DEPARTMENT: Public Works

RECOMMENDED ACTION AND JUSTIFICATION:
Staff is requesting the following actions:

1. Transfer of $260,980 from the Zone of Benefit Revolving Fund to the Don Pedro Wastewater Facility project.
2. Authorize the County to purchase 38.95-acre land parcel 01-260-16 for the amount of $227,200 for the purpose of providing necessary land for a portion of the wastewater facility. Please refer to Attachment 1 for additional information concerning the land purchase.
3. Authorize the Public Works Director to award a contract for the amount of $26,280 to Mr. Michael Skenfield to provide the necessary biological environmental documentation for the project. (Attachment 2)
4. Authorize Public Works to solicit proposals and award a contract not to exceed $7,500 to a yet to be determined cultural resources consultant. (Attachment 2)

Time is of the essence, as the County needs to proceed as soon as possible to complete the land transaction and begin critical biological studies to proceed with the Don Pedro Wastewater Facility Project. The County needs the additional parcel of land for disposal of the effluent as explained in the March 22, 2004 memorandum from Mr. Fred Solomon (Attachment 1). In addition the County needs to complete the necessary biological studies as required by the California Environmental Quality Act and by the funding source for the project, the United States Department of Agriculture.

The above expenditures are included in the United States Department of Agriculture loan application and will be reimbursed on loan closing.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The most recent Board actions include authorization to proceed with the design of the project on February 24, 2004 and authorization to apply for a United States Department of Agriculture loan February 17, 2004.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Time is of the essence. Negative action may delay purchase of the land and adversely impact the necessary environmental studies. The Board may consider utilizing the Hidden Hills Resort property for effluent disposal at higher construction and operational costs.

Financial Impact? (x) Yes ( ) No Current FY Cost: $260,980
Budgeted In Current FY? ( ) Yes ( ) No (x) Partially Funded

Amount in Budget: $1,266,738
Additional Funding Needed: $260,980
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other
4/5’s vote
4/5’s vote

List Attachments, number pages consecutively
1. Memo March 22 Fred Solomon
2. Memo March 23 Fred Solomon
3. Skenfield Letter
4. Appraisal Report
5. Budget Action Form

CLERK'S USE ONLY:
Res. No. [114] Ord. No. ______
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

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended
No Opinion
Comments:

CAO: [Signature]

Revised Dec. 2002
## BUDGET ACTION FORM

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### TRANSFER BETWEEN FUNDS

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**TOTALS**

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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 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.

**JUSTIFICATION:** To transfer money as a loan from the ZOB Revolving Fund to the Capital Projects Fund for Don Pedro Waster Water Treatment Plant

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**DEPT HEAD SIGNATURE**

**DATE**

**APPROVED BY RES NO.**

**CLERK**

**DATE**

**DEPARTMENT**

**AUDITOR'S USE ONLY**

**BA #**

Budget Revision Form Revised 12/18
The following terms and conditions are hereby incorporated in and made a part of the: ☐ Residential Purchase Agreement, ☐ Manufactured Home Purchase Agreement, ☐ Business Purchase Agreement, ☐ Residential Lease or Month-to-Month Rental Agreement, ☐ Vacant Land Purchase Agreement, ☐ Residential Income Property Purchase Agreement, ☐ Commercial Property Purchase Agreement, ☐ other Vacant Land

dated March 3, 2004, on property known as APN 01-250-16

in which Mariposa County Government is referred to as ("Buyer/Tenant")

and Mr. and Mrs. Tim and Bette Ann Erickson is referred to as ("Seller/Landlord").

1) Purchase price is $225,000 less Broker's commission of $22,500 and Mariposa County will pay customary settlement costs of approximately $2,200 and the broker's commission of $22,500.

2) Seller will indemnify and defend Mariposa County against any liability arising out of the grazing of cattle and name the County an additional insured on its general liability insurance policy.

3) Improvement for grazing at Seller’s expense.

4) County approval of Title Report.

5) Closing contingent on completion of Williamson Act Process.

6) The County of Mariposa will grant grazing right to the Seller from the grazing of beef cattle for a period of ten (10) years from date of close of escrow but those rights must not interfere with the County's irrigation for the disposal of effluent from the wastewater treatment plant. If after appropriate notice Seller, or any other party to whom the Seller sublets grazing rights, continues to interfere with disposal, the grazing rights will be terminated. Grazing will be allowed as permitted by applicable federal, state, and county health and safety laws.

8) This Addendum (#3) supercedes and cancels Addendum (#8).

The foregoing terms and conditions are hereby agreed to, and the undersigned acknowledge receipt of a copy of this document.

Date: _______________ Date: _______________

Buyer/Tenant: ___________________ Seller/Landlord: ___________________

Buyer/Tenant: ___________________ Seller/Landlord: ___________________

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Reviewed by: ___________________ Date: _______________

Broker or Designee: ___________________ Dat: _______________

ADDITIONAL ADVICE: IT IS RECOMMENDED THAT ALL ADDENDUMS BE REVIEWED BY AN ATTORNEY BEFORE SIGNING.
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM PETROPULOS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: PURCHASE OF LAND PARCEL FOR THE LAKE DON PEDRO WASTEWATER FACILITY PROJECT
Resolution No. 04-141

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 6, 2004

ACTION AND VOTE:

Jim Petropulos, Public Works Director;
   A) Approve Budget Action Transferring Funds from the Zone of Benefit Revolving Fund to the Don Pedro Wastewater Facility Project ($260,980) (4/5ths Vote Required); Authorize the Purchase of 38.95-Acre Land Parcel 01-260-16 in the Amount of $227,200 for the Purpose of Providing Necessary Land for a Portion of the Wastewater Facility; Authorize the County Administrative Officer to Sign All Documents Associated with the Purchase; Authorize the Public Works Director to Award a Contract to Mr. Michael Skenfield to Provide the Necessary Environmental Documentation for the Project in the Amount of $26,280; and Authorize Public Works to Solicit Proposals and Award a Contract to a Yet to Be Determined Cultural Resources Consultant in an Amount Not to Exceed $7,500

BOARD ACTION: Discussion was held with Jim Petropulos. Tom Guarino, County Counsel, requested that action include the findings that were made and outlined in Fred Solomon’s memorandum for the $2,500 difference in the fair market value and the purchase offer for the property. Fred Solomon responded to questions from the Board and advised that the funds being transferred for this project are being considered a loan, and they will be paid back from the USDA loan proceeds. He also responded to questions relative to contingencies for the offer of purchase and status of the USDA loan. Tom Guarino clarified for the record that there has been no discussion of eminent domain and he advised of review of the Williamson Act contract cancellation. Supervisor Bibby clarified that a formal lease will be drawn up for use of the property for grazing. (M)Balmain, (S)Bibby, Res. 04-141 was adopted approving the recommended actions, including the findings that were made for the difference between the fair market value and purchase offer for the property/Ayes: Unanimous. Jim commended his facilities staff, Dana Hertfelder and Fred Solomon for their work on the Don Pedro wastewater facility.

cc: Tom Guarino, County Counsel
    Ken Hawkins, Auditor
    Mary Hodson, Deputy County Administrative Officer
    File