

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



3.54

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED the reading being waived, that an ordinance bearing the following title, is adopted:

ORDINANCE NO. 902

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE, ESTABLISHING SEX
OFFENDER RESIDENCY AND LOITERING PROHIBITION**

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on _____ September 14, 2010 _____ of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: September 14, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: *Kecia Harper-Ihem* Deputy

AGENDA NO.
3.54

xc: Co.Co., MC, COB

1 ORDINANCE NO. 902

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
3 ESTABLISHING SEX OFFENDER RESIDENCY AND
4 LOITERING PROHIBITIONS

5
6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. FINDINGS. Studies have consistently shown that sex offenders are a
8 substantial threat to the community. A 1998 U.S. Department of Justice study found that sex offenders
9 are the most likely of all parolees to reoffend and that they prey on the most innocent members of our
10 society. More than two-thirds of the victims of rape and sexual assault are under the age of eighteen (18).
11 A 2003 U.S. Department of Justice study found that over five (5) percent of sex offenders were arrested
12 for another crime within three (3) years of being paroled. The same study also found an estimated three
13 (3) percent of child molesters were rearrested for another sex crime against a child within three (3) years
14 of release, and that most of the children they were alleged to have molested were thirteen (13) years old or
15 younger. Studies conducted in California and throughout the United States substantiate the U.S.
16 Department of Justice findings.

17 The Board of Supervisors is concerned about the public safety threat posed by multiple sex
18 offenders living in dwellings or transient occupancy facilities within Riverside County, and is further
19 concerned about the public safety threat posed by the presence of sex offenders near locations within the
20 County that are frequented by children, such as day care facilities, schools and playgrounds. The Board
21 of Supervisors finds that these public safety threats have not been adequately addressed by subdivisions
22 (a) and (b) of Penal Code section 3003.5, or by the placement and oversight policies of the California
23 Department of Corrections and Rehabilitation. The Board of Supervisors further finds that it must take
24 the additional steps described in this ordinance to safeguard its residents from sex offenders, particularly
25 those that prey on children.

26 Section 2. PURPOSE. The purpose of this ordinance is to restrict the residency of
27 sex offenders to a further extent than that specified in subdivisions (a) and (b) of Penal Code section
28 3003.5 and to prohibit sex offenders from loitering in certain areas.

1 Section 3. AUTHORITY. This ordinance is adopted pursuant to subdivision (c) of
2 Penal Code section 3003.5 which authorizes local jurisdictions to enact ordinances that further restrict the
3 residency of sex offenders.

4 Section 4. APPLICATION. This ordinance shall apply to sex offenders released from
5 custody for any criminal offense on or after the effective date of this ordinance.

6 Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have
7 the following meanings:

8 a. Building. A structure supported by columns or walls that is more or
9 less permanently located on the ground or affixed to something permanently
10 located on the ground, including a mobile home or manufactured home.

11 b. Child Day Care Facility. A facility licensed by the State of California
12 that meets the definition set forth in Health and Safety Code section
13 1596.750.

14 c. Child Safety Zone. The area located within three hundred (300) feet of
15 any of the following: a child day care facility, a public or private school, a
16 public or private school bus stop, a park, a public library, a public
17 swimming or wading pool, a commercial establishment that has an on-site
18 or adjacent children's playground, or a place where classes or group
19 activities for children are held.

20 d. Dwelling. A building, or portion thereof, designed or occupied for
21 residential purposes, including a building used to house a single family or
22 two or more families, but not including a transient occupancy facility or a
23 state-licensed residential care facility serving six (6) or fewer persons in the
24 limited circumstance described in Section 5.a. of this ordinance.

25 e. Knowingly. With knowledge of the existence of the facts in question.
26 Knowledge of the unlawfulness of any act or omission is not required.

27 f. Loiter. To delay, to linger or to idle without lawful business for being
28 present.

- 1 g. Park. Any area owned, leased, controlled, managed or maintained by
2 Riverside County, the Riverside County Regional Park and Open-Space
3 District or any city on which the public may engage in recreational, cultural
4 or community service activities, including, but are not limited to,
5 playgrounds, playfields, athletic courts, and dog parks.
- 6 h. Property Owner. The person designated on the latest equalized County
7 assessment roll as the owner of the parcel in question, or the holder of a
8 subsequently recorded deed to the parcel in question, including, but not
9 limited to, a part owner, joint owner, joint tenant or tenant in common of
10 the whole or any part of the parcel in question. Property owner shall
11 include any person or entity authorized by the property owner to act on his
12 or her behalf.
- 13 i. Released From Custody. Released on parole, probation or otherwise
14 following conviction.
- 15 j. Related by Blood, Marriage or Adoption. Consanguinity, affinity or
16 adoption within the fourth (4th) degree.
- 17 k. Reside. Occupy for any period of time pursuant to a legal right obtained
18 as of a certain date.
- 19 l. Sex Offender. A person required to register pursuant to Penal Code
20 section 290.
- 21 m. State-Licensed Residential Care Facility. A facility licensed by the
22 State of California to provide residential care services, including those
23 facilities described in Health & Safety Code sections 1250 et seq., 1500 et
24 seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq. and
25 those facilities described in Welfare and Institutions Code section 5116.
- 26 n. Transient Occupancy Facility. A building, or portion thereof, designed or
27 occupied for temporary residential purposes, typically for a period of not
28 more than thirty (30) days, including, but not limited to, a hotel, motel or
inn.

1 Section 6.

SEX OFFENDER RESIDENCY PROHIBITIONS. A sex offender shall

2 not do any of the following:

- 3 a. Reside in a dwelling if a sex offender already resides there, unless the sex
4 offenders are legally related by blood, marriage or adoption.
5 Notwithstanding this prohibition, a sex offender on parole, may, during the
6 period of parole, reside in a state-licensed residential care facility serving
7 six (6) or fewer persons even if the facility is already occupied by a sex
8 offender. As provided in subdivision (a) of Penal Code section 3003.5, a
9 state-licensed residential care facility shall not be considered a dwelling in
10 this limited circumstance. In determining whether a state-licensed
11 residential care facility serves six (6) or fewer persons, the licensee,
12 members of the licensee's family and persons employed as facility staff
13 shall not be counted.
- 14 b. Reside in a room in a transient occupancy facility if a sex offender already
15 resides there, unless the sex offenders are legally related by blood, marriage
16 or adoption.
- 17 c. Reside in a transient occupancy facility if sex offenders already reside in ten
18 percent (10%) of the facility, or they already reside in more than six (6)
19 rooms, whichever is less.

20 Section 7.

PROPERTY OWNER PROHIBITIONS. A property owner shall not do

21 any of the following:

- 22 a. Knowingly rent or lease a dwelling to more than one sex offender, unless
23 the sex offenders are legally related by blood, marriage or adoption.
24 Notwithstanding this prohibition, a property owner may, for the reasons set
25 forth in Section 5. a. of this ordinance, rent or lease space to a sex offender
26 on parole, during the period of parole, in a state-licensed residential care
27 facility serving six (6) or fewer persons, even if the facility is already
28 occupied by a sex offender.

1 b. Knowingly rent or lease a room in a transient occupancy facility to more
2 than one sex offender, unless the sex offenders are legally related by
3 blood, marriage or adoption.

4 c. Knowingly rent or lease a room in a transient occupancy facility to a sex
5 offender if sex offenders already reside in ten percent (10%) of the
6 facility, or they already reside in more than six (6) rooms, whichever is
7 less.

8 Section 8. SEX OFFENDER LOITERING PROHIBITIONS. A sex offender shall
9 not loiter in a Child Safety Zone. It shall not be considered loitering for a sex offender to do any of the
10 following:

11 a. Remain in a Child Safety Zone if the sex offender is a minor and
12 accompanied by a parent or legal guardian.

13 b. Escort a minor to a place within a Child Safety Zone if the sex offender is
14 the parent or legal guardian of the minor and if the sex offender remains in
15 the Child Safety Zone only for so long as is necessary to provide care or
16 supervision to the minor.

17 c. Exercise First Amendment rights protected by the United States
18 Constitution, such as the free exercise of religion at a place of worship, or
19 freedom of speech or the right of assembly at a traditional public forum.

