



# **RESOLUTION No. 20-431**

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

### **RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF NEVADA AND THE CITY OF LOS ANGELES TO ACCEPT THE CAPITAL ASSET DONATION OF SIX SURPLUS TRAVEL TRAILERS FOR TEMPORARY HOUSING OF INDIVIDUALS EXPERIENCING HOMELESSNESS AND IN NEED OF TEMPORARY HOUSING, QUARANTINE AND/OR ISOLATION DUE TO COVID-19**

WHEREAS, the California Office of Emergency Services distributed travel trailers to local jurisdictions in April of 2020 in an effort to expand COVID-19 housing options at the local level; and

WHEREAS, the City of Los Angeles, California, has in their possession surplus CalOES travel trailers that are available for re-distribution to other jurisdictions within the State of California; and

WHEREAS, the City of Los Angeles is offering to donate six (6) travel trailers, with an estimated fair market value of \$25,000 each, to the County of Nevada; and

WHEREAS, the cost to transport six (6) trailers from the City of Los Angeles to Nevada County, as well as registration and taxes, is estimated not to exceed \$22,875; and

WHEREAS, upon receipt of the capital asset trailers, the County of Nevada will utilize them on behalf of individuals experiencing homelessness and in need of temporary housing, quarantine and/or isolation due to COVID-19.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the Memorandum of Understanding (MOU) between the County of Nevada and the City of Los Angeles be and hereby is approved in substantially the form attached hereto, and that the Chair of the Board of Supervisors is hereby authorized to execute the MOU on behalf of the County of Nevada.

BE IT FURTHER RESOLVED that the Board of Supervisors accepts the donation of six travel trailers valued from the City of Los Angeles, California in furtherance of offering temporary housing options for individuals experiencing homelessness and in need of temporary housing, quarantine and/or isolation due to COVID-19.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of October, 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

10/13/2020 cc: CSS\*(2)  
AC\*(hold)

10/16/2020 cc: CSS\*  
AC\* (Release)

# CONTRACT SUMMARY SHEET

TO: THE OFFICE OF THE CITY CLERK,  
COUNCIL/PUBLIC SERVICES DIVISION  
ROOM 395, CITY HALL

DATE: 10/13/2020

**(PLEASE DO NOT STAPLE THE CONTRACT FOR THE CLERK'S FILE)**

**FORM MUST BE TYPEWRITTEN**

FROM (DEPARTMENT): General Services

CONTACT PERSON: Richard Coulson PHONE: 213-928-9575

CONTRACT NO.: C-137148 COUNCIL FILE NO.: N/A

ADOPTED BY COUNCIL: \_\_\_\_\_  
DATE

APPROVED BY BPW: \_\_\_\_\_  
DATE

NEW CONTRACT   
AMENDED AND RESTATED \_\_\_\_\_  
ADDENDUM NO. \_\_\_\_\_  
SUPPLEMENTAL NO. \_\_\_\_\_  
CHANGE ORDER NO. \_\_\_\_\_  
AMENDMENT \_\_\_\_\_

CONTRACTOR NAME: County of Nevada

TERM OF CONTRACT: N/A THROUGH: N/A

TOTAL AMOUNT: 0

## PURPOSE OF CONTRACT:

MOU between the City of LA and County of Nevada to transfer ownership of State provided trailers in possession of the City to Recipient for homelessness response needs related to COVID-19.

**MEMORANDUM OF UNDERSTANDING  
TO TRANSFER OWNERSHIP OF STATE PROVIDED TRAILERS TO THE COUNTY  
OF NEVADA FOR HOMELESSNESS RESPONSE TO COVID-19**

**THIS MEMORANDUM OF UNDERSTANDING (hereinafter MOU)**, the City of Los Angeles, a municipal corporation (hereinafter City), and the County of Nevada, a governmental agency (hereinafter Recipient) to transfer ownership of State provided trailers in possession of the City to Recipient for homelessness response needs related to COVID-19.

**RECITALS**

**WHEREAS**, in January of 2020 the World Health Organization (“WHO”) declared the outbreak of novel Coronavirus 2019 (“COVID-19”) a global health emergency and on March 11, 2020 the WHO designated the outbreak as a pandemic; and

**WHEREAS**, on March 4, 2020, the Mayor of the City of Los Angeles (“Mayor”) declared a local emergency pursuant to Los Angeles Administrative Code (“LAAC”) Section 8.21 et seq., (“Declaration of Local Emergency”); and

**WHEREAS**, on March 6, 2020, the City Council approved a resolution ratifying the Declaration of Local Emergency; and

**WHEREAS**, on March 3, 2020, the Governor of the State of California (“Governor”) declared a state of emergency as a result of the COVID-19 pandemic, pursuant to the California Emergency Services Act and section 8625 of the California Government Code; and

**WHEREAS**, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local and public health emergency in response to the increased spread of COVID-19; and

