

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Environmental Resources BOARD AGENDA #: *B-1

AGENDA DATE: August 16, 2016

SUBJECT:

Approval of Amendment No. 4 to the Professional Design Services Agreement with Jacobson James and Associates for Preparation of the Programmatic Environmental Impact Report in Support of the Implementation of the County's Groundwater Ordinance

BOARD ACTION AS FOLLOWS:

No. 2016-411

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

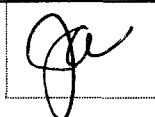
DEPT: Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-1

AGENDA DATE: August 16, 2016

CEO CONCURRENCE: *pht*

4/5 Vote Required: Yes No



SUBJECT:

Approval of Amendment No. 4 to the Professional Design Services Agreement with Jacobson James and Associates for Preparation of the Programmatic Environmental Impact Report in Support of the Implementation of the County's Groundwater Ordinance

STAFF RECOMMENDATIONS:

1. Approve Amendment No. 4 to the Professional Design Services Agreement with Jacobson James and Associates for preparation of the Programmatic Environmental Impact Report in support of the implementation of the County's Groundwater Ordinance in the amount of \$585,000.
2. Authorize the Director of Environmental Resources to execute and sign the Amendment.

DISCUSSION:

On November 25, 2014, the Stanislaus County Board of Supervisors adopted a revised Groundwater Ordinance (GWO) related to sustainable groundwater extraction. Among other things, the revised GWO ordinance clarified the role of the California Environmental Quality Act (CEQA) in the County's well construction permitting process. As a consequence, it was envisioned that a consultant would need to be hired to provide the specialized CEQA services required by the GWO. The Board approved this approach and authorized funds in the amount of \$50,000 for this purpose.

A Request for Proposals (RFP) and an accompanying Scope of Work was subsequently prepared and sent to various professional vendors to facilitate the consultant selection process. After completing the competitive review process, the firm of Jacobson James & Associates (JJ&A) from Roseville, CA, was selected for this task. Professional Services Agreement with JJ&A was formally executed on March 30, 2015, in the amount of \$50,000 to support the County's well-permitting CEQA compliance obligations, and other CEQA support for related groundwater resource impact evaluations. This agreement has been amended through amendment No. 3 for a total not to exceed amount of \$75,400.

In the Fall of 2015, the California Department of Water Resources developed the Sustainable Groundwater Planning Grant Program (Grant Program). The source of funds for this Grant Program is the "Water Quality, Supply, and Infrastructure Improvement Act of 2014," otherwise known as Proposition 1. The Grant Program was designed to encourage sustainable management of groundwater resources by providing funding for projects that support the Sustainable Groundwater Management Act (SGMA) through planning and implementation. Of the \$100 million that is included in Proposition 1 in support of SGMA, the California

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Department of Water Resources (DWR) rolled forward an initial \$10 million to be made available, via a competitive basis, to Counties only with stressed groundwater basins.

The Department of Environmental Resources took the necessary actions required to apply for these grant funds for the purpose of developing a County-wide Programmatic Environmental Impact Report (PEIR) in support of the implementation of the County's Groundwater Ordinance (County Code Section 9.37) and lay the foundation for the development of Groundwater Sustainability Plans for each of the four groundwater subbasins that exist within the geographical footprint of Stanislaus County. All public entities (agricultural and urban) as well as private agricultural landowners will benefit from this type of fundamental PEIR planning document. This item was presented to the Stanislaus County Water Advisory Committee on November 18, 2015, and staff received their full and formal support to move forward with a grant application.

On November 24, 2015, the Department received approval from the Board of Supervisors to apply for and receive a Sustainable Groundwater Planning Grant for Stressed Basins with the California Department of Water Resources. An application was prepared and submitted for these grant funds by the December 8, 2015, deadline. On March 24, 2016, Stanislaus County was officially notified by the DWR that it was successful in obtaining a grant in the amount of \$250,000 to conduct this work.

The cost for developing the PEIR is estimated at \$585,000. Therefore, a local cost share in the amount of \$335,000 was required to be met. Of this local share, Stanislaus County staked 50% or \$167,000. The remaining balance of the local cost-share was to be obtained from the cities, irrigation districts and other private commercial and industrial sources from within the County that stood to benefit from the work. To date this effort has raised \$112,378 of the \$167,000. The effort to raise the \$167,000 will continue; however, it is anticipated the County will need to contribute an additional \$54,622 towards the local cost-share. To date, Modesto Irrigation District, Turlock Irrigation District, all nine cities and the agricultural community have contributed towards the local-cost share.

