RESOLUTION - ACTION REQUESTED 2021-511

MEETING: September 15, 2021

TO: The Board of Supervisors

FROM: Shannon Hansen, Interim Director of Public Works & Transportation

RE: Approve 4Th Amendment for Roadside Weed Spraying on County Right of Ways

RECOMMENDATION AND JUSTIFICATION:

Approve Fourth Amendment with California Reforestation for Roadside Herbicide and Pre-Emergent Spraying to Extend the Term of the Agreement to October 31, 2021; and Authorize the Board of Supervisors Chair to Sign the Amendment.

This amendment will allow for final weed abatement. The Department will provide an Opt-Out Program form allowing residents with property adjacent to County Right-of-Way the ability to opt-out of the chemical application program in exchange for the property owner assuming weed control responsibilities. Enrollment in the Opt-Out Program will last for a period of two years unless otherwise revoked by the resident or by the Department due to breach of the terms of the program.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 12, 2021 Resolution 2021-24 the Board approved a Third Amendment to extend the term of the Agreement to May 31, 2021.

On March 17, 2020 Resolution 2020-140 the Board approved a Second Amendment to increase compensation and extend the term of the Agreement to December 31, 2020.

On November 20, 2019 Resolution 2018-560 the Board approved a First Amendment to extend the term of the Agreement to December 31, 2019.

On May 8, 2018 Resolution 2018-210 the Board approved an Agreement with California Reforestation for roadside weed spraying in the County right of way.


On November 22, 2016 Resolution 2016-609 the Board approved roadside weed spraying services.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve, there will be no additional roadside weed spraying this year.

FINANCIAL IMPACT:
There is no financial impact as this a extension of time only

ATTACHMENTS:
California Reforestation 4th amd (PDF)
Calif Reforest 3rd Amd (PDF)
Calif Reforest 2nd amd (PDF)
Calif Reforestation 1st amd (PDF)
California Reforestation 18-043 Weed Spraying (PDF)
Weed abatement forms (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey
FOURTH AMENDMENT TO AGREEMENT FOR ROADSIDE WEED SPRAY SERVICES

THIS FOURTH AMENDMENT TO AGREEMENT FOR ROADSIDE WEEDSPRAY SERVICES, is made and entered into this 15th day of September 2021, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "County," and California Reforestation, hereinafter referred to as "Contractor."

WHEREAS, County and Contractor have heretofore entered into an Agreement dated May 8, 2018, wherein Contractor agreed to provide roadside weed spray services; and

WHEREAS, County and Contractor entered into the First Amendment dated November 20, 2018 to extend the term of the Agreement to December 31, 2019.

WHEREAS, County and Contractor entered into the Second Agreement dated March 17, 2020 to increase compensation by $80,000 for a total not to exceed amount of $157,500 and to extend the term of the Agreement to December 31, 2020.

WHEREAS, County and Contractor entered into a Third Amendment dated January 12, 2021 to extend the term of the Agreement to May 31, 2021.

WHEREAS, County and Contractor desire to amend said Agreement to extend the term of the Agreement to October 31, 2021;

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

1. Paragraph 1, "TERM," is hereby amended to extend the term of the Agreement to October 31, 2021.

4. Paragraph 4: Except as herein amended, the Agreement dated May 8, 2018 shall remain in full force and effect.

The Agreement, as hereby amended, is ratified and continued. All provisions, terms, covenants, conditions and promises contained in this Agreement not amended herein shall remain in full force and effect. This Amendment is effective retroactive to May 31, 2021. The parties shall treat the Agreement as if it had been in full force and effect continuously since May 31, 2021, without there having been any interruption of the Agreement whatsoever.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA

Marshall Long, Chair
Board of Supervisors

CONTRACTOR

Will Dorrell
California Reforestation

COUNTERSIGNED:
(Government Code §25103)

Rene LaRoche
Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
# Certificate of Liability Insurance

**Date:** 03/02/2021

**Certificate Number:** 21-22 Master

**Revised Number:**

## Coverages

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## Description of Operations/Locations/Vehicles

The County of Mariposa, its officials, employees & volunteers are included as an Additional Insured with respect to the Pollution, General, and Auto Liability policies when required in a written contract per forms ENV/3250 1218, ENV/3251 1216, CG/2026 0413 & MCA85100817-CA. Pollution, General, and Auto Liability policies are Primary & Non Contributory where required in a written contract per forms ENV/3253 1218, CG/2001 0413 & MCA85100817-CA. Waivers of Subrogation apply to Pollution, General, Auto Liability and Workers Compensation when required in a written contract per forms ENV/31403035, CG/2024 0413, MCA8510 0817-CA & WC/2040306 0494. Umbrella follows form attached form PICXL 041 when required by written contract.

## Certificate Holder

Mariposa County Public Works
4639 Ben Hur Rd.
Mariposa, CA 95338

## Cancellation

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Authorized Representative

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