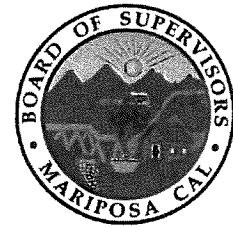




MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2019-455

MEETING: August 6, 2019
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Second Amendment - Agreement with Mintier Harnish

RECOMMENDATION AND JUSTIFICATION:

Approve second amendment to agreement with Mintier Harnish to establish compensation for Fiscal Year (FY) 2019-2020; and authorize the Board of Supervisors Chair to sign the amendment.

The firm Mintier Harnish Planning Consultants is currently under contract with Mariposa County to prepare updates to Mariposa County's Development Codes (for Zoning and Subdivisions) to implement the Mariposa County General Plan and to include administrative enforcement procedures in Title 1.

Because this contract work would occur in more than one fiscal year, the original contract was structured so that costs for each fiscal year would be brought back to the Board of Supervisors on an annual basis. This ensures availability of funds for continued work on the project.

Compensation for the original agreement for FY 18-19 was \$75,000. Not all budgeted funds were used.

This amendment establishes funds for FY 19-20 at \$160,000. These funds were included in the approved budget for Planning.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

March 26, 2019: Resolution No. 2019-161, Agreement with Mintier Harnish Planning Consultants for County of Mariposa Zoning and Subdivision Ordinance Update.

June 11, 2019: Resolution No. 2019-325, First Amendment with Mintier Harnish Planning Consultants to include administrative enforcement procedures in Title 1 within scope of work.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve amendment; continued work on contract will not occur.

FINANCIAL IMPACT:

Resolution - Action Requested 2019-455

None for current FY. Funds were budgeted and approved.

ATTACHMENTS:

MintierHarnish-Mariposa-ZSO-Amendment#2-2019-07-29(signed) (PDF)

MCZSO Resolution 2019-161 Agreement Mintier Harnish_2019 03 26 (PDF)

MCZSO Resolution 2019-325 First Amendment Agreement_Mintier Harnish 2019 06 11 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey

EXCUSED: Merlin Jones

**SECOND AMENDMENT TO
AGREEMENT FOR
ZONING AND SUBDIVISION ORDINANCES UPDATE**

THIS SECOND AMENDMENT TO AGREEMENT FOR ZONING AND SUBDIVISION ORDINANCES UPDATE is made and entered into this 6th day of August, 2019, to be retroactively effective on the 1st day of July, 2019, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “**County**,” and Mintier Harnish Planning Consultants, hereinafter referred to as “**Contractor**.”

WHEREAS, County and Contractor have heretofore entered into an Agreement dated the 26th day of March 2019 (“**Agreement**”), wherein **Contractor** agreed to provide professional planning consultant services to prepare updates to Mariposa County’s Zoning and Subdivision Ordinances; and

WHEREAS, on the 11th day of June, 2019, County and Contractor amended said **Agreement** to change the work scope to be provided by **Contractor** and budget to be provided to **Contractor**, to include enforcement and nuisance abatement provisions in Title 1, County Code; this was titled “First Amendment to Agreement for Zoning and Subdivision Ordinances Update”; and

WHEREAS, County and Contractor desire to amend said **Agreement** to identify the Compensation for the County’s Fiscal Year (FY) 2019-2020 (July 1, 2019 – June 30, 2020).

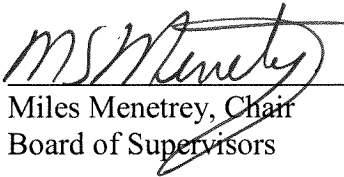
NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. **Agreement, Paragraph 3, “COMPENSATION”.** **Contractor** services performed during County FY 19/20 (July 1, 2019 – June 30, 2020) shall not exceed the current funded amount of \$160,000 (hereinafter referred to as “ZO/SO Update Funding Two”). Pursuant to the Scope of Work (as contained in Exhibit A of Agreement), ZO/SO Update Funding Two covers the Phases(s), Tasks(s), and level of effort as described in Exhibit B for FY 19/20 as well as any uncompleted Phase(s), Task(s), and level of effort as described in Exhibit B for FY 18/19, including the supplemental work as described in the First Amendment to Agreement.

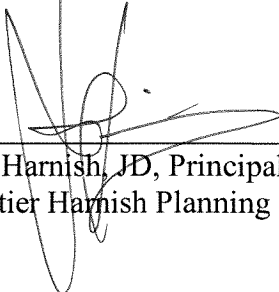
Except as herein amended, the Agreement dated the 26th day of March 2019 and the First Amendment dated the 11th day of June, 2019 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:


Miles Menetrey, Chair
Board of Supervisors

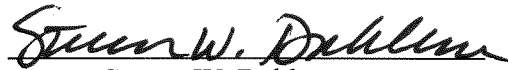
CONTRACTOR:


Jim Harnish, JD, Principal/Owner
Mintier Harnish Planning Consultants

ATTEST:


René LaRoche
Clerk of the Board

APPROVED AS TO FORM:


Steven W. Dahlem
County Counsel