



BOARD MEETING AGENDA SUBMITTAL

TO: GCSB Board of Directors

FROM: Pete Kampa, General Manager

DATE: February 9, 2021

SUBJECT: Agenda Item 6B. Adoption of a Resolution Rescinding Resolution 05-2021 and Ratifying the General Manager's Execution of an Advance Funding Agreement with Preserve Partners Inc. to Secure Funding Deposits to Cover the Cost of Legal, Administrative and Engineering Services Associated with the Hwy 120 Lodging Project (Formerly Yonder Yosemite)

RECOMMENDED ACTION:

Staff recommends the following action:

I move to rescind Resolution 01-2021 and adopt Resolution 05-2021 Ratifying the General Manager's Execution of an Advance Funding Agreement with Preserve Partners Inc. to Secure Funding Deposits to Cover the Cost of Legal, Administrative and Engineering Services Associated with the Hwy 120 Lodging Project (Formerly Yonder Yosemite).

BACKGROUND:

At our January 12, 2021 meeting, the board of directors adopted Resolution 01-2021 which ratified an advance funding agreement with Preserve Partners Incorporated. An inadvertent typographical error in the resolution listed the development project consultant rather than Preserve Partners. Also, we were contacted after the meeting by the project consultant with a request for a replacement signatory on the funding agreement. Since there are two changes necessary the best way to address this permanent record of the district is to rescind the previous Resolution 01-2021 making it ineffective, and adopting a new replacement resolution with the corrections made.

No changes have been made in the Advance Funding Agreement, so it is not reproduced in this agenda packet. A clean version of the same agreement will be signed by the new representative of Preserve Partners, the project owner. If a copy is needed, please contact Rachel Pearman, Board Secretary. The proposed Resolution 05-2021 contains two changes from Resolution 01-2021; 1) the reference to TK Consulting has been deleted and replaced with Preserve Partners, Inc. and 2) The Resolution rescinds the previous Resolution 01-2021.

ATTACHMENTS:

- Proposed rescinded Resolution 01-2021
- Draft Resolution 05-2021

FINANCIAL IMPACT:

None

RESOLUTION 01-2021

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT RATIFYING THE GENERAL MANAGER'S EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH PRESERVE PARTNERS, INC TO SECURE FUNDING DEPOSITS TO COVER THE COST OF LEGAL, ADMINISTRATIVE AND ENGINEERING SERVICES ASSOCIATED WITH THE HWY 120 LODGING PROJECT (FORMERLY YONDER YOSEMITE)

WHEREAS, the Groveland Community Services District (herein referred to as District) is a local government agency formed and operating in accordance with Section §61000 et seq. of the California Government Code; and

WHEREAS, the District provides Water, Sewer, Fire and Park/Recreation services within its established boundaries; and

WHEREAS, Preserve Partners, Inc has submitted a lodging project for approval by the County of Tuolumne and has submitted an application to the District requested the provision of the above services by the District; and

WHEREAS, the District's Facilities Development policies require the execution of an Advance Funding Agreement in addition to the Service Application to secure funding deposits and indemnification to cover any liability and expense for the review and approval of service to the Project and acceptance of dedicated infrastructure as determined appropriate by the District; and

WHEREAS, the Project developer has executed and the General Manager has approved the Advance Funding Agreement for the Hwy 120 Lodging Project attached hereto.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DOES hereby Ratify and Approve the General Manager's Execution of an Advance Funding Agreement with TK Consulting to Secure Funding Deposits to Cover the Cost of Legal, Administrative and Engineering Services Associated with the Hwy 120 Lodging Project (Formerly Yonder Yosemite), as evidenced by the Board President's execution of the Agreement.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on January 12, 2021 by the following vote:

AYES: Directors Kwiatkowski, Mora, Armstrong, Edwards, and Swan

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Rachel Pearlman, Secretary

Janice Kwiatkowski, President - Board of Directors

CERTIFICATE OF SECRETARY

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called, and held on January 12, 2021.

DATED: _____

RECINDED BY RESOLUTION 05-2021 ON 02-09-2021 BY RESOLUTION 05-2021

RESOLUTION 05-2021

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT RESCINDING RESOLUTION 01-2021 AND RATIFYING THE GENERAL MANAGER’S EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH PRESERVE PARTNERS, INC TO SECURE FUNDING DEPOSITS TO COVER THE COST OF LEGAL, ADMINISTRATIVE AND ENGINEERING SERVICES ASSOCIATED WITH THE HWY 120 LODGING PROJECT (FORMERLY YONDER YOSEMITE)

WHEREAS, the Groveland Community Services District (herein referred to as District) is a local government agency formed and operating in accordance with Section §61000 et seq. of the California Government Code; and

WHEREAS, the District provides Water, Sewer, Fire and Park/Recreation services within its established boundaries; and

WHEREAS, Preserve Partners, Inc has submitted a lodging project for approval by the County of Tuolumne and has submitted an application to the District requested the provision of the above services by the District; and

WHEREAS, the District’s Facilities Development policies require the execution of an Advance Funding Agreement in addition to the Service Application to secure funding deposits and indemnification to cover any liability and expense for the review and approval of service to the Project and acceptance of dedicated infrastructure as determined appropriate by the District; and

WHEREAS, the Project developer has executed and the General Manager has approved the Advance Funding Agreement for the Hwy 120 Lodging Project attached hereto.

WHEREAS, Resolution 01-2021 contained actions which included reference to an incorrect Agreement signatory, and a request has been submitted by the party to the Agreement to change its authorized signatory.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DOES hereby:

1. Rescind Resolution 01-2021 with its approvals and actions no longer valid; and
2. Ratify the General Manager’s Execution of an Advance Funding Agreement with Preserve Partners, Inc. to secure funding deposits to cover the cost of legal, administrative, and engineering services associated with the HWY 120 lodging project (formerly Yonder Yosemite).

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on February 9, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Rachel Pearlman, Secretary

Janice Kwiatkowski, President - Board of Directors

CERTIFICATE OF SECRETARY

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called, and held on February 9, 2021.

DATED: _____