

Gridley City Council – Regular City Council Meeting Agenda

Monday, March 5, 2018; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

CALL TO ORDER - Mayor Hall

ROLL CALL - Recording Secretary

PLEDGE OF ALLEGIANCE – Councilmember Borges

INVOCATION – Reverend Dan Boeger, St. Timothy’s Episcopal Church

PROCLAMATIONS - None

COMMUNITY PARTICIPATION FORUM - *Members of the public may address the City Council on matters not listed on the agenda. The City Council may not discuss nor take action on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.*

ANNOUNCEMENT OF NEW EMPLOYEES AND PROMOTIONS

- a. Police Department Employees

CONSENT AGENDA – *Items 1 thru 5 of the Consent Agenda and are considered routine and acted upon by one motion. Any Council member may request that an item be removed for separate consideration. The City Council may only make minor comments; otherwise the item should be removed from the Consent Agenda and placed as the first item(s) under “Items for Council Consideration”.*

1. City Services Update
2. City Council minutes dated February 5, 2018
3. Adopt Resolution No. 2018-R-004: A Resolution Authorizing the City Administrator to Execute a Deferred Improvement Agreement for Curb, Gutter, and Sidewalk Located at 165 Kentucky Street Deferring the Off-Site Improvements
4. Resolution Supporting the Reducing Crime and Keeping California Safe Act of 2018
5. Resolution Authorizing Finance Director to Administer State and Federal Disaster Assistance

PUBLIC HEARING - None

ITEMS FOR COUNCIL CONSIDERATION

6. Annual Independent Financial Audit Report

CITY STAFF AND COUNCIL COMMITTEE REPORTS - *Brief updates from City staff and brief reports on conferences, seminars, and meetings attended by the Mayor and City Council members, if any.*

POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

Mid-Year Budget Update	4/2/2018
General Fund fee study work session	4/16/2018
Introduction of Preliminary Budget	5/21/2018

CLOSED SESSION - None

ADJOURNMENT – adjourning to the next regularly scheduled meeting on March 19, 2018

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 6:00 p.m., March 2, 2018, in accordance with Government Code Section 54954.2. This agenda along with all attachments is available for public viewing online at www.gridley.ca.us and at the Administration counter in City Hall, 685 Kentucky Street, Gridley, CA.

NOTE 2: REGARDING UNSCHEDULED MATTERS – In accordance with state law, it shall be the policy of this Council that no action shall be taken on any item presented during the public forum or on unscheduled matters unless the Council, by majority vote, determines that an emergency situation exists, or, unless the Council by a two-thirds vote finds that the need to take action arose subsequent to the posting of this agenda.

City Council Agenda Item #1
Staff Report

Date: March 5, 2018
To: Mayor and City Council
From: Paul Eckert, City Administrator
Subject: City Services Update

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests the Mayor and City Council review and accept the attached City Services Update.

Background and Compliance with City Council Strategic Plan or Budget Goals

The attached Update is provided to the Mayor and City Council in keeping with the Council's commitment to ensure that all members of our community are fully informed of all City activities and initiatives. The Update is shared online at <http://www.gridley.ca.us/>. The Update is also shared timely with all City of Gridley coworkers.

Financial Impact

There are no financial impacts associated with this Agenda item. Council review and acceptance of the City Services Update is consistent with our ongoing efforts to transparently share all City financial and budgetary information.

Attachments:

City Services Update

City of Gridley

To: Mayor Hall and City Councilmembers

From: Paul Eckert, City Administrator

Subject: City Services Weekly Update

Date: February 27, 2018

Thank you for your leadership and dedication to the Gridley community!

This Weekly Update is intended to provide useful and timely updates to the Gridley Community, Visitors, our Elected Officials, and our City Coworkers. We regret if we have inadvertently omitted useful items from this report. As always, your input and guidance are appreciated. Please send any response to me directly and do not "copy all."

City Administrator/City Council/Information Technology

- Park Improvements – Public Works and Electric Crews completed improvements to the Dick Jones Ball Field, including installation of an ADA ramp and concrete pad to allow access to the viewing grandstand area, undergrounding of the electric service feeds, and installation of a decorative streetlight.
- Annual Red Suspenders Event – City staff continue to actively participate in the Gridley Chamber of Commerce Red Suspenders Day preparation efforts for the annual Red Suspenders Day event.
- Utility Billing Improvement Efforts - Our Customer Technician continues to work with Finance staff to reduce the number of utility discrepancies. This past month we experienced a significant setback. The Finance billing staff created a very large discrepancy list with over 360 addresses creating considerable work. The Finance Director, Electric Utility Director, IT Director, and City Administrator continue to meet to improve our utility billing procedures.
- Mid-Year Budget Review – Finance Director Juan Solis is currently working with the Department Directors and the Finance staff to conduct a FY 2017-18 Mid-Year Financial Update for the City Council. Our intent is to provide a basic report outlining our first six months of expenditures and revenues versus budget.
- City Industrial Park - Kory Hammond continues to effectively market all available properties in the City's Industrial Park.
- Engineering Update - City Engineer Trin Campos is coordinating our Team efforts for sewer, water, and road grant funding applications. Trin's also been active with several new projects and continues to focus on developing plans for street improvements.



Finance

- The Finance Department is very active with the completion of the annual audit; development of a wide array of grant responsibilities; payroll and benefits issues; worker's compensation cases; and organization of all work areas and file systems.
- The City Administrator, Finance Department, Information Technology, and Electric and Public Works Leadership are currently working to improve our utility billing processes.
- The Fiscal Year 2017/18 Operating Budget and Capital Improvements Plans can be found online at http://gridley.ca.us/public/uploads/pdfs/17-18_ADOPTED_BUDGET_DOCUMENT.pdf

Electric Utility

- Service Outage – Crews responded on Feb 18th to a reported power outage impacting Distribution Circuits 1101 and 1103. Crews responded to primary lines on Fairview Drive making contact due to high winds. Power was restored in approximately one hour. All Crew Members responded in a timely manner and followed safety protocols. A project will be scheduled to address the lines affected in an effort to eliminate any future issues during high wind events.
- Crews are making arrangements for a spring season installation of the new substation distribution circuit breakers.
- Gridley 12kv Maintenance – Crews are working on planning projects and upcoming poles that will need to be replaced.
- Substation and Line Recloser Inspections - Biggs and Gridley Substations were inspected, including LR Inspections. Crews made repairs to Gridley's T-1 Back-up Substation. Repairs included replacement of a tap changer motor on the Load-Tap-Changer (LTC) and the LTC controls the voltage in the field. Annual substation maintenance was also performed on the T-1 substation to insure reliability.
- Tree Trimming – Limbs were trimmed away from a service drops on Vermont and Spruce Streets.
- Biggs 12 KV – A net meter was installed on Trent Street as part of a solar installation. Crews completed the installation of the new LED streetlight located in the Biggs Little league parking lot.
- Safety – Crews attended their quarterly Safety Training Program with Evergreen Job and Safety. Topics included: accidents and near misses in the electrical industry; safety concerns on the job sites; and job reviews.

Electrical Department Activity	Gridley	Biggs
Street Light Repairs	3	1
Nonpayment Shut-off/turn on	0	0
USA's	10	1
Sets & Outs	15	0
Service calls	2	0
Trim/Remove tree	1	0
Discrepancy Report Items	0	0
After Hours Call out's	3	0
Solar Read	0	0



Fire

- Gridley Station personnel performed facility inspection
- Personnel conducted annual self-contained breathing apparatus testing and maintenance on Truck 74 and Engine 274
- Staff are currently remodeling our Station office.
- New Gridley Station Fire Apparatus Engineers continue their training.
- Emergency responses for the week are adjacent.
- Fire Volunteers Wanted – If you know of anyone who may want to get involved and make a difference by helping neighbors and friends, please encourage them to become a Gridley Volunteer Firefighter! The City of Gridley is a combination Fire Department with full-time CAL FIRE Firefighters and Gridley area resident Volunteer Firefighters. Our Volunteers meet regularly for training. Training is conducted cooperatively with Butte County Fire and includes all basic firefighting skills: first aid, ladders, breathing apparatus use, hose streams, vehicle extrication,

Weekly Responses	City	County
Medical Aids	13	4
Traffic Collisions	0	2
Structure Fires	0	0
Vegetation Fires	1	0
Vehicle Fires	0	0
Public Assist	0	1
Cover Assignments	0	2
Smoke checks, etc.	1	1
Technical Rescues	0	0

etc. This ongoing training is in addition to the initial basic operations training course. For more information about becoming a Gridley Volunteer Firefighter, go to www.joinbcfd.org and submit a Volunteer Firefighter Interest Form.

