DEPARTMENT: Public Works  BY: Matt Freeman  PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X__)

Approve the agreement between the Lions Club and Public Works Department for work to be done on the Catheys Valley Ball Field Lighting Project (PW-02-12) and Woodland Ball Field Lighting Project (PW-02-13).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

09/12/01 Project approved for a CIP Budget of $80,000 for Catheys Valley and $132,000 for Woodland

03/19/02 The specifications for the lights were approved and the Public Works Director was authorized to award the contract contingent on the environmental review being completed.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve. The County would need to hire a contractor to perform the services needed to assist with the project, resulting in non-use of volunteer help.

COSTS: ( ) Not Applicable
A. Budgeted current FY
   $ 
B. Total anticipated costs
   $ 
C. Required additional funding
   $ 
D. Internal transfers
   $ 

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues
   $ 
B. Reserve for contingencies
   $ 
C. Source description:
   Balance in Reserve for Contingencies, if approved: $ 

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Draft Agreement

CLERK’S USE ONLY:
Res. No.: 88-221  Ord. No. 
Vote - Ayes: 5  Noes: 
Absent: 
Approved:  ( ) Denied: 
( ) Minute Order Attached  ( ) No Action Necessary

COUNTY ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:

   Recommended
   Not Recommended
   For Policy Determination
   Submitted with Comment
   Returned for Further Action

Comment:

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: Deputy

C.A.O. Initials: 

Action Form Revised 5/92
AGREEMENT

THIS AGREEMENT is entered into on the most recent date below written by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and the Mariposa Lions Club, a nonprofit California Corporation, hereinafter referred to as "LIONS CLUB".

WITNESSETH:

WHEREAS, COUNTY desires to install ballpark lighting at the Mariposa County Park located at Woodland and the Mariposa County Park located at Catheys Valley; and,

WHEREAS, COUNTY has budgeted appropriate funds to pay for the costs of the light fixtures, materials, engineering, permitting, and inspections for installation of the lighting; and,

WHEREAS, LIONS CLUB desires to donate the labor together with the use of equipment necessary for the installation of the ballpark lighting as a community project.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the parties hereto agree as follows:

1. COUNTY shall provide all of the materials necessary for installation and completion of a lighting project at the ballfields at Woodland and Catheys Valley County Parks, including but not limited to, light fixtures, wiring, conduit, concrete, engineering, oversight, permits, and inspections.

2. COUNTY shall work diligently with LIONS CLUB to provide the engineering necessary and the oversight of the installation of the lighting as above described.

3. LIONS CLUB shall provide all the labor necessary for the installation of the lighting in Woodland and Catheys Valley County Parks and the use of all equipment necessary to provide the installation. The labor and installation shall be at no cost to the COUNTY and shall be done by LIONS CLUB as a community project on behalf of the citizens of Mariposa County.

4. All electrical work to be done by LIONS CLUB hereunder shall be performed under the direction of a licensed electrician retained by the COUNTY.

5. LIONS CLUB agrees to complete each project, i.e., Woodland and Catheys Valley six (6) months after written notice to proceed is given to LIONS CLUB. The completion date shall be six (6) months for each project and not six (6) months total, exclusive of weather delays.

6. LIONS CLUB shall provide liability insurance naming COUNTY as an additional insured on LIONS CLUB current liability policy covering COUNTY in the event of
injury or damage to persons or property as a result of LIONS CLUB activities hereunder.

7. LIONS CLUB agrees to have each individual who provides donated labor pursuant to this Agreement sign a Workers' Compensation waiver document. A copy of the document is attached hereto, marked Exhibit "A" and by this reference incorporated herein.

8. LIONS CLUB hereby appoints Earl Crutchfield and Chris Chase as the contact persons for COUNTY to deal with relative to LIONS CLUB performance hereunder. LIONS CLUB represents that the person(s) named above have full authority to deal with COUNTY for all purposes of this Agreement.

COUNTY:

[Signature]
Robert C. Stewart, Chairman
Mariposa County Board of Supervisors

Date: June 26, 2002

ATTEST:

[Signature]
MARGIE WILLIAMS, Clerk of the Board

MARIPOSA LIONS CLUB:

[Signature]
Earl Crutchfield, Representative

[Signature]
Chris Chase, Representative

Date: Aug 7, 2002

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
JEFFREY G. GREEN, County Counsel
VOLUNTEER STATEMENT

I, ___________________________________________ hereby offer my services as a volunteer to provide services to the Mariposa County Parks and Recreation Division of the Public Works Department consisting of providing labor for installation of ballpark lights at Woodland and/or Catheys Valley County Parks.

I recognize that I am not an employee of the County of Mariposa and that there is no contractual arrangement whatsoever between the County and myself. I further recognize that as a volunteer I will not be covered by Workers’ Compensation Insurance of the County.

I hereby agree to assume any and all risks entailed in my volunteer activities for the above-stated purpose and specifically release Mariposa County from any liability, including but not limited to injuries caused by lifting, bending, stooping, carrying materials, falling objects, trip and fall injuries suffered in driving to and from work sites, etc.

_____________________________   _______________________
Signature                        Date

_____________________________
Printed Name

_____________________________
Street Address

_____________________________
City/State/Zip Code

EXHIBIT “A”