



Legislation Text

File #: 19-0792, **Version:** 1

County Counsel recommending the Board authorize the Chair to sign an Agreement for Legal Services between El Dorado County and Abbott & Kindermann, Inc. for legal services pertaining to EIR review and CEQA compliance for various specific plans (Lime Rock Valley Specific Plan SP12-0001 (G3 Enterprises, Inc.), Central El Dorado Hills Specific Plan SP12-0002 (Serrano Associates, LLC), Village of Marble Valley Specific Plan SP12-0003 (Marble Valley Company, LLC) (collectively referred to herein as the "Specific Plans"), Agreement Number 4089. The term of the agreement is for 3 years beginning July 1, 2019 and ending June 30, 2022, and shall not exceed \$150,000.

FUNDING: Applicant funded (G3 Enterprises, Inc., Serrano Associates, LLC, and Marble Valley Company, LLC).

DISCUSSION / BACKGROUND

On June 26, 2012 the Board approved an agreement with Abbott and Kindermann, LLP (Agreement #621-S1211) for legal services associated with the preparation of and defense of General Plan Amendments, the comprehensive zoning ordinance update, and the update to the travel demand model. The Agreement was amended a first time to further specify the term of the Agreement (Amendment 1), amended a second time to add to the scope of work related to various specific plans (Amendment 2), amended a third time to clarify the funding sources for work related to the general plan update and work related to the specific plans (Amendment 3) and amended a fourth time to add a "not to exceed" amount, amend the term of the agreement, and to add a new Section 19, Assignment of Agreement (Amendment 4) (Agreement #621-S1211 and all the amendments are collectively referred to as the Original Agreement). Since the Original Agreement is set to expire by its terms on June 30, 2019 and the only remaining continuing work on the agreement is related solely to the specific plans, rather than doing an amendment 5 to the Original Agreement, County Counsel is recommending that the County enter into a new contract with Abbott & Kindermann with a scope of work specifically for legal services related to the specific plans. This will alleviate confusion that can be caused by multiple amendments to an agreement.

The term of the agreement is for 3 years beginning July 1, 2019 and ending June 30, 2022, unless earlier terminated by the parties. The three rate schedules, Exhibits A-1, A-2 and A-3, establish the operative rates for FY 19-20, FY 20-21 and FY 21-22. The attorney and staff rates will automatically increase over the three fiscal years in accordance with the operative rate schedule. All costs associated with this agreement will be paid by the aforementioned project applicants through funding agreements with the County.

Abbott & Kindermann, Inc. is a law firm that specializes in land use and CEQA matters. William Abbott is a recognized expert in the field of California land use law. The firm is highly qualified to assist the County with CEQA compliance for various specific plan applications.

ALTERNATIVES

The Board could choose not to sign the agreement and the services would end June 30, 2019.

PRIOR BOARD ACTION

On June 26, 2012 the Board approved item 12-0793, an agreement with Abbott and Kindermann, LLP (Agreement #621-S1211) for legal services associated with the preparation of and defense of General Plan Amendments, the comprehensive zoning ordinance update, and the update to the travel demand model. The Agreement was amended four times 8/21/2012, 7/14/2015, 10/11/2016, 11/15/2016.

The Board approved applicant Funding Agreements with G3 Enterprises, Inc., Serrano Associates, LLC, and Marble Valley Company, LLC whereby the applicants agreed to fund the cost of County planning services, including costs incurred in the preparation of EIRs for the Specific Plans. Legistar files 12-1352, 12-1354 and 12-1370.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Community Development Agency, Long Range Planning

CAO RECOMMENDATION / COMMENTS

Approve and authorize the Chair to sign Agreement.

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 the project applicant.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Following Board approval, the Board Clerk will forward 3 fully executed originals of the Agreement to County Counsel for distribution and administration.

STRATEGIC PLAN COMPONENT

Economic Development

CONTACT

Kathleen A. Markham