RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes  No X)

Public Works recommends that the Board of Supervisors approve payment of the attached bills due Mariposa County Road Department out of the County Engineer-Surveyor, Professional Service line item, totalling $2,880.47.

The first two of these bills resulted from conditional zone of benefit applications that were cancelled after the conditions requiring the zones were waived. The final invoice in the list is for a zone of benefit financing study that has been carried over since July, 1991, when funding ran out.

Breakdown of costs by Zone or Project:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z91-19 LeDuc</td>
<td>$1,499.45</td>
</tr>
<tr>
<td>Z92-01 Kjaer</td>
<td>$427.14</td>
</tr>
<tr>
<td>Road Maintenance Finance Study</td>
<td>$953.88</td>
</tr>
</tbody>
</table>

These are not County road-related projects and cannot be funded from Road funds, and monies are available in Professional Services. If these invoices are not paid, the State Auditor may withhold funding for the Roads budget.

The Board has the authority to authorize payment of these bills from the County Engineer-Surveyor budget, where there are funds allocated for Professional Services.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached Staff Report for a discussion of these bills.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Do not approve payment from County Engineer. State Auditor may withhold Road funds.
2. Request that the Zone of Benefit applicant make reimburse the County for the services rendered on the cancelled application.

COSTS:  ( ) Not Applicable  $15,300.00  $2,880.47
A. Budgeted current FY  
B. Total anticipated costs  
C. Required additional funding  
D. Internal transfers  

SOURCE:  ( ) 4/5th Vote Required
A. Unanticipated revenues  
B. Reserve for contingencies  
C. Source description:  
Balance in Reserve Contingencies, if approved:  

SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:
1. Staff Report
2. Outstanding Invoices

CLERK'S USE ONLY
Res. No.: 5-212  Ord. No.  
Vote: Ayes:  Absent:  Abstained:  
( ) Approved  ( ) Denied  ( ) 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  

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

Recommended  Not Recommended  For Policy Determination  Submitted with Comment  Returned for Further Action  

Comment:  

A.O. Initials:  

Action Form Revised 5/92
<table>
<thead>
<tr>
<th>DEPARTMENT OF PUBLIC WORKS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROUTING SL...</td>
<td>Please forward to Morgan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>__________________________</th>
<th>INIT</th>
<th>Respond</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROUTE TO:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auditor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morgan</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Suggested Response:**

- [ ] Respond

**FILE/DESTROY:**

- [ ] File
- [ ] Destroy
SUBJECT: Unpaid Zone of Benefit billings

AGENDA TITLE:
Approve payment of Road Department Invoices from County Engineer-Surveyor, Professional Services Line.

BACKGROUND:
The first of the bills shown on the attached Agenda is the results of a zone of benefit application submitted on behalf of Robert LeDuc, in association with his Land Division Application No. 1328; being a division of Lot 14 of the Oak Knolls Subdivision, off Amelia and Pauline Drives, in the Bootjack area. The zone application associated with this project was for the maintenance of a small community sewer system. The issues involved were quite complex and required the interaction of Public Works Department, Planning Department, and the Health Department; as well as Stephens Engineering, acting on behalf of Mr. LeDuc. Many hours of staff time were devoted to formulating an appropriate solution to the dilemmas presented by this project, and staff time exceeded the funds collected through the application fee. Finally, after seven months of processing, a Public Hearing was scheduled before the Board, on April 7, 1992, at which time the Board adopted Resolution No. 92-168, directing that "covenants, conditions, and restrictions (CC&R's) or another mechanism that involves liens on the property be developed to insure the maintenance of the community sewer system" be required. On May 5, 1992, the Board adopted an additional resolution, formulated by joint County staffs, to implement the direction of Resolution No. 92-168. This action effectively cancelled the LeDuc zone of benefit, without a provision for the payment for said excess staff time.

