DEPARTMENT: Planning

RECOMMENDED ACTION AND JUSTIFICATION: The approved SilverTip Resort Village Project consists of amendments to the Fish Camp TPA Specific Plan, a Planned Unit Development, a Land Division, and a Conditional Use Permit (CUP). The project, which was approved by the County in 2004, has not yet submitted detailed development plans, although it may do so in the near future. The applicant, the PacificUS Real Estate Group, is considering modifications to the project design and the approved CUP. County staff and the applicant desire an independent legal analysis of any potentially significant project amendments prior to bringing them to the Planning Commission and the Board of Supervisors for consideration.

The law firm of Abbott & Kindermann, LLP, was retained by Mariposa County in 2002 to provide legal services related to the SilverTip project applications and EIR. Based upon the firm’s experience and familiarity with the SilverTip Project’s legal and environmental issues, Abbott & Kindermann is recommended for the proposed contract services. The PacificUS Real Estate Group has agreed to pay for the new legal services, which are estimated to cost $10,000. Approve Budget Action increasing revenue and appropriations by $10,000.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Board of Supervisors approved the SilverTip Resort Village Project applications in December, 2003. (The effective date of the final approval was May 12, 2004.) The two years following the Board’s decision to approve the project were spent defending the County’s decision in a complex, extended environmental challenge. The County Counsel, planning staff and the Abbott & Kindermann law firm were successful in overcoming the legal challenges to the SilverTip decision.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The alternative to this action is to move forward without further legal advice from Abbott & Kindermann. However, given the litigious history of the SilverTip Project, staff believes that the County should proceed cautiously, with the benefit of continued independent expert legal advice, in evaluating future project amendments.

Financial Impact? (x) Yes ( ) No Current FY Cost: $
Budgeted In Current FY? (x) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ 0
Additional Funding Needed: $ 10,000.

Internal Transfer
Unanticipated Revenue 4/5’s vote
Transfer Between Funds 4/5’s vote
Contingency 4/5’s vote
( ) General ( ) Other

CLERK’S USE ONLY:
Res. No.: 565
Vote – Ayes: 5
Noes: ______
Absent: ______

Approved
Revised Dec. 2002

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended
No Opinion
Comments:
( ) Minute Order Attached   ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date:    
Attest: MARGIE WILLIAMS, Clerk of the Board
         County of Mariposa, State of California
By:     
       Deputy

CAO:    

Revised Dec. 2002
### BUDGET ACTION FORM

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<tr>
<th>FUND</th>
<th>DEP/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
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<td>349</td>
<td>0259</td>
<td>307.87-03</td>
<td>Special Project Fees</td>
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<td>Professional Services</td>
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**TOTALS**  
10,000    10,000

### TRANSFER BETWEEN FUNDS

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<tbody>
<tr>
<td></td>
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</table>

**TOTALS**  
0        0

**ACTION REQUESTED:** (Check all that apply)

( ) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or transferring appropriation from Contingencies.

( ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit.

**DEPT HEAD SIGNATURE**  
Kris Schenk  
**DATE**  
11/08/06

**APPROVED BY RES NO.**  
04-503  
**CLERK**  
mm  
**DATE**  
11/14/06

**DEPARTMENT**  

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Budget Revision Form Revised 07/2000
ABBOTT & KINDERMANN, LLP

RATE SCHEDULE

PARTNERS

ASSOCIATE IV  $ 285.00 per hour
ASSOCIATE III  $ 250.00 per hour
ASSOCIATE II  $ 225.00 per hour
ASSOCIATE I  $ 185.00 per hour

PLANNER II  $ 140.00 per hour
PLANNER I  $ 120.00 per hour
PARALEGAL  $ 90.00 per hour
LAW CLERK II  $ 90.00 per hour
LAW CLERK I  $ 65.00 per hour

INDIRECT EXPENSES:

A charge of 4.25% of monthly fees is added to offset ordinary copying, secretarial, postage and telephone charges. Multi-party conference calls are not included, and will be billed as Costs.

COSTS:

Costs (including filing fees, court reporter fees, special deliveries, on-line computer research, etc.) will be billed as incurred.

SERVICES:

The following services will be billed as incurred at the following rates:

ACCOUNTING - $50.00 per hour
OFFICE CLERK - $15.00 per hour
MILEAGE - $3.35 per mile

* Distribution from a client trust account for payment of a bill and all other payments received shall be allocated to amounts owing in the following order: (1) accrued interest; (2) costs advanced; and (3) attorney's fees.

** This Rate Schedule is adjusted January 1st of each year. This schedule may also be adjusted at any time upon thirty (30) days prior notice to client.

*** Telephone calls to or from a client, or other parties involved in matters pertaining to the client's legal affairs, are subject to a minimum charge of 0.2 hour times the applicable billing rate.