

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

DEPT: Parks and Recreation

BOARD AGENDA # *B-8

Urgent

Routine

AGENDA DATE May 22, 2012

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 Provisions of Stanislaus County Code Title 18, Chapter 12, Hunting in Recreation Areas, and Chapter 20, Enforcement and Violations

STAFF RECOMMENDATIONS:

Introduce and waive the first reading of an ordinance to amend the provisions of Stanislaus County Code Title 18, Chapter 12, Hunting in Recreation Areas, and Chapter 20, Enforcement and Violations.

FISCAL IMPACT:

The Chapter 12 amendment will allow an additional hunt season for waterfowl hunters to hunt at Woodward and Modesto Reservoir beginning Fiscal Year 2012-2013. The Chapter 20 amendment will help protect the barrier wall at Woodward Reservoir from damage to allow for recreation at the reservoir. Maintaining the barrier wall is critical to preserving recreation at the reservoir and associated revenue needed for operations and maintenance.

BOARD ACTION AS FOLLOWS:

No. 2012-243

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1120

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Approval to Introduce and Waive the First Reading of an Ordinance Amending Provisions of Stanislaus County Code Title 18, Chapter 12, Hunting in Recreation Areas, and Chapter 20, Enforcement and Violations

DISCUSSION:

On February 23, 2012, the Department of Parks and Recreation held a public meeting to review proposed changes to the fee schedule. The public comments received involved concerns regarding the department not accommodating the late waterfowl season for the 2011-2012 year. The Department elected not to allow the late season hunt, due to the potential conflict with other recreational activities. The State of California Fish and Game issued three waterfowl hunting seasons for the 2011-2012 year; early, regular, and late waterfowl hunt seasons may be offered at select hunting locations as permitted. The Department did not offer the late waterfowl hunt season due to Stanislaus Code Title 18, Chapter 12, limiting waterfowl blinds to be removed within thirty days after the close of waterfowl season. If the late season was accommodated, the thirty-day limitation would overlap into the summer season of when the park would be accessible to the general public for recreation. In consideration of public safety, staffing, and the parks' peak capacity, the Department elected to hold only the early and regular waterfowl hunt season during Fiscal Year 2011-2012.

The Department was recently approached by South San Joaquin Irrigation District (SSJID) to develop a penalty associated with entering the current restricted area between the buoys and the water quality wall. The water quality wall provides a barrier which protects the upper drinking water intake from public access. This area has always been a restricted area to prevent damage to the water quality wall. The penalty provides a deterrent against entering the restricted area by providing the Sheriff's Department with a mechanism of assessing a penalty against watercraft users who unlawfully enter the area. Woodward Reservoir is a domestic drinking water source, the restricted area is necessary to maintain the ability to have body to water contact/recreation at Woodward Reservoir. Should this wall be damaged, the reservoir could potentially be prohibited from allowing water recreation at the reservoir. Current State law does not allow water to body contact at drinking water sources. The Board, as a local agency, may prohibit personal watercraft on navigable waters within its jurisdiction if the use of personal watercraft is incompatible with one or more public uses and the ban is nondiscriminatory as to personal watercraft. Harb. & Nav. Code section 268(a), Harb. & Nav. Code 660 (a); 74 Ops. Cal Atty. Gen 174.

Upon receiving public concerns relating to the accommodations for a late waterfowl hunt season and the request by SSJID, Stanislaus Code Title 18, Chapter 12, Hunting in Recreation Areas, and Chapter 20, Enforcement and Violations are recommended to be amended as follows:

Section	Original	Amendment
18.12.010 Waterfowl Blinds-Permit Required	D. Permits issued shall be valid from the period thirty days prior to the beginning of duck hunting season to thirty days after the closing of duck hunting season during any fiscal year.	D. Permits issued shall be valid from September 15 th through March 10 th during any fiscal year.

Approval to Introduce and Waive the First Reading of an Ordinance Amending Provisions of Stanislaus County Code Title 18, Chapter 12, Hunting in Recreation Areas, and Chapter 20, Enforcement and Violations

