



# Agenda

# PUBLIC PROTECTION COMMITTEE

**MEETING**  
**September 14, 2009**  
**2:30 P.M.**

651 Pine Street, Room 101, Martinez

Supervisor Federal D. Glover, Chair

Supervisor John Gioia, Vice Chair

## Agenda Items:

Items may be taken out of order based on the business of the day  
and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes)
3. Presentation by the Urban Strategies Council on how the County may support and coordinate County and local non-profit organization resources to provide re-entry services to formerly incarcerated individuals
4. Status report from the District Attorney on efforts to balance the current year budget and maintain misdemeanor prosecution services
5. Report from the Conservation & Development Department on property foreclosures in the county and on the status of the Neighborhood Stabilization Program
6. Development of a County ordinance that would require foreclosed, vacant properties to be registered with the County Department of Conservation and Development, Building Inspection Division in order to assist mortgagors with identifying the mortgagees that hold their notes

*The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.*

*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

 *Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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## Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

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<b>AB</b>	Assembly Bill	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CDBG	Community Development Block Grant	MIS	Management Information System
CEQA	California Environmental Quality Act	MOE	Maintenance of Effort
CIO	Chief Information Officer	MOU	Memorandum of Understanding
COLA	Cost of living adjustment	MTC	Metropolitan Transportation Commission
ConFire	Contra Costa Consolidated Fire District	NACo	National Association of Counties
CPA	Certified Public Accountant	OB-GYN	Obstetrics and Gynecology
CPI	Consumer Price Index	O.D.	Doctor of Optometry
CSA	County Service Area	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSAC	California State Association of Counties	OSHA	Occupational Safety and Health Administration
CTC	California Transportation Commission	Psy.D.	Doctor of Psychology
dba	doing business as	RDA	Redevelopment Agency
EBMUD	East Bay Municipal Utility District	RFI	Request For Information
EIR	Environmental Impact Report	RFP	Request For Proposal
EIS	Environmental Impact Statement	RFQ	Request For Qualifications
EMCC	Emergency Medical Care Committee	RN	Registered Nurse
EMS	Emergency Medical Services	SB	Senate Bill
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	SBE	Small Business Enterprise
et al.	et ali (and others)	SWAT	Southwest Area Transportation Committee
FAA	Federal Aviation Administration	TRANSPAC	Transportation Partnership & Cooperation (Central)
FEMA	Federal Emergency Management Agency	TRANSPLAN	Transportation Planning Committee (East County)
F&HS	Family and Human Services Committee	TRE or TTE	Trustee
First 5	First Five Children and Families Commission (Proposition 10)	TWIC	Transportation, Water and Infrastructure Committee
FTE	Full Time Equivalent	VA	Department of Veterans Affairs
FY	Fiscal Year	vs.	versus (against)
GHAD	Geologic Hazard Abatement District	WAN	Wide Area Network
GIS	Geographic Information System	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

## **2009 PUBLIC PROTECTION COMMITTEE**

### **PRESENTATION BY THE URBAN STRATEGIES COUNCIL ON ESTABLISHING A PRISONER RE-ENTRY NETWORK OF SERVICES**

On August 25, 2009, the Board of Supervisors referred to the Public Protection Committee a presentation by the Urban Strategies Council on how the County might support and coordinate County and local non-profit organization resources to create a network of re-entry services for individuals who are leaving jail or prison and are re-integrating in local communities.

Attached is the Powerpoint presentation by the Urban Strategies Council. The following County officials have been invited to attend the presentation: Sheriff-Coroner, County Probation Officer, District Attorney, Public Defender, Health Services Director, and Employment and Human Services Director.

# Community Reentry After Incarceration



**Issues and Approaches to Successful Community Reintegration  
of Formerly Incarcerated People**

**Created by**

**Urban Strategies Council ([www.urbanstrategies.org](http://www.urbanstrategies.org))**

**and**

**Ijichi Perkins and Associates**

**September 14, 2009**



# About Urban Strategies Council:

Our mission is to work with partner to eliminate persistent poverty by building vibrant, healthy communities

## ● Operating Programs:

- **Economic Opportunity** (equitable development, community benefits agreements, foreclosure intervention, community land trust, income and asset development and workforce development)
- **Community Safety & Justice** (reentry, violence prevention and community policing)
- **Education Excellence** (academic achievement, community engagement and after school)

## ● Support Programs:

- **Research & Technology** (data warehousing, GIS/mapping, research and technology access)
- **Community Capacity Building** (collaborative, support, training, tool development)

# About Ijichi Perkins and Associates



- **Consulting Services**
  - **Community Engagement**
  - **Organizational Development and Planning**
  - **Facilitation and Graphic Facilitation**
  - **Information Systems Business and Requirements Analysis**
- **Areas of Expertise:**
  - **Public Health and Healthcare**
  - **Re-Entry**
  - **Philanthropy**
  - **Mentorship**
  - **Executive Coaching**

# Reentry Continuum

***Incarceration*** – period while incarcerated before pre-release planning has begun



***Pre-Release*** – planning phase leading up to release



***Release*** - Released from institution and transition to community, ideally in accordance with pre-release plan



***Reentry*** – establish long- term solutions for health, housing, income and employment, etc.

INSIDE

OUTSIDE

# Understanding Reentry



- **REENTRY IN CONTRA COSTA COUNTY**
- **FORMULA FOR SUCCESSFUL REENTRY**
- **REENTRY POPULATION SERVICE NEEDS**

# Understanding Reentry

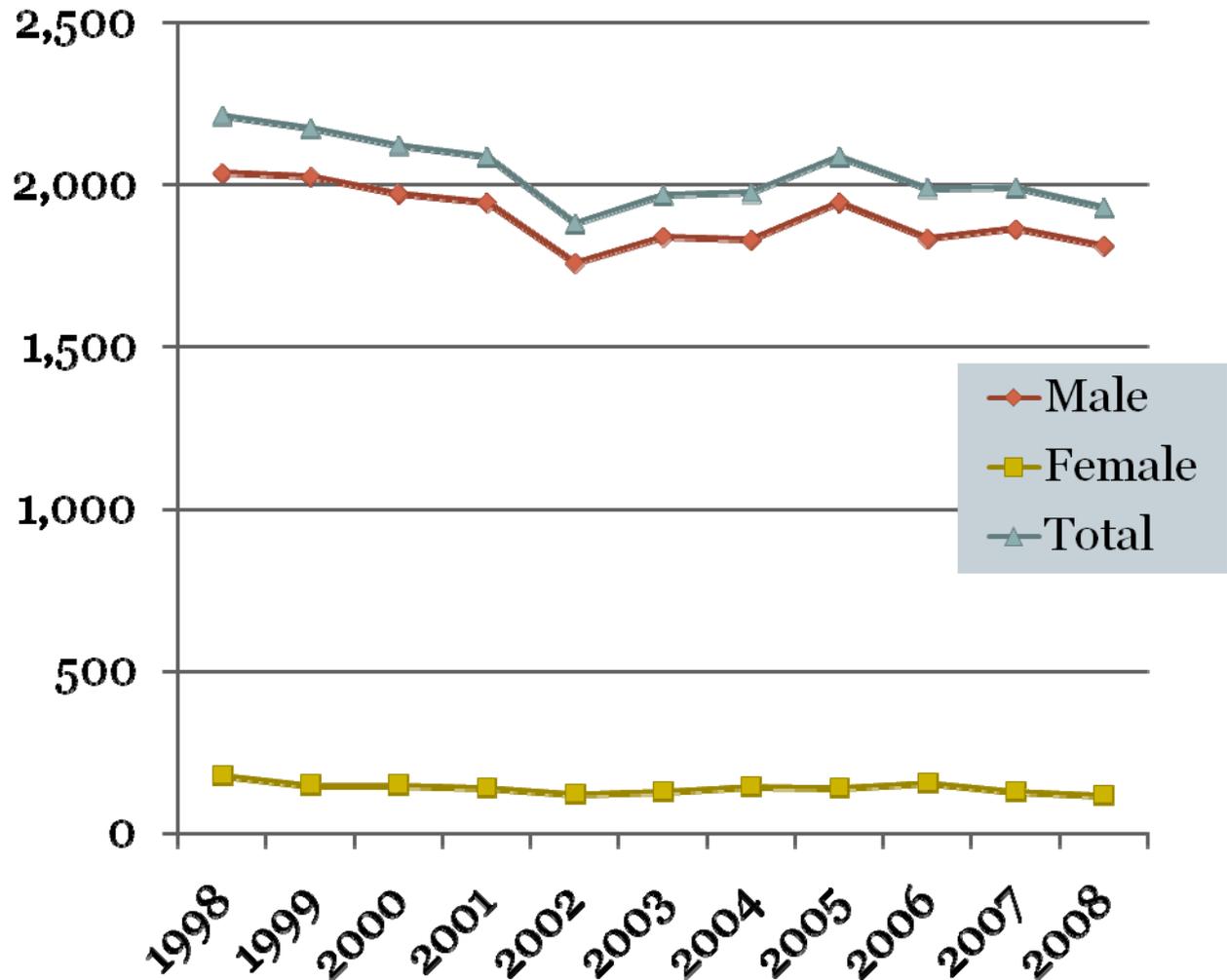


- **“The reality of mass incarceration translates into the reality of reentry”** - Jeremy Travis, John Jay College of Criminal Justice
- **Currently 2.3 million people in U.S. prisons and jails, a fourfold increase since 1980.**
- **Over 90% of prisoners are released**
- **Around 700,000 people are released each year**
- **According to CDCR, about 6 of 10 parolees will return to prison within 3 years**