On June 29, 2016 the grant agreement between the State of California Department of Water Resources and Stanislaus County was formally executed. Because the PEIR work is tied to the County's Groundwater Ordinance and the related CEQA work for non-exempt well construction permits that JJ&A has already performed, staff recommends that JJ&A continue to be retained to perform this work for the County. The existing services contract with JJ&A will be amended, as Amendment No. 4 (Attachment 1), to include this additional work. If approved, Amendment No. 4 increases the current agreement from \$75,400 to a new not to exceed amount of \$660,400.

POLICY ISSUE:

Board of Supervisor's approval is required for all contracts exceeding \$100,000.

FISCAL IMPACT:

Amendment No. 4 includes the cost of the development of a Countywide PEIR is \$585,000, of which \$250,000 is provided by the SGWP grant. Partner contributions and commitments

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received to date total \$112,378, which includes all partner cities, as well as Irrigation Districts and private contributions. Funding is currently available in the Environmental Resources Fiscal Year 2016-2017 Adopted Proposed Budget.

Cost of recommended action: \$ 585,000

Source(s) of Funding:

SGWP Grant \$ 250,000

Partner Contributions 112,378

Funding Total: \$ 362,378

Net Cost to County General Fund \$ 222,622

Fiscal Year:

2016/2017
No

Budget Adjustment/Appropriations needed:

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions support the Board's priorities of a Healthy Community, Effective partnerships, and a Well Planned Infrastructure System by ensuring a coordinated approach towards regional groundwater resources management.

STAFFING IMPACT:

Existing department staff will provide the necessary support to the PEIR.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources
 Walter Ward, Water Resources Manager

Telephone: (209) 525-6770
 Telephone: (209) 525-6710

ATTACHMENT(S):

Jacobson James & Associates Professional Services Agreement Amendment No. 4



Department of Environmental Resources
3800 Cornucopia Way, Suite C,
Modesto, Ca 95358-9492
Phone: (209) 525-6700
Fax: (209) 525-6774

**AMENDMENT NO. 4
TO
STANISLAUS COUNTY
PROFESSIONAL DESIGN SERVICES AGREEMENT**

This Amendment No. 4 to the Agreement for Professional Design Services ("Amendment No. 4") by and between the County of Stanislaus ("County") and Jacobson James & Associates, Inc. ("Consultant") is made and entered into on August 16, 2016.

WHEREAS, the County and Consultant entered into an Agreement for Professional Design Services dated March 30, 2015, ("the Agreement"), which was amended on March 7, 2016 ("Amendment No. 1"), April 20, 2016 (Amendment No. 2") and also on August 3, 2016 ("Amendment No. 3"); and

WHEREAS, Section 7.20 – "Amendments" stipulates that the Agreement may be amended by writing; and

WHEREAS, the County has entered into an agreement with the State of California Department of Water Resources to receive a Proposition 1 Sustainable Groundwater Planning (SWGP) Grant (Grant Agreement Number 4600011512) for preparation of the Programmatic Environmental Impact Report for Implementation of the Stanislaus County Groundwater Ordinance (the "Grant Agreement"); and

WHEREAS, the County desires to retain Consultant to execute the work specified in the Grant Agreement; and

WHEREAS, the County has a need to add the scope, schedule and budget for the work to this agreement as a new project titled "PEIR for Implementation of the Stanislaus County Groundwater Ordinance; and

WHEREAS, the County has a need to increase the not to exceed amount of this Agreement by \$585,000 in order to cover the cost of this additional work, of which the Grant Agreement will reimburse the County \$250,000; and

WHEREAS, the County has a need to extend the term of this Agreement to allow for additional work to be performed under this Agreement; and

WHEREAS this Amendment is for the mutual benefit of County and Consultant;

NOW, THEREFORE, the County and Consultant agree as follows:

1. Section 2 Compensation and Billing, Item 2.1- Compensation of the Agreement is amended to read as follows:

"Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "B", attached hereto and made a part of this Agreement (the "Fee Schedule"). Consultant's compensation

shall in no case exceed **Six Hundred and Sixty Thousand Four Hundred Dollars (\$660,400)**. Consultant will be compensated on a time and materials basis, based on the hours worked by the Consultant's employees or subcontractors at the hourly rates specified in the Fee Schedule. The Fee Schedule rates include direct salary costs, employee benefits, and overhead. The rates stated in the Fee Schedule are not adjustable during the term of this Agreement. The County may retain ten percent of all periodic or progress payments made to the Consultant until completion and acceptance of all work tasks and County shall have right to withhold payment from Consultant for any unsatisfactory service until such time service is performed satisfactorily.

