

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Development Review Staff
Comprehensive Planning Staff
Energy Staff
Managers

FROM: Steve Mason, Administration Deputy Director

DATE: ~~May 1, 2002~~; REVISED March 23, 2006

RE: Revised Procedures for Maintenance and Use of Specialty Consultants Lists

In May 2002, P&D implemented a procedure for the maintenance of a Specialty Consultants List. P&D maintains a list of consultants, qualified by issue area to complete special studies for development and planning projects. These procedures are intended to provide directions for determining placement of a consultant on the list, periodic updating of the list, removing consultants from the list as well as a mandatory re-evaluation of existing consultants on the list at the end of a three year period.

Qualifying a Consultant for Placement on List

A consultant must meet the minimum qualifications specified for his/her field prior to placement on P&D's Specialty Consultants List. Generally, these include demonstration of appropriate education and experience, demonstrated knowledge of the local area and field, appropriate professional certification, and submittal of a work example which demonstrates knowledge of the area, expertise and report writing ability. The following criteria must be met for each field:

Arborists: A qualified arborist shall possess certification from the International Society of Arboriculture, provide two letters of reference, and provide a work example and resume demonstrating experience in evaluating the effects of disturbance on specimen trees and making recommendations for maintaining the long-term health of affected trees.

Archaeologists: A qualified consultant must possess certification in field research by the Society of Professional Archaeologists (SOPA), at least two months accumulated field experience in archaeological reconnaissance and a demonstrated familiarity with the archaeology of California. P&D's "Regulations Governing Archaeological and Historical Projects Undertaken in Conformance with the California Environmental Quality Act and Related Laws: Cultural Resources Guidelines" describe further qualification requirements for investigators and field supervisors involved in Phase I, II and III prehistoric archaeological projects.

Architectural Historians: A qualified historian must possess a Master of Arts degree in history and have demonstrated expertise in historic resource evaluation, be registered with the California Committee for the Promotion of History and shall be familiar with the history of California and the Central Coast region.

Biologists and Botanists: A qualified individual or staff of a qualified firm shall possess a BA or BS in biological sciences or other degree specializing in the natural science, professional or academic experience as a biological field investigator with a background in field sampling design and field methods, taxonomic experience and a knowledge of plant or animal ecology, systems ecology, demonstrated knowledge of local plants, animals, or both (as appropriate) and knowledge of county, state, and federal policies related to special status species. This knowledge shall be demonstrated by the submittal of work examples for review by P&D.

Geologists/Hydrologists: P&D does not independently qualify geologists and hydrologists. Registered Geologists, Certified Engineering Geologists, and Certified Hydrologists are considered qualified to prepare geologic reports.

Native American Consultants: Qualified individuals must be most likely to have descended from the Native Americans inhabiting the area or be recognized by the state Native American Heritage Commission and shall have demonstrated experience in archaeological survey and excavation and in the recognition of prehistoric artifacts. Experience may include formal training provided by archaeologists or participation in archaeological projects as a crew member.

Noise Consultants: A qualified noise consultant or firm must possess a degree in acoustical engineering, mechanical engineering or a related engineering field and shall submit work examples and a resume which demonstrate experience in the preparation of noise studies and the ability to write clear reports that reference appropriate local standards.

Telecommunications/Radio/TV Consultants: A qualified telecommunications, radio or television consultant must possess a degree in electrical engineering and shall submit work examples and a resume which demonstrate experience evaluating radio frequency emissions and siting requirements for communications facilities.

Traffic Engineers: A qualified traffic engineering firm must include qualified professionals with specific training in traffic and transportation engineering as demonstrated by resumes and work examples. Work samples which demonstrate the ability to prepare studies that conform to local agency criteria must be provided.

The Consultants List can be found at: G:\Group:\P&D\ConsultantsList\ConsultantsList.doc.

Process for Adding a Consultant to the List

A consultant may submit a request for placement on P&D's Specialty Consultant List at any time during the year, but the reviews will be conducted only once a year. Consultants requesting placement must submit their qualifying materials along with the request. Requests for placement should be routed to the Publications Assistant, who will log the request and route to the appropriate reviewer during the reviewing period. A reviewer will be assigned to each specialty

and will review a consultant's materials within one week of receiving the materials. After review, the assigned reviewer should make a recommendation to his/her Deputy Director. The Deputy Director will make the final decision on whether or not a consultant is added to the list. Once a decision is made, the consultant's qualifying materials should be forwarded to the Publications Assistant to update the consultant's log. If consultant is qualified, the Publications Assistant shall update the Specialty Consultant List to include the newly qualified consultant and send the appropriate letter. If consultant is not qualified for placement, the Publications Assistant shall also update the log and send the appropriate letter to the consultant indicating P&D's decision.

At the end of each year, the Publications Assistant shall send an annual update form as well as an annual self-certification by the consultants on the list so P&D can maintain accurate records of our Specialty Consultants List. These forms MUST be returned. Failure to return these forms may result in the removal of the consultant from the list.

Additionally, qualified consultants MUST re-submit their qualifying materials every three years to ensure that they stay current on local, State and federal policies relating to development and planning projects. Failure to submit these materials will result in the removal of the consultant from our Specialty Consultants List.

Effect of Placement

Once a consultant is added to the Specialty Consultant List, the consultant's name will be provided to applicants whose project requires a special studies report in that area of expertise. Consultants on the list are not P&D or County employees. Therefore, they may NOT use their status as a county approved consultant for general communications and/or marketing purposes without a prior written approval from the Director. Failure to obtain written approval prior to such use will result in the consultant's removal from the list.

Process for Removal of Consultant from List

In addition to potential removal from list for failure to provide annual updates and failure to re-submit qualifying materials after a three year period, P&D may also remove a previously qualified consultant from the list, and the firm or individual's work will no longer be accepted should any of the following occur:

1. Misrepresentation of facts; or
2. Failure to follow County guidelines on two or more projects after being notified of inadequacies; or
3. Omitting relevant information on more than one occasion; or
4. Not disclosing a conflict of interest; or
5. Using status on list without prior written consent of the Director of P&D.

In order to document inadequate work, the project manager or their supervisor MUST provide written notice to the consultant, and provide a copy of the notice to the Publications Assistant to include in the consultant's file. The written notice shall specify any shortcomings and puts the consultant on notice that failures or omissions may result in removal from the consultant list. If

consultant fails to correct the behavior and is subsequently removed from the list, a letter will be sent to notify the consultant of his/her removal from our list.

Additionally, consultants who misuse their status as a County-approved specialty consultant for general communications and/or marketing purposes will also be removed if he/she did not first obtain the Director's approval prior to such use.

Consultant Selection Procedures

Once a planner and his/her supervising planner agree that a special studies report should be performed on a project, the planner shall inform the applicant and/or agent about the need for a special studies report. The applicant has one of three options:

1. *Option One—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.
2. *Option Two—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.
3. *Option Three—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 expert on a particular specialty, the in-house expertise 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.

Once a consultant has been selected, the consultant must sign a consultant's contract with the County, agreeing to provide contract services for the described permit project. The consultant must also acknowledge that staff qualified by P&D for a specialty will perform or oversee the work, and that no current conflicts of interest exist. A consultant may not perform the contract services if such a conflict exists.

Conflicts of Interest

A consultant will not be selected to perform a special studies report and/or peer review if there is a conflict of interest between the consultant and the proposed project. *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. A conflict of interest may arise if the consultant has previously performed the same special studies report for the same property through an applicant directed contract.

Failure to disclose any conflicts of interest will result in the removal of the consultant from the list.

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