20 Section 9. VIOLATIONS AND PENALTIES. Any person violating any provision of
21 this ordinance shall be deemed guilty of a misdemeanor offense and punished by a fine not exceeding one
22 thousand dollars (\$1000) or six months (6) in jail, or both. Such person shall be deemed guilty of a
23 separate offense for each and every day or portion thereof during which any violation of any of the
24 provisions of this ordinance is committed, continued, or permitted. The penalties herein are in addition to
25 any other remedies provided by law and the imposition of any penalty herein shall not relieve a person of
26 the obligation to correct the violation or prevent the County from commencing any proceeding to ensure
27 that the violation is corrected.

28 Section 10. CIVIL ACTIONS. Any person violating any provision of this ordinance
shall be subject to a civil enforcement action filed by the County in any court of competent jurisdiction

1 and shall be subject to reasonable abatement costs, costs of suit and attorney's fees incurred by the
2 County.

3 Section 11. ENFORCEMENT. The Sheriff, District Attorney, County Counsel and
4 Director of Code Enforcement shall enforce the provisions of this ordinance.

5 Section 12. COPY OF ORDINANCE TO CALIFORNIA DEPARTMENT OF
6 CORRECTIONS. On the effective date of this ordinance, the County Counsel is directed to send a copy
7 of this ordinance to the California Department of Corrections and Rehabilitation.

8 Section 13. COPY OF ORDINANCE TO REGISTERED SEX OFFENDERS. On the
9 effective date of this ordinance, the Sheriff is directed to send copies of this ordinance to any sex offender
10 who lives within the unincorporated area of the County.

11 Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of this
12 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
13 shall not affect the other provisions of this ordinance which can be given effect without the invalid
14 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
15 severable.

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1 Section 15. **EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after
2 its adoption at which time Ordinance No. 901 is hereby repealed.

3
4 **BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA**

5
6 By: Marion Ashley
 Chairman
 Marion Ashley

7 **ATTEST:** Kecia Harper-Ihem
8 **CLERK OF THE BOARD**

9 By: [Signature]
10 Deputy

11
12 (SEAL)

13 **APPROVED AS TO FORM**

14 August 30, 2010

15
16 By: [Signature]
17 **TIFFANY N. NORTH**
 Deputy County Counsel

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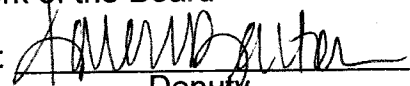
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on September 14, 2010, the foregoing ordinance consisting of 15 Sections was adopted by the following vote:

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

DATE: September 14, 2010

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

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

802



FROM: County Counsel

SUBMITTAL DATE:
August 5, 2010

SUBJECT: Ordinance No. 902, An Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions.

RECOMMENDED MOTION: That the Board of Supervisors reintroduce and adopt on successive weeks Ordinance No. 902.

BACKGROUND: On July 27, 2010, the Board of Supervisors ordered the introduction of Ordinance No. 902 which would establish residency and loitering requirements for sex offenders in Riverside County.

County Counsel has revised the ordinance to strengthen the residency and loitering requirements. In accordance with Government Code section 25131, the revised ordinance is being reintroduced. Ordinance No. 901 which established sex offender residency and loitering requirements on an urgency basis remains operative until the effective date of revised Ordinance No. 902.

Katherine A. Lind Katherine A. Lind for
PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *Tina Grande*
Tina Grande
County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Policy
 Consent
 Policy
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: August 31, 2010
 xc: Co.Co., CØB

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy


3.29



MEMORANDUM

RIVERSIDE COUNTY COUNSEL

CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

DATE: August 30, 2010
TO: Kecia Harper-Ihem, Clerk of the Board
FROM: Tiffany North, Deputy County Counsel 
RE: RCO No. 902 (Agenda item 3.29 of 8/31/10)

Attached is the final signed version of Ordinance No. 902 to be re-introduced at the August 31, 2010 Board of Supervisors meeting.

Thank you.

TNN
Attachment

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2010 AUG 30 PM 4: 22

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



3.74

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from County Counsel regarding Reintroduction of Ordinance No. 902, an Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions is continued to Tuesday, August 31, 2010 at 9:00 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on August 10, 2010 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: August 10, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.
3.74

xc: Co.Co., COB

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, CØB

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.

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, C/OB

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

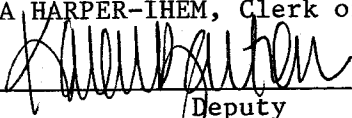
11 WHEREAS, it would be unfair and shameful to release Donald Schmidt to Riverside County,
12 where residents have no connection to him and no responsibility for dealing with him or his crimes; now,
13 therefore;

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

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

**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: Norco **Zip:** _____

Phone #: _____

Date: 8/31/10 **Agenda #** 3.29

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: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**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: Robert Mabee

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

City: Riverside **Zip:** 92506

Phone #: 788-4858

Date: 4-31-10 **Agenda #** 3.29

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: JULIE WALTZ

BOARD RULES

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**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: Lirca Bishop

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

City: Perris **Zip:** 92570

Phone #: _____

Date: 8/31/10 **Agenda #** 329

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
the appeal below:

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

I give my 3 minutes to: Julie Waltz

BOARD RULES

Requests to Address Board on "Agenda" Items:

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**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: GARRY GRANT

Address: 27068 JARVIS ST
(only if follow-up mail response requested)

City: PERRIS **Zip:** 92570

Phone #: 657-9319

Date: AUG 315 **Agenda #** 3.29

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: _____

BOARD RULES

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

6 min

Submit request to Clerk of Board (right of podium),
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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: 9-14-10 **Agenda #** 3.54

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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I give my 3 minutes to: _____

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SPEAKER'S NAME: Robert Mabee

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

City: Riverside **Zip:** 92506

Phone #: 788-4858

Date: 9-14-10 **Agenda #:** 3.54

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: JULIE WALTZ

BOARD RULES

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SPEAKER'S NAME: Theresa Newham

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

City: Riverside **Zip:** 92504

Phone #: 951-977 9373

Date: Sept. 14, 2010 **Agenda #** 3.54

PLEASE STATE YOUR POSITION BELOW:

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

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

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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

September 20, 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. 902

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, September 22, 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: Monday, September 20, 2010 9:58 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 902

Received for publication on Sept. 22

Thank You!
Maria

Maria G. Tinajero · Legal Advertising Department · 1-800-880-0345 · Fax: 951-368-9018

enterprise media

Publisher of the Press-Enterprise

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: Monday, September 20, 2010 7:30 AM
To: PE Legals
Subject: FOR PUBLICATION: ADOPTION OF ORD. NO. 902

Good Morning! Adoption of Ordinance No. 902 is attached, for publication on Wednesday, Sept. 22, 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.**



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CLERK OF THE BOARD OF SUPERVISORS
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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

September 20, 2010

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

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

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Sincerely,

Mcgil

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

Gil, Cecilia

From: Moeller, Charlene [CMOELLER@palmspri.gannett.com]
Sent: Monday, September 20, 2010 10:18 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Adoption of Ord. No. 902

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
& Desert Post Weekly dpwlegals@thedesertsun.com
The Coachella Valley's #1 Source in News & Advertising! Visit us at mydesert.com
Please Be Kind to the Environment; Think before you print.

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Monday, September 20, 2010 7:31 AM
To: tds-legals
Subject: FOR PUBLICATION: Adoption of Ord. No. 902

Good Morning! Adoption of Ordinance No. 902, is attached for publication on Wednesday, Sept. 22, 2010. Please confirm. THANK YOU!

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

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

ORDINANCE NO. 902
AN 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. Studies have consistently shown that sex offenders are a substantial threat to the community. A 1998 U.S. Department of Justice study found that sex offenders are the most likely of all parolees to reoffend and that 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). A 2003 U.S. Department of Justice study found that over five (5) percent of sex offenders were arrested for another crime within three (3) years of being paroled. The same study also found an estimated three (3) percent of child molesters were rearrested for another sex crime against a child within three (3) years of release, and that most of the children they were alleged to have molested were thirteen (13) years old or younger. Studies conducted in California and throughout the United States substantiate the U.S. Department of Justice findings.

The Board of Supervisors is concerned about the public safety threat posed by multiple sex offenders living in dwellings or transient occupancy facilities within Riverside County, and is further concerned about the public safety threat posed by the presence of sex offenders near locations within the County that are frequented by children, such as day care facilities, schools and playgrounds. The Board of Supervisors finds that these public safety threats have not been adequately addressed by subdivisions (a) and (b) of Penal Code section 3003.5, or by the placement and oversight policies of the California Department of Corrections and Rehabilitation. The Board of Supervisors further finds that it must take the additional steps described in this ordinance to safeguard its residents from sex offenders, particularly those that prey on children.

