

ATTACHMENT A

SECOND AMENDMENT

**SECOND AMENDMENT TO AGREEMENT NO. 20-224
(BOS AGREEMENT NO ____ - ____)**

This Second Amendment to Agreement No. 20-224 is made and entered into as of the last date signed below, by and between the County of Yolo, a political subdivision of the State of California ("County"), and Heidi Tschudin, dba TSCHUDIN CONSULTING GROUP ("Contractor"), jointly referred to as the "Parties" herein and who agree as follows.

WHEREAS, on September 1, 2020, the Parties entered into Agreement No. 20-224 ("Agreement") for Contractor to provide Contract Planning Services in Support of the Cache Creek Area Plan for the County;

WHEREAS, on December 15, 2020, the Parties amended the Agreement, via the First Amendment (Agreement No. 20-292), to expand the scope of work to add Task 2.3, and to increase the maximum compensation by adding \$77,000 to Task 2; and

WHEREAS, on September 22, 2021, the Chief Deputy County Administrator approved a budget adjustment consistent with Section I, Paragraph D of the Agreement; and

WHEREAS, the Parties wish to amend the Agreement, as previously amended, to: 1) modify the scope of work to add a new task (Task 2.3.1) and 2) increase the maximum compensation by increasing the budget for Task 2 by \$235,651.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Section III of the Agreement is hereby amended to read as follows:

III. COMPENSATION AND REIMBURSEMENT OF EXPENSES

A. Budget. For the services described in Paragraph I above, and subject to the condition that the services have been completed in a manner satisfactory to the Administrator or his/her designee, County shall compensate Contractor for each task, on a time-and-material basis, in amount up to the maximum amounts set forth below:

Task 1: Cache Creek Area Plan Program Oversight	Up to \$215,000
Task 2: Yolo County Mining Permit Processing	Up to \$497,651

B. Rates. County will compensate Contractor at the following rates, up to the maximum amounts set forth above for each task:

Hourly Rates:

Labor Rate for Principal:	\$229/hour for existing projects \$249/hour for new projects
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Labor Rate for Support Services:	\$52 to \$190/hour
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Reimbursable Expenses

County may reimburse Contractor for direct travel expenses incurred by Contractor in the performance of this Agreement at the actual cost incurred by Contractor, provided that the travel expense was incurred after prior written approval of the Manager of Natural Resources. Direct travel expenses may include mileage, tolls, rental cars, hotels, and airfare.

Printing costs or other direct costs shall be billed as an expense, at a cost-plus ten percent administrative overhead.

Provided, however, that the total amount of compensation to be paid to Contractor for the services required by this Agreement shall not exceed Seven Hundred Twelve Thousand Six Hundred and Fifty-One dollars (\$712,651). In the determination of hourly fees, time allotments shall be calculated to one-tenth of an hour.

C. The compensation set forth above includes reimbursement for all expenses incurred by Contractor in the performance of this Agreement. Expenses will only be reimbursed upon the presentation of paid invoices.

- 2. Exhibit A-1: Scope of Work shall be deleted in its entirety and replaced with Exhibit A-2: Scope of Work, attached hereto and incorporated herein.
- 3. Except as specifically amended hereinabove, the Agreement shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the day and year set forth below.

CONTRACTOR

COUNTY

By: 
 Heidi Tschudin, Principal
 TSCHUDIN CONSULTING GROUP

By: _____
 Angel Barajas, Chair
 Yolo County Board of Supervisors

Date: April 2, 2022

Date: _____

Attest:
 Julie Dachtler, Senior Deputy Clerk
 Board of Supervisors

By: _____
 Deputy (Seal)

Approved as to Form:
Philip J. Pogledich, County Counsel

By: 
Eric May, Senior Deputy County Counsel

TASK 1 – CACHE CREEK AREA PLAN (CCAP) PROGRAM OVERSIGHT

Task Description: CONTRACTOR shall assist the program manager with program administration. CONTRACTOR shall provide professional advice and guidance related to the implementation of various functions of the CCAP program. CONTRACTOR shall perform the following duties only after receiving authorization from the Manager of Natural Resources. Duties associated with this task include, but are not limited to:

General Duties

- Meet and coordinate regularly with County staff as directed to accomplish tasks.
- Manage staff and consultant activities.
- Represent County in meetings and negotiations as assigned.
- Attend and present at public meetings and public hearings.
- Prepare miscellaneous correspondence, analysis, reports, memos, letters, ordinances, resolutions, or other documentation needed related to the assigned tasks.
- Assist with staff development and training.

Cache Creek Resources Management Plan (CCRMP) / Cache Creek Improvement Program (CCIP) Assistance

- Assist with securing and implementing state and federal permits.
- Assist with coordination with Yolo Habitat Conservation Plan / Natural Community Conservation Plan (Yolo HCP/NCCP).

Cache Creek Parkway Plan

- Assist with completion and implementation of the Master Plan and Parkway Vision component of the Cache Creek Parkway Plan.
- Assist with, and participate in, public workshops.
- Review and respond to public comments.
- Manage work performed by sub-consultants.
- Oversee CEQA compliance, if required.
- Assist with County's OHV park projects.

Off-Channel Mining Plan (OCMP) Assistance

- Assist with analysis of operation requests related to mining and reclamation permits.
- Assist with interpretation and implementation of mining and reclamation policies and regulations.
- Assist with 10-year review of mining permits.
- Assist with Development Agreement negotiations.

Labor Rate: \$229 per hour

Budget: \$215,000 (assumes approx. 6 hours/week x 52 weeks x 3 years)

Billing: All costs associated with this task will be paid by the appropriate Cache Creek Area Plan fund and reimbursed through applicant fees, as appropriate.

