

**ANNOTATED
AGENDA**

**for
Tuesday**

April 23, 2013

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the City Clerk's Office, located on the 3rd Floor of City Hall, 200 H Street, Antioch, CA 94509, during normal business hours for inspection and (for a fee) copying. Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

The public has the opportunity to address the Council on each agenda item. To address the Council, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. See the Speakers' Rules on the inside cover of this Agenda. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section.

5:30 P.M. ROLL CALL for Closed Sessions – **Mayor Harper, Councilmembers Wilson, Tiscareno, Agopian (Councilmember Rocha excused)**

PUBLIC COMMENTS for Closed Sessions - **None**

CLOSED SESSIONS:

- 1) **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session is authorized by California Government Code section 54957.6. City designated representatives; Michelle Fitzer and Glenn Berkheimer; Employee organizations: Management, Confidential, Local 1, Operating Engineers Local 3

Continued to Future Meeting

- 2) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code section 54956.9(d)(2): Letter dated April 17, 2013, from the ACLU (American Civil Liberties Union)

No action taken

6:05 P.M. ROLL CALL – SPECIAL MEETING – for Council Members/City Council Members acting as Successor Agency/ Housing Successor to the Antioch Development Agency – **All Present**

PLEDGE OF ALLEGIANCE

STUDY SESSION – SPECIAL MEETING

1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR THE GENERAL FUND, RECREATION AND ANIMAL SERVICES SPECIAL REVENUE FUNDS, AND PREWETT PARK ENTERPRISE FUND FOR THE 2013-14 FISCAL YEAR.

STAFF REPORT

Direction given to staff:

Rework budget with \$5 million reserve 2013-2014

Authorize Positions:

- ***Chief Building Official***
- ***Customer Service Rep***
- ***Reclass existing Facility Maintenance Worker to Facility Maintenance Leadworker***

Recommended Action: Motion to provide direction and feedback

7:00 P.M. ROLL CALL for Council Members/City Council Members acting as Successor Agency/ Housing Successor to the Antioch Development Agency – **All Present**

PROCLAMATION – Sexual Assault Awareness Month, April 2013
Arbor Day, April 26, 2013
Be Kind to Animals Week, May 5-11, 2013

Approved, 5/0

Recommended Action: Motion to approve the proclamations

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

PUBLIC COMMENTS—Only unagendized issues will be discussed during this time

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR’S COMMENTS

PRESENTATIONS – *Rebuild of City Park certificates for Assembly Member Jim Frazier, Take Back Antioch, S.T.A.R. Ministry at Church on the Rock, and Pacific Gas & Electric Company*
- Police Statistics First Quarter 2013, Chief Allan Cantando
- Implementation of Public Safety Realignment (AB109) in Contra Costa County, Jessie Warner, Contra Costa County Reentry Coordinator

2. CONSENT CALENDAR

PRESENTATION

PRESENTATION

PRESENTATION

A. APPROVAL OF SPECIAL MEETING MINUTES FOR MARCH 28, 2013

Recommended Action: Motion to approve the Special Meeting Minutes

Approved, 5/0

MINUTES

B. APPROVAL OF COUNCIL MINUTES FOR APRIL 9, 2013

Recommended Action: Motion to approve the minutes

Approved, 5/0

STAFF REPORT

C. SPECIAL MEETING OF APRIL 10 AND 11, 2013

Recommended Action: Motion to approve the minutes of the Special Meeting of April 10 and 11, 2013 and receive and file the report confirming that no Brown Act violations occurred

Approved, 5/0

STAFF REPORT

D. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 5/0

STAFF REPORT

E. APPROVAL OF TREASURER’S REPORT FOR MARCH 2013

STAFF REPORT

Recommended Action: Motion to approve the report

F. REJECTION OF CLAIMS

- 1. Melinda Will 12/13-2080 (personal injury)
- 2. Ronda Huddlestone 13/14-2096 (civil rights)

Rejected two claims based on amended staff report, 5/0

Recommended Action: Motion to reject the listed claims

STAFF REPORT

G. DEFER FEES DUE TO BUILDING PERMIT ISSUANCE FOR RESIDENTIAL DEVELOPMENT

Resolution 2013/17, 5/0

Recommended Action: Motion to adopt the resolution extending authorization to establish a fee deferral program

STAFF REPORT

H. RESOLUTION ESTABLISHING THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2013-14

Resolution 2013/18, 5/0

Recommended Action: Motion to adopt the resolution establishing a rate of twenty-five dollars (\$25) per equivalent runoff unit (ERU) for fiscal year (FY) 2013-14. That rate will generate the funds used to maintain storm water quality as mandated by the Clean Water Act.

STAFF REPORT

I. BUDGET AMENDMENT FOR ANTIOCH WATER PARK REPAIRS AND UPGRADES

Approved, 5/0

Recommended Action: Motion to authorize the Director of Finance to amend the 2012-2013 Park in Lieu Fund budget in the amount of \$500,000 of Community Park Funds for Antioch Water Park Repairs and Safety Upgrades

STAFF REPORT

J. CONSULTANT SERVICE AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES AND BIOLOGICAL MONITORING WITH PARSONS BRINCKERHOFF, INC. FOR THE LONE TREE WAY INTERSECTION IMPROVEMEMENTS, DEER VALLEY ROAD TO HILLCREST AVENUE (P.W. 555-12C)

Approved, 5/0

Recommended Action: Motion to authorize the Director of Finance to amend the 2012-2013 Capital Improvement Budget to include Measure 'J' funding in the amount of \$109,758 for this project and approve the Consultant Service Agreement with Parsons Brickerhoff, Inc., to perform construction management services and biological monitoring for the Lone Tree Way Intersection Improvements, Deer Valley Road to Hillcrest Avenue for this same amount

STAFF REPORT

K. RESOLUTION APPROVING CONSOLIDATED ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST, CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING (PW 500)

Resolution 2013/19, 5/0

Recommended Action: Motion to adopt the resolution approving the Engineer's Report and setting

STAFF REPORT

L. CONSIDERATION OF BIDS FOR THE TOT LOT PLAYGROUND REPLACEMENT AT CITY PARK (P.W. 205-G)

Continued to May 14, 2013, 4/1-T

Recommended Action: Motion to award the project to the low bidder, H & H Construction, in the amount of \$137,500.00 for this project

STAFF REPORT

STAFF REPORT

City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency

M. APPROVAL OF SUCCESSOR AGENCY WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 5/0

STAFF REPORT

N. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 5/0

STAFF REPORT

END OF CONSENT CALENDAR

PUBLIC HEARING

3. ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FUNDING

Resolution 2013/20, 5/0

Recommendation: It is recommended that the City Council:

:

- 1) Approve the funding recommendations of the CDBG subcommittee, and approve the Resolution reflecting the final recommendations and adopting the draft fiscal year (FY) 2013-14 Action Plan.
- 2) Approve the recommendation of the CDBG subcommittee to modify the funding cycles within each Five Year Consolidated Plan so that the first funding cycle covers two years and the second cycle covers the remaining three years of the Consolidated Plan, as is being considered by all Contra Costa CDBG/HOME Consortium jurisdictions.

STAFF REPORT

4. COMMUNITY SUPERVISION PROGRAMS

Approved, 4/0

Rocha recused for conflict of interest

Recommendation: It is recommended that the City Council:

- 1) Motion to read the Interim Zoning Ordinance and Regular Ordinance by title only;

STAFF REPORT

STAFF REPORT

STAFF REPORT

- 2) Motion to extent the Interim Urgency Ordinance regulating Community Supervision Programs including the findings for the need for this urgency action (4/5 vote required);

***Approved revised ordinance changing 1500 to 1000-foot buffer,
Ordinance No. 2064-C-S, 4/0***

- 3) Motion to introduce a Regular Ordinance amending Section 9-5.203 and adding Section 9-5.3836 to the Antioch Municipal Code dealing with Community Supervision Programs. Staff is proposing some modifications to the ordinance that the Planning Commission unanimously recommended adopting on April 17, 2013. Staff's recommendations are shown in redline to the Planning Commission's recommended ordinance.

***Introduced revised ordinance changing 1500 to 1000- foot buffer;
For adoption on May 14, 2013, 4/0***



PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 11:06 pm

**MEMO TO THE CITY COUNCIL FOR CONSIDERATION AT THE COUNCIL MEETING
OF APRIL 18, 2013**

PREPARED BY: Christina Garcia, Deputy City Clerk 
REVIEWED BY: Jim Jakel, City Manager 
DATE: April 18, 2013
SUBJECT: Presentation on Implementation of Public Safety Realignment
(AB109) in Contra Costa County

This will be an oral presentation received from Jessie Warner, Contra Costa County Reentry Coordinator on Implementation of Public Safety Realignment (AB109) in Contra Costa County.

MEMORANDUM

Date: April 16, 2013

To: Antioch City Council

From: Jessie Warner, Contra Costa County Reentry Coordinator

Subject: Implementation of Public Safety Realignment (AB109) in Contra Costa County

AB 109 Overview

Public Safety Realignment (AB 109) took effect October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail pursuant to Penal Code 1170 (h) and provides for an expanded role for split-sentences with post-release Mandatory Supervision by Probation for these offenders;
- Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transferred the housing responsibility for parole and PRCS revocations to local jail custody.

It is important to note that under AB109 no inmates are released early. All inmates returning to the Antioch community from prison incarceration are returning on the same date they would have prior to AB109 implementation. Similarly, individuals sentenced under Penal Code 1170(h) are serving their full incarceration sentence. The county jail facilities are not overcrowded and no need for early release of inmates is forecasted. The only change AB 109 brought about is the agency providing supervision (County Probation instead of State Parole) and Contra Costa County's (CC County) efforts to coordinate services.

AB109 tasked local government at the county level with developing a new approach to reducing recidivism among certain low-level felony criminal offenders. According to the Pew Center on the State's report, *State of Recidivism: The Revolving Door of America's Prisons*, when measure by "returns to prison" California's recidivism rates are near the highest nationwide. Conversely, when measured by incarceration for commitment of new crimes, California's recidivism rate is lower than the nationwide average. Two factors contribute to the high recidivism rate, 1) virtually all prisoners are placed on parole supervision upon release, and 2) incarceration is the response for many parole violations that do not involve a new law violation. These "technical violations" for missing appointments or failing drug tests, which are the majority of new incarcerations for parole violators, significantly impact recidivism in California.

On August 24, 2012 the Executive Committee of the Community Corrections Partnership unanimously agreed that the goals established by the *Contra Costa County Reentry Strategic Plan* would guide the planning for Public Safety Realignment. These goals are:

- Use a holistic, systemic, and inclusive approach that involves federal, state and local government stakeholders, community organizations, advocates, the formerly incarcerated, and family and community members;
- Adopt strategies that draw on evidenced-based approaches and practices;
- Target high- to moderate-risk probationers and parolees through the use of evidence-based tools;
- Emphasize geographic areas from which a disproportionate number of formerly incarcerated people are drawn and return;
- Incorporate assessment and case management tools targeting continuous reentry planning, beginning at the point of admission to the criminal justice system, and working through pre- and post-release;
- Embrace a commitment to the continuous and appropriate delivery of drug treatment, medical care, job training and placement, educational services, cognitive behavioral therapy and/or other service essential to reentry;
- Provide for independent evaluations of reentry programs using, when feasible, random assignment and controlled studies to determine effectiveness of programs and services provided; and
- Reduce crime, increase public protection, and protect people from further victimization.

Reentry Population in Contra Costa County

Approximately 4,300¹ total offenders are under state or county adult supervision in CC County. 3,695 of the total CC County reentry population are probationers. The Richmond and Antioch area have 1,829 or 49.4% of the County probation population. According to Correctional Assessment and Intervention System (CAIS) data CC County probationers, 33% are “high risk” and 51% are “moderate risk.”

The AB109 population makes up a small portion of the reentry population in CC County. As of February 1, 2013, three hundred sixteen (316) clients were supervised under AB109. Forty three percent (43%) reside in East County (Antioch, Bay Point, Brentwood, Discovery Bay, Oakley, Pittsburg). Ninety-two (92) percent of currently supervised AB 109 clients are assessed as moderate to high-risk for recidivism using the CAIS risk, needs assessment tool.

“High to moderate risk” is not a designation of the severity of crime committed by a probationer. Instead, as defined by CAIS, “moderate to high risk” indicates the likelihood that an individual will reoffend based upon factors of recidivism including procriminal attitudes, anti-social behaviors, anti-social peers, substance abuse and lack of education/employment. The CAIS tool aids Probation Officers to develop a plan for supervision to address the factors and most effectively reduce the risk of re-offense through targeted interventions.

According to reports created monthly by the Sheriff’s Office the 1170 (h) inmate profile includes non-serious, non-violent, non-sex offenders, the majority of whom have a history of drug, theft

¹ CC County Probation and California Department of Corrections Parole Unit data in CC County as of 3/15/13.

and auto theft convictions. PRCS clients have a similar profile. By definition the AB109 population does not include individuals convicted of serious and violent crimes such as rape, murder and mayhem. (See Cal. Penal Code § 1192.7(c); Cal. Penal Code § 667.5(c))

Impact of Employment on Recidivism

It is well documented (both empirically and theoretically) that employment is one of the best predictors of whether or not someone will stay out of the criminal justice system (Solomon, Johnson, Travis and McBride 2004). Numerous statistical studies demonstrate that “a parolee who finds and maintains a steady job—and who also has stable housing and avoids substance abuse—is more likely to avoid subsequent offenses and to successfully complete his term on parole” (California Legislative Analyst’s Office 2007).

CC County Reentry Continuum

The service delivery model developed for AB 109 will involve multiple organizations working in collaboration to provide services to address the specific criminogenic needs of the AB 109 population, including the evidence-based practice of service delivery prior to community release.

A dedicated unit of AB 109 Probation Officers serve as lead case managers to coordinate and track services provided by County and community-based partner organizations. The AB 109 Probation Officers will interview clients using CAIS a comprehensive, validated risk and needs assessment tool. Areas of criminogenic need will be identified and prioritized in developing an individualized case plan that addresses specific goals and needed services.

Throughout the past year, AB 109 Probation Officers have worked closely with the County’s Behavioral Health Division’s Forensic Team to coordinate service referrals. The Forensic Team was formed to address the needs of criminal justice involved individuals with co-occurring mental health and substance abuse disorders. In addition to mental health counseling and medication management, clients can access residential and out-patient substance abuse treatment, short term housing through homeless shelters, as well as assistance with enrollment in state and federal benefits including health care and income supports. This innovative partnership between County agencies will be further supported by employment, housing, and mentoring services as well as access to the Reentry Resource Centers in each region of Contra Costa County.

For Penal Code 1170(h) individuals sentenced to Mandatory Supervision, AB 109 Probation Officers will initiate case management pre-release including completing Criminal Assessment & Intervention System (CAIS) risk and needs assessments and developing a transition plan. Where appropriate, AB 109 individuals will access comprehensive Forensic Team services. AB 109 individuals who are not dually diagnosed with co-occurring disorders can still access the AB 109 designated shelter beds and substance abuse programs with Probation Officer referral to the County Behavioral Health Division. Both AB 109 Probation Officers and Forensic Team staff will make direct referrals and coordinate services with agencies funded to provide employment, mentoring and housing services. (The attached flowchart demonstrates the connections between the AB109 supervision team and the county and community-based services that are being made available to AB109 clients.)

Probation

Referrals to Forensic Services for assessment or direct to case manager at One-stop Reentry Resource Centers

Behavioral Health Division- Forensic Services

Benefits Specialist- screening and application support for SSI/SSDI and other county and state benefits including medical, CalFresh, and General Assistance

Mental Health Services

- Screening for Serious Mental Illness and other MH issues
- Outpatient Mental Health Treatment
- Medication Management
- Transition to long-term mental health and wellness team as appropriate

Homeless Services

- Shelter-Richmond/Concord
- Case management-Permanent Housing, Income/Benefits

AODS

- Substance abuse screening and placement in residential and outpatient treatment
- Transition to sober living housing as appropriate

Community-Based Service Providers

One-stop Reentry Resource Center or Continuum

- Potential for co-located services and case management
- Screening and application support for benefits
- Guided referral to housing, employment, and other services
- On-site consultations and workshops with attorneys, child support services, other partners

Transitional and Permanent Housing

- Housing vouchers for Public Housing
- Master leasing for sub-tenants with poor credit
- Rental subsidies for security deposit and first/last month rent
- Links to existing housing programs

Employment and Training Services

- Case management for job readiness, placement and retention
- Transitional employment
- On-the job training subsidies
- Sector training and placement
- Employer outreach and education

Mentoring and Family Reunification

- Mentoring and counseling services that promote positive social networks and family reunification

Trauma-informed Training and Services

Build upon trauma-informed practices of Behavioral Health Division to develop and provide training and develop trauma-informed models. Service providers and county agency partners will participate in training and on-going program enhancement

ANTIOCH

California



ALLAN CANTANDO
Chief of Police

CITY COUNCIL REPORT



1st Quarter 2013

PART 1 CRIME

PART 1 CRIME STATISTICS

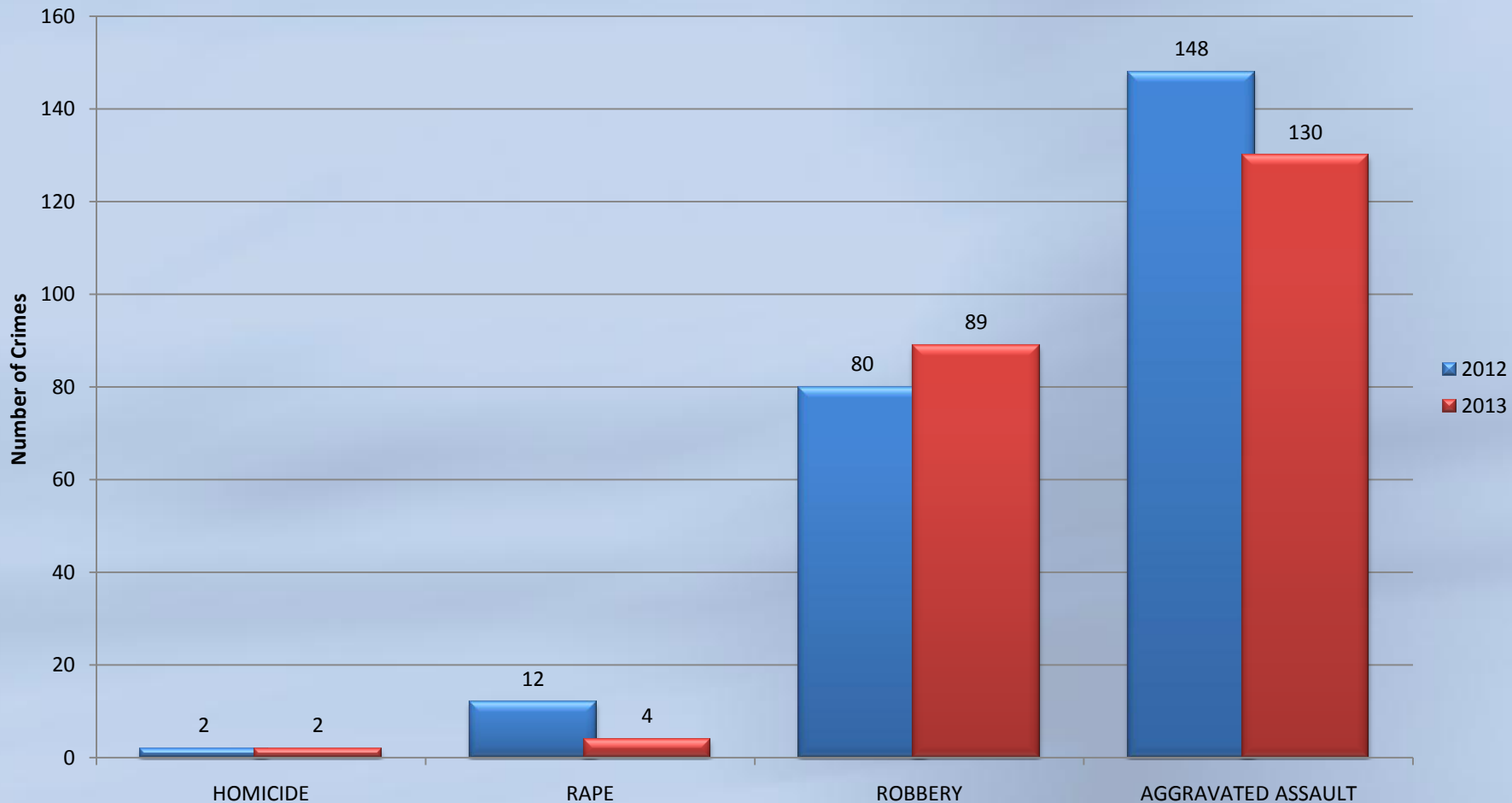
January – March 2012 vs. 2013

	Jan-Mar 2012	Jan-Mar 2013	#Change	%Change
	Total	Total	2012 - 2013	2012 - 2013
*HOMICIDE	2	2	0	0.0%
RAPE	12	4	-8	-66.7%
ROBBERY	80	89	9	11.3%
AGGRAVATED ASSAULT	148	130	-18	-12.2%
Total Violent Crime	242	225	-17	-7.0%
BURGLARY	451	354	-97	-21.5%
THEFT	543	455	-88	-16.2%
AUTO THEFT	314	209	-105	-33.4%
Total **Property Crime	1308	1018	-290	-22.2%
TOTAL PART 1 Crime	1550	1243	-307	-19.8%
ARSON	7	19	12	171.4%
Adult Arrests	725	708	-17	-2.3%
Juvenile Arrests	234	188	-46	-19.7%
TOTAL ARRESTS	959	896	-63	-6.6%
**Excluding Arson				

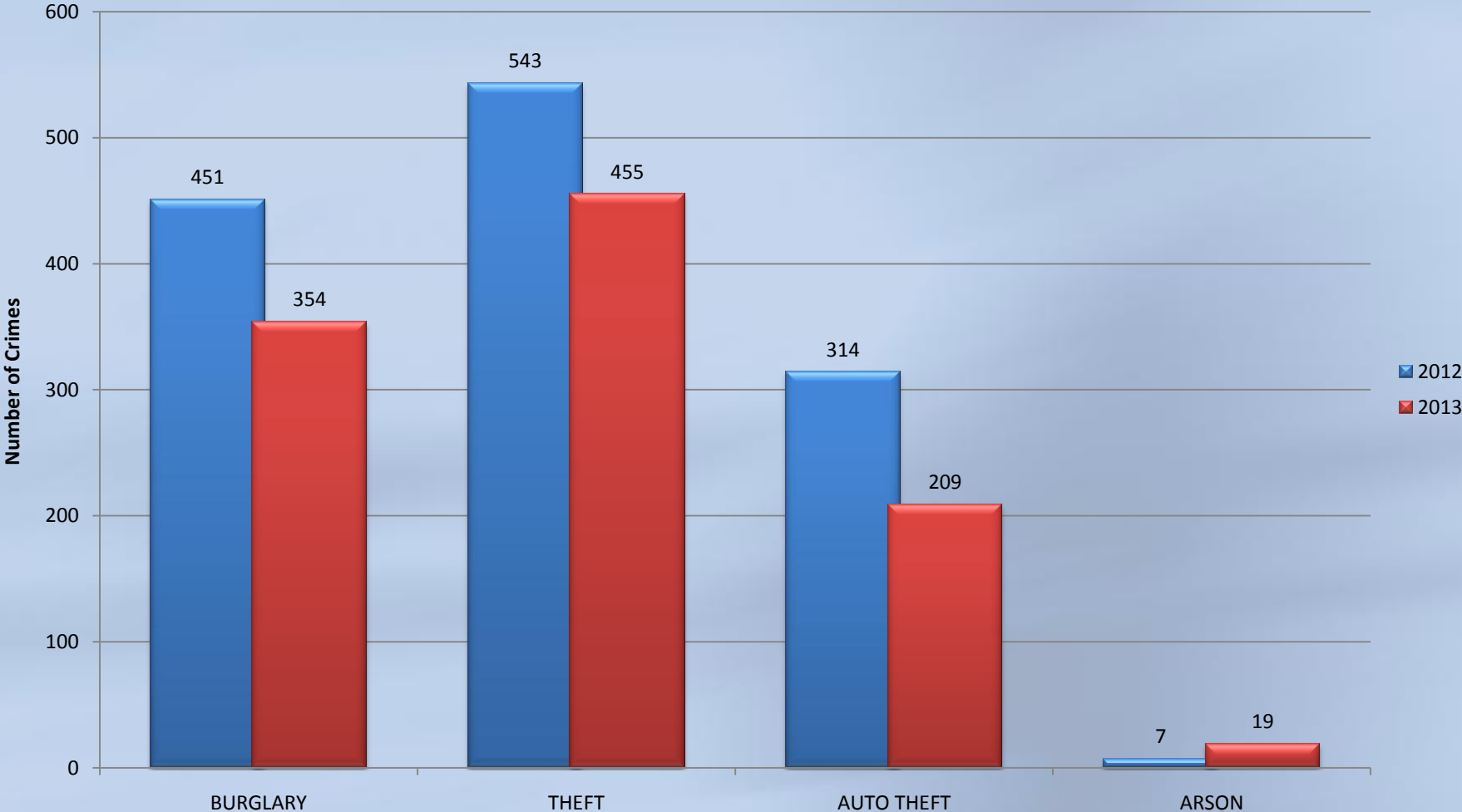
PART 1 VIOLENT CRIME

January - March

2012 vs 2013



PART 1 PROPERTY CRIME
January - March
2012 vs 2013



UCR REPORTED PART 1 CRIME / CLEARANCES

2009 – 2013 1st Quarter

	2009	2010	2011	2012	2013 3mo	*2011 Nat'l Clearance Rate
HOMICIDE	5	13	5	10	2	
CLEARANCE	6	11	6	6	0	
Clearance Rate	120%	85%	120%	60%	0%	63.5%
RAPE	40	32	21	29	4	
CLEARANCE	23	24	11	12	4	
Clearance Rate	58%	75%	52%	41%	100%	39.4%
ROBBERY	315	313	290	372	89	
CLEARANCE	104	94	88	109	22	
Clearance Rate	33%	30%	30%	29%	25%	28.3%
AGR ASSAULT	537	506	502	657	130	
CLEARANCE	343	288	257	305	62	
Clearance Rate	64%	57%	51%	46%	48%	53.6%
BURGLARY	824	1,087	1,335	1,741	354	
CLEARANCE	72	87	98	117	29	
Clearance Rate	9%	8%	7%	7%	8%	11.3%
THEFT	1,082	1,049	1,571	1,920	455	
CLEARANCE	333	368	368	361	58	
Clearance Rate	31%	35%	23%	19%	13%	20.7%
MVTHEFT	747	960	967	1,094	209	
CLEARANCE	60	108	103	112	27	
Clearance Rate	8%	11%	11%	10%	13%	9.9%
ARSON	40	37	56	51	19	
CLEARANCE	12	7	7	4	2	
Clearance Rate	30%	19%	13%	8%	11%	15.7%

*http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/table_25
 Cities (100,000 - 249,999)

BUREAU OF SUPPORT SERVICES

VOLUNTEER PROGRAM

January – March 2013

- APD Volunteers have worked a total of **2,419.08** hours
 - Field Services 1694.30
 - Investigations 53.73
 - Professional Standards 204.50
 - Records 466.55
- The value of the work provided is: ***\$56,340.37**
- Decoy Patrol Car Program is functioning 6 days a week.

* Based on \$23.29 an hour

ANIMAL SERVICES KENNEL STATISTICS

INTAKES BETWEEN 01/01/13 AND 03/31/13

	CAT	DOG	OTHER	TOTAL
ADOPTRET	3	2	0	5
DOA	37	23	28	88
EUTH REQ	2	13	0	15
OWNER SUR	25	46	11	82
POSS.OWNER	9	113	3	125
PROTCT.HD	0	11	0	11
QUARANTINE	1	9	0	10
STRAY	135	248	13	396
WILDLIFE	0	0	18	18
TOTAL	212	465	73	750

OUTCOMES BETWEEN 01/01/13 AND 03/31/13

	CAT	DOG	OTHER	TOTAL
ADOPTION	69	76	5	144
DIED	3	8	4	15
DOA	37	23	28	88
EUTH	61	122	8	191
FOSTER	6	8	2	16
MISSING	1	0	0	1
RELEASE	0	0	6	6
RESCUE	88	126	13	227
RTO	9	107	2	118
TOTAL	267	470	68	805

ANIMALS ADOPTED BETWEEN 01/01/13 AND 03/31/13

	CAT	DOG	OTHER	TOTAL
ADOPTED	639	76	5	144

Animal Control Calls for Service 1st Qtr 2013 - **728**

Animals on hand on March 31, 2013 - **183**

January – March 2013

91 Volunteers worked 1,269.06 Hours

*Value of work provided: **\$29,556.41**

* *Based on \$23.29 an hour*

SPECIALIZED UNITS

FUGITIVE APPREHENSION

January – March 2013

#OPERATIONS	3
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#CASES Involved	19
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# ARRESTED	24
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CHARGES	13 Warrants
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	7 Drugs / Narcotics
--	---------------------

	3 Firearms / Weapons
--	----------------------

	1 Domestic Violence
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SPECIALIZED UNITS SWAT OPERATIONS January – March 2013

NATURE OF DEPLOYMENT

Search/Arrest Warrant: Armed Robbery	1
MSOA - Search/Arrest Warrant: Attempted Murder, Assault weapons	1
TOTAL OPERATIONS	2

OUTCOME

SUSPECTS IN-CUSTODY	2
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INTERNAL AFFAIRS

January – March 2013

# Complaints	Allegation	Finding
4	Neglect of Duty	1 – Sustained 1 – Exonerated 2 – Pending
2	Use of Force	2 – Exonerated
1	Neglect of Duty/Rudeness	1 – Unsustained
1	Neglect of Duty/False Arrest	1 – Pending
1	False Arrest	1 – Exonerated
1	Conduct Unbecoming/Use of Force	1 – Exonerated
1	Conduct Unbecoming/Violation of Law	1 – Sustained

9 – Citizen Complaints

2 – Internal Complaints

11 – Total Investigations

BUREAU OF FIELD SERVICES

CALLS FOR SERVICE

January – March 2012 vs. 2013

PRIORITY	2012-3mo	2013-3mo	%CHANGE
1	2,002	2,166	8.2%
2	9,164	9,097	-0.7%
3	6,781	5,797	-14.5%
4	1,292	1,341	3.8%
5	526	502	-4.6%
TOTALS	19,765	18,903	-4.4%

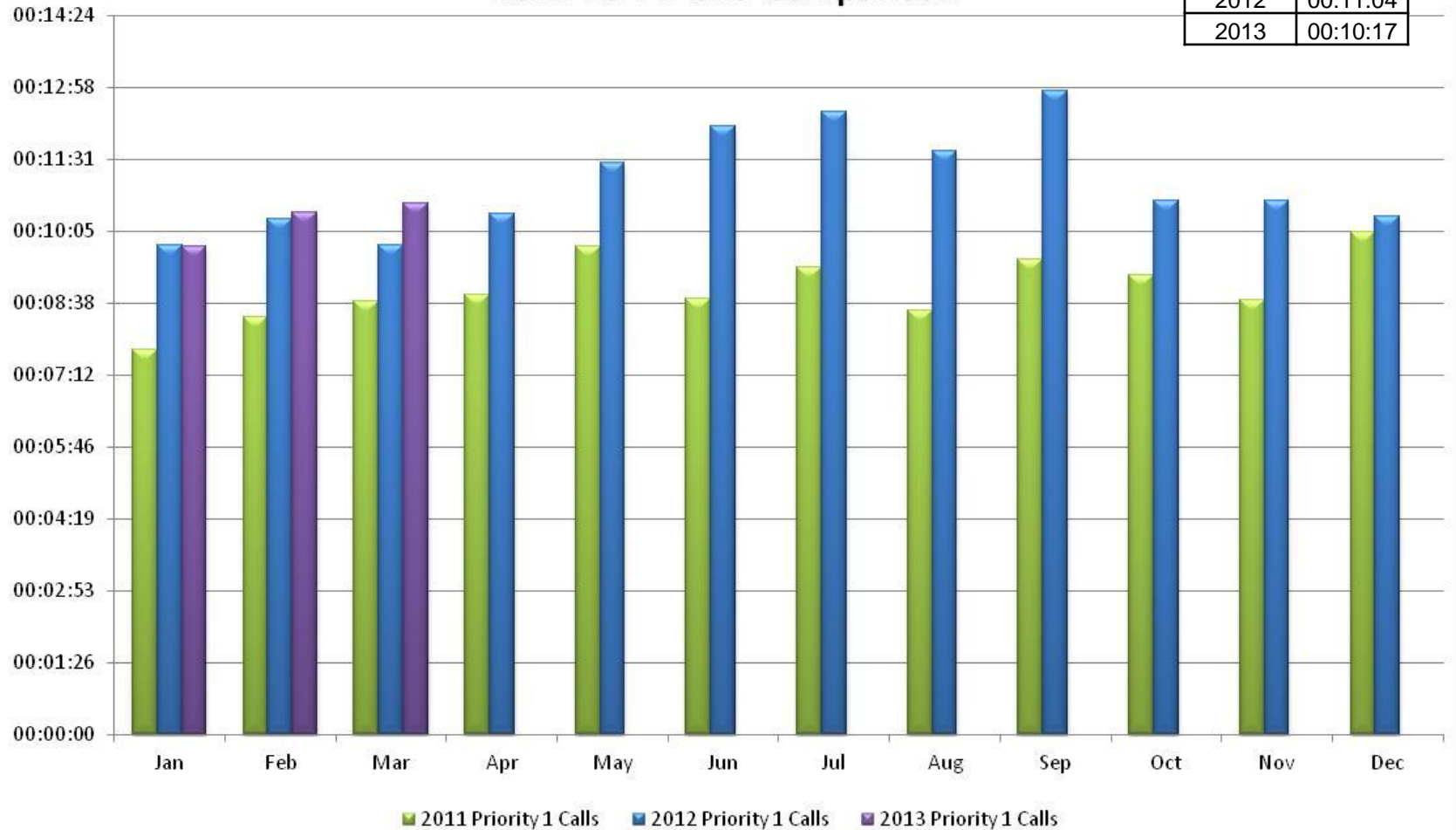
HOW REC'D	2012	2013	%CHANGE
OFFICER ON-VIEW	2,155	1,791	-16.9%
PHONE	17,547	17,086	-2.6%
*OTHER	63	26	-58.7%
TOTALS	19,765	18,903	-4.4%