Police

- Animal Control continues to provide proactive patrol and compassion for lost/stray animals. AC personnel are encouraging our community canine owners to license their dogs. This provides a great record for any pet owner if they should lose their dog and enables Animal Control staff to find and return their pet.
- Patrol Officers provided the Biggs Unified School District and Gridley Unified School District with investigative services relating to bullying and school safety.
- Police Patrol was active in both communities of Gridley and Biggs. The Department served several local arrest warrants during the week.
- Police Patrol personnel continue to provide foot patrol in Daddow Park and Vierra Park. The Police Department continues to encourage safe and responsible experiences while visiting our community parks.
- Training – Our Police Lieutenant attended the Law Enforcement Manager’s course as required by California Police Officer Training and Training Standards (POST). Personnel attended “Leadership: The Power of Character training in Redding and Anticorruption - Responsible Leadership & Ethics training in Redding.
- The Department continues in its goal to provide quality service in all aspects of public safety to the citizens we serve. The January 2018 statistics are provided below:

Police Activity	January 2018	2018 YTD	2017 Year Totals
Adult Arrests	40	40	660
Juvenile Arrests	4	4	23
Misdemeanor Arrests	35	35	584
Felony Arrests	9	9	91
Felony Crimes Reported	12	12	154
Misdemeanor Crimes	43	43	653
Total Police Incidents*	1,129	1,129	13,894
Battery	6	6	130
Burglary	9	9	77
Deceased Person	1	1	14
Vandalism	8	8	75
Stolen Vehicle	2	2	25
Robbery	0	0	3
Public Intoxication	0	0	53
Patrol Request	8	8	385
Medical Aid	11	11	300
Area Checks	106	106	1,595
Pedestrian Checks	49	49	657
Disturbing the Peace	50	50	343
Total 911 Calls	272	272	3,400
Total Traffic Collisions	3	3	81
Name Exchanges -Traffic	0	0	12
Total Traffic Citations	53	53	632
DUI Arrests	1	1	20
Traffic Stops	182	182	2,012
Extra Help Hours	402.50	402.50	3,961.75
RSVP Hours	24	24	220

"Police Incidents" are Police responses originating from telephone calls to the Dispatch Center, walk-ins at the Police lobby, Police Officer self-initiated activity and email or social media communications.

Public Works

The Public Works Department Leadership and Crewmembers are responsible for a broad array of important duties including: Water Distribution; Water Production; Sanitary Sewer Collection; the Wastewater Treatment Plant; Street and Sidewalk Maintenance; our Maintenance Districts; Parks Maintenance; City Building maintenance. Maintenance; City Building and Facility Maintenance.

- Crews have pot holed in various locations throughout the City.
- Public Works Crews have disked to clear weeds at the Sewer Plant.
- Public Works Crews are finished and have installed the hand rail on Washington Street.
- Crews continue tree removal in the City right of ways in various locations because of safety hazards.
- Crews have completed the concrete disability ramp at the Vierra Park Baseball Field and poured a footing for the Electric Dept to install a Street Light.
- Crews poured a concrete drive entrance on Washington Street by the tennis courts.
- Public Works continued spraying for weeds this week at the Eagle Meadows Maintenance ditch.

Public Works Activity	
Water Leaks Repaired	2
Water Encoder Receiver Transmitter installed/Replaced	0
Sewer Plugs	0
Tree Removal/Trimmed	8
Water Related Service Calls	2
Sewer Related Service Calls	0
USA's	4
Park Related Service Calls	0
Other Service Calls	0

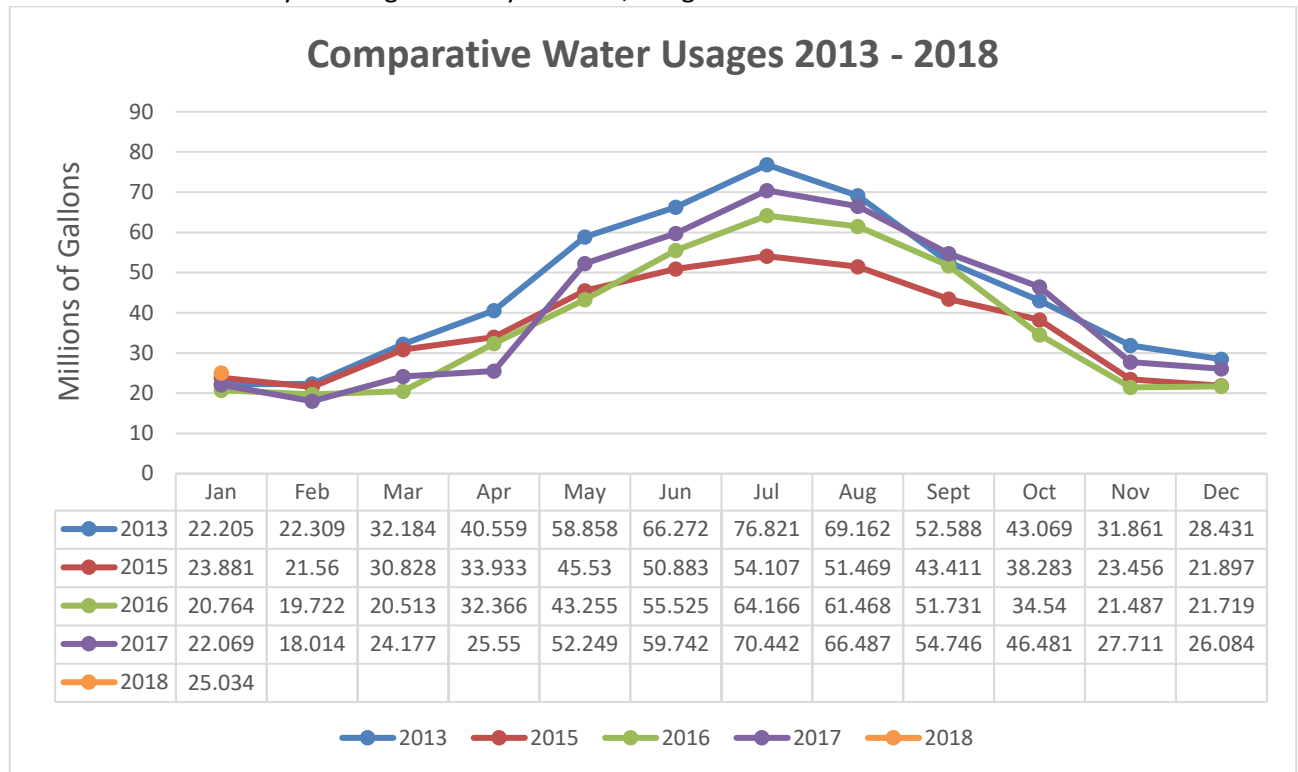
Production Well	Volume Pumped	Calc. Fl	Calc. Chlor
Eagle Meadows	16.017 M.G.	.64 mg/l	.2644 mg/l
Spruce	00.000 M.G.	.00 mg/l	.0000 mg/l
Wilson	00.000 M.G.	.00 mg/l	.0000 mg/l
Little Ave.	00.000 M.G.	.00 mg/l	.0000 mg/l
Liberty	9.017 M.G.	.69 mg/l	.2934mg/l
Parkside	00.000 M.G.	.00 mg/l	.0000 mg/l

Monthly Water Production	
Total water pumped to system:	25.034 M.G.
Ave. chlorine residual in the system:	.24 mg/l
Ave. tested fluoride in the system:	.71 mg/l
Lab tested fluoride in the system:	.6 mg/l

Past Month's Flow's at the Waste Water Treatment Plant

Total flow to the Plant was 42.418 M.G.

Flow from Butte County Housing Authority was 434,300 gals.



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Recreation

- Checkout Recreation's Facebook page at <https://www.facebook.com/groups/120025737091/>
- The Annual Fishing Derby will be held on May 12th from 7am to 12pm. The event is free to children 15 and under. The Lions will be serving lunch. Visit our Facebook page for more information.
- Soccer registration is open April 3rd to June 30th. The fee will be \$50 per child. Late registrations will be accepted July 2nd to July 12th with a fee of \$100 per child.
- The Division has begun preparations for the Annual Pinewood Derby to be held during Red Suspenders Day.
- The Division will be assisting with Red Suspenders Day in the capacity of clean up.
- For the summer the Division will be hosting "Movie Night Out". Each Friday for six weeks we will be showing "Movies in the Park" for the community. The event will be free. Snacks will be available.
- The Division will be holding a Kodomo Jutsu class on Tuesday nights during the month of March. The class is \$50 for four classes and focuses on teaching children how to escape and evade.
- The Division is developing a Candle Making and Crafts Class to be held on Tuesday's through the month of April. Fees are to be determined. The instructor will hold at least three classes during the summer aimed at children ages 5 to 15.
- The Division is currently hosting a "Rise Up" basketball clinic at Gridley High School on Saturdays through February. The cost is \$25 for four classes. The classes focus on dribbling, passing, shooting and other skills required for play. The class was initiated and designed by a Gridley High Junior.
- The Recreation Community Center meeting rooms are available for rent on evenings and weekends. The rental fee is \$100 per room, with an additional refundable \$50 cleaning deposit.

City Council Formal Calendar

- The City Council will hold its next Regular City Council meeting on Monday, March 5th at 6:00 pm at City Hall.
- The Butte County Board of Supervisors Agenda for the 9:00 am meeting on Tuesday, February 27th in Oroville can be accessed at the following link:
<http://www.buttecounty.net/boardofsupervisors/BoardMeetings.aspx>

Thank you for your ongoing support and guidance.

Respectfully,

Paul

Gridley City Council – DRAFT City Council Meeting Minutes

Monday, February 5, 2018; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

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CALL TO ORDER

Vice Mayor Johnson called the meeting to order at 6:03 p.m.