The second of the bills shown on the attached Agenda is the result of another zone of benefit application, this one submitted on behalf of Bjarne Kjaer, in association with his Land Division Application No. 1367; being a four parcel with remainder subdivision, near Highway 140 and Trower Road, in the Catheys Valley area. The zone application associated with this project was for the maintenance of the primary access road serving this project, as well as several off-site parcels. In this particular case, the invoices were the results of excess staff time spent while the applicant challenged the requirement to create the zone of benefit. After eleven (11) months of staff time, the applicant's project was reevaluated by the Planning Commission for amended conditions to waive the zone of benefit requirement. The commission, following the changed policy direction of the Board regarding zones of benefit, ruled in favor of the applicant, and waived the zone of benefit requirement. Again, this action effectively cancelled the zone of benefit, without a provision that the applicant be required to pay for the excess staff time spent processing his application.
The final bill on the attached Agenda is for the excess costs incurred in developing the final report on a public/private road maintenance financing study funded mainly from the proceeds of a grant obtained from CALTRANS. This study involved the work of several Public Works staff members over the course of many months. The study was highlighted by a round table discussion in Sacramento, sponsored by Mariposa County; that was attended by Public Works directors or staff representatives from several rural California counties. The final report, titled "MAINTAINING MARIPOSA'S ROADS... A PUBLIC/PRIVATE PARTNERSHIP", explores the means possible for financing the maintenance of Mariposa County's roads, both public and private. The report presents the basis for formulating policies, procedures and ordinances that will provide for a solvent funding of road maintenance. This report will be presented to the Board at a future date when staff has time to make final modifications. The invoice associated with this project represents Mariposa's matching portion of the CALTRANS grant, which were not specifically identified in any budget.
<table>
<thead>
<tr>
<th>NAME: PUBLIC WORKS</th>
<th>INVOICE #: 89109</th>
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<tr>
<td>ADDRESS:</td>
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<table>
<thead>
<tr>
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<th>HOURS</th>
<th>RATE</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.00</td>
<td>37.58</td>
<td>37.58</td>
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</table>

TOTAL LABOR COSTS: 37.58

EQUIPMENT RENTAL

TOTAL EQUIP. RENTAL: 0.00

MATERIALS USED

TOTAL MATERIALS: 0.00

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<tr>
<th>SUB-TOTAL</th>
<th>37.58</th>
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<tbody>
<tr>
<td>5% ADMINISTRATION</td>
<td>1.88</td>
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<tr>
<td>TOTAL JOB COST</td>
<td></td>
</tr>
</tbody>
</table>

DEPOSIT OWED REFUNDED

Please make check payable to: MARIPosa COUNTY ROAD DEPARTMENT
Please mail check to: MARIPosa COUNTY ROAD DEPARTMENT
4639 Ben Hur Road Mariposa, CA 95338
# MARIPosa COUNTY
# ROAD DEPARTMENT
# 4639 BEN HUR ROAD
# MARIPosa, CA 95338

**NAME:** PUBLIC WORKS  
**ADDRESS:**

**INVOICE #:** 099105  
**DATE:** 06/19/92

**JOB LOCATION:** ZOB-LEDUC (#91-17)  
**WORK PERFORMED:** ENGINEERING  
**DATE COMPLETED:** SEPTEMBER 30, 1991

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**TOTAL LABOR COSTS**

**EQUIPMENT RENTAL**

**TOTAL EQUIP. RENTAL**

**MATERIALS USED**

**TOTAL MATERIALS**

**SUB-TOTAL**

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**TOTAL JOB COST**

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<tr>
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<td>39.46</td>
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Please make check payable to: MARIPosa COUNTY ROAD DEPARTMENT  
Please mail check to: MARIPosa COUNTY ROAD DEPARTMENT  
4639 Ben Hur Road Mariposa, CA 95338
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<th>DATE: 06/17/92</th>
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<tbody>
<tr>
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<td></td>
</tr>
</tbody>
</table>

| JOB LOCATION: ZOB LeDuc #91-19                 |                 |               |
| WORK PERFORMED: Engineering                   |                 |               |
| DATE COMPLETED: April 1992                    |                 |               |

| LABOR COST: Atkinson, Bruce                   |                  |               |
| HOURS 1.50                                    | RATE 37.58       | TOTALS 56.37  |
|                                              | 0.00             | 0.00          |

| EQUIPMENT RENTAL                              |                  |               |
|                                              | 0.00             | 0.00          |

| MATERIALS USED                                |                  |               |
|                                              | 0.00             | 0.00          |

| TOTAL LABOR COSTS                             |                  | 56.37         |
|                                              |                  | 0.00          |

| TOTAL EQUIP. RENTAL                           |                  | 0.00          |
|                                              |                  | 0.00          |

| TOTAL MATERIALS                               |                  | 0.00          |
|                                              |                  | 0.00          |

| SUB-TOTAL                                     |                  | 56.37         |
| 5% ADMINISTRATION                             |                  | 2.82          |

| TOTAL JOB COST                                |                  |               |
| DEPOSIT OWED REFUNDED                         |                  | 59.19         |

