



MARIPOSA COUNTY

County Counsel · (209) 966-3222



RESOLUTION - ACTION REQUESTED 2019-80

MEETING: January 22, 2019
TO: The Board of Supervisors
FROM: Steve Dahlem, County Counsel
RE: Approve Modifications to Donor Agreement

RECOMMENDATION AND JUSTIFICATION:

Approve Modifications to the Donation Agreement Between the National Park Service, United States Department of the Interior, and Mariposa County, California; and Authorize the Director of Public Works and Transportation to Sign the Modification.

On January 8, 2019, the Board ratified the signature of the Public Works Director on a Donation Agreement Between the National Park Service, United States Department of the Interior, and Mariposa County, California. Subsequent to that time, the County received notification that Modifications were needed by the National Park Service. For that reason, the Board is being requested to approve the attached Modification to the Donation Agreement and to authorize the Director of Public Works and Transportation to sign it.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 8, 2019, the Board of Supervisors ratified the original Donation Agreement with resolution 2019-023.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve and the original Donation agreement may not be sufficient.

FINANCIAL IMPACT:

There will be no additional fund appropriation required in order to accomplish the agreement tasks.

ATTACHMENTS:

Modification to NPS Donation Agreement (PDF)
NPS Donation Agreement - approved January 8, 2019 (PDF)

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RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

Modifications to Donation Agreement

I. Pursuant to that donation agreement between the National Park Service (“NPS”) and Mariposa County, California (together, the “Parties”), dated as of December 31, 2018 (the “Donation Agreement”), the Parties wish to modify its terms as follows.

II. The Parties wish to modify Article II of the Donation Agreement so that the donation for park purposes begins at 5:01 p.m. on Wednesday, January 30, 2019, and ends at 11:59 p.m. on Wednesday, February 13, 2019. The amount required to reopen, operate, and manage Yosemite National Park for those days is trash collection service to the Wawona area, which includes, but is not limited to the Wawona Campground, South Entrance Station, and Chinquapin area.

III. The Donation Agreement, with the exception of the modifications reflected herein, remains in full force and effect.


IV. For the avoidance of doubt, Mariposa County, California agrees that the donation is a gift with no conditions, and Mariposa County, California expects no benefit ~~or credit to its contract in any form, such as a reduction or abatement of its Franchise Fee or adjustment of its contract term,~~ any reimbursement, or any other accommodation from the NPS in recognition of the donation.

In witness hereof, the following authorized representatives of the parties have signed their names on the dates indicated, thereby executing this modification to the Donation Agreement.

For the National Park Service


Stan Austin, Pacific West Regional Director
Date: January __, 2019

For Mariposa County, California



Mike Healy, Director of Public Works and Transportation
Date: January Y, 2019

APPROVED AS TO FORM:



STEVEN W. DAHLEM
COUNTY COUNSEL