

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

DEPT: Environmental Resources

BOARD AGENDA # *B-1

Urgent Routine

AGENDA DATE February 5, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Authorize the Director of Environmental Resources to Execute an Amendment to the Grazing Land Lease with Paul Clarot for 760.4 Acres of Rolling Hills Adjacent to and West of the Fink Road Landfill

STAFF RECOMMENDATIONS:

Authorize the Director of Environmental Resources, or her designee, to execute an amendment to the grazing land lease with Paul Clarot for 760.4 acres of rolling hills adjacent to and west of the Fink Road Landfill, extending the lease from March 15, 2008, through November 3, 2009.

FISCAL IMPACT:

This lease will result in additional income in the amount of \$8,275.74 for this extended (approximate) 20-month term. The breakdown of this amount is as follows: \$5,028.30 for the first 12 months and \$3,247.44 pro-rated for the final eight (8) months. The income will be placed in the Fink Road Landfill Enterprise Fund.

BOARD ACTION AS FOLLOWS:

No. 2008-088

On motion of Supervisor Grover, Seconded by Supervisor DeMartini
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) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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Amendment to the Grazing Land Lease with Paul Clarot for 760.4 Acres of Rolling Hills
Adjacent to and West of the Fink Road Landfill
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DISCUSSION:

Stanislaus County entered into an agreement with Paul Clarot to lease real property for cattle grazing on 760.4 acres of rolling hills adjacent to and west of the Fink Road Landfill on March 15, 2003. This original agreement was for a term of five (5) years.

The Department of Environmental Resources is recommending an amendment to the agreement that would extend the existing terms through November 3, 2009. The extension would allow this grazing lease to co-terminate with the expiration of the lease agreement with Lent-Burden Farming, Inc., for farm property that is adjacent to the Fink Road Landfill. This would allow the Board of Supervisors the opportunity to put both lease agreements out to a competitive bidding process at the same time for the period commencing in November 2009 and beyond. Staff anticipates coming before the Board of Supervisors in late February/early March to request authority to begin preparing a Request for Proposals for both the grazing and farm property.

POLICY ISSUE:

The Board of Supervisors should determine if executing an amendment to this lease is consistent with the Board priority of striving for a strong agricultural economy/heritage.

STAFFING IMPACT:

There are no staffing impacts associated with this item.



Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358
Phone: (209) 525-6770
Fax: (209) 525-6773

**AMENDMENT NO. 1
TO
GRAZING LEASE**

This Amendment No. 1 to Grazing Lease Agreement ("Amendment No. 1") by and between the County of Stanislaus ("Lessor") and Paul Clarot ("Lessee") is made and entered into on February 4, 2008.

Whereas, the Lessor and Paul Clarot entered into a Grazing Lease Agreement dated March 15, 2003, (the Lease"), a copy of which is attached as Exhibit A; and

Whereas, this amendment is for the mutual benefit of Lessor and Lessee;

Now, therefore, the Lessor and Lessee agree as follows:

1. Section 1 of the Lease is amended to read as follows:

"TERM OF LEASE: The initial term of this lease shall be for the period of five (5) years, commencing at 12:01 a.m. on March 15, 2003, and terminating at 11:59 p.m. on March 14, 2008. An extended term of the Lease shall be for a period commencing on March 15, 2008 and terminating on November 3, 2009."

2. Section 2 of the Lease is amended to read as follows:

"PAYMENT: During the initial term of the Lease, Lessee agrees to pay to Lessor and Lessor agrees to accept as payment for the use and possession of the Property, the sum of \$5,028.30 per year, payable to the "County of Stanislaus" in advance on the first day of each lease year, commencing on March 15, 2003.

During the second extended term of the Lease, the Lessee shall pay to the Lessor the sum of \$5,028.30 per the initial year of the extended term payable to the "County of Stanislaus" in advance on the first day of the lease year commencing on March 15, 2008 and the sum of \$3,247.44 for the remaining term of the second extension payable to the "County of Stanislaus" in advance on the first day of remaining extended term commencing on March 15, 2009 and ending November 3, 2009.


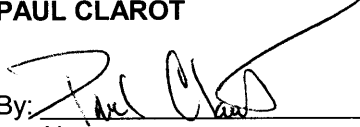
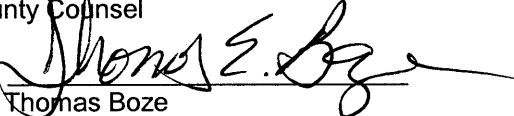
Payment shall be submitted to Stanislaus County Department of Environmental Resources, Landfill Division, P.O. Box 86, Crows Landing, CA 95313, or 4000 Fink Road, Crows Landing, CA 95313.

3. Section 17 of the Lease is amended to change the name and address where notices to the Lessor are to be sent to read as follows:

"Stanislaus County
Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95353
Attn: Contract Administrator

4. Except as provided in this Amendment, all other terms and conditions of the Lease remain unchanged.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives, on the date and year first above written.

<p>COUNTY OF STANISLAUS Department of Environmental Resources</p> <p>By:  Sonya K. Harrigfeld Director</p> <p style="text-align: center;">"Lessor"</p> <p>Date: _____</p>	<p>PAUL CLAROT</p> <p>By:  Name Title</p> <p>Date: <u>2-6-08</u> "Lessee"</p>
<p>APPROVED AS TO FORM: Michael H. Krausnick County Counsel</p> <p>By:  Thomas Boze Deputy County Counsel</p>	