

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

DEPT: County Counsel

BOARD AGENDA # *E-2

Urgent Routine

AGENDA DATE June 24, 2008

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Section 2.08.050 to Authorize the Chief Executive Officer to Oversee County Operations and Activities on Non-County Owned Property

STAFF RECOMMENDATIONS:

Introduce and waive the first reading of the attached ordinance to amend Stanislaus County Code Section 2.08.050 to authorize the Chief Executive Officer to oversee County operations and activities on non-County owned property.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-482

On motion of Supervisor Monteith, Seconded by Supervisor Grover
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: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1044

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-H-6

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DISCUSSION:

The purpose of this item and the recommendations are to develop a more formal procedure and process for County departments and offices to follow in the future when they have a need to conduct training or other activities on property not owned by the County.

Examples of such off-site activities vary greatly depending upon the needs of the particular department. For example, the Stanislaus County Sheriff's Department has a mounted Search and Rescue Unit which needs to conduct training in a variety of terrain in order to be fully prepared to conduct search and rescue missions. Also, representatives of the Health Services Agency and the Public Health Department, frequently conduct healthy community outreach programs which take place in areas frequented by the general public who can benefit from the information and guidance available from these two departments. For example, the Health Services Agency has conducted activities at the Vintage Faire Mall since that forum provides immediate access to a large number of people.

The County does not currently have a standard policy or process for acting upon requests made by departments or offices of the County to conduct County related business activities or operations on private property not owned by the County. Obtaining the Board of Supervisors' approval for each and every separate activity by way of an agenda item at a Board of Supervisors' meeting is neither practical nor warranted. Frequently, these activities require prompt attention and an immediate decision to accommodate the department sponsoring the training. The current practice is for a department or office to seek approval of an indemnification agreement from the Office of County Counsel. Such indemnification agreements assure the property owner that they will be compensated in the event that any damages occur as a result of the County activities taking place on their property.

In some instances, the activity necessarily carries with it some risk of harm to the persons and/or property of persons not formally affiliated with County. The Office of County Counsel believes it would be prudent for your Board to designate the Chief Executive Officer, or his designee, to review such requests to protect the interest of the County from being subjected to liabilities which outweigh the benefits to be obtained from the "off-campus" activities. It is suggested that the Chief Executive Officer in reviewing such requests consult directly with staff from the CEO-Risk Management Division and with the Office of County Counsel, and, as appropriate, other affected departments or agencies.

SUMMARY/RECOMMENDATION:

Staff recommends that the Board introduce and waive the first reading of the attached ordinance to authorize the Chief Executive Officer to oversee County operations and activities on non-County owned property.

POLICY ISSUES:

The Board of Supervisors should determine whether or not approval of this item would be consistent with the Board priorities of a Safe and Healthy Community, Effective Partnerships

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with private parties and the Efficient Delivery of Public Services.

STAFFING IMPACTS:

There is no staffing impact associated with this item.

AN ORDINANCE AUTHORIZING OF THE CHIEF EXECUTIVE OFFICER TO OVERSEE COUNTY OPERATIONS AND ACTIVITIES ON NON-COUNTY OWNED PROPERTY

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

Section 1. Subsection C of Section 2.08.050 of the Stanislaus County Code is amended to add subdivision 18 to read as follows:

"18. Oversee and approve requests by County departments and offices to conduct operations and activities on non-County owned property provided the activities directly benefit the general purposes of the County and the requesting department or office, and provided that, after consultation with the County Counsel and County Risk Manger, the benefit of conducting such activities is balanced against exposure to the risk of liability that may be reasonably associated with the activity. The Chief Executive Officer shall also consult with any other department or agency that may reasonably be affected by the activity or operations, including, but not limited to, the County Office of Emergency Services, Sheriff's Department, Department of Public Works, Department of Environmental Resources, Department of Public Health, and the Office of Community Development and Planning."

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of 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 resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2008, by the following called vote:

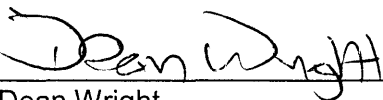
- AYES: Supervisors:
- NOES: Supervisors:
- ABSENT: Supervisors:

Thomas Mayfield, Chair 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 _____
Deputy

APPROVED AS TO FORM:
John P. Doering
County Counsel

By  _____
Dean Wright
Deputy County Counsel