

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

862



FROM: Executive Office

SUBMITTAL DATE:
January 22, 2004

SUBJECT: Environmental Impact Report (EIR) Consultant Selection and Hiring Practices

RECOMMENDED MOTION: That the Board of Supervisors approve the Memorandum of Understanding (MOU) for the preparation and handling of Environmental Impact Reports (EIR) and direct staff to report back in 60 days on implementation efforts.

BACKGROUND: On April 1, 2003, Supervisor Buster presented an item for Board consideration (Agenda Item 3.24) regarding the County selection and hiring of EIR Consultants. He reported that Assembly Bill 406, designed to ensure that an EIR consultant is not a subsidiary or division of a project applicant, was pending in the State legislature. In response, the Board of Supervisors directed the Planning Department, County Counsel, and the Executive Office to review the County's EIR consultant selection and hiring practices, seeking input from the Planning Commission, Building Industry Association (BIA), and environmental groups, and to submit a report back to the Board.

On November 25, 2003, Agenda Item 3.1, the Board was updated on the progress made on this item. Specifically, a draft MOU was developed, based on Los Angeles County's draft MOU, and circulated to stakeholders for their review and comment. Comments were due on December 5, 2003, and the County Working Group (comprised of County Counsel, Planning, Transportation, Executive Office, and Board Assistants) was scheduled to reconvene immediately thereafter.

Continued

Jennifer G. Sargent

Jennifer Sargent, Senior Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:
	Annual Net County Cost:	\$ N/A	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: Approve

County Executive Office Signature *Barbara Hummer*

Dept't Recomm.:
Per Exec. Ofc.:

Policy Consent

Policy Consent

Prev. Agn. Ref.: 3.24 on 4/1/03 | **District:** All | **Agenda Number:**

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

3.3

3067 704 55 04 2: 58

Five (5) stakeholders responded to the draft MOU: Building Industry Association, Albert A. Webb Associates, Mainiero, Smith and Associates, Center for Biological Diversity, and Endangered Habitats League. Although the comments were varied, many of them were incorporated into the final draft MOU (Attachment A). An area of particular concern, section I.e., addressed the relationship between the applicant and the EIR consultant/sub-contracted consultant(s).

The Working Group recommends a phased approach, by implementing the MOU, which strengthens the credibility of the EIR document with all stakeholders.

Phase I: Affirm the EIR consultant is working under the direction of the County and in accordance with CEQA laws and guidelines by requiring that the County receive all documents, correspondence, draft technical reports, and other information generated by the EIR consultant prior to submission to the Applicant.

The Planning Department, in coordination with the Purchasing Department, shall develop a process for maintaining and updating the Official County EIR Consultant List. Only consultants on the list may prepare an EIR on behalf of the County.

Phase II: Perform a formal review of the new procedures in one year and report back to the Board on the impact of the EIR development process and the effect on all stakeholders. At that time, the Board can reaffirm their desire to proceed with Phase III.

Phase III: After January 1, 2006, require that EIR consultant(s) and all sub-contracted consultant(s) shall not be a subsidiary or division of the applicant.

Phase IV: One year after the implementation of Phase III, conduct a review of the overall process and evaluate the impact on the development of EIR documents and the effect on all stakeholders and recommend any further changes.

The above approach is designed to eliminate any perceived conflicts of interest in the current process, as well as strengthen the credibility of EIRs prepared on behalf of the Board.