

DEPARTMENT: Administration

BY: Rick Benson

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Approve the second amendment to the Professional Services Agreement with Daniel Smith & Associates for a capital improvement program and impact fee ordinance analysis extending the term to December 31, 2007; and authorize the Chairman of the Board of Supervisors to sign the second amendment. The analysis for municipal buildings has been completed and the draft fees for these facilities are now finished. The company needed additional information regarding road improvements and future park development(s) in order to complete this portion of the analysis. This information is now being compiled and will soon be supplied to the consultant. Additional time is needed to formulate the draft impact fees, present the draft to the Board, and then to finalize the impact fees.

The remaining amount of the agreement will be re-budgeted in the 2007-2008 fiscal year.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On February 13, 2007, the Board adopted Resolution No. 07-58 extending the term of the agreement to June 30, 2007.

On March 28, 2006, the Board adopted Resolution No. 06-117 approving the Professional Services Agreement with Daniel Smith & Associates.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the amendment. The consultant will be unable to complete the capital improvement and impact fee ordinance analysis.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Second Amendment
Source:		
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No. 07-335 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: _____

SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT

THIS SECOND AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT is made and entered into this 17th day of July 2007, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "County" and Daniel C. Smith and Associates, Inc. hereinafter referred to as "Contractor."

WHEREAS, the County and Contractor have heretofore entered into a Professional Services Agreement dated March 28, 2006, wherein Contractor agreed to conduct an eleven (11) month Capital Improvement Program and Impact Fee Ordinance analysis; and

WHEREAS, County and Contractor amended said Professional Services Agreement on February 13, 2007, extending the term of the agreement to June 30, 2007; and

WHEREAS, County and Contractor desire to amend said Professional Services Agreement a second time to extend the term of the Agreement;

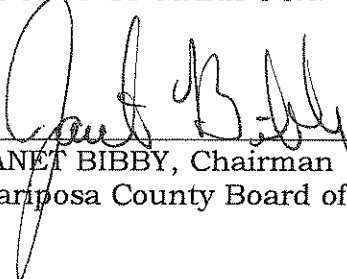
NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Amended to extend the agreement to December 31, 2007.
2. Except as herein amended, the agreement dated March 28, 2006, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

DANIEL C. SMITH & ASSOCIATES, INC.:




JANET BIBBY, Chairman
Mariposa County Board of Supervisors




DANIEL C. SMITH, Principal
Daniel C. Smith & Associates, Inc.

ATTEST:

APPROVED AS FORM:



MARGIE WILLIAMS
Clerk of the Board



THOMAS P. GUARINO
County Counsel