

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

DEPT: Public Works *Haugh*

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE March 20, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 24, 2012 at 9:05 a.m., to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees and Adopt New National Pollutant Discharge Elimination System (NPDES) Fees for the Department of Public Works Engineering Division

STAFF RECOMMENDATIONS:

Set a Public Hearing on April 24, 2012 at 9:05 a.m. to introduce and waive the first reading of an ordinance to amend existing fees and adopt new National Pollutant Discharge Elimination System (NPDES) fees for the Department of Public Works Engineering Division.

FISCAL IMPACT:

The proposed fees will enable the Department of Public Works to recover more of the cost of providing specific services to the general public, development community and other county departments. Based on the current year's activity, the proposed fees will generate approximately an additional \$13,000. Generally, the proposed increase was based on an average rate of \$90 per hour. The current weighted rate, with overhead, for the personnel performing these tasks averages approximately \$97 per hour, resulting in a deficit of \$7 per hour. Actual revenues, and the corresponding deficit, will vary depending on the number of permit applications, plan reviews, and inspections. (Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2012-115

On motion of Supervisor Withdraw, Seconded by Supervisor De Martini
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withdraw, Monteith, De Martini and Chairman O'Brien

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. ORD-55-P-2

Approval to Set a Public Hearing on April 24, 2012 at 9:05 a.m., to Introduce and Waive the First Reading of an Ordinance to Amend Existing Fees and Adopt New National Pollutant Discharge Elimination System (NPDES) Fees for the Department of Public Works Engineering Division

FISCAL IMPACT: (Continued)

The increase in revenue resulting from the approval of this existing fee amendment is expected to partially offset direct costs related to processing excavation permits, encroachment permits, and street improvement permits. This existing fee amendment will also be used by the Planning Department to assist in processing permits associated with grading and land development/land use applications.

DISCUSSION:

The Public Works Department provides services as required by law to the public and the development community. Some of these services encompass construction inspection, plan review, and project review. Public Works charges fees to recoup the costs of providing these inspection and review services. Over time the cost of providing these services has increased, but the fees have not been fully recovered.

Prior to 2009, the previous fee increase was approved in 1991. Public Works realized that it would have been unreasonable to propose to increase fees in one year to cover the deficit between the fees charged and the cost of delivering the services. Therefore, Public Works proposed to increase the fees incrementally over a five-year period. In May 2009 the Board approved year one of an adjustment to the fees to recoup the cost associated with providing Engineering Services such as construction inspection, plan review and project review. Fiscal Year 2011-2012 was the third year of implementing the fee adjustments based on a per hour baseline rate of \$80 per hour. Staff is now recommending implementation of the fourth year base line rate of \$90 per hour.

The remaining adjustments will be returned to the Board for approval on an annual basis throughout the five-year cycle as shown in the following table:

Proposed Increases Over Five Years				
*Year 1 2009-2010	Year 2 2010 - 2011	Year 3 2011 - 2012	Year 4 2012-2013	Year 5 2013-2014
\$60	\$70	\$80	\$90	\$100

Public Works proposes to use \$90 per hour as a baseline for setting inspection services and permit fees. The proposed fees are based on the average amount of time it normally takes to perform the various inspections. Public Works is submitting for approval the Year 4 rate of \$90 shown in the above table (2012-2013) of the five-year cycle.

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FEE REVIEW PROCESS

In order to determine the proposed fee increases in five yearly increments, Public Works used the following process:

- In reviewing the fee structure, Public Works staff believed that the fees had fallen behind what is customarily and routinely charged by other San Joaquin Valley governmental entities for the same types of services.
- Public Works' Engineering staff contacted Fresno County, Merced County, and San Joaquin County, and the cities of Ceres, Fresno, Merced, Modesto, and Oakdale to obtain information about the fees they charged for plan checks, encroachment permits, excavation permits, street improvement construction permits, and construction inspections.

A spreadsheet (Exhibit B) was developed listing the fees charged by those government entities along with the current Stanislaus County Public Works fees.

- The fees charged by other government entities were averaged and compared with the Stanislaus County fees. In addition, the variation in methods for charging the fees was also evaluated. Variations included a flat rate, charging actual time taken to perform the services, and requiring deposits based on a percentage of the engineer's estimated cost to complete the project.
- Based on the above analysis and evaluation Public Works has arrived at a proposed change in construction review and inspection fees.

PROPOSED FEE CHANGES OF EXISTING FEES

Excavation Permit (for any excavation occurring in a County right-of-way): The basic permit fee is proposed to remain at \$20. This fee includes \$5 each for Flood Plain Administrator review and Geographic Information System (GIS) updates as related to the improvements and \$10 for administrative fees. An additional fee for the inspection of the excavation work would change from a \$160 flat fee per 250 or 500 lineal feet of excavation of paved or unpaved area respectively to a \$180 flat fee. The fee is based on the average inspection time of two hours per project with the proposed hourly charge of \$90.

Encroachment Permit: The flat rate fee that has been charged during the last fiscal year for an encroachment permit (for construction that occurs in a County right-of-way) for driveway construction has been \$160. The proposed fee will increase this fee to \$180. Inspection for a concrete driveway takes a minimum of 3 inspections totaling on average 2 hours. With an hourly charge of \$90, 2 hours of inspection time equals \$180.

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Construction Permits: Permits for street improvements have been charged at a flat rate fee of \$40 for the basic permit and an additional fee of \$160 per 250 lineal feet for inspection of curb and gutter work, sidewalks, and matching pavement construction, and a flat fee of \$160 for drywell inspections. Using the new baseline fee of \$90 per hour and the average inspection time for the listed services of two hours, the proposed fee is \$180 per 250 lineal feet plus base permit fee of \$40. The base permit fee includes \$5 each for Flood Plain Administrator review and Geographic Information System (GIS) updates as related to the improvements and \$30 for administrative fees. Fees are to be paid in advance of the inspection.

Re-inspections will be increased to \$90 per hour from the current \$80 per hour. For large construction projects, a deposit of 10% of the engineer's estimate is required based on cost of the construction. Inspection time would be charged at the rate of \$90 per hour, the charge being drawn down against the deposit. At the completion of the project, the balance of the deposit would be remitted to the customer. If the deposit is not sufficient to cover all inspection charges, the customer will be billed separately for additional charges. The standard rate per hour for construction inspection is proposed at \$90 per hour.

Condition of Approval or Development Standard Modification: This fee is collected by the Department of Planning on Public Works' behalf for review of development plans that are referred to the Department of Public Works. The fee reflects a minimum charge of 5 hours at the new weighted labor rate of \$90 per hour (previously \$70 per hour). Additional time required for these requests will be charged at the same hourly rate.

Parcel Maps (R,C,M,LI,IBP,PD,PI Zones); Parcel Maps (A-2 Zone non-Williamson Act and < 4 parcels + remainder); and, Parcel Maps (A-2 Zone with Williamson Act or > 4 parcels + remainder): This fee is collected by the Department of Planning on Public Works' behalf for review of parcel maps that are referred to the Department of Public Works. The fee reflects a minimum charge of 5 hours at the new weighted labor rate of \$90 per hour (previously \$70 per hour). Additional time required for these requests will be charged at the same hourly rate.

Use Permit – Agricultural All Tiers; Use Permit – Non-Agricultural zones; Use Permit – Required Board of Supervisor's Approval: This fee is collected by the Department of Planning on Public Works' behalf for review of use permits that are referred to the Department of Public Works. The fee reflects a minimum charge of 5 hours at the new weighted labor rate of \$90 per hour (previously \$70 per hour). Additional time required for these requests will be charged at the same hourly rate.

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Grading Permit: This fee is collected by the Department of Planning on Public Works' behalf for services to review and approve grading plans and provide required field inspections for projects requiring a grading permit as determined by the Department of Planning. New requirements have been mandated to the Department as explained below. Actual costs to recover these additional mandates as they relate to a grading permit will be calculated into the existing fee.

To control pollutants in storm water runoff discharges and to meet the requirements of The Federal Clean Water Act and the U.S. Environmental Protection Agency regulations (Title 40 Code of Federal Regulations, Parts 122, 123, and 124), the state and federal statutes and regulations require discharges to surface waters comprised of storm water associated with construction activity, including demolition, clearing, grading, and excavation, and other land disturbance activities over one acre in size, to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit must require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in storm water runoff. In California, this permit is commonly referred to as the NPDES General Permit for Construction and Land Disturbance Activities and is managed by the California State Water Resources Control Board.

The NPDES General Permit for Construction and Land Disturbance Activities requires dischargers to assess their project site for risk of accelerated soil erosion and soil sedimentation from wind and water. This risk depends on a number of factors, including proximity to receiving water bodies, climate, topography, and soil type. The General Permit contains requirements for Risk Levels 1, 2 and 3. Risk levels are established by determining the site's sediment risk and receiving water risk during periods of soil exposure (i.e. grading and site stabilization). These factors are used to determine the site-specific risk level(s). Risk level 1 would be a low risk site and a risk level 3 would a high-risk site, for soil sediment transport and receiving water sensitivity. For more information on risk level assessment, refer to the General Permit. (<http://www.stancounty.com/publicworks/storm/index.shtm>).

No change is proposed for the existing Permit application processing fee of \$30. Field inspections and plan review will be based on actual cost/minimum charge at the weighted labor rate of \$90 per hour. A deposit will be required based on the risk level as discussed above. A risk level 1 will require an estimated 5 hours of staff time (\$450); a risk level 2 will require an estimated 7.5 hours of staff time (\$675); and, a risk level 3 will require an estimated 9.5 hours of staff time (\$855). Additional time required will be charged at the same weighted rate. Monthly draws against the deposit will be made based on staff time and materials needed to process the application. Any deposit balance at the completion of the project will be refunded to the applicant.

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The proposed fee schedule is shown as Exhibit "A" in this document.

POLICY ISSUES:

Authority for the Department of Public Works to charge fees for use of County roads and inspection of constructions, excavations, and installations occurring in Stanislaus County streets is granted in California Street and Highways Code Chapter 5.5, Article 2, Section 1464. Authority for those fees associated with building permits is granted by California Health and Safety Code Section 17950. This action is consistent with the Board's priorities of A Well-Planned Infrastructure System and the Efficient Delivery of Public Services by ensuring that inspection services can continue to be provided in a timely manner.

STAFFING IMPACT:

The proposed increases will enable Public Works staff to continue to provide services to the general public, development community and other County departments.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: 209-525-4130.

ORDINANCE NO. C.S. _____

**AN ORDINANCE ADOPTING A NEW FEE AND AMEND EXISTING FEES
COLLECTED BY THE DEPARTMENT OF PUBLIC WORKS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE
OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Fees to be collected by the Department of Public Works are adopted and amended as set forth in the Department of Public Works Fee Schedule attached hereto as Exhibit A and incorporated by reference, copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2012, by the following called-vote:

AYES:	Supervisors:
NOES:	Supervisors:
ABSENT:	Supervisors:

William O'Brien, Chairman
Of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

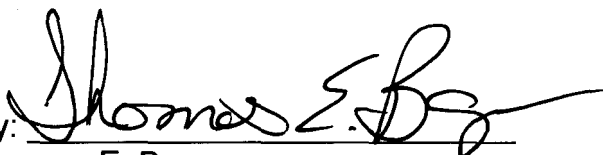
By: 
Thomas E. Boze
Deputy County Counsel

EXHIBIT "A"
2012 PUBLIC WORKS FEES (EFFECTIVE JULY __, 2012)

Fee Description	Fiscal Year Adopted	Fee Amount
Excavation Permits		
California Street & Highways 1464; CCR, Division 2, Chapter 5.5, Article 2		
Permit (includes \$5 ea. FPA & GIS)	2009	\$ 20
Inspection per 500 ft of trench in unpaved area	2012	\$ 180
Inspection per 250 ft of trench in paved area	2012	\$ 180
Encroachment Permits-Driveway construction	2012	\$ 180
Utility (trench) cuts*	2011	\$7.30/sf of trench area

*Exceptions: pavements not maintained by County; excavations performed at request of County; excavations in pavements scheduled for resurfacing within 2 years

Construction Permits-Street Improvements		
California Street & Highways 1464		
Permit (includes \$5 ea. FPA & GIS)	2009	\$ 40
Curb & Gutter per 250 lineal feet	2012	\$ 180
Sidewalks per 250 lineal feet	2012	\$ 180
Matching Pavement per 250 lineal feet	2012	\$ 180
Drywell Inspection	2012	\$ 90
Reinspections (hourly rate)	2012	\$ 90
Construction Inspection (hourly rate)*	2012	\$ 90
Improvement Plan Checking (hourly rate)*	2012	\$ 90
Improvement Plan Checking \$10 one-time charge		\$ 10

*Actual inspection time to be charged against a deposit of 10% of Engineer's estimate of total project cost.

Road Use Permit		
California Street & Highways 982; CCR, Division 2, Chapter 2		
Parade Permit	2009	\$ 50
Transportation Permit		
Annual	2009	\$ 90
Daily	2009	\$ 16
Land Survey		
Subdivision Map Act 66451.2, Chapter 3, Article 1		
Subdivision Map Processing (per map)	2004	\$ 1,390
Plus additional per lot and block	2004	\$ 10
Parcel Map Processing (per map)	2004	\$ 1,390
Plus additional per parcel	2004	\$ 10
Survey Map Processing (per request)	2004	\$ 565
Certificate of Compliance Processing (per request)	2004	\$ 695
Road Abandonment Processing (per request)	2004	\$ 1,110
Lot Line Adjustment Processing		
A2 Zoning District (per lot line application)	2004	\$ 695
All Other Zoning Districts (per lot line application)	2004	\$ 210

EXHIBIT "A" (Continued)
2012 PUBLIC WORKS FEES (EFFECTIVE August 9, 2010)
 Fees Collected by Planning

Fee Description	Fiscal Year Adopted	Actual Cost	Fee Amount
Adult Business Permit	2010		\$ 70
Ag Grievances *(1)	2010	Actual Cost/Minimum charge deposit	\$ 210
Community Plan Amendment	2010	Actual Cost/Minimum charge deposit	\$ 340
Condition of Approval or Development Standard Modification*(2)	2010		\$ 450
Development Agreement*(1)	2010	Actual Cost/Minimum charge deposit	\$ 210
Grading Permit - Application Processing Fee	2010		\$30
Grading Permit - Plan check	2010	Actual Cost/Per hour	\$85
Grading Permit - Field inspection	2010	Actual Cost/Per hour	\$85
Grading Permit - NPDES Risk Level 1 *(3)	2012	Actual cost-per hour/Deposit required	\$450
Grading Permit - NPDES Risk Level 2 *(3)	2012	Actual cost-per hour/Deposit required	\$675
Grading Permit - NPDES Risk Level 3 *(3)	2012	Actual cost-per hour/Deposit required	\$855
General Plan Amendment *(1)	2010	Actual Cost/Minimum charge deposit	\$ 210
Historical Site Review (Staff Approval)	2010		\$ 70
Historical Site Permit (@site /Planning Commission)	2010		\$ 210
Mine Use Permit/Reclamation Plan (RP)/RP Amendment *(1)	2010	Actual Cost/Minimum charge deposit	\$ 255
Parcel Maps (R, C, M, LI, IBP, PD, PI Zones) *(2)	2012		\$ 450
Parcel Maps (A-2 Zone non-Williamson Act and < 4 parcels + remainder) *(2)	2012		\$ 450
Parcel Maps (A-2 Zone with Williamson Act or > 4 parcels + remainder) *(2)	2012		\$ 450
Recirculation of Mitigated Negative Declaration *(1)	2010	Actual Cost/Minimum charge deposit	\$ 210
Rezone *(1)	2010	Actual Cost/Minimum charge deposit	\$ 210
Specific Plans *(1)	2010	Actual Cost/Minimum charge deposit	\$ 340
Staff Approval Permit-with referral	2010		\$70
Street Name Change	2010		\$ 125
Subdivision Ordinance Exception	2010		\$ 140
Tentative Subdivision Map	2010	Actual Cost/Minimum charge deposit	\$ 550
Use Permit-Agricultural-All Tiers *(2)	2012		\$ 450

Use Permit - Non-agricultural zones *(2)	2012		\$	450
Use Permit-Required Board of Supervisors Approval *(2)	2012		\$	450
Zoning Ordinance Variance	2010		\$	160
Williamson Act Contract	2010		\$	70
Zoning Ordinance Amendment	2010	Actual Cost/Minimum charge deposit	\$	210

(1) Fees described above that require a deposit and are charged at "actual cost" have a minimum charge associated with them. The deposit required is the minimum charge and is non-refundable. This DOES NOT include any necessary consultant costs for environmental review, specialized studies, financial consulting or any other expert consulting services potentially needed by the County for processing these applications. Monthly draws against the deposit will be made based on staff time and materials needed to process the applications. Staff costs and expenses will be billed at fully burdened weighted labor rates at the time of services rendered.

All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at actual cost, including labor charged at the weighted labor rate. Invoices will be calculated on a quarterly basis and forwarded to the applicant for balance of payment. If the deposit reaches 20% of the initial deposit or less, the Applicant will be asked to make a subsequent deposit in an amount dependent upon the amount of work left to complete on processing. Applicants will be expected to pay the subsequent deposit within 30 days of invoice date. In the event that the account is not paid within 30 days of the invoice date, processing will be suspended until such time that payment is made. Any remainder will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to applicant. Public hearings will not be scheduled until payment in full is received.

*(2) Department of Public Works charges for Condition of Approval or Development Standards Modifications, Parcel Maps, and Use Permits reflect a minimum charge of 5 hours at a weighted labor rate of \$70 per hour. Additional time required for these requests will be charged at the same rate.

*(3) Fees described above that require a deposit and are charged at "actual cost". Staff costs and expenses will be billed at fully burdened weighted labor rates at the time of services rendered. Any deposit balance remaining at the completion of the project will be reimbursed to the applicant.

* Fees may be refunded if the Planning Director, or his appointed designee, determines extraordinary circumstance warranting a refund exist.

EXHIBIT "B"

Stanislaus County		Fee Comparison		January	2009	Municipalities				
	Proposed	Stan Co	Ceres	Fresno Co	Fresno	Modesto	Merced Co	Merced	Oakdale	
Effective Date		12/17/91	9/11/06	6/5/07	1/7/09	7/1/07	9/11/07	1/1/07	5/21/07	
Excavation Permit										
Permit	No Change	\$10	\$100	\$25	\$175.00	\$50	\$54	\$25	\$150	
Inspection fee per 500 feet of trench in unpaved areas	\$60/hour	\$60	\$55	\$125+.21 LF	\$7.48 LF	\$20 LF	\$96	\$1 LF	\$115	
Inspection fee per 250 feet of trench in paved areas	\$60/hour	\$60	\$55	\$125+.77 LF		\$2.50 SF	\$138	\$1 LF	\$20/100 LF	
Pipelines under County Road (Requires Maintenance Agmnt)	\$60/hour	\$60	\$100.00	\$125	\$150.00	\$70	\$138	\$75	\$75	
Manholes, drain inlets	\$60/hour	\$60	\$100.00		\$104.00 ea					
Utility Company Excavation Permit										
Bellholes for new or cut off service	Deleted, will use excavation Permit	\$20.00	\$50.00	\$125	\$150.00	\$245	\$96	\$75	\$80	
Encroachment Permit										
Commercial or Residential Driveway Permit	\$60/hour	\$35	\$50.00	\$275+.23 SF	\$3.43 LF	\$198	\$96	\$35	\$80	
Plancheck fee										
Improvement Plan Checking (hourly rate)	No change + \$10 charge	\$80 HR	\$255	\$640	\$750.00	1.6% of ee	\$250	\$250	TBD	
Construction Permits – Street Improvements										
Permit	\$10 charge + \$60/hour	\$30	\$50.00	\$25		\$50	\$96	3%		
Curb and Gutter- for 250 LF	\$60/hour	\$60	\$200.00	\$275+.77 LF	\$0.85 LF	\$198	.05 x EE	\$1 LF	\$80	
Sidewalks - for each 250 LF	\$60/hour	\$60	\$200.00	\$10+.10 SF	\$0.69 LF	\$198	.05 x EE	\$1 LF	\$80	
Matching Pavement	\$60/hour	\$260	\$100.00	\$275+1.15SY	\$0.07 SF	\$439	.05 x EE	\$1 LF		
Drywell Inspection	\$10 charge + \$60/hour	\$60	\$100.00	\$68	\$100.00	\$245	.05 x EE	\$35		
Re-inspections (hourly rate)	\$60/hour	\$60	\$150.00	\$25	\$100.00	\$35	\$96	\$110		
Construction Inspection (hourly rate)	\$10 charge + \$60/hour									
Parade Permit										
	\$50	\$25	\$50.00	\$77	\$250.00	\$245	\$35	\$50		

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 24, 2012, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances:

- A. An ordinance to amend existing fees and adopt new National Pollutant Discharge Elimination System (NPDES) fees for the Department of Public Works - Engineering Division (for further information, contact Diane Haugh at (209) 525-4100 or at 1716 Morgan Road, Modesto, CA).
- B. An ordinance to establish new and amend existing fees for the Department of Environmental Resources (for further information, contact Jami Aggers at (209) 525-6768, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).
- C. An ordinance to establish new and amend existing fees for the Department of Parks and Recreation (for further information, contact Jami Aggers at (209) 525-6768, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 13, 2012, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.


NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 27, 2012

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 13, 2012, Apr 19, 2012

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

April 19th, 2012

(By Electronic Facsimile Signature)

Marie Hickman

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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: March 27, 2012.
ATTEST: Christine Ferraro Tallman,
Clerk of the Board of Supervisors of the County of Stanislaus, State of California.
BY: Elizabeth A. King, Asst Clerk
Pub Dates Apr 13, 19, 2012