

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

DEPT: Chief Executive Office

BOARD AGENDA #: \*B-1

AGENDA DATE: January 31, 2017

**SUBJECT:**

Approval to Set a Public Hearing to Consider the Formation of the Wood Colony Municipal Advisory Council on February 28, 2017 at 9:05 AM

**BOARD ACTION AS FOLLOWS:**

No. 2017-42

On motion of Supervisor Withrow, Seconded by Supervisor DeMartini  
and approved by the following vote,

Ayes: Supervisors: Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Olsen

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST: Elizabeth A. King  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. MAC-09-01

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Chief Executive Office BOARD AGENDA #: \*B-1  
Urgent  Routine   AGENDA DATE: January 31, 2017

CEO CONCURRENCE:  4/5 Vote Required: Yes  No

**SUBJECT:**  
Approval to Set a Public Hearing to Consider the Formation of the Wood Colony Municipal Advisory Council on February 28, 2017 at 9:05 AM

**STAFF RECOMMENDATIONS:**

1. Set a public hearing on February 28, 2017 at 9:05 a.m. to consider the formation of the Wood Colony Municipal Advisory Council.
2. Authorize the Clerk of the Board to publish notice of the public hearing as required by law.

**DISCUSSION:**

Wood Colony community members approached Stanislaus County with the interest of establishing a Municipal Advisory Council for their community. Per their request, a series of community meetings were held on March 13, 2014 and September 14, 2016 within the community to educate the public and solicit feedback on forming a Municipal Advisory Council. These community meeting's agenda included an overview of a Municipal Advisory Council, the Brown Act, and boundaries.

During these meetings, the Wood Colony residents expressed their support for and concerns about the formation of Municipal Advisory Council (MAC). The issues discussed included that the MAC may be a duplicative effort of an existing non-profit community organization, and the City of Modesto's land use proposals and planning related to Wood Colony community. Ultimately, at the last meeting in August 2016, the majority of the meeting's participants endorsed moving forward with the formation process.

A Municipal Advisory Council by definition is an advisory body of local citizens elected by the community or appointed by the Board of Supervisors with the purpose of representing the community to the Board of Supervisors. These councils face two ways:

1. Toward the County, offering the collective and overall views of the community; and
2. Toward the community, sharing information about County proposals and a place where individuals can discuss community issues and perhaps receives help or assistance.

Stanislaus County has seven existing Municipal Advisory Councils that represent the communities of Denair, Empire, Hickman, Keyes, Knights Ferry, Salida, South Modesto, and Valley Home. These Municipal Advisory Councils were formed based on the California

Government Code Section 31010. In all cases, a public hearing was set to consider the formation of each respective Municipal Advisory Council. The public hearing provides the opportunity for adequate community input before the Board of Supervisors takes formal action. Public comment, for or against, the formation proposal are encouraged of residents within and outside the proposed boundaries. Public input through the hearing would be in addition to feedback already received through the community meetings held in Wood Colony.

At a community meeting in September 2016 with over 50 people in attendance, a poll was conducted by asking individuals to raise their hands to test the level of agreement amongst the community meeting participants. With the exception of a few minor points of contention the meeting participants largely endorsed the formation of a Municipal Advisory Council. The proposed boundaries and legal description for the Wood Colony Municipal Advisory Council are attached as Exhibit A.

On Tuesday, February 28, 2017, the Board of Supervisors will be asked to hold the public hearing in the Board of Supervisors Chambers, accept public comment, and consider the formation, adopt the boundaries, and adopt the bylaws for the Wood Colony Municipal Advisory Council. At that time the following items described in the California Government Code will be addressed: name of the Municipal Advisory Council; the qualifications, number of positions and method of selection (by election or appointment) of the board; its designated powers and duties; the unincorporated area or areas for which the Municipal Advisory Council is established; whether the establishment of the council should be submitted to the voters and the method for such submission; and such other rules regulations and procedures as may be necessary in connection with the establishment and operation of the Municipal Advisory Council.

#### Municipal Advisory Council Bylaws

The proposed Wood Colony Municipal Advisory Council bylaws, included as Attachment B, defined the elements required by the California Government code. The following highlights of the proposed bylaws include:

1. Name: Wood Colony Municipal Advisory Council
2. Qualifications: Councilmembers shall be registered voters residing within the Wood Colony community as defined by the proposed boundaries.
3. Number of positions: Five
4. Method of selection: Initial appointment by the Board of Supervisors in staggered terms. Upon expiration of initial terms, members of the Wood Colony Municipal Advisory Council will be elected positions. Terms from then forward will be four years with no limit.
5. Designated powers and duties: The Wood Colony Municipal Advisory Council will advise the Stanislaus County Board of Supervisors on matters of public health, welfare, safety, planning, public works, and any other such matters as the board may designate which affect the territory and inhabitants of the Wood Colony; and, represent this community to any governmental agency or other organization on matters concerning the community.
6. Unincorporated areas: See attached boundary description and map (Attachment A)