*Calls For Service which usually are reported at the Station, via teletype or other non-typical means.

CALL RECEIVED to OFFICER ARRIVED

**Priority 1 Response Times
Receive to Arrive
2011-2012-2013 Comparison**

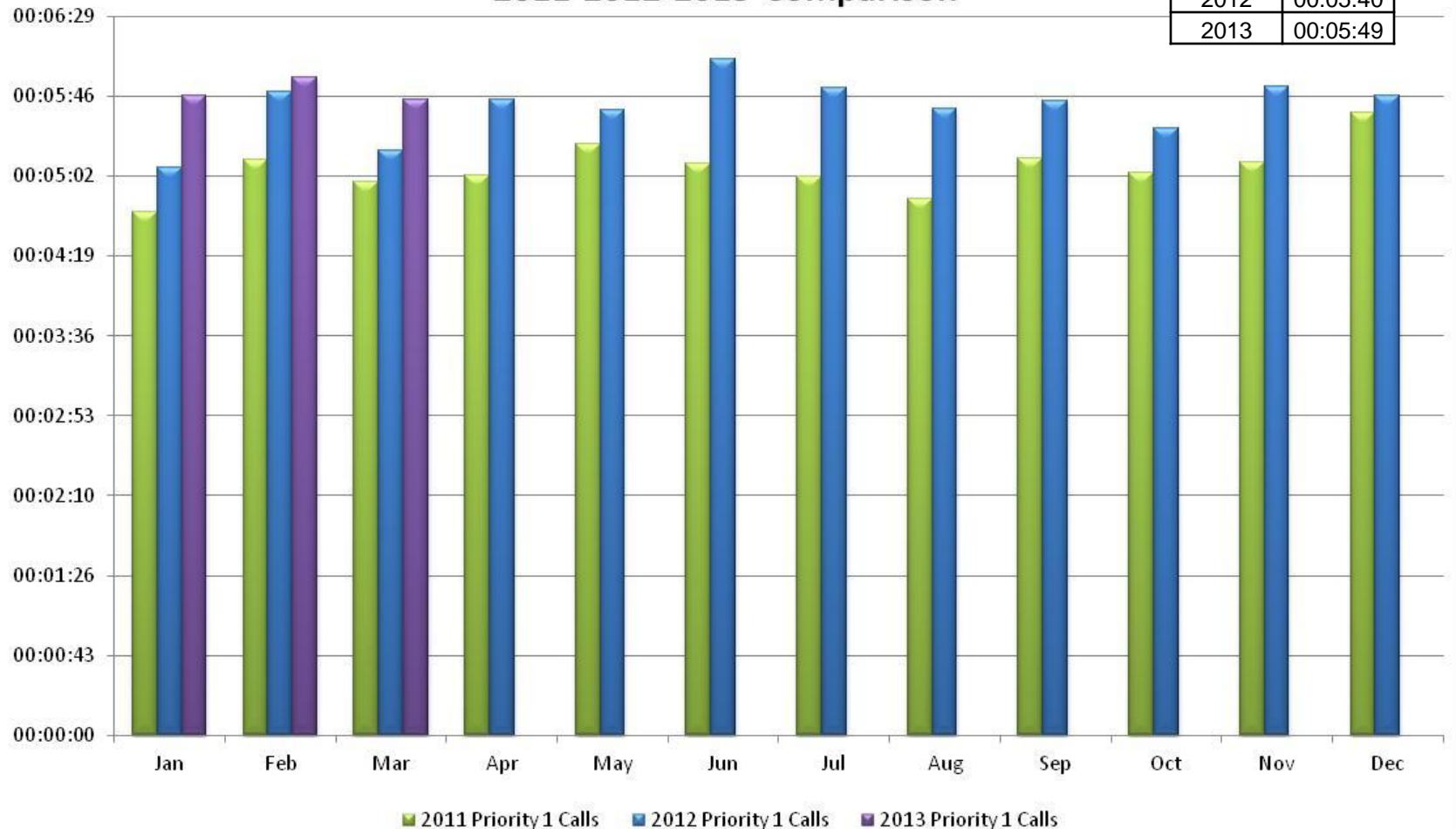
Year	AVG Rec'd to Arr
2011	00:08:57
2012	00:11:04
2013	00:10:17



CALL DISPATCHED to OFFICER ARRIVED

**Priority 1 Response Times
Dispatch to Arrive
2011-2012-2013 Comparison**

Year	AVG Dispatch to Arrive
2011	00:05:07
2012	00:05:40
2013	00:05:49



ARRESTS & CITATIONS

January – March 2012 vs. 2013

ARRESTS

	2012-3mo	2013-3mo	%CHANGE
Total	1,038	935	-9.9%

CITATIONS

CLASS	2012-3mo	2013-3mo	%CHANGE
ATMC	44	33	-25.0%
TRAFFIC	651	354	-45.6%
**PARK	345	280	-18.8%
TOTAL	1040	667	-35.9%

**Includes Parking Citations Issued by VIPS

PARK by VIPS	149	195
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TRAFFIC

January – March 2012 vs. 2013

TRAFFIC COLLISIONS			
CLOSE CLASS	2012-3mo	2013-3mo	%CHANGE
ACCN	288	290	.7%
DUIX	67	52	-22.4%
ACCI	67	38	-43.28%
OTHERS	5	10	100.0%
Total	427	390	-8.7%

	2012	2013	%CHANGE
TRAFFIC FATALITIES	3	3	0%

K-9 Program

- The Antioch Police Department currently has 5 certified and working teams.
- One of the teams will be retiring in September of 2013.
- We will be looking to bring on a replacement canine as well as the previously discussed 6th K9 team in the new fiscal year.

Reserves

- 4 active Reserve Officers.
- We have recently begun accepting applications to increase the size of the unit.
- As of April 12, 2013, 40 applications have been received and reviewed.
- Of the 40, 15 applications have been approved to move ahead in the process.
- These individuals will be invited to participate in an oral board in the coming weeks.

CURRENT STAFFING LEVELS

SWORN POSITIONS

- 102 Authorized Sworn positions
- 92 Fulltime positions are filled
- 72 Full duty Officers
- 4 in the Police Academy
- 5 in FTO
- 2 of the 5 PERS Reciprocity Lateral Positions have been filled.
 - 1 Conditional Offer has been made for a 3rd position.
 - 2 Remain Open.

RECRUITMENTS AND HIRING

- We are currently recruiting Police Laterals, Academy Students and Graduates as well as Lateral Dispatchers.
- We are conducting oral board interviews and backgrounds on Police Trainee Candidates in order to send them to the June 2013 Alameda County SO Academy.
- We will reopen the recruitment for Police Trainee Candidates in June for the Fall 2013 CCCSO Academy.

POLICE DEPARTMENT RECRUITMENT

January through April 2013

Type of Recruitment	Number of Applicants	No. of Applicants Interviewed	No. of Applicants on Eligibility List	Total Number of Hires *
Lateral	35	13	8	2
Academy Grad/Enrollee	93	22	5	-
Trainee	102	-	-	-
Reserves	46	-	-	-
Community Services Officer	149	44	28	3
Police Dispatcher	31	1	1	-
Total Applicants	456	35	13	5

**Offered Conditional Job Offer to one (1) Lateral; however, he declined offer. One Lateral currently going through Pre-Placement medical.*

NEW DEVELOPMENTS

MYAP

(Mobilization for Youth Alcohol Prevention)

MYAP is a grant program in which we are working cooperatively with the Center for Human Development to implement prevention strategies in our community to reduce underage and excessive drinking among youth and young adults 12-25.

WELCOME NEW ANTIOCH POLICE OFFICERS



RECENT PROMOTIONS



UPCOMING EVENT



COFFEE WITH THE COPS

Saturday, May 11, 2013

9:00-11:00 A.M.

APD Community Room

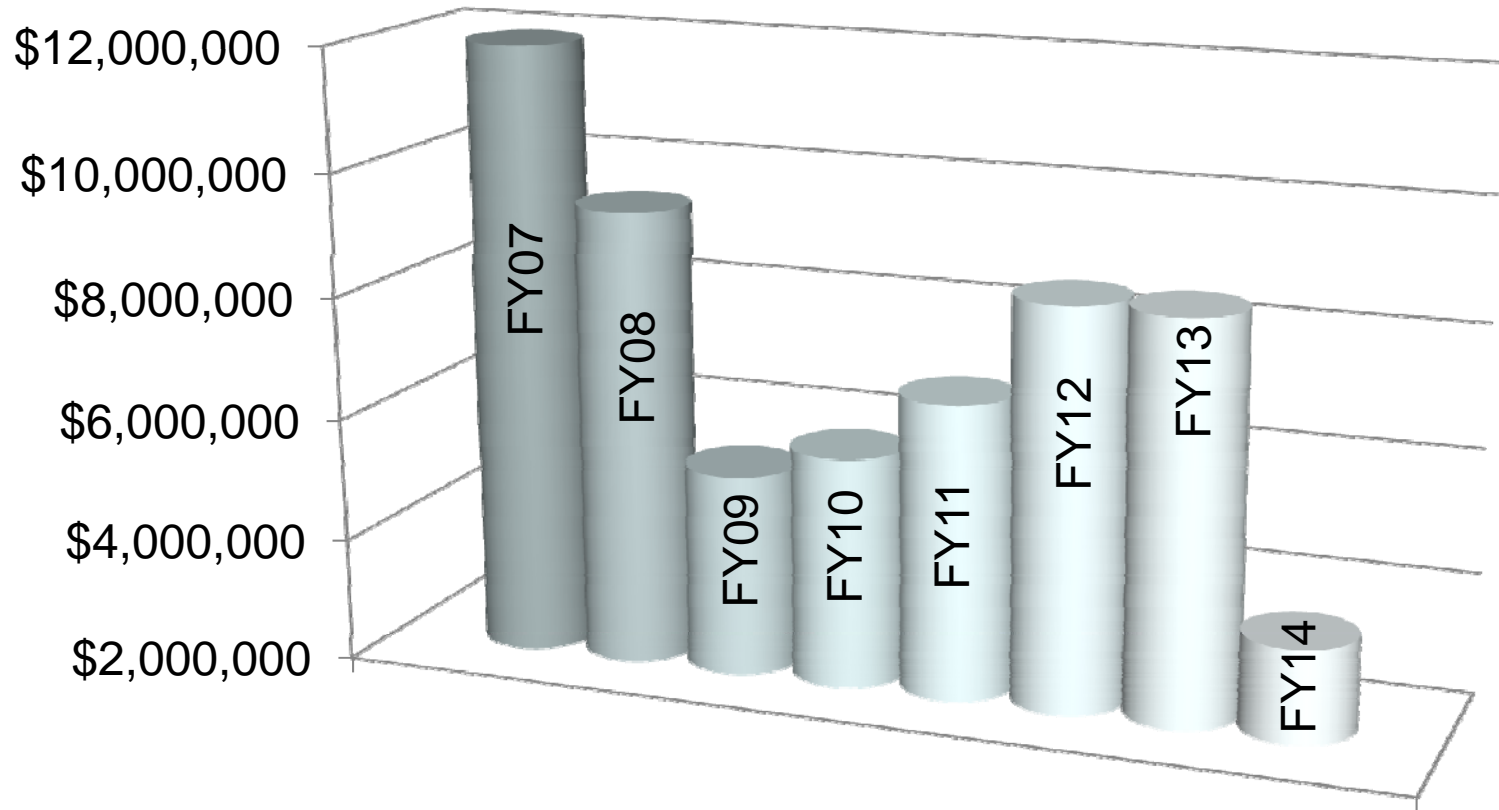
300 L Street

Questions?



City of Antioch General Fund 2013-2014

FUND BALANCE HISTORY



General Fund Fund Balance Projections

	Actual FY 11-12	Projected FY 12-13	Proposed FY 13-14
Beginning Balance	\$6,785,056	\$8,489,101	\$8,460,063
Excess/ (deficit)	1,704,045	(29,038)	(4,943,011)
Ending Balance	\$8,489,101	\$8,460,063	\$3,517,052

GENERAL FUND HISTORY

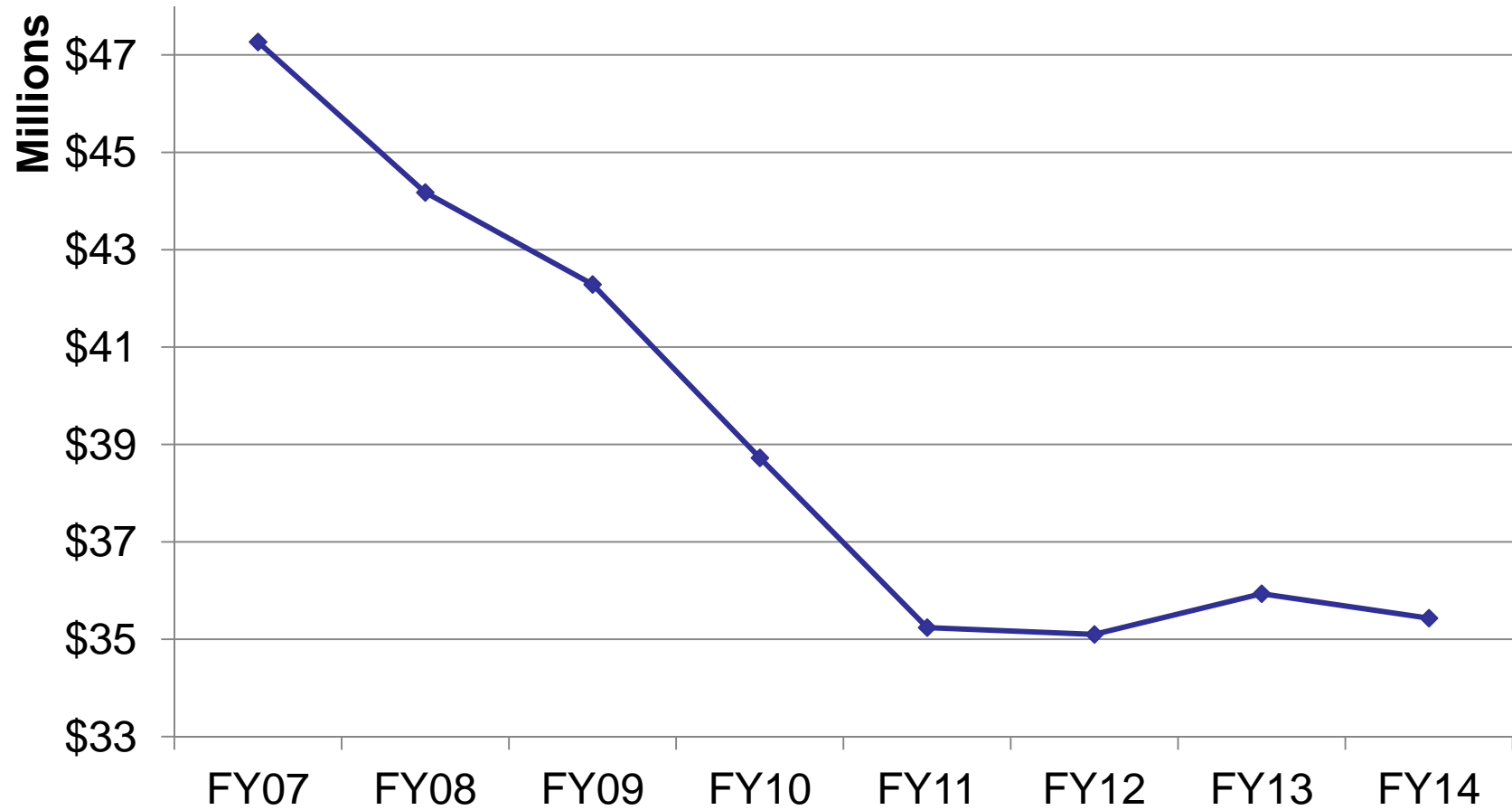
	Actual FY 06-07	Actual FY 07-08	Actual FY 08-09	Actual FY 09-10
Revenues	\$47,267,463	\$44,176,277	\$42,287,447	\$38,726,250
Expenditures	(44,068,384)	(46,702,997)	(46,407,291)	(38,265,595)
Excess/(Deficit)	3,199,079	(2,526,720)	(4,119,844)	460,655

