

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-2

Urgent

Routine

AGENDA DATE August 5, 2008

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Expand the Boundaries for the Salida Municipal Advisory Council and Amend their Bylaws Including the Boundary Map and Legal Description

STAFF RECOMMENDATIONS:

1. Expand the boundaries for the Salida Municipal Advisory Council.
2. Amend the Salida Municipal Advisory Council bylaws including the boundary map and legal description.

FISCAL IMPACT:

There is no direct fiscal impact associated with the expansion of the Salida Municipal Advisory Council boundaries. Consistent with the current Municipal Advisory Councils in Stanislaus County, the Salida Municipal Advisory Council is allocated \$150 annually within the Chief Executive Office - Operations and Services budget for administrative expenses.

BOARD ACTION AS FOLLOWS:

No. 2008-568

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien and approved by the following vote.

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. MAC-02-A-5

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DISCUSSION:

Formation History

On July 31, 1984, the Stanislaus County Board of Supervisors approved the formation of the Salida Municipal Advisory Council (MAC) in Supervisorial District 3. Shortly thereafter, the Board approved the required boundaries and bylaws. On March 12, 1996, the Board of Supervisors, per the request of the existing Salida MAC, approved an amendment to the boundaries to make them consistent with the boundaries contained within the Salida Community Plan adopted at that time.

The Salida MAC was charged with advising “the Stanislaus County Board of Supervisors on matters of public health, welfare, safety, planning, and public works, and other such matters as the Board may designate which effect the territory and inhabitants of Salida; and, represent this community to any governmental agency or other organization on matters concerning the community.”

Like all Municipal Advisory Councils, the Salida MAC provides a consistent forum, through its monthly regular meetings, for the active exchange of information between the community, Stanislaus County and local partners (i.e., school district, fire district, special district, business sector, non-profit organizations). In addition, through active participation at Municipal Advisory Council meetings, Stanislaus County, through its Departments, is better positioned to address issues and concerns specific to the designated area. The Salida MAC has been instrumental in a participating in a variety of community initiatives including, but not limited to, community development projects, infrastructure improvements, beautification efforts, public outreach, government access and strategic planning.

Proposed Expansion

Late last year, a member of the Salida Municipal Advisory Council approached Supervisor Jeff Grover regarding expanding the existing boundaries of the Council to make them consistent with the Salida Community Plan adopted by the Board of Supervisors by ordinance on August 7, 2007. The recommended expansion would be consistent with a similar action taken by the Board of the Supervisors back in 1996. Supervisor Grover directed the member from the Salida MAC to work with the Chief Executive Office to conform to the formal process for making amendments to the boundaries of a municipal advisory council. Staff from the Chief Executive Office met with the member from the Salida MAC to further discuss this issue and the steps necessary to bring a boundary amendment forward for consideration first by the Council and

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eventually, if warranted, by the Board of Supervisors. It was discovered that a boundary amendment also required an amendment to the Council's bylaws or general rules of governance that include the approved boundaries and required legal description.

Expansion to Boundaries/Amendment to Bylaws

Per County Counsel, the following describes the general process to expand the boundaries and amend the bylaws of a Municipal Advisory Council in Stanislaus County:

- The new boundaries must be identified, with the same rules as when the MAC was formed (i.e., typically, boundaries do not include/overlap city limits, a city's sphere of influence, boundaries for another MAC).
- A legal description must be prepared that ideally is the same as another district or entity or at least has a good, clear, and common sense area that is divided by rivers, roads, or other clearly delineated boundary lines.
- A public hearing must be conducted at a MAC meeting seeking input on the expanded boundaries. All comments should be noted, and presented to the Board when the request for expansion is heard. The public hearing date needs to be set and agendized appropriately to allow residents the opportunity to comment on the proposed expansion.
- The bylaws will need to be amended to reflect the expansion.
- The respective Council should go to the Board member in whose district the MAC is located to discuss the expansion proposal and obtain the necessary support.
- The matter is to be placed on the agenda to be heard by the full Board of Supervisors for consideration and action. Revised bylaws (including the boundary map and legal description), will accompany staff report.

