RECOMMENDED ACTION AND JUSTIFICATION:

Approve budget action increasing General Fund Contingency $41,000. It is recommended that the Board accept repayment of $41,000 of the loan to the County and agree that the balance of $7,000 be repaid from District revenues of $600 per year until repaid in full and find that 28% of the work provided a general countywide public benefit with respect to Proposition 218.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On September 5, 2006, County Counsel advised the Board of the responses that were received from the property owners. The owners determined they wanted to form a private district. As directed by the Board, Counsel has conducted a review of expenditures from the loan. Current legal expenses are $7,636.65. At this time, no other expenses have been identified. Based on review of the records, it appears that approximately 28% of the work could be considered as providing a general public benefit educating on proposition 218 countywide. (2138.26). This would leave a balance of $5,498.39.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

There will be no repayment of the loan.
TO: THOMAS P. GUARINO, County Counsel

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Approve Budget Action Increasing General Fund Contingency $41,000 and Finding that 28% of the Costs Involved Provide a General Countywide Public Benefit with Respect to the Proposition 218 Issues

RESOLUTION 06-455

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on September 26, 2006

ACTION AND VOTE:

Consent Agenda item 11 – Budget Action increasing General Fund Contingency by $41,000. (M)Bibby, (S)Fritz, item 11 was approved, with the repayment schedule to be adjusted to reflect the actual invoices/Ayes: Unanimous.

CA-11 Approve Budget Action Increasing General Fund Contingency $41,000 and Finding that 28% of the Costs Involved Provide a General Countywide Public Benefit with Respect to the Proposition 218 Issues (4/5ths Vote Required) (County Counsel); Res. 06-455, with the repayment schedule to be adjusted to reflect the actual invoices

Cc: Dana Hertfelder, Public Works Director
Supervisor Bibby
Supervisor Fritz
Chris Ebie, Auditor
File
**BUDGET ACTION FORM**

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<tr>
<th>FUND</th>
<th>DEPT/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
<th>INCREASE</th>
<th>DECREASE</th>
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<td>0418</td>
<td>Professional Services</td>
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<td>0908-858</td>
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<td>1600</td>
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**TRANSFER BETWEEN FUNDS**

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

- [x] 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 Appropriating Reserve for 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;

**JUSTIFICATION:** To repay a portion of the General Fund loan made to the Mariposa Parking District during FY 2005-06 Final Budget Hearings.

**DEPT HEAD SIGNATURE:** [Signature]

**DATE:** 9-20-06

**APPROVED BY RES NO:** [Signature] 455 CLERK

**DATE:** 9-26-06

**MARIPOSA PARKING DISTRICT**

**GENERAL REVENUE & CONTINGENCY**

**AUDITOR'S USE ONLY**

**BA #**

Budget Revision Form Revised 11/95
INVOICE SUMMARY

For Professional Services Rendered Through July 31, 2006:

Our Matter # 60556.00008
Re: PARKING DISTRICT

Current Fees: $ 6,735.00
Current Reimbursable Costs: 901.65

Total Current Billings For This Matter: $ 7,636.65

INVOICE IS DUE AND PAYABLE UPON RECEIPT
MEMORANDUM

Date: September 25, 2006
To: Board of Supervisors
From: Thomas P. Guarino, County Counsel
Re: Parking District (Items CA-10 and CA-11)

Please kindly note that on CA-10 and CA-11 I am respectfully requesting that the amount to be repaid be corrected to read $6,861.74 in principal and interest as calculated by the Auditor. This realizes the apportionment of 28% of the work as a general benefit pursuant to Board instructions.

It is my recollection that because this was a loan the rate of interest would be of the rate earned by the fund from which it came.

This memo may be incorporated as part of items CA-10 and CA-11. It is my request that the Board do so as part of the direction given in the Resolution.

rs

cc: Mike Coffield
    Margie Williams
REQUESTED AGENDA OF: September 26, 2006
DEPARTMENT: County Counsel

AGENDA TITLE (REQUESTED ACTION):

Discussion, Direction, and Action Regarding approval of budget action increasing General Fund Contingency $41,000 and finding that 28% of the costs involved provided a general public benefit with respect to countywide Proposition 218 issues.

REQUESTED TO AGENDIZE AS:

- Consent Agenda: x
- Information
- Attention
- Timed

IF TIMED:

- Public Hearing at:
- Copy of Public Notice Attached
- Indicate Time Required

STAFF REVIEW REQUIRED:

CHECK BOX FOR ROUTING

- Yes ( ) No (X) County Counsel
- Yes ( ) No (X) Auditor
- Yes ( ) No (X) Personnel
- Yes ( ) No (X) Technical Services
- Yes ( ) No (X) Public Works/Facilities
- Yes ( ) No (X) Other

CC: County Counsel, PWD, Supervisors Bibby, Fritz

CAO Office Use Only:

- 4/5’s Vote Required: ( ) Yes ( ) No
- Change in Policy: ( ) Yes ( ) No
- Additional Personnel: ( ) Yes ( ) No

CLERK OF THE BOARD’S USE ONLY:

RECEIVED: 9-26-06

AGENDIZED FOR: 9-26-06

By: T(6)

Agenda Item No.: CA-11
Consent Agenda: 
Information: 
Attention: 
Timed At: