

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.90

(1) On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that Resolution 2010-236 Opposing the Parole of Felon Donald Schmidt to Riverside County is adopted as recommended.

Roll Call:

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione

(2) On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that Urgency Interim Ordinance 449.239 of the County of Riverside Prohibiting Parolee-Probationer Homes is adopted as recommended.

Roll Call:

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione

Cont'd. on Page 2

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on July 27, 2010 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: July 27, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: 

Deputy

AGENDA NO.
3.90

xc: Supvr. Ashley, Supvr. Stone, DA, MC, COB

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



(3)

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the Adoption of Ordinance No. 901, an Urgency Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions and Introduction of Ordinance No. 902, an Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions is approved as recommended.

Roll Call:

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on July 27, 2010 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors
Dated: July 27, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: _____ Deputy

AGENDA NO.
3.90

xc: Supvr. Ashley, Supvr. Stone, DA, MC, COB

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Ashley, Supervisor Stone
District Attorney Rod Pacheco

SUBMITTAL DATE: July 22, 2010

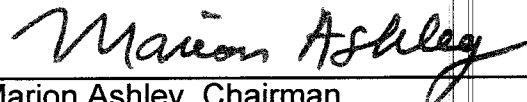
SUBJECT: Resolution No. 2010-236, Opposing the Parole of Felon Donald Schmidt to Riverside County; Ordinance No. 449.239, an Urgency Interim Ordinance of the County of Riverside Prohibiting Parolee-Probationer Homes; Ordinance No. 901, an Urgency Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions; Ordinance No. 902, an Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2010-236, Opposing the Parole of Felon Donald Schmidt to Riverside County;
2. Adopt Ordinance No. 449.239, an Urgency Interim Ordinance of the County of Riverside Prohibiting Parolee-Probationer Homes (4/5ths vote required);
3. Adopt Ordinance No. 901, an Urgency Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions (4/5ths vote required); and
4. Introduce and adopt on successive weeks Ordinance No. 902, an Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions.

BACKGROUND: In 1988 at the age of 17, Donald Schmidt sexually assaulted and brutally murdered a 3-year-old girl in Santa Cruz County, drowning her in a bathtub while the girl's mother was out of the room for five minutes getting a towel. Even though this dangerous felon has never been in Riverside County and has no ties to the community, state parole officials may release him to a facility in Good Hope, outside Perris. For the additional reasons set forth in Resolution No. 2010-236, it is imperative that this Board take immediate action to protect its residents.

(continued on next page)



Marion Ashley, Chairman



Jeff Stone, Third District Supervisor



Rod Pacheco, District Attorney

MA/JS/RP:re

3.90

BACKGROUND: (continued)

Resolution No. 2010-236 opposes Donald Schmidt's parole to Riverside County.

Ordinance No. 449.239 will immediately prohibit parolee-probationer homes in Riverside County that are not licensed by the state, or are licensed by the state to serve seven or more residents.

Ordinance No. 901 will immediately establish sex offender residency and loitering requirements in Riverside County. This ordinance will, among other things:

- Prohibit a sex offender from residing within 2,000 feet of a child care center, a public or private school or a park;

- Prohibit a sex offender from residing in a single-family home, multi-family home, or hotel, motel or inn if the home or room is already occupied by a sex offender;

- Prohibit property owners from renting or leasing a home or room to more than one sex offender; and

- Prohibit sex offenders from loitering within 300 feet of a child care center, public or private school, park, library or swimming pool.

Ordinance No. 902 is identical to and will replace Ordinance No. 901 when it (Ordinance No. 902) becomes effective in 30 days.

July 27, 2010

Board of Supervisors

County of Riverside

RESOLUTION NO. 2010-236

OPPOSING THE PAROLE OF

FELON, DONALD SCHMIDT, TO RIVERSIDE COUNTY

WHEREAS, in 1988 at the age of 17, Donald Schmidt, sexually assaulted and brutally murdered a 3-year-old girl more than 400 miles away from Riverside County; and

WHEREAS, Donald Schmidt drowned the defenseless girl in a bathtub in a five-minute period while the girl's mother was getting a towel; and

WHEREAS, Donald Schmidt was convicted as a juvenile in Santa Cruz County and has been confined since that time in state detention centers for juveniles; and

WHEREAS, even though this now 38-year-old dangerous felon has never even been to Riverside County, state juvenile justice officials had announced that he might soon be paroled to a facility in the Good Hope area of Riverside County; and

WHEREAS, the Good Hope facility is less than one-half mile from the Goodmeadow Community Center and less than one mile from Good Hope Elementary School, which more than 500 children attend; and

WHEREAS, although Donald Schmidt is still under the control of state juvenile authorities, state law governing the parole of adult felons outside their home county requires the state Board of Parole Hearings to consider public concern that would reduce an inmate's chance of successfully completing parole; and

WHEREAS, the furor and public protest that followed the parole of sex offender David Allyn Dokich in 2005 to a halfway house in Mead Valley graphically illustrates the public concern that threatens Donald Schmidt's ability to live in Good Hope and successfully complete parole; and

WHEREAS, when an adult felon is to be paroled out of his home county, the Board of Parole Hearings must consider whether there is a verified work offer, or an educational or vocational training

1 program for the parolee, none of which apparently exists for Donald Schmidt in Riverside County; and

2
3 WHEREAS, Donald Schmidt has no family in Riverside County with whom he has maintained
4 strong ties and whose support would increase the chance of successfully completing his parole, another
5 factor that the Board of Parole Hearings must consider in paroling adult inmates out of their home county;
6 and

7
8 WHEREAS, Riverside County should not be treated as a dumping ground for other counties'
9 paroled felons and that if Donald Schmidt must be released, it should be to his home county or a place
10 where he has ties to the community, not to a place where he is a stranger whose mere presence worries
11 and endangers Riverside County residents; and

12
13 WHEREAS, it would be unfair and shameful to release Donald Schmidt to Riverside County,
14 where residents have no connection to him and no responsibility for dealing with him or his crimes; now,
15 therefore;

16
17 BE IT RESOLVED by the Board of Supervisors that it vigorously opposes Donald Schmidt's
18 parole to Riverside County, an unconscionable and indefensible act that would unfairly burden Riverside
19 County and create fear and potential danger for its residents.

20
21 BE IT FURTHER RESOLVED that, because plans to parole Donald Schmidt to Riverside County
22 apparently have been abandoned, the Board of Supervisors hereby thanks the Good Hope property owners
23 who withdrew their offer to accept Donald Schmidt as a parole resident; state parole officials, who
24 honored the county's opposition to placement; District Attorney Rod Pacheco, who opposed Schmidt's
25 parole and first brought the issue to the county's attention; the office of Sheriff Stan Sniff, especially
26 Undersheriff Colleen Walker, who coordinated efforts to develop information that was key in the case;
27 Senator Bill Emmerson and Assemblyman Brian Nestande, who fought the parole plans at the state and
28 local levels; Perris Mayor Daryl Busch, Perris Valley Municipal Advisory Council Chairman Raul Ruiz,
county public information officer Raymond Smith and Assistant County Counsel Katherine Lind, who
assisted in the effort; and especially the local residents who, in the past, fought the parole of sex offender
David Allyn Dokich and others, thereby raising awareness that helped galvanize continued efforts to
protect residents throughout Riverside County against dangerous felons.

23 ROLL CALL:

24 Ayes: Buster, Stone, Benoit, and Ashley

25 Nays: None

26 Absent: Tavaglione

27 The foregoing is certified to be a true copy of a resolution duly
28 adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

By: _____
Deputy

1 Rehabilitation, Division of Juvenile Facilities (formerly known as the "California Youth Authority")
2 who has received conditional and revocable release in the community under the supervision of the
3 California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations.

4 c. Probationer. A person convicted of a felony who has received a
5 suspension of the imposition or execution of a sentence and an order of conditional and revocable
6 release in the community under the supervision of a probation officer, or a person convicted of a
7 misdemeanor who has received a suspension of the imposition or execution of a sentence and an order
8 of revocable release in the community subject to conditions established by the court without the
9 supervision of a probation officer, as provided in Penal Code section 1203.

10 d. State-Licensed Residential Care Facility. A facility licensed by the State
11 of California to provide residential care services, including those facilities described in Health & Safety
12 Code sections 1250 et seq., 1500 et seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq.
13 and those facilities described in Welfare and Institutions Code section 5116.

14 Section 2. Pursuant to section 65858 of the Government Code and section 20.4 of
15 Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect
16 upon its adoption. It shall be of no further force or effect forty-five (45) days from the date of its
17 adoption unless extended pursuant to law. In adopting this ordinance, the Board finds that parolee-
18 probationer homes pose a current and immediate threat to the public health, safety and welfare for the
19 following reasons:

20 Parolee-probationer homes are proliferating in Riverside County and the California
21 Department of Corrections and Rehabilitation is increasingly placing parolees and probationers in the
22 County even when they committed crimes in other counties and have no ties to the area;

23 Based on reports generated by various public agencies throughout California, parolee-
24 probationer homes often result in increased criminal activity and generate a disproportionate number of
25 requests for law enforcement services; this adversely affects other segments of the community needing
26 such services and unduly imposes a burden on law enforcement services in general;

27 Parolee probationer homes often result in parking and noise problems and have other
28 harmful secondary effects, such as encouraging the illegal conversion of garages and living spaces into

1 sleeping spaces;

2 The harmful secondary effects associated with parolee-probationer homes may negatively
3 affect surrounding home values and result in increased foreclosures and resident displacement;

4 Existing zoning regulations do not adequately regulate parolee-probationer homes and
5 absent this ordinance, parolee-probationer homes could be located near schools, day care centers, parks,
6 playgrounds and other sensitive uses.

7 Section 3. In adopting this ordinance, the Board reports that measures to alleviate the
8 conditions that led to its adoption will be taken and that such measures shall include, but not be limited
9 to, the formulation and adoption of regular zoning regulations, consistent with State law, that adequately
10 regulate parolee-probationer homes and protect the public from their harmful secondary effects.

11 Section 4. The Clerk shall schedule a public hearing before the Board to consider any
12 extension of this ordinance which shall normally be at its second regular meeting before expiration of
13 the initial forty-five (45) day period. The Clerk shall publish notice ten (10) days before the hearing. A
14 public hearing need not, however, be scheduled if any of the following occurs: a regular
15 zoning ordinance regulating parolee-probationer homes is adopted and effective before such expiration,
16 this ordinance is repealed, or the Board otherwise orders.

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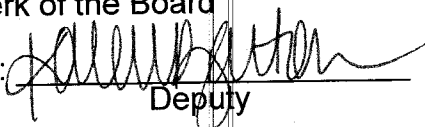
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on July 27, 2010, the foregoing ordinance consisting of 5 Sections was adopted by the following vote:

AYES: Buster, Stone, Benoit, and Ashley
NAYS: None
ABSENT: Tavaglione

DATE: July 27, 2010

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

1 safeguards against sex offenders, particularly those that prey on children.

2 Section 2. PURPOSE. The purpose of this ordinance is to better protect the children
3 of the County of Riverside by restricting the residency of any registered sex offender, whether or not on
4 parole or probation.

5 Section 3. AUTHORITY. This ordinance is adopted pursuant to Penal Code section
6 3003.5, subdivision (c), which authorizes municipal jurisdictions to enact local ordinances that further
7 restrict the residency of any registered sex offender, whether or not on parole or probation.

8 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have
9 the following meanings:

- 10 a. Child. Any person under the age of eighteen (18) years of age.
- 11 b. Child Day Care Facility. Any State of California, Department of Social
12 Services (“CDSS”) licensed facility, as that term is defined under Health and
13 Safety Code Section 1596.750, that provides non-medical care to children under
14 18 years of age in need of personal services, supervision, or assistance essential
15 for sustaining the activities of daily living or for the protection of the individual
16 on less than a twenty four (24) hour basis, including but not limited to day care
17 center, employer-sponsored child care center, family day care home, infant center,
18 preschool, extended-day care facility, or school-age child care center.
- 19 c. Child Safety Zone. Those areas located within a three hundred (300) foot radius
20 of a child care center, public or private school, park, public library, public
21 swimming or wading pool, commercial establishment that provides any area in or
22 adjacent to such establishment as a children’s playground, school bus stop, or any
23 location that facilitates on the property classes or group activities for children.
- 24 d. Duplex. A residential land use for a building containing two dwelling units.
- 25 e. Hotel/Motel. A commercial land use for the rental of six (6) or more guest
26 rooms or suites for primarily temporary residency for a period of not more than
27 thirty (30) consecutive days.
- 28

- 1 f. Inn. A commercial land use for the rental of five (5) or fewer guest rooms or
2 suites primarily for temporary residency for a period of not more than thirty (30)
3 consecutive days.
- 4 g. Knowingly. With knowledge of the existence of the facts in question.
5 Knowledge of the unlawfulness of any act or omission is not required.
- 6 h. Loiter. To delay, linger, remain or wander without any apparent purpose.
- 7 i. Multi-family Dwelling. A building designed for permanent residency for three
8 (3) or more families living independently of each other. This does not include
9 hotels, motels, or inns.
- 10 j. Owner's Authorized Agent. Any natural person, firm, association, joint
11 venture, joint stock company, partnership, organization, club, company,
12 corporation, business trust or the manager, lessee, agent, servant, officer or
13 employee authorized to act for the owner of real property.
- 14 k. Park. Any areas publicly owned, leased, controlled, maintained or managed by
15 the County or the Riverside County Regional Park and Open-Space District which
16 are open to public use for recreational, cultural and/or community service activities,
17 and include, but are not limited to, beaches, playgrounds, playfields, athletic courts,
18 and dog park recreation areas.
- 19 l. Permanent Resident. Any person who, as of a given date, obtained a legal right
20 to occupy or reside in a Duplex, Multi-family Dwelling, Single Family Dwelling,
21 Hotel, Motel or Inn for a period of more than thirty (30) consecutive days.
- 22 m. Property Owner. The owner of record of any parcel of real property as
23 designated on the County Assessor's tax roll, or a holder of a subsequently
24 recorded deed to the property and shall include any part owner, joint owner,
25 tenant, tenant in common, or joint tenant, of the whole or a part of such real
26 property.
- 27 n. Residential Exclusion Zone. Those areas located within two thousand (2,000)
28 feet of the nearest property line of the subject property to the nearest property line

1 of a Child Day Care Facility, public or private school (grades K through 12), or
2 Park in which a sex offender is prohibited from temporarily or permanently
3 residing.

- 4 o. Responsible Party. The Property Owner and/or the Owner's Authorized Agent.
- 5 p. Sex Offender. Any person convicted of a crime for which registration is required
6 pursuant to Section 290 of the California Penal Code.
- 7 q. Single Family Dwelling. A building designed for permanent residency located on
8 a single lot. Single Family Dwelling shall include a mobile home or manufactured
9 home.
- 10 r. Temporary Resident. Any person who, as of a given date, obtained a legal right
11 to occupy or reside in a Duplex, Multi-family Dwelling, Single Family Dwelling,
12 Hotel, Motel or Inn for a period of thirty (30) consecutive days or less.

13 Section 5. SEX OFFENDER RESIDENCY PROHIBITIONS.

- 14 a. A sex offender shall be prohibited from becoming a Permanent or Temporary
15 Resident in any Residential Exclusion Zone.
- 16 b. A sex offender shall be prohibited from becoming a Permanent or Temporary
17 Resident in a Single Family Dwelling if said dwelling is already occupied by a sex
18 offender, unless the other person is legally related by blood, marriage or adoption.
- 19 c. A sex offender shall be prohibited from becoming a Permanent or Temporary
20 Resident in a Duplex and/or Multi-family Dwelling unit if said dwelling unit is
21 already occupied by a sex offender, unless the other person is legally related by
22 blood, marriage or adoption.
- 23 d. A sex offender shall be prohibited from becoming a Permanent or Temporary
24 Resident in a Hotel, Motel, or Inn room if said room is already occupied by a sex
25 offender, unless the other person is legally related by blood, marriage or adoption.
- 26 e. A sex offender shall be prohibited from becoming a Permanent or Temporary
27 Resident in a Hotel, Motel or Inn if ten percent (10%) or up to a maximum of 6
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1 units of the total dwelling units within the Hotel, Motel or Inn are already occupied
2 by sex offenders ("Occupied Units"). Notwithstanding the above, a sex offender
3 may be a Permanent or Temporary Resident of an Occupied Unit within a Hotel,
4 Motel or Inn if the Occupied Unit is occupied by another sex offender legally
5 related by blood, marriage or adoption.

6 Section 6. RESPONSIBLE PARTY PROHIBITIONS.

- 7 a. A Responsible Party shall be prohibited from knowingly renting or leasing a
8 Single Family Dwelling to more than one sex offender during any given period of
9 tenancy, unless those persons are legally related by blood, marriage or adoption.
10 b. A Responsible Party shall be prohibited from knowingly renting or leasing any
11 unit within a Duplex and/or Multi-family Dwelling to more than one sex offender
12 during any given period of tenancy, unless those persons are legally related by
13 blood, marriage or adoption.
14 c. A Responsible Party shall be prohibited from knowingly renting or leasing a guest
15 room in a Hotel, Motel, or Inn to more than one sex offender, unless those persons
16 are legally related by blood, marriage or adoption.

17 Section 7. SEX OFFENDER LOITERING PROHIBITIONS. No sex offender shall

18 loiter in a Child Safety Zone except as follows:

- 19 a. Where the sex offender is a minor, and he or she is present within three hundred
20 (300) feet of a Child Safety Zone while accompanied by a parent or legal
21 guardian.
22 b. Where the sex offender is present within three hundred (300) feet of a Child
23 Safety Zone only because he or she is accompanying a Related Minor to that site
24 and only for so long as necessary to provide care or supervision to the Related
25 Minor. As used herein, Related Minor means a minor to whom the sex offender
26 is a legal parent or guardian.
27 c. Where the sex offender is exercising First Amendment rights protected by the
28 United States Constitution, such as the free exercise of religion at a place of

1 worship, or freedom of speech or the right of assembly at a traditional public
2 forum.

3 Section 8. VIOLATIONS AND PENALTIES. Any person violating any provision of
4 this ordinance shall be deemed guilty of a misdemeanor offense and punished by a fine not exceeding one
5 thousand dollars (\$1000) or six months (6) in jail, or both. Such person shall be deemed guilty of a
6 separate offense for each and every day or portion thereof during which any violation of any of the
7 provisions of this ordinance is committed, continued, or permitted. The penalties herein are in addition to
8 any other remedies provided by law and the payment of any penalty herein shall not relieve a person of
9 the obligation to correct the violation.

10 Section 9. CRIMINAL PENALTIES DO NOT SATISFY ADMINISTRATIVE OR
11 CIVIL ACTIONS. Neither the arrest, prosecution, conviction, imprisonment, or payment of a fine for
12 a criminal violation of this ordinance shall satisfy or diminish the authority of the County to commence
13 civil or criminal proceedings under applicable local ordinances or State law as an alternative or in
14 addition to the proceedings set forth in this ordinance.

