



# RESOLUTION No. 20-092

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### APPROVAL OF MODIFICATION NO. 1 TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN PLACER COUNTY AND NEVADA COUNTY, WHEREBY THE TERM IS EXTENDED TO DECEMBER 31, 2023, AND PLACER COUNTY SHALL INCREASE ITS CONTRIBUTION FROM \$154,228 TO \$320,000 FOR THE DONNER PASS ROAD PROJECT - DISTRICT V

WHEREAS, on December 8, 2015, the Nevada County Board of Supervisors adopted Resolution No. 15-549 to approve an MOU between the Central Federal Lands Highway Division (CFLHD) and Nevada County in the amount of \$10,309,000 for the Donner Pass Road Project; and

WHEREAS, approximately 13.89% of Donner Pass Road is located within Placer County; and

WHEREAS, the overall cost of the project is now estimated at \$20,016,138; and

WHEREAS, on March 22, 2016, Nevada County approved Resolution 16-122 authorizing a MOU between Nevada County and Placer County whereby Placer County shall contribute \$154,288 local cash match for the project; and

WHEREAS, On June 28, 2016, the Board of Supervisors approved Resolution 16-311 authorizing a reimbursement agreement for a total of \$464,228 in local matching funds; and

WHEREAS, On March 10, 2020, the Nevada County Board of Supervisors adopted Resolution No. 20-071 to approve a Modification to the MOU between the CFLHD and Nevada County to increase the amount to \$630,000; and

WHEREAS, Placer County supports the project and has agreed to modifications of the MOU with Nevada County to memorialize the terms of this agreement, including Placer County's proposed increase to \$320,000 local cash match requirement and extending the term to December 31, 2023.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

1. Approves of Modification No. 1 to the Memorandum of Understanding (MOU) between Placer County and Nevada County, whereby the term is extended to December 31, 2023, and Placer County shall increase its contribution to \$320,000 local cash match requirement, for the Donner Pass Road Improvement Project into fund 1114-30154-702-1000/449000.

2. Authorizes the Chair of the Board of Supervisors to execute the attached Modification No. 1 to the Memorandum of Understanding (MOU) on behalf of the County of Nevada.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of March, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller,  
Susan K. Hoek and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Heidi Hall, Chair

3/24/20 cc: DPW\*  
A-C\* (Hold)

5/27/2020 cc: DPW\*  
AC\* (Release)

**MODIFICATION NUMBER 1 TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
PLACER COUNTY DEPARTMENT OF PUBLIC WORKS  
AND  
NEVADA COUNTY DEPARTMENT OF PUBLIC WORKS**

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This first modification is made and entered into this 10th day of March 2020, by and between the County of Placer, hereinafter referred to as "Placer County", and the County of Nevada, hereinafter referred to as "Nevada County".

**WITNESSETH**

**WHEREAS**, on March 22, 2016, the Placer County Board of Supervisors approved a Memorandum of Understanding (MOU) with Nevada County to provide funding for the Donner Pass Road Improvement Project (Project); and

**WHEREAS**, the Central Federal Lands Highway Division (CFLHD) is managing the Project design and construction, including pavement rehabilitation, shoulder widening for bike lanes where feasible, and paving of selected pullouts for 6.54 miles of Donner Pass Road in Nevada and Placer Counties from I-80 to the Town of Truckee limits; and

**WHEREAS**, in 2016, the CFLHD engineer's estimate for total Project cost was \$10,309,000, and under the MOU, Placer County's matching funds contribution was \$154,228 for the portion of work in Placer County (approximately 0.91 miles); and

**WHEREAS**, CFLHD opened project bids on January 29, 2020, and the low bid was \$16,515,011; and

**WHEREAS**, based on the increased Project cost, Placer County and Nevada County wish to amend the MOU term and to increase Placer County's financial contribution to \$320,000.

**NOW, THEREFORE**, the parties agree as follows:

1. Replace Item 1 in its entirety with the following:
  1. The term of this MOU shall be from March 22, 2016, to December 31, 2023.
2. Replace Item 4 in its entirety with the following:
  4. Placer County is required to contribute a matching share contribution not to exceed \$320,000 to fund the improvements within their jurisdiction.



- a. Payments to Nevada County will be made in arrears. Nevada County will provide Placer County with reports on the progress made on the improvement project and invoices on a monthly basis documenting costs incurred since the prior invoice. Nevada County will be notified within ten (10) business days following receipt of its invoice by Placer County of any circumstances or data identified in Nevada County's invoice that would cause withholding of approval and subsequent payment. Payment by Placer County to Nevada County shall be made within 30 days after receipt of an undisputed invoice. Placer County reserves the right to withhold payment of disputed amounts.
  - b. In no event shall Placer County be required to contribute any amount in excess of \$320,000 for the work to be performed by the CFLHD unless the Parties amend this MOU in writing.
3. Except as expressly provided in this Modification, the Memorandum of Understanding shall remain unchanged and in full force and effect. After this modification is duly executed and delivered by Placer County and Nevada County, this modification shall be and constitute an integral part to the Memorandum of Understanding.

IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS MEMORANDUM OF UNDERSTANDING AS OF THE DATE HEREIN ABOVE APPEARING:

**PLACER COUNTY**

**NEVADA COUNTY**

By: Ken Drahun  
Director, Dept. of Public Works

By: Heidi Hall  
Chair, Board of Supervisors

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

mtidey 3/19/2020  
Legal Counsel to Placer County

[Signature]  
Legal Counsel to Nevada County