

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution Authorizing Chairman to sign Legal Services Agreement with David Oster, Esq. of Jones Hall as Bond Counsel, as required by the USDA, for partial payment of the loan for the Co-Composting Project.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

At its meeting on September 22, 2003 the Board of Supervisors approved the Contract with the Contractor for the Co-Composting Facility Project at the Mariposa Landfill.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes () No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: <u>\$250,000</u>		List Attachments, number pages consecutively
Additional Funding Needed: <u>\$0</u>		<u>Legal Services Agreement</u>
Source:		<u>Resolution</u>
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.: 03-37 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 () 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

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

CAO: PKH

RESOLUTION NO. 03-371

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MARIPOSA
DECLARING INTENTION TO CONDUCT
FINANCING PROCEEDINGS AND TO REIMBURSE
EXPENDITURES UNDER FEDERAL TAX RULES
AND AUTHORIZING OFFICIALS AND ACTIONS**

WHEREAS, the County proposes to make improvements to the County's solid waste management facilities (the "Project"), to issue tax-exempt bonds, notes, certificates of participation or other debt instruments (the "Obligations") to finance the Project and, if necessary, to use a portion of the proceeds of the Obligations to reimburse expenditures made by the County for the Project before the issuance of the Obligations; and

WHEREAS, the Obligation will be issued to secure a loan from the United States of America, acting through the Community Facilities, U.S. Department of Agriculture (the "USDA"); and

WHEREAS, United States Income Tax Regulations section 1.150-2 (the "Regulations") provide 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, among which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declare an intention to reimburse such expenditure; and

WHEREAS, it is in the public interest and for the public benefit that the County declare its official intent to consider the issuance of the Obligations to reimburse the expenditures referenced herein, to authorize certain officials to take actions with respect to the Obligations and to retain special counsel for the issuance of such Obligations.

NOW, THEREFORE BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board hereby declares the following:

1. **Obligations.** The County intends to issue the Obligations, in the maximum principal amount of approximately \$3,500,000, within the meaning of the Regulations to finance all or a portion of the costs of the Project.

2. **Reimbursement.** The Board hereby declares that the County reasonably expects to use a portion of the proceeds of the Obligations for reimbursement of expenditures of the Project that are paid before the date of issuance of the Obligations.

3. **Special Counsel.** The Board hereby appoints Jones Hall, A Professional Law Corporation, San Francisco, California, as special counsel to the County for purpose of the issuance and delivery of the Obligations and the form of agreement for the services of such

special counsel on file with the Clerk of the Board is hereby approved and the Chairman of the Board is hereby authorized and directed to execute such agreement for the County.

4. **Effective.** This resolution shall be effective from the date of its adoption by the Board.

PASSED AND ADOPTED this 14th day of October, 2003 by the Mariposa County Board of Supervisors by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD

NOES: NONE

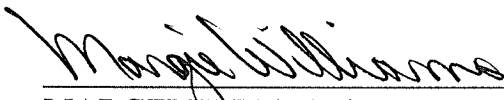
ABSENT: NONE



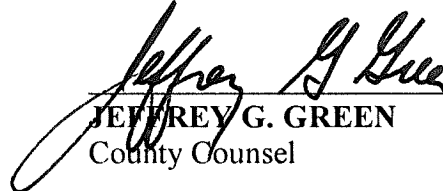
BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel