RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X )
Resolution declaring intention to reimburse expenditures from the proceeds of obligations to be issued by the County and directing certain actions; and authorizing the Public Works Director to execute an Agreement with Jones Hall for legal services (bond counsel) for Yosemite West and Don Pedro Wastewater Rehabilitation Projects.

Both projects require bond counsel services to establish assessments against benefiting properties to repay loans from the State Revolving Fund (Don Pedro) and the USDA-Rural Development Agency (Yosemite West). The bond counsel is needed at this time to work closely with staff and the Assessment Engineer for each project to establish defensible assessments subject to Prop 218 requirements. Jones Hall will only be paid from bond proceeds if either or both assessment proceeding are successful. Their fee schedule is standard practice for this type of work.

The adoption of this resolution does not obligate the County to pursue the described projects or issue any bonds, but will enable the County to later reimburse itself for the pre-issuance expenditures from bond proceeds if tax-exempt bonds are issued. Before the resolution can be adopted, a general description of the project and the maximum amount of the tax-exempt obligation need to be added.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The County has utilized the services of Jones Hall during the construction of the new Government Center and the Fleet Maintenance Shop for financing by USDA-RDA. Staff feels they are the most qualified attorneys for these projects.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. No Action. Progress on these two projects could not continue in violation of State Regional Water Quality Control Board Cease and Desist Orders.
2. Direct that staff solicit proposals from other attorneys specializing as bond counsel.

COSTS: (X) Not Applicable
A. Budgeted current FY> $__________
B. Total anticipated costs> $__________
C. Required additional funding> $__________
D. Internal transfers> $__________

COSTS: ( ) 4/5th Vote Required
A. Unanticipated revenues> $__________
B. Reserve for contingencies> $__________
C. Source description: >

Balance in Reserve Contingencies, If Approved: $__________

Special Instructions:

List the attachments and number the pages consecutively:
1. Resolution (2 pages)
2. Agreement (3 pages)
CLERK'S USE ONLY
Res. No.: 79-74  Ord. No.: 
Vote - Ayes: 5  Noes: 
Absent:  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
By: ______________________________________
Deputy

AGENDA 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: ____________________________
RESOLUTION NO. 99-74

A RESOLUTION DECLARING INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE COUNTY AND DIRECTING CERTAIN ACTIONS

RESOLVED, by the Board of Supervisors of the County of Mariposa, California;

WHEREAS, the County proposes to undertake the project referenced below, to issue debt for such project and to use a portion of the proceeds of such debt to reimburse expenditures made for the project prior to the issuance of the debt;

WHEREAS, United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditures, the issuer declares an intention to reimburse such expenditure; and

WHEREAS, it is in the public interest and for the public benefit that the County declares its official intent to reimburse the expenditures referenced herein.

NOW THEREFORE, it is hereby DECLARED and ORDERED, as follows:

1. The County intends to issue obligations (the “Obligations”) for the purpose of paying the cost of Yosemite West Wastewater Rehabilitation Project and the Don Pedro Wastewater Rehabilitation Project (the “Project”).
2. The County hereby declares that it reasonably expects (i) to pay certain costs of the Project prior to the date of issuance of the Obligations and (ii) to use a portion of the proceeds of the Obligations for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations.
3. The maximum principal amount of the Obligation is $3,000,000.

PASSED and ADOPTED this 9th day of March, 1999, by the Board of Supervisors of Mariposa County, by the following vote:

AYES: Reilly, Balmain, Stewart, Parker, Pickard

NOES: None

ABSENT: None

ABSTAINED: None

COUNTY OF MARIPOSA

Bob Pickard, Chairman
Board of Supervisors