Section 2. PURPOSE. The purpose of this ordinance is to restrict the residency of sex offenders to a further extent than that specified in subdivisions (a) and (b) of Penal Code section 3003.5 and to prohibit sex offenders from loitering in certain areas.

Section 3. AUTHORITY. This ordinance is adopted pursuant to subdivision (c) of Penal Code section 3003.5 which authorizes local jurisdictions to enact ordinances that further restrict the residency of sex offenders.

Section 4. APPLICATION. This ordinance shall apply to sex offenders released from custody for any criminal offense on or after the effective date of this ordinance.

Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Building. A structure supported by columns or walls that is more or less permanently located on the ground or affixed to something permanently located on the ground, including a mobile home or manufactured home.
- b. Child Day Care Facility. A facility licensed by the State of California that meets the definition set forth in Health and Safety Code section 1596.750.
- c. Child Safety Zone. The area located within three hundred (300) feet of any of the following: a child day care facility, a public or private school, a public or private school bus stop, a park, a public library, a public swimming or wading pool, a commercial establishment that has an on-site or adjacent children's playground, or a place where classes or group activities for children are held.
- d. Dwelling. A building, or portion thereof, designed or occupied for residential purposes, including a building used to house a single family or two or more families, but not including a transient occupancy facility or a state-licensed residential care facility serving six (6) or fewer persons in the limited circumstance described in Section 5.a. of this ordinance.
- e. Knowingly. With knowledge of the existence of the facts in question. Knowledge of the unlawfulness of any act or omission is not required.
- f. Loiter. To delay, to linger or to idle without lawful business for being present.

- g. Park. Any area owned, leased, controlled, managed or maintained by Riverside County, the Riverside County Regional Park and Open-Space District or any city on which the public may engage in recreational, cultural or community service activities, including, but are not limited to, playgrounds, playfields, athletic courts, and dog parks.
- h. Property Owner. The person designated on the latest equalized County assessment roll as the owner of the parcel in question, or the holder of a subsequently recorded deed to the parcel in question, including, but not limited to, a part owner, joint owner, joint tenant or tenant in common of the whole or any part of the parcel in question. Property owner shall include any person or entity authorized by the property owner to act on his or her behalf.
- i. Released From Custody. Released on parole, probation or otherwise following conviction.
- j. Related by Blood, Marriage or Adoption. Consanguinity, affinity or adoption within the fourth (4th) degree.
- k. Reside. Occupy for any period of time pursuant to a legal right obtained as of a certain date.
- l. Sex Offender. A person required to register pursuant to Penal Code section 290.
- m. 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.
- n. Transient Occupancy Facility. A building, or portion thereof, designed or occupied for temporary residential purposes, typically for a period of not more than thirty (30) days, including, but not limited to, a hotel, motel or inn.

Section 6.

do any of the following:

- a. Reside in a dwelling if a sex offender already resides there, unless the sex offenders are legally related by blood, marriage or adoption. Notwithstanding this prohibition, a sex offender on parole, may, during the period of parole, reside in a state-licensed residential care facility serving six (6) or fewer persons even if the facility is already occupied by a sex offender. As provided in subdivision (a) of Penal Code section 3003.5, a state-licensed residential care facility shall not be considered a dwelling in this limited circumstance. 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. Reside in a room in a transient occupancy facility if a sex offender already resides there, unless the sex offenders are legally related by blood, marriage or adoption.
- c. Reside in a transient occupancy facility if sex offenders already reside in ten percent (10%) of the facility, or they already reside in more than six (6) rooms, whichever is less.

Section 7.

of the following:

- a. Knowingly rent or lease a dwelling to more than one sex offender, unless the sex offenders are legally related by blood, marriage or adoption. Notwithstanding this prohibition, a property owner may, for the reasons set forth in Section 5. a. of this ordinance, rent or lease space to a sex offender on parole, during the period of parole, in a state-licensed residential care facility serving six (6) or fewer persons, even if the facility is already occupied by a sex offender.

