

**AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**FULTON COUNTY, GEORGIA**

**AND**

**BEAR CREEK NATURE CENTER, INC.**

This Amendment No. 1 to the Memorandum of Understanding ("Amendment No. 1 to the MOU") between Fulton County, Georgia, a political subdivision of the State of Georgia ("Fulton County") and Bear Creek Nature Center, Inc., located at 6300 Cochran Mill Road, Chattahoochee Hills, Georgia 30268 (hereinafter referred to as "Bear Creek Nature Center") and collectively the "Parties" is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023.

**WITNESSETH THAT:**

**WHEREAS**, Fulton County, through its Department of Arts and Culture, has determined a need for environmental educational services in the County; and

**WHEREAS**, Fulton County, through its Department of Arts and Culture, has determined that these services can be best performed by a non-profit, tax exempt 501(c)(3); and

**WHEREAS**, Bear Creek Nature Center is a Georgia non-profit, tax exempt 501(c)(3) organization that has a mission to connect people with nature by giving the youth a place to foster an active awareness and understanding of the ecology of the natural world through interactive, hands-on learning experiences and provide adults a local place for adult learning experiences, volunteerism, and outdoor family activities that strengthen the environmental stewardship commitment within the community; and

**WHEREAS**, on January 18, 2023, as part of the FY2023 Final Adopted Budget (Agenda Item 23-0044), the Fulton County Board of Commissioners ("BOC") approved an increase to the General Fund budget of \$200,000.00 to Bear Creek Nature Center for environmental educational services and an increase of \$500,000.00 to Bear Creek Nature Center for capital improvements; and

**WHEREAS**, on April 19, 2023 pursuant to Agenda Item 23-0198, the BOC approved a Memorandum of Understanding ("MOU") with Bear Creek Nature Center for the purpose of utilizing the funding approved via Agenda Item 23-0044 to support environmental education services and capital improvements within the County at Bear Creek Nature Center; and

**WHEREAS**, the MOU was executed on October 2, 2023; and

**WHEREAS**, the MOU currently expires on December 31, 2023 and requires that Bear Creek Nature Center provide invoices documenting the \$500,000.00 in capital expenditures by December 31, 2023; and

**WHEREAS**, Bear Creek Nature Center would like additional time to complete these capital expenditures and provide documentation to the County; and

**WHEREAS**, Bear Creek Nature Center and Fulton County have determined that the original MOU is in need of an amendment to extend the term until December 31, 2024 to allow for completion of the capital improvements and sufficient time for the Nature Center to furnish documentation to the County reflecting the capital expenditures; and

**WHEREAS**, Bear Creek Nature Center will expend the funds under this MOU for environmental promotion and protection purposes consistent with its mission and non-profit status only, deriving no profit to the organization and on capital improvement activities consistent with Attachment A-1 and the MOU provisions set forth herein; and

**WHEREAS**, Fulton County is authorized to enter into this MOU with Bear Creek Nature Center pursuant to O.C.G.A. § 36-1-19.1.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties hereunto agree to amend, via this Amendment No. 1, the MOU as follows:

1.

Section 3.0 of the Memorandum of Understanding is amended by deleting same in its entirety and replacing it with the below to read as follows:

### **3.0 TERM OF MOU**

**Unless terminated by mutual agreement, or in accordance with other terms and provisions contained herein, the term of this MOU shall be extended from December 31, 2023 through December 31, 2024, unless otherwise further extended in writing or terminated by the County. The Bear Creek Nature Center shall be eligible for reimbursement costs which are included within the scope of Sections 1.0 and 2.0 and Attachment "A" of this MOU (as amended herein). However, unless good cause is shown, should Bear Creek Nature Center have not displayed significant action toward this Amendment No. 1 to the MOU and its Scope of Work (as amended herein) prior to the sixth (6<sup>th</sup>) month anniversary of the signing of this Amendment No. 1 to the MOU, then said MOU shall be deemed void and any and all funds not expended or obligated toward the Scope of Work in this MOU shall be immediately returned to the County.**

2.

Attachment "A", Scope of Work of the MOU is amended by deleting same in its entirety and replacing it with the below to read as follows:



**ATTACHMENT "A"**  
**AMENDED SCOPE OF WORK**  
**BEAR CREEK NATURE CENTER, INC.**

In consideration of the SEVEN HUNDRED THOUSAND (\$700,000.00) (recurring funding in an amount not to exceed \$200,000 for environmental educational services and non-recurring funding in an amount not to exceed \$500,000 for capital improvements) allocated to Bear Creek Nature Center, Inc. ("Bear Creek Nature Center"), Bear Creek Nature Center agrees to perform services and provide the following program administration and evaluation information:

**A. Program Administration and Evaluation**

1. Bear Creek Nature Center agrees to utilize the \$500,000 for capital improvements as outlined in the amended Attachment A-1 and provide the Department of Arts and Culture with invoices reflecting the expenditure of these capital improvement funds by December 31, 2024.
2. Bear Creek Nature Center agrees to provide environmental promotion and protection services to Fulton County residents on a scheduled basis during regular hours for the benefit of the general public.
3. As a minimum agreement for supervision of the facility, Bear Creek Nature Center agrees to direct day-to-day supervision of the management of Bear Creek Nature Center and will operate at least 20 hours per week through the term of the MOU, with a responsible person to be located on site during operational hours.
4. Bear Creek Nature Center agrees to maintain its status as a non-profit organization and, with its revenue, continue to promote education, conservation and environmental stewardship for the benefit of the public.
5. Bear Creek Nature Center agrees to provide the Department of Arts and Culture with:
  - A. Copy of Bear Creek Nature Center's 2023 and 2024 Work Plan, including program service goals and objectives;
  - B. Schedule of 2023 and 2024 programs and special events and projected participation;
  - C. A copy of the 2022 and 2023 year-end financial statements;
  - D. A copy of Certificate of Insurance, as described in "Attachment B;" and
  - E. A copy of Bear Creek Nature Center's Certification of non-profit 501(c) (3) status.
  - F. A copy of the most recent Board Meeting Minutes and a list of all active Board Members, indicating the registered agent to sign contracts.
6. By the tenth (10<sup>th</sup>) day of each month during the term of this MOU, Bear Creek Nature Center agrees to provide the Department of Arts and Culture with:
  - A. A monthly attendance report for each program/event held regarding environmental promotion and protection, beginning upon execution through December 31, 2024; and
  - B. The number of active volunteers and the number of volunteer hours donated

**for environmental promotion and protection activities for the previous month, beginning upon execution through December 31, 2024.**

**7. MOU funding will be paid out in one disbursement.**

These changes via this Amendment No. 1 shall be incorporated herein as changes in the provisions set forth in the aforementioned MOU. All other portions of the Memorandum of Understanding shall remain unchanged and in full force and effect.

**[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, each of the parties hereto has caused this Amendment No. 1 to the MOU to be executed and delivered on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**For Bear Creek Nature Center, Inc.**

Attest:

\_\_\_\_\_  
Norma Lewis, Director  
Bear Creek Nature Center, Inc.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Name (Typed or Printed)

\_\_\_\_\_  
Title

(Seal)

**For Fulton County**

Attest:

\_\_\_\_\_  
Robert L. Pitts, Chairman  
Board of Commissioners

\_\_\_\_\_  
Tonya R. Grier  
Clerk to the Commission

(Seal)

Approved as to Content:

Approved as to Form:

\_\_\_\_\_  
David Manuel, Director  
Department of Arts and Culture

\_\_\_\_\_  
Office of the County Attorney

## **Amended Attachment A-1**

### **Capital Improvements Projects for Legacy Partners Grant to Bear Creek Nature Center \$500,000**

#### **A – Stand alone projects:**

1. Repair work for leaning wall in exhibit rooms
  - a. Completion date: Jan-Mar 2024
  - b. Approx cost \$7,000 - \$10,000
  - c. Need an engineer's assessment
  - d. Need qualified contractor
2. Stain and seal decks. Replace wood as needed.
  - a. Completion date: Jan.-Feb.2024
  - b. Approx cost \$5,000
  - c. Need qualified contractor/painter
3. New metal roof and gutters with gutter guards
  - a. Completion date: March-April 2024
  - b. Approx cost \$45,000 - \$60,000
  - c. Need qualified roofer
4. Box at gate for EMS access during closed hours.
  - a. Completion date: Jan. 2024
  - b. Approx cost \$500
  - c. Need purchase and installation of equipment
5. Repair cracks in apartment walls for weatherproofing.
  - a. Completion date: February 2024
  - b. Approx cost \$1000
  - c. Need contractor
6. Completion of boardwalk and add lights for night use
  - a. Completion date: March 2024
  - b. Approx cost \$3,000 - \$5,000
  - c. Need contractor
7. Storage building for mower and lawn care equipment
  - a. Completion date: March 2024
  - b. Approx cost \$20,000 - \$25,000
  - c. Need to establish a bid process

#### **B -- Equipment purchases**

8. Computer upgrades
  - a. Completion date: April 2024

## **Amended Attachment A-1**

- b. Approx cost \$6,000 - \$7,000
  - c. Need to spec and purchase computer equipment
- 9. Lawn mower that can handle hillsides and side of dam
  - a. Completion date: Jan. 2024
  - b. Approx cost \$4000-\$5000
  - c. Need to purchase mower
- 10. Folding tables and chairs for general use
  - a. Completion date: Feb 2024
  - b. Approx cost \$3,000
  - c. Need to purchase equipment
- 11. Tractor part for driveway maintenance
  - a. Completion date: April 2024
  - b. Approx cost \$2000
  - c. Need to purchase equipment

### **C – Landscape projects:**

- 12. Electric gate at main entrance for security and safety purposes
  - a. Completion date: Jan. 2024
  - b. Approx cost: \$2,500 - \$5,000
  - c. Need to assess needs, purchase and install
- 13. Entry area landscaping
  - a. Completion date: April 2024
  - b. Approx cost \$8,000 - \$11,000
  - c. Need landscape design and installation
- 14. Entry sign as well as other signage along the road and at the building. (7 signs total)
  - a. Completion date: March 2024
  - b. Approx cost \$10,000 - \$15,000
  - c. Need to design signs, produce and install
- 15. Driveway repairs and parking expansion
  - a. Completion date: June 2024
  - b. Approx cost \$6,000 - \$10,000
  - c. Need to hire a qualified contractor
- 16. Landscape front of building
  - a. Completion August 2024
  - b. Approx cost \$15,000 - \$25,000
  - c. Need landscape design and installation



## Amended Attachment A-1

### D – Facility improvements:

17. Replace all exterior doors
  - a. Completion date: May-June 2024
  - b. Approx cost \$7,500 - \$10,000
  - c. Need a board committee to establish aesthetics and a qualified contractor
18. Expanded deck area with roof, fans and lighting, similar to Sun Porch at Dunwoody Nature Center Include an enclosed storage space for table and chair storage.
  - a. Completion date: May 2024
  - b. Approx cost \$131,500
  - c. Need a design and a qualified contractor
19. Carpet for main floor, linoleum flooring for kitchen
  - a. Completion date: July 2024
  - b. Approx cost \$10,000 - \$15,000
  - c. Need to establish board committee to establish aesthetics and a qualified contractor
20. Enclose under deck storage area, make it water tight for storage
  - a. Completion date: May 2024
  - b. Approx cost \$5,000 - \$10,000
  - c. Need a board committee to establish aesthetics and a qualified contractor
21. Fans installed at pavilion, new tables Approx cost
  - a. Completion date: June 2024
  - b. Approx cost \$2,000
  - c. Need a board committee to establish aesthetics and a qualified contractor
22. Lights installed on “ceiling” of covered porch Approx cost
  - a. Completion date: Spring 2024
  - b. Approx cost \$2,000
  - c. Need a board committee to establish aesthetics and a qualified contractor
23. Remodel basement classroom and add bathroom(s)
  - a. Completion date: July 2024
  - b. Approx cost \$85,00 - \$110,000
  - c. Need a board committee to establish aesthetics and a qualified contractor
24. Renovate main floor bathrooms to bring up to ADA standards, low flow toilets, etc.
  - a. Completion date: Aug 2024
  - b. Approx cost \$20,000 - \$30,000
  - c. Need to hire a qualified contractor