

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

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TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning and Development Department

STAFF CONTACT: Steve Mason, Administration Deputy Director 568-2070

SUBJECT: Receive a Report on the Maintenance of the Specialty Consultants List

Recommendation:

That the Board of Supervisors receive a report on the maintenance of the Specialty Consultants List for the Planning and Development Department.

Alignment with Board Strategic Plan: The recommendations are primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community; Goal No. 4, A Community that is Economically Vital and Sustainable; Goal No. 5, A High Quality of Life for All Residents; and Goal No. 6, A County Government that is Accessible, Open, and Citizen-Friendly.

Executive Summary and Discussion: The Planning and Development Department (P&D) maintains a list of specialty consultants who are qualified by issue area (biology, archaeology, noise, etc.) to complete special studies for development and planning projects. As part of our ongoing Continuous Improvement Program we have updated our specialty consultant list procedures.

These procedure changes provide clear steps for staff to follow when: qualifying consultants for placement on the list, removing consultants from the list, updating consultant qualifications, and managing contracts. In addition, the procedures provide for regular updates of the lists and clarify what constitutes a conflict of interest. This report briefly describes the procedures for staff, consultants, and permit applicants.

The following features, summarized below, are described in detail in this new procedure, which is attached as Exhibit A.

- Qualifications: Consultant qualifications are based on industry or scientific standards. For each specialty area, education, experience, licensing and other professional requirements are listed. These qualifications are evaluated prior to placement on the list.
- Additions to the List: Annually, P&D will review the qualifications of consultants requesting placement on the list over the past year, and make additions to the list as appropriate.
- Maintenance of the List: Annually, consultants will certify their qualifications to P&D. This will ensure that P&D's specialty consultant list has firms and individuals that are qualified and interested in working with Santa Barbara County. Every three years, P&D will require that consultants on the list be recertified by submitting updated qualifications.
- Conflicts of Interest and Status as a Qualified Consultant:
 - Work may not be performed where a conflict of interest exists. *The term conflict of interest means that a relationship exists whereby the consultant has interests which may diminish the capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product or may result in an unfair competitive advantage. Consultants with broad based conflict of interest will not be considered for placement on the list.*
 - Consultants on the list are not county employees and may not use their status on the list for any purpose without prior written consent of the Director of P&D.
- Removal from the List: Firms or individuals will be removed from the list under the following circumstances:
 - Misrepresentation of facts; or
 - Failure to follow County guidelines on two or more projects after being notified of inadequacies; or
 - Omitting relevant information on more than one occasion; or
 - Not disclosing a conflict of interest; or
 - Using status on list without prior written consent of the Director of P&D.
- Contracting for Specialty Services: P&D provides for several models for providing specialty consulting services on projects, allowing applicants with flexibility on their project.

- *Applicant Directed Contract with Consultant not on County's List-* An applicant may hire a consultant who is not on P&D's specialty consultant list to perform the necessary studies on the proposed project. However, reports submitted from consultants not on our list will be peer reviewed by one of the qualified consultants on our list. The cost of such peer review will be paid by the applicant.
- *Applicant Directed Contract with County Approved Consultant-* Applicant may hire his/her own consultant from P&D's Specialty Consultant List to perform the required study and submit a final report to P&D. Under this option, the applicant manages his/her contract with the consultant privately. Reports submitted under this option will not be peer reviewed unless there are clear inadequacies in the report. If the project manager and his/her supervisor agree that there are clear inadequacies, the report will be peer reviewed by another qualified consultant from the list and the applicant will be charged for the peer review.
- *P&D Managed Contract-* Applicant may choose a consultant from P&D's Specialty Consultant List and fund the costs directly through P&D. P&D will manage the contract. Since this type of contract is managed by our department, the consultant will be deemed to be working for P&D, therefore, no peer review is necessary. Where there is adequate in-house expertise on a particular specialty, the in-house expert will only review the report for adequacy of the methodology used in the report. In-house experts will not be asked to peer review the report or to replicate work conducted by a qualified consultant.

The update of P&D's qualified consultant procedures is presented to your Board as part of our ongoing process improvement program. We will immediately advise consultants of the new procedures and implement these procedures in June, with an updated list available by July 1st.

Mandates and Service Levels: This work is not mandated. It will increase service levels to applicants, other departments and County residents.

Fiscal and Facilities Impacts: Funding for this work is provided in the Planning Support Services program on page D-290 of the adopted 2005-06 Fiscal Year budget.

Special Instructions: None

Concurrence: None