



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 17, 2014
Placement: Administrative Agenda
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: Department Glenn Russell, Director, Planning and Development, 568-2084
Director(s)
Contact Info: Kevin Drude, Deputy Director, Energy and Minerals Division, 568-2519

SUBJECT: Authorization of Agreement for Services with Rincon Consultants Inc. to Complete a Subsequent Environmental Impact Report for the Granite Gardner Ranch Mine Revisions project located in the Third Supervisorial District.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

1. Approve and authorize the Chair to execute an Agreement for Services with Rincon Consultants Inc., which would convert County Purchase Order CN15006, with an amount not to exceed of \$89,359.00, to a Board contract including all amounts expended under Purchase Order CN15006, but otherwise canceling, nullifying and superseding Purchase Order CN15006. The Board contract will also include an additional \$25,647.00 totaling a Board contract in an amount not to exceed \$115,006.00 for completing a Subsequent Environmental Impact Report for the Granite Gardner Ranch Mine Revisions project for the period of June 17, 2014 through June 30, 2015. The Agreement for Services is included as Attachment 1.
2. Approve the budget revision in Attachment 2, increasing Account 7510, Contractual Services, offset by an increase to revenue Account 5101, Environmental Resource Service, in Planning and Development in the amount of \$25,647.00.
3. Determine that this action is exempt from CEQA pursuant to Section 15378(b)(5), which are organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.

Summary Text:

The Granite Gardner Ranch Mine Revisions project is subject to the California Environmental Quality Act (CEQA). The project may have a significant effect on the environment and, therefore, a Subsequent Environmental Impact Report (SEIR) is required under Section 15064(a)(1) of the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines).

In February 2014, Rincon Consultants Inc. completed a Subsequent Environmental Impact Report for the project. The project description has since been revised and work beyond the original scope of the existing Purchase Order with Rincon Consultants Inc. for the completion of the SEIR is required. Appendix 1 of Exhibit A of Attachment 1 (Agreement) of this Board letter describes in detail the proposed changes in scope and associated costs to complete the revised environmental analysis. The requested Board contract in the amount of \$89,359.00 from Purchase Order CN15006, plus an additional \$25,647.00, will result in a Board contract in an amount not to exceed \$115,006.00 which is needed to complete the SEIR. Board authorization of the Agreement is required because the cost of preparing the SEIR will exceed \$100,000.00.

Background:

On March 23, 2011, the Planning and Development Department executed Purchase Order CN15006 with Rincon Consultants Inc. in the amount of \$89,359.00 to prepare the SEIR. To date, a total of \$69,615.00 from Purchase Order CN15006 has been paid to Rincon Consultants Inc. for these services. On May 5, 2014, the project description was revised thus necessitating changes to the project's SEIR. The current increase in the Purchase Order is needed to update the SEIR in response to the revised project description.

Fiscal and Facilities Impacts:

All costs for this project, including those associated with the SEIR, are fully reimbursed by the project applicant. Rincon Consultants Inc. is currently paid for work on the SEIR through Purchase Order CN15006 which is limited by a not to exceed amount of \$89,359.00. A total of \$69,615.00 has been expended to date. This requested Board contract will provide an additional \$25,647.00, which includes a base amount of \$23,315.00 and a 10 percent contingency of \$2,332.00, to complete work on the SEIR. The total new contract amount will be \$115,006.00 as shown in the Agreement for Services included as Attachment 1 of this Board letter. Upon approval of the Board contract, the applicant will be required to deposit an additional \$25,647.00 to pay the costs for Rincon Consultants Inc. to complete the SEIR.

P&D will continue to invoice the applicant for all staff time necessary to administer the Agreement for Services and related planning actions. These funds are budgeted in the Operating Expenditures of the Energy & Minerals Division of P&D on page D-168 of the County of Santa Barbara Fiscal Year 2013 – 2015 Operating Plan. The attached budget revision will increase P&D's revenue and expenditure budget for the increase of the contract.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:	\$ 115,006.00	\$ -	\$ 115,006.00
Total	\$ 115,006.00	\$ -	\$ 115,006.00

Narrative: The applicant will provide a one-time deposit of \$25,647.00 for completion of the SEIR.

Key Contract Risks:

A risk analysis was performed on the proposed contract and was determined to be of low risk. A deposit of \$25,647.00 will be paid in-full by the applicant to the County. As such, there is no risk to County fiscal resources for the contract amount. The contract includes payment arrangements based on periodic compensation at selected milestones. Payments will not be made until all services have been completed, delivered and found to be satisfactory for the various milestones. This ensures that funds from the deposit will only be expended upon satisfactory product delivery and performance by Rincon Consultants Inc. The Energy and Minerals division is satisfied with performance by Rincon Consultants Inc. who successfully completed the SEIR in February 2014.

Staffing Impacts:

Legal Positions: N/A **FTEs:** N/A

Special Instructions:

The Clerk of the Board will forward a copy of the Agreement for Services and Minute Order to P&D, Energy & Minerals Division, attention Susan Curtis.

Attachments:

- Attachment 1: Agreement for Services of Independent Contractor
- Attachment 2: Budget Revision
- Attachment 3: Board Contract Summary

Authored by: Susan Curtis