2. Section 4 Term of Contract and Termination, Item 4.1-Term is amended to read as follows:

"This Agreement shall commence on **March 30, 2015**, or upon the signing of this Agreement and continue until **January 31, 2018**, or until the work required herein is completed, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties."

3. Exhibit A Scope of Work is amended to include the following:

"Task 9 – Programmatic Environmental Impact Report for Implementation of the Stanislaus County Groundwater Ordinance

Consultant shall prepare a Programmatic Environmental Impact Report (PEIR) to facilitate implementation of the Stanislaus County Groundwater Ordinance, as well as address several key aspects relevant to early stages of Groundwater Sustainability Plan (GSP) development and Sustainable Groundwater Management Act (SGMA)-compliance planning in the County, including issues identification, analysis of data gaps, and assessment of mitigation and management opportunities. The objective is to develop a 3D hydrologic model to characterize groundwater conditions and to facilitate communication, outreach, and data sharing to support both GSA formation and the early stages of post-GSA formation studies, which will form the foundation for sustainability planning. The scope of work is described below, and shall generally conform with the "*Workplan - Program Environmental Impact Report for Implementation of the Stanislaus County Groundwater Ordinance*," dated July 12, 2016 ("the July 12 Workplan"), herein incorporated by reference and made a part of this Amendment:

- a. Task 1 of the July 12 Workplan: Grant Administration
- i. Consultant shall manage its work in accordance with the Grant Agreement, including compliance with Grant Agreement requirements, completion of subcontracting activities, regular project team communications, and development, preparation, and submittal of supporting grant documents.
 - ii. Consultant shall prepare monthly status reports to the County and Participating Stakeholders to summarize the status of the scope, schedule and budget; work completed in the past period and scheduled for the next period; and challenges encountered or anticipated, and corrective action plans. In addition, Consultant shall prepare quarterly progress reports detailing work completed during reporting period as outlined in Exhibit (F) of the Grant Agreement. Quarterly progress reports will include sufficient information for the Department of Water Resources (DWR) program manager to understand and review backup documentation submitted with invoices. Consultant shall prepare a Draft Grant Completion Report and submit to DWR for DWR Project Manager's comment and review no later than 90 days after work completion, and prepare Final Report addressing DWR's comments. The report shall be prepared and presented in accordance with the provision of Exhibit F of the Grant Agreement.
 - iii. Consultant shall coordinate with the County to establish invoicing and financial tracking protocols for its work that are consistent with the requirements of the Grant Agreement.

Consultant shall collect and organize back-up documentation by task, prepare summary excel document detailing contents of backup documentation organized by task (to match tasks in the Grant Agreement budget), track budget, and verify math prior to submitting each invoice. Consultant shall assist the County to respond in a timely manner to any comments received from the DWR project manager on the County's draft invoices.

b. Task 2 of the July 12 Workplan: GSP Preparation

i. Task 2.1 of the July 12 Workplan: Hydrologic Modeling. Consultant shall develop the Stanislaus County Hydrologic Model (SCHM), which will consist of (1) a baseline model that simulates groundwater and surface water conditions from 2000 through 2014, and (2) a set of forecast and management scenarios from 2015 to 2042 to evaluate the impacts of groundwater withdrawal from new wells permitted under the Groundwater Ordinance. A Modeling Plan, based on review of available groundwater modeling data and basin characterization reports within the County, will be developed as follows and vetted with stakeholders and DWR as part of the scoping process.

