RESOLUTION - ACTION REQUESTED 2017-196

MEETING: April 11, 2017

TO: The Board of Supervisors

FROM: Eric Sergienko, Health Officer

RE: Paseo De Mariposa Event Agreements

RECOMMENDATION AND JUSTIFICATION:

Approve a Memorandum of Understanding (MOU) Between the County of Mariposa and the Mariposa-Yosemite Rotary Club to Administer Funds for the Paseo De Mariposa Event; Authorize the Board of Supervisors Chair to Sign the MOU; Approve Five Year Agreements with Jason Dubberke, Dave Lawson and Mariposa Public Utility District (MPUD) for Use of Their Properties for the Paseo De Mariposa Event; and Authorize the Board of Supervisors Chair to Sign the Agreements. (1 MOU; 3 Agreements)

Second Annual Paseo de Mariposa 5k Run/Walk and 12k Trail Run will be held on May 6, 2017. This event is in conjunction with the Mariposa Butterfly Festival.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Paseo de Mariposa, a County sponsored event, is a community collaborative, promoting the message of overall health and wellness by being physically active. The health message format is in the form of fun race events (Caterpillar Crawl for children under 5 years old; 5k Family fun run/walk; 12K trail run). Participants under 18 years of age participate at no cost.

The start/stop location for the 5K and 12 K is in front of the historical Mariposa County Courthouse. Last year's 5K run and 12K trail courses will be used for this second annual event. The 12K trail includes the MPUD reservoir trail, properties of Dave Lawson and Jason Dubberke. All property owners (MPUD; Lawson & Dubberke) provided agreements for the use of the land and trails.

On January 26, 2016 the Board of Supervisors declares the Paseo de Mariposa event as an annual County sponsored event with Board Resolution 2016-47.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

FINANCIAL IMPACT:
No cost to Mariposa County. The finances will be supported by potential donations from sponsors.

ATTACHMENTS:
5K Run - walk map (PDF)
Trail map (PDF)
MOU between the County of Mariposa and the Mariposa-Yosemite Rotary Club (PDF)
Agreement with Jason Dubberke and Dave Lawson (PDF)
Agreement with MPUD (PDF)

CAO RECOMMENDATION

Dallin Kimble, Interim CAO 4/5/2017

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF MARIPOSA
AND THE MARIPOSA-YOSEMITE ROTARY CLUB

THIS MEMORANDUM OF UNDERSTANDING 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-Yosemite Rotary Club,
hereinafter referred to as “Rotary.”

WHEREAS, the Paseo de Mariposa is an annual community event promoting the
message of overall health and wellness by being physically active. The health message to the
community is in the form of fun race events, such as a caterpillar crawl for children five and
under, 5-K family fun run/walk, and a 12-K trail run; and

WHEREAS, the Mariposa County Health Department has been recognized by the Health
Officers Association of California with the “Most Impactful Campaign in a Very Small
Jurisdiction” Award in the amount of Ten Thousand Dollars ($10,000) and desires to contribute
Nine Thousand Dollars ($9,000) to the Paseo de Mariposa event to assist in the promotion of
overall health and wellness; and

WHEREAS, County desires to issue a check in the amount of Nine Thousand Dollars
($9,000) to Rotary for the purpose of defraying the costs associated with the Paseo de Mariposa
event;

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

1. County agrees to issue a check in the amount of Nine Thousand Dollars ($9,000) to
   Rotary for the sole purpose of defraying costs associated with the Paseo de Mariposa
event.
2. Rotary agrees to use these funds solely for materials directly related to the 2017 Paseo de
   Mariposa event.
3. Rotary shall provide an annual accounting or allow a representative of the County a
   review of financial records related to this Memorandum of Understanding.
4. County and Rotary agree that any remaining funds will be used by Rotary for future
   Paseo de Mariposa events.

COUNTY OF MARIPOSA

[Signature]
Marshall Long, Chairman
Mariposa County Board of Supervisors
Date: 4/11/2017

MARIPOSA-YOSEMITE ROTARY CLUB

[Signature]
Daniel M. Vang, President
Charles O. Lindell, Secretary
Date: 3-16-2017

ATTEST:

[Signature]
Rene LaRoche
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
Steven W. Dahlem
Mariposa County Counsel
AGREEMENT

This AGREEMENT, made this 11th day of April, 2017 between, Jason Dubberke and Dave Lawson, hereinafter referred to as “Dubberke and Lawson” and County of Mariposa, a political subdivision of the State of California, hereafter referred to as “County”.

WHEREAS, Dubberke and Lawson are the owners of certain real property located at Parcel Numbers 012-150-087, 012-150-079, 012-151-004, and 012-150-068; and

WHEREAS, County wishes to use the property of Dubberke and Lawson as part of the 12K Trail Run for the Paseo de Mariposa event, on the Saturday morning of the Mariposa Butterfly Festival;

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

1. Dubberke and Lawson agree to permit such use for the next five (5) consecutive years, commencing on the date of this signed AGREEMENT.

2. Dubberke and Lawson also have the right to revoke this AGREEMENT at any time.

3. Dubberke and Lawson do not warrant the condition of the premises and County accepts the premises “as is”.

4. In the event suit is brought by someone as the result of the County’s use of the premises, County shall hold Dubberke and Lawson harmless for defense of the action.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

OWNERS:

By _______________________________

Jason Dubberke

By _______________________________

Dave Lawson

COUNTY OF MARIPOSA:

By _______________________________

Marshall Long, Chair of the Board

APPROVED AS TO FORM:

______________________________

STEVEN W. DAHELM

COUNTY COUNSEL
AGREEMENT

This AGREEMENT is made and entered into this 11th day of December, 2017 between Mariposa Public Utility District, hereinafter referred to as "MPUD" and the County of Mariposa, a political subdivision of the State of California, hereafter referred to as "County".

WHEREAS, MPUD is the owner of certain real property located at MPUD/Stockton Creek Preserve; and

WHEREAS, County wishes to use the property of MPUD as part of the 12K Trail Run for the Paseo de Mariposa event, on the Saturday morning of the Mariposa Butterfly Festival;

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

1. MPUD agree to permit such use for the next five (5) consecutive years, commencing on the date of this signed AGREEMENT.

2. MPUD also has the right to revoke this AGREEMENT at any time.

3. MPUD does not warrant the condition of the premises and County accepts the premises "as is".

4. In the event any claim or suit is made or brought by any person or entity as the result of personal injury or property damage arising out of use of the premises in accordance with this agreement, County shall defend, indemnify and hold MPUD harmless from any such claim(s) or suit(s).

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

Mariposa Public Utility District:

By  
David Radanovich Chairman

Attest:

By  
Mark Rowney
Clerk, Ex-officio, Secretary

County of Mariposa:

By  
Marshall Long, Chair
Mariposa County Board of Supervisors

APPROVED AS TO FORM:

STEVEN W. DAHLEM
COUNTY COUNSEL