**WHEREAS**, on March 10, 2020, the Nevada County Board of Supervisors passed and adopted Resolutions 20-062, ratifying the declaration of a local health emergency in Nevada County, and 20-063, proclaiming a local emergency in Nevada County, due to rapid spread of COVID-19 in a growing number of countries, including the United States, and the potential introduction of COVID-19 in the County of Nevada; and

**WHEREAS**, on March 13, 2020 the President of the United States (“POTUS”) declared the COVID-19 pandemic an emergency (“US COVID-19 Emergency Declaration”) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (“Stafford Act”) thereby allowing reimbursement of eligible emergency protective measures taken to respond to the COVID-19 emergency; and

**WHEREAS**, between March 20, 2020 and April 2, 2020, the State provided the City with trailers to be used for the City's homelessness response to COVID-19; and

**WHEREAS**, the City wishes to provide Recipient with six (6) trailers for public services to be rendered to those experiencing homelessness in their community, constitutes a public purpose; and

**WHEREAS**, Recipient desires to accept and utilize the trailers for individuals experiencing homelessness and in need of temporary housing, quarantine and/or isolation due to COVID-19.

**NOW THEREFORE**, the Parties hereto covenant, represent and agree as follows:

1. The City shall provide six (6) number of provided trailers to Recipient for the purpose of providing public services to their homeless community. Transfer of the trailers, identified by VIN number in the attached Schedule A, fully incorporated herein, and shall be deemed to have taken place when Recipient has accepted delivery of the trailers at a time and place to be determined by the Parties.

2. The trailers shall be transferred to Recipient with no express or implied warranties. The City expressly disclaims any warranties of fitness for purpose and merchantability. The City makes no representation that the trailers can be operated in any capacity. Recipient shall perform any inspection it desires prior to receipt of the trailers, and Recipient shall accept the trailers in "as is" condition. Recipient releases the City from any and all claims of defect of the trailers or due to failure of the trailers to perform as intended by Recipient.

3. Recipient expressly waives any and all rights under Section 1542 of the Civil Code of the State of California, or any other federal or state statutory rights or rules, or principles of common law or equity, or those of any jurisdiction, government, or political subdivision, similar to Section 1542 ("Similar Provision"). Thus, Recipient may not invoke the benefits of Section 1542 or any similar provision in order to prosecute or assert in any manner any claims released.

Section 1542, provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exists in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

4. Recipient shall indemnify, defend and hold harmless the City, its officers, employees and agents, from any third party claims of personal or real property damage arising from the use of the trailers after transfer of the trailers to Recipient.

5. Recipient shall make all necessary arrangements for the transportation of the trailers to their facilities.

6. Recipient shall complete transfer of title in the aforementioned trailers to reflect Recipient as the registered owner of the subject trailers. Proof of title paperwork being filed within the Recipient's jurisdiction must be provided to City within ninety (90) days of the execution of this MOU.

7. The contact for the City of Los Angeles shall be: Richard Coulson, Assistant General Manager, Fleet and Fuel Services, General Services Department, 111 E First Street, Los Angeles, CA 90012, (213) 928-9575, richard.coulson@lacity.org.

8. The contact for Recipient shall be: Mike Dent, Director, Department of Child Support, Collections, Housing and Community Services, Nevada County Health and Human Services Agency, 950 Maidu Ave., Nevada City, CA 95959, (530) 265-1410, [Mike.dent@co.nevada.ca.us](mailto:Mike.dent@co.nevada.ca.us).

9. This Agreement shall be interpreted in accordance with the laws of the State of California.

**(Signature Page to Follow)**

IN WITNESS THEREOF, the California State Department of General Services, City of Los Angeles and \_\_\_\_\_, have caused this Agreement to be executed by their duly authorized representatives.

**THE CITY OF LOS ANGELES**

By: *Tony M. Royster*  
TONY M. ROYSTER, General Manager  
Department of General Services

Date: 10/15/2020

APPROVED AS TO FORM:

MICHAEL N. FEUER, City Attorney

By: *Kimberly Miera*  
Deputy City Attorney

Date: 10/13/2020

ATTEST:

HOLLY L. WOLCOTT, City Clerk

By: *Cystal Jones*   
Deputy City Clerk

Date: 10/15/20

**COUNTY OF NEVADA**

By: *Heidi Hall*

Date: 10/13/2020

Honorable Heidi Hall, Chair, of the Board of Supervisors

ATTEST:

By: *Julie Patterson Hunter*  
Julie Patterson Hunter,  
Clerk of the Board of Supervisors

Approved as to Form:

By: *L. Elliott*  
County Counsel

SCHEDULE A  
VIN NUMBERS OF TRAILERS TO BE TRANSFERRED:

1. 4YDT26223LY934357
2. 4YDT25B23LC504772
3. 4YDT24528LN243598
4. 4YDT24320LX432267
5. 5SFPB3224LE428232
6. 5SFNB3624LN430144