

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No \_\_\_)

Resolution authorizing Chairman to execute the Master Settlement Agreement and the documents designated in Section 1.B(9) in the appendices attached to the Office of the Attorney General of the State of California for the release of the first of two installments of California Tobacco Settlement funds to Mariposa County.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Authorize Chairman to sign Agreement and documents to receive settlement funds.
- Do not authorize Chairman to sign Agreements and documents and forfeit eligibility to receive funds.

<p><b>COSTS:</b> ( ) 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><b>SOURCE:</b> ( ) 4/5ths Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>C. Source description: _____</p> <p>Balance in Reserve for Contingencies, if approved: \$ _____</p>	<p><b>SPECIAL INSTRUCTIONS:</b> List the attachments and number the pages consecutively:</p> <p>_____</p> <p>_____</p> <p>_____</p>
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<p><b>CLERK'S USE ONLY:</b></p> <p>Res. No.: <u>09-34</u> Ord. No. _____</p> <p>Vote - Ayes: _____ Noes: _____</p> <p>Absent: _____ Abstained: _____</p> <p>Approved _____ Denied _____</p> <p>( ) Minute Order Attached ( ) No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on file in this office.</p> <p>Date: _____</p> <p>ATTEST: <u>MARGIE WILLIAMS</u>, Clerk of the Board County of Mariposa, State of California</p> <p>By: _____ Deputy</p>	<p><b>ADMINISTRATIVE OFFICER'S RECOMMENDATION:</b> This item on agenda as:</p> <p><input checked="" type="checkbox"/> Recommended</p> <p><input type="checkbox"/> Not Recommended</p> <p><input type="checkbox"/> For Policy Determination</p> <p><input type="checkbox"/> Submitted with Comment</p> <p><input type="checkbox"/> Returned for Further Action</p> <p>Comment: _____</p> <p>A.O. Initials: <u>gh</u></p>
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**Appendix E**

**MODEL RESOLUTION BY COUNTY BOARD OF SUPERVISORS**

**A RESOLUTION AUTHORIZING WITHDRAWAL AND ACCEPTANCE OF  
TOBACCO SETTLEMENT MONIES PURSUANT TO THE  
MEMORANDUM OF UNDERSTANDING**

**WHEREAS** the Attorney General of the State of California and representatives of a number of California Counties and Cities entered into a Memorandum of Understanding (“MOU”), which allocates a portion of settlement proceeds stemming from the litigation against various manufacturers of tobacco products;

**WHEREAS** the County of Mariposa (hereinafter “the County”) wishes to receive its allocated share of settlement proceeds as provided for and set forth in the MOU;

**WHEREAS** the County has obtained any necessary approval to participate in the settlement under the terms and conditions memorialized in the MOU; and

**WHEREAS** in consideration for receiving its portion of the settlement proceeds as allocated to Cities and Counties in the MOU, the County has executed the Agreement Regarding Interpretation of MOU and the Release, approved by the J.C.C.P. 4041 Court;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors does hereby authorize the acceptance and deposit of the County’s portion of the settlement proceeds as allocated to Cities and Counties in the MOU.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors does hereby authorize the verification by the Office of the Attorney General of all banking information provided to effectuate the acceptance of the settlement proceeds.

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**BE IT FURTHER RESOLVED**, that the following officers or their successors in office shall be authorized to direct the transfer of the County's settlement funds on behalf the County:

<u>Garry R. Parker</u> (NAME)	_____	_____
<u>Chairman of the Board</u> (TITLE)	_____	_____
<u><i>Garry R. Parker</i></u> (SIGNATURE)	_____	_____

**BE IT FURTHER RESOLVED**, that all notices from the Office of the Attorney General to the County regarding tobacco settlement funds shall be sent to following person/agency:

Name of Person/Agency: Janet Hogan

Title: County Administrative Officer

Address: 5100 Bullion Street

P.O. Box 784

Mariposa, CA 95338

Telephone: (209) 966-3222

Facsimile: (209) 966-5147

E-Mail: jhogan@sierratel.com

**PASSED AND ADOPTED**, by the Board of Supervisors of the County of Mariposa, State of California, this 25<sup>th</sup> day of January, 2000.