



\$25,000 may not be available for repayment. The proposed Amendment No. 3 is enclosed as Attachment 1 with the changes underlined. A draft Board Order is enclosed as Attachment 2.

Because the project will contribute to the public health, safety, and welfare by contributing to the design and construction of a system to provide potable water to certain County residents in a situation where those citizens do not have a reliable source of potable water, and because the repayment of the funds to the County has always been based upon a contingency, the County Counsel's Office is of the opinion that the Agreement, including Amendment No. 3 does not represent a gift of public funds.

OPTIONS FOR BOARD CONSIDERATION:

Alternatively, the Board may reject the proposed amendment, in which case it is unlikely that the FDA loan will be approved and the project may not be built.

OTHER AGENCY INVOLVEMENT:

The County Counsel's Office has reviewed and approved the amendment.

FINANCING:

Funds were previously approved from the Capital Projects Fund, and any repayment received would be deposited back into that fund.

Prepared by:

Approved by:

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Chief Assistant County Counsel

Benny Young  
RMA Director

cc: Lew Bauman, CAO

Michael J. Miller, Auditor-Controller

Attachment 1: Amendment No. 3

Attachment 2: Board Order