

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_\_\_)

Resolution rescinding Resolution No. 85-342 and adopt the attached Resolution for procedures for filing an affidavit to demonstrate proof of payment of any unsecured tax levied against the mining claim on which the affidavit of assessment work is filed prior to recordation with the County Recorder.

Sections 3913 and 3914 have replaced section 2315 of the Public Resources Code contained in Resolution No. 85-342.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Res. 85-342 on November 5, 1985.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: ( ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

SOURCE: ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: 01-105 Ord. No. \_\_\_\_\_

Vote - Ayes: 4 Noes: \_\_\_\_\_

Absent: Balmain Abstained: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

( ) 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

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: JGA

MARIPOSA COUNTY RESOLUTION NO. 01-105

**PROCEDURES FOR FILING AN AFFIDAVIT PURSUANT TO SECTIONS 3913 AND 3914 OF THE PUBLIC RESOURCES CODE TO DEMONSTRATE PROOF OF PAYMENT OF ANY UNSECURED TAX LEVIED AGAINST THE MINING CLAIM ON WHICH THE AFFIDAVIT OF ASSESSMENT WORK IS FILED PRIOR TO RECORDATION WITH THE COUNTY RECORDER**

WHEREAS, pursuant to Public Resources Code Section 3914, it is the intent of this resolution to require proof of payment of any unsecured tax levied against the mining claim on which the affidavit is filed, prior to the recordation of such affidavit.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, as follows:

1. That the County Recorder is prohibited from accepting any affidavit of "assessment work" pursuant to Section 3913 and 3914 of the Public Resources Code, for recordation, without the Tax Collector's certification that the taxes have been paid.

2. If the County Recorder receives an affidavit for recording by mail, and the affidavit does not contain the Tax Collector's certification, the County Recorder shall forward the affidavit to the Tax Collector.

3. If all taxes regarding the mining claim as identified in the affidavit are current, the Tax Collector shall so certify on the face of the affidavit and return it to the County Recorder for recording.

4. If the taxes described in paragraph 3 above are not current, the Tax Collector shall return the affidavit in a timely manner to the filers address as provided by the County Recorder, with a written notation of the status of the tax due.

PASSED AND ADOPTED this 17<sup>th</sup> day of April, 2001 by the following vote:

AYES: Parker, Reilly, Pickard, Stewart

NOES: None

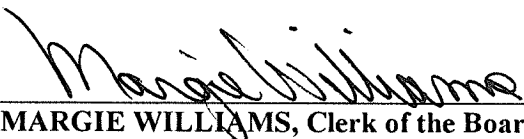
ABSTAIN: None

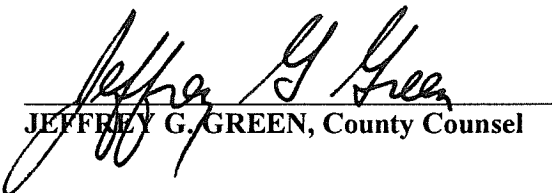
ABSENT: Balmain

  
DOUG BALMAIN, Chairman

ATTEST:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
MARGIE WILLIAMS, Clerk of the Board

  
JEFFREY G. GREEN, County Counsel