



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT

Item No.
15

Meeting Date: **NOVEMBER 4, 2010**

Subject:

Authorize the Award of an Agreement to Culbertson & Associates for Professional Consulting Services related to the California Coastal Act and the California Coastal Commission

Recommendation:

Adopt Resolution No. 2010-0122, authorizing the award of an Agreement to Culbertson & Associates for professional consulting services related to the California Coastal Act and the California Coastal Commission for a term of (3) years with a maximum amount payable of \$100,000.

Background/Justification:

Many of the projects carried out by the Authority are subject to the California Coastal Act and require compliance with the procedures established by the California Coastal Commission. In the past, Authority staff has retained the services of Culbertson & Associates to provide consulting services and assistance for projects located in the coastal zone and subject to the California Coastal Act. Andi Culbertson of Culbertson & Associates has the requisite knowledge and experience to assist the Authority with issues and projects located in the coastal zone. Ms. Culbertson is an attorney and a consultant with extensive knowledge and understanding of California statutes and regulations related to and governing projects located in the coastal zone. Culbertson & Associates has assisted and advised the Authority in the past on various issues involving the California Coastal Act and the California Coastal Commission. Culbertson & Associates is currently assisting the Authority with ongoing issues at the Salt Plant located in the South Bay. Culbertson & Associates is currently a subcontractor to Alston & Bird LLP and staff wishes to contract directly with Culbertson & Associates for ongoing and future services. Due to the ongoing work by Culbertson & Associates, no competitive process for these services was performed. Staff believes it is in the best interest of the Authority to continue its relationship with Culbertson & Associates to assist in the handling of ongoing issues and future projects involving the California Coastal Act.

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Fiscal Impact:

Funds to cover the new Agreement in the amount of up to \$100,000 are in the FY2011 budget.

Environmental Review:

- A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA, Pub. Res. Code §21065.
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Equal Opportunity Program:

The Authority's small business program promotes the use of small, local, disadvantaged, and other business enterprises, on all contracts, to provide equal opportunity for qualified firms. By providing education programs, making resources available, and communicating through effective outreach, the Authority strives for diversity in all contracting opportunities.

The Authority has a Disadvantaged Business Enterprise ("DBE") Plan as required by the Department of Transportation, 49 CFR Part 26. The DBE Plan calls for the Authority to submit an annual over-all goal for DBE participation on all federally funded projects.

This project does not use federal funds; therefore, it will not be applied toward the Authority's over-all DBE goal.

Prepared by:

AMY GONZALEZ
DIRECTOR, COUNSEL SERVICES

RESOLUTION NO. 2010-0122

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AUTHORIZING THE AWARD OF AN AGREEMENT TO CULBERTSON & ASSOCIATES FOR PROFESSIONAL CONSULTING SERVICES RELATED TO THE CALIFORNIA COASTAL ACT AND THE CALIFORNIA COASTAL COMMISSION FOR A TERM OF THREE YEARS WITH A MAXIMUM AMOUNT PAYABLE OF \$100,000

WHEREAS, many of the projects carried out by the Authority are subject to the California Coastal Act and require compliance with the procedures established by the California Coastal Commission; and

WHEREAS, in the past, Authority staff has retained the services of Culbertson & Associates to provide consulting services and assistance for projects located in the coastal zone and subject to the California Coastal Act; and

WHEREAS, Andi Culbertson of Culbertson & Associates has the requisite knowledge and experience to assist the Authority with issues and projects located in the coastal zone. Ms. Culbertson is an attorney and a consultant with extensive knowledge and understanding of California statutes and regulations related to and governing projects located in the coastal zone; and

WHEREAS, Culbertson & Associates is currently assisting the Authority with ongoing issues at the Salt Plant located in the South Bay; and

WHEREAS, due to the ongoing work by Culbertson & Associates, no competitive process for these services was performed; and

WHEREAS, staff believes it is in the best interest of the Authority to continue its relationship with Culbertson & Associates to assist in the handling of ongoing issues and future projects involving the California Coastal Act.

NOW THEREFORE BE IT RESOLVED that the Board hereby authorizes the award of an Agreement to Culbertson & Associates for professional consulting services related to the California Coastal Act and the California Coastal Commission for a term of three years with a maximum amount payable of \$100,000.

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BE IT FURTHER RESOLVED this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 4th day of November, 2010, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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