



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/12/2019

Agenda Placement: 6G

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Jason Hade, Planner III - (707) 259-8757

SUBJECT: Approval of a Fourth Amendment to a Professional Services Agreement with Ascent Environmental Inc. for Additional Work for the Climate Action Plan

RECOMMENDATION

Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 170358B (formerly Agreement No. 8385) with Ascent Environmental, Inc. increasing the amount by \$36,510 for a new maximum of \$466,455, extending the term through June 30, 2020 and revising the scope of work to include additional analysis and revisions for the preparation of the Climate Action Plan that were not originally anticipated.

EXECUTIVE SUMMARY

On July 14, 2015, the Board of Supervisors approved a Professional Services Agreement (PSA) with Ascent Environmental, Inc. for the purpose of assisting the County in preparing a Climate Action Plan (CAP). An amendment to the PSA was approved by the Board of Supervisors on October 4, 2016 which increased the contract amount from \$99,890 to \$124,740, for an expanded scope of work that included supplemental analysis not anticipated with the initial scope of work. Additional tasks included a third round of revisions to the greenhouse gas emission inventory technical memorandum, a third round of revisions to the gap analysis technical memorandum, and updating the Administrative Draft CAP to reflect consistency with the changes to these two technical memorandums. A second amendment to the PSA was approved by the Board of Supervisors on June 6, 2017 which increased the contract amount from \$124,740 to \$153,740 for an expanded scope of work that included additional tasks necessary to complete the CAP and extended the term through June 30, 2018. Additional work included: additional research and analysis regarding methane emissions and capture systems at existing landfill facilities; preparing a response to comments document, ongoing assistance to staff in responding to questions and inquiries from the public, and expanded responses to concerns raised in public comments. On January 23, 2018, the Board of Supervisors approved a third amendment which authorized approximately \$276,205 for an expanded scope of work that included additional tasks necessary to complete the CAP and extended the term

through June 30, 2019.

This fourth amendment to the PSA would make two changes: (1) authorize approximately \$36,510 for an expanded scope of work that includes additional tasks necessary to complete the CAP; and (2) extend the term through June 30, 2020. Additional work includes: assistance with coordination with the Governor's Office of Planning and Research, additional greenhouse gas (GHG) emissions analysis, and CAP document revisions that require the preparation of a Second Revised Draft CAP. These supplemental tasks were not anticipated at the time of approval of the initial scope of work or PSA amendment No. 1 or No. 2 or No. 3. This amendment includes a corresponding increase in the total contract amount, from \$429,945 to \$466,455.

On January 15, 2019, the Board of Supervisors approved the 2019-2022 Strategic Plan. This agenda item is in furtherance of Action 11.C of the Strategic Plan which reads, "Adopt and implement a Climate Action Plan."

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	This amendment to the PSA can be accommodated through the existing budget process and would be paid for by the General Plan fee.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Approval of the recommended action will enable staff to complete the CAP as directed by the Board of Supervisors and Planning Commission at the special meeting of March 10, 2015.
Is the general fund affected?	No
Future fiscal impact:	Implementation of the CAP would extend into future fiscal years.
Consequences if not approved:	If this amendment to the PSA is not approved, staff would be unable to complete the CAP as presently scoped.
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. As a project under CEQA, environmental review of the CAP will be conducted prior to adoption.

BACKGROUND AND DISCUSSION

Additional Tasks to be Covered by Contract Amendment

Ascent's assistance is needed in obtaining technical assistance and guidance from the Governor's Office of Planning and Research (OPR) regarding State guidance on the scope of GHG inventory and emissions analysis and established GHG accounting protocols. In response to public comments received regarding inventory issues

and short-lived climate pollutants, Ascent and staff need to meet with OPR to clarify the County's understanding of existing State guidance and GHG protocols. The purpose of this discussion with OPR is to obtain concurrence that the County's Revised Draft Climate Action Plan (CAP) is consistent with current State guidance concerning the preparation of CAPs. Ascent will participate in a meeting with OPR and County staff, prepare a draft memo to OPR on behalf of County staff summarizing the County's understanding of State guidance, review OPR staff comments on the memo, revise the memo, and participate in follow-up calls with County and OPR staff. Ascent will also provide further technical documentation regarding GHG measure calculations and assumptions included in the CAP appendices, along with additional technical analysis and quantification of proposed changes to GHG measures & gap analysis. Lastly, Ascent will provide written documentation via email summarizing the proposed technical documentation and potential edits to be included in the next public draft CAP document. Based on additional work to be performed above, Ascent will revise the CAP document and prepare a Second Revised Draft CAP for public review. Staff recommends these additional tasks be completed to resolve issues raised by the rapidly changing nature of climate action regulation to ensure a comprehensive and legally adequate document.