Other Administrative Matters

If the Wood Colony Municipal Advisory Council is approved by the Board of Supervisors, multiple administrative actions will follow shortly thereafter:

1. Board Appointments: A notice a vacancy will be posted by the Clerk of the Board for the Wood Colony Municipal Advisory Council. Eligible individuals will be required to complete an appointment application and submit it to the Clerk of the Board for consideration by the Board of Supervisors. At a subsequent Board of Supervisors meeting, the appointment of the initial members to the new Wood Colony Municipal Advisory Council will be brought forward for consideration and approval.
2. First Meeting: After the appointments of the new board members are made, and members are properly sworn into their positions, the Wood Colony Municipal Advisory Council will hold its first regular meeting where they will complete several procedures. The first meeting will be scheduled and announced upon approval of the Board of Supervisors at the Public hearing. The date and time of subsequent meetings will be established by the Wood Colony Municipal Advisory Council at this first meeting. The Wood Colony Municipal Advisory Council will follow the Public Records Act and Brown Act so that interested residents are properly notified of these public meetings. Training on the Public Records Act and Brown Act will be provided as necessary to the newly appointed members. At the first meeting:
  - a. It will be determine what members of the board will serve the initial short and long-terms.
  - b. The nomination and election of officers for the current calendar year will be considered such as chairperson, vice chairperson and secretary.
  - c. A review of the Public Records Act, Brown Act and Wood Colony bylaws will be necessary so that members and community understand the rules and procedures that will regulate this new public entity.

**POLICY ISSUE:**

California Government Code Section 31010 states in part, the board of supervisors of any county may by resolution establish and provide funds for the operation of a municipal advisory council for any unincorporated area in the county to advise the board on such matters which relate to that area as may be designated by the board concerning services which are or may be provided to the area by the county or other local governmental agencies, including but not limited to advice on matters of public health, safety, welfare, public works, and planning.

**FISCAL IMPACT:**

The total estimated cost of forming the MAC which includes survey for boundary description and map, and public notice is \$600, to be funded with Community Development funds.

**Source(s) of Funding:**

Community Development Funds	\$ 600	
<b>Funding Total:</b>		<b>\$ 600</b>
<b>Net Cost to County General Fund</b>		<b>\$ -</b>

**Fiscal Year:**

2016/2017
<b>No</b>

**Budget Adjustment/Appropriations needed:**

**Fund Balance as of December 31, 2016**

Community Development Funds	\$2,430,527
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**BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Board's priorities of Efficient Delivery of Public Services by creating a Municipal Advisory Council of residents to advise the board on such matters concerning services and projects which are or may be provided to the area by the county or other local governmental agencies.

**STAFFING IMPACT:**

Chief Executive Office and County Counsel staff will assist the community in the formation of the Wood Colony MAC. The Wood Colony MAC will create a need for various county departments to be representative at regular meetings periodically, coverage of meetings will be done quarterly or upon request. The Chief Executive Office will provide necessary support and assistance to the Wood Colony Municipal Advisory Council to ensure the proper procedures are followed and to assist in coordination. The cost associated with coverage of these meetings will be absorbed utilizing existing departmental budgets.

**CONTACT PERSON:**

Keith Boggs, Assistant Executive Officer  
 Ruben Imperial, Community Manager

Telephone: (209) 652-1514  
 Telephone: (209) 225-0315

**ATTACHMENT(S):**

- A. Boundary Description and Map
- B. Bylaws

NOTICE OF A PUBLIC HEARING  
WOOD COLONY MUNICIPAL ADVISORY COUNCIL

NOTICE IS HEREBY GIVEN, that on February 28, 2017 at 9:05 AM or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 Street, Modesto California to consider the formation of the Wood Colony Municipal Advisory Council. The proposed boundaries and legal description as defined in Exhibit A: Boundary Description and Map are available from the Clerk of the Board. The proposed boundaries encompass the unincorporated area in Stanislaus County Supervisorial District 3 that is south of Bacon Road, east of Gates Road, north of Highway 132, and portions of the unincorporated areas west of Carpenter Road, Morse Road and Highway 99.

For further information, contact Ruben Imperial in the Chief Executive Office at (209) 225-0315 / imperial@stancounty.com or at 1010 10th Street, Suite 6800, Modesto, CA 95354.

NOTICE IS FURTHER GIVEN that at the said time and place, any interested party may appear and give testimony either for or against the said proposal.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: January 31, 2017

ATTEST: ELIZABETH A. KING  
Clerk of the Board of Supervisors  
of County of Stanislaus,  
State of California

BY:   
Pam Villarreal, Assistant Clerk.

# Attachment A

## ATTACHMENT A

### **WOOD COLONY MUNICIPAL ADVISORY COUNCIL**

#### **BOUNDARY DESCRIPTION**

All that portion of Stanislaus County lying within Township 3 South, Range 7 East and Township 3 South, Range 8 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows;

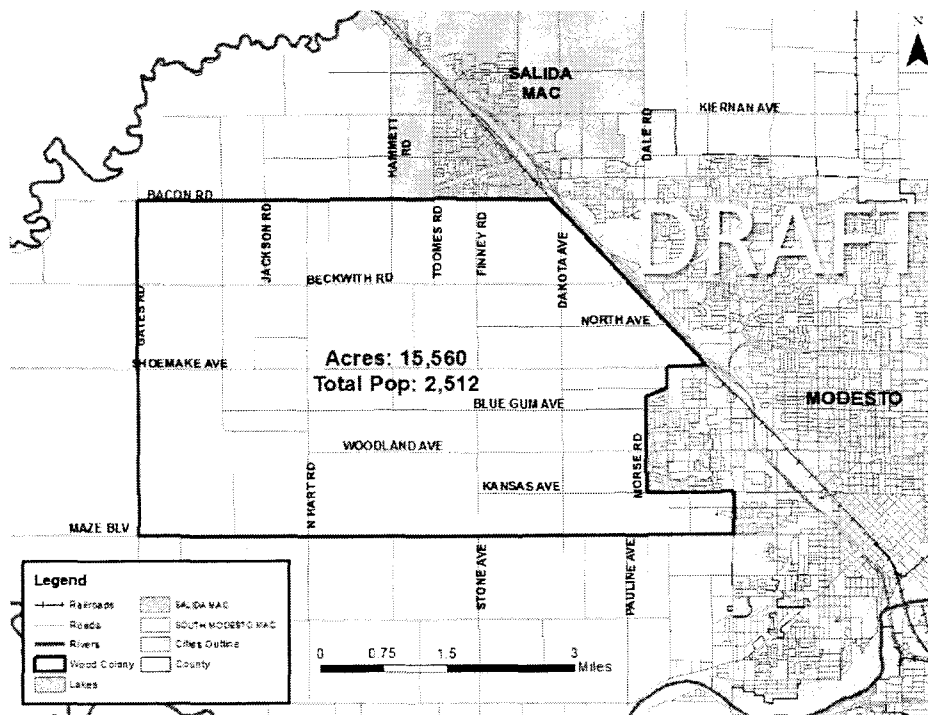
Beginning at the intersection of the centerline of Bacon Road with the centerline of Hammett Road, also being the northeast corner of Section 8 in Township 3 South, Range 8 East, Mount Diablo Meridian, Said point of intersection also being the southwest corner of the existing district boundary of the Salida Municipal Advisory Council; thence along the following courses and distances:

1. Easterly approximately 1.90 miles, along the south boundary line of said Salida Municipal Advisory Council, and said south line also being the centerline of Bacon Road, the centerline of Murphy Road and the easterly projection of said centerline of Murphy Road to the intersection with the southwesterly line of the 100 foot wide Union Pacific Railroad right-of-way.
2. Southwesterly approximately 2.70 miles, along said southwesterly line of the 100 foot wide Union Pacific Railroad right-of-way, to the easterly projection of the centerline of Shoemake Avenue.
3. Westerly approximately 0.48 miles, along said easterly projection and the centerline of Shoemake Avenue to the intersection with the northerly projection of the west line of Assessor Parcel Number 007-081-012.
4. Southerly approximately 1240 feet, along said northerly projection and the west line of said Assessor Parcel Number 007-081-012 to the intersection with the northwest line of the 100 foot wide M.I.D. Lateral No. 3 right-of-way.
5. Southwesterly approximately 1360 feet, along said northwest line of the 100 foot wide M.I.D. Lateral No. 3 right-of-way to the intersection with the northerly projection of the centerline of Morse Road.
6. Southerly approximately 1.20 miles, along said northerly projection and the centerline of Morse Road to the intersection with the centerline of Kansas Avenue.
7. Easterly approximately 1.00 miles, along said centerline of Kansas Avenue to the intersection with the northerly projection of the west line of Assessor Parcel Number 011-007-039.
8. Southerly approximately 205 feet, along said northerly projection and west line of said Assessor Parcel Number 011-007-039 to the southwest corner of said parcel.
9. Easterly approximately 145 feet, along the south line and the easterly projection of the south line of said parcel to the intersection with the centerline of Carpenter Road.



10. Southerly approximately 0.47 miles, along said centerline of Carpenter Road to the intersection with the centerline of Maze Boulevard.
11. Westerly approximately 7.05 miles, along said centerline of Maze Boulevard to the intersection with the centerline of Gates Road.
12. Northerly approximately 4.00 miles, along said centerline of Gates Road to the intersection with the centerline of Bacon Road and said point being the northwest corner of Section 12 in Township 3 South, Range 7 East, Mount Diablo Meridian.
13. Easterly approximately 3.00 miles, along said centerline of Bacon Road to the intersection with the centerline of Hammett Road and the Point of Beginning of this description.

END OF DESCRIPTION



# Attachment B

## ATTACHMENT B

### **WOOD COLONY MUNICIPAL ADVISORY COUNCIL BYLAWS**

#### I.

##### Formation of Organization

This Council will be known as the Wood Colony Municipal Advisory Council, as established by resolution # \_\_\_\_\_, \_\_\_\_\_, 2017, by the Stanislaus County Board of Supervisors pursuant to Government Code Section 31010. The boundaries served by the Council are described in Attachment A and shall be referred to as Wood Colony:

### **SEE ATTACHMENT A FOR LEGAL DESCRIPTION OF PROPOSED BOUNDARIES FOR THE WOOD COLONY MUNICIPAL ADVISORY COUNCIL**

#### II.

##### Purpose

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

#### III.

##### Membership

The Council is composed of five (5) members. Council members shall be registered voters residing within Wood Colony. The term of each member is four (4) years or until their successors are elected. The terms of members initially appointed are staggered with two (2) members' terms expiring December 6, 2019 and three (3) members' terms expiring December 3, 2021. Upon expiration of the initial terms, council vacancies shall be filled by a County held election of registered voters in Wood Colony. If a Council position should become vacant prior to the expiration of the term, 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, and (7)

to sign all necessary documents, letters, etc., 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 Wood Colony 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, and (8) to maintain a current and up to date list of all residents and property owners of Wood Colony.

#### V.

##### Meetings

The Wood Colony Municipal Advisory Council (MAC) shall hold at least four meetings a calendar year (a minimum of one every quarter) to be held in a public building which is accessible and can accommodate all those residents and/or property owners of Wood Colony who may wish to attend the meeting. A regular convenient 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. The Chair may cancel regular scheduled meetings with prior notice and consent of two (2) other members of the Wood Colony MAC. 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 Wood Colony 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 Wood Colony. 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 (those committees that exist for a specified period of time) or special committees (those 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 the By-Laws

The Wood Colony MAC 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 Wood Colony MAC 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.

IX.

Vacancies

Vacancies on the Council shall exist: 1) on the death, resignation or removal of any member, and 2) whenever the number of authorized members is increased. The Council members may declare vacant the seat of a council member who has missed three unexcused absences from the regular meeting dates, during any twelve (month) period or has been declared of unsound mind by a final order of court, or has been convicted of a felony. Any member may resign effective upon giving written notice to the Chairperson of the Council or the Stanislaus County Board of Supervisors, unless the notice specifies a later time for the effectiveness of such resignation. If a Council position should become vacant prior to the expiration of the term, the Board of Supervisors may appoint a person to serve the remainder of the term as set forth in Section III of these bylaws. If the Board of Supervisors does not appoint a person to serve, the vacancy shall be filled per the terms set forth in section III and the California Election Code 23500 et seq.

X.

Non-Liability of Council Members and Officers

The members shall not be personally liable for debts, liabilities, or other obligations of the Wood Colony MAC.

XI.

Fiscal Year

The fiscal year of the Wood Colony MAC shall be the same as the Stanislaus County Board of Supervisors.

XII,

Council Records and Reports

The Wood Colony Municipal Council shall keep minutes of all meetings, committees of the Wood Colony Municipal Advisory Council indicating the time and place of holding such meetings, whether regular or special, how called, the given notice, and the name of those present and proceedings thereof.

**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:

Feb 18, 2017

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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

February 18th, 2017

(By Electronic Facsimile Signature)

Cynthia A. Villareal

NOTICE OF A PUBLIC HEARING  
WOOD COLONY  
MUNICIPAL ADVISORY COUNCIL

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For further information, contact Ruben Imperial in the Chief Executive Office at (209) 225-0315, or imperial@stancounty.com, or at 1010 10th Street, Suite 6800, Modesto, CA 95354.

NOTICE IS FURTHER GIVEN that at the said time and place, any interested party may appear and give testimony either for or against the said proposal.

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: January 31, 2017. ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of County of Stanislaus, State of California. BY: Pam Villareal, Assistant Clerk. Pub Dates Feb 18, 2017