15 Section 10. CIVIL ACTIONS.

- 16 a. Civil actions include, but are not limited to, injunctive relief and civil and/or
17 administrative actions or proceedings as defined in State law and local ordinances.
- 18 b. Any person required to comply with the provisions of this ordinance shall be liable
19 in a civil action filed by the County in any court of competent jurisdiction in order
20 to enforce such provision and to pay reasonable abatement costs incurred by the
21 County and costs of the suit as a court may deem appropriate, including any and all
22 attorney fees incurred by the County in the prosecution of said enforcement action.

23 Section 11. ENFORCEMENT. The Sheriff, District Attorney, County Counsel and
24 Code Enforcement shall have the primary responsibility for enforcing this ordinance.

25 Section 12. COPY OF ORDINANCE TO CALIFORNIA DEPARTMENT OF
26 CORRECTIONS. The County of Riverside, Office of County Counsel is directed, on the effective date of
27 this ordinance, to send a copy of this ordinance to the California Department of Corrections and
28 Rehabilitation, Division of Adult Operations.

1 Section 13. COPY OF ORDINANCE TO REGISTERED SEX OFFENDERS. The
2 Riverside County Sheriff's Department is directed to send copies of this ordinance to any sex offender
3 who, on the effective date of this ordinance, is registered as living within the unincorporated area of the
4 County of Riverside.

5 Section 14. Nothing in this ordinance is intended to conflict with provisions of
6 California's Megan's Law as codified in Penal Code Sections 290.4 and 290.46.

7 Section 15. SEVERABILITY. If any provision, clause, sentence or paragraph of this
8 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
9 shall not affect the other provisions of this ordinance which can be given effect without the invalid
10 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
11 severable.

12 Section 16. EFFECTIVE DATE. This ordinance is hereby declared to be an urgency
13 measure and shall take effect immediately upon its adoption. The findings in Section 1 of this ordinance
14 support the need for this urgency measure and are incorporated herein by reference. Additionally, in
15 accordance with the requirements of Government Code section 25123, subdivision (d), the Board of
16 Supervisors hereby declares that the provisions contained herein are necessary for the immediate
17 preservation of the public peace, health or safety for the following reasons: (1) the County of Riverside is
18 becoming an increasingly attractive place of residence for families with children; (2) there are numerous
19 registered sex offenders in the County of Riverside, including on parole; (3) the County is concerned with
20 recent occurrences, elsewhere in California, where multiple registered sex offenders have been residing
21 together in clusters and loitering near areas where children congregate, which, in the absence of this
22 ordinance, may pose a public safety threat to children and others within the County of Riverside; (4) in
23 the absence of the immediate effect of this ordinance, the safety of children and other potential victims in
24 many neighborhoods would also be threatened; (5) the property values in many neighborhoods would also
25 be substantially impacted.

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BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: Marion Ashley
Chairman
Marion Ashley

ATTEST: Kecia Harper-Ihem
CLERK OF THE BOARD

By: Kecia Harper-Ihem
Deputy

(SEAL)

APPROVED AS TO FORM

July 27, 2010

By: Tiffany N. North
TIFFANY N. NORTH
Deputy County Counsel

G:\PROPERTY\KLIND\ORDINANCES\ORD. 901 URGENCY SEX OFFENDER PROHIBITIONS.DOC

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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on July 27, 2010, the foregoing ordinance consisting of 16 Sections was adopted by the following vote:

AYES: Buster, Stone, Benoit, and Ashley
NAYS: None
ABSENT: Tavaglione

DATE: July 27, 2010

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

August 3, 2010

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

FAX: (951) 368-9018
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 449.239; ORDINANCE NO. 901

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Friday, August 6, 2010**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PE Legals [legals@pe.com]
Sent: Tuesday, August 03, 2010 8:51 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. 449.239; ORD. 901

Received for publication on Friday, Aug. 6

Thank You! ~Maria G. Tinajero - The Press Enterprise Legal Adv. - 1.800.880.0345 (Phone) - 951.368.9018 (fax) - Please Note: Deadline is 10:30 AM two (2) business days prior to the date you would like to publish. Additional days required for larger ad sizes.

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Tuesday, August 03, 2010 7:22 AM
To: PE Legals
Subject: FOR PUBLICATION: ADOPTION OF ORD. 449.239; ORD. 901

Good Morning! Attached is Adoption of above-named Ordinances, for publication on Friday, Aug. 6, 2010. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

August 3, 2010

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

FAX: (760) 778-4731
E-MAIL: legals@thedesertsun.com

RE: ADOPTION OF ORDINANCE NO. 449.239 and ORDINANCE NO. 901

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Friday, August 6, 2010**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Moeller, Charlene [CMOELLER@palmspri.gannett.com]
Sent: Tuesday, August 03, 2010 8:55 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. 449.239; ORD. 901

Ad received and will publish on date(s) requested.

Charlene Moeller
Public Notice Customer Service Rep.
The Desert Sun Newspaper
750 N. Gene Autry Trail, Palm Springs, CA 92262
(760) 778-4578, Fax (760) 778-4731
Desert Sun legals@thedesertsun.com
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NOTE: Starting on March 29th, there will be a \$10 affidavit processing fee added to the cost of each Public Notice

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Tuesday, August 03, 2010 7:22 AM
To: tds-legals
Subject: FW: FOR PUBLICATION: ADOPTION OF ORD. 449.239; ORD. 901

Good Morning! Attached is Adoption of above-named Ordinances, for publication on Friday, Aug. 6, 2010. Please confirm. THANK YOU!

Cecilia Gil
Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 449.239

**AN URGENCY INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE
PROHIBITING PAROLEE-PROBATIONER HOMES**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, parolee-probationer homes are hereby prohibited in the unincorporated area of Riverside County because they may be in conflict with a contemplated zoning proposal that the planning department is studying and because they may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, or any extension hereof, expires or is repealed, the County shall not issue a land use approval, a building permit or any other entitlement for a parolee-probationer home and no person shall operate a parolee-probationer home in the County. As used in this ordinance, the following terms shall have the following meanings:

a. **Parolee-Probationer Home.** Any residential building, or portion thereof, owned or operated by any person which houses two (2) or more parolee-probationers, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given or paid by the parolee-probationers, or given or paid by any person on behalf of the parolee-probationers, excluding any state-licensed residential care facility serving six (6) or fewer persons. In determining whether a state-licensed residential care facility serves six (6) or fewer persons, the licensee, members of the licensee's family and persons employed as facility staff shall not be counted.

b. **Parolee.** A person convicted of a federal crime and sentenced to a United States federal prison who has received conditional and revocable release in the community under the supervision of a federal parole officer; a person serving a period of supervised community custody as defined by Penal Code section 3000, following a term of imprisonment in a state prison, who is under the supervision of the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations; or an adult or juvenile sentenced to a term in the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly known as the "California Youth Authority") who has received conditional and revocable release in the community under the supervision of the California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations.

c. **Probationer.** A person convicted of a felony who has received a suspension of the imposition or execution of a sentence and an order of conditional and revocable release in the community under the supervision of a probation officer, or a person convicted of a misdemeanor who has received a suspension of the imposition or execution of a sentence and an order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer, as provided in Penal Code section 1203.

d. **State-Licensed Residential Care Facility.** A facility licensed by the State of California to provide residential care services, including those facilities described in Health & Safety Code sections 1250 et seq., 1500 et seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq. and those facilities described in Welfare and Institutions Code section 5116.

