



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 1 TO A LICENSE AGREEMENT BETWEEN THE COUNTY OF NEVADA AND PHILLIPS AND JORDAN, INC., REPRESENTING PACIFIC GAS AND ELECTRIC COMPANY, FOR THE USE OF THE NEVADA COUNTY OPERATIONS CENTER ACCESS ROAD FOR A TREE MORTALITY DEBRIS MANAGEMENT SITE (DMS), IMPROVEMENTS TO THE ACCESS ROAD AND LA BARR MEADOWS ROAD, PROVIDING A LOCATION FOR A POSSIBLE PUBLIC DMS, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT

WHEREAS, Resolution 16-468 proclaimed a Local Emergency in Nevada County due to extreme tree mortality from bark beetle infestation resulting from record drought conditions experienced in Nevada County over the last five years and Pacific Gas and Electric Company (PG&E) has agreed to remove infested trees from private and public lands that endanger dwellings and infrastructure; and

WHEREAS, PG&E has contracted with Phillips and Jordan, Inc., (P & J) to facilitate the removal and disposal of the infected trees by establishing a DMS adjacent to County property for the storage of trees, tree slash, and green waste debris; and

WHEREAS, P & J has leased part of the Rare Earth property for this use, and because the location is not accessible from La Barr Meadows Road due to contaminated soil, the County of Nevada and P & J entered into a License Agreement with the County to use the Nevada County Operations Center road to access the DMS area through Resolution 17-079; and

WHEREAS, the License Agreement expires on February 13, 2019 and includes two additional two-year options to renew contingent on mutual agreement and compatibility with the County's building development plan for the Operations Center; and

WHEREAS, both parties desire to exercise the first option to renew for a period of 18 months and to extend the term of the License through August 13, 2020 and to amend the Agreement to allow for improvements to the project site during the extended term; and

WHEREAS, Licensee agrees to fully cooperate with the County as it relates to the scheduling of construction activities and use of the road and required improvements will not interfere with the construction of the Operations Center.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the Chair of the Board of Supervisors approves in substantially the form attached hereto, Amendment No. 1 to the License Agreement for use of the Nevada County Operations Center access road by and between said County and Phillips and Jordan, Inc., representing Pacific Gas and Electric Company, for the period February 14, 2019 through August 13, 2020 at no cost to the County and the Board Chair be and is hereby authorized to execute Amendment No. 1 on behalf of the County of Nevada and that in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.