- b. Knowingly rent or lease a room in a transient occupancy facility to more than one sex offender, unless the sex offenders are legally related by blood, marriage or adoption.
- c. Knowingly rent or lease a room in a transient occupancy facility to a sex offender if sex offenders already reside in ten percent (10%) of the facility, or they already reside in more than six (6) rooms, whichever is less.

Section 8. SEX OFFENDER LOITERING PROHIBITIONS. A sex offender shall not loiter in a Child Safety Zone. It shall not be considered loitering for a sex offender to do any of the following:

- a. Remain in a Child Safety Zone if the sex offender is a minor and accompanied by a parent or legal guardian.
- b. Escort a minor to a place within a Child Safety Zone if the sex offender is the parent or legal guardian of the minor and if the sex offender remains in the Child Safety Zone only for so long as is necessary to provide care or supervision to the minor.
- c. Exercise 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 9. 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 imposition of any penalty herein shall not relieve a person of the obligation to correct the violation or prevent the County from commencing any proceeding to ensure that the violation is corrected.

Section 10. CIVIL ACTIONS. Any person violating any provision of this ordinance shall be subject to a civil enforcement action filed by the County in any court of competent jurisdiction and shall be subject to reasonable abatement costs, costs of suit and attorney's fees incurred by the County.

Section 11. ENFORCEMENT. The Sheriff, District Attorney, County Counsel and Director of Code Enforcement shall enforce the provisions of this ordinance.

Section 12. COPY OF ORDINANCE TO CALIFORNIA DEPARTMENT OF CORRECTIONS. On the effective date of this ordinance, the County Counsel is directed to send a copy of this ordinance to the California Department of Corrections and Rehabilitation.

Section 13. COPY OF ORDINANCE TO REGISTERED SEX OFFENDERS. On the effective date of this ordinance, the Sheriff is directed to send copies of this ordinance to any sex offender who lives within the unincorporated area of the County.

Section 14. 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 15. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption at which time Ordinance No. 901 is hereby repealed.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **September 14, 2010**, the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

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

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

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Press-Enterprise

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Ad Desc.: Adoption of Ord. No. 902

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:

09-22-10

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

Date: Sep. 22, 2010
At: Riverside, California



BOARD OF SUPERVISORS

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

Ad #: 10402223

PO #:

Agency #: _____

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF
RIVERSIDE, STATE OF CALIFORNIA
ORDINANCE NO. 902
AN 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. Studies have consistently shown that sex offenders are a substantial threat to the community. A 1998 U.S. Department of Justice study found that sex offenders are the most likely of all parolees to reoffend and that 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). A 2003 U.S. Department of Justice study found that over five (5) percent of sex offenders were arrested for another crime within three (3) years of being paroled. The same study also found an estimated three (3) percent of child molesters were rearrested for another sex crime against a child within three (3) years of release, and that most of the children they were alleged to have molested were thirteen (13) years old or younger. Studies conducted in California and throughout the United States substantiate the U.S. Department of Justice findings.

The Board of Supervisors is concerned about the public safety threat posed by multiple sex offenders living in dwellings or transient occupancy facilities within Riverside County, and is further concerned about the public safety threat posed by the presence of sex offenders near locations within the County that are frequented by children, such as day care facilities, schools and playgrounds. The Board of Supervisors finds that these public safety threats have not been adequately addressed by subdivisions (a) and (b) of Penal Code section 3003.5, or by the placement and oversight policies of the California Department of Corrections and Rehabilitation. The Board of Supervisors further finds that it must take the additional steps described in this ordinance to safeguard its residents from sex offenders, particularly those that prey on children.

Section 2. PURPOSE. The purpose of this ordinance is to restrict the residency of sex offenders to a further extent than that specified in subdivisions (a) and (b) of Penal Code section 3003.5 and to prohibit sex offenders from loitering in certain areas.

Section 3. AUTHORITY. This ordinance is adopted pursuant to subdivision (c) of Penal Code section 3003.5 which authorizes local jurisdictions to enact ordinances that further restrict the residency of sex offenders.

Section 4. APPLICATION. This ordinance shall apply to sex offenders released from custody for any criminal offense on or after the effective date of this ordinance.

Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Building. A structure supported by columns or walls that is more or less permanently located on the ground or affixed to something permanently located on the ground, including a mobile home or manufactured home.
- b. Child Day Care Facility. A facility licensed by the State of California that meets the definition set forth in Health and Safety Code section 1596.750.
- c. Child Safety Zone. The area located within three hundred (300) feet of any of the following: a child day care facility, a public or private school, a public or private school bus stop, a park, a public library, a public swimming or wading pool, a commercial establishment that has an on-site or adjacent children's playground, or a place where classes or group activities for children are held.
- d. Dwelling. A building, or portion thereof, designed or occupied for residential purposes, including a building used to house a single family or two or more families, but not including a transient occupancy facility or a state-licensed residential care facility serving six (6) or fewer persons in the limited circumstance described in Section 5.a. of this ordinance.
- e. Knowingly. With knowledge of the existence of the facts in question. Knowledge of the unlawfulness of any act or omission is not required.
- f. Loiter. To delay, to linger or to idle without lawful business for being present.
- g. Park. Any area owned, leased, controlled, managed or maintained by Riverside County, the Riverside County Regional Park and Open-Space District or any city on which the public may engage in recreational, cultural or community service activities, including, but are not limited to, playgrounds, playfields, athletic courts, and dog parks.
- h. Property Owner. The person designated on the latest equalized County assessment roll as the owner of the parcel in question, or the holder of a subsequently recorded deed to the parcel in question, including, but not limited to, a part owner, joint owner, joint tenant or tenant in common of the whole or any part of the parcel in question. Property owner shall include any person or entity authorized by the property owner to act on his or her behalf.
- i. Released From Custody. Released on parole, probation or otherwise following conviction.
- j. Related by Blood, Marriage or Adoption. Consanguinity, affinity or adoption within the fourth (4th) degree.
- k. Reside. Occupy for any period of time pursuant to a legal right obtained as of a certain date.
- l. Sex Offender. A person required to register pursuant to Penal Code section 290.
- m. State-Licensed Residential Care Facility. A facility licensed by the State of California to provide residential care services, including those facilities de-

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scribed 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.

Transient Occupancy Facility. A building, or portion thereof, designed or occupied for temporary residential purposes, typically for a period of not more than thirty (30) days, including, but not limited to, a hotel, motel or inn.

Section 6. SEX OFFENDER RESIDENCY PROHIBITIONS. A sex offender shall not do any of the following:

- a. Reside in a dwelling if a sex offender already resides there, unless the sex offenders are legally related by blood, marriage or adoption. Notwithstanding this prohibition, a sex offender on parole, may, during the period of parole, reside in a state-licensed residential care facility serving six (6) or fewer persons even if the facility is already occupied by a sex offender. As provided in subdivision (a) of Penal Code section 3003.5, a state-licensed residential care facility shall not be considered a dwelling in this limited circumstance. 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. Reside in a room in a transient occupancy facility if a sex offender already resides there, unless the sex offenders are legally related by blood, marriage or adoption.
- c. Reside in a transient occupancy facility if sex offenders already reside in ten percent (10%) of the facility, or they already reside in more than six (6) rooms, whichever is less.

Section 7. PROPERTY OWNER PROHIBITIONS. A property owner shall not do any of the following:

- a. Knowingly rent or lease a dwelling to more than one sex offender, unless the sex offenders are legally related by blood, marriage or adoption. Notwithstanding this prohibition, a property owner may, for the reasons set forth in Section 5. a. of this ordinance, rent or lease space to a sex offender on parole, during the period of parole, in a state-licensed residential care facility serving six (6) or fewer persons, even if the facility is already occupied by a sex offender.
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- c. Exercise 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.

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the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

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Marion Ashley, Chairman of the Board
I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on September 14, 2010, the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit and Ashley

NAYS: None

ABSENT: None

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

9/22

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0910	CLS	0001	CECILIA NO 3896 NOTICE O	2	2	54.00	216.00		105.64
0912	CLS	0001	CECILIA NO 3912 BOARD OF	2	2	133.00	532.00		236.78
0922	CLS	0001	CECILIA NO 4019 NOTICE I	10	2	78.00	1560.00		663.40
0922	CLS	0001	CECILIA NO 4020 NOTICE I	10	2	46.00	920.00		397.80
0922	CLS	0001	CECILIA NO 4042 BOARD OF	2	2	280.00	1120.00		480.80
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WITH
THE CLERK OF THE BOARD