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
Please mail check to: MARIPOSA COUNTY ROAD DEPARTMENT
4639 Ben Hur Road Mariposa, CA 95338
MARIPOSA COUNTY
ROAD DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CALIFORNIA 95338

NAME: PUBLIC WORKS
ADDRESS: 

INVOICE NO. 109113
DATE: 06/17/92

JOB LOCATION: ZOB-LE DUC (#91-19)
WORK PERFORMED: ENGINEERING
DATE COMPLETED: OCTOBER 31, 1991

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TOTAL LABOR COSTS 37.58

EQUIPMENT RENTAL

TOTAL EQUIP RENTAL 0.00

MATERIALS USED

TOTAL MATERIALS 0.00

SUB-TOTAL 37.58

5% ADMINISTRATION
TOTAL JOB COST 1.88

DEPOSIT

OWED 39.46
REFUNDED

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
Please mail check to: MARIPOSA COUNTY ROAD DEPARTMENT
4639 Ben Hur Road Mariposa, Ca. 95338
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<td>112.74</td>
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<td>112.74</td>
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<td>EQUIPMENT RENTAL</td>
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<tr>
<td>TOTAL JOB COST</td>
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<td>118.38</td>
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Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
Please mail check to: MARIPOSA COUNTY ROAD DEPARTMENT
4639 Ben Hur Road Mariposa, CA 95338
MARIPOSA COUNTY ROAD DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

NAME: Public Works

INVOICE #: 029219
DATE: 06/18/92

JOB LOCATION: ZOB LeDuc #91-19
WORK PERFORMED: Engineering
DATE COMPLETED: February 1992

<table>
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<tbody>
<tr>
<td>Atkinson, Bruce</td>
<td>6.50</td>
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<td>244.27</td>
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TOTAL LABOR COSTS

EQUIPMENT RENTAL

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TOTAL EQUIP. RENTAL

MATERIALS USED

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TOTAL MATERIALS

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<td>244.27</td>
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</table>

TOTAL JOB COST

DEPOSIT

OWNED

REFUNDED

256.48

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
Please mail check to: MARIPOSA COUNTY ROAD DEPARTMENT
4639 Ben Hur Road Mariposa, CA 95338
MARIPOSA COUNTY ROAD DEPARTMENT  
4639 BEN HUR ROAD  
MARIPOSA, CA 95338

NAME: Public Works  
ADDRESS:  

INVOICE # 039210  
DATE: 06/18/92

JOB LOCATION: ZOB LeDuc #91-19  
WORK PERFORMED: Engineering  
DATE COMPLETED: March 1992

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<tbody>
<tr>
<td>Atkinson, Bruce</td>
<td>24.00</td>
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TOTAL LABOR COSTS 901.92

EQUIPMENT RENTAL

TOTAL EQUIP. RENTAL 0.00

MATERIALS USED

TOTAL MATERIALS 0.00

SUB-TOTAL 901.92

5% ADMINISTRATION 45.10

TOTAL JOB COST 947.02

DEPOSIT OWED  
REFUNDED 947.02

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT  
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4639 Ben Hur Road Mariposa, CA 95338
MARIPOSA COUNTY  
ROAD DEPARTMENT  
4639 BEN HUR ROAD  
MARIPOSA, CA 95338

NAME: Zone of Benefit  
ADDRESS:  

INVOICE #: 129208  
DATE: 02/12/93

JOB LOCATION: Z92-01 Kjaer  
WORK PERFORMED: Engineering  
DATE COMPLETED: 12/31/92

LABOR COST:  
Bruce Atkinson  

HOURS  RATE  TOTALS
1.50  41.83  62.75
0.00  0.00  0.00
0.00  0.00  0.00
0.00  0.00  0.00
0.00  0.00  0.00

TOTAL LABOR COSTS  62.75

EQUIPMENT RENTAL

0.00  0.00  0.00
0.00  0.00  0.00
0.00  0.00  0.00
0.00  0.00  0.00

TOTAL EQUIP. RENTAL  0.00

MATERIALS USED

0.00  0.00  0.00

TOTAL MATERIALS  0.00

SUB-TOTAL  62.75
5% ADMINISTRATION  3.14
TOTAL JOB COST  65.89

DEPOSIT

OWED

Credit Account #002-800-7-376 Road Fund

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT  
Please mail check to: MARIPOSA COUNTY ROAD DEPARTMENT  
4639 Ben Hur Road  Mariposa, CA 95338
<table>
<thead>
<tr>
<th>NAME: Zone of Benefit</th>
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<td>ADDRESS:</td>
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<tr>
<td>JOB LOCATION:</td>
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<td>WORK PERFORMED:</td>
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<td>DATE COMPLETED:</td>
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<tr>
<th>LABOR COST:</th>
<th>HOURS</th>
<th>RATE</th>
<th>TOTALS</th>
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<tbody>
<tr>
<td>Atkinson, Bruce</td>
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<td>83.66</td>
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</table>

