



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 3/26/2024

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Katrina Braehmer, Supervising Planner (707) 565-1903

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

First Amendment of the Professional Services Agreement with Rincon Consultants, Inc. for the Sonoma County General Plan 2020 Public Safety Element Update and New Environmental Justice Element

Recommended Action:

Authorize the Director of Permit Sonoma to negotiate, finalize, and execute the first amendment to the agreement with Rincon Consultants, Inc. modifying the scope of work for preparation of an update to the Sonoma County General Plan 2020 Public Safety Element and a new Environmental Justice Element, increasing the contract not-to-exceed amount to \$665,738.20, and extending the contract term through June 30, 2025.

Executive Summary:

State law requires regular updates to certain elements of county or city General Plans, including the safety and housing elements. The County's current Safety Element was last updated in 2014. New changes in State law further mandate that cities and counties incorporate environmental justice goals, objectives, policies, and implementation measures into the General Plan. In September of 2022, the Board of Supervisors authorized an agreement with Rincon Consultants, Inc. (Rincon) for a not-to-exceed amount of \$464,106 to prepare an update to the Sonoma County General Plan 2020 Public Safety Element and new environmental justice policies.

This item requests that the Board authorize the Director of Permit Sonoma to finalize and execute the first amendment to the agreement with Rincon. The proposed amendment extends the term of the agreement to June 30, 2025, makes minor amendments to the scope, and increases the contract amount by \$201,632.20 to a total not-to-exceed amount of \$665,738.20 in order to complete the remainder of the planning process for the safety and environmental justice General Plan updates.

Discussion:

All jurisdictions in California are required to have a Safety Element as part of their General Plan. The Safety Element update will incorporate and build upon the risk assessment findings in the 2021 Sonoma County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) to identify known hazards, assess vulnerability, and develop goals, policies, and strategies to protect the public from unreasonable risks associated with the effects of seismic and geologic hazards, flooding, and wildland and urban fires (Government Code § 65302(g)(1)). The Safety Element update will also develop climate adaptation and resilience policies and implementation measures.

Senate Bill 1000 (Government Code § 65302(h)), signed into law in 2016, mandates that local agencies adopt an environmental justice element or integrate environmental justice goals, objectives, and policies into other elements of their General Plan. State law requires the County to address the following environmental justice topics in its General Plan update: pollution burden; access to public facilities, services, and community amenities; health and physical activity; healthy food access; safe and sanitary housing; and civic engagement in the public-decision making process.

This year Permit Sonoma is initiating the first phase of a comprehensive update to the Sonoma County General Plan with a scoping process that will involve auditing the existing General Plan 2020 and consideration of specific and area plans; establishing a marketing and engagement platform; and outlining a realistic timeline and budget. To minimize public confusion about the General Plan update process and respect State-mandated timeframes, Permit Sonoma seeks to complete the interim safety and environmental justice updates to General Plan 2020 this year. The primary objective for these interim updates is to comply with new State requirements in a timely manner. The comprehensive General Plan update process will provide additional opportunity for ongoing community conversations and input on the myriad topics addressed in safety and environmental justice elements and related topics, including but not limited to emergency preparation and response, climate adaptation and resilience, physical health, and civic engagement.

Proposed Contract Amendment

On September 13, 2022 the Board authorized an agreement with Rincon to prepare the Safety Element update and environmental justice policies for a cost of \$464,106. Since fall 2022, Permit Sonoma has worked with Rincon to complete drafts of several key reports and conduct foundational outreach with community leaders, the general public, and County agency and department staff on existing conditions and issues across the required safety and environmental justice topics. The agreement with Rincon expired on December 31, 2023. Due to limited staff capacity toward the end of the year, the agreement was unable to be amended prior to the contract expiration. Consultant work has since halted until an amended agreement is executed.

A proposed amendment to the agreement is necessary to complete the remainder of the planning process, including final drafts of reports, remaining public outreach and engagement, draft and final policy development, potential amendments to other General Plan elements, such as the Open Space and Resource Conservation Element, as necessary for lateral consistency, and the adoption process. The Sonoma County Department of General Services, Purchasing Division approved a Single Source Waiver for the contract amendment with Rincon to complete the project scope of work. The Single Source Waiver waives the competitive procurement process typically required because there is a legitimate justification to proceed with procuring services from Rincon. Rincon is familiar with the project, understands the department's needs and desires for the project, and has established an effective working relationship with staff.

The proposed amendment would increase the contract total by \$201,632.20 to a not-to-exceed amount of \$665,738.20. The \$201,632.20 increase to the contract total is inclusive of a 20 percent contingency on the additional cost necessary to complete the scope of work. Contingencies are typical of contracts for planning services due to the variable nature of the planning process, which involves coordination of hearing body schedules, outreach with external parties, fulfillment of legal noticing requirements, additional data needs, and often multiple rounds of revisions to project deliverables. The contingency amount protects the project schedule from potential delays related to a contract amendment process by providing a limited reserve for the project to exceed scoped costs.

Increases in the total project cost are due to additional efforts expended on engagement tasks and additional rounds of deliverable edits that were not anticipated by Rincon’s initial proposal; modifications to the scope to prepare a full, standalone environmental justice element to recognize the importance of the topic rather than developing environmental justice policies for incorporation into other elements; effort needed to integrate recently issued guidance from the State Attorney General on wildfire planning and environmental justice elements; and additional project management costs to bring the project to completion.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

September 13, 2022: Board authorized an agreement with Rincon Consultants, Inc. for preparation of an update to the General Plan 2020 Public Safety Element and new environmental justice policies.

October 26, 2021: Board adopted Resolution 21-0427 authorizing the application for funding and execution of grant agreements for Community Development Block Grant - Mitigation Resilience Planning and Public Services Program (CDBG-MIT-PPS) funding, administered by the State of California’s Department of Housing and Community Development (HCD).

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses	\$100,816	\$100,816	
Additional Appropriation Requested			
Total Expenditures	\$100,816	\$100,816	
Funding Sources			
General Fund/WA GF	\$100,816.10	\$100,816.10	
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$ 100,816.10	\$100,816.10	

Narrative Explanation of Fiscal Impacts:

Project expenditures under the original agreement have been funded by the General Plan Administration Fund, with reimbursement anticipated from the [Community Development Block Grant - Mitigation Resilience](#)

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[Planning and Public Services Program <https://www.hcd.ca.gov/workforce-development-and-public-services>](https://www.hcd.ca.gov/workforce-development-and-public-services) (CDBG-MIT-PPS) for a maximum of \$203,600 for work on the Safety Element in accordance with an existing grant agreement. The proposed contract amendment will increase the project cost by an additional \$201,632.20 which will be funded by the General Plan Administration Fund. As of January 2024, this fund had \$2,800,000 available. There are sufficient appropriations in the FY 2023-24 budget to cover costs through the remainder of the fiscal year. Appropriations for FY 2024-25 will be requested through the annual budget process.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1, First Amendment to the Professional Services Agreement

Attachment 2, Single Source Waiver

Attachment 3, Original Professional Services Agreement

Related Items "On File" with the Clerk of the Board:

2022-0916 Authorization for a Professional Services Agreement with Rincon Consultants, Inc.

2021-0919 Delegation of Authority for Community Development Block Grant (CDBG) Mitigation Resilient Planning and Public Services Program