

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

DATE: 3/21/06
AGENDA ITEM NO. CA-1

DEPARTMENT: County Counsel

BY: Thomas P. Guarino

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution amending the Professional Services Agreement with Allen, Polgar, Proietti & Fagalde and authorizing Chairman to sign the Amended Professional Services Agreement in with a total amount not to exceed \$45,000.

Allen, Polgar Proietti & Fagalde has been representing Mariposa County in the suit filed by Mike Bird. The current Professional Services Agreement has a fee limit of \$25,000 and the increase is necessary due to a remand from Appeals Court back to Trial Court.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Mike Bird filed suit against the Board of Supervisors in June of 2003.

In April of 2004 Mr. Bird filed an appeal of the Superior Court decision.

In November of 2005 a portion of Mr. Bird's suit was remanded back to Trial Court.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? (X) Yes () 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: \$ _____		Amendment to Professional Services Agreement
Source:		Professional Services Agreement
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.: 06-96 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____
mm 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: PH