Salida Municipal Advisory Council Considers Expansion of Boundaries

The Salida MAC initially discussed the expansion of their boundaries formally during its February 2008 regular meeting. As part of the discussion, it was clarified that the purpose of the proposed expansion of the Salida MAC boundaries was to make them consistent with the Salida Community Plan as approved by the Board of Supervisors last year. During the meeting, the Chief Executive Office shared the general process to expand boundaries as outlined by the Office of County Counsel. The Salida MAC requested that the Chief Executive further assist with them bringing the proposed expansion of the boundaries back to the Salida MAC for consideration following the recommended process. The Chief Executive Office indicated that it would work with both the Department of Planning and Community Development and the Department of Public Works to bring forward the item for formal consideration.

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During their May 27, 2008 regular meeting, the Salida MAC set the public hearing date of June 24, 2008 for consideration of the proposed expansion to their boundaries. In preparation for the public hearing, the Salida Municipal Advisory Council bylaws (including boundary map and legal description) were revised in draft form to assist with the discussion and Council action. The revised Salida Municipal Advisory Council bylaws (including boundary map and legal description) are attached.

During the public hearing, the Salida MAC listened to community comments on the proposed expansion. Based on the public comments received, there appeared to be general support for the expansion of the Salida MAC boundaries and amendment to their bylaws as presented. At the conclusion of the public hearing, the Salida MAC voted (4-1) to recommend to the Board of Supervisors the proposed expansion of their boundaries and the necessary amendment to their bylaws. The only dissenting vote was not in opposition to making the Salida MAC boundaries consistent with those contained in the approved Salida Community Plan but instead on the principle of how the Salida Community Plan was adopted—by ordinance, rather through a special election. Of the members of the Salida community present that evening, no one else spoke in opposition to the proposed expansion. The Salida MAC requested that the Chief Executive Office bring their recommendation to the Board of Supervisors for consideration and action.

POLICY ISSUE:

The Board of Supervisors should determine whether or not the expansion of the Salida Municipal Advisory Council boundaries and amendment to the bylaws (including boundary map and legal description) would be consistent with its current priorities of striving for effective partnerships and the efficient delivery of public services.

STAFFING IMPACT:

The expansion of the boundaries for the Salida Municipal Advisory Council is not expected to create additional staffing needs outside of those that currently exist with the County's support of the existing Council. County Departments are expected to be represented at regular meetings periodically. In some cases, like for public safety departments, County staff is in attendance on a monthly basis. In other cases, coverage of meetings is done quarterly or upon request. The Chief Executive Office also provides ongoing support and assistance to the Salida Municipal Advisory Council as needed

EXHIBIT "A"

All those portions of Sections 20, 21, 22, 26, 27, 28, 29, 33, 34, and 35 of Township 2 South, Range 8 East and Sections 2, 3, and 4 of Township 3 South, Range 8 East, Mount Diablo Base and Meridian, lying within Stanislaus County, State of California described as follows:

1. BEGINNING at the South $\frac{1}{4}$ corner of said Section 4, being the southwest corner of the existing Salida Municipal Advisory Council District, also being the intersection of Toomes and Bacon Roads, thence Westerly, 0.5 miles along the South line of said Section 4 and centerline of Bacon Road to the intersection of Bacon and Hammett Roads, said point being the Southwest Corner of said Section 4.
2. Thence Northerly, 1.9 miles along the West lines of Sections 4 and 33 and centerline of Hammett Road to the intersection of Hammett Road and Hammett Court.
3. Thence Northwesterly, 0.25 miles along the centerline of Hammett Court to an angle point in said road also being the intersection of the easterly extension of the westerly portion of the south line of Parcel "A" of Book 20 of Parcel Maps, Page 63, Stanislaus County Records.
4. Thence along portions of the southerly lines of Parcels "A" and "B" of said Parcel Map the following 7 courses:
 1. South $49^{\circ} 10' 30''$ West, 290.01 feet
 2. South $61^{\circ} 42' 40''$ West, 207.07 feet
 3. North $43^{\circ} 32' 42''$ West, 193.4 feet
 4. South $49^{\circ} 10' 30''$ West, 169.27 feet
 5. North $43^{\circ} 43' 00''$ West, 15.57 feet
 6. South $47^{\circ} 08' 30''$ West, 350.69 feet
 7. North $44^{\circ} 08' 31''$ West, 1031.80 feet to the left bank of the Stanislaus River.
5. Thence upstream along the meanderings of the left bank of the Stanislaus River 4.67 miles to the intersection with the West line of said Section 26.
6. Thence leaving the left bank of said river Southerly, 0.37 miles along the west line of Section 26 to the West $\frac{1}{4}$ Corner of said section, being the centerline intersection of Stoddard and Ladd Roads.
7. Thence Easterly 1 mile along the centerline of Ladd Road and the East-West $\frac{1}{4}$ line of Section 26 to the East $\frac{1}{4}$ corner and it's intersection with Dale Road.
8. Thence Southerly 1.5 miles along the centerline of Dale Road and the East line of Sections 26 and 35 to the intersection of Dale Road and the north line of the Kaiser-Cornerstone Annexation to the city of Modesto.

9. Thence Westerly and Southerly along said annexation the following seven courses:

1. South 37° 14' 55" West, 57.19 feet
2. South 89° 39' 35" West, 25.00 feet
3. South 86° 09' 04" West, 420.75 feet
4. South 89° 33' 26" West, 1,186.91 feet
5. South 00° 09' 38" East, 1,376.68 feet
6. North 89° 32' 28" East, 358.24 feet
7. South 00° 09' 38" East, 1,413.25 feet,

to a point on the north line of the Fleur De Ville Reorganization to the City of Modesto.

10. Thence Westerly, 0.75 miles along the north line of the Fleur De Ville Reorganization to the City of Modesto and the north line of the Northgate Promenade Reorganization to the City of Modesto to a point on the east line of the existing Salida Municipal Advisory Council District.

11. Thence along the existing boundary of said Salida Municipal Advisory Council District the following 25 courses:

1. Northerly 0.52 miles on east line of Section 3 to the Northeast Corner thereof, also being the intersection of the centerlines of Stoddard Road and Kiernan Avenue.
2. Thence South 89° 19' 22" West, 2640 feet along the centerline of said Kiernan Avenue and the South line of Section 34 to the intersection of the centerline of Sisk Road, also being the South ¼ corner of said Section 34.
3. Thence North 0° 33' 52" West, 2640 feet along the centerline of Sisk Road and the North-South quarter line of Section 34 to the Center ¼ Corner of Section 34.
4. Thence continuing North 0° 33' 52" West, 1328.44 feet along said ¼ section line and centerline of Sisk Road to the Center North 1/16 Corner of Section 34.
5. Thence leaving the centerline of Sisk Road and said ¼ line, South 89° 19' 22" West, 1318.35 feet to the Northwest 1/16 corner of Section 34.
6. Thence South 0° 31' 40" East, 662.76 feet to the Northeast corner of the South 1/2 of the Southwest ¼, of the Northwest ¼ of Section 34.
7. Thence South 89° 23' 38" West, 1102.35 feet.
8. Thence South 0° 29' 20" East, 201.00 feet.
9. Thence South 89° 23' 38" West, 217.00 feet to a point on the East line of Section 33.
10. Thence North 0° 29' 20" West, 862.63 feet along the East line of said Section 33

to the North 1/16 corner of Sections 33 and 34.

11. Thence South $89^{\circ} 58' 49''$ West, 1316.64 feet along the East-West Quarter-Quarter line to the Center North 1/16 Corner of Section 33.
12. Thence North $0^{\circ} 29' 16''$ West, 85.30 feet to the centerline of Modesto Irrigation Districts (M.I.D) Lateral No. 8.
13. Thence along the centerline of said Lateral No. 8 the following two courses:
 1. Westerly 274.22 feet along the arc of a 402.18 foot radius curve to the right through a central angle of $39^{\circ} 03' 56''$.
 2. South $82^{\circ} 04' 18''$ West, 1082.54 feet to the intersection with the North-South Quarter line of Section.
14. Thence leaving said Lateral No. 8, North $0^{\circ} 18' 40''$ West, 1515.20 feet, along said North-South Quarter line to the North $\frac{1}{4}$ Quarter Corner of Section 33.
15. Thence North $89^{\circ} 56' 43''$ West, 462.00 feet along the Section line common to Sections 28 and 33, to a point on the centerline of a ditch.
16. Thence leaving said section line and along the centerline of said ditch the following three courses:
 1. North $58^{\circ} 11' 43''$ West 371.58 feet
 2. North $23^{\circ} 11' 43''$ West 415.14 feet
 3. North $20^{\circ} 26' 43''$ West 180.74 feet
17. Thence leaving said ditch, South $89^{\circ} 22' 45''$ West, 558.87 feet to a point on the Pirrone Road cul-de-sac right-of-way.
18. Thence along said Pirrone Road right-of-way, the following two courses:
 1. North $26^{\circ} 34' 11''$ West, 5.93 feet.
From which tangent line bears South $19^{\circ} 35' 59''$ West,
 2. Southwesterly 135.49 feet along the arc of a 58.00 foot radius curve to the left through a central angle of $133^{\circ} 49' 50''$.
19. Thence leaving said Pirrone Road right-of-way, South $89^{\circ} 22' 45''$ West, 453.01 feet to a point on northeasterly right-of-way of U. S. 99.
20. Thence along the said right-of-way of U. S. 99 the following two courses:
 1. From a tangent line that bears South $49^{\circ} 42' 43''$ East, Southeasterly 365.83 feet along the arc of a 565.04 foot radius curve to the right through a central angle of $37^{\circ} 05' 43''$.
 2. South $69^{\circ} 42' 43''$ East, 65.02 feet.

21. Thence crossing Hammett Road along said right-of-way, South $26^{\circ} 57' 18''$ East 100.01 feet.

22. Thence continuing along said U. S. 99 right-of-way the following four courses:
 1. South $6^{\circ} 54' 32''$ West, 73.03 feet.
 2. South $12^{\circ} 36' 49''$ East, 438.77 feet
 3. From a tangent line which bears South $15^{\circ} 25' 08''$ East, Southerly 94.75 feet along the arc of 1935.14 foot radius curve to the left, through a central angle of $2^{\circ} 48' 19''$.
 4. North $81^{\circ} 27' 16''$ East 23.10 feet to a point on Southwesterly right-of-way of Pirrone Road.

23. Thence along the right-of-way of Pirrone Road the following four courses:
 1. Southerly 312.63 feet along the arc of a 1030.08 foot radius curve to the left through a central angle of $17^{\circ} 23' 22''$
 2. South $25^{\circ} 56' 06''$ East, 384.49 feet
 3. Southeasterly 669.21 feet along the arc of a 2230.16 foot radius curve to the left through a central angle of $17^{\circ} 11' 34''$
 4. South $43^{\circ} 07', 40''$ East, 1356.12 feet to a point on the North-South Quarter line of Section 33.

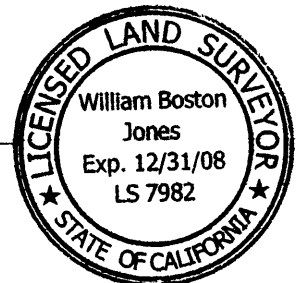
24. Thence along the said quarter line South $0^{\circ} 18' 40''$ East, 372.37 feet to the center $\frac{1}{4}$ corner of Section 33 and the centerline of Toomes road.

25. Thence Southerly 1.5 miles along the quarter line of Sections 33 and 4, also being the centerline of Toomes Road to the Point of Beginning.

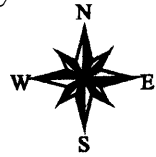
STANISLAUS COUNTY SURVEYOR'S CERTIFICATE

I William B. Jones, hereby certify that these descriptions and maps of the annexation to the Salida Municipal Advisory Committee, dated June 2008, were prepared by me or under my direction and are true and correct to the best of my belief, knowledge and information. Note: This description takes into account the existing Salida Municipal Advisory Committee description as accepted by the Board of Supervisors and the original description is not altered by this addition to that document.

 Dated: 6.6.2008
William B. Jones L.S. 7982

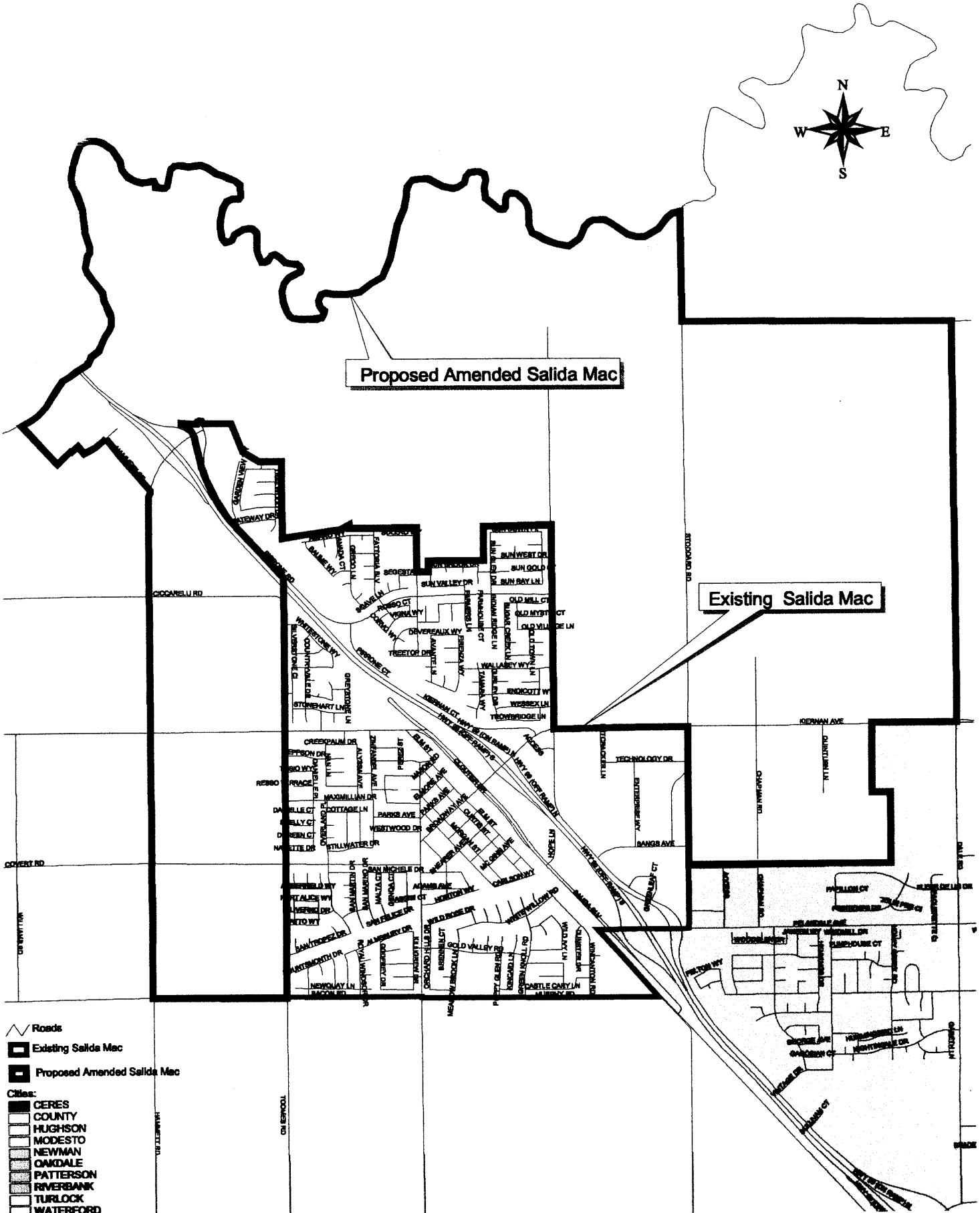


PROPOSED AMENDMENT TO SALIDA MAC BOUNDARIES

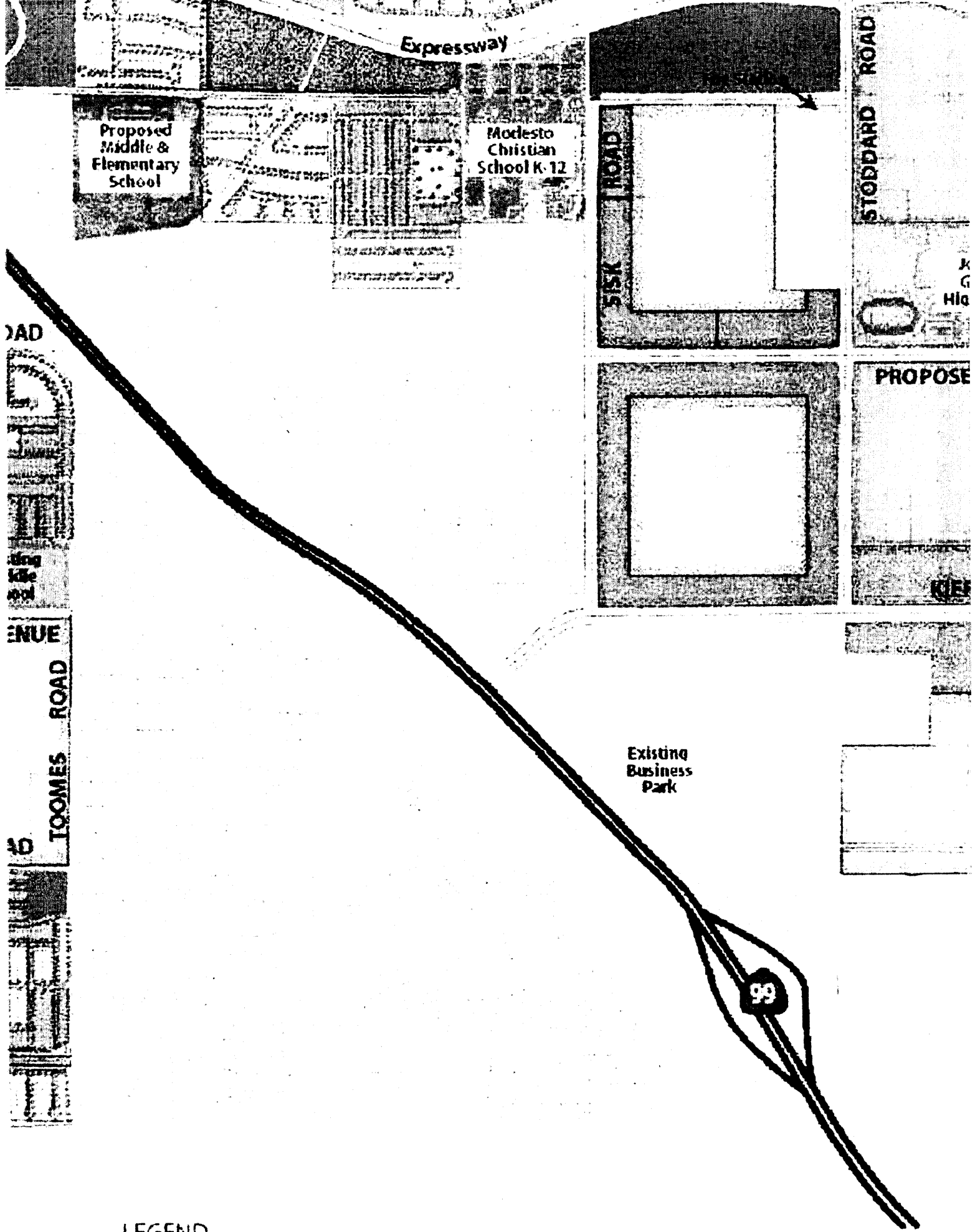


Proposed Amended Salida Mac

Existing Salida Mac



- Roads
 Existing Salida Mac
 Proposed Amended Salida Mac
Cities:
 CERES
 COUNTY
 HUGHSON
 MODESTO
 NEWMAN
 OAKDALE
 PATTERSON
 RIVERBANK
 TURLOCK
 WATERFORD



Expressway

Proposed
Middle &
Elementary
School

Modesto
Christian
School K-12

SISK ROAD

STODDARD ROAD

J
G
Hia

PROPOSE

ROAD

ENUE

TOOMES ROAD

Existing
Business
Park

99

LEGEND

SALIDA MUNICIPAL ADVISORY COUNCIL BY-LAWS

I.

