MARIPOSA COUNTY
BOARD OF SUPERVISORS

DEPARTMENT: County Counsel
BY: Thomas P. Guarino
PHONE: 966-3222

AGENDA ACTION FORM
DATE: 1/20/04
AGENDA ITEM NO. 4

RECOMMENDED ACTION AND JUSTIFICATION:

Lake Don Pedro Community Service Area 1M

Pass and adopt the attached Resolution declaring the Board’s intent to lease real property located in the Lake Don Pedro 1M area. This property has been used for grazing purposes by Donald Pucilowski and Dean Gordin who entered into an Agreement with the County for a 3-year period and then an interim Month-to-Month Extension Agreement. It is the Board’s intention to re-publicize the solicitation of bids; the property will be leased to the highest bidder at a public meeting to be held on February 17, 2004. Sealed proposals will be accepted until noon on Friday, February 13, 2004.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- On June 9, 1998, the Board authorized the Chairman to sign a Lease Agreement with Donald Pucilowski and Dean Gordin for a 3-year term beginning July 1, 1998 and ending June 30, 2001.
- On March 20, 2001 the Board directed staff to proceed with re-publicizing the grazing lease for a 3-year period.
- On April 24, 2001 the matter was pulled to explore the possible sale of this property.
- On July 1, 2001 the County entered into a Lease Agreement extension on a month-to-month basis with Mr. Pucilowski and Mr. Gordin.
- On November 18, 2003 the Board directed staff to proceed with re-publicizing the grazing lease for a 3-year period.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes ( ) No
Current FY Cost: $

Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $

Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency ( ) General ( ) Other

List Attachments, number pages consecutively
Resolution of Intention

CLERK’S USE ONLY: LUP Res. 04-1
Res. No.: No. ________
Vote – Ayes: __________ Noes: ______

Approved: ______
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ________________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER: ___ Requested Action Recommended
___ No Opinion
Comments:

CAO: __________

Revised Dec. 2002
MARIPOSA COUNTY RESOLUTION NO. 04-23  
COUNTY SERVICE AREA 1M (LAKE DON PEDRO) RESOLUTION NO. 04-1  

RESOLUTION OF INTENTION TO LEASE REAL PROPERTY

WHEREAS, the County of Mariposa is the owner of certain real property described as Parcel 1 in Area 1M of Lake Don Pedro, and

WHEREAS, the property is useful for cattle grazing, and

WHEREAS, the County has leased the property in the past for cattle grazing,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mariposa County hereby declares its intention to lease the above-described real property for the purpose for grazing rights.

BE IT FURTHER RESOLVED that the County shall lease the property to the highest bidder at a public meeting of the Board of Supervisors to be held on February 17, 2004 at the County Government Center in Mariposa County, at which time sealed proposals to lease the property will be received and considered.

BE IT FURTHER RESOLVED that the minimum lease price for the term of three (3) years shall be the sum of ONE THOUSAND ONE HUNDRED THIRTY-FIVE DOLLARS ($1,135.00) per year.

BE IT FURTHER RESOLVED that any party interested in bidding on the lease of the above property shall provide a sealed proposal to the Board of Supervisors to be received no later than noon on February 13, 2004.

BE IT FURTHER RESOLVED that any lease of the property will include a hold harmless indemnity clause and insurance sufficient to protect County.

BE IT FURTHER RESOLVED that a notice of adoption of this Resolution shall be posted in three public places in the County not less than fifteen (15) days before the day of the meeting wherein sealed bids will be opened and, further, a notice, together with a copy of this Resolution, shall be published in a newspaper of general circulation in the County at least twice prior to the meeting wherein the proposals will be opened.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 20th day of January 2004, by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

GARRY R. PARKER, Chairman  
Board of Supervisors

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

THOMAS P. GUARINO, County Counsel
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TOM GUARINO, County Counsel

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: BOARD’S INTENTION TO LEASE GRAZING PROPERTY LOCATED IN THE LAKE DON PEDRO 1-M AREA
Resolution No. 04-23
Lake Don Pedro Resolution No. 04-1

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 20, 2004

ACTION AND VOTE:

10:32 a.m. LAKE DON PEDRO COMMUNITY SERVICE AREA 1-M

Adopt a Resolution Declaring the Board’s Intent to Lease Real Property Located in the Lake Don Pedro 1-M Area (County Counsel)

BOARD ACTION: Discussion was held with Tom Guarino, County Counsel. Supervisor Balmain clarified that the proposal indicates a minimum bid, and he advised of the history of leasing this property and of consideration of selling the property. (M)Balmain, (S)Pickard, Res. 04-23 and LDP Res. 04-1 were adopted declaring intent to lease the property as recommended. Further discussion was held. Supervisor Bibby asked about including a clause relative to responsibility for maintaining the property and the fencing and requiring liability insurance to protect the County. The motion was amended, agreeable with the maker and the second, to include direction to include language in the formal resolution and the contract that any lease of the property will include a hold harmless indemnity clause and insurance sufficient to protect the County/Ayes: Unanimous.

cc: File