RESOLUTION - ACTION REQUESTED 2020-477

MEETING: August 4, 2020

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Third Amendment - Agreement with Mintier Harnish

RECOMMENDATION AND JUSTIFICATION:
Approve third amendment to the agreement with Mintier Harnish to establish compensation for Fiscal Year (FY) 2020-2021; 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.

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.

Allocated compensation for the original agreement for FY 2018-2019 was $75,000. Not all budgeted funds were used.

Allocated compensation for the second amendment for FY 2019-2020 was $160,000. Not all budgeted funds were used.

This amendment establishes funds for FY 2020-2021 at $120,000 which is 75% of the prior FY’s agreement. This amount has been included in the adjusted requested Planning Department’s Budget for Fiscal Year 2020-2021.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

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.
Resolution - Action Requested 2020-477

**August 6, 2019:** Resolution No. 2019-455. Second Amendment with Mintier Harnish Planning Consultants to establish compensation for FY 2019-2020 work.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

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

**FINANCIAL IMPACT:**

None for current FY. Funds were budgeted and approved by CAO.

**ATTACHMENTS:**

MCZSO Resolution 2019-161 Agreement Mintier Harnish_2019 03 26  (PDF)
MCZSO Resolution 2019-325 First Amendment Agreement_Mintier Harnish 2019 06 11 (PDF)
MCZSO Resolution 2019-455 Second Amendment Mintier_ Harnish  (PDF)
MCZSO DRAFT Third Amendment Mintier Harnish for Funding for FY 20-21 (PDF)

**RESULT:**  ADOPTED BY CONSENT VOTE [UNANIMOUS]

**MOVER:**  Marshall Long, District III Supervisor

**SECONDER:**  Miles Menetrey, District V Supervisor

**AYES:**  Smallcombe, Jones, Long, Cann, Menetrey
THIRD AMENDMENT TO AGREEMENT FOR ZONING AND SUBDIVISION ORDINANCES UPDATE

THIS THIRD AMENDMENT TO AGREEMENT FOR ZONING AND SUBDIVISION ORDINANCES UPDATE is made and entered into this 4th day of August 2020, to be retroactively effective on the 1st day of July 2020, 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, on the 6th day of August 2019 (retroactively applicable to the 1st day of July 2019), County and Contractor amended said Agreement to identify the Compensation for the County’s Fiscal Year (FY) 2019-2020 (July 1, 2019 – June 30, 2020); this was titled “Second Amendment to Agreement for Zoning and Subdivision Ordinance Update”; and

WHEREAS, County and Contractor desire to again amend said Agreement to identify the Compensation for the County’s Fiscal Year (FY) 2020-2021 (July 1, 2020 – June 30, 2021).

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 2020-2021 (July 1, 2020 – June 30, 2021) shall not exceed the current funded amount of $120,000 (hereinafter referred to as “ZO/SO Update Funding Three”). Pursuant to the Scope of Work (as contained in Exhibit A of Agreement), ZO/SO Update Funding Three covers the Phases(s), Tasks(s), and level of effort as described in Exhibit B for FY 2020-2021 as well as any uncompleted Phase(s),
Task(s), and level of effort as described in Exhibit B for FY 2018-2019 and FY 2019-2020, 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, the First Amendment dated the 11th day of June 2019, and the Second Amendment dated the 6th day of August 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:

Kevin Cann, Chair
Board of Supervisors

CONTRACTOR:

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

ATTEST:

René LaRoche
Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel