

DEPARTMENT: Public Works

By: James J. Petropulos

Phone: 966-5356

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

Resolution Supporting Proposition 35, Fair Competition and Taxpayer Savings Initiative.

The intent of this initiative is to allow public agencies (primarily Caltrans) to use private sector engineers and architects as needed. This flexibility, to use consultants, is also important for small agencies in order to augment staff as needed. Proposition 35 is supported by a long list of public agencies and endorsed by California State Association of Counties (CSAC).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board discussed this item on September 26, 2000 and requested that Supervisor Pickard obtain additional information from the County's legislative lobbyist, Wagerman Associates Inc. in order to clarify the position of the "Californians Opposed to School and Road Delay."

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative action will not have an immediate impact. Lack of support for Proposition 35 may curtail our ability to utilize consultants in the future.

<p>COSTS: (X) Not Applicable</p> <p>A. Budgeted current FY> \$ _____</p> <p>B. Total anticipated Costs> \$ _____</p> <p>C. Required additional funding> \$ _____</p> <p>D. Internal transfers> \$ _____</p> <p>SOURCE: () 4/5th Vote Required</p> <p>A. Unanticipated revenues> \$ _____</p> <p>B. Reserve for contingencies> \$ _____</p> <p>C. Source description: > _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p><u>1. Initiative Text</u></p> <p><u>2. Information relative to support of Proposition 35</u></p> <p><u>3. Memo from Wagerman Associates to Supervisor Pickard</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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CLERK'S USE ONLY

Res. No.: 00-357 Ord. No.: _____

Vote - Ayes: 4 Noes: _____

Absent: _____ Abstained: Reilly

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

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: _____

C.A.O. Initials: [Signature]



Wagerman • Associates inc.

cc: BOS
MAGY, CAO
C. GIL
PUSD

MEMORANDUM

To: Supervisor Bob Pickard
Member, Mariposa County Board of Supervisors

From: Tom Renfree, Wagerman Associates Inc.

Date: September 27, 2000

Re: Proposition 35

OCT 2 2000

MARIPOSA COUNTY
DEPARTMENT OF PUBLIC WORKS

I looked over the material you sent us from the "Californians Opposed to School & Road Delay." This group is part of the coalition opposed to Proposition 35, the initiative which would allow state, regional and local governments to contract with private entities for engineering and architectural services.

The initiative would basically remove existing restrictions on "contracting out" for these services, as long as state, regional and local governments use qualified private firms. Supporters argue that government agencies should have the flexibility to contract with the private sector. This flexibility, they say, is at risk due to a lawsuit brought by Professional Engineers in California Government against Caltrans, resulting in a Supreme Court decision that civil service engineers have priority. That decision triggered other lawsuits against local governments, which have delayed or terminated a large number of existing projects. Prop. 35 supporters quote the state's Legislative Analyst, who has said that the ability to contract out could result in construction projects being completed earlier, resulting in lower construction costs.

Opponents argue that Prop. 35 would replace current methods of awarding contracts on the basis of cost, qualification and experience, and would allow awards to be affected by political influence. They say that the real purpose of the proposition is to benefit large engineering corporations, who won't have to abide by the same rules as every other business that contracts with the government. They also charge that, due to the need to develop a whole new set of state regulations, the proposition will delay construction of roads, schools, health care facilities and other projects for years.

Hope this helps. Please feel free to call if you have any other questions.