Section 2. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect forty-five (45) days from the date of its adoption unless extended pursuant to law. In adopting this ordinance, the Board finds that parolee-probationer homes pose a current and immediate threat to the public health, safety and welfare for the following reasons:

Parolee-probationer homes are proliferating in Riverside County and the California Department of Corrections and Rehabilitation is increasingly placing parolees and probationers in the County even when they committed crimes in other counties and have no ties to the area;

Based on reports generated by various public agencies throughout California, parolee-probationer homes often result in increased criminal activity and generate a disproportionate number of requests for law enforcement services; this adversely affects other segments of the community needing such services and unduly imposes a burden on law enforcement services in general;

Parolee probationer homes often result in parking and noise problems and have other harmful secondary effects, such as encouraging the illegal conversion of garages and living spaces into sleeping spaces;

The harmful secondary effects associated with parolee-probationer homes may negatively affect surrounding home values and result in increased foreclosures and resident displacement;

Existing zoning regulations do not adequately regulate parolee-probationer homes and absent this ordinance, parolee-probationer homes could be located near schools, day care centers, parks, playgrounds and other sensitive uses.

Section 3. In adopting this ordinance, the Board reports that measures to alleviate the conditions that led to its adoption will be taken and that such measures shall include, but not be limited to, the formulation and adoption of regular zoning regulations, consistent with State law, that adequately regulate parolee-probationer homes and protect the public from their harmful secondary effects.

Section 4. The Clerk shall schedule a public hearing before the Board to consider any extension of this ordinance which shall normally be at its second regular meeting before expiration of the initial forty-five (45) day period. The Clerk shall publish notice ten (10) days before the hearing. A public hearing need not, however, be scheduled if any of the following occurs: a regular zoning ordinance regulating parolee-probationer homes is adopted and effective before such expiration, this ordinance is repealed, or the Board otherwise orders.

Section 5. At or before the public hearing on any proposed extension, and at least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **July 27, 2010**, the foregoing Ordinance consisting of five (5) sections was adopted by said Board by the following vote:

AYES: Buster, Stone, Benoit and Ashley
NAYS: None
ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

ORDINANCE NO. 901

AN URGENCY ORDINANCE OF THE COUNTY OF RIVERSIDE ESTABLISHING SEX OFFENDER RESIDENCY AND LOITERING PROHIBITIONS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. Several studies conducted in California and throughout the United States demonstrate that there is a substantial threat posed by sex offenders. A 1998 U.S. Department of Justice study found that sex offenders are the least likely of all parolees to be cured and the most likely to reoffend, and they prey on the most innocent members of our society. More than two-thirds of the victims of rape and sexual assault are under the age of eighteen (18). In 2003, another U.S. Department of Justice study found that over five percent of sex offenders were arrested for another crime within three years of being paroled. The same study also found an estimated three percent of child molesters were rearrested for another sex crime against a child within three years, and that most of the children they were alleged to have molested were thirteen (13) years old or younger.

The Board of Supervisors is concerned about the public safety threat posed by the over concentration of sex offenders living on one lot within the County, and is further concerned that this public safety threat has not been adequately addressed by the provisions of Penal Code section 3003.5, subdivisions (a) and (b), nor have such concerns been adequately addressed by the California Department of Corrections and Rehabilitation of its Division of Parole, with respect to the placement, over concentration and oversight of sex offender parolees within the County of Riverside. The County is concerned about the significant public safety concerns posed by the presence of sex offenders near certain locations within the County of Riverside that are frequented by children, such as day care facilities, playgrounds, and other similar facilities, and is further concerned that such public safety concerns have not been adequately addressed by the provisions of Penal Code section 3003.5, subdivisions (a) and (b). The Board of Supervisors finds that given the immediate threat posed by sex offenders to the safety of children and other potential victims in many neighborhoods, it must take urgent, additional steps to monitor sex

offenders, to protect the public from them, and to provide adequate penalties for and safeguards against sex offenders, particularly those that prey on children.

Section 2. PURPOSE. The purpose of this ordinance is to better protect the children of the County of Riverside by restricting the residency of any registered sex offender, whether or not on parole or probation.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Penal code section 3003.5, subdivision (c), which authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of any registered sex offender, whether or not on parole or probation.

Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Child. Any person under the age of eighteen (18) years of age.
- b. Child Day Care Facility. Any State of California, Department of Social Services ("CDSS") licensed facility, as that term is defined under Health and Safety Code Section 1596.750, that provides non-medical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty four (24) hour basis, including but not limited to day care center, employer-sponsored child care center, family day care home, infant center, preschool, extended-day care facility, or school-age child care center.
- c. Child Safety Zone. Those areas located within a three hundred (300) foot radius of a child care center, public or private school, park, public library, public swimming or wading pool, commercial establishment that provides any area in or adjacent to such establishment as a children's playground, school bus stop, or any location that facilitates on the property classes or group activities for children.
- d. Duplex. A residential land use for a building containing two dwelling units.
- e. Hotel/Motel. A commercial land use for the rental of six (6) or more guest rooms or suites for primarily temporary residency for a period of not more than thirty (30) consecutive days.
- f. Inn. A commercial land use for the rental of five (5) or fewer guest rooms or suites primarily for temporary residency for a period of not more than thirty (30) consecutive days.
- g. Knowingly. With knowledge of the existence of the facts in question. Knowledge of the unlawfulness of any act or omission is not required.
- h. Loiter. To delay, linger, remain or wander without any apparent purpose.
- i. Multi-family Dwelling. A building designed for permanent residency for three (3) or more families living independently of each other. This does not include hotels, motels, or inns.
- j. Owner's Authorized Agent. Any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, officer or employee authorized to act for the owner of real property.
- k. Park. Any areas publicly owned, leased, controlled, maintained or managed by the County or the Riverside County Regional Park and Open-Space District which are open to public use for recreational, cultural and/or community service activities, and include, but are not limited to, beaches, playgrounds, playfields, athletic courts, and dog park recreation areas.
- l. Permanent Resident. Any person who, as of a given date, obtained a legal right to occupy or reside in a Duplex, Multi-family Dwelling, Single Family Dwelling, Hotel, Motel or Inn for a period of more than thirty (30) consecutive days.
- m. Property Owner. The owner of record of any parcel of real property as designated on the County Assessor's tax roll, or a holder of a subsequently recorded deed to the property and shall include any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of such real property.
- n. Residential Exclusion Zone. Those areas located within two thousand (2,000) feet of the nearest property line of the subject property to the nearest property line of a Child Day Care Facility, public or private school (grades K through 12), or Park in which a sex offender is prohibited from temporarily or permanently residing.
- o. Responsible Party. The Property Owner and/or the Owner's Authorized Agent.

