

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

DEPT: Chief Executive Office

BOARD AGENDA # *B-3

Urgent

Routine

AGENDA DATE March 24, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Amend the South Modesto Municipal Advisory Council Bylaws Making Minor Administrative Changes

STAFF RECOMMENDATIONS:

Amend the South Modesto Municipal Advisory Council Bylaws making minor administrative changes.

FISCAL IMPACT:

There is no direct fiscal impact associated with the proposed minor administrative changes to the South Modesto Municipal Advisory Council bylaws. Consistent with the current Municipal Advisory Councils in Stanislaus County, the South Modesto Municipal Advisory Council is allocated \$150 annually within the Chief Executive Office - Operations and Services budget for administrative and meeting expenses.

BOARD ACTION AS FOLLOWS:

No. 2009-165

On motion of Supervisor Chiesa, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No. MAC-07-03

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DISCUSSION:

Formation History

On May 16, 2006, the Stanislaus County Board of Supervisors approved the formation of the South Modesto Municipal Advisory Council (South Modesto MAC) in Supervisorial District 5. At that time, the Board also approved the required boundaries and bylaws. The original boundaries encompassed the unincorporated areas or communities commonly known as Bret Harte, Shackelford and Parklawn/Olympic Tract. On May 6, 2008, the Board approved an amendment to the boundaries and bylaws that expanded the designated area to include an additional unincorporated area known as North Ceres.

The South Modesto MAC is 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 South Modesto; and, represent this community to any governmental agency or other organization on matters concerning the community.”

Like all Municipal Advisory Councils, the South Modesto 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 South Modesto 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 Amendment

Late last year, per direction from the current Chairperson, the South Modesto MAC conducted a general review of its approved bylaws to look into incorporating provisions that addressed attendance and vacancies. The Chief Executive Office provided examples of what other Municipal Advisory Councils have adopted in their bylaws to address these topics. Copies of the Hickman and Denair MAC bylaws were provided to assist with this review and to be the basis for drafting new language for incorporation into the South Modesto MAC bylaws. The purpose of the amendment would be to clarify the expectation regarding attendance and how vacancies can occur so that council members, current and future, would be clear on these points. The Chief Executive Office

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was asked to assist with drafting the new language and facilitating the formal process for amending the existing bylaws.

Method of Amending Bylaws

Per the current bylaws, "The South Modesto Municipal Advisory Council may amend its bylaws 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 bylaws amended."

South Modesto Municipal Advisory Council Considers Amendment to Bylaws

The South Modesto MAC formally discussed the proposed amendment to the bylaws during its January 2009 regular meeting. The recommended minor administrative changes to the bylaws were made available in draft form and presented in detail during the meeting. The South Modesto MAC discussed the recommended changes and asked that they be brought back for consideration by the Council at the next available meeting. During the February 2009 regular meeting, the South Modesto MAC reviewed the draft revised bylaws and recommended forwarding the proposed amendments to the Board of Supervisors for consideration and approval.

In summary, the proposed substantive changes to the South Modesto MAC bylaws include:

- Meetings – Requiring members to notify the Chairperson and/or Chief Executive Office when they anticipated being absent or tardy from/at a regular meeting. Failure to do so would result in that absence or tardy being categorized as unexcused. The Secretary would be responsible for keeping track of excused and unexcused absences.
- Vacancies – Clarifying how vacancies on the County can occur—on death, resignation or removal of any members and whenever the number of authorized members is increased. Also, noted how the Council can declare a seat vacant—members has three unexcused absences or tardies, or has been declared of unsound mind by a final order of court, or has been convicted of a felony. Specified resignation procedures and restated that vacancies will be filled by the Board of Supervisors.

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During the February 2009 regular meeting, the South Modesto MAC also sought community input on the proposed amendment, and no one spoke in support or opposition to the proposed amendment. At the conclusion of the discussion, the South Modesto MAC voted by majority to recommend to the Board of Supervisors the proposed amendment to their bylaws. The South Modesto 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 amendment to the South Modesto MAC bylaws would be consistent with its current priorities of striving for effective partnerships and the efficient delivery of public services.

STAFFING IMPACT:

The amendment of the South Modesto MAC bylaws 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 South Modesto MAC as needed.

EXHIBIT "A"

SOUTH MODESTO MAC
(AREA - I)

All that portion of Sections, 4,5,7,8,9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northeast corner of Section 8 Township 4 South, Range 9 East; thence South 0°02' West, 860.2 feet, along the east line of said section 8, to the True POINT OF BEGINNING of this description;

(1) Thence South 0°02' West, 2281.09 feet, along said section line, to the existing City limits of the City of Modesto, also being the centerline of a county road known as Imperial Avenue, thence following said city limit line and centerline;

(2) Thence North 89°14' West, 203.37 feet;

(3) Thence North 74°24' West, 92.58 feet;

(4) Thence, leaving said centerline, South 0°02' West, 267.7 feet;

(5) Thence North 89°20' West, 367.85 feet;

(6) Thence North 0°02' East, 100.00 feet;

(7) Thence North 89°20' West, 559.30 feet;

(8) Thence North 0°03' 30" East, 204.68 feet;

(9) Thence North 89°14' West, 60.00 feet, along south right of way of said Imperial Avenue;

(10) Thence South 0°03' 30" West, 204.69 feet;

(11) Thence North 89°20' West, 747.90 to a point on the east line of the Rutherford Tract, as recorded in Volume 16 of Maps Page 37, Stanislaus County Record;

(12) Thence along of said the east line South 0°13' West, 660.0 feet to the south line of Rutherford Tract;

(13) Thence along of said the south line North 89°20' 30" West, 1290.8 feet to the center line of Guthrie Street and being also the east line of the existing city limits as established by Whitmore No.3 Annexation;

(14) Thence along said center line North 0°13' East, 170.0 feet, to the center line of Lassen Avenue and the north line of said city limits;

- (15) Thence North $89^{\circ}20'$ West, 1024.67 feet, to center line of Rutherford Road;
- (16) Thence South $0^{\circ}13'$ West, 170.00 feet, to the south line of said Rutherford Tract;
- (17) Thence North $89^{\circ}20'$ West, 952.40 feet, to the west line of said the Whitmore No.3 annexation to city of Modesto;
- (18) Thence along said the west line South $0^{\circ}13'$ East, 1299.41 feet, to the north line of Whitmore Avenue;
- (19) Thence North $89^{\circ}52'30''$ West along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south line of Blocks 9712 and 9713 of said Fairview Tract, a distance 818.04 feet;
- (20) Thence North $0^{\circ}10' 30''$ East, 10.00 feet;
- (21) Thence North $89^{\circ}52'30''$ West, 60.50 feet;
- (22) Thence South $0^{\circ}10' 30''$ West, 10.00 feet;
- (23) Thence North $89^{\circ}52'30''$ West, 60.50 feet;
- (24) Thence North $0^{\circ}10' 30''$ East, 10.00 feet;
- (25) Thence North $89^{\circ}52'30''$ West, 60.50 feet;
- (26) Thence South $0^{\circ}10' 30''$ West, 10.00 feet to the north right of way line of Whitmore Avenue;
- (27) Thence North $89^{\circ}52'30''$ West along said the north line, parallel with and 10.00 feet south of the south line of Block 9712 of said Fairview Tract, a distance of 467.50 feet to the west of line of said Tract;
- (28) Thence North $0^{\circ}10' 30''$ East along said the west line a distance of 2166.88 feet to the southerly line of a 50 foot wide right-of way T.I.D. Lateral No.1;
- (29) Thence North $41^{\circ}26' 22''$ East, 299.76 feet to northwesterly corner of said Fairview Tract, also being the southwest corner of the Hatch Road No.5 Reorganization to city of Modesto;
- (30) Thence continue on said the southerly line North $41^{\circ}26' 17''$ East, 150.02 feet;
- (31) Thence North $63^{\circ}26' 11''$ East, 131.17 feet;
- (32) Thence South $89^{\circ}31' 44''$ East, 120.52 feet to southwest corner of the existing city limits as established by the Hatch Road No.1 Government Reorganization;

(33) Thence along of said the south line South 89°51' 15" East, 949.95 feet to the northwest corner of the Bret Harte Landscape and Lighting District;

(34) Thence North 0°12' 00" West, 10.41 feet;

(35) Thence South 89°10' East, 1372.85 feet;

(36) Thence South 0° 13' West, 20.00 feet;

(37) Thence South 89°10' East, 96.36 feet;

(38) Thence South 0°13' West, 145.51 feet, to the centerline of Glenn Avenue;

(39) Thence along said centerline and city limits line, South 89° 20' East, 190.77 feet;

(40) Thence North 57° 12' East, 388.08 feet;

(41) Thence South 89°10' East, 653.42 feet, to the centerline of Las Vegas Street and being the east line of the Hatch Road No.1 Reorganization to city of Modesto;

(42) Thence along said city limits line and said centerline of Las Vegas Street and its northerly extension, North 0°09' East, 1987.09 feet, to the northerly right-of-way line of T.I.D. Lateral No.1;

(43) Thence following said right-of-way South 46° 47' West, 445.72 feet;

(44) Thence South 00°26' 00" West, 89.23 feet;

(45) Thence South 35°20' 00" West, 1117.92 feet;

(46) Thence South 29°00' West, 462.15 feet;

(47) Thence South 26°00' 00" West, 171.60 feet, to the southeasterly corner of existing city limits established by Hatch Road No.2 Government Reorganization;

(48) Thence along the east line of said the city limits North 00°04' 46" East, 1,332.87 feet, to the southerly right-of-way line of Hatch Road and also being the southerly line of existing city limits established by Hatch Road No.4 Reorganization;

(49) Thence North 71°14' 42" East along the southerly line of said Hatch Road a distance of 801.40 feet more or less to a point on the north line of Dallas Court;

(50) Thence along said the north line South 88°51' 48" East, 96.54 feet to the east line of said city limits and also being the east line of Lot 8 of Rio Grande Colony;

(51) Thence continue along said the north line of Dallas Court and being also the south line of existing city limit established by Modesto Industrial Park, South 88°51' 48" East, 659.14

feet;

(52) Thence South 0°05' West, 360.30 feet to the center line of Amador Avenue;

(53) Thence along said the center line South 88°53'00" East, 277.26 feet;

(54) Thence South 00°05' 00" East, 15.00 feet;

(55) Thence South 88°53'00" East, 490.26 feet to the center line of Seattle Avenue;

(56) Thence South 00°04'00" West, 30.00 feet to a point on the westerly extension of the south right-of-way of said Amador Avenue;

(57) Thence leaving said center line of Seattle Avenue and continue along said city limit line and the southerly of said right-of-way line of Amador Avenue, South 88°39'00" East, 1218 feet to a point on the west right-of-way of Crows Landing Road;

(58) Thence South 00°02'00" West, 205.00 feet;

(59) Thence South 89°46'00" East, 30.00 feet to the Point of Beginning.

SOUTH MODESTO MAC
(AREA -II)

Beginning at the intersection of the centerline of a 50-foot Morgan Road and the easterly extension of the southerly line of Olympic Tract filed in Volume 14 of Maps Page 55, Stanislaus County Records;

(1) Thence along the centerline of Morgan Road, North 0°52' 20" West, 715 feet more or less to the southwesterly right-of-way line of the Southern Pacific Railroad;

(2) Thence along said Southwesterly line North 42°24' West, 4,440 feet more or less to easterly extension of the Southerly line of the 50 foot wide Butcher Town Railroad Spur;

(3) Thence along said Southerly line North 80°34' 18" West, 2033.50 feet more or less to a point on a non tangent curve, concave to the south having a radius of 357.04 feet, a central angle of 36°36' 00", and from which point the radius point bears South 27°10' 23" East;

(4) Thence Westerly on the arc of said curve and the southerly line of said railroad 228.07 feet to the west line of Section 4, and also being the east line of existing city limits established by Crows Landing Industrial Tract Addition;

(5) Thence along said West line and Crows Landing Industrial Tract Addition, South 0°03' 00" East, 1134.58 feet more less;

(6) Thence North 89°41' West, 852.74 feet;

(7) Thence South 0°03' 00" East, 156.9 feet;

(8) Thence West, 555.26 feet;

(9) Thence North 0°03' 00" West, 257.1 feet;

(10) Thence West, 80 feet more or less to the centerline of Tuolumne River, said point also being the Southerly line of the existing city limits as established by Modesto Sewage Disposal Area;

(11) Thence Southwesterly along said the centerline, 300 feet more or less to the most Northerly corner of the existing city limits as established by Modesto Industrial Park Addition, said point being at the intersection of the centerline of Tuolumne River and the Northern extension of the Eastern line of Lot 1 of Rio Grande Colony;

(12) Thence Southerly along the Eastern line of said Lot 1 and the its Northerly extension, 806.41 feet more or less to the Northeastern corner of property described in decree to Mabel Marie Nutter recorded September 17, 1956, as Instrument number 25500, Stanislaus County records;

(13) Thence Westerly, 398.83 feet more or less along the Northern line of said Nutter property and its Westerly extension, to the Northwestern corner of property described in the deed to H.A. Thompson, et ux, and John Cole, recorded April 21, 1956, as instrument number 10352, Stanislaus County records;

(14) Thence Southerly, 703.91 feet more or less along the Western line of said Thompson and Cole property and their Southerly extension to the northerly line of T.I.D. Lateral No.1;

(15) Thence Southeasterly 85 feet more or less to the Southeasterly line of T.I.D. Lateral No.1 and the Northwest corner of the Gold Vineyard Estates filed in Volume 28 of Maps Page 71, Stanislaus County Record;

(16) Thence Northeasterly 188.67 feet on said Southeasterly line of T.I.D. No.1 and Northerly line of Gold Vineyard Estates;

(17) Thence Easterly, along the Southern right-of-way line of said Lateral No.1 and its westerly extension, 822.38 feet to the Northeast corner of Gold Vineyard Estates;

(18) Thence Southerly along the east line of the Gold Vineyard Estates and its Southern extension 514.97 feet on the Northern line of Amador Avenue (formerly Second Avenue) as shown on said map of South Acres Tract No.3, filed in Volume 14 of Maps Page 7 Stanislaus County Record;

(19) Thence Easterly along the Northern line of said Amador Avenue (formerly Second Avenue) and its Easterly extension, 1,112 feet more or less to a point on the Eastern line of a 100 foot Public Road known as Crows Landing Road;

- (20) Thence Southerly along the Eastern line of said Crows Landing Road, 132 feet more or less to the Northwestern corner of Lot 6 of said South Modesto Acres;
- (21) Thence Easterly along the Northern line of said Lot 6, a distance of 328 feet to the Northeastern corner thereof;
- (22) Thence Southerly along the Eastern line of said Lot, a distance of 133 feet to the Southeastern corner thereof, and also being the Northwestern corner of the existing city limits as established by Winmoore Way Annexation;
- (23) Thence a long said the northern line of city limit, North $89^{\circ}46'30''$ East, 1872.90 feet;
- (24) Thence North $00^{\circ}30'30''$ West, 399.20 feet;
- (25) Thence North $89^{\circ}46'00''$ East, 278.00 feet;
- (26) Thence South $00^{\circ}30'30''$ East, 59.00 feet;
- (27) Thence North $89^{\circ}46'00''$ East, 70.00 feet, to the Western Right of Way line of the Tidewater Southern Railroad;
- (28) Thence South $00^{\circ}30'30''$ East, along said Railroad Right of Way 1037.28 feet to the westerly extension of the South line of the Olympic Tract, filed in Volume 14 of Maps Page 55, Stanislaus County Records;
- (29) Thence long the Southern line of said Tract and its western extension South $89^{\circ}50'20''$ East, 2,687.53 feet to Point of Beginning.

SOUTH MODESTO MAC
(AREA III)

All those portions of Section 33 of Township 3 South, Range 9 East, and Section 4 of Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at a point on the boundary of the South Modesto M.A.C. Area II, said point also being on the Southwesterly right-of-way of the Union Pacific Railroad with it's intersection with the South line of said Section 4, also being the centerline of Hatch Road.

(1) Thence along the said southwesterly line of the Union Pacific Road, North 42° 24' West, 3414 feet more or less to the easterly extension to the southerly line of the Butcher Town Railroad, said point being an angle point on the boundary of the South Modesto M.A.C. Area II.

(2) Thence leaving said boundary of the South Modesto M.A.C. Area II and continuing along the southwesterly right-of-way of said Railroad, Northwesterly, 4262 feet more or less to its intersection with the South Bank of the Tuolumne River.

(3) Thence Northeasterly upstream along said South (left) Bank of the Tuolumne River to its intersection with the west boundary of the Legion Park Addition to the City of Modesto.

Thence along the said Legion Park Addition the following 7 courses:

(4) South 0° 44' 45" East, 250 feet more or less to a point on the centerline of River Road.

(5) Thence North 60° 15' 45" West, 116.00 feet along said centerline.

(6) Thence leaving said centerline South 0° 32' 45" East, 1098.69 feet.

(7) Thence South 88° 38' 30" East, 245.94 feet.

(8) Thence South 54° 36' East, 355.11 feet.

(9) Thence South 76° 48' 30" East, 280.17 feet

(10) Thence South 81° 18' 30" East, 182.93 feet, to a point on the centerline of Herndon Road, said line also being the Section line common to Section 3 and 4 of Township 4 South, Range 9 East.

