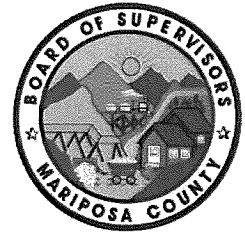


MARIPOSA COUNTY

Public Works · 209-966-2498



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On February 28, 2017 Resolution 2017-103 Public Works rescinded Resolution 2016-609 because of requirements of the California Environmental Quality Act (CEQA).

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)

Cal 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

5BE482EDC3F

ZorroSign

Marshall Long, Chair
Board of Supervisors

CONTRACTOR

5BE482EDC53

ZorroSign

California Reforestation

COUNTERSIGNED:
(Government Code §25103)

5BE482EDC49

ZorroSign

Rene LaRoche
Clerk of the Board

APPROVED AS TO FORM:

5BE482EDC35

ZorroSign

Steven W. Dahlem
County Counsel



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/02/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Leavitt United DBA Cutler-Segerstrom Lic #0J02939 301 South Shepherd Street Sonora CA 95370	CONTACT NAME: Heather Karney PHONE (A/C, No, Ext): (209) 532-6951 E-MAIL ADDRESS: heather-karney@leavitt.com	FAX (A/C, No): (209) 532-1997
	INSURER(S) AFFORDING COVERAGE	
INSURED California Reforestation Inc. 22230-A S. Colorado River Dr. Sonora CA 95370	INSURER A: Tokio Marine Specialty Insurance Company	NAIC # 23850
	INSURER B: California Automobile Insurance Company	38342
	INSURER C: StarNet Insurance Company	40045
	INSURER D: Westchester Fire Insurance Company	10030
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 21-22 Master

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	PPK2244183	03/01/2021	03/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Foresters E & O \$ 1,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY	Y	Y	BA04000046413	09/12/2020	09/12/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000 <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE			PUB758507	03/01/2021	03/01/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y	N/A	BNUWC0134591	01/01/2021	01/01/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Pollution Liability			G2750243A007	08/14/2020	08/14/2021	Each Occurrence \$2,000,000 Aggregate \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The County of Mariposa, its officials, employees & volunteers are included as an Additional Insured with respects to the Pollution, General, and Auto Liability policies when required in a written contract per forms ENV3250 1218, ENV3251 1218, CG2026 0413 & MCA85100817-CA. Pollution, General, and Auto Liability policies are Primary & Non Contributory where required in a written contract per forms ENV3253 1218, CG2001 0413 & MCA85100817-CA. Waivers of Subrogation apply to Pollution, General, Auto Liability and Workers Compensation when required in a written contract per forms ENV31430305, CG2024 0413, MCA8510 0817-CA & WC040306 0484. Umbrella follows form per attached form PICXL 041 when required by written contract.

CERTIFICATE HOLDER**CANCELLATION**
 Mariposa County Public Works
 4639 Ben Hur Rd.

Mariposa

CA 95338

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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