**MARIPOSA COUNTY BOARD OF SUPERVISORS**

**RECOMMENDED ACTION AND JUSTIFICATION:**
The General Plan Update has been in preparation since the fall of 2000. Although the EIR was, of necessity, formally recirculated in 2005, there have been changes in the policies, land use maps, staff, consultants, and in State Law during the 6-year time frame. Staff believes it would be prudent to retain the services of a General Plan/CEQA expert to assist Counsel and Planning in completing a legal analysis of the proposed General Plan. It is appropriate and necessary to allocate funding in an amount not to exceed $15,000 in order to obtain such legal services. This amount was requested in the Planning Department Budget Request.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**
The Draft EIR, when it was recirculated in the fall of 2005, generated a huge volume of critical, potentially litigious comments. Land use and agricultural policies in the draft General Plan continue to initiate controversies. Depending upon the policies that are adopted in the Final General Plan, the evidence and findings that are provided to support the policies and the degree of consistency among the various elements and documents of the plan, the final version of the new General Plan can and should be reviewed for potential court challenges. The Abbott & Kindermann firm has assisted the County over the several years the process has been underway and has particularized knowledge of the Plan’s history and development.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
The alternative to not obtaining an expert legal analysis of the General Plan is a higher risk that some appellant may succeed in delaying or stopping General Plan implementation.

**Financial Impact?** (X) Yes ( ) No  Current FY Cost: $15,000
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded
Amount in Budget: $0 (baseline budget)
Additional Funding Needed: $15,000.00

**Source:**
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency ( ) General ( ) Other

**Clerk’s Use Only:**
Res. No.: _____ Ord. No. _____
Vote – Ayes: _____ Noes: _____
Absent: _____
Approved: _____ 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

**County Administrative Officer:**
_____ Requested Action Recommended
_____ No Opinion
Comments: __________

**CAO:** __________
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**TRANSFER BETWEEN FUNDS**

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**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 with a budget unit;

**JUSTIFICATION:** See Agenda Transmittal

**DEPT HEAD SIGNATURE**

Kris Schenk

**DATE**

9/12/06

**APPROVED BY RES NO**

441

**CLERK**

9-12-06

**AUDITOR’S USE ONLY**

BA#