

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: January 11, 2011 - Consent	AGENDA NO.: 57
SUBJECT: a. Approve a Professional Services Agreement with EMC Planning Group, Inc. (EMC) where the Base Budget is \$254,986 with a Contingency of \$45,014, for a total amount not to exceed \$300,000, to provide the Moss Landing Community Plan Update Environmental Impact Report (EIR) (PD080541) in Moss Landing, for a term through May 31, 2011; b. Approve a Funding Agreement with various Project Applicants where the Project Applicants' portion of the Base Budget is \$242,237 with a Contingency of \$42,763 and Deposits for County Staff services are \$49,467, for a total amount not to exceed \$334,467, to allow funding to Monterey County for costs incurred by EMC and County departments to provide the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2011; and c. Authorize the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to these Agreements that do not significantly alter the scope of work or change the approved Agreement amounts. (PD060200EMC Planning Group, Inc., County-wide)	
DEPARTMENT: RMA – Planning	

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve a Professional Services Agreement with EMC Planning Group, Inc. (EMC) where the Base Budget is \$254,986 with a Contingency of \$45,014, for a total amount not to exceed \$300,000, to provide the Moss Landing Community Plan Update Environmental Impact Report (EIR) (PD080541) in Moss Landing, for a term through May 31, 2011; and
- b. Approve a Funding Agreement with various Project Applicants where the Project Applicants' portion of the Base Budget is \$242,237 with a Contingency of \$42,763 and Deposits for County Staff services are \$49,467, for a total amount not to exceed \$334,467, to allow funding to Monterey County for costs incurred by EMC and County departments to provide the Moss Landing Community Plan Update EIR (PD080541) in Moss Landing, for a term through May 31, 2011; and
- c. Authorize the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to these Agreements that do not significantly alter the scope of work or change the approved Agreement amounts.

SUMMARY/DISCUSSION:

The Planning Department, Department of Public Works, and the Project Applicants identified as the Elkhorn Slough Foundation, Hamlin Properties, LLC, Monterey Bay Aquarium Research Institute, Moss Landing Commercial Park, LLC dba Moss Landing Business Park, Moss Landing Harbor District, Quin Delta, LLC, San Jose State University Research Foundation, Keith Family Investments, LLC and/or assignee, and Phil Digirolamo, negotiated an agreement

to fund the Moss Landing Community Plan Update Environmental Impact Report (EIR). This Professional Services Agreement (PSA) with EMC Planning Group, Inc. (EMC) will allow for preparation of the Moss Landing Community Plan Update EIR. The associated Funding Agreement (FA) will allow funding for the costs incurred by EMC and County Staff for preparation of the EIR for the Moss Landing Community Plan Update, through a collection of fees from the Project Applicants and the Department of Public Works. The term of the PSA and FA is from January 12, 2011 through May 31, 2011.

A total of nine parties will be signatory to this FA. The prior version of the FA executed by some of the parties contained an indemnification clause in favor of the County which has subsequently been determined to be unnecessary. Upon approval by the Board of Supervisors, those FAs will be modified.

Synopsis of PSA:

Agreement	BOS Approval	Director Approval	Budget for Agreements		Total Amount of PSA
			Base Budget	Contingency	
PSA	Pending	Pending	\$ 254,986	\$ 45,014	\$ 300,000
Grand Total			\$ 254,986	\$ 45,014	\$ 300,000

Synopsis of FA:

Agreement	BOS Approval	Director Approval	Budget for Agreements			Total Amount of FA
			Base Budget	Contingency	Surcharge	
FA (Applicants' Portion)	Pending	Pending	\$ 242,237	\$ 42,763	\$ 49,467	\$ 334,467
PW Allocation	N/A	N/A	\$ 12,749	\$ 2,251	\$ 2,603	\$ 17,603
Subtotal			\$ 254,986	\$ 45,014	\$ 52,070	\$ 352,070
Planning Dept. Portion	N/A	N/A	\$ 0	\$ 0	\$ 52,070	\$ 52,070
Grand Total			\$ 254,986	\$ 45,014	\$ 104,140	\$ 404,140

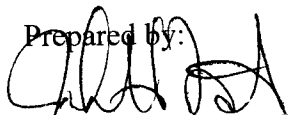
OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel, Auditor-Controller, and Department of Public Works have reviewed and approved the Agreements as to form and fiscal provisions, respectively. Due to the late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational policy, or other implications to the County of Monterey

FINANCING:

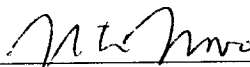
Pursuant to the terms of the FA with Project Applicants and the Department of Public Works allocation, the expenses of EMC Planning Group, Inc. and County departments to provide the Moss Landing Community Plan Update EIR will be funded through the FA with the Project Applicants and through the allocation negotiated with the Department of Public Works. There are sufficient appropriations available in Account 002-3000-8195-6613 to finance the Department of Public Works portion and sufficient appropriations available in Account 001-3000-8172-6613 to finance the Planning Department portion of these services.

Prepared by:



John H. Ford
Planning Services Manager
(831) 796-6049
Dated: January 3, 2011

Approved by:



Mike Novo, AICP
Director of Planning
(831) 755-5192

Attachments: Board Order

The following attachments are on file with the Clerk of the Board:

- Professional Services Agreement
- Funding Agreement