(11) Thence leaving said Legion Park Addition, South 0° 03' 30" West, 294.00 feet along said centerline of Herndon Road to the northwest corner of the Peachwood Estates Annexation to the City of Ceres.

Thence along the said Peachwood Estates Annexation the following 3 courses:

(12) South 0° 52' 30" East, 659.70 feet

(13) North 89° 07' 30" East, 1326.78 feet

(14) South 0° 45' 00" East, 470.59 feet to the Northwest Corner of the Old Vineyard Estates Annexation to the City of Ceres.

Thence along the said old Vineyard Estates Annexation the following 2 courses:

(15) South 0° 15' 52" East, 857.67 feet.

(16) South 89° 27' 53" East, 1060.33 feet.

(17) Thence leaving said Old Vineyard Estates Annexation, and continuing South 89° 27' 53" East, 275.00 feet to a point on the west line of the Price Annexation to the City of Ceres.

(18) Thence South 0° 51' East, 660 feet along said west line of the Price Annexation to the City of Ceres to the Northeast Corner of the Kraus and Noonan Annexation to the City of Ceres.

Thence along the Kraus and Noonan Annexation the following 3 courses:

(19) North 89° 29' West, 467.25 feet.

(20) North 82° 08' West, 156.33 feet.

(21) North 89° 29' West, 1032.06 feet to the Northwest Corner of said Kraus and Noonan Annexation, said point also being the Northeast Corner of the Nadine-Herndon Governmental Re-Organization to the City of Ceres.

Thence along the said Nadine-Herndon Governmental Re-Organization to the City of Ceres, the following 2 courses:

(22) North 89° 28' 58" West, 975.94 feet.

(23) South 0° 15' 00" West, 679.98 feet to the Southwest Corner of said Nadine-Herndon Governmental Re-Organization to the City of Ceres, also being a point on the north boundary of the Tamkin Annexation to the City of Ceres.

(24) Thence North 89° 33' West, 20.00 feet along said north boundary to the Northwest Corner of said Tamkin Annexation.

(25) Thence South $0^{\circ} 15' 00''$ West, 138.40 feet to the Southwest Corner of said Tamkin Annexation, also being the Northwest Corner of the Palmer Annexation to the City of Ceres.

(26) Thence South $0^{\circ} 25' 11''$ West, 521.35 feet along the west line of said Palmer Annexation to an angle point on said west line, being the Section Corner common to Sections 3, 4, 9 and 10 of Township 4 South, Range 9 East. Said point also being the centerline intersection of Herndon and Hatch Roads.

(27) Thence North $89^{\circ} 44' 47''$ West, 706.5 feet more or less along the South line of said Section 4 and the centerline of Hatch Road to the POINT OF BEGINNING.

Excepting therefrom, that portion of the Peachwood Estates Annexation to the City of Ceres, described as follows:

BEGINNING at the Northwest corner of the Nadine-Herndon Annexation to the City of Ceres, said point also being a point on the Peachwood Annexation, lying on the east line of Herndon Road.

(1) Thence North $0^{\circ} 52' 30''$ West, 50.00 feet along the east line of Herndon Road to the north line of Nadine Avenue.

(2) Thence North $89^{\circ} 30' 30''$ East, 10.00 feet to an angle point on the east line of Herndon Road.

(3) Thence North $0^{\circ} 52' 30''$ West, 1659.38 feet along the east line of Herndon Road.

(4) Thence South $89^{\circ} 07' 30''$ West 10.00 feet to an angle point on the east line of Herndon Road.

(5) Thence North $0^{\circ} 52' 30''$ West, 270.00 feet along the east line of Herndon Road.

(6) Thence leaving said east line South $89^{\circ} 07' 30''$ West 20.00 feet, to the centerline of Herndon Road.

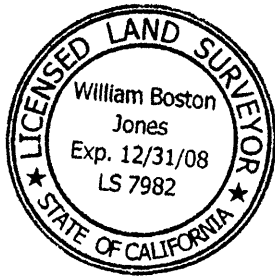
(7) Thence South $0^{\circ} 52' 30''$ East 1979.38 feet along the centerline of Herndon Road to the POINT OF BEGINNING.

