RECOMMENDED ACTION AND JUSTIFICATION:
Approve the second amendment to the Professional Services Agreement with Daniel Smith & Associates for a capital improvement program and impact fee ordinance analysis extending the term to December 31, 2007; and authorize the Chairman of the Board of Supervisors to sign the second amendment. The analysis for municipal buildings has been completed and the draft fees for these facilities are now finished. The company needed additional information regarding road improvements and future park development(s) in order to complete this portion of the analysis. This information is now being compiled and will soon be supplied to the consultant. Additional time is needed to formulate the draft impact fees, present the draft to the Board, and then to finalize the impact fees.

The remaining amount of the agreement will be re-budgeted in the 2007-2008 fiscal year.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On February 13, 2007, the Board adopted Resolution No. 07-58 extending the term of the agreement to June 30, 2007.

On March 28, 2006, the Board adopted Resolution No. 06-117 approving the Professional Services Agreement with Daniel Smith & Associates.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the amendment. The consultant will be unable to complete the capital improvement and impact fee ordinance analysis.

Financial Impact? ( ) Yes ( ) No

Budgeted In Current FY? ( ) Yes ( ) No

Partially Funded

Amount in Budget: $________________________

Additional Funding Needed: $________________

Source:

Internal Transfer

Unanticipated Revenue

Transfer Between Funds

Contingency

( ) General ( ) Other

Annual Recurring Cost: $________________

List Attachments, number pages consecutively

Second Amendment

CLERK’S USE ONLY:
Res. No. 09-335

Vote – Ayes: 5

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

Revised Dec. 2002

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended

No Opinion

Comments:

CAO: ___________
SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT

THIS SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT is made and entered into this 17th day of July 2007, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “County” and Daniel C. Smith and Associates, Inc. hereinafter referred to as “Contractor.”

WHEREAS, the County and Contractor have heretofore entered into a Professional Services Agreement dated March 28, 2006, wherein Contractor agreed to conduct an eleven (11) month Capital Improvement Program and Impact Fee Ordinance analysis; and

WHEREAS, County and Contractor amended said Professional Services Agreement on February 13, 2007, extending the term of the agreement to June 30, 2007; and

WHEREAS, County and Contractor desire to amend said Professional Services Agreement a second time to extend the term of the Agreement;

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Amended to extend the agreement to December 31, 2007.

2. Except as herein amended, the agreement dated March 28, 2006, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

[Signature]
JANET BIBBY, Chairman
Mariposa County Board of Supervisors

DANIEL C. SMITH & ASSOCIATES, INC.:

[Signature]
DANIEL C. SMITH, Principal

ATTEST:

[Signature]
MARGIE WILLIAMS
Clerk of the Board

APPROVED AS FORM:

[Signature]
THOMAS P. GUARINO
County Counsel