



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: June 20, 2017
Placement: Administrative
Estimated Time: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn S. Russell, Ph.D., Director, Planning and Development,
Director (s) (805) 568-2085
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning
Division, (805) 568-2072
**SUBJECT: Cannabis Land Use Ordinance Project Agreement for Services with Amec Foster
Wheeler Environment & Infrastructure, Inc.**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute an Agreement for Services between the County of Santa Barbara and Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec) (Attachment 1) for consultant services for the period of July 1, 2017, to June 30, 2018, in a base contract amount of \$254,290, plus a 10 percent contingency fund of \$25,429, for a total not to exceed amount of \$279,719;
- b) Authorize the Director of the Planning & Development Department (P&D) or designee to approve changes or additions in the services being performed in an amount not to exceed \$279,719; and
- c) Determine the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), and direct staff to file a Notice of Exemption (Attachment 2).

Background:

Board of Supervisors (Board) Direction on Cannabis Regulations

At the February 14, 2017, Board hearing, after receiving the staff report and public testimony on the changes to state law regarding the Adult Use of Marijuana Act (AUMA), the Board directed staff (in

part) to develop comprehensive cannabis regulations for activities associated with the AUMA and Medical Cannabis Regulation and Safety Act (MCRSA), including the cultivation, distribution, transportation, storage, manufacturing, processing, and selling of nonmedical and medical cannabis, nonmedical and medical cannabis products, industrial hemp, and personal cultivation. The Board also directed the formation of an ad hoc committee made up of Supervisor Williams and Supervisor Lavagnino, to assist staff identified by the County Executive Officer with the development of the cannabis regulations.

Furthermore, at the April 4, 2017, Board hearing, the Board adopted the Nonmedical Marijuana Interim Urgency Ordinance which prohibited most activities authorized pursuant to the AUMA, for a 45-day period. At the May 2, 2017, hearing, the Board adopted an extension to the Nonmedical Marijuana Interim Urgency Ordinance for 22 months and 15 days. The purpose of the Nonmedical Marijuana Interim Urgency Ordinance and the extension is to protect the public health, safety, and welfare while the County considers comprehensive regulations for cannabis activities in the unincorporated area of Santa Barbara County.

While working on the Nonmedical Marijuana Interim Urgency Ordinance, P&D staff also worked with the ad hoc committee to determine the type of environmental document that will be required to evaluate the environmental impacts associated with the new cannabis ordinance, pursuant to the requirements of CEQA. After careful consideration, the ad hoc committee concluded that an environmental impact report (EIR) is the appropriate document to evaluate the environmental impacts of any possible new cannabis ordinance, and directed P&D staff to take the actions necessary to prepare the EIR.

Request for Proposals (RFP) to Prepare an EIR and Consultant Selection

On April 5, 2017, P&D staff initiated a competitive bid process and sent a RFP to prepare the EIR to seven environmental consulting firms. Staff subsequently received two consultant proposals. After careful consideration of the proposals in consultation with the County Executive Office, P&D staff recommends Amec to prepare the EIR. Amec demonstrated that it sufficiently understands the scope of services required for the preparation of the EIR; demonstrated that it has directly relevant, previous experience analyzing the environmental impacts of similar cannabis regulations that other counties are developing; and has the professional qualifications necessary for satisfactory performance of the services required.

Amec's proposal is set forth in Attachment 3 (Amec Technical Proposal) and Attachment 4 (Amec Cost Proposal) to this Board letter. The EIR will be prepared in a fluid regulatory environment, pursuant to an accelerated, challenging schedule—all services must be completed no later than June 30, 2018. Services to be performed include (1) collecting data, conducting a technical review, and preparing a baseline conditions analysis of cannabis in the County, (2) preparing an EIR pursuant to the requirements of CEQA, and (3) attending up to 10 public meetings. P&D staff will manage the preparation of the EIR and the overall environmental review process. The environmental review process will assess the project's short and long term environmental impacts. The general scope of work will include the following:

- Preparation of the Notice of Preparation of the EIR and commencing the public scoping process for the EIR.
- Preparing an Administrative Draft EIR and technical studies.
- Preparing a Draft EIR and circulating the Draft EIR for a 45-day public comment period.

- Conducting a public workshop on the Draft EIR.
- Responding to comments on the Draft EIR and preparing a Draft Final EIR.
- Presenting the Draft Final EIR and staff recommendations to the Planning Commissions and Board of Supervisors.

The cost of preparing the EIR is estimated to be \$254,290. Since the services that are the subject of the contract will cost over \$100,000, the Board approval of the contract with Amec is required. The contract allows for the P&D Director to authorize the use of contingency up to \$25,429 (10%) if there is work necessary that is not anticipated with the contract. The contract amount is not to exceed \$279,719 (Attachment 1).

Fiscal Analysis:

Funding for this contract is included in the CEO's recommended FY 2017-18 budget, anticipated to be adopted the week of June 12, 2017.

Key Contract Risks:

A risk analysis was performed on the proposed contract and was determined to be of low risk. This conclusion is based on the contract being similar to services previously performed by Amec for other County of Santa Barbara projects. Amec was chosen through a competitive bid process. Their work performed to date is considered to be of high quality and was completed on schedule and within budget.

Staffing Impacts:

No additional staffing is needed to implement and manage this contract.

Special Instructions:

One executed original Agreement for Services with Amec, a dated Notice of Exemption, and a minute order of the hearing, shall be forwarded to P&D, Hearing Support, Attention: David Villalobos.

Attachments:

- Attachment 1: Agreement for Services of Independent Contractor
 - Exhibit A: Statement of Work
 - Exhibit B: Payment Arrangements - Periodic Compensation
 - Exhibit C: Risk Management
- Attachment 2: Notice of Exemption
- Attachment 3: Amec Technical Proposal
- Attachment 4: Amec Cost Proposal

Authored by:

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