ROLL CALL

Councilmembers

Present: Johnson, Borges, Davidson

Absent: Williams, Hall

Arriving post roll call: None

Staff present:

Paul Eckert, City Administrator

Tony Galyean, City Attorney

Daryl Dye, Electric/Public Works Superintendent

Russ Hawes, Electric Supervisor

Dean Price, Police Chief

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Johnson

INVOCATION

Bishop Terry Hamblin of the Church of Jesus Christ of Latter Day Saints gave the invocation

PROCLAMATIONS

Vice Mayor Johnson read and presented the National Teen Dating Violence Prevention and Awareness Month Proclamation to Tracy Weeber of Catalyst. She spoke briefly, thanking the Gridley Council for their ongoing support.

COMMUNITY PARTICIPATION FORUM

The forum was opened and seeing no one present wishing to speak, the forum was closed.

CONSENT AGENDA

1. City Services Update
2. City Council minutes dated January 16, 2018

3. Adopt a Resolution approving the attestation of veracity for the 2016 Power Source Disclosure Report and submission of the report to the California Energy Commission

Motion to approve the consent agenda by Councilmember Davidson, seconded by Councilmember Borges

ROLL CALL VOTE

Ayes: Johnson, Borges, Davidson (on Item 1 and 3)

Abstain: Davidson (Item 2)

Motion passed, items 1 and 3 all in favor, item 2 with one abstention

PUBLIC HEARING - None

ITEMS FOR COUNCIL CONSIDERATION - None

CITY STAFF AND COUNCIL COMMITTEE REPORTS

Administrator Eckert updated Council on the Northern California Power Agency meetings he has attended in Councilmember Davidson's absence.

Vice Mayor Johnson reported on the LAFCO Committee Selection meeting he attended in Mayor Hall's stead.

POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

Annual Audit Report	2/20/2018
Sewer Pond Improvements and Policies	2/20/2018
General Fund fee study work session	3/5/2018
Mid-Year Budget Update	3/5/2018

CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: City Administrator, Chief of Police, Electric/Public Works Superintendent

Council came out of closed session at 8:20 p.m. with no reportable action.

ADJOURNMENT

With no further discussion, Council adjourned to the next regularly scheduled meeting of February 20, 2018.

Paul Eckert, City Clerk

City Council Agenda Item #3

Staff Report

Date: March 5, 2018

To: Mayor and City Council

From: Donna Decker, Planning Department

Subject: **Adopt Resolution Number 2018-R-004:** A resolution authorizing the City Administrator to execute a Deferred Improvement Agreement for curb, gutter, and sidewalk located at 165 Kentucky Street deferring the off-site improvements

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests the City Council adopt resolution number 2018-R-004

Discussion

The residence located at 165 Kentucky Street was destroyed by fire and the applicant is in the final stages of preparing plans for a building permit to rebuild the dwelling unit. When a new unit is proposed, the code requires off-site improvements (curb, gutter, and sidewalk) be constructed if needed. The applicant has indicated this requirement would be a hardship in that, the insurance funds to rebuild the house are inadequate to construct the both the residence and the off-site improvements.

The applicant, Ms. Denette Main, understands the property owner responsibilities; however, she is requesting to defer this requirement because she is unable to fund the improvements at this time. The applicant would pay for their fair share at the time improvements would be required in accordance with the Deferred Improvement Agreement, Attachment 2.

Public Notice

A notice was advertised 72 hours in advance of the hearing date, posted at City Hall, made available at the Administration public counter and placed on the City website for review.

Environmental Review

No CEQA review for this action is required.

Financial Impact

There are no direct or indirect costs to the City. At the time such improvements would be constructed, the applicant will be responsible in accordance with the Agreement.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with the ongoing effort to be responsive and transparent regarding all financial matters.

Attachments

1. Resolution No. 2018-R-004
2. Deferred Improvement Agreement

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A DEFERRED IMPROVEMENT AGREEMENT FOR CURB, GUTTER, AND SIDEWALK LOCATED AT 165 KENTUCKY STREET (010-120-014) DEFERRING OFF-SITE IMPROVEMENTS

WHEREAS, certain developments are located in areas of the City of Gridley where no street improvements exist; and,

WHEREAS, the residence located at 165 Kentucky Street (010-120-014) was destroyed due to fire and is in the process of obtaining permits to rebuild the structure; and,

WHEREAS, the property owners, Denette R. Azevedo and Joseph Nicholas Azevedo, have requested a deferment of the required off-site improvements because the expense of the improvements are not a part of the reconstruction insurance funds and it is a hardship to construct at this time; and,

WHEREAS, the property owners, Denette R. Azevedo and Joseph Nicholas Azevedo , acknowledge the responsibility for the design and construction cost in the future in accordance with the Deferred Improvement Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Gridley authorizes the City Administrator execute a Deferred Improvement Agreement between the City of Gridley and owners of the real property located at 165 Kentucky Street (010-120-014) which will be binding upon all heirs, assigns, current and future land owners and all conditions as described within said Agreement.

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a regular meeting held on the 5th day of March, 2018 by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSTAIN: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

ATTEST: APPROVE:

Paul Eckert, City Clerk

Frank Hall, Mayor

City of Gridley
685 Kentucky Street
Gridley, CA 95948

City of Gridley
685 Kentucky Street
Gridley, CA 95948

CITY OF GRIDLEY, a municipal corporation)
)
 First Party)

Denette R. Azevedo and Joseph Nicholas Azevedo)

Second Party)

Owner has undertaken to construct a new single family residence to replace a home demolished by fire on the real property located at 165 Kentucky Street in the City of Gridley, State of California; as more particularly described in Exhibit "A" attached hereto and by this specific reference made a part thereof as though set forth in its entirety.

City and Owner now desire to enter into an agreement to make such required improvements in the future so that construction can proceed.

CITY AND OWNER THEREFORE AGREE AS FOLLOWS:

1. Owner shall, within 90 days after notification by the City, complete at Owner's expense to the satisfaction of the City Engineer, and in accordance with all of the City's standards and specifications in effect at the time of notification, and all applicable rules and regulations of Federal, State and local law, all of the improvements set forth and described in Exhibit "B", attached hereto, and by this specific reference made a part thereof as though set forth in its entirety.
2. When the time limit specified in paragraph 1, above, has expired and Owner has not completed the improvements specified in Exhibit "B" hereto, City will have the option of treating this agreement as a petition for installation of improvements pursuant to Section 5000 et seq. of the California Streets and Highways Code, or causing the work to be done and assessing the cost thereof as a lien against Owner's property described in Exhibit "A" hereto.
3. The terms and conditions of this agreement shall be binding upon the parties hereto and their heirs, representatives, assigns, lessees, and successors in interest, and the duties and responsibilities under this agreement shall be a burden upon and shall run with the land described in Exhibit "A" hereto; City and Owner agree that a copy of this agreement, with all exhibits attached, will be recorded with the County Recorder of Butte County to give constructive notice of its terms.
4. All costs of any litigation caused by the default by Owner of the terms and conditions of this agreement, including reasonable attorney's fees shall be paid by Owner, and same shall become a lien upon the real property described in Exhibit "A" hereto.
5. If the City has elected either option set forth in paragraph 2 above, either all or a part thereof, the City has the sole and exclusive right and power to commence such construction and to determine the amount of the cost of said construction, in the event City advances such cost as herein provided.
6. City will, at Owner's expense, provide necessary inspection during the work and will acknowledge its completion when finished. City's inspection shall be limited to determine compliance with City standards. City shall not, by making this inspection, guarantee that the work is being performed in compliance with any State laws which might apply to the performance of this work and City shall not, in any case, be deemed to be responsible, in any way, for the supervision of the work of improvement.
7. Owner is cautioned and advised that by entering into this Agreement, Owner's legal rights and property rights will be affected. As examples, and not by way of limitation, Owner is apprised of the following with respect to this Agreement:

- A. This Agreement will create a lien against Owner's property. A lien is a charge or security upon property for payment of some debt, obligation, or duty. In this particular case, this Agreement will be recorded in the Butte County Recorder's Office and the lien will be of public record. In the event Owner fails to abide by the terms and conditions of this Agreement, City would have the right to sell Owner's property in satisfaction of the obligation. In addition, the recording of the lien could prevent or make difficult the ability to obtain a loan from a lender secured by Owner's property.
- B. This Agreement gives the City the right **at any time** to call due Owner's performance under this Agreement upon the giving of a ninety (90) day notice. It is very difficult for City to predict the time when it might require Owner's performance under the Agreement, and Owner should not assume that any particular length of time will pass before City gives the ninety (90) day notice to perform.
- C. Owner acknowledges that the obligations created by this Agreement will "run with the land," which means these obligations are imposed both upon Owner and any successor to the Owner, and in that regard, the recordation of this Agreement might cause the fair market value of Owner's property to decrease.
- D. Owner is further advised the "Exhibit B" to this Agreement sets forth the street frontage improvements to be constructed, however it is difficult to determine the scope of the improvement work until the project is designed and adequate survey data is available. It is also possible that the field conditions may change between the time this Agreement is executed and the time the improvements are constructed. The cost of the improvements may involve items not easily estimated, such as utility relocation costs, undergrounding of culverts, street widening and the like. The construction costs will vary depending upon the method of contracting for the work (private construction is normally less expensive than a public works project).
- E. Finally, Owner is encouraged to contact a qualified real estate agent, attorney, or other person of appropriate qualifications and expertise to advise them regarding the potential impact of this Agreement on the value and/or marketability of their property or to, in any other respect, counsel them regarding the consequences of signing this Agreement.
- F. In the event Owner has requested an engineer's estimate pursuant to Gridley Municipal Code Section 12.04.021 C, it is expressly understood and agreed that the City Engineer's estimate(s) shall not be binding upon the City for purposes of any subsequent construction (or Owner's costs thereunder) and said estimate shall be given as an accommodation to Owner and to aid Owner's decision whether or not to enter into this Deferred Improvement Agreement as opposed

to installing the frontage improvements concomitantly with the development of the land, the subject of this Agreement. The Owner is responsible to reimburse the City for consultant's fees related to the development of said Engineer's Estimate. In addition, the failure of this Deferred Improvement Agreement to contain the language specified in Gridley Municipal Code Section 12.04.021 shall not invalidate the Agreement if it would otherwise be enforceable without such provisions.