Plan History

Among the actions required in the General Plan is the preparation of a CAP. The Planning Department started work on the document in 2011. In early 2012, a proposed CAP was recommended for adoption by the Planning Commission and was subsequently considered by the Board of Supervisors. However, the CAP was not adopted and was instead referred back to staff for additional revisions. Among other things, the Board requested that the CAP be revised to better address transportation emissions, and to credit past accomplishments and voluntary efforts. The Board also directed that the Planning Commission consider "best practices" when reviewing projects until a revised CAP can be prepared and adopted.

According to Section 15183.5 of the CEQA Guidelines, a plan for the reduction of greenhouse gas emissions should: (A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area; (B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable; (C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area; (D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; (E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and (F) Be adopted in a public process following environmental review.

In mid-2015, the CAP process was restarted. Over the past 3.5 years, staff and Ascent Environmental Inc. have held four public workshops concerning the CAP, including one before the Watershed Information and Conservation Council (WICC). A Draft CAP was prepared and released for a 43-day public review and comment period beginning on January 26, 2017. A total of 45 public comment letters were received during the public comment period. Revisions have been made to the Draft CAP as a result of some of these comments. A Master Response document was prepared to address the remaining comments. The Planning Commission reviewed and discussed the Final Draft CAP at its regularly scheduled meeting of July 5, 2017. After listening to the staff presentation and public comments, the Planning Commission voted 3-0 to continue the item to the meeting of September 20, 2017. Prior to the meeting of September 20th, Staff worked extensively with the project consultant, Ascent Environmental, Inc. and County Counsel to analyze all comments received to date. Staff also evaluated the previously prepared Final Draft CAP in light of recent court cases. The item was removed from the Planning Commission calendar to allow staff to work with the consultant to develop a scope of work and budget for additional revisions to the Draft CAP as well as the preparation of an Environmental Impact Report (EIR) for consideration by the Board of Supervisors. A Revised Draft CAP and Notice of Preparation (NOP) for the EIR was released for public review on July 24, 2018 for a 30-day public comment period concluding on August 22, 2018. The Planning Commission reviewed and discussed the Revised Draft CAP at its regularly scheduled meeting of

August 15, 2018 and also held a scoping meeting regarding the EIR. Staff presented an update of the Revised Draft CAP to the Watershed Information and Conservation Council (WICC) at a special meeting on December 12, 2018. If the contract amendment is approved, staff anticipates a final CAP and EIR being reviewed by the Planning Commission in the early Summer of 2019, followed by final consideration for adoption by the Board of Supervisors in the late Summer of 2019.

Public Comments

Public comments have been requested and considered throughout the development of the Draft CAP. In order to address the 45 public comment letters received during the public comment period for the Public Review Draft CAP, master responses were prepared. The responses address issues raised regarding inventory issues, short-lived climate pollutants, wetland and soil conservation/sequestration/storage, carbon sequestration and storage methods, land use change measures, agriculture issues, measures, benefits, carbon farming, transportation (Vehicle Miles Traveled, pedestrian/bike, mobile source boundaries), a CAP consistency checklist, elements required by the California Environmental Quality Act (CEQA) which must be included in order for a CAP to be used for streamlining the analysis of GHG, and the cost burden to property owners.

Five public comment letters were received in response to the NOP for the EIR currently being prepared and 15 public comment letters were received during the public comment period for the Revised Draft CAP. The issues raised within these comments will be considered and addressed, as appropriate, within the Draft EIR and Second Revised Draft CAP which are anticipated to be completed in Spring 2019.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Leigh Sharp