GENERAL FUND PROJECTIONS

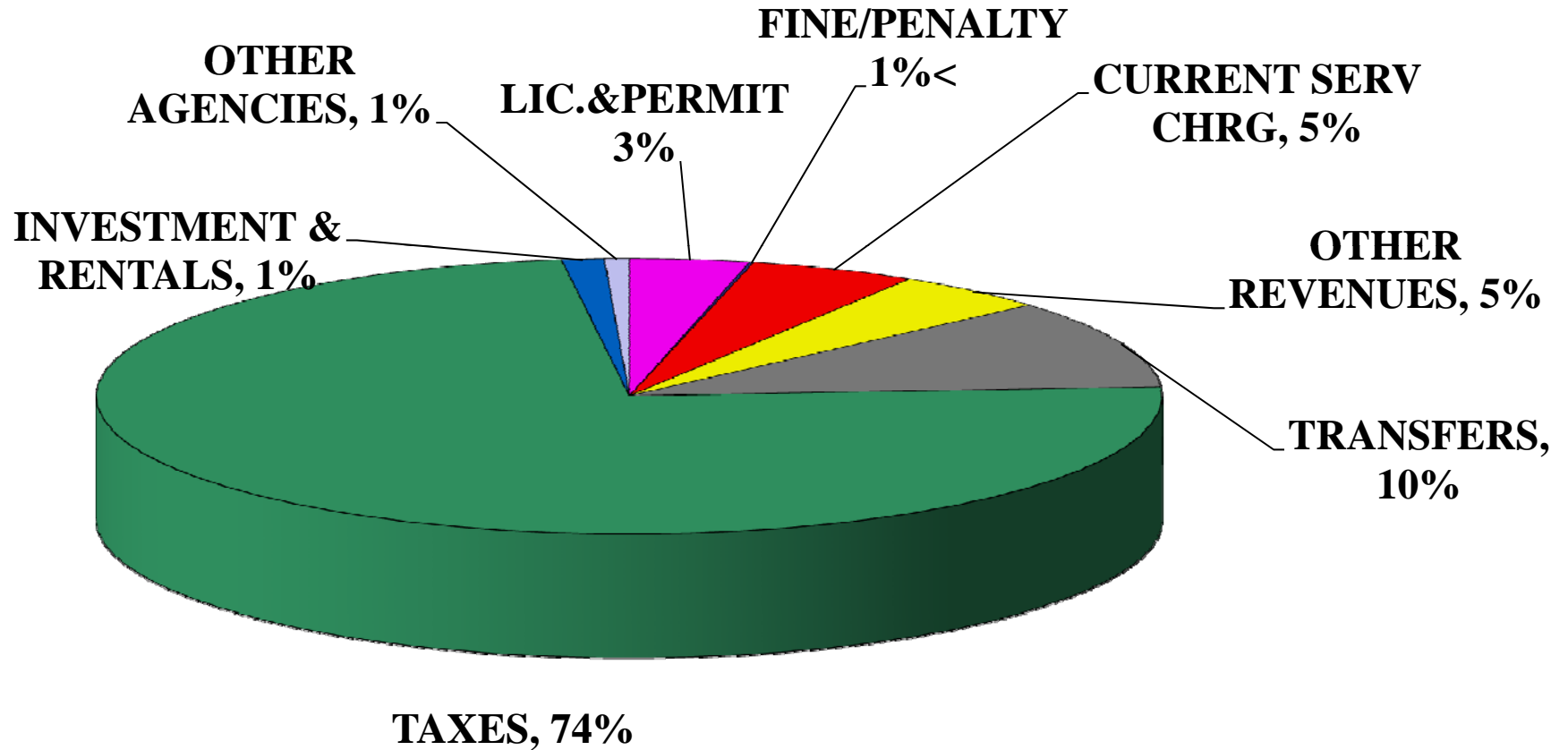
	Actual FY 10-11	Actual FY 11-12	Projected FY 12-13	Proposed FY 13-14
Revenues	\$35,240,133	\$35,099,404	\$35,934,967	\$35,433,286
Expenditures	(34,202,086)	(33,395,359)	(35,964,005)	(40,376,297)
Excess/ (Deficit)	1,038,047	1,704,045	(29,038)	(4,943,011)