IN WITNESS WHEREOF, the parties hereto have executed this agreement at

Gridley, California, on _____, 20_____.

First Party

CITY OF GRIDLEY

By: _____

Paul Eckert

City Administrator

Second Party

DENETTE R. AZEVEDO

By: _____

Print Name: _____

Title: _____

Second Party

JOSEPH NICHOLAS AZEVEDO

By: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM:

By: _____

Anthony Galyean

City Attorney

EXHIBIT "A"

Legal
Description

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF GRIDLEY, COUNTY OF BUTTE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 7 IN BLOCK 7, OF THE CITY (FORMERLY TOWN) OF GRIDLEY, AS SHOWN ON THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA.

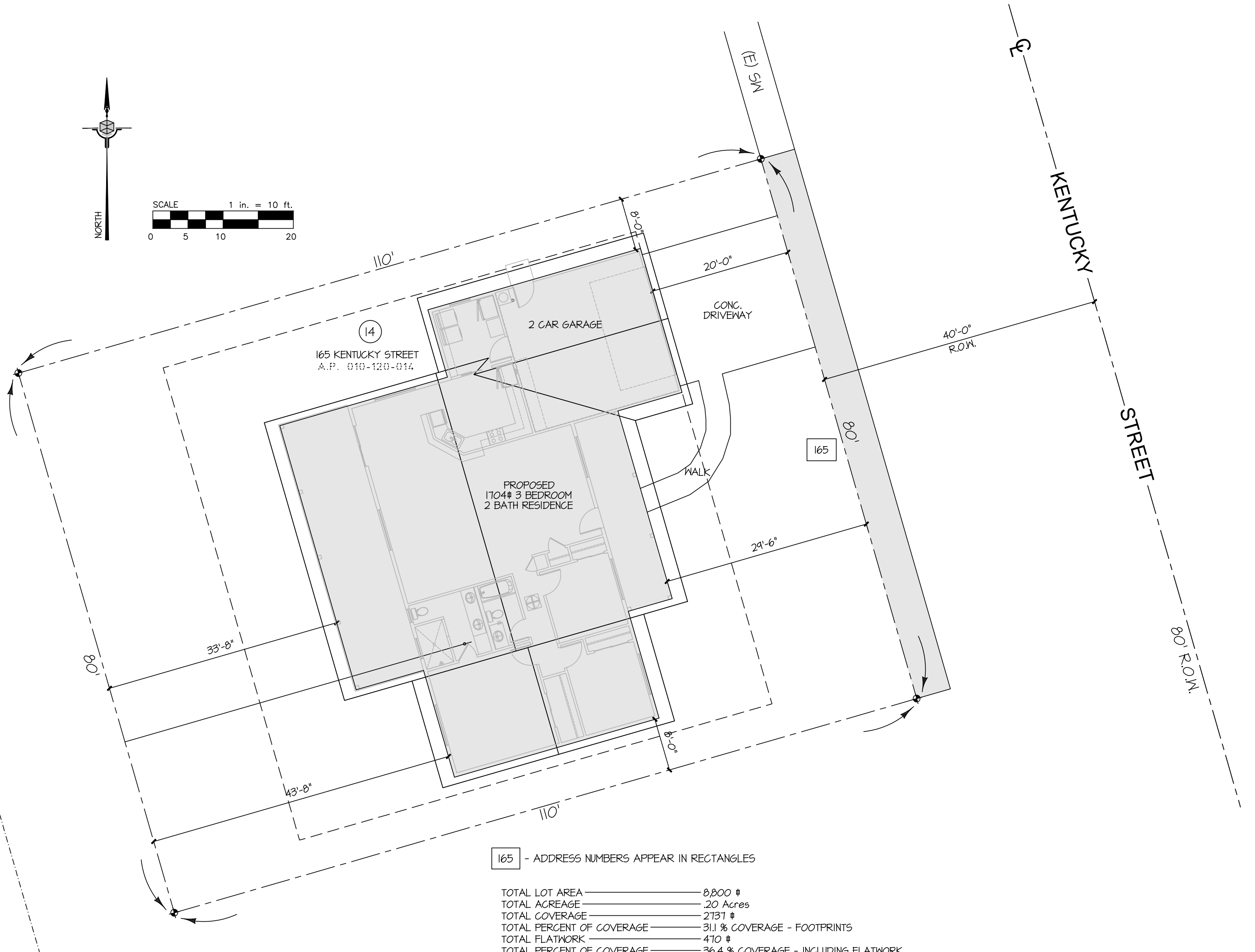
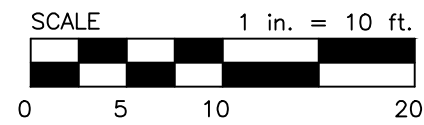
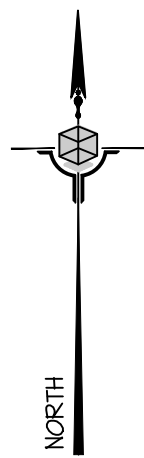
Property known as 165 Kentucky Street, Gridley, California 95948.

Trinidad Campos
PE Reg # 43835
Registration Expires: June 30, 2019
Date:

EXHIBIT "B"
Description of Deferred Street Frontage Improvements

1. Off-site improvement plans shall provide, at a minimum:
 - a. Topographic map identifying all existing utilities, street grades, edge of pavement and all existing features;
 - b. Demolition Plan depicting any existing features that will be removed or relocated;
 - c. Proposed grading plan showing grading and drainage and road improvements and widening;
 - d. Plan and profile drawings depicting curb and gutter and utility location, depth and grades, and,
 - e. All construction details for a complete job.

Plans shall be provided by a Registered Civil Engineer, stamped and signed and submitted for review and approval by the City of Gridley prior to the commencement of construction.
2. Construct street frontage improvements on Kentucky Street including approximately 80 lineal feet of curb and gutter, approximately 300 square feet of sidewalk, approximately 150 square feet of driveway, and pavement replacement between the existing edge of pavement and the new curb and gutter in accordance with the City of Gridley Public Works Construction Standards. Please note the lengths, widths, and square footage indicated may vary from the improvement plans submitted.
3. Provide a Geotechnical and Hydrology report.
4. Improvements shall comply with the City of Gridley Public Works Construction Standards.



165 - ADDRESS NUMBERS APPEAR IN RECTANGLES

TOTAL LOT AREA	8,800 #
TOTAL ACREAGE	.20 Acres
TOTAL COVERAGE	2737 #
TOTAL PERCENT OF COVERAGE	31.1 % COVERAGE - FOOTPRINTS
TOTAL FLATWORK	470 #
TOTAL PERCENT OF COVERAGE	36.4 % COVERAGE - INCLUDING FLATWORK

14 - LOT NUMBERS APPEAR IN CIRCLES

CITY OF GRIDLEY, CA
APPROVED BY:

TRIN CAMPOS, CITY ENGINEER, CITY OF GRIDLEY

DATE

City Council Agenda Item #4
Staff Report

Date: March 5, 2018

To: Mayor and City Council

From: Dean Price, Chief of Police

Subject: Resolution supporting the Reducing Crime and Keeping California Safe Act of 2018

X	Regular
	Special
	Closed
	Emergency

Recommendation

City Staff respectfully request the Mayor and City Council to adopt Resolution 2018-R-005; A Resolution of the City Council of the City of Gridley Supporting the Reducing Crime and Keeping California Safe Act of 2018.

Background and Discussion

Over the past several years a number of well-intentioned ballot measures and legislative actions have been implemented surrounding criminal justice reform and designed to focus on the overall intent of increasing opportunities for rehabilitation while lowering recidivism and incarceration rates. Those are worthy goals, but there has, however, been an unintended cumulative effect that has created impacts to our communities that we cannot ignore. Further, modification to our parole system designed to apply to non-violent offenders are set to potentially provide early release to serious domestic abusers, child sex traffickers, and subjects that have committed assaults on peace officers. The initiative is designed to do the following:

- Expands the list of violent crimes for which early release is not an option
- Reinstates DNA collection for certain crimes that were reduced to misdemeanors as part of Proposition 47
- Requires the Board of Parole Hearings to consider an inmate's entire criminal history when deciding parole, not just his/her most recent commitment offense; and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of their parole for the third time.

Proponents of the initiative are currently collecting signatures to place the Reducing Crime and Keeping California Safe Act of 2018 on the November 2018 ballot. The California District Attorneys' Association and the Peace Officers Research Association of California have each publicly declared their support for the initiative. This item has been reviewed by the Police Department and is supported by staff.

