

DEPARTMENT: PLANNING

BY: ERIC JAY TOLL  
PHONE: 966-0302

**RECOMMENDED ACTION AND JUSTIFICATION:**

SEE ATTACHED MEMO.

Funds needed to authorize applicant-reimbursed expenditures. Revenue neutral action.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

N/A

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

N/A

Financial Impact? ( X ) Yes ( ) No	Current FY Cost: \$117,500	Annual Recurring Cost: \$0
Budgeted In Current FY? ( ) Yes ( X ) No ( ) Partially Funded		
Amount in Budget:	<u>\$100,000</u>	List Attachments, number pages consecutively
Additional Funding Needed:	<u>\$117,500</u>	<u>1 Cover memo</u>
Source: Applicant	X \$117,500	<u>2 Budget amendment</u>
Internal Transfer	_____	_____
Unanticipated Revenue	<u>X</u> 4/5's vote	_____
Transfer Between Funds	_____ 4/5's vote	_____
Contingency	_____ 4/5's vote	_____
( ) General ( ) Other		_____

**CLERK'S USE ONLY:**

Res. No.: 03-103 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved  
 ( ) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

CAO: PHI





# MARIPOSA PLANNING

## COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039  
MARIPOSA, CALIFORNIA 95338-2039  
209 . 966 . 0302 • FAX 209 . 742 . 5024

Eric Jay Toll, Director  
EToll@MariposaCounty.org  
www.MariposaCounty.org/Planning

## MEMORANDUM

Date: March 25, 2003  
To: Board of Supervisors  
Richard Inman, County Administrative Officer  
From: Eric Jay Toll, Director  
Topic: Increase budget amount in the SilverTip Resort Special Fund by \$100,000 to cover costs associated with the Board of Supervisors hearing and legal fees (4/5<sup>th</sup> vote required)

The Planning Commission has recommended approval of the SilverTip Resort project. The matter moves to the Board of Supervisors for final action. This is a very complex project with all costs paid by the applicant.

The project has exhausted its budgeted amount for 2002-03 and additional funds need to be inserted into the budget. All these costs are paid by the applicant, so there is no change to the General Fund and no funds required from General Fund contingencies or reserves.

Staff estimates that it will cost about \$100,000 in professional services—mostly legal fees—to take the project from this point through the end of the statute of limitations for CEQA filings, 35 days following the Board's action and filing the Notice of Determination. The Planning Commission has also recommended that the Board require the applicant to indemnify the County for all costs associated with defending any litigation. Legal Counsel believes such a defense will cost an additional \$75,000 to \$100,000 or more.

Staff requests the budget be amended as follows:

349-0259-307-8703 Special planning revenues	\$117,500
349-0259-553-0418 Professional services, including legal fees	\$100,000
349-0259-553-0417 Supplies, copies, and materials	7,500
349-0259-553-0416 Miscellaneous: meeting rooms, printing, other costs	10,000

These funds are only expended as needed and as reimbursable by the applicant.

**Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.**