Formation of Organization

This Council will be known as the Salida Municipal Advisory Council, as established by resolution #84-1116, July 31, 1984, amended initially on March 12, 1996 and again on August 5, 2008, by the Stanislaus County Board of Supervisors pursuant to Government Code Section 31010. The boundaries served by the Council are described as follows and shall be referred to as Salida:

SEE EXHIBIT A FOR LEGAL DESCRIPTION AND EXHIBIT B FOR BOUNDARY MAP FOR THE SALIDA MUNICIPAL ADVISORY COUNCIL

II.

Purpose

The Council will advise the Stanislaus County Board of Supervisors on matters of public health, welfare, safety, planning, and public works, and other such matters as the Board may designate which effect the territory and inhabitants of Salida; and, represent this community to any governmental agency or other organization on matters concerning the community.

III.

Membership

Councilmembers shall be registered voters residing within Salida. The Council is composed of five (5) members who shall be elected by the registered voters residing within Salida. The term of each member is four (4) years or until their successors are elected. The terms of members initially elected are staggered with two (2) members' term expiring December 31, 1986. If a council position should become vacant, the Board of Supervisors shall appoint a person to serve the remainder of the term. These elections shall conform to state general election procedures (California Election Code 23500 et seq.).

IV.
Officers & Duties

- a. The Council shall, at its first official meeting each calendar year, nominate and elect a chairperson, vice-chairperson, and secretary. These persons shall serve for one (1) year.
- b. The duties of the Chairperson are: (1) prepare the agenda for each meeting, (2) to call the members of each meeting to order, (3) to enumerate the business of the meeting and the order in which it is to be acted upon, (4) to recognize members who are entitled to the floor, (5) to state and put to a vote all questions which are properly moved, (6) to maintain order throughout the meeting, (7) to sign all necessary documents, letters, etc., including the treasurer's report, that state the official business of the Council.
- c. The duties of the Vice-Chairperson are to assume the duties of the Chairperson when he/she is absent.
- d. The duties of the Secretary are: (1) to record minutes of all meetings of the Council and read publicly the minutes of the previous meeting, and all special meetings, (2) to maintain a register of those who attend each meeting of the Council, (3) to notify officers and/or committees of their appointment, (4) to maintain the official copy of the By-Laws, (5) to send out written notices of meetings to all those living or who own property within Salida who have requested such notice pursuant to the California Government Code, Section 54954.1, (6) to conduct the correspondence of the Council, (7) to have at each meeting a list of committees and their members as well as the By-Laws of the Council and copies of the minutes of all previous meetings, (8) to maintain a current and up to date list of all residents and property owners of Salida.

V.
Meetings

The Salida Municipal Advisory Council shall meet once each month in a public building which is accessible and can accommodate all those residents and/or property owners of Salida. A regular time and place for each meeting will be established and announced by the Council. The Council may, through public notification, call for those special

meetings it deems necessary. If the Council wishes, it may seek the views of those present at a meeting by calling for a vote by those in attendance. Only residents or property owners of Salida may vote on issues before the Council. Participants of any meeting may be challenged and the Secretary asked to verify their status as a resident or property owner within Salida. The public vote in a meeting shall carry by a majority of those present. A majority of the Council membership shall constitute a quorum for the conduct of business. All special and regular meetings of this Council shall comply with California Government Code Sections 54950 et seq. (The Brown Act.)

VI.
Committees

The Chairperson may appoint, as needed, standing committees that exist for a specified period of time, or special committees that are created to consider special issues. A committee may consist of one (1) member, but not more than two (2) members of the Council.

VII
Method of Amending By-Laws

The Salida Municipal Advisory Council may amend its By-Laws in the following manner: (1) the amendment must be submitted in writing at the monthly meeting preceding the one at which it is to be voted upon, with a copy for each council member, (2) at the next monthly meeting the amendment shall be placed on the agenda, (for discussion and vote,) (3) adoption of the amendment shall be by a majority of the votes cast by the Council, a quorum being present, (4) upon approval by the Stanislaus County Board of Supervisors, the amendment will be considered adopted and the By-Laws amended.

VIII
Parliamentary Authority

The Salida Municipal Advisory Council adopts the rules contained in Robert's Rules of Order to govern it in all situation not governed by the By-Laws or any special rules of order of the Council.