

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Hugh Riley, Assistant City Manager 
BY: Steven Klotzsche, Interim Finance Director

DATE: May 27, 2008 (City Council Meeting of June 18, 2008)

SUBJECT: Consider Resolution Amending the Fiscal Year Budget to Transfer from Citywide Traffic Mitigation Fund to General Fund and Community Development Fund for Reimbursement of Litigation Cost Relating to the Ventura County Community College District (VCCCD) (Moorpark College Master Plan)

BACKGROUND

As of May 2006 through March 2008 the City has incurred litigation charges relating to the Moorpark College Master Plan. Payments made to date total \$67,005.34 and have been paid out of the General Fund (\$3,369.35) and the Community Development Fund (\$63,635.99). As the Council will recall the recently approved settlement agreement with VCCCD will provide an estimated \$1 million for three street improvements related to the City's legal challenge.

DISCUSSION

In addition to the out of pocket cost for the City Attorney's cost, considerable staff time was expended on this matter. Rather than reimburse the two funds for this cost it's recommended that 15% be added to the direct City Attorney's cost to cover the City's staff time and overhead costs. It's standard practice for the City to add 15% of such costs for this purpose. Due to the nature of the expenditure, the above charges are an allowable expenditure from the Citywide Traffic Mitigation Fund (Special Revenue Fund) and thus would be the more appropriately charged fund. The expected total litigation cost should not exceed \$95,000 for the 2007-2008 fiscal year. Any cost for April, May and June would be charged directly to the Citywide Traffic Mitigation Fund.

FISCAL IMPACT

This will return \$73,181 to the Community Development Fund and \$3,875 to the General Fund

STAFF RECOMMENDATION (Roll Call Vote)

1. Adopt Resolution No. 2008_____ to appropriate \$95,000 from the Citywide Traffic Mitigation Fund; and
2. Direct staff to transfer the previously expended funds as identified in this report from the Citywide Traffic Mitigation Fund to the General Fund and the Community Development Fund.

ATTACHMENT

Resolution for budget amendment.

Litigation-to-Date schedule of payments made to Burke, Williams & Sorenson.

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FY 07/08 BUDGET TO APPROPRIATE \$95,000 FROM THE CITYWIDE TRAFFIC MITIGATION FUND (2002) RESERVE.

WHEREAS, on June 20, 2007, the City Council adopted the budget for Fiscal Year 2007/08; and

WHEREAS, a staff report has been presented to said Council requesting a budget amendment appropriating \$95,000 from the Citywide Traffic Mitigation Fund reserve; and

WHEREAS, the City has incurred legal and administrative cost properly charged to the Citywide Traffic Mitigation Fund.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A budget amendment appropriating \$95,000 from the Citywide Traffic Mitigation Fund reserve for legal and administrative cost incurred is hereby approved.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 18th day of June, 2008.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Attachment: Exhibit A Budget Amendment

CITY OF MOORPARK
Burke Williams & Sorenson
Legal Cost Recap for Case 01359-0178 (Moorpark College Master Plan)

Date	Check #	Service Period	Invoice No	Hours	Amount	Notes
9/1/2006	123776	May-06	116580	33.1	5,851.11	\$96.61 reimbursable expenses
9/20/2006	124093	June-06	116892	34.6	6,355.98	\$38.48 reimbursable expenses
11/1/2006	124536	July-06	117145	13.1	3,369.35	\$780.35 reimbursable expenses
11/1/2006	124536	August-06	117322	5.4	1,179.60	\$15.60 reimbursable expenses
12/20/2006	124941	September-06	117683	40.3	7,502.39	\$164.39 reimbursable expenses
2/7/2007	125391	October-06	117932	5.4	635.74	\$16.24 reimbursable expenses
1/17/2007	125195	November-06	118121	0	192.10	\$192.10 reimbursable expenses
3/21/2007	125867	December-06	n/a	0	0.00	\$0.00 reimbursable expenses
4/4/2007	126038	January-07	118627	1.8	318.05	\$1.05 reimbursable expenses
4/18/2007	126178	February-07	118776	3	611.00	\$0.00 reimbursable expenses
6/6/2007	126734	March-07	119038	0.3	54.00	\$0.00 reimbursable expenses
7/18/2007	127188	April-07	119195	0.1	19.05	\$1.05 reimbursable expenses
8/15/2007	127432	May-07	119393	53.3	10,644.65	\$73.65 reimbursable expenses
8/23/2007	127604	June-07	119592	8.9	1,822.80	\$1.80 reimbursable expenses
FY 06/07 Total					38,555.82	
10/3/2007	128093	July-07	119818	0.3	55.50	\$0.00 reimbursable expenses
12/5/2007	128833	August-07	120342	28.7	1,759.50	\$216.63 reimbursable expenses
12/5/2007	128833	September-07	120148	8.4	5,241.13	\$0.00 reimbursable expenses
12/26/2007	129065	October-07	120777	51.9	9,896.65	\$19.15 reimbursable expenses
1/30/2008	129346	November-07	121044	21.8	5,300.38	\$746.88 reimbursable expenses
3/19/2008	129929	December-07	121429	4.7	989.50	\$0.00 reimbursable expenses
5/21/2008	130629	January-08	121837	7.6	1,608.80	\$7.80 reimbursable expenses
5/21/2008	130629	February-08	122162	9.5	2,319.05	\$285.55 reimbursable expenses
pending	pending	March-08	122489	12.6	1,279.01	\$3.00 reimbursable expenses
FY 07/08 Total					28,449.52	
LTD TOTAL as of April 28, 2008					\$ 67,005.34	

Expenditure Distribution:

2200-6440-0000-9122	63,317.94	including pending invoices
2200-6440-0000-9220	318.05	
1000-4100-0000-9122	3,369.35	
	<u>\$ 67,005.34</u>	

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