- p. Sex Offender. Any person convicted of a crime for which registration is required pursuant to Section 290 of the California Penal Code.
- q. Single Family Dwelling. A building designed for permanent residency located on a single lot. Single Family Dwelling shall include a mobile home or manufactured home. Single Family Dwelling shall not include any State licensed residential facility which serves six or fewer persons.
- r. Temporary Resident. Any person who, as of a given date, obtained a legal right to occupy or reside in a Duplex, Multi-family Dwelling, Single Family Dwelling, Hotel, Motel or Inn for a period of thirty (30) consecutive days or less.

Section 5. SEX OFFENDER RESIDENCY PROHIBITIONS.

- a. A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in any Residential Exclusion Zone.
- b. A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in a Single Family Dwelling if said dwelling is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.
- c. A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in a Duplex and/or Multi-family Dwelling unit if said dwelling unit is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.
- d. A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in a Hotel, Motel, or Inn room if said room is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.
- e. A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in a Hotel, Motel or Inn if ten percent (10%) or up to a maximum of 6 units of the total dwelling units within the Hotel, Motel or Inn are already occupied by sex offenders ("Occupied Units"). Notwithstanding the above, a sex offender may be a Permanent or Temporary Resident of an Occupied Unit within a Hotel, Motel or Inn if the Occupied Unit is occupied by another sex offender legally related by blood, marriage or adoption.

Section 6. RESPONSIBLE PARTY PROHIBITIONS.

- a. A Responsible Party shall be prohibited from knowingly renting or leasing a Single Family Dwelling to more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.
- b. A Responsible Party shall be prohibited from knowingly renting or leasing any unit within a Duplex and/or Multi-family Dwelling to more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.
- c. A Responsible Party shall be prohibited from knowingly renting or leasing a guest room in a Hotel, Motel, or Inn to more than one sex offender, unless those persons are legally related by blood, marriage or adoption.

Section 7. SEX OFFENDER LOITERING PROHIBITIONS. No sex offender shall loiter in a Child Safety Zone except as follows:

- a. Where the sex offender is a minor, and he or she is present within three hundred (300) feet of a Child Safety Zone while accompanied by a parent or legal guardian.
- b. Where the sex offender is present within three hundred (300) feet of a Child Safety Zone only because he or she is accompanying a Related Minor to that site and only for so long as necessary to provide care or supervision to the Related Minor. As used herein, Related Minor means a minor to whom the sex offender is a legal parent or guardian.
- c. Where the sex offender is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion at a place of worship, or freedom of speech or the right of assembly at a traditional public forum.

Section 8. VIOLATIONS AND PENALTIES. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor offense and punished by a fine not exceeding one thousand dollars (\$1000) or six months (6) in jail, or both. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted. The penalties herein are in addition to any other remedies provided by law and the payment of any penalty herein shall not relieve a person of the obligation to correct the violation.

Section 9. CRIMINAL PENALTIES DO NOT SATISFY ADMINISTRATIVE OR CIVIL ACTIONS. Neither the arrest, prosecution, conviction, imprisonment, or payment of a fine for a criminal violation of this ordinance shall satisfy or diminish the authority of the County to commence civil or criminal proceedings under applicable local ordinances or State law as an alternative or in addition to the proceedings set forth in this ordinance.

Section 10. CIVIL ACTIONS.

- a. Civil actions include, but are not limited to, injunctive relief and civil and/or administrative actions or proceedings as defined in State law and local ordinances.
- b. Any person required to comply with the provisions of this ordinance shall be liable in a civil action filed by the County in any court of competent jurisdiction in order to enforce such provision and to pay reasonable abatement costs incurred by the County and costs of the suit as a court may deem appropriate, including any and all attorney fees incurred by the County in the prosecution of said enforcement action.

Section 11. ENFORCEMENT. The Sheriff, District Attorney, County Counsel and Code Enforcement shall have the primary responsibility for enforcing this ordinance.

Section 12. COPY OF ORDINANCE TO CALIFORNIA DEPARTMENT OF CORRECTIONS. The County of Riverside, Office of County Counsel is directed, on the effective date of this ordinance, to send a copy of this ordinance to the California Department of Corrections and Rehabilitation, Division of Adult Operations.

Section 13. COPY OF ORDINANCE TO REGISTERED SEX OFFENDERS. The Riverside County Sheriff's Department is directed to send copies of this ordinance to any sex offender who, on the effective date of this ordinance, is registered as living within the unincorporated area of the County of Riverside.

Section 14. Nothing in this ordinance is intended to conflict with provisions of California's Megan's Law as codified in Penal Code Sections 290.4 and 290.46.

Section 15. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 16. EFFECTIVE DATE. This ordinance is hereby declared to be an urgency measure and shall take effect immediately upon its adoption. The findings in Section 1 of this ordinance support the need for this urgency measure and are incorporated herein by reference. Additionally, in accordance with the requirements of Government Code section 25123, subdivision (d), the Board of Supervisors hereby declares that the provisions contained herein are necessary for the immediate preservation of the public peace, health or safety for the following reasons: (1) the County of Riverside is becoming an increasingly attractive place of residence for families with children; (2) there are numerous registered sex offenders in the County of Riverside, including on parole; (3) the County is concerned with recent occurrences, elsewhere in California, where multiple registered sex offenders have been residing together in clusters and loitering near areas where children congregate, which, in the absence of this ordinance, may pose a public safety threat to children and others within the County of Riverside; (4) in the absence of the immediate effect of this ordinance, the safety of children and other potential victims in many neighborhoods would also be threatened; (5) the property values in many neighborhoods would also be substantially impacted.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **July 27, 2010**, the foregoing Ordinance consisting of sixteen (16) sections was adopted by said Board by the following vote:

AYES: Buster, Stone, Benoit and Ashley
NAYS: None
ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

⑨ REMITTANCE ADDRESS
 POST OFFICE BOX 12009
 RIVERSIDE, CA 92502-2209
 FAX (951) 368-9026

① BILLING PERIOD | ⑩ ADVERTISING/CLIENT NAME
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 ⑤ BILLING DATE | FOR BILLING INFORMATION CALL | ⑪ PAGE NO
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 ③ TOTAL AMOUNT DUE | * UNAPPLIED AMOUNT | ⑫ TERMS OF PAYMENT
 1,461.20 | | Due Upon Receipt

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 BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 P.O. BOX 1147
 RIVERSIDE CA 92502

⑥ BILLED ACCOUNT NUMBER | REP NO
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Press-Enterprise

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Ad Desc.: Adoption of Ord. No. 449.239

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08-06-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Aug. 6, 2010
At: Riverside, California

BOARD OF SUPERVISORS

P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE CA 92502

Ad #: 10354724

PO #:

Agency #: _____

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 449.239 AN URGENCY INTERIM ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING PAROLEE-PROBATIONER HOMES

The Board of Supervisors of the County of Riverside ordains as follows:
Section 1. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, parolee-probationer homes are hereby prohibited in the unincorporated area of Riverside County because they may be in conflict with a contemplated zoning proposal that the planning department is studying and because they may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, or any extension hereof, expires or is repealed, the County shall not issue a land use approval, a building permit or any other entitlement for a parolee-probationer home and no person shall operate a parolee-probationer home in the County. As used in this ordinance, the following terms shall have the following meanings:

a. Parolee-Probationer Home. Any residential building, or portion thereof, owned or operated by any person which houses two (2) or more parolee-probationers, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given or paid by the parolee-probationers, or given or paid by any person on behalf of the parolee-probationers, excluding any state-licensed residential care facility serving six (6) or fewer persons. In determining whether a state-licensed residential care facility serves six (6) or fewer persons, the licensee, members of the licensee's family and persons employed as facility staff shall not be counted.

b. Parolee. A person convicted of a federal crime and sentenced to a United States federal prison who has received conditional and revocable release in the community under the supervision of a federal parole officer; a person serving a period of supervised community custody as defined by Penal Code section 3000, following a term of imprisonment in a state prison, who is under the supervision of the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations; or an adult or juvenile sentenced to a term in the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly known as the "California Youth Authority") who has received conditional and revocable release in the community under the supervision of the California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations.

c. Probationer. A person convicted of a felony who has received a suspension of the imposition or execution of a sentence and an order of conditional and revocable release in the community under the supervision of a probation officer; or a person convicted of a misdemeanor who has received a suspension of the imposition or execution of a sentence and an order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer; as provided in Penal Code section 1203.

d. State-Licensed Residential Care Facility. A facility licensed by the State of California to provide residential care services, including those facilities described in Health & Safety Code sections 1250 et seq., 1500 et seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq. and those facilities described in Welfare and Institutions Code section 5116.

Section 2. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect forty-five (45) days from the date of its adoption unless extended pursuant to law. In adopting this ordinance, the Board finds that parolee-probationer homes pose a current and immediate threat to the public health, safety and welfare for the following reasons:

Parolee-probationer homes are proliferating in Riverside County and the California Department of Corrections and Rehabilitation is increasingly placing parolees and probationers in the County even when they committed crimes in other counties and have no ties to the area;

Based on reports generated by various public agencies throughout California, parolee-probationer homes often result in increased criminal activity and generate a disproportionate number of requests for law enforcement services; this adversely affects other segments of the community needing such services and unduly imposes a burden on law enforcement services in general;

Parolee probationer homes often result in parking and noise problems and have other harmful secondary effects, such as encouraging the illegal conversion of garages and living spaces into sleeping spaces;

The harmful secondary effects associated with parolee-probationer homes may negatively affect surrounding home values and result in increased foreclosures and resident displacement;

Existing zoning regulations do not adequately regulate parolee-probationer homes and absent this ordinance, parolee-probationer homes could be located near schools, day care centers, parks, playgrounds and other sensitive uses.

Section 3. In adopting this ordinance, the Board reports that measures to alleviate the conditions that led to its adoption will be taken and that such measures shall include, but not be limited to, the formulation and adoption of regular zoning regulations, consistent with State law, that adequately regulate parolee-probationer homes and protect the public from their harmful secondary effects.

Section 4. The Clerk shall schedule a public hearing before the Board to consider any extension of this ordinance which shall normally be at its second regular meeting before expiration of the initial forty-five (45) day period. The Clerk shall publish notice ten (10) days before the hearing. A public hearing need not, however, be scheduled if any of the following occurs: a regular zoning ordinance regulating parolee-probationer homes is adopted and effective before such expiration, this ordinance is repealed, or the Board otherwise orders.

Section 5. At or before the public hearing on any proposed extension, and of at least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance.

Marion Ashley, Chairman of the Board
I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on July 27, 2010, the foregoing Ordinance consisting of five (5) sections was adopted by said Board by the following vote:

AYES: Buster, Stone, Benoit and Ashley

NAYS: None

ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

ORDINANCE NO. 901 AN URGENCY ORDINANCE OF THE COUNTY OF RIVERSIDE ESTABLISHING SEX OFFENDER RESIDENCY AND LOITERING PROHIBITIONS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. Several studies conducted in California and throughout the United States demonstrate that there is a substantial threat posed by sex offenders. A 1998 U.S. Department of Justice study found that sex offenders are the least likely of all parolees to be cured and the most likely to reoffend, and they prey on the most innocent members of our society. More than two-thirds of the victims of rape and sexual assault are under the age of eighteen (18). In 2003, another U.S. Department of Justice study found that over five percent of sex offenders were arrested for another crime within three years of being paroled. The same study also found an estimated three percent of child molesters were rearrested for another sex crime against a child within three years, and that most of the children they were alleged to have molested were thirteen (13) years old or younger.

The Board of Supervisors is concerned about the public safety threat posed by the

The Desert Sun

mydesert.com

750 N. Gene Autry Trail
Palm Springs, CA 92262
Billing Inquiries: (866) 875-0854
Main Office: (760) 322-8889

ADVERTISING INVOICE/STATEMENT

Make Checks payable to DESERT SUN PUBLISHING CO.
P.O. Box 677368 Dallas, TX 75267-7368
A finance charge of 1.5% per month (18% Annually) will be added to balances not paid by the 20th.

108

RIV0690000038316110099408810822

RIVERSIDE COUNTY-BOARD OF SUP.
PO BOX 1147
RIVERSIDE CA 92502-1147

| | |
|--------------------|-------------------|
| Customer No. | Invoice No. |
| RIV069 | 0003831611 |
| For the Period | Thru |
| 08/02/10 | 08/29/10 |
| Due Date | Amount Due |
| 09/13/10 | 9,940.88 |
| AMOUNT PAID | |

PLEASE RETURN THIS TOP SECTION WITH PAYMENT IN THE ENCLOSED ENVELOPE AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

| Date | EDT | Class | Description | Times Run | Col | Depth | Total Size | Rate | Amount |
|-------------------------|---------------|-----------------|----------------------------|---------------|--------------------|-------------|------------|------|-----------|
| 0802 | | | BALANCE FORWARD | | | | | | 14,090.08 |
| 0813 | | | PAYMENT - THANK YOU | | | | | | 4,996.26- |
| 0823 | | | PAYMENT - THANK YOU | | | | | | 8,904.32- |
| 0729 | CLS | 0001 | CECILIA NO 3276 NOTICE O | 4 | 2 | 269.00 | 2152.00 | | 909.08 |
| 0730 | CLS | 0001 | CECILIA NO 3344 NOTICE I | 4 | 2 | 114.00 | 912.00 | | 394.48 |
| 0731 | CLS | 0001 | CECILIA NO 3373 NOTICE I | 4 | 2 | 79.00 | 632.00 | | 278.28 |
| 0804 | CLS | 0001 | CECILIA NO. 3416 BOARD O | 2 | 2 | 222.00 | 888.00 | | 384.52 |
| 0806 | CLS | 0001 | CECILIA NO. 3453 BOARD O | 2 | 2 | 515.00 | 2060.00 | | 870.90 |
| 0806 | CLS | 0001 | CECILIA NO 3477 BOARD OF | 2 | 2 | 77.00 | 308.00 | | 143.82 |
| 0807 | CLS | 0001 | CECILIA GIL NO 3487/PAGE 2 | 1 | 10 | 21.00 | 210.00 | | 2,450.20 |
| 0807 | CLS | 0001 | CECILIA GIL NO 3487/PAGE 1 | 1 | 10 | 14.00 | 140.00 | | 1,626.80 |
| 0808 | CLS | 0001 | CECILIA NO 3488 BOARD OF | 2 | 2 | 210.00 | 840.00 | | 364.60 |
| 0813 | CLS | 0001 | CECILIA NO 3562 NOTICE I | 4 | 2 | 111.00 | 888.00 | | 384.52 |
| 0813 | CLS | 0001 | CECILIA NO 3563 NOTICE I | 4 | 2 | 135.00 | 1080.00 | | 464.20 |
| 0815 | CLS | 0001 | CECILIA NO 3577 NOTICE O | 2 | 2 | 460.00 | 1840.00 | | 779.60 |
| 0819 | CLS | 0001 | CECILIA NO 3627 BOARD OF | 2 | 2 | 73.00 | 292.00 | | 137.18 |
| 0820 | CLS | 0001 | CECILIA NO 3648 BOARD OF | 2 | 2 | 119.00 | 476.00 | | 213.54 |
| 0826 | CLS | 0001 | CECILIA NO 3710 BOARD OF | 2 | 2 | 201.00 | 804.00 | | 349.66 |
| <i>3.90 of 07/27/10</i> | | | | | | | | | |
| Current | Over 30 Days | Over 60 Days | Over 90 Days | Over 120 Days | Total Due | | | | |
| 9,751.38 | .00 | .00 | .00 | 189.50 | 9,940.88 | | | | |
| Contract Type | Contract Qty. | Expiration Date | Current Usage | Total Used | Quantity Remaining | Salesperson | | | |
| | | | | | | MOELLER | | | |

RECEIVED RIVERSIDE COUNTY
 CLERK/BOARD OF SUPERVISORS
 2010 SEP 15 PM 3:13

The Advertiser shall make payment within 15 days of the billing date indicated on Company's statement, and, in the event that it fails to make payment within such time, Company may reject advertising copy and / or immediately cancel this contract and Advertiser agrees to indemnify Company for all expenses incurred in connection with the collection of amounts payable under this contract, including but not limited to collection fees, attorney's fees and court costs. If this agreement is cancelled due to Advertiser's failure to make timely payment, Company may rebill the Advertiser for the outstanding balance due at the open or earned contract rate, whichever is applicable.

TO ENSURE PROPER CREDIT, PLEASE RETURN THE TOP SECTION AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

| Customer Number | Name | Invoice Number | Amount Paid |
|-----------------|--------------------------------|----------------|-------------|
| RIV069 | RIVERSIDE COUNTY-BOARD OF SUP. | 0003831611 | |

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JULIE WALTZ

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 7-27-10 **Agenda #** 3.90

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
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_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

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SPEAKER'S NAME: MOE DUBOIS

Address: 7961 LA HABRA CIR
(only if follow-up mail response requested)

City: BUENA PARK **Zip:** 90620

Phone #: (714) 202-6673

Date: 7-27-2010 **Agenda #** 3.4

PLEASE STATE YOUR POSITION BELOW: 3.90

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

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SPEAKER'S NAME: Robert MABEL

Address: 3086 Miobel St
(only if follow-up mail response requested)

City: Riverside **Zip:** 92506

Phone #: 788-4858

Date: 7-27-10 **Agenda #** 3.90

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed
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Support Oppose Neutral

I give my 3 minutes to: _____

BOARD RULES

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SPEAKER'S NAME: Lissa Bishop

Address: Perris
(only if follow-up mail response requested)

City: _____ **Zip:** 92570

Phone #: _____

Date: 7/27/10 **Agenda #** 3.9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** ~~_____ **Neutral**~~

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: N/A

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SPEAKER'S NAME: Helma Grant

Address: 27008 JARVIS
(only if follow-up mail response requested)

City: Meadowbrook **Zip:** 92570

Phone #: 6579319

Date: 27th July **Agenda #** 3, 9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support Oppose X Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
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 Support Oppose Neutral

I give my 3 minutes to: Lirra Bishop

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SPEAKER'S NAME: SHIRLEY FERRANTE

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 3.90

PLEASE STATE YOUR POSITION BELOW:

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_____ **Support** _____ **Oppose** _____ **Neutral**

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ATTACHMENTS FILED
WITH
THE CLERK OF THE BOARD