



## Legislation Details (With Text)

**File #:** 22-1759      **Version:** 1

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

**File created:** 9/20/2022      **In control:** Board of Supervisors

**On agenda:** 12/6/2022      **Final action:** 12/6/2022

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

1) Approve and authorize the Chair to sign Amendment 1 to Agreement 4600 with Helix Environmental Planning Inc. for as-needed assistance with Commercial Cannabis current planning activities, including project management and analysis, permit entitlement, and California Environmental Quality Act (CEQA) compliance services, increasing the compensation amount by \$200,000 for a not-to-exceed amount of \$400,000, adding a revised Fee Schedule, and extending the term of the Agreement by three (3) years for a revised expiration date of December 9, 2025, with no changes to the scope of work; and

2) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 4600, including amendments which do not increase not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** Applicant/Developer Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Amendment 1 to Helix Agreement 4600 - PE, 3. C - Helix Agreement 4600 - FE, 4. Executed Amendment 1 to Helix Agreement 4600

Date	Ver.	Action By	Action	Result
12/6/2022	1	Board of Supervisors	Approved	Pass

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1) Approve and authorize the Chair to sign Amendment 1 to Agreement 4600 with Helix Environmental Planning Inc. for as-needed assistance with Commercial Cannabis current planning activities, including project management and analysis, permit entitlement, and California Environmental Quality Act (CEQA) compliance services, increasing the compensation amount by \$200,000 for a not-to-exceed amount of \$400,000, adding a revised Fee Schedule, and extending the term of the Agreement by three (3) years for a revised expiration date of December 9, 2025, with no changes to the scope of work; and

2) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 4600, including amendments which do not increase not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** Applicant/Developer Funded.

### DISCUSSION / BACKGROUND

On July 17, 2018, the County placed five (5) ballot measures on the ballot for the November 2018

election, which enabled voters to decide whether to allow different aspects of Commercial Cannabis and its taxation. The ballot measures named Measure N (taxation, permitting and enforcement of commercial cannabis), Measure P (commercial outdoor and mixed-light cultivation of cannabis for medicinal use), Measure Q (commercial outdoor and mixed-light cultivation of cannabis for recreational adult use), Measure R (retail sale, commercial distribution, and commercial indoor cultivation of cannabis for medicinal use), and Measure S (retail sale, commercial distribution, and commercial indoor cultivation of cannabis for recreational adult use) were passed by the voters. In response to the approved measures, County staff began studying various Commercial Cannabis permitting processes and found that many jurisdictions with efficient and effective permitting programs used a project management services firm.

In June of 2019, the Chief Administrative Office, Procurement and Contracts Division, issued Request for Proposals (RFP) for Commercial Cannabis Consulting Services. In accordance with the County's Procurement Policy C-17, Section 7.9, Request for Proposal, proposals received by the advertised deadline were reviewed to make sure all the minimum, mandatory and administrative requirements of the RFP were met. There were five (5) qualified responses and representatives from the Planning and Building Department, Agriculture, Weights & Measures Department, and the Chief Administrative Office evaluated the responses and selected Helix Environmental Planning Inc. (Helix) as the most qualified proposer.

On December 10, 2019 (File No. 19-1549, Item No. 35), the Board approved Agreement 4600 with Helix for On-call Land Use Planning Services to assist the Planning and Building Department (Department) with land use planning activities, including project management and analysis, permit entitlement, and California Environmental Quality Act (CEQA) compliance services for Commercial Cannabis projects, with a not-to-exceed amount of \$200,000, and a term of three (3) years.

Based on the ongoing need for consultant services to review prospective Commercial Cannabis projects, staff are recommending that the Board consider and approve an amendment to this Agreement. This proposed Amendment 1 increases the compensation amount by \$200,000, for a total not-to-exceed amount of \$400,000, adds a revised Fee Schedule (Amended Exhibit B) and extends the term of the Agreement by an additional three (3) years with a revised expiration date of December 9, 2025. This proposed Amendment I also includes other minor administrative changes; however, there is no change to the scope of work. This Amendment will allow for the continuation of on-call project management services for Commercial Cannabis projects that require specific technical skills and have sensitive timeframes and schedules.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made throughout the Agreement. These changes included: updating the Notice to Parties Article to update the County's notice recipients; updating the Contract Administrator Article to update the County's Contract Administrator; replacing the articles for Confidentiality, Independent Contractor, Default, Termination, and Cancellation, Indemnity, Conflict of Interest, and Nondiscrimination in their entirety to address recent changes in state law and revised standard County contract language. Similarly, three (3) new articles, Force Majeure, Waiver, and Electronic Signatures were added to for the same purpose.

## **ALTERNATIVES**

The Board may choose not to approve this proposed Amendment; however, this would require that

existing staff absorb the additional work needed to complete the processing of projects currently in progress. Existing planning staff are currently fully-tasked and an increased staff workload would result in delays to current and future projects.

In addition, current Planning staff do not have the environmental and technical expertise in processing these Commercial Cannabis applications. Helix's experience in processing a broad range of development applications helps to ensure that the public, staff, the Board, and other stakeholders have the information necessary to evaluate and make decisions regarding the projects.

#### **PRIOR BOARD ACTION**

See Discussion/Background above.

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

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

#### **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 budget, and funding for these services beyond Fiscal Year 2022-23 will be included in subsequent budgets accordingly.

#### **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; and
- 2) The Clerk of the Board will forward one (1) fully-executed original of Amendment 1 to the Chief Administration 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**

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