<p>18.12.020 Waterfowl Blinds-Location, Use and Removal</p>	<p>C. Removal After Season. No person shall permit a waterfowl blind to remain upon a recreation area longer than thirty days after the last day of waterfowl season and shall cause the blind to be removed within that period. Violation of this provision shall be punishable as an infraction as provide in Section 1.36.020.</p>	<p>C. Removal After Season. No person shall permit a waterfowl blind to remain upon a recreation area after March 10th and shall cause the blind to be removed by that date. Violation of this provision shall be punishable as an infraction as provided in Section 1.36.020.</p>
<p>18.12.030 Waterfowl Blinds-Disposal</p>	<p>Waterfowl blinds remaining thirty days after the last day of waterfowl season shall be deemed to have been intentionally abandoned and may be disposed of or sold by the director without formal bidding.</p>	<p>Waterfowl blinds remaining after March 10th shall be deemed to have been intentionally abandoned and may be disposed of or sold by the director without formal bidding.</p>
<p>18.12.050 Waterfowl Blinds-Permit-Fee</p>	<p>A duck blind fee shall be charged for each waterfowl blind permit issued. In addition to the duck blind fee, a deposit shall be collected at the time the permit is issued to cover the cost of removal of each waterfowl blind. The deposit shall be refunded if the applicant furnishes the department a statement, executed under penalty of perjury, that the waterfowl blind has been removed from the recreation area. In the event a waterfowl blind or other property owned by a permit holder is not removed within forty days after the last day of the waterfowl season, the deposit shall be retained by the department.</p>	<p>A duck blind fee shall be charged for each waterfowl blind permit issued. In addition to the duck blind fee, a deposit shall be collected at the time the permit is issued to cover the cost of removal of each waterfowl blind. The deposit shall be refunded if the applicant furnishes the department a statement, executed under penalty of perjury, that the waterfowl blind has been removed from the recreation area. In the event a waterfowl blind or other property owned by a permit holder is not removed by March 10th, the deposit shall be retained by the department.</p>
<p>18.20.040 Misdemeanors Designated</p>	<p>It is unlawful and constitutes a misdemeanor for any person to violate or fail to comply with any of the following provisions:</p> <p>A. Trespass. Entering or leaving a recreation area or crossing its boundaries at any point other</p>	<p>Add:</p> <p>D. Operation of any and all watercrafts in the area between the buoys and the water quality wall at Woodward Reservoir is punishable by a \$500.00 fine.</p>

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	<p>than a designated entrance;</p> <p>B. Fireworks. Possessing, discharging, setting off, or causing to be discharged in or into any portion of any recreation area any firecrackers, torpedoes, rockets, fireworks, oil, explosives, or other substances which may be harmful to the health or safety of persons;</p> <p>C. Obeying Officer. Failing to obey any lawful order of a peace officer or authorized county employee.</p>	
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POLICY ISSUE:

Approval of this agenda item to introduce and waive the first reading of ordinances to amend the provisions of Stanislaus Code Title 18, Chapter 12, Hunting in Recreation Areas is consistent with the Board’s priorities of A Safe Community, A Healthy Community, A Strong Local Economy, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services. The amendment is in alignment with the Department’s mission of providing the best possible experience for people to enjoy the outdoor environment.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Sonya K. Harrigfeld, Director of Parks and Recreation

Telephone: 209-525-6770

ORDINANCE NO. CS _____

**AN ORDINANCE AMENDING SECTIONS
OF THE STANISLAUS COUNTY CODE**

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

Section 1. Sections 18.12.010, 18.12.020, 18.12.030, 18.12.050, and 18.20.040 of the Stanislaus County Code are hereby amended as follows:

18.12.010 Waterfowl blinds - Permit Required.

“D. Permits issued shall be valid from September 15th through March 10th during any fiscal year.”

18.12.020 Waterfowl blinds - Location, use and removal.

“C. Removal After Season. No person shall permit a waterfowl blind to remain upon a recreation area after March 10th and shall cause the blind to be removed by that date. Violation of this provision shall be punishable as an infraction as provided in Section 1.36.020.”

18.12.030 Waterfowl blinds - Permit Required.

“Waterfowl blinds remaining after March 10th shall be deemed to have been intentionally abandoned and may be disposed of or sold by the director without formal bidding.”

18.12.050 Waterfowl blinds - Permit - Fee.

“A duck blind fee shall be charged for each waterfowl blind permit issued. In addition to the duck blind fee, a deposit shall be collected at the time the permit is issued to cover the cost of removal of each waterfowl blind. The deposit shall be refunded if the applicant furnishes the department a statement, executed under penalty of perjury, that the waterfowl blind has been removed from the recreation area. In the event a waterfowl blind or other property owned by a permit holder is not removed by March 10th, the deposit shall be retained by the department.”

18.20.040 Misdemeanor designated

“D. Operation of any and all watercraft in the area between the buoys and the water quality wall at Woodward Reservoir is punishable by a \$500.00 fine.”

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 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, 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 
Alice E. Mimms
Deputy County Counsel