STANISLAUS COUNTY SURVEYOR'S CERTIFICATE

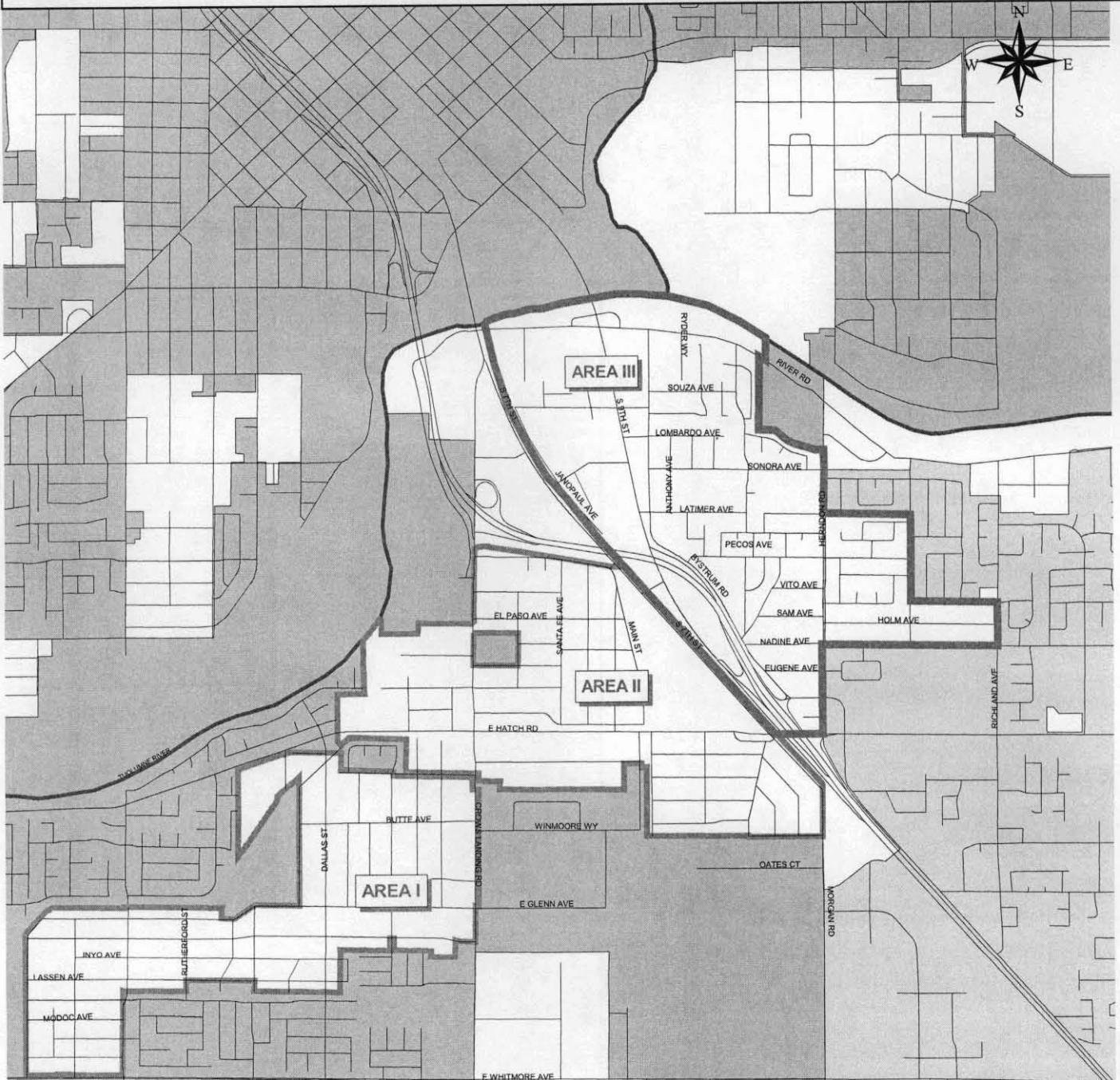
I William B. Jones, hereby certify that these descriptions and maps of the South Modesto Municipal Advisory Committee Area III, dated April 2008, were prepared by me or under my direction and are true and correct to the best of my belief, knowledge and information.

William B. Jones
William B. Jones L.S. 7982














Dated: *5.2.2008*



APPROVED SOUTH MODESTO MAC BOUNDARIES (May 6, 2008)



LEGEND:

-  Roads
-  Approved South Modesto MAC
-  River
- Cities:**
-  CERES
-  COUNTY
-  HUGHSON
-  MODESTO
-  NEWMAN
-  OAKDALE
-  PATTERSON
-  RIVERBANK
-  TURLOCK
-  WATERFORD