

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No X)

Adopt a resolution designating three county officials and authorizing their signatures for authority to direct the transfer of the tobacco settlement funds on behalf of Mariposa County. The conditions under which each eligible county may receive its allotted share are specified in the court approved Agreement Regarding Interpretation of Memorandum of Understanding (ARIMOU). Each eligible county completed and returned the documents that were court approved exhibits to the ARIMOU in order to receive payment. One of the documents, the Model Resolution, required that each eligible county specify three designees who are authorized to direct the transfer of the tobacco settlement funds on behalf of the county.

It is recommended that the three designees be the Chairman of the Board of Supervisors, County Administrative Officer, and County Auditor.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 13, 2000, the Board adopted Resolution 00-34, authorizing the Chairman of the Board of Supervisors to sign the Model Resolution. At that time the Board did not designate two other designees and now the Attorney Generals Office has contacted the County informing us that this must be accomplished in order to continue receiving the tobacco settlement funds.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt the resolution or authorize the signatures of the designees. There will be a delay in Mariposa County continuing to receive the tobacco settlement funds.

Adopt the resolution, but authorize different designees than what is recommended.

<p>COSTS: (X) 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>SOURCE: () 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>SPECIAL INSTRUCTIONS:</p> <p>List the attachments and number the pages consecutively:</p> <p>Model Resolution</p> <p>Resolution 00-34</p> <p>Letter from Attorney Generals Office</p>
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<p>CLERKS USE ONLY:</p> <p>Res. No. <u>01-245</u> Ord. No. _____</p> <p>Vote - Ayes: _____ Noes: _____</p> <p>Absent: <u>Blair</u> 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: _____</p> <p>MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California</p> <p>BY: _____</p> <p>Deputy</p>	<p>ADMINISTRATIVE OFFICER'S RECOMMENDATION:</p> <p>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>CAO's Initials: <u>GA</u></p>
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MODEL RESOLUTION BY COUNTY BOARD OF SUPERVISORS

Resolution Number 01-245

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.

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 of the County:

Doug Balmain
NAME

Gregory G. Iturria
NAME

Ken Hawkins
NAME

Chairman of the Board
TITLE

County Administrative Officer
TITLE

County Auditor
TITLE


SIGNATURE


SIGNATURE


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 the following person/agency:

Name of Person/Agency: Gregory G. Iturria
Title: County Administrative Officer
Address: P.O. Box 784, Mariposa, CA 95338
Telephone: (209) 966-3222
Facsimile: (209) 966-5147
E-Mail: iturria@sierratel.com

PASSED AND ADOPTED, by the Board of Supervisors of the County of Mariposa, State of California, this 21st day of August, 2001.

AYES:	Parker, Reilly, Stewart, Pickard
NOES:	None
ABSENT:	Balmain
ABSTAINED:	None



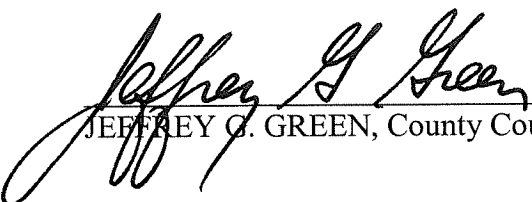
DOUG BALMAIN, Chairman

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN, County Counsel

Mariposa County Board of Supervisors



RICHARD J. BENSON
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252
FAX (209) 966-5147
www.mariposacounty.org/board

District 1 BRAD ABORN
District 2 LYLE TURPIN
District 3 JANET BIBBY
District 4 KEVIN CANN
District 5 JIM ALLEN

September 4, 2009

Subject: Signature Authority for Tobacco Settlement Funds for Mariposa County

To Whom It May Concern:

Mariposa County Board of Supervisors Resolution No. 01-245 designated the following three county officials and authorized their signatures for authority to direct the transfer of the Tobacco Settlement Funds on behalf of Mariposa County: the Chairman of the Board of Supervisors, County Administrative Officer, and the County Auditor.

This is to certify that the following persons now hold the above-described positions:

Brad Aborn
NAME

Richard J. Benson
NAME

Christopher Ebie
NAME

Chairman of the Board
TITLE

County Administrative Officer
TITLE

County Auditor
TITLE

Brad Aborn
SIGNATURE

Richard J. Benson
SIGNATURE

Christopher Ebie
SIGNATURE

ATTEST:

Margie Williams
Margie Williams, Clerk of the Board

MODEL RESOLUTION BY COUNTY BOARD OF SUPERVISORS

Resolution Number 01-245

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TOBACCO SETTLEMENT MONIES PURSUANT TO THE
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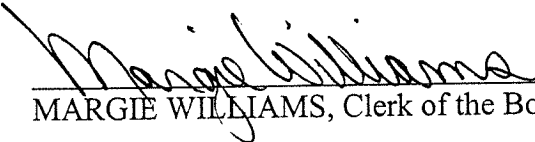
PASSED AND ADOPTED, by the Board of Supervisors of the County of Mariposa, State of California, this 21st day of August, 2001.

AYES:	Parker, Reilly, Stewart, Pickard
NOES:	None
ABSENT:	Balmain
ABSTAINED:	None




DOUG BALMAIN, Chairman

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN, County Counsel

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes No)

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