Year	Male	Female	Total
1998	2,034	177	2,211
1999	2,023	148	2,171
2000	1,971	148	2,119
2001	1,944	140	2,084
2002	1,758	120	1,878
2003	1,839	127	1,966
2004	1,829	143	1,972
2005	1,944	140	2,084
2006	1,832	155	1,987
2007	1,862	127	1,989
2008	1,811	116	1,927

## Parolees in Contra Costa County 1998-2008



# Contra Costa County Parolees by Race/Ethnicity (06.01.05)

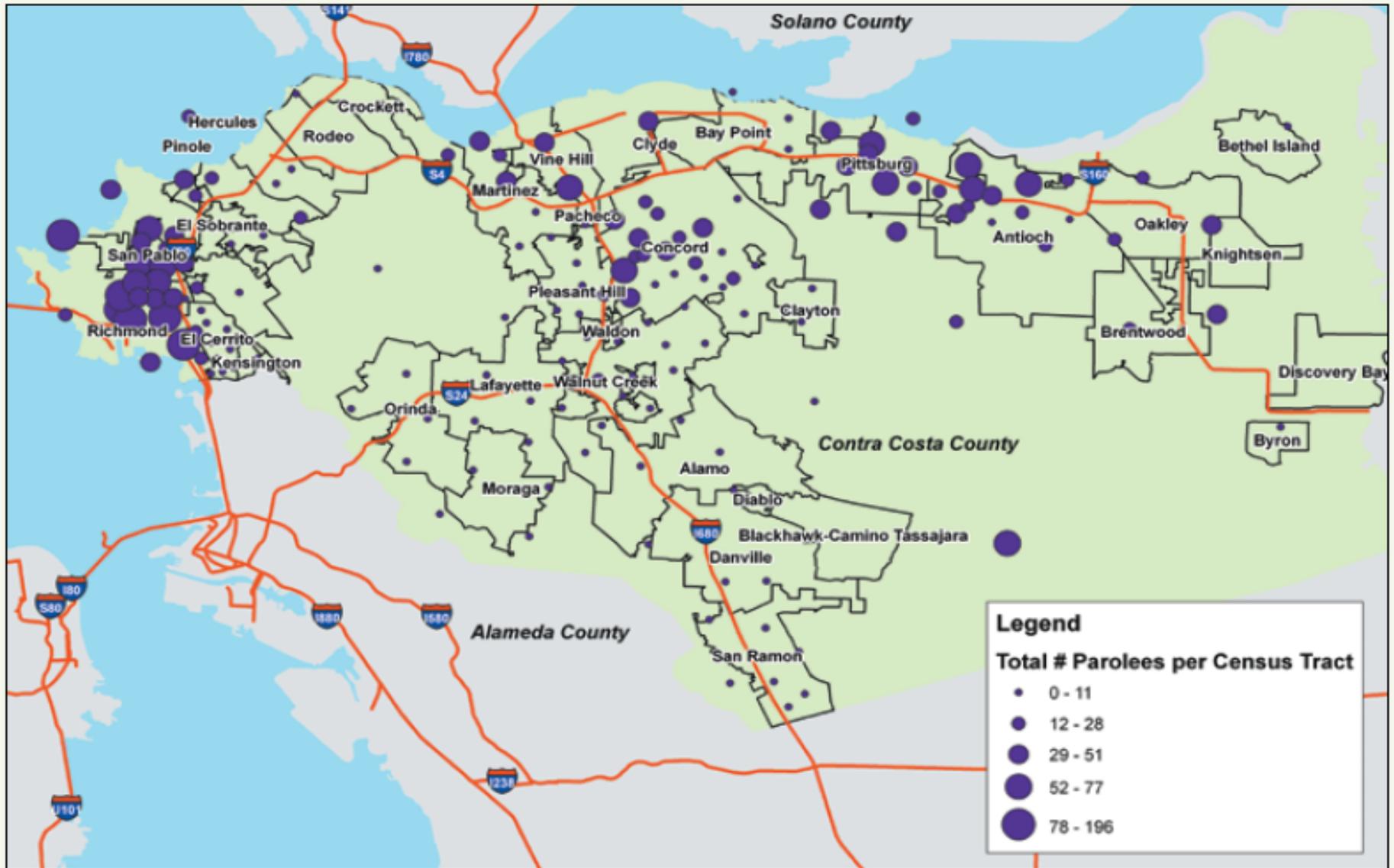


Ethnicity	Parolees	Percent
American Indian	8	0.2%
Black/African American	612	40.1%
Latino/a	243	15.7%
Other Ethnicity	58	3.7%
White	617	39.9%
<b>Total</b>	<b>1,547</b>	<b>100%</b>

# Contra Costa County Parolees by Level of Supervision

Supervision Level	Number	Percent
Control Services	701	45.3%
Deported	44	2.8%
Enhanced Outpatient	9	.6%
Enhanced Outpatient, non-specialized	1	.1%
High Control	140	9%
High risk sex-offender	31	2%
High Services	9	.6%
Minimum Supervision	312	20.2%
Pending Deportation	26	1.7
Second Striker	256	16.5%
Second Striker, non-specialized	14	.9%
Unknown	4	0.3%
<b>Total</b>	<b>1,547</b>	<b>100%</b>

**Figure 2. DISTRIBUTION OF PAROLEES IN CONTRA COSTA COUNTY, JUNE, 2005**



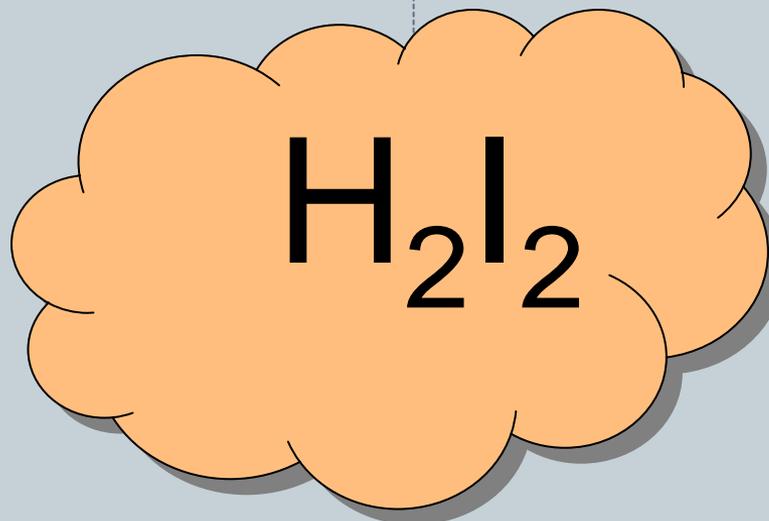
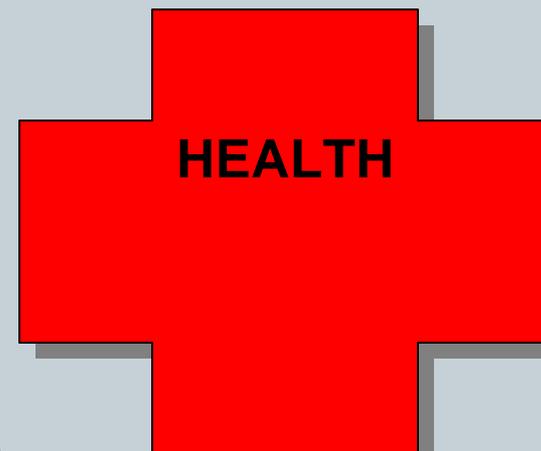
Data source: CDCR, 2005; Data aggregated by Urban Strategies Council, 2008; Map created by Pacific Institute.

# Impact of Reentry on Communities



- **Reentry impacts specific neighborhoods and communities more than others**
- **HEALTH:**
  - Racial disparities in incarceration can explain disparities in AIDS infection rates
  - Higher rates of heart disease, mental health problems, hepatitis C
- **CHILDREN: 1 in 4 African-American children will witness their father being sent to prison by their fourteenth birthday**

# FORMULA FOR SUCCESSFUL REENTRY



**INCOME**



**INTEGRATION**

# Reentry Population Service Needs



- **Income & Employment:** income to handle the period after release and training/employment services to get a job.
  - **862 parolee job placements are needed in Contra Costa County**
- **Housing:** a safe and sober place to live that adheres to the terms of release.
  - **Between 431 and 718 parolee housing placements are needed in Contra Costa County**
- **Health Care:** continuity of care from incarceration to community.
  - **Between 277 and 554 parolees need psychiatric care in Contra Costa County**
- **Substance Abuse:** treatment, support groups and other substance abuse services
  - **About 1,063 parolee treatment spaces are needed in Contra Costa County**

# Reentry Population Service Needs



- **Education:** minimum of GED, basic literacy and mathematics skills.
  - **589 adult education spaces are needed for parolees in Contra Costa County**
- **Social Services:** access and information on available public benefits.
- **Family Services:** family reunification, parenting, spousal relationships, etc.
  - **790 parolees may need family counseling, support or reunification assistance**
- **Case Management:** case manager to identify potential services, facilitate service delivery and monitor progress.
- **Legal Services:** employment rights, record cleaning, restitution and child support payments, etc.