TOTAL LABOR COSTS 83.66

EQUIPMENT RENTAL 0.00

MATERIALS USED 0.00

TOTAL MATERIALS 0.00

SUB-TOTAL 83.66

5% ADMINISTRATION 4.18

TOTAL JOB COST 87.84

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
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4639 Ben Hur Road Mariposa, CA 95338

Credit Account #002-800-7-376 Road Fund
MARIPOSA COUNTY
ROAD DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

INVOICE # 109209
DATE: 11/18/92

NAME: Kjaer/ZOB
ADDRESS:  

JOB LOCATION: Public Works
WORK PERFORMED: Engineering
DATE COMPLETED: 10-30-92

<table>
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<tbody>
<tr>
<td>Atkinson, Bruce</td>
<td>1.50</td>
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<td>62.75</td>
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<tr>
<td>Mangan, J.</td>
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TOTAL LABOR COSTS 91.28

EQUIPMENT RENTAL

TOTAL EQUIP. RENTAL 0.00

MATERIALS USED

TOTAL MATERIALS 0.00

SUB-TOTAL 91.28

5% ADMINISTRATION

TOTAL JOB COST 4.56

DEPOSIT OWED

95.84

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
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4639 Ben Hur Road Mariposa, CA 95338

Credit Account #002-800-7-376 Road Fund
MARIPOSA COUNTY
ROAD DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CA 95338

NAME: Public Works
ADDRESS: 

INVOICE # 019223
DATE: 06/18/92

JOB LOCATION: ZOB Kjaer LDA 1367 #91-38
WORK PERFORMED: Engineering
DATE COMPLETED: January 1992

<table>
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<th>TOTALS</th>
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</thead>
<tbody>
<tr>
<td>Atkinson, Bruce</td>
<td>3.00</td>
<td>37.58</td>
<td>112.74</td>
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</tbody>
</table>

TOTAL LABOR COSTS 112.74

EQUIPMENT RENTAL

<table>
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TOTAL EQUIP. RENTAL 0.00

TOTAL MATERIALS 0.00

SUB-TOTAL 112.74

5% ADMINISTRATION 5.64

TOTAL JOB COST 118.38

DEPOSIT OWED REFUNDED

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
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4639 Ben Hur Road Mariposa, CA 95338
MARIPOSA COUNTY
ROAD DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CALIFORNIA 95338

NAME: PUBLIC WORKS
ADDRESS:

INVOICE NO. 069207
DATE: 08/03/92

JOB LOCATION: #91-38 ZOB KJAER
WORK PERFORMED: ENGINEERING
DATE COMPLETED: JUNE 30, 1992

LABOR COST:

HOURS RATE
ATKINSON, BRUCE 1.50 37.58 56.37

TOTAL LABOR COSTS

EQUIPMENT RENTAL

0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00

TOTAL EQUIP RENTAL

MATERIALS USED

0.00 0.00 0.00

TOTAL MATERIALS

SUB-TOTAL 56.37

5% ADMINISTRATION

TOTAL JOB COST 2.82

DEPOSIT

OWED 59.19

REFUNDED

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
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4639 Ben Hur Road Mariposa, Ca. 95338
MARIPOSA COUNTY
ROAD DEPARTMENT
4639 BEN HUR ROAD
MARIPOSA, CALIFORNIA 95338

NAME: PUBLIC WORKS
ADDRESS:

JOB LOCATION: ZONE OF BENEFIT FINANCE STUDY
WORK PERFORMED: PROJECT #90-43 ENGINEERING
DATE COMPLETED: THRU JULY 31, 1991

<table>
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<tr>
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<table>
<thead>
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<th>5% ADMINISTRATION</th>
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<tr>
<th>TOTAL JOB COST</th>
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</thead>
</table>

DEPOSIT
OWED 953.88
REFUNDED

Please make check payable to: MARIPOSA COUNTY ROAD DEPARTMENT
Please mail check to: MARIPOSA COUNTY ROAD DEPARTMENT
4639 Ben Hur Road    Mariposa, Ca. 95338