General Fund Revenue

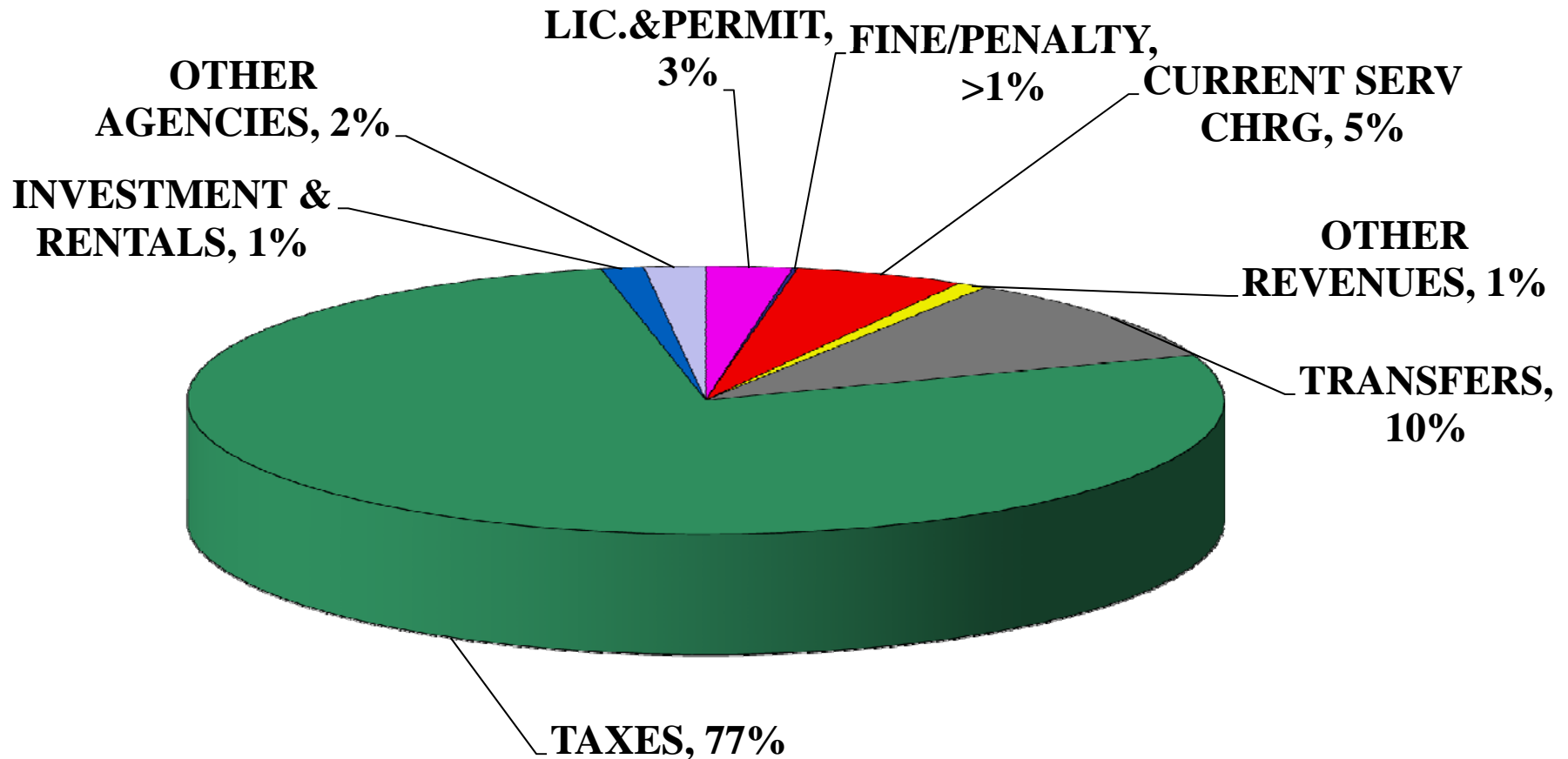
HISTORICAL REVENUES



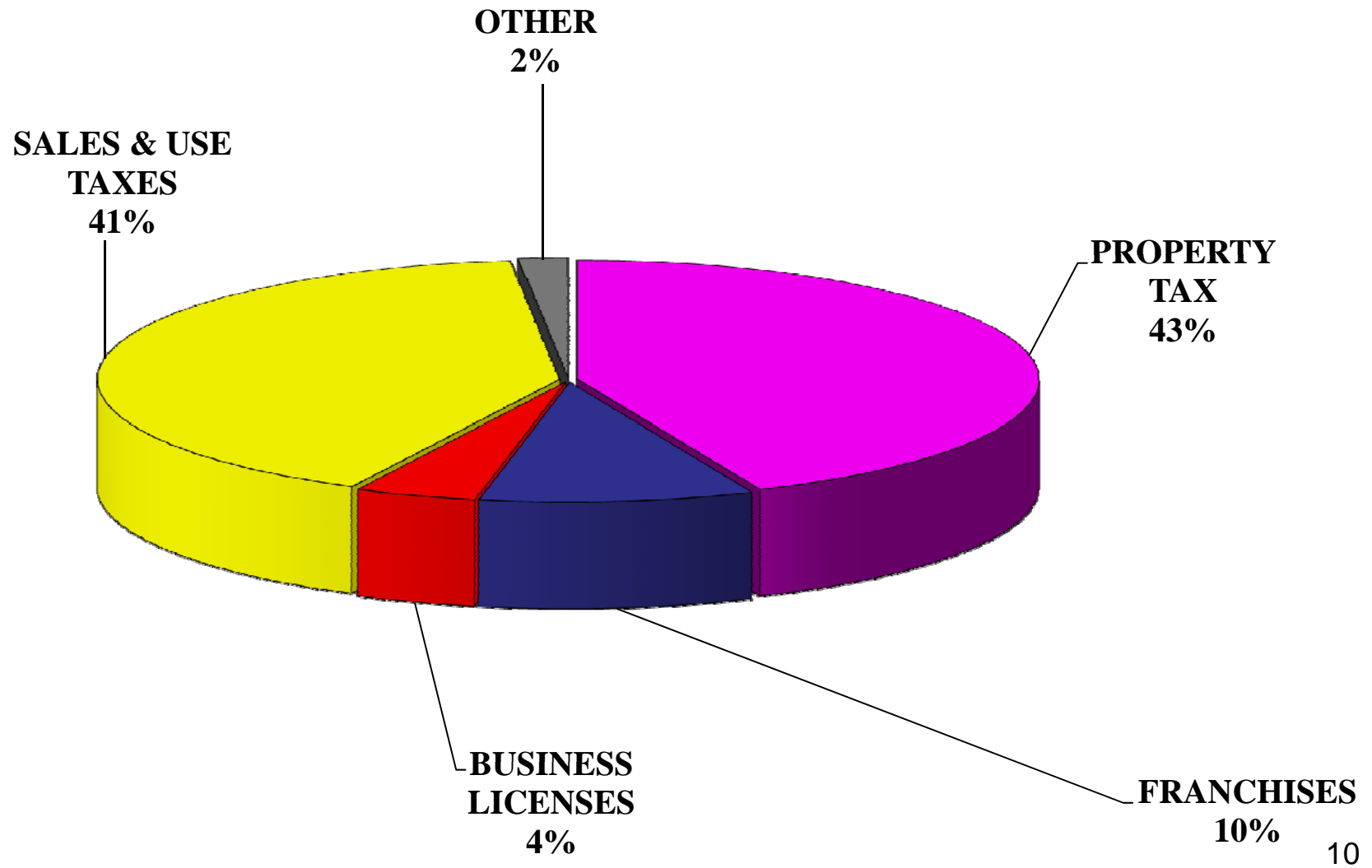
GENERAL FUND REVENUES BY CATEGORY FY 2012-13



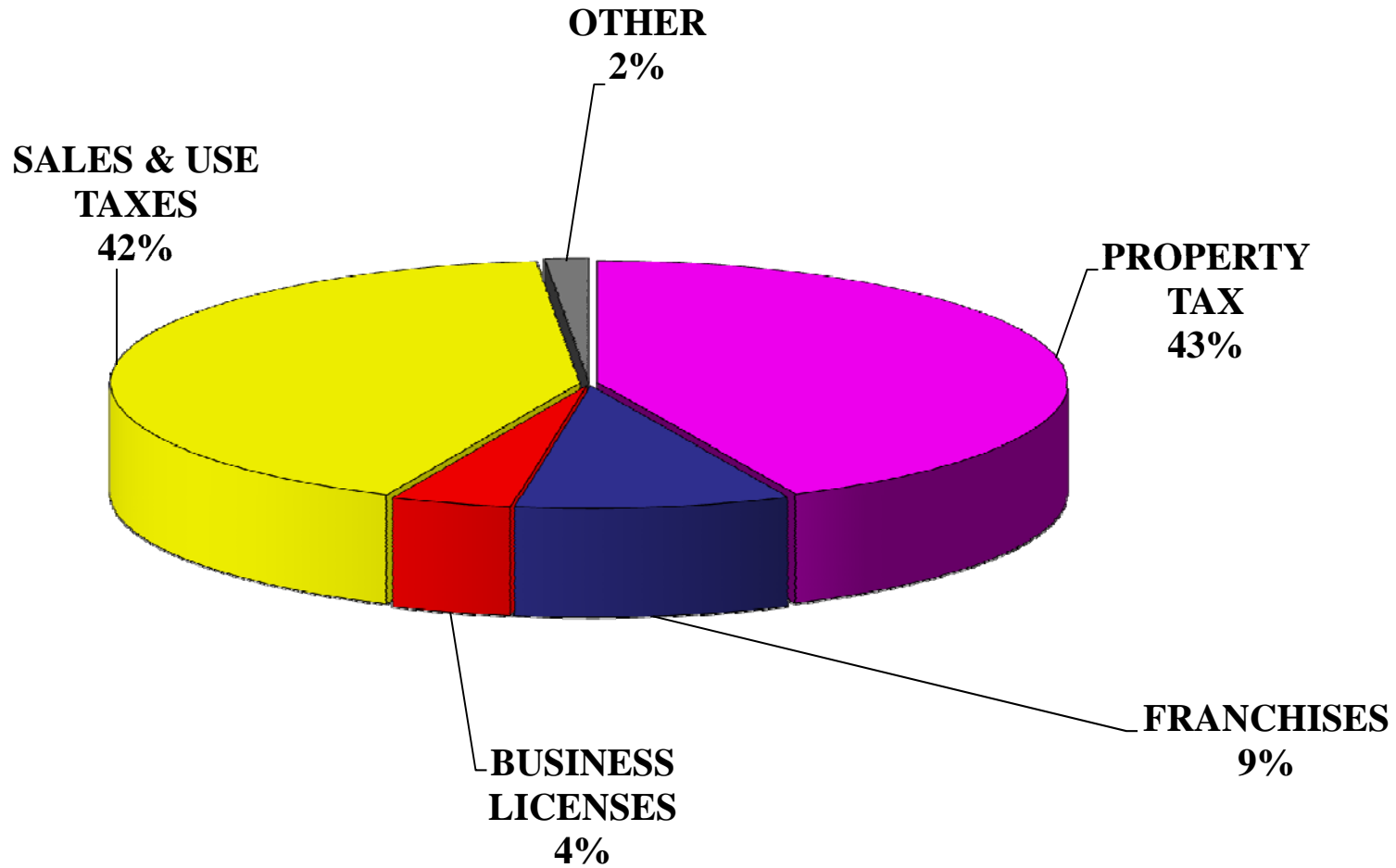
GENERAL FUND REVENUES BY CATEGORY FY 2013-14