# Countywide Approaches to Reentry



**Alameda County Reentry Network**

**[www.ACREENTRY.ORG](http://www.ACREENTRY.ORG)**

**and**

**Other Reentry Networks**

# A County Wide Response

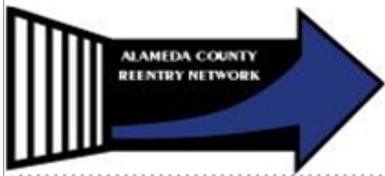


- **The Alameda County Reentry Network (Reentry Network) is a county wide effort to increase public safety by reducing recidivism among the formerly incarcerated**
- **The Alameda County Reentry Network addresses reentry as a county wide problem**
- **Enables county wide planning, data-collection, resource-development and collaboration to improve success of those reentering the community**

# Reentry Network



- **A network of committees, task forces and forums that involves stakeholders across the full spectrum of reentry needs**
- **Alameda County Reentry Network only created 2 new committees; the others were built from the meetings and groups that were already meeting around these issues**



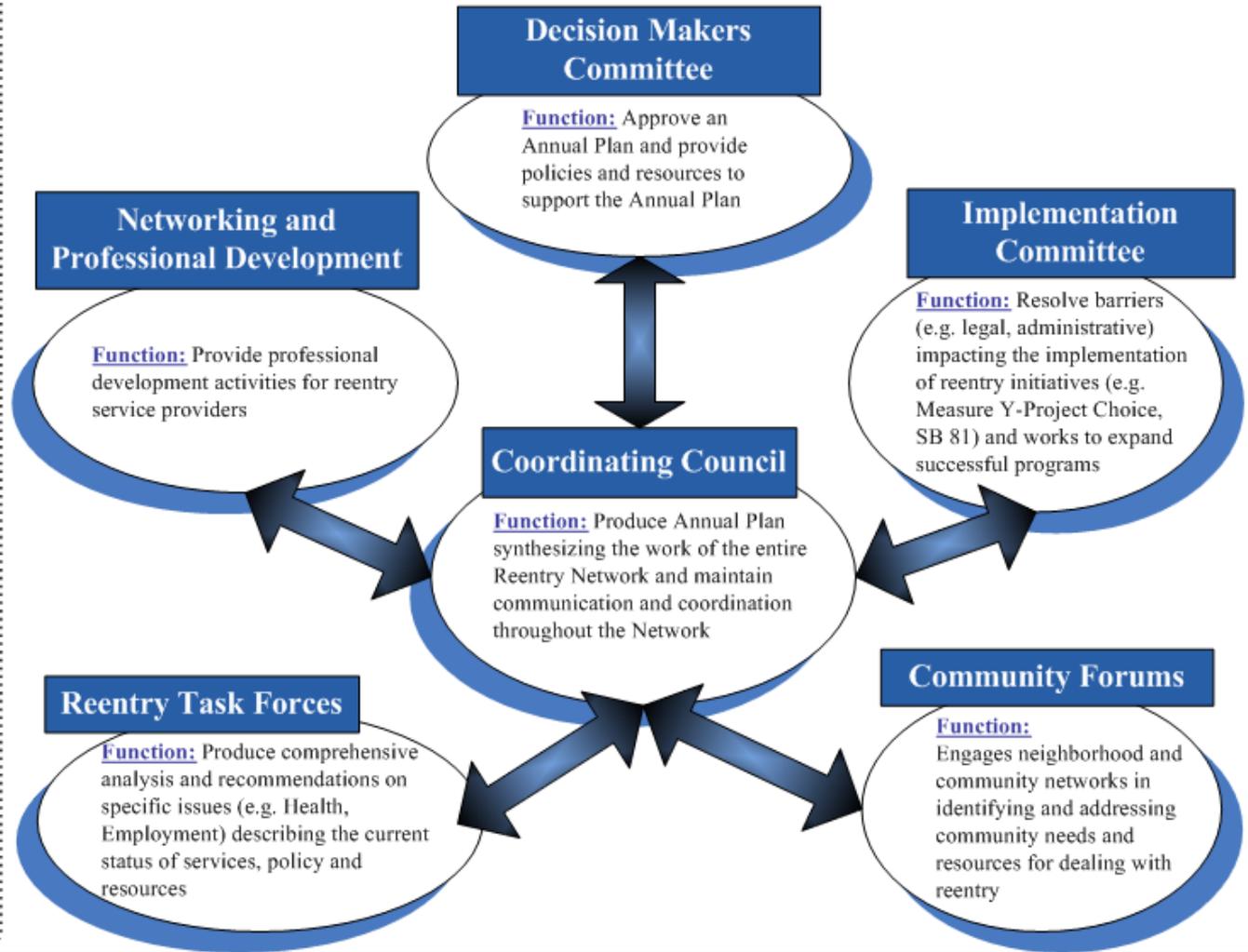
# Alameda County Reentry Network Overview

www.acreentry.org

The Alameda County Reentry Network (Reentry Network) is a county wide effort to increase public safety by reducing recidivism among the formerly incarcerated

Alameda County Reentry Network provides S.A.F.E.T.Y.

- **STRATEGY:** A comprehensive county wide plan for providing effective services to the formerly incarcerated
- **ADVOCACY:** Policy, services and funding recommendations that will benefit Alameda County's reentry population and their families and neighborhoods
- **FACTS:** Current data and information on best practices and tools that inform policy makers, providers, the police and the general public about reentry in Alameda County
- **EFFICIENCY:** A county wide collaborative in place and prepared to address reentry related issues as they arise
- **TEAMWORK:** Collaboration, cooperation and coordination between Alameda County reentry programs, initiatives and providers
- **YARDSTICK:** A county wide set of measures to evaluate outcomes



# Strategy



A comprehensive county wide plan for providing effective services to the formerly incarcerated

Mechanism to connect new programs with current programs/ initiatives

Coordinating Council provides birds eye view to ensure ongoing planning across Reentry Network

# Advocacy



Focuses on communities,  
families and the reentry  
population

Collaborate with  
state/county/city  
leadership to be  
efficient in advocacy  
activities

Develop policy,  
services and funding  
recommendations in  
Annual Plan and  
Mid-Year Report

# Facts



Collect data and information on promising practices

Reduce burden on city, county and state agencies to fulfill multiple data requests

Develop materials that inform policy makers, providers, the police and the general public

Ensure accessibility to data

# Efficiency



Easier to effectively pool resources from various stakeholders

Network is prepared to address issues as they arise

Network can respond to funding opportunities quickly

Establishes a clear system for communication among reentry stakeholders

# Teamwork



Collaboration, cooperation and coordination between reentry programs, initiatives and providers

Create networking opportunities to develop new partnerships and ideas

Incorporate communities and neighborhoods into a county wide approach

# Yardstick



A county wide  
set of outcome  
measures



Track progress and  
need across programs  
and initiatives



Provides funders and  
decision makers with  
resource for  
understanding needs  
and opportunities

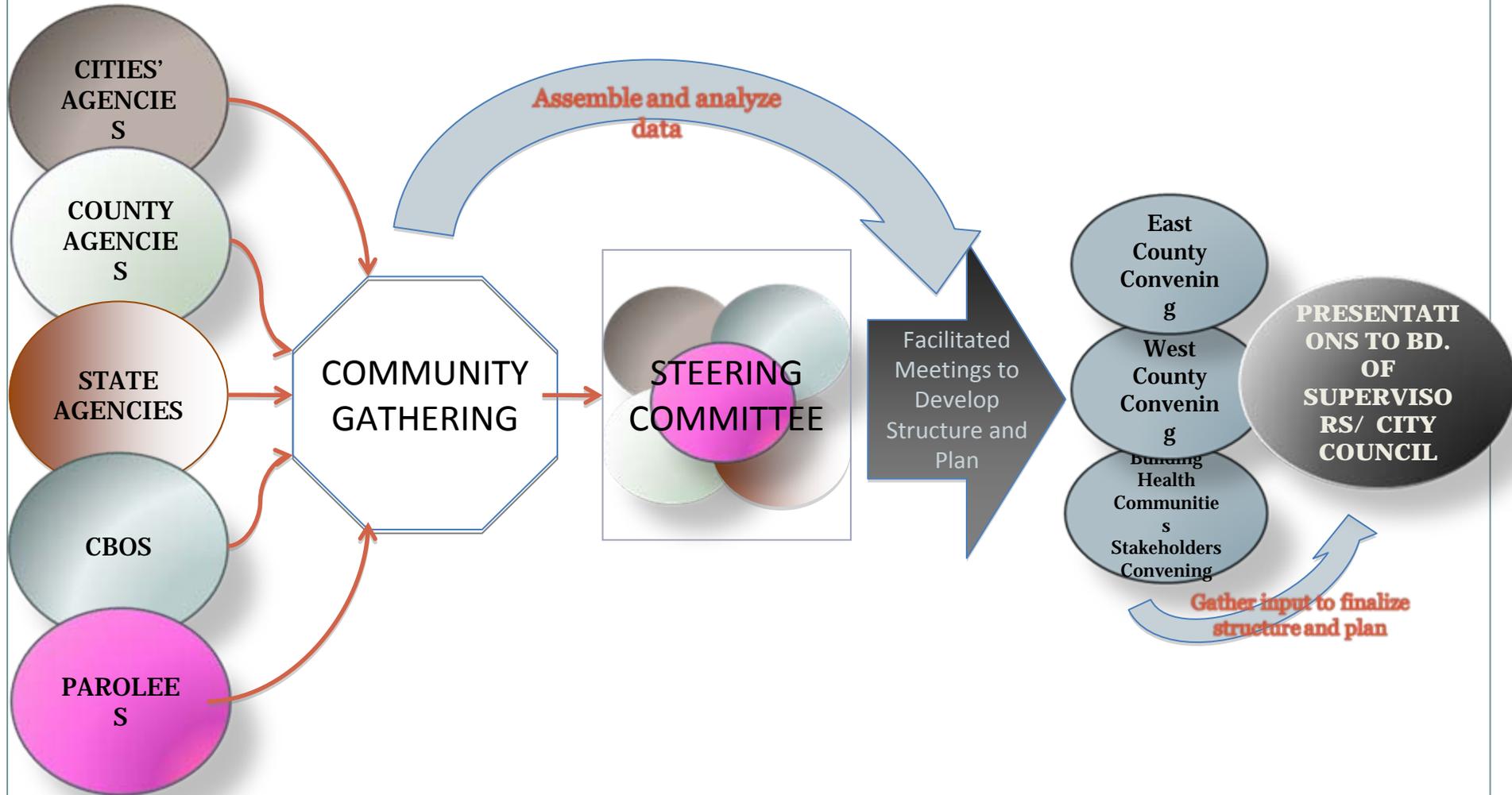
Regularly update  
evaluations included  
in Annual Plan and  
Mid-Year Report

# Other Reentry Tables



- **Reentry Council of the City & County of San Francisco :**  
(formerly the Safe Communities Reentry Council): <http://sfreentry.com/>
- **Austin/Travis County Reentry Roundtable:**  
<http://www.caction.org/rrt/index.html>
- **San Diego Reentry Roundtable:** no website available
- **Rhode Island Reentry Initiative:**  
<http://www.doc.ri.gov/reentry/index.php>

# CONTRA COSTA REENTRY PLANNING PROCESS



# Contra Costa Reentry Planning Process cont.



- **Length**
  - 7-9 months
- **Final Products**
  - *Reentry Strategic Plan for Contra Costa County*
  - *Proposed structure for the Contra Costa County Reentry Network*
  - *Data on formerly incarcerated people in Contra Costa County*
  - *Database of reentry service providers in Contra Costa County*

# Appendices



**DATA ON REENTRY SERVICE NEEDS  
EXAMPLES OF MAPS PRODUCED BY URBAN STRATEGIES  
COUNCIL**

# More data on Reentry Service Needs



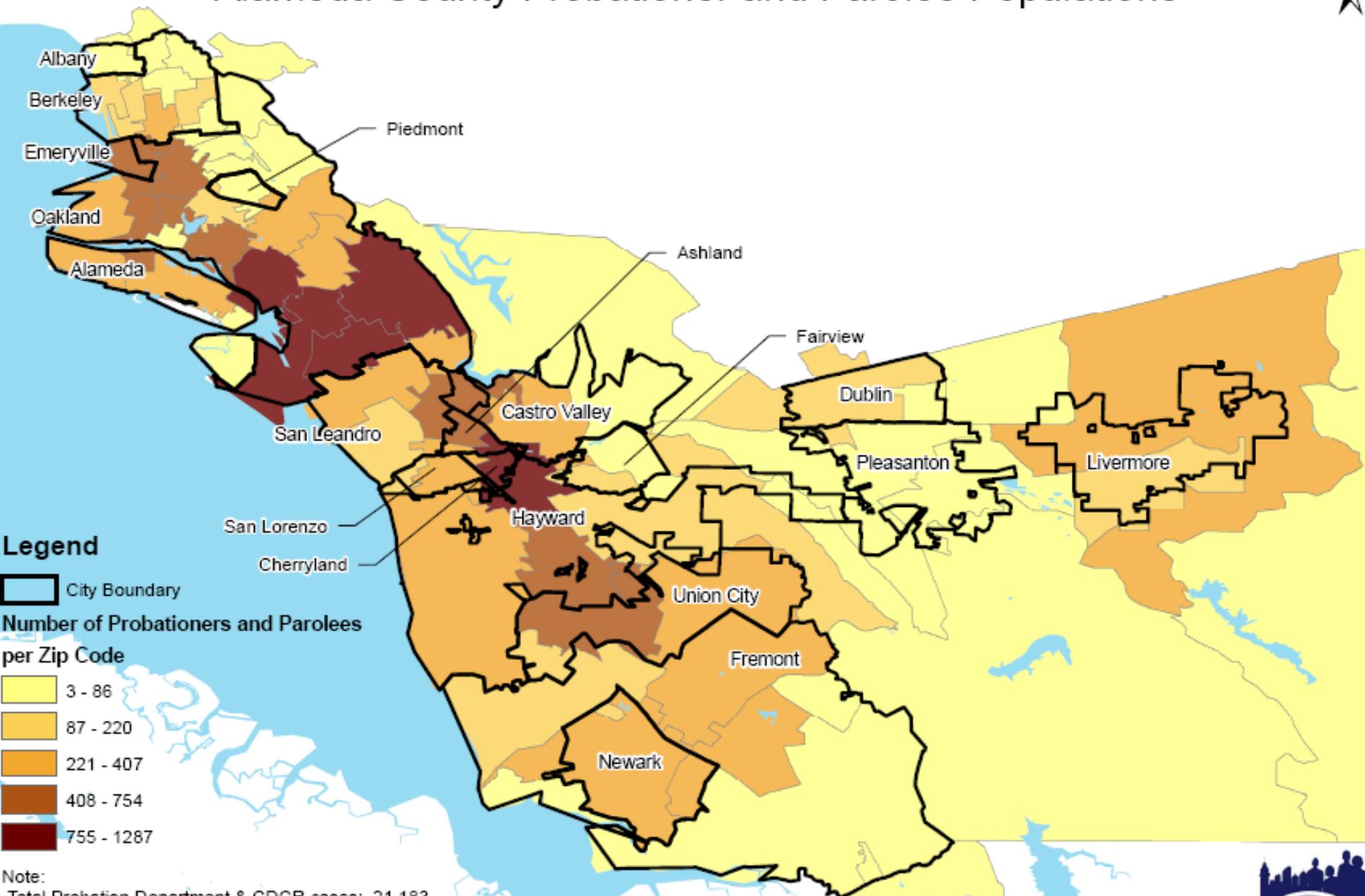
- **SUBSTANCE ABUSE:** 74% of parolees have a history of substance abuse<sup>[1]</sup> only 10% received treatment while incarcerated<sup>[2]</sup>
  - **About 1,063 parolee treatment spaces are needed in Contra Costa County**
- **INCOME AND EMPLOYMENT:** 60% of parolees are not in the labor market one year after release<sup>[3]</sup>
  - **862 parolee job placements are needed in Contra Costa County**
- **HOUSING:** Between 30% and 50% of parolees in San Francisco and Los Angeles are homeless<sup>[4]</sup>
  - **Between 431 and 718 parolee housing placements are needed in Contra Costa County**

# More data on Reentry Service Needs



- **Health Services:** Between 8% and 16% of parolees have at least one serious mental health issue and are in need of psychiatric services<sup>[1]</sup>
  - **Between 277 and 554 parolees need psychiatric care in Contra Costa County**
- **Education:** 41% of parolees and 31% of probationers lack a high school diploma or GED<sup>[2]</sup>
  - **589 adult education spaces are needed for parolees in Contra Costa County**
- **Family Services:** 55% of soon-to-be-released offenders have children under the age of 18<sup>[3]</sup>
  - **790 parolees may need family counseling, support or reunification assistance**

# Alameda County Probationer and Parolee Populations



**Legend**  
 City Boundary

**Number of Probationers and Parolees per Zip Code**

- 3 - 86
- 87 - 220
- 221 - 407
- 408 - 754
- 755 - 1287

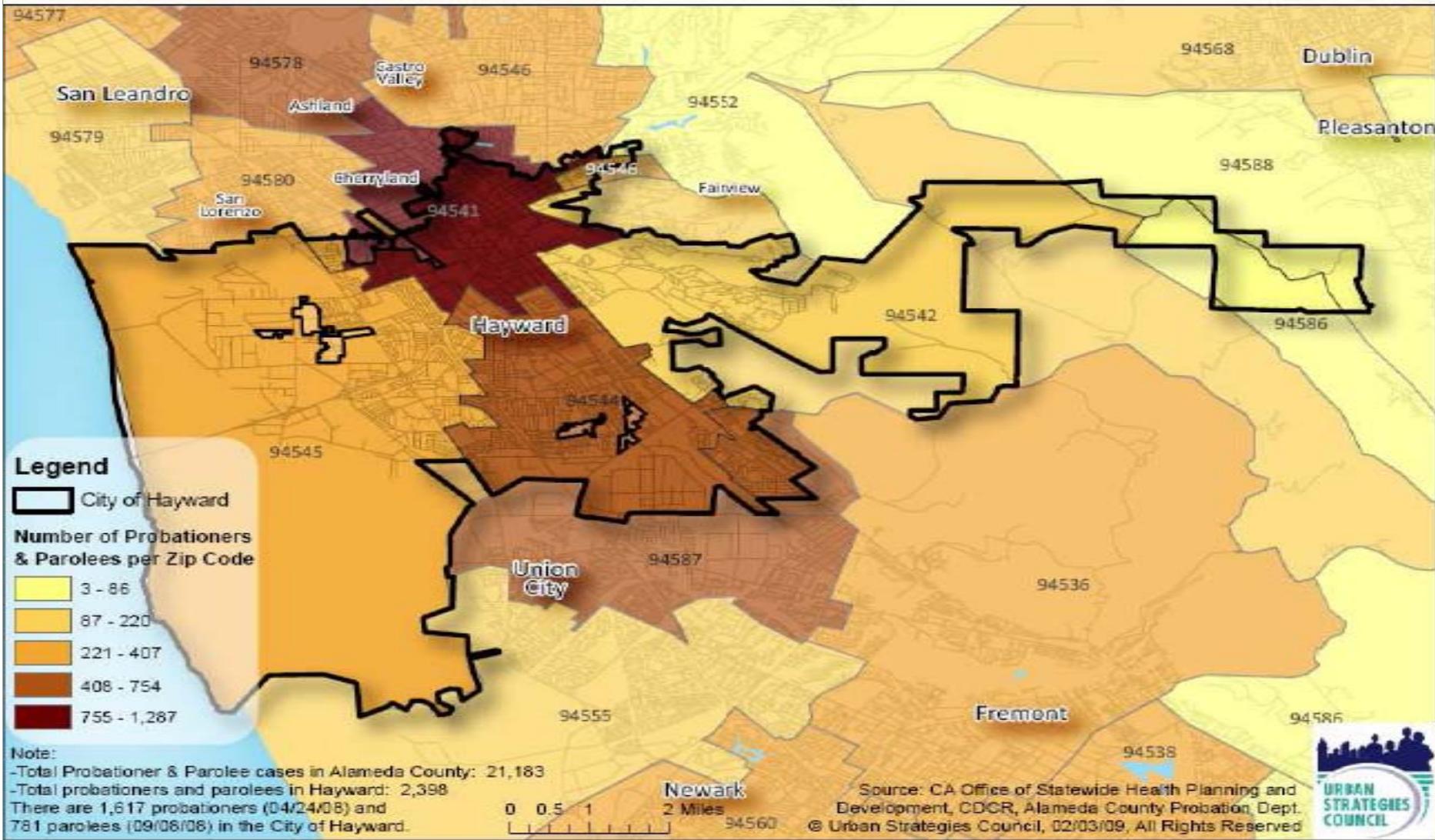
**Note:**  
 -Total Probation Department & CDCR cases: 21,183  
 -Total probationers and parolees mapped: 16,348  
 This map represents 11,684 probationers (04/24/08) and 4,664 parolees (09/08/08).



Source: CA Office of Statewide Health Planning and Development, CDCR, Alameda County Probation Dept.  
 © Urban Strategies Council, 09/16/08, All Rights Reserved



# Probationers and Parolees in Hayward, CA (2008)



# Number of Probationers and Parolees by Zip Code for Alameda County \_/09

## ZIP CODES WITH HIGHEST NUMBER OF PROBATIONERS AND PAROLEES: APRIL 2009

Rank	Zip Code	Cities within Zip Code	Probationers*	Parolees**	Total
		(City descriptions are shown for zip codes that have significant population numbers associated with them)	4/3/2009	4/7/2009	
		<b>TOTAL</b>	10,875	3,753	14,628
1	94621	Oakland	807	363	1,170
2	94601	Oakland, Alameda	779	378	1,157
3	94605	Oakland	763	253	1,016
4	94603	Oakland, San Leandro	741	205	946
5	94541	Hayward, Cherryland, Ashland, Castro Valley	677	239	916
6	94544	Hayward	662	188	850
7	94607	Oakland, Alameda	475	189	664
8	94608	Emeryville, Oakland	476	149	625
9	94606	Oakland	434	184	618
10	94578	San Leandro, Ashland, unincorporated areas, Castro Valley	374	112	486
11	94587	Union City, Hayward, Fremont	338	79	417
12	94612	Oakland	232	179	411
13	94538	Fremont, Newark	300	65	365
14	94577	San Leandro, Oakland	272	87	359
15	94609	Oakland	278	77	355
16	94536	Fremont, Union City, unincorporated areas	266	78	344
17	94501	Alameda	265	57	322
18	94560	Newark, Fremont	261	52	313
19	94545	Hayward, unincorporated areas	197	112	309
20	94619	Oakland	205	56	261
<b>TOTAL</b>			<b>10,875</b>	<b>3,753</b>	<b>14,628</b>

# References



- [1] Mumola, C.J. 1999. *Bureau of Justice Statistics Special Report: Substance Abuse and Treatment, State and Federal Prisoners, 1997*. Washington DC: US Department of Justice, Bureau of Justice Statistics
- [2] Bureau of Justice Statistics. 2000. *Correctional Populations in the United States, 1997*. Washington DC: US Department of Justice, Bureau of Justice Statistics
- [3] Maruschak, L.M. 1999. *Bureau of Justice Statistics Bulletin: HIV in Prisons 1997*. Washington DC: US Department of Justice, Bureau of Justice Statistics
- [4] California Department of Corrections. 1997. *Prevention Parole Failure Program: An Evaluation*. Sacramento: California Department of Corrections.

**2009 PUBLIC PROTECTION COMMITTEE**

**BALANCING THE DISTRICT ATTORNEY BUDGET AND  
PRESERVING THE INFRASTRUCTURE OF  
MISDEMEANOR PROSECUTIONS**

The District Attorney will present an oral report on the status of his budget. The County Administrator's Office has identified an approximate \$1.4 million funding gap in the department's current year budget comprising the following:

SLESF-Criminal Prosecution	31,100	Revenue shortfall
Sales Tax Realignment/VLF	44,364	Revenue shortfall
Local Property Tax Loss Allocation	170,178	Revenue shortfall
Prop 172	<u>1,116,225</u>	Revenue shortfall
Subtotal	<u>1,361,867</u>	

Aside from this gap, the District Attorney, in May, agreed to utilize some unanticipated current year salary savings to maintain six temporary attorney positions through December 31, 2009 in order to preserve misdemeanor prosecution until a more permanent solution could be worked out. At the May PPC meeting, it was suggested that a longer-term solution to preserving misdemeanor prosecution might be funded with savings that could be achieved from negotiated ATAs (agreed-upon temporary absences). Following are estimates of potential annual ATA savings for the District Attorney department as compared to the annual cost of converting the six temp positions to permanent basic attorney positions:

ATA savings Coalition members	(79,497)
ATA savings if DDA participates @ 2.3 %	<u>(220,960)</u>
Subtotal	<u>(300,457)</u>
Convert six temps to Basic Attorney	<u>788,213</u>
Funding gap	487,756

While ATA savings at 2.3% would not provide a permanent solution to funding misdemeanor prosecution, full ATA participation would be almost be adequate to fund six basic attorney positions through the end of this fiscal year (\$394,107).

Background.

Following 2008/09 and 2009/10 budget reductions approved by the Board in March, the District Attorney, on April 20, notified local law enforcement agencies via letter of forthcoming changes in District Attorney filing policies. Specifically, the District Attorney advised that, effective May 4, 2009, he would no longer accept for review many low-level felony drug cases and misdemeanor cases, with the exception of a limited list of misdemeanor cases, which would still be reviewed.

On April 28, the Board of Supervisors convened a special meeting to discuss these policy changes and receive public testimony. At the conclusion of the meeting, the Board accepted a proposal from the District Attorney to utilize salary savings from three unanticipated staff vacancies to postpone the layoff of six temporary deputy district attorney positions, in order to delay the implementation of the filing policy changes until January 1, 2010. The Board requested its Public Protection Committee to meet with the District Attorney and local law enforcement representatives in the intervening period to determine what could be done to preserve the infrastructure for misdemeanor prosecution on a permanent basis.

The Public Protection Committee met with the District Attorney, a representative of the Police Chiefs Association, and other interested parties on May 11 to discuss the issue. The Committee's received a report from Mr. Kochly discussing what is required to preserve misdemeanor prosecution and what options might be available to assist in this effort. The report also included a research document prepared by Deputy District Attorney Doug MacMaster regarding legal issues involved with cities prosecuting their own misdemeanors. Among the related issues discussed were the potential use of volunteers, diversion programs and identifying their outcomes, city prosecution of misdemeanors, the breakout of misdemeanor cases by type, contract misdemeanor prosecution with cities, the fiscal paradox: flat revenues vs. increasing costs, the potential for new tax revenue, cost recovery for services provided to cities, and setting priorities between public safety and health/human services.

The Committee met again with the District Attorney on June 1, at which time the District Attorney provided an analysis that identified the minimum number of attorney staff required to cover court hearings each day and identifying the minimum additional budgetary requirement (\$485,000) to maintain the infrastructure for misdemeanor prosecution through June 30, 2010. This figure was derived from converting the six temporary attorneys that are slated to be eliminated to permanent basic attorney positions for six months through June 30, 2010. The County Administrator's estimate of \$394,100 is somewhat less than the DA's June estimate. This DA's June memo is attached to today's report for reference purposes. The June 1 meeting left the matter unresolved pending the outcome of labor negotiations.



**ROBERT J. KOCHLY**  
District Attorney  
900 Ward Street, Fourth Floor  
Martinez, California 94553

**MEMORANDUM**

**TO:** Federal D. Glover, Chair  
John Gioia, Vice-chair  
Public Protection Committee  
Contra Costa County Board of Supervisors

**FROM:** Robert J. Kochly   
District Attorney

**DATE:** May 27, 2009

**SUBJECT:** The Impact of the 2009/10 Budget Reduction on the District Attorney's Office  
and the Criminal Justice System

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Attached you will find two memos written by Chief Assistant District Attorney Brian Baker which outline proposed felony prosecution unit reductions to be effective in January 2010, and our minimal staffing requirements and the associated costs for misdemeanor prosecutions.

RJK:ped  
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Attachments

Robert J. Kochly  
District Attorney

OFFICE OF THE  
CONTRA COSTA COUNTY  
DISTRICT ATTORNEY  
900 Ward Street  
Martinez, California 94553

**TO:** Robert J. Kochly

**FROM:** Brian S. Baker

**DATE:** May 27, 2009

**SUBJECT:** BOS – Public Protection Committee

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In order for our Central/Eastern Operations to cover all court appearances (in-court duties only in Walnut Creek, Pittsburg and Martinez) we need a minimum of 5 DDA's on Monday and Tuesday, 7 on Wednesday, and 6 on Thursday and Friday. In addition to in-court duties our DDA's need considerable office time to respond to Law & Motion matters (an average of 21 motions per week in Walnut Creek and 7 to 10 motions per week in Delta), respond to misdemeanor appeals, prepare for PTC's (reading all the files to be "prepared"), prepare for RC's ( call witnesses, prepare PC 1050's, etc.), and prepare for trial (interviewing witnesses on multiple cases, preparing direct and cross examination, preparing opening and closing statements, doing the necessary research for each trial, and preparing jury instructions).

We also need DDA "filers". Those persons receive and review all the cases logged in from Friday afternoon through the following Friday morning. They also review the in-custody and walk-in misdemeanor cases. It requires nights and weekends and the goal is to review all assigned cases within 30 days, while still completing jury trial and all other misdemeanor assignments. If we are going to continue to review all misdemeanors then misdemeanor filing at 10 Douglas is a 2 person assignment, 52 weeks per year.

In summary, in addition to the 5 to 7 DDA's we need in court every day for our Central/Eastern Operations, we need, at a minimum, 2 FTE DDA's for filing, 1 FTE DDA for L&M and appeals, and 1 FTE DDA to prepare PTC's, RC's, and trials.

Our Richmond office has similar needs, on a smaller scale. To cover those court appearances (again, in-court duties only) we need a minimum of 2 DDA's on Monday, and 3 DDA's Tuesday through Friday. We need 1 DDA for filing and a minimum of 1 FTE DDA to handle the other assignments (L&M, appeals, PTC and trial preparation).

Our FT attorneys find Contra Costa County to be a desirable place to work. They all want to be career prosecutors. We lose some to other counties because of our FT program, but it is still extremely competitive to land a job here.

Our FT attorneys work extremely hard. We will continue to expect hard work and extra hours, but they cannot be in multiple courtrooms at the same time.

The courts have already helped us streamline their calendars to minimize the number of court appearances we need to cover. For example, the Delta Court has reorganized their calendars so we only need one DDA (plus JT DDA's) per court session with the exception of Thursday afternoons where the C&P (PTC) calendars are handled in two different courtrooms.

As an aside, our Fixed-Term attorneys receive three weeks vacation, two weeks management leave, and three days of floating holiday per year. Therefore, we need an additional FT DDA for every 9 FT DDA's just to account for minimum guaranteed time off (10 equals 9 in government work).

Based on the loss of our remaining 10 third year Fixed-Term attorneys in December, we would need to add back 7 FT attorneys to attain minimum court coverage and review of all misdemeanor reports submitted by law enforcement. This staffing level factors in all the other reductions to felony prosecution units outlined in my May 11, 2009 memo.

The incremental cost to fund these misdemeanor operations from January through the end of FY 2009/10 would be approximately \$430,000.

Robert J. Kochly  
District Attorney

OFFICE OF THE  
CONTRA COSTA COUNTY  
DISTRICT ATTORNEY  
900 Ward Street  
Martinez, California 94553

**TO:** Robert J. Kochly

**FROM:** Brian S. Baker

**DATE:** May 11, 2009

**SUBJECT:** Projected Staff Reduction 1/1/10

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Based on the current budget assumptions we will maintain the status quo (unless third year fixed-term DDA's find other jobs and leave early) until December, 2009. We will then lose our 6 "temporary" Fixed-term DDA's and the remaining 10 third year fixed-term DDA's. A likely office reorganization would result in significant changes, for example:

We could keep our **Trial Team** the same as at the beginning of 2009 (down 1 from 5/4/09), but with the added burden of all PC 290 crimes, all CC/XXX cases that had been vertically prosecuted, a significant increase in major drug offense cases, and an increase in homicide cases that will have to be prosecuted outside the Homicide Unit.

The **Preliminary Hearing Team** would also be the same as at the beginning of 2009 (down 1 from 5/4/09), again with the added burden of PC 290, CC/XXX, major drug and homicide cases.

The **Homicide Unit** will be down 2 DDA's from January, 2009 (same as 5/4/09).

The **CC/XXX unit** will be eliminated and that vertical prosecution block grant will be used to fund 2 DDA's in the family violence unit.

The **Special Operations Unit** will be down 1 DDA from January, 2009 (same as 5/4/09).

The **Family Violence Unit** will be down 1 DDA in **SAU** (PC 290 cases), down ½ DDA in **DV** (Peck now ½ EA and ½ DV), and have no additional coverage for **CIC**.

The **Drug Unit** will be down 3 DDA's from January, 2009 (down 1 from 5/4/09) and will lose the help they had filing out-of-custody drug cases.

The **Juvenile Unit** will be the same as January, 2009 (down 1 from 5/4/09), but at the January, 2009 staffing levels they were unable to cover their court appearance obligations, and there was a constant battle to "borrow" bodies from the trial team, PX team, and DV.

**Central/East Operations** will be down 5 DDA's from January, 2009 levels (also down 5 from 5/4/09). A minimum of 9 DDA's is necessary to cover all misdemeanor court appearances and there is no real breathing room for anything more than an occasional day off for DDA staff.

**Western Operations** will be down 1 DDA from January, 2009 levels (down 3 from 5/4/09). This will leave 3 DDA's to handle all PX's and other felony matters and 3 DDA's to cover the misdemeanor courts. A minimum of 4 DDA's is necessary to cover the misdemeanor appearances. Again there is virtually no room for error and DDAs' would not be able to take vacations, etc, and certainly no extended leaves.

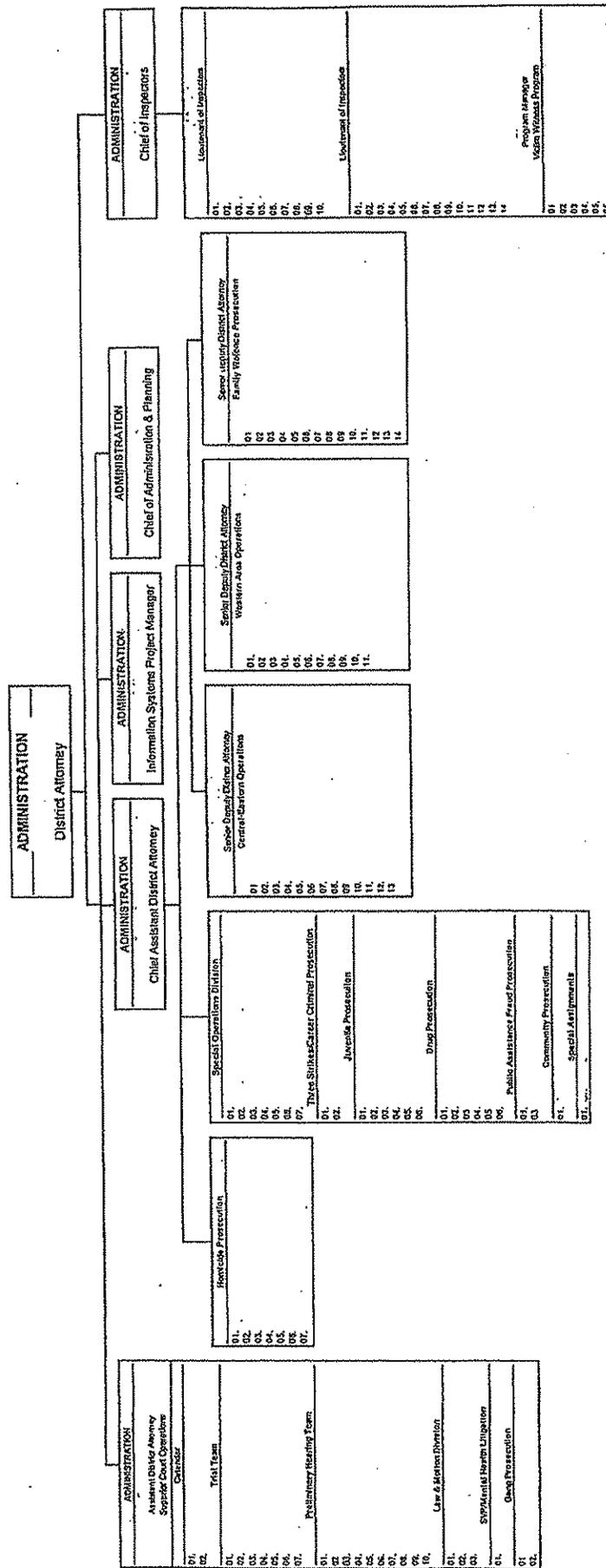
This scenario will leave us razor thin in all aspects of both felony and misdemeanor prosecutions. We would somehow have to be assured that we would be able to replace departing DDA's at a moments notice.

This scenario also contemplates putting third year fixed-term DDA's (this year's second year class) onto the Felony Trial Team, but not on the PX team or in the Juvenile Unit. The others would be needed to keep misdemeanor operations staffed. In the past we have been able to "season" our fixed-term attorneys by preliminary hearing, juvenile, and drug unit assignments. We may lose this benefit.

In addition, without a fresh and sufficient supply of new fixed-term DDA's, we will likely pay permanent attorneys to cover misdemeanor operations. This makes no sense from a budget perspective and is likely to ruin our cost-effective fixed-term program.

# CONTRA COSTA COUNTY DISTRICT ATTORNEY

## Organization Chart January 2009



## **2009 PUBLIC PROTECTION COMMITTEE**

### **FORECLOSURES IN CONTRA COSTA COUNTY**

#### **Housing and Economic Recovery Act of 2008 Neighborhood Stabilization Program**

Attached is a follow-up report from the Conservation & Development Department on the status and impacts of the foreclosure crisis throughout the county, the County's revised Vacant Structures Ordinance, and the Housing and Economic Recovery Act Neighborhood Stabilization Program, which provided the County more than \$6 million to acquire and redevelop foreclosed properties that might otherwise be abandoned and cause blight within communities.

#### Background

The Board of Supervisors, on May 20, 2008, referred the matter of community impacts due to the housing foreclosure crisis to the PPC following comments received from Bay Point resident Mark Sullivan. At the May PPC meeting, Mr. Sullivan commented on community issues resulting from the high number of foreclosed homes, such as property dereliction and associated public health issues, theft, vandalism, and reduced property values. The PPC studied this issue over a five-month period, looking particularly at ways to expedite the abatement of nuisances at abandoned homes and to fund abatements. On November 4, the PPC reported out to the Board of Supervisors on its findings and introduced an amendment to the County Vacant Structures Ordinance to shorten the time period for abating vacant structures. The ordinance was adopted on November 18, 2008 and became effective on December 18, 2008.

The PPC also explored ways to fund the costs for abating abandoned structures. The Housing and Economic Recovery Act of 2008 Neighborhood Stabilization Program (NSP) was examined in greater detail in October 2008 and, on November 18, 2008, the Board adopted the draft FY 2008/09 Action Plan NSP Substantial Amendment and allocated \$6,019,051 in NSP funds from the U.S. Department of Housing & Urban Development (HUD).

The U.S. Department of Housing and Urban Development (HUD) requires the priority emphasis and consideration be given to low and moderate income areas with the greatest need, i.e., the greatest percentage of home foreclosures and the highest percentage of homes financed by a subprime mortgage related loan. DCD staff analyzed the three HERA-required criteria for the distribution of NSP and attributed a relative impact value of high, medium, or low to each community for each criterion. Based on this analysis, the following communities were determined to have needs that could be addressed by NSP funds:

- ◆ High Priority Areas: Bay Point, Oakley, Montalvin Manor/Tara Hills/Bayview, Rollingwood, North Richmond, Rodeo and San Pablo
- ◆ Medium Priority Areas: Brentwood, Discovery Bay, and the western portion of Pinole (Nob Hill, Pinole Shores, and Pinon)

The remaining cities and communities were classified as Low Priority Areas. All recommended programs are being made available in the High Priority Areas. Some, but not all of the programs are offered in the Medium Priority Areas. NSP funded programs are not offered in the Low Priority Areas.



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**CONTRA COSTA COUNTY**  
**Department of Conservation & Development**  
**651 Pine Street, North Wing – 4th Floor**  
**Martinez, CA 94553**  
**Phone: (925) 335-1290 Fax: (925) 335-1299**

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**TO:** Public Protection Committee  
Supervisor Federal D. Glover  
Supervisor John Gioia

**FROM:** Department of Conservation and Development  
Jason Crapo, Deputy Director, Building Inspection  
Kara Douglas, Principal Planner, Redevelopment

*JC*  
*KD*

**DATE:** July 6, 2009

**SUBJECT: Foreclosures in Contra Costa County**

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Like much of the Country, Contra Costa County has experienced a dramatic increase in the number of housing foreclosures beginning in 2007 and accelerating into 2008. This has increased the number of abandoned homes in communities throughout the County, creating attractive nuisances, blight and lowering property values.

The Department of Conservation and Development has undertaken efforts to address the foreclosure crisis in Contra Costa County by abating the public nuisances created by abandoned home and securing federal funding to purchase distressed properties in foreclosure and improve them for resale. This report is an update on the DCD's efforts.

#### **Mitigating the Impact of Abandoned Homes**

The surge in foreclosures during 2007 and 2008 caused a rise in the number of vacant and abandoned homes in Contra Costa County. Many of these properties became owned by lenders – typically banks – unprepared for the responsibilities of property management. Some of these properties became subject to trespassing and vandalism, causing safety hazards, impairing quality of life and reducing property values within the surrounding community.

To expedite mitigation of such hazards, the Board of Supervisors directed staff to revise the County's Vacant Structures Ordinance to streamline the process for abating code violations for vacant structures. The process, which formerly required 4 to 6 months to complete, was shortened to one that can typically be completed in 45 – 60 days. Changes to the Ordinance became effective November 18, 2008 and have proven successful. Nine vacant structures have been abated using the revised procedures.

In recent months, the threat to public health, safety and welfare resulting from abandoned foreclosed homes has diminished. Steps taken by the Obama administration to provide home owners with greater opportunity to seek loan adjustments from lenders have slowed the foreclosure process. In addition, lenders

have become more responsive as they have increased their organizational capacity to attend to the influx of properties now under their management. Of the 33 active code enforcement cases involving bank-owned foreclosures, only 12 have required use of provisions in the Vacant Structures Ordinance. In most cases, banks are assuming property management responsibilities and taking actions to address code violations.

However, despite recent improvement, the foreclosure crisis is not over. The consensus of economists and financial analysts suggests that more foreclosures are inevitable, as the initial terms of many sub-prime mortgages originated in 2006 and 2007 have yet to reset. In addition, the recent rapid increase in unemployment could lead to the spread of the foreclosure crisis to more highly rated loans. DCD expects that the effects of the foreclosure crisis will linger well into 2010, and perhaps beyond.

### **Neighborhood Stabilization Program**

County staff has begun to implement the Neighborhood Stabilization Program (NSP) from the Housing Equity Recovery Act (HERA). The County has a signed grant agreement with the U.S. Department of Housing and Urban Development (HUD). Four non-profit development partners will be purchasing and rehabilitating vacant foreclosed homes in six highly impacted communities. The developers are working to identify appropriate properties to purchase and rehabilitate. However, they have encountered several issues that have prevented them from making purchase offers:

- Not all foreclosed properties are listed for sale.
- Investors are acting very quickly with cash offers and are purchasing properties before the NSP developers can act.
- The estimated cost of purchase and rehabilitation exceeds the anticipated market value of the homes, or exceeds the \$200,000 cap we have placed on this activity.
- HUD had a requirement that the homes had to be purchased for 15% below market value. This was reduced to 1% in mid-June, which should help the program.

In addition to the HERA NSP (NSP1) funds directly allocated to the County from HUD, the State allocated \$1.1 million in NSP1 funds to the City of Concord. Concord did not apply to the State for its allocation, leaving the funds available to the County. The County will submit an application by the July 15 deadline. The County must consider Concord in its use of funds, but is not obligated to spend the funds in Concord.

The American Recovery and Reinvestment Act (ARRA) included NSP funds that are available competitively. These funds are known as NSP2. The County and the cities of Antioch, Pittsburg, Richmond, and Walnut Creek will apply as a consortium for up to \$50 million in NSP2 funds.

## 2009 PUBLIC PROTECTION COMMITTEE

### DEVELOPMENT OF AN ORDINANCE REQUIRING REGISTRATION OF MORTGAGE OWNERSHIP

Attached for the Committee's consideration is a draft ordinance prepared by the County Counsel's Office that would provide that, if a property contains a vacant structure and is under foreclosure proceedings, the lender and the trustee holding the deed of trust must register the property with the Department of Conservation and Development. Also attached is a transmittal memo from the County Administrator's Office with comments and a recommendation about the draft ordinance.

Background. Supervisor Glover received a request from the Contra Costa Interfaith Supporting Community Organization (CCISCO) for the County to adopt an ordinance to require certification by holders/owners of a mortgage obligation of their legal ownership of debt so that there is transparency via County records. The Committee took this matter up on April 6, 2009 under the May 2008 Board of Supervisors referral to the Committee to study and development recommendations to mitigate community impacts due to the housing foreclosure crisis.

After some of the issues were fleshed out on April 6, the Committee asked staff to study the matter further and return with an evaluation of the CCISCO proposal and any recommendations it could make. Staff reported back to the Committee on June 1, 2009 with an evaluation of the CCISCO proposal and with a recommendation that the Committee should not pursue the proposal further for a variety of reasons. Staff identified two possible next steps for the Committee's consideration:

- Work with State legislative partners to introduce new statewide legislation to require that all "Notice of Defaults" filed and served on borrowers would be required to include the contact information of the person and/or division in the bank that can agree on a loan modification.
- Consider developing a local ordinance that would require foreclosed, vacant properties to be registered with the County Department of Conservation and Development, Building Inspection Division. This ordinance would be similar to ordinances adopted by several cities and counties in Southern California, primarily in the Riverside and San Bernardino areas.

The Committee directed the County Counsel's Office to prepare a draft registration ordinance for discussion at a future meeting.

**County of Contra Costa  
Office of the County Administrator  
MEMORANDUM**

DATE: SEPTEMBER 8, 2009

TO: PUBLIC PROTECTION COMMITTEE:  
Federal D. Glover, Chair  
John Gioia, Vice Chair

FROM: JULIE ENEA, Senior Deputy County Administrator

SUBJECT: **DRAFT ORDINANCE REQUIRING REGISTRATION OF VACANT  
PROPERTIES UNDERGOING FORECLOSURE**

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This memo is in response to direction from the Public Protection Committee at its June 1, 2009 meeting that the County Counsel's Office should prepare a draft ordinance that would require vacant, foreclosed properties to be registered with the County Department of Conservation & Development in order to assist mortgagors with identifying the mortgagees that hold their notes. Attached for the Committee's consideration is the draft ordinance prepared by County Counsel that amends the County's Vacant Structures Ordinance.

**Summary.**

Section II of the draft ordinance adds three definitions to Section 720-4.208 of the Vacant Structures Ordinance. The term "beneficiary" means a lender under a note secured by a deed of trust on a property, the term "distressed" means a property where a vacant structure is located and where the beneficiary or trustee has the possession and control of the property, and the term "trustee" means a person, persons, corporation, partnership, limited liability company, or any other entity holding a deed of trust on a property.

Section III of the draft ordinance amends Section 720-4.402 to require the lender and the trustee holding the deed of trust on a property with a vacant structure to keep the property free of waste, rubbish, debris, excessive vegetation, and graffiti while the lender or trustee has possession and control of the property.

Section IV of the draft ordinance adds the registration requirement to the Vacant Structures Ordinance. Under new Section 720-4.414, if a property contains a vacant structure and is under foreclosure proceedings, the lender and the trustee holding the deed of trust must register the property with the Department of Conservation and Development. The registration is valid for one year and must be renewed annually until the property has been conveyed by the beneficiary or trustee to a new owner under a new deed.

Section V of the draft ordinance authorizes a fee for registering a property under the ordinance.

**Staff Comments and Recommendation.**

The proposed ordinance attempts to establish a process similar to the one used in Riverside County, which requires that the lender and trustee (the party that executes the foreclosure process - often a title company or an attorney's office) register with the County after a notice of default is filed and there is a vacant structure on the property. The registration requirement would give the Conservation and Development Department some additional contact information for the responsible party to address code violations on vacant structures but would not significantly change the Department's current code enforcement process for abandoned homes, which is working well under the County's recently revised vacant structures ordinance. Without doing a detailed cost analysis, the marginal benefit that might be derived from the registration process would probably not justify the cost to administer such a process, which would involve notification to mortgagees, registration forms and tracking, and enforcement action if possible. While the proposed ordinance can be enforced with administrative penalties, there is no simple mechanism to alert the County when a mortgagee is out of compliance nor is there an established or reliable process for the County to identify a mortgagee that has not complied. Therefore, it would be very difficult to enforce the ordinance.

The ordinance would not fulfill the objective sought earlier by the Committee to assist home owners in renegotiating their loans and staying in their homes, as they would have already been required to leave their homes prior to the registration process.

For the foregoing reasons, staff recommends that the Committee abandon the draft ordinance and continue to focus on areas in which the County can make a greater impact such as abating nuisances and safety hazards and rehabilitating vacant, foreclosed homes.

*Attachment: DRAFT Ordinance entitled, "REGISTRATION OF PROPERTIES UNDER FORECLOSURE"*

*cc: Catherine Kutsuris, Conservation & Development Director  
Jason Crapo, Deputy DCD Director, Building Inspection  
Kara Douglas, Principal Planner, Redevelopment  
Barbara Chambers, Assistant County Recorder  
Ken McCormick, Deputy District Attorney  
Tom Geiger, Deputy County Counsel*

ORDINANCE NO. 2009- **DRAFT**

REGISTRATION OF PROPERTIES UNDER FORECLOSURE

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I. SUMMARY.** This ordinance amends the County’s Vacant Structures Ordinance, Chapter 720-4 of the Ordinance Code, to provide in Section 720-4.414 that if a property contains a vacant structure and is under foreclosure proceedings, the lender and the trustee holding the deed of trust must register the property with the Department of Conservation and Development. Section 720-4.402 requires the lender and the trustee holding the deed of trust on a property with a vacant structure to keep the property free of waste, rubbish, debris, excessive vegetation, and graffiti while the lender or trustee has possession and control of the property.

**SECTION II.** Section 720-4.208 of the County Ordinance Code is amended to read:

**720-4.208 Definitions.** For purposes of this chapter, the following words and phrases have the following meanings:

- (a) “Beneficiary” means a lender under a note secured by a deed of trust on a property.
- (b) “Distressed” means a property:
  - (1) where a vacant structure is located; and
  - (2) where the beneficiary or trustee has the possession and control of the property, as a mortgagee in possession of the property under an assignment of rents or otherwise.
- (c) “Owner” means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to real property where a vacant structure is located, and includes a beneficiary or trustee that has acquired title to the property by foreclosure or by a deed in lieu of foreclosure.
- (d) “Property” includes tracts, lots, easements, or parcels of land and any and all improvements thereon.
- (e) “Trustee” means a person, persons, corporation, partnership, limited liability company, or any other entity holding a deed of trust on a property.
- (f) “Unsecured” means a structure where one or more doors, windows, or other openings are

broken or missing.

- (g) “Vacant Structure” means any building, dwelling, or other structure:
- (1) that lacks the habitual presence of persons who have a legal right to be on the premises or at which substantially all lawful business operations or residential occupancy has ceased; and
  - (2) where either of the following conditions exist:
    - (A) the structure is unsecured; or
    - (B) the structure’s exterior or premises contain any waste, rubbish, debris, excessive vegetation, or graffiti. (Ords. 2009- § 2, 2008-30 § 2, 2002-46 § 3.)

**SECTION III.** Section 720-4.402 of the County Ordinance Code is amended to read:

**720-4.402 Duty of Property Owner, Beneficiary, and Trustee.**

- (a) Every owner shall maintain property in accordance with the provisions of this chapter and correct all violations of this chapter, and is liable for violations of this chapter regardless of any contract or agreement with any third party concerning the property. If more than one person or entity holds any portion of the fee interest in the property, the owners’ duties and obligations under this chapter are joint and several as to each owner.
- (b) As long as a property is distressed, every beneficiary and trustee shall perform all of an owner’s duties and obligations under this chapter, and every beneficiary and trustee is jointly and severally liable for violations of this chapter. When a beneficiary and a trustee is required to perform a duty or obligation, both are responsible for performing the duty or obligation, but the duty or obligation is satisfied if accomplished by either the beneficiary or the trustee, except that if information is required to be provided, then both the beneficiary and the trustee must provide the information. (Ords. 2009- §3, 2008-30 § 3, 2002-46 § 3.)

**SECTION IV.** Section 720-4.414 is added to the County Ordinance Code, to read:

**720-4.414 Registration.**

- (a) If a vacant structure is located on a property, the beneficiary and trustee must register the property with the Department of Conservation and Development no later than 10 days after either of the following occurs: recording with the Contra Costa County Recorder’s Office a notice of default on the loan securing the property; or filing with the Contra

Costa County Superior Court an action for judicial foreclosure on the property.

- (b) The registration must contain the name of the beneficiary and trustee; the direct street or office mailing address of the beneficiary and trustee; a direct contact name and telephone number for the beneficiary and trustee; and the contact information of any third party responsible for the security, maintenance or marketing of the property.
- (c) A registration is valid for one year from the date the registration form is received by the County. Subsequent registrations are due annually until the property has been conveyed by the beneficiary or trustee to a new owner under a new deed.
- (d) Any beneficiary or trustee that has registered a property under this section must report, in writing to the Department of Conservation and Development, any change of information contained in the registration no later than 10 days after the change occurs. (Ord. 2009- § 4.)

**SECTION V.** Section 720-4.808 is added to the County Ordinance Code, to read:

**720-4.808 Registration fee.** A fee for registering a property under Section 720-4.414 is authorized and will be in an amount established by the Board of Supervisors in the Department of Conservation and Development’s fee schedule. (Ord. 2009- § 5.)

**SECTION VI. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID TWA,  
Clerk of the Board of Supervisors  
and County Administrator

\_\_\_\_\_  
Board Chair

By: \_\_\_\_\_  
Deputy

[SEAL]

TLG:  
H:\2009\Code Enforcement\vacant structure registration ord - draft.wpd