, Item No. 24) - Approved Amendment II
- October 22, 2019 (File No. 19-1449, Item No. 24) - Approved Amendment III
- December 14, 2021 (File No. 21-1865, Item No. 34) - Approved Amendment IV

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have approved the proposed Agreement.

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. Funding for these services has been included in the Department's Fiscal Year 2022-23 requested budget. Funding for services beyond Fiscal Year 2022-23 will be included in subsequent years' budgets accordingly.

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

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

### **STRATEGIC PLAN COMPONENT**

Good Governance: The continuation of these services will allow for the County and other partnering jurisdictions to approach this large and complex project as a single effort in order to both maintain permitting compliance and long term sustainability for the Lake Tahoe Basin.

### **CONTACT**

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Planning and Building Department