1. Modeling Plan Development – Based on review of information regarding the available groundwater models that cover the County, a Modeling Plan will be developed. The Modeling Plan will provide the rationale for code selection and utilization of existing models. The Modeling Plan will also define the modeling objectives, domain discretization, boundary conditions, calibration methodology, and forecasting scenarios. Options for future model updates and management will also be considered. The Plan will be provided for review and comment to key stakeholders in the County.
2. Data Compilation – Information regarding the water budget, geology, and hydrology for County groundwater subbasins will be compiled and incorporated into the SCHM to inform the analysis for a range of environmental impacts.
3. Model Construction - Construction of the SCHM will be guided by the Modeling Plan with the objective of developing a model domain that encompasses the entire County. The model will be developed using an open-source code with the objective of being able to evaluate groundwater level and storage changes, surface water interaction and cross boundary fluxes.
4. Model Calibration – The baseline model will initially be calibrated by matching of (1) historic groundwater levels for calibration wells distributed throughout the model domain and (2) historic streamflow in the Stanislaus River, Tuolumne River, and other County streams for which gaging data can be obtained. After qualitative calibration by trial-and-error, the final model will be calibrated quantitatively using the optimization-based inverse modeling techniques found in the Model-Independent Parameter Estimation code, PEST.
5. Model Forecasts and Reporting – Once a baseline model has been constructed and calibrated, forecast scenarios will be run to assess the effects of implementing the Groundwater Ordinance. The effects of several possible groundwater management scenarios and climatic trends will also be evaluated. A Technical Memorandum describing the hydrogeologic setting, current and projected water budgets, modeling approach, and the results of no less than four model scenario forecasts will be drafted.

- ii. Task 2.2 of the July 12 Workplan: GSA Support. Consultant will support the in regular communication and sharing of regional data with other stakeholders via the Water Advisory Committee (WAC), Technical Advisory Committee (TAC), Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA), Turlock Groundwater Basin Association (TGBA), and other existing groundwater management entities and stakeholders. Additional outreach, consultation, and data exchange may occur with (or on behalf of) individual member agencies as appropriate to facilitate regional coordination, data sharing, dialog regarding issues, opportunities, data gaps, and priorities important to GSA formation and groundwater management planning. To further support this objective, no less than five workshops will be held with aspiring GSAs to discuss the findings of the evaluation of the hydrologic model described in Task 2.1 of the July 12 Workplan, and presented in the Technical Memorandum relative to their jurisdictional areas.
- c. Task 3 of the July 12 Workplan: Ordinance Development
- i. Task 3.1 of the July 12 Workplan: Programmatic EIR Preparation. On behalf of Stanislaus County as the lead agency under the CEQA, Consultant will prepare a PEIR to align implementation of its Groundwater Ordinance with the County planning process, develop a more robust basis for managing implementation of the ordinance, and streamline the application and review process for new well permits. The preparation will be completed by Consultant as follows:
 1. PEIR Scoping – An initial study will be prepared to establish which resource areas should receive more detailed evaluation under the PEIR. A Notice of Preparation will be filed with the County Clerk. Scoping meetings will be held with Stanislaus County Water Advisor Committee, Stanislaus County Technical Advisory Committee, and the public. Public comments received during the scoping process will be compiled, reviewed, and addressed.
 2. Description of the Affected Environment – An overview of the affected environment will be developed based on information provided in the County General Plan and other planning documents and studies. The description will address each of the pertinent resource areas addressed by CEQA, and will include tables and maps as necessary for clarity of presentation.
 3. Project Description – A detailed description of the project for which impacts are to be evaluated (i.e., the implementation of the County Groundwater Ordinance), will be prepared to serve as a basis for impact evaluation. The project description will summarize the requirements for well permitting under the Groundwater Ordinance, exemptions from the Ordinance, procedures and criteria adopted under the implementation guidelines for well permitting.
 4. Impact analysis – An impact analysis will be conducted to evaluate the potential direct and indirect environmental effects associated with implementation of the County Groundwater Ordinance. The impact analysis will be supported using data developed using the SCHM developed under Task 2 of the July 12 Workplan.
 5. Mitigation, Monitoring, and Reporting Program (MMRP) – A MMRP will be prepared and will present conceptual options for programmatic mitigation, as appropriate.
 6. PEIR Preparation and Processing – In preparation of the draft PEIR, comments

received on an administrative draft during internal review will be addressed. The Draft PEIR will be prepared and distributed for public review to a mailing list provided by County staff. Consultant will prepare a matrix listing commenter, environmental issue area addressed, and work assignments required to adequately address each comment. A reasoned response to environmental issues raised in the comments will be prepared.

7. Preparation Findings of Fact and Statement of Overriding Consideration – Findings of fact will be prepared for each Project impact. If necessary, a draft Statement of Overriding Consideration will also be prepared.”

