

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

**DATE: 10/10/00
AGENDA ITEM NO.: 109**

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ NoX)

Resolution authorizing Chairman to sign Second Amended Cooperative Agreement with Mariposa Rotary Club for the construction of a theater/stage. This Amended Cooperative Agreement will require the County to establish a line item account for the additional phases of the project so that funds, when available, can be placed in the appropriate account.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County entered into a Cooperative Agreement with Rotary Club on December 14, 1998 and amended that Agreement on June 20, 2000.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: (X) 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. Letter to BOS from County Counsel

2. Second Amended Agreement

CLERK'S USE ONLY:

Res. No.: 00-347 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

() Approved () Denied

() 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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

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

Comment: _____

A.O. Initials: UNDP

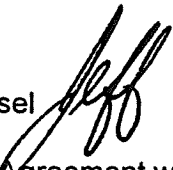


OFFICE OF THE
COUNTY COUNSEL

M E M O R A N D U M

DATE: September 27, 2000

TO: Board of Supervisors

FROM: Jeffrey G. Green, County Counsel 

RE: Second Amended Cooperative Agreement with Mariposa Rotary Club for the Construction of a Theater/Stage

As you will recall, the Board recently restructured the original Cooperative Agreement between the County and the Mariposa Rotary Club relative to the construction of a theater/stage at the Mariposa County Park. At that time, it was necessary to transfer some of the County funds to finalize payment of the stage building. During the restructure of that agreement, the County transferred \$13,000 from its account to Rotary relative to reconditioning the seating for the stage. The committee has met with representatives of Rotary and has determined that it is infeasible for Rotary to do the seat reconditioning. Therefore this agreement will, if approved by the Board, require Rotary to return the \$13,000 to the County and Public Works will process reconditioning of the seating. Additionally, there is still money in the account for stage lighting, electrical and other lighting for the stage area. With approval of this Amended Cooperative Agreement, the first phase of the stage project can be completed. Completion of additional phases which would add dressing rooms, etc. for the stage will be brought to the Board as funds become available either through County contributions and/or Rotary contributions. This Amended Cooperative Agreement will require the County to establish a line item account for the additional phases of the project so that funds, when available, can be placed in the appropriate account.

Should you have any questions regarding this matter, please feel free to contact me.

rs

SECOND AMENDED COOPERATIVE AGREEMENT

THIS SECOND AMENDED COOPERATIVE 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 Rotary Club, a California non-profit corporation, hereinafter referred to as "Rotary."

WITNESSETH:

WHEREAS, on December 14, 1998, County and Rotary entered into a Cooperative Agreement for the construction, of a theater/stage to be located at the Mariposa County Park in the town of Mariposa, and

WHEREAS, on July 27, 2000, County and Rotary entered into an Amended Cooperative Agreement for the construction of a theatre stage to be located at the Mariposa Park in the town of Mariposa, and


WHEREAS, County has determined that it is in the public's interest to revise the Amended Cooperative Agreement;

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

1. The purpose of this Second Amended Cooperative Agreement is for the construction of the first phase of a theatre stage to be located at the Mariposa County Park in the town of Mariposa (Mariposa Park Stage Project/Public Works No. 97-04), hereinafter referred to as "Project."
2. When the original Cooperative Agreement and the Amended Cooperative Agreement were entered into it was the desire of both parties to structure an agreement for the entire project, which at that time consisted of three phases. At the present time phase one, i.e., installation of site improvements including the foundation, together with the stage structure itself, has been completed and County is in the process of taking the necessary action to complete the stage lighting and electrical and the park lights. With the renovation of a portion of the seating area for the Project, phase one of the Project will be completed. It is the desire of the parties hereto that once phase one, as above described, has been completed that the Cooperative Agreement, Amendment Cooperative and this Second Amended Cooperative Agreement shall be deemed to be fulfilled and

- County and Rotary shall enter into subsequent agreements relative to work to be done on the additional phases of the Project.
3. Rotary hereby agrees to be responsible for the completion of the installation of the actual stage. County acknowledges that Rotary has, prior to execution of this Second Amended Cooperative Agreement, completed the site work and the foundation for the stage. Rotary shall additionally return to County the sum of Thirteen Thousand Dollars (\$13,000) which the County made available to Rotary under the Amended Cooperative Agreement. The \$13,000 was originally budgeted by County for County to commence work on restoration for the seating for the Project. Upon return of the \$13,000 County shall use those funds to commence renovation of the seating for the Project.
 4. County shall be responsible for an expenditure of Thirty Thousand Dollars \$30,000 for stage lighting and electrical and \$10,000 for park lights. County shall consult with Rotary and the Mariposa County Arts Council relative to stage lighting and electrical needs. County shall additionally use the \$13,000, which shall be returned from Rotary as and for commencing improvements and/or renovation of seating for the stage project. County shall additionally be responsible for obtaining a final on the building permit and a certificate of occupancy for the stage project upon completion of the first phase as described in this Second Amended Cooperative Agreement.
 5. Invoices for work, using County funds, will be submitted to the Mariposa County Public Works Director for approval and payment. All invoices must be accompanied by detail to verify the work and must comply with the approved budget itemization for the invoice. An accounting summary of each of the Project budget items must accompany each invoice showing the item description, budget amount per item, expenditures to date, and the remaining budget unexpended.
 6. All improvements shall become the sole property of County.
 7. County shall assume responsibility of all maintenance of the Project once complete.
 8. This Second Amended Cooperative Agreement shall be interpreted pursuant to the laws of the State of California.
 9. County shall establish an internal account wherein monies raised by Rotary and/or the Mariposa County Arts Council and any County funds in the future earmarked for the stage project shall be placed for purposes of funding construction of future phases of the project. Any future phases shall be approved by the Board of Supervisors prior to any work being commenced.

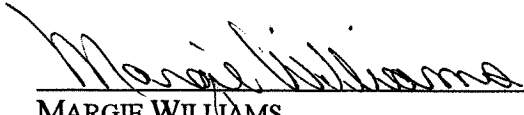
COUNTY OF MARIPOSA:


GARRY R. PARKER, Chair
Board of Supervisors

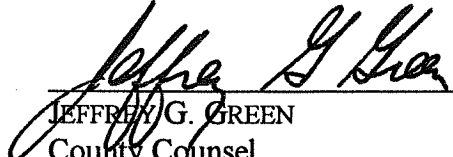
Date: October 16, 2000

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

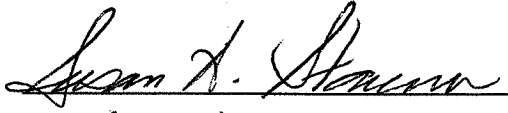


MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel

MARIPOSA ROTARY CLUB:

By: 

Title: President

Date: October 26, 2000