

Agenda

County of Inyo Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: (1) In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). (2) if a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

ADDENDUM

to

*Inyo County Board of Supervisors
Regular Meeting
9:00 a.m.
AUGUST 7, 2012*

ADDITION

- 28A. **COUNTY ADMINISTRATOR - Misc. – Planning** – Request approval of Amendment No. 5 to the Contract between the County of Inyo and Gruen Gruen + Associates, increasing the amount of the Contract by \$161,250 to a total not to exceed \$346,250 and revising the Scope of Work to include additional analysis work, contingent upon the Board's adoption of a FY 2012-13 budget; and authorize the Chairperson to sign, contingent upon the appropriate signatures being obtained.



AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

28A

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time for Closed Session Informational

FROM: County Administrator-Planning

FOR THE BOARD MEETING OF: August 7, 2012

SUBJECT: Approval of Amendment #5 to the Contract Between the County of Inyo and Gruen Gruen + Associates

DEPARTMENTAL RECOMMENDATION

Request your Board Approve Amendment #5 to the Contract between the County of Inyo and Gruen Gruen + Associates, increasing the amount of the contract by \$161,250 (Planning Budget #023800 \$111,250-Object Code #5265)(Natural Resources Budget #010204 \$50,000-Object Code 5265), for a total contract amount not to exceed \$346,250, and revising the Scope of Work to include additional analysis work, contingent upon Boards adoption of FY 2012/2013 Budget, and authorize the County Administrator to sign, contingent upon appropriate signatures being obtained.

SUMMARY DISCUSSION

On June 12, 2012, your Board approved Amendment #4 to the contract with Gruen Gruen + Associates (GGA) to increase the contract amount by \$30,000 due to an increased amount of activity that has been generated due to the critical task of reviewing, analyzing, and preparing comments regarding the California Energy Commission's (CEC) Preliminary Staff Assessment (PSA) for the Hidden Hills Solar Energy Generating Station (HHSEGS), after it was released on May 25, 2012. The CEC conducted two workshops regarding the PSA, one in Pahrump on June 14, 2012 and the second in Bishop on June 27, 2012. Many issues of concern were discussed during the workshops. The CEC had requested comments from the County on the PSA by July 23, 2012.

On July 17, 2012 County Departments conducted a workshop with your Board to discuss and review the draft County correspondence responding to the PSA to identify substantive deficiencies, which related to the County's concerns over the socioeconomic impacts and the projects non-compliance with the Inyo County General Plan and Inyo County Code Title 21 (Renewable Energy).

GGA has been instrumental in bringing these issues to the forefront and the County continues to rely on their expertise in moving forward with the next phase of this project.

In addition to the HHSEGS socio-economic impact analysis which GGA has been providing for the County, if Amendment #5 to the GGA contract is approved by your Board, they will also assist the County in processing a General Plan Amendment and Zoning Reclassification for the HHSEGS Charleston View project, including analyzing potential socio-economic impacts pursuant to Inyo County Code Title 21 and other accepted industry standards. The work will be prepared in concert with the California Energy Commission's entitlement process, but invoiced separately. A report describing the outcome of the work will be prepared for the Planning Commission's review. A representative of GGA will be available for two hearings; one before the Planning Commission and one before the Board of Supervisors.

ALTERNATIVES

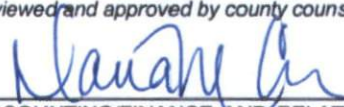
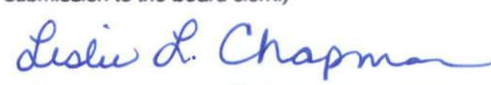

Your Board could choose not to amend the contract with GGA, however, this is not recommended since the Planning and Natural Resource budgets reflect reimbursements for costs the County has, and will continue to incur relative to the permitting of the HHSEGS and ensuring the County's interests are fully represented and its costs fully reimbursed to the extent practical.

OTHER AGENCY INVOLVEMENT

The California Energy Commission has exclusive permitting authority for BrightSource Energy's HHSEGS Project. The County Administrator and Planning Director, in coordination with County Counsel, will oversee the work performed by GGA in support of the County. All County departments will be expected to participate in the identification and documentation of socio-economic impacts to the County.

FINANCING

Funding for this work will be provided as reimbursements from the HHSEGS Project applicant, BrightSource Energy – either directly to the County or through the California Energy Commission reimbursement process – and is reflected in the recommended FY 2012/13 Planning (023800) and Natural Resources (010204) budgets.

<u>APPROVALS</u>	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by county counsel prior to submission to the board clerk.)  Approved: <u>WPS</u> Date <u>8/1/12</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)  Approved: <input checked="" type="checkbox"/> Date <u>8/2/12</u>
PERSONNEL DIRECTOR: <u>N/A</u>	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)  Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:  Date: 07-30-2012
 (Not to be signed until all approvals are received)

**AMENDMENT NUMBER 5 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
 Gruen Gruen + Associates
FOR THE PROVISION OF INDEPENDENT CONTRACTOR SERVICES**

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Gruen Gruen + Associates , of San Francisco, California (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent Contractor Services dated October 26, 2010 , on County of Inyo Standard Contract No. 123 , for the term from October 26, 2010 to October 25, 2013 .

WHEREAS, County and Contractor do desire and consent to amend such Agreement as set forth below.

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

3. CONSIDERATION.

E. Limit upon amount payable under Agreement. The total sum of all payments made by the County to Contractor for services and work performed under this Agreement, including travel and per diem expenses, if any, shall not exceed Three hundred forty six thousand two hundred fifty (\$346,250) dollars (hereinafter referred to as "contract limit"). County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services of work performed, including travel or per diem, which is in excess of the contract limit.

ATTACHMENT A - SCOPE OF WORK (Addition)

Contractor shall assist the County in processing a General Plan Amendment and Zoning Reclassification for the Hidden Hills Solar Project proposed in Charleston View, including analyzing potential socioeconomic impacts pursuant to Inyo County Code title 21 and other accepted industry standards. The work will be prepared in concert with the California Energy Commission's entitlement process, but invoiced separately. A report describing the outcome of the work will be prepared for the Planning Commission's review, and may be amended for the Board of Supervisors' review. A representative of Gruen Gruen + Associates will be available for two hearings, one before the Planning commission and one before the Board of Supervisors.

The effective date of this Amendment to the Agreement is _____.

All the other terms and conditions of the Agreement are unchanged and remain the same.

**AMENDMENT NUMBER 5 TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Gruen Gruen + Associates
FOR THE PROVISION OF INDEPENDENT CONTRACTOR SERVICES**

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS
____ DAY OF _____, _____.

COUNTY OF INYO

By: _____

Dated: _____

CONTRACTOR

By: Claude Gruen, President
Signature

Claude Gruen, President
Type or Print

Dated: 7-30-12

APPROVED AS TO FORM AND LEGALITY

RML

County Counsel

APPROVED AS TO ACCOUNTING FORM:

Leslie L. Chapman

County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

Director of Personnel Services

APPROVED AS TO RISK ASSESSMENT:

County Risk Manager