4. Exhibit B Fee Schedule Item 3.1 is amended to read as follows:

Task	Description	Estimated Maximum Total Task Price
1	Inception, Initial Consultation and Project Management	\$9,187
2	Administrative Review of Well Permit Applications	\$3,319
3	Sustainability (Substantial Evidence) Review of Well Permit Applications	\$18,697
4	CEQA Initial Study and Determination Support	\$10,841
5	County Staff Training and Consultation	\$597
6	Meetings with WAC, TAC and County Staff	\$3,705
7	Additional As-Needed Services	\$14,054
8	SWGP Grant Application Support	\$15,000
9	PEIR for the Implementation of the Stanislaus Count Groundwater Ordinance	--
	Task 1 – Grant Administration	\$52,500
	Task 2 – GSP Development	--
	- Task 2.1 – Hydrologic Modeling	\$236,500
	- Task 2.2 – GSA Support	\$45,700
	Task 3 – Ordinance Development	--
	- Task 3.1 – Programmatic EIR Preparation	\$250,300
	TOTAL	\$660,400

Notes: Actual costs for Tasks 2, 3 and 4 shall depend on the number of permits Consultant reviews during the Agreement period. However, the not-to-exceed maximum shall not be exceeded without prior written authorization in the form of an amendment to the Agreement. A budget shall be allotted for Tasks 5 and 7 after assignment of a specific scope of work by the County.”

5. Exhibit C Work Schedule Section Item A is amended to add the following:

Schedule for Task 9: PEIR for the Implementation of the Stanislaus Count Groundwater Ordinance	
Task	Approximate Schedule/Duration
Task 1 – Grant Administration	<ul style="list-style-type: none"> • Project Management and Coordination: Ongoing • Monthly Status Reports: By 15th of the following month • Quarterly Status Reports: By 15th of the month following each calendar quarter

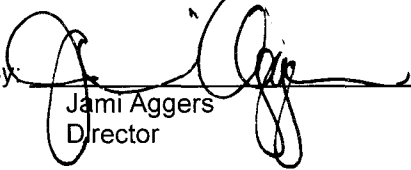
Task 2 – GSP Preparation	
Task 2.1 – Hydrologic Modeling	<ul style="list-style-type: none"> • Modeling Plan Development: Draft 4 weeks from Project Kickoff; Final 11 weeks from Project Kickoff • Modeling Technical Memorandum: Draft 5 months from Modeling Plan finalization; Final 2 weeks after draft (assuming comments are received within 1 week of submitting draft Technical Memorandum)
Task 2.2 – GSA Support	<ul style="list-style-type: none"> • Coordination and Data Sharing: Ongoing • Supplemental Modeling Evaluation: During final 8 weeks of Task 2.1 implementation • Stakeholder Workshops: Between 6 and 10 weeks after completion of Supplemental Modeling Evaluation
Task 3 Local Groundwater Ordinance Support	
Task 3.1 – PEIR Preparation and Processing	<ul style="list-style-type: none"> • Initial Study: Within 6 weeks of Project Kickoff • File NOP: Approximately 6 weeks after Project Kickoff • Scoping Meetings: 2 to 4 weeks after filing NOP • Response to Comments/Workplan Finalization: 11 weeks after Project Kickoff • Administrative Draft PEIR: 47 weeks after Project Kickoff • Draft PEIR: 8 weeks after Administrative Draft PEIR • Final PEIR: 8 weeks after Draft PEIR • Findings of Fact and Statement of Overriding Considerations: 6 weeks after Final PEIR

6. Except as stated herein, all other terms and conditions of the Agreement remain unchanged.

In witness whereof, the parties have executed this Amendment on the date written above.

[SIGNATURES APPEAR ON NEXT PAGE]

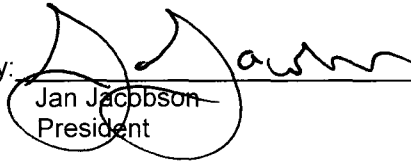
COUNTY OF STANISLAUS
Department of Environmental Resources

By: 

Jami Aggers
Director

"County"

JACOBSON JAMES & ASSOCIATES

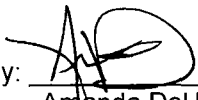
By: 

Jan Jacobson
President

"Consultant"

APPROVED AS TO FORM:

John P. Doering
County Counsel

By: 

Amanda DeHart
Deputy County Counsel