TASK 2 – YOLO COUNTY MINING PERMIT PROCESSING

Task Description: CONTRACTOR shall assist the Natural Resources Division and Planning Division with processing mining permit applications.

Note: Authorizations for future mining permit applications will be incorporated into the scope of work by way of the contract amendment process, and will be subject to future Board of Supervisors approval.

Task 2.1 – Teichert Shifler Application (ZF #2018-0078)

Duties to be performed by Heidi Tschudin (dba Tschudin Consulting Group) in support of this project include the following:

- Coordinate the work necessary to see assigned project to conclusion.
- Coordinate consultant preparation of environmental analysis and other technical reports that may be necessary.
- Undertake analysis of merits of the project guided by County code and CCAP requirements; prepare planning analysis; conditions of approval, supporting materials, etc.
- Keep staff informed regarding progress of project and adherence to project schedule.
- Coordinate with the application, and other parties, as appropriate.
- Maintain overall schedule of tasks and milestones.
- Prepare miscellaneous correspondence and staff reports.

Labor Rate: \$229 per hour

Budget: \$205,470.25 (actual)

Period of Engagement: July 1, 2020, through January 31, 2022*

**End date may be modified by Manager of Natural Resources should project timeline need to be extended.*

Billing: All costs associated with this task will be billed on a time-and-materials basis, and will be paid by application fees collected from the applicant.

Task 2.2 – Granite Rephasing Application (ZF #2019-0055 & ZF #2019-0056)

Duties to be performed by Heidi Tschudin (dba Tschudin Consulting Group) in support of this project include the following:

- Coordinate the work necessary to see assigned project to conclusion.
- Coordinate consultant preparation of environmental analysis and other technical reports that may be necessary.
- Undertake analysis of merits of the project guided by County code and CCAP requirements; prepare planning analysis; conditions of approval, supporting materials, etc.
- Keep staff informed regarding progress of project and adherence to project schedule.
- Coordinate with the application, and other parties, as appropriate.
- Maintain overall schedule of tasks and milestones.
- Prepare miscellaneous correspondence and staff reports.

Labor Rate: \$229 per hour

Budget: \$32,460.75 (actual)

Period of Engagement: July 1, 2020, through July 30, 2021*

**Permit application was withdrawn by applicant on July 30, 2021.*

Billing: All costs associated with this task will be billed on a time-and-materials basis, and will be paid by application fees collected from the applicant.

Task 2.3 – CEMEX Cache Creek Mining Permit & Reclamation Plan Amendment (ZF #2018-0015)

Duties to be performed by Heidi Tschudin (dba Tschudin Consulting Group) in support of this project include the following:

- Provide professional project management oversight and advice for the work effort necessary to see the project to conclusion.
- Oversee and guide consultant preparation of environmental analysis and other technical reports that may be necessary.
- Assist assigned County planner in developing, adjusting, and adhering to project schedule and work plan.
- Assist with coordination between County Planning Division, County Natural Resources Division, applicant, various agency representatives, and members of the public.
- Oversee and advise preparation of appropriate correspondence and staff reports.
- Review and provide comments on specified output (e.g. draft correspondence, key emails, draft staff reports, draft documents, etc.)
- Advise and attend key meetings, as appropriate.
- Advise regarding CEQA compliance.

Labor Rate: \$229 per hour

Budget: \$180,000

Period of Engagement: November 1, 2020, through August 26, 2022*

**End date may be modified by Manager of Natural Resources should project timeline need to be extended.*

Billing: All costs associated with this task will be billed on a time-and-materials basis, and will be paid by application fees collected from the applicant.

Task 2.3.1 – CEMEX Minor Modification (ZF #2022-0037)

Duties to be performed by Heidi Tschudin (dba Tschudin Consulting Group) in support of this project include the following:

- Draft correction letter.
- Finalize correction letter.
- Coordinate with County staff.
- Preliminary review of application submittal from applicant.
- Draft CEQA Addendum.
- Draft Minor Modification decision letter.
- Finalize Minor Modification decision packet.
- Coordinate with County staff.
- Meetings and other coordination, as needed.

Labor Rate: \$248 per hour

Budget: \$34,720 (assumes 7 weeks at approx. 20 hours/week)

Period of Engagement: March 28, 2022, through May 13, 2022*

**End date may be modified by Manager of Natural Resources should project timeline need to be extended.*

Billing: All costs associated with this task will be billed on a time-and-materials basis, and will be paid by application fees collected from the applicant.

Task 2.4 – Contingency

Should the Director’s decision regarding the Task 2.3.1 Minor Modification application be appealed, the following “contingency” tasks have been built into the scope.

- Review appeal.
- Coordinate with County staff.
- Draft staff report for Planning Commission (and Board of Supervisors, if necessary)
- Finalize staff report.
- Coordinate with County staff.
- Prepare for Planning Commission Hearing (and Board of Supervisors, if necessary)
- Attend and present at Planning Commission Hearing (and Board of Supervisors, if necessary)
- Other meetings and coordination, as needed.

Overall Budget: \$45,000

Estimated Budget for PC Appeal: \$24,800 (assumes 5 weeks at approx. 20 hours/week)

Estimated Budget for BOS Appeal: \$19,840 (assumes 4 weeks at approx. 20 hours/week)

Period of Engagement: May 15, 2022, through July 15, 2022*

PC Appeal: May 15, 2022, through June 17, 2022

BOS Appeal: June 20, 2022, through July 15, 2022

**End date may be modified by Manager of Natural Resources should project timeline need to be extended.*

Contingency funding may only be used upon written authorization from the Manager of Natural Resources. Should these funds not be needed for an appeal, they shall be made available for other services covered under this task for the duration of the contract.