Financial Impact

No fiscal impact to the City.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with our ongoing efforts to enhance Gridley's quality of life.

Attachments

1. Resolution – Reducing Crime and Keeping California Safe Act of 2018
2. Reducing Crime and Keeping California Safe Act of 2018 Initiative Measure #17-0044

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY SUPPORTING THE REDUCING
CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018**

WHEREAS, protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison; and

WHEREAS, since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2016, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI; and

WHEREAS, the FBI Preliminary Semi-annual Uniform Crime Report for 2017, which tracks crimes committed during the first six months of the past year in U.S. cities with populations over 100,000 indicates that last year violent crime increased again in most of California's largest cities.

WHEREAS, recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent". These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer, firefighter, and felony domestic violence to be considered "nonviolent offenders"; and

WHEREAS, as a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge; and

WHEREAS, violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer; and

WHEREAS, this measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations; and

WHEREAS, nothing in this act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits; and

WHEREAS, recent changes to California law allow individuals who steal repeatedly to face consequences, regardless of their criminal record or how many times they steal; and

RESOLUTION NO.
2018-R-005

WHEREAS, as a result, between 2014 and 2016, California had the second highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years; and

WHEREAS, grocery store operators around the state have seen unprecedented increases in the amount of losses associated with shoplifting in their stores, with some reporting up to 150% increases in these losses from 2012 to present, with the largest jumps occurring since 2014; and

WHEREAS, shoplifting incidents have started to escalate in such a manner that have endangered innocent customers and employees; and

WHEREAS, individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs; and

WHEREAS, California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms; and

WHEREAS, collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals; and

WHEREAS, DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape/murder of an 83-year-old woman, and

WHEREAS, recent changes to California law intentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses; and

WHEREAS, permitting the collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted; and

WHEREAS, this measure does not affect existing legal safeguards that protect the privacy of individuals by allowing the removal of their DNA profile if they are not charged with a crime, are acquitted or found innocent.

**RESOLUTION NO.
2018-R-005**

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Gridley herby supports the Reducing Crime and Keeping California Safe Act of 2018.

I HEREBY CERTIFY that the foregoing resolution was introduced passed and adopted by the City Council of the City of Gridley at a regular meeting held on the 5th day of March, 2018 by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

ABSTAIN: COUNCILMEMBERS

ATTEST:

APPROVE:

Paul Eckert, City Clerk

Frank Hall, Mayor

Date: 11/14/2017

RECEIVED

NOV 28 2017

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Initiative No. 17-0044 - Amendment # 1

Dear Initiative Coordinator:

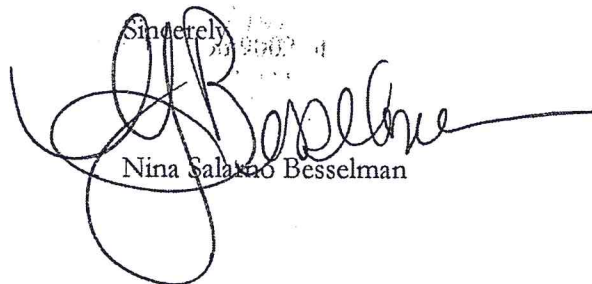
Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment # 1 to Initiative No. 17-0044. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

For purposes of inquiries from the public and the media, please direct them as follows:

Charles H. Bell, Jr.
455 Capitol Mall, Suite 600
Sacramento, CA 95814
cbell@bmhlaw.com
(916) 442-7757

Thank you for your time and attention processing my request.

Sincerely,

Nina Salzman Besselman

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SEC. 1. TITLE

This act shall be known and may be cited as the Reducing Crime and Keeping California Safe Act of 2018.

SEC. 2. PURPOSES

This measure will fix three related problems created by recent laws that have threatened the public safety of Californians and their children from violent criminals. This measure will:

- A. Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision and tighten penalties for violations of terms of post release community supervision;
- B. Reform theft laws to restore accountability for serial thieves and organized theft rings; and
- C. Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

SEC. 3. FINDINGS AND DECLARATIONS

A. Prevent Early Release of Violent Felons

1. Protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison.
2. Since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI.
3. Recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "non-violent offenders."
4. As a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge.
5. Violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer.
6. Californians need better protection from such violent criminals.
7. Californians need better protection from felons who repeatedly violate the terms of their post release community supervision.
8. This measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations.
9. Californians need better protection from such violent criminals. This measure reforms the law to define such crimes as "violent felonies" for purposes of early release.

10. Nothing in this act is intended to create additional “strike” offenses which would increase the state prison population.

11. Nothing in this act is intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits.

B. Restore Accountability for Serial Theft and Organized Theft Rings

1. Recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal.

2. As a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years.

3. Individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges’ ability to order individuals convicted of repeated theft crimes into effective drug treatment programs.

4. California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms.

C. Restore DNA Collection to Solve Violent Crime

1. Collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals.

2. DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape-murder of an 83-year-old woman.

3. Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses.

4. Permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted.

5. This measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

SEC. 4. PAROLE CONSIDERATION

Section 3003 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Except as otherwise provided in this section, an inmate who is released on parole or postrelease supervision as provided by Title 2.05 (commencing with Section 3450) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. For purposes of this subdivision, “last legal residence” shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Parole Hearings setting the conditions of

parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections and Rehabilitation setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
 (2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections and Rehabilitation, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e)(1) The following information, if available, shall be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) who is released in their jurisdictions:

(A) Last, first, and middle names.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole or placement on postrelease community supervision and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole or postrelease community supervision in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the inmate's residence location for use with a Geographical Information System (GIS) or comparable computer program.

(N) Copies of the record of supervision during any prior period of parole.

(2) Unless the information is unavailable, the Department of Corrections and Rehabilitation shall electronically transmit to the county agency identified in subdivision (a) of Section 3451 the inmate's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the county to consider as the offender transitions onto postrelease community supervision pursuant to Section 3450, for the purpose of identifying the medical and mental health needs of the individual. All transmissions to the county agency shall be in compliance with applicable provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191), the federal Health Information Technology for Clinical Health Act (HITECH) (Public Law 111-005), and the implementing of privacy and security regulations in Parts 160 and 164 of Title 45 of the Code of Federal Regulations. This paragraph shall not take effect until the Secretary of the United States Department of Health and Human Services, or his or her designee, determines that this provision is not preempted by HIPAA.

(3) Except for the information required by paragraph (2), the information required by this subdivision shall come from the statewide parolee database. The information obtained from each source shall be based on the same timeframe.

(4) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

(5) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.

~~(f) Notwithstanding any other law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, and paragraph (16) of subdivision (c) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on a person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that there is a need to protect the life, safety, or well-being of a victim or witness.~~ the victim or witness, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, any of the following crimes:

(1) A violent felony as defined subdivision (c) of Section 667.5 or subdivision (a) of Section 3040.1.

(2) A felony in which the defendant inflicts great bodily injury on a person, other than an accomplice, that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9.

(g) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-

half mile of a public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim's or witness' actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole or postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim. If an inmate who is released on postrelease community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.

(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) An inmate may be paroled to another state pursuant to any other law. The Department of Corrections and Rehabilitation shall coordinate with local entities regarding the placement of inmates placed out of state on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450).

(k)(1) Except as provided in paragraph (2), the Department of Corrections and Rehabilitation shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e). County agencies supervising inmates released to postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) shall provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. This information may include all records of supervision, the issuance of warrants, revocations, or the termination of postrelease community supervision. On or before August 1, 2011, county agencies designated to supervise inmates released to postrelease community supervision shall notify the department that the county agencies have been designated as the local entity responsible for providing that supervision.

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

(l) In addition to the requirements under subdivision (k), the Department of Corrections and Rehabilitation shall submit to the Department of Justice data to be included in the supervised release file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. The data required by this subdivision shall be provided via electronic transfer.

Section 3040.1 is added to the Penal Code to read:

(a) For purposes of early release or parole consideration under the authority of Section 32 of Article I of the Constitution, Sections 12838.4 and 12838.5 of the Government Code, Sections 3000.1, 3041.5, 3041.7, 3052, 5000, 5054, 5055, 5076.2 of this Code and the rulemaking authority granted by Section 5058 of this Code, the following shall be defined as "violent felony offenses":

(1) Murder or voluntary manslaughter;

- (2) Mayhem;
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262;
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286;
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a;
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288;
- (7) Any felony punishable by death or imprisonment in the state prison for life;
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55;
- (9) Any robbery;
- (10) Arson, in violation of subdivision (a) or (b) of Section 451;
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289;
- (12) Attempted murder;
- (13) A violation of Section 18745, 18750, or 18755;
- (14) Kidnapping;
- (15) Assault with the intent to commit a specified felony, in violation of Section 220;
- (16) Continuous sexual abuse of a child, in violation of Section 288.5;
- (17) Carjacking, as defined in subdivision (a) of Section 215;
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1;
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22;
- (20) Threats to victims or witnesses, as defined in subdivision (c) of Section 136.1;
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary;
- (22) Any violation of Section 12022.53;
- (23) A violation of subdivision (b) or (c) of Section 11418;
- (24) Solicitation to commit murder;
- (25) Felony assault with a firearm in violation of subsections (a)(2) and (b) of Section 245;
- (26) Felony assault with a deadly weapon in violation of paragraph (1) of subdivision (a) of Section 245;
- (27) Felony assault with a deadly weapon upon the person of a peace officer or firefighter in violation of subdivisions (c) and (d) of Section 245;
- (28) Felony assault by means of force likely to produce great bodily injury in violation of paragraph (4) of subdivision (a) of Section 245;
- (29) Assault with caustic chemicals in violation of Section 244;
- (30) False imprisonment in violation of Section 210.5;
- (31) Felony discharging a firearm in violation of Section 246;
- (32) Discharge of a firearm from a motor vehicle in violation of subsection (c) of Section 26100;
- (33) Felony domestic violence resulting in a traumatic condition in violation of Section 273.5;
- (34) Felony use of force or threats against a witness or victim of a crime in violation of Section 140;

- (35) Felony resisting a peace officer and causing death or serious injury in violation of Section 148.10;
 - (36) A felony hate crime punishable pursuant to Section 422.7;
 - (37) Felony elder or dependent adult abuse in violation of subdivision (b) of Section 368;
 - (38) Rape in violation of paragraphs (1), (3), or (4) of subdivision (a) of Section 261;
 - (39) Rape in violation of Section 262;
 - (40) Sexual penetration in violation of subdivision (b), (d) or (e) of Section 289;
 - (41) Sodomy in violation of subdivision (f), (g), or (i) of Section 286;
 - (42) Oral copulation in violation of subdivision (f), (g), or (i) of Section 288a;
 - (43) Abduction of a minor for purposes of prostitution in violation of Section 267;
 - (44) Human trafficking in violation of subdivision (a), (b), or (c) of Section 236.1;
 - (45) Child abuse in violation of Section 273ab;
 - (46) Possessing, exploding, or igniting a destructive device in violation of Section 18740;
 - (47) Two or more violations of subsection (c) of Section 451;
 - (48) Any attempt to commit an offense described in this subdivision;
 - (49) Any felony in which it is pled and proven that the Defendant personally used a dangerous or deadly weapon;
 - (50) Any offense resulting in lifetime sex offender registration pursuant to Sections 290 through 290.009.
 - (51) Any conspiracy to commit an offense described in this Section.
- (b) The provisions of this section shall apply to any inmate serving a custodial prison sentence on or after the effective date of this section, regardless of when the sentence was imposed.

Section 3040.2 is added to the Penal Code to read:

- (a) Upon conducting a nonviolent offender parole consideration review, the hearing officer for the Board of Parole Hearings shall consider all relevant, reliable information about the inmate.
- (b) The standard of review shall be whether the inmate will pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison.
- (c) In reaching this determination, the hearing officer shall consider the following factors:
 - (1) Circumstances surrounding the current conviction;
 - (2) The inmate's criminal history, including involvement in other criminal conduct, both juvenile and adult, which is reliably documented;
 - (3) The inmate's institutional behavior including both rehabilitative programming and institutional misconduct;
 - (4) Any input from the inmate, any victim, whether registered or not at the time of the referral, and the prosecuting agency or agencies;
 - (5) The inmate's past and present mental condition as documented in records in the possession of the Department of Corrections and Rehabilitation;
 - (6) The inmate's past and present attitude about the crime;
 - (7) Any other information which bears on the inmate's suitability for release.
- (d) The following circumstances shall be considered by the hearing officer in determining whether the inmate is unsuitable for release:
 - (1) Multiple victims involved in the current commitment offense;
 - (2) A victim was particularly vulnerable due to age or physical or mental condition;
 - (3) The inmate took advantage of a position of trust in the commission of the crime;

- (4) The inmate was armed with or used a firearm or other deadly weapon in the commission of the crime;
 - (5) A victim suffered great bodily injury during the commission of the crime;
 - (6) The inmate committed the crime in association with a criminal street gang;
 - (7) The inmate occupied a position of leadership or dominance over other participants in the commission of the crime, or the inmate induced others to participate in the commission of the crime;
 - (8) During the commission of the crime, the inmate had a clear opportunity to cease but instead continued;
 - (9) The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which the inmate is currently committed to prison;
 - (10) The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime;
 - (11) The inmate was on probation, parole, post release community supervision, mandatory supervision or was in custody or had escaped from custody at the time of the commitment offense;
 - (12) The inmate was on any form of pre- or post-conviction release at the time of the commitment offense;
 - (13) The inmate's prior history of violence, whether as a juvenile or adult;
 - (14) The inmate has engaged in misconduct in prison or jail;
 - (15) The inmate is incarcerated for multiple cases from the same or different counties or jurisdictions.
- (e) The following circumstances shall be considered by the hearing officer in determining whether the inmate is suitable for release:
- (1) The inmate does not have a juvenile record of assaulting others or committing crimes with a potential of harm to victims;
 - (2) The inmate lacks any history of violent crime;
 - (3) The inmate has demonstrated remorse;
 - (4) The inmate's present age reduces the risk of recidivism;
 - (5) The inmate has made realistic plans if released or has developed marketable skills that can be put to use upon release;
 - (6) The inmate's institutional activities demonstrate an enhanced ability to function within the law upon release;
 - (7) The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense;
 - (8) The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission;
 - (9) The inmate has a minimal or no criminal history;
 - (10) The inmate was a passive participant or played a minor role in the commission of the crime;
 - (11) The crime was committed during or due to an unusual situation unlikely to reoccur.

Section 3040.3 is added to the Penal Code to read:

- (a) An inmate whose current commitment includes a concurrent, consecutive or stayed sentence for an offense or allegation defined as violent by subdivision (c) of Section 667.5 or 3040.1 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.

- (b) An inmate whose current commitment includes an indeterminate sentence shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (c) An inmate whose current commitment includes any enhancement which makes the underlying offense violent pursuant to subdivision (c) of Section 667.5 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (d) For purposes of Section 32 of Article I of the Constitution, the "full term" of the "primary offense" shall be calculated based only on actual days served on the commitment offense.

Section 3040.4 is added to the Penal Code to read:

Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to victims of crime prior to an inmate being reviewed for early parole and release. The Department shall provide victims with the right to be heard regarding early parole consideration and to participate in the review process. The Department shall consider the safety of the victims, the victims' family, and the general public when making a determination on early release.

- (a) Prior to conducting a review for early parole, the Department shall provide notice to the prosecuting agency or agencies and to registered victims, and shall make reasonable efforts to locate and notify victims who are not registered.
- (b) The prosecuting agency shall have the right to review all information available to the hearing officer including, but not limited to the inmate's central file, documented adult and juvenile criminal history, institutional behavior including both rehabilitative programming and institutional misconduct, any input from any person or organization advocating on behalf of the inmate, and any information submitted by the public.
- (c) A victim shall have a right to submit a statement for purposes of early parole consideration, including a confidential statement.
- (d) All prosecuting agencies, any involved law enforcement agency, and all victims, whether or not registered, shall have the right to respond to the board in writing.
- (e) Responses to the Board by prosecuting agencies, law enforcement agencies, and victims must be made within 90 days of the date of notification of the inmate's eligibility for early parole review or consideration.
- (f) The Board shall notify the prosecuting agencies, law enforcement agencies, and the victims of the Nonviolent Offender Parole decision within 10 days of the decision being made.
- (g) Within 30 days of the notice of the final decision concerning Nonviolent Offender Parole Consideration, the inmate and the prosecuting agencies may request review of the decision.
- (h) If an inmate is denied early release under the Nonviolent Offender Parole provisions of Section 32 of Article I of the Constitution, the inmate shall not be eligible for early Nonviolent Offender parole consideration for two (2) calendar years from the date of the final decision of the previous denial.

Section 3041 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a)(1) In the case of any inmate sentenced pursuant to any law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of Parole Hearings shall meet with each inmate during the sixth year before the inmate's minimum eligible parole date for the purposes of reviewing and documenting the inmate's activities and conduct pertinent to parole

eligibility. During this consultation, the board shall provide the inmate information about the parole hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Within 30 days following the consultation, the board shall issue its positive and negative findings and recommendations to the inmate in writing.

(2) One year before the inmate's minimum eligible parole date a panel of two or more commissioners or deputy commissioners shall again meet with the inmate and shall normally grant parole as provided in Section 3041.5. No more than one member of the panel shall be a deputy commissioner.

(3) In the event of a tie vote, the matter shall be referred for an en banc review of the record that was before the panel that rendered the tie vote. Upon en banc review, the board shall vote to either grant or deny parole and render a statement of decision. The en banc review shall be conducted pursuant to subdivision (e).

(4) Upon a grant of parole, the inmate shall be released subject to all applicable review periods. However, an inmate shall not be released before reaching his or her minimum eligible parole date as set pursuant to Section 3046 unless the inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date or elderly parole eligibility date.

(5) At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole for an en banc hearing by the board. In case of a review, a majority vote in favor of parole by the board members participating in an en banc review is required to grant parole to any inmate.

(b)(1) The panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. The panel or the board, sitting en banc, shall consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.

(2) After July 30, 2001, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing.

(3) A decision of a panel shall not be disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public meeting.

(c) For the purpose of reviewing the suitability for parole of those inmates eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each inmate until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

(d) It is the intent of the Legislature that, during times when there is no backlog of inmates awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings

will be conducted by a panel of three or more members, the majority of whom shall be commissioners. The board shall report monthly on the number of cases where an inmate has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required by subdivision (a) of Section 3041.5 or paragraph (2) of subdivision (b) of Section 3041.5, unless the inmate has waived the right to those timeframes. That report shall be considered the backlog of cases for purposes of this section, and shall include information on the progress toward eliminating the backlog, and on the number of inmates who have waived their right to the above timeframes. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature quarterly.

(e) For purposes of this section, an en banc review by the board means a review conducted by a majority of commissioners holding office on the date the matter is heard by the board. An en banc review shall be conducted in compliance with the following:

- (1) The commissioners conducting the review shall consider the entire record of the hearing that resulted in the tie vote.
- (2) The review shall be limited to the record of the hearing. The record shall consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. New evidence or comments shall not be considered in the en banc proceeding.
- (3) The board shall separately state reasons for its decision to grant or deny parole.
- (4) A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the en banc review.

Section 3454 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a) Each supervising county agency, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, shall establish a review process for assessing and refining a person's program of postrelease supervision. Any additional postrelease supervision conditions shall be reasonably related to the underlying offense for which the offender spent time in prison, or to the offender's risk of recidivism, and the offender's criminal history, and be otherwise consistent with law.
- (b) Each county agency responsible for postrelease supervision, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, may determine additional appropriate conditions of supervision listed in Section 3453 consistent with public safety, including the use of continuous electronic monitoring as defined in Section 1210.7, order the provision of appropriate rehabilitation and treatment services, determine appropriate incentives, and determine and order appropriate responses to alleged violations, which can include, but shall not be limited to, immediate, structured, and intermediate sanctions up to and including referral to a reentry court pursuant to Section 3015, or flash incarceration in a city or county jail. Periods of flash incarceration are encouraged as one method of punishment for violations of an offender's condition of postrelease supervision.
- (c) As used in this title, "flash incarceration" is a period of detention in a city or county jail due to a violation of an offender's conditions of postrelease supervision. The length of the detention period can range between one and 10 consecutive days. Flash incarceration is a tool that may be used by each county agency responsible for postrelease supervision. Shorter, but if necessary

more frequent, periods of detention for violations of an offender's postrelease supervision conditions shall appropriately punish an offender while preventing the disruption in a work or home establishment that typically arises from longer term revocations.

(d) Upon a decision to impose a period of flash incarceration, the probation department shall notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.

Section 3455 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) If the supervising county agency has determined, following application of its assessment processes, that intermediate sanctions as authorized in subdivision (b) of Section 3454 are not appropriate, or if the supervised person has violated the terms of his or her release for a third time, the supervising county agency shall petition the court pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision. At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease community supervision, waive a court hearing, and accept the proposed modification of his or her postrelease community supervision. The petition shall include a written report that contains additional information regarding the petition, including the relevant terms and conditions of postrelease community supervision, the circumstances of the alleged underlying violation, the history and background of the violator, and any recommendations. The Judicial Council shall adopt forms and rules of court to establish uniform statewide procedures to implement this subdivision, including the minimum contents of supervision agency reports. Upon a finding that the person has violated the conditions of postrelease community supervision, the revocation hearing officer shall have authority to do all of the following:

- (1) Return the person to postrelease community supervision with modifications of conditions, if appropriate, including a period of incarceration in a county jail.
- (2) Revoke and terminate postrelease community supervision and order the person to confinement in a county jail.
- (3) Refer the person to a reentry court pursuant to Section 3015 or other evidence-based program in the court's discretion.

(b) (1) At any time during the period of postrelease community supervision, if a peace officer, including a probation officer, has probable cause to believe a person subject to postrelease community supervision is violating any term or condition of his or her release, or has failed to appear at a hearing pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision, the officer may, without a warrant or other process, arrest the person and bring him or her before the supervising county agency established by the county board of supervisors pursuant to subdivision (a) of Section 3451. Additionally, an officer employed by the supervising county agency may seek a warrant and a court or its designated hearing officer appointed pursuant to Section 71622.5 of the Government Code shall have the authority to issue a warrant for that person's arrest.

(2) The court or its designated hearing officer shall have the authority to issue a warrant for a person who is the subject of a petition filed under this section who has failed to appear for a hearing on the petition or for any reason in the interests of justice, or to remand to custody a person who does appear at a hearing on the petition for any reason in the interests of justice.

(3) Unless a person subject to postrelease community supervision is otherwise serving a period of flash incarceration, whenever a person who is subject to this section is arrested, with or without a warrant or the filing of a petition for revocation, the court may order the release of the person under supervision from custody under any terms and conditions the court deems appropriate.

(c) The revocation hearing shall be held within a reasonable time after the filing of the revocation petition. Except as provided in paragraph (3) of subdivision (b), based upon a showing of a preponderance of the evidence that a person under supervision poses an unreasonable risk to public safety, or that the person may not appear if released from custody, or for any reason in the interests of justice, the supervising county agency shall have the authority to make a determination whether the person should remain in custody pending the first court appearance on a petition to revoke postrelease community supervision, and upon that determination, may order the person confined pending his or her first court appearance.

(d) Confinement pursuant to paragraphs (1) and (2) of subdivision (a) shall not exceed a period of 180 days in a county jail for each custodial sanction.

(e) A person shall not remain under supervision or in custody pursuant to this title on or after three years from the date of the person's initial entry onto postrelease community supervision, except when his or her supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

SEC. 5. DNA COLLECTION

Section 296 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) The following persons shall provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to this chapter for law enforcement identification analysis:

(1) Any person, including any juvenile, who is convicted of or pleads guilty or no contest to any felony offense, or is found not guilty by reason of insanity of any felony offense, or any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense.

(2) Any adult person who is arrested for or charged with any of the following felony offenses:

(A) Any felony offense specified in Section 290 or attempt to commit any felony offense described in Section 290, or any felony offense that imposes upon a person the duty to register in California as a sex offender under Section 290.

(B) Murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.

(C) Commencing on January 1, 2009, any adult person arrested or charged with any felony offense.

(3) Any person, including any juvenile, who is required to register under Section 290 through 290.009 or 457.1 because of the commission of, or the attempt to commit, a felony or misdemeanor offense, or any person, including any juvenile, who is housed in a mental health facility or sex offender treatment program after referral to such facility or program by a court after being charged with any felony offense.

(4) Any person, excluding a juvenile, who is convicted of, or pleads guilty or no contest to, any of the following offenses:

(A) A misdemeanor violation of Section 459.5;

(B) A violation of subdivision (a) of Section 473 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 473;

(C) A violation of subdivision (a) of Section 476a that is punishable as a misdemeanor pursuant to subdivision (b) of Section 476a;

(D) A violation of Section 487 that is punishable as a misdemeanor pursuant to Section 490.2;

(E) A violation of Section 496 that is punishable as a misdemeanor;

(F) A misdemeanor violation of subdivision (a) of Section 11350 of the Health and Safety Code;

(G) A misdemeanor violation of subdivision (a) of Section 11377 of the Health and Safety Code;

(H) A misdemeanor violation of paragraph (1) of subdivision (e) of Section 243;

(I) A misdemeanor violation of Section 273.5;

(J) A misdemeanor violation of paragraph (1) of subdivision (b) of Section 368;

(K) Any misdemeanor violation where the victim is defined as set forth in Section 6211 of the Family Code;

(L) A misdemeanor violation of paragraph (3) of subdivision (b) of Section 647.

~~(4)~~(5) The term "felony" as used in this subdivision includes an attempt to commit the offense.

~~(5)~~(6) Nothing in this chapter shall be construed as prohibiting collection and analysis of specimens, samples, or print impressions as a condition of a plea for a non-qualifying offense.

(b) The provisions of this chapter and its requirements for submission of specimens, samples and print impressions as soon as administratively practicable shall apply to all qualifying persons regardless of sentence imposed, including any sentence of death, life without the possibility of parole, or any life or indeterminate term, or any other disposition rendered in the case of an adult or juvenile tried as an adult, or whether the person is diverted, fined, or referred for evaluation, and regardless of disposition rendered or placement made in the case of juvenile who is found to have committed any felony offense or is adjudicated under Section 602 of the Welfare and Institutions Code.

(c) The provisions of this chapter and its requirements for submission of specimens, samples, and print impressions as soon as administratively practicable by qualified persons as described in subdivision (a) shall apply regardless of placement or confinement in any mental hospital or other public or private treatment facility, and shall include, but not be limited to, the following persons, including juveniles:

(1) Any person committed to a state hospital or other treatment facility as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(2) Any person who has a severe mental disorder as set forth within the provisions of Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.

(3) Any person found to be a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(d) The provisions of this chapter are mandatory and apply whether or not the court advises a person, including any juvenile, that he or she must provide the data bank and database specimens, samples, and print impressions as a condition of probation, parole, or any plea of guilty, no contest, or not guilty by reason of insanity, or any admission to any of the offenses described in subdivision (a).

(e) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, and print impressions required by this chapter have not already been taken from any person, as defined under subdivision (a) of Section 296, the prosecuting attorney shall notify the court orally on the record, or in writing, and request that the court order collection of the specimens, samples, and print impressions required by law. However, a failure by the prosecuting attorney or any other law enforcement agency to notify the court shall not relieve a person of the obligation to provide specimens, samples, and print impressions pursuant to this chapter.

(f) Prior to final disposition or sentencing in the case the court shall inquire and verify that the specimens, samples, and print impressions required by this chapter have been obtained and that this fact is included in the abstract of judgment or dispositional order in the case of a juvenile. The abstract of judgment issued by the court shall indicate that the court has ordered the person to comply with the requirements of this chapter and that the person shall be included in the state's DNA and Forensic Identification Data Base and Data Bank program and be subject to this chapter.

However, failure by the court to verify specimen, sample, and print impression collection or enter these facts in the abstract of judgment or dispositional order in the case of a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

SEC. 6. SHOPLIFTING

Section 459.5 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to ~~commit larceny~~ steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

(c) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(d) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(e) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

Section 490.2 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

SEC. 7. SERIAL THEFT**Section 490.3 is added to the Penal Code to read:**

(a) This section applies to the following crimes:

- (1) petty theft;
- (2) shoplifting;
- (3) grand theft;
- (4) burglary;
- (5) carjacking;
- (6) robbery;
- (7) a crime against an elder or dependent adult within the meaning of subdivision (d) or (e) of Section 368;
- (8) any violation of Section 496;
- (9) unlawful taking or driving of a vehicle within the meaning of Section 10851 of the Vehicle Code.

(10) Forgery.

(11) The unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e.

(12) Forgery of an access card pursuant to Section 484f.

(13) The unlawful use of an access card pursuant to Section 484g.

(14) Identity theft pursuant to Section 530.5.

(15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

(b) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal

property taken exceeds two hundred fifty dollars (\$250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 8. ORGANIZED RETAIL THEFT

Section 490.4 is added to the Penal Code to read:

(a) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars (\$250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.

(d) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of theft.

(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 9. AMENDMENTS

This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declarations of the Act and is passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

SEC. 10. SEVERABILITY

If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SEC. 11. CONFLICTING INITIATIVES

(a) In the event that this measure and another measure addressing parole consideration pursuant to Section 32 of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or theft offenses shall appear on the same statewide ballot, the

provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

City Council Agenda Item #5
Staff Report

Date: March 5, 2018

To: Mayor and City Council

From: Paul Eckert, City Administrator

Subject: Resolution Authorizing Finance Director to Administer State and Federal Disaster Assistance

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully requests the City Council adopt Resolution 2018-R-006

Background

The City declared a local emergency on February 12, 2017, due to the possibility of catastrophic flash flooding from large amounts of water flowing over, and causing erosion below, the auxiliary spillway in use at the Oroville Dam.

In order to obtain State and Federal funding to help with the repairs, a local emergency was declared by the City Council as the governing body. The Council appropriately ratified the declared emergency within seven (7) days requirement through Resolution No. 2017-R-005 adopted on February 16, 2017. While adopting the resolution, the City used the name of the previous Finance Director, Matt Michaelis, as the City's authorized representative to administer State and Federal disaster assistance. The attached resolution updates the City records by referencing only the "position" of Finance Director as the City's authorized representative, streamlining our processes.

Financial Impact

There are no financial impacts associated with this agenda item at this time. Adoption of the attached Resolution will permit the City to obtain State and Federal assistance.

Compliance with City Council Strategic Plan or Budget Goals

Adoption of the attached Resolution is consistent with appropriate emergency operations efforts.

Attachments

Resolution No. 2018-R-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY UPDATING RESOLUTION NO. 2017-R-005 BY DESIGNATING THE FINANCE DIRECTOR AS THE AUTHORIZED REPRESENTATIVE OF THE CITY OF GRIDLEY FOR THE PURPOSE OF RECEIPT, PROCESSING, AND COORDINATION OF ALL INQUIRIES AND REQUIREMENTS NECESSARY TO OBTAIN AVAILABLE STATE AND FEDERAL DISASTER ASSISTANCE

WHEREAS, Section 2.20.070 of the City of Gridley Municipal Code empowers the City Administrator or Police Chief to proclaim the existence, or threatened existence of a local emergency when the City is affected, or likely to be affected, by a local emergency and the City of Gridley City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the City of Gridley and the region, commencing February 7, 2017, due to damage to both the auxiliary and primary spillways of the Oroville Dam, coupled with historically high-water levels in the lake; and

WHEREAS, the damage to the spillways could have resulted in the failure of the spillways potentially resulting in catastrophic flash flooding (Oroville Spillway Incident), which led to the mass evacuation of residents in the cities of Gridley and Biggs and other Butte County communities in low lying areas around the Feather River; and

WHEREAS, the conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency; and

WHEREAS, at the commencement of the local emergency the City of Gridley City Council was not in session (and could not immediately be called into session); and

WHEREAS, the Chief of Police, acting in his role of the Assistant Director of Emergency Services proclaimed the existence of a local emergency within the City of Gridley on the 12th day of February, 2017; and

WHEREAS, it is hereby found that local resources were unable to cope with the effects of said emergencies, the City of Gridley requested California Disaster Assistance Act (CDAA) Funding be made available; and

WHEREAS, that the Proclamation of Existence of a Local Emergency with respect to the Oroville Spillway Incident and the request to the Governor to declare a State of Emergency as issued by the Police Chief was ratified and confirmed by the City of Gridley City Council; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the Gridley Finance Director is hereby designated as the authorized representative of the City of Gridley for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal disaster assistance.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Gridley at a special meeting held on the 5th day of March, 2018 by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

ABSTAIN: COUNCILMEMBERS

ATTEST

APPROVE

Paul Eckert, City Clerk

Frank Hall, Mayor

City Council Agenda Item #6

Staff Report

Date: March 5, 2018

To: Mayor and City Council

From: Juan Solis, Finance Director

Subject: Annual Independent Financial Audit Report

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests that the Mayor and City Council acknowledge and accept the Annual Audit through adoption of Resolution No. 2018-R-007, A Resolution of the City Council of the City of Gridley Accepting the Independent Audit Report for Fiscal Year 2016-2017.

Background

The City's third-party Independent Auditor, Mann, Urrutia, Nelson, CPAs & Associates, LLP, has completed the audit of the financial statements for the 2016-2017 fiscal year. The audited financial statements have been distributed to the Mayor and City Council for your review. The Independent Auditor has provided a "clean" audit free of any findings. While the report is lengthy we suggest that the most interesting portions of the audit are the Management Discussion and Analysis on pages 3 through 13 and the accompanying notes to the financial statements on pages 28 through 60.

Derived from the same underlying basic financial statements information as the City's Budget Reports which are reported on separately, the Audited Financial Statements differ significantly in the presentation of that information. The City's Budget Reports are presented primarily on a cash basis to show the operating capabilities of each of the operational funds of the City during a single period. The Audited Financial Statements, based on "generally accepted accounting principles" (GAAP), promulgated by the Governmental Accounting Standards Board (GASB), focus more on presenting an overall picture of the financial position of the City.

The primary purpose of an independent audit is to assure the users of the financial statements that they can rely on those statements to accurately present the financial status of the City. The audit is not a guarantee that the statements are absolutely perfect, nor that there have been no defalcations or misappropriation of City resources. The Auditor's Report states that after studying and analyzing the City's financial records, using their expertise, accepted standards, and due diligence, they have reached the conclusion that the financial statements "present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Gridley..."

The published financial statements also include as Supplementary Information, Budget Comparison Schedules, which are similar to our Final Budget Report, and Combining Statements which details the underlying non-major Fund information that makes up the Governmental Activities

The opinion on the City of Gridley's Financial Statements was considered unqualified, or in layman's terms, a clean audit. The auditors have considered the City's own internal control mechanisms to ensure that financial transactions are reported accurately, and defalcation and malfeasance do not occur. The "Report on Internal Control Over Financial Reporting..." states that this year they "did not identify any deficiencies in internal control over financial reporting that we consider to be a material weakness." A "material weakness" is a deficiency or combination of deficiencies in internal control

such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected in a timely basis.

Additionally, the results of the audit "disclosed no instances of noncompliance or other matters that are required to be reported under Governmental Auditing Standards."

Government code and practice requires that the City Council formally accept the independent auditor's report. By the very nature of the independence of the auditor, the City cannot alter or change the reports, so the purpose of the practice is only to ensure that the governing body has been presented with the report. Staff recommends adoption of Resolution No. 2018-R-007 accepting the audit report.

Fiscal Impact

There are no direct financial impacts associated with the City Council's acceptance of the independent third party annual audit process.

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to provide the best possible financial practices and the highest possible transparency regarding all financial transactions.

Attachments

1. Financial Statements (complete report distributed under separate cover)
2. Proposed Resolution No. 2018-R-007

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY ACCEPTING THE
INDEPENDENT AUDIT REPORT FOR FISCAL YEAR 2016 – 2017**

WHEREAS, the City Council has received the published financial statements for the City of Gridley for the 2016-2017 fiscal year; and,

WHEREAS, the Council has received and reviewed the report of the independent auditor, Auditor, Mann, Urrutia, Nelson, CPAs & Associates, LLP on those financial statements; and,

WHEREAS, the Council has reviewed the report of the independent auditor on internal control over financial reporting and other matters accompanying the audit report, and the findings and its own management's response.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gridley that the published City of Gridley Financial Statements for Fiscal Year ended June 30, 2017 and the Independent Auditor's Report on those statements is accepted and made available to the interested public.

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a regular meeting held on the 5th day of March, 2018 by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSTAIN: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

ATTEST:

APPROVE:

Paul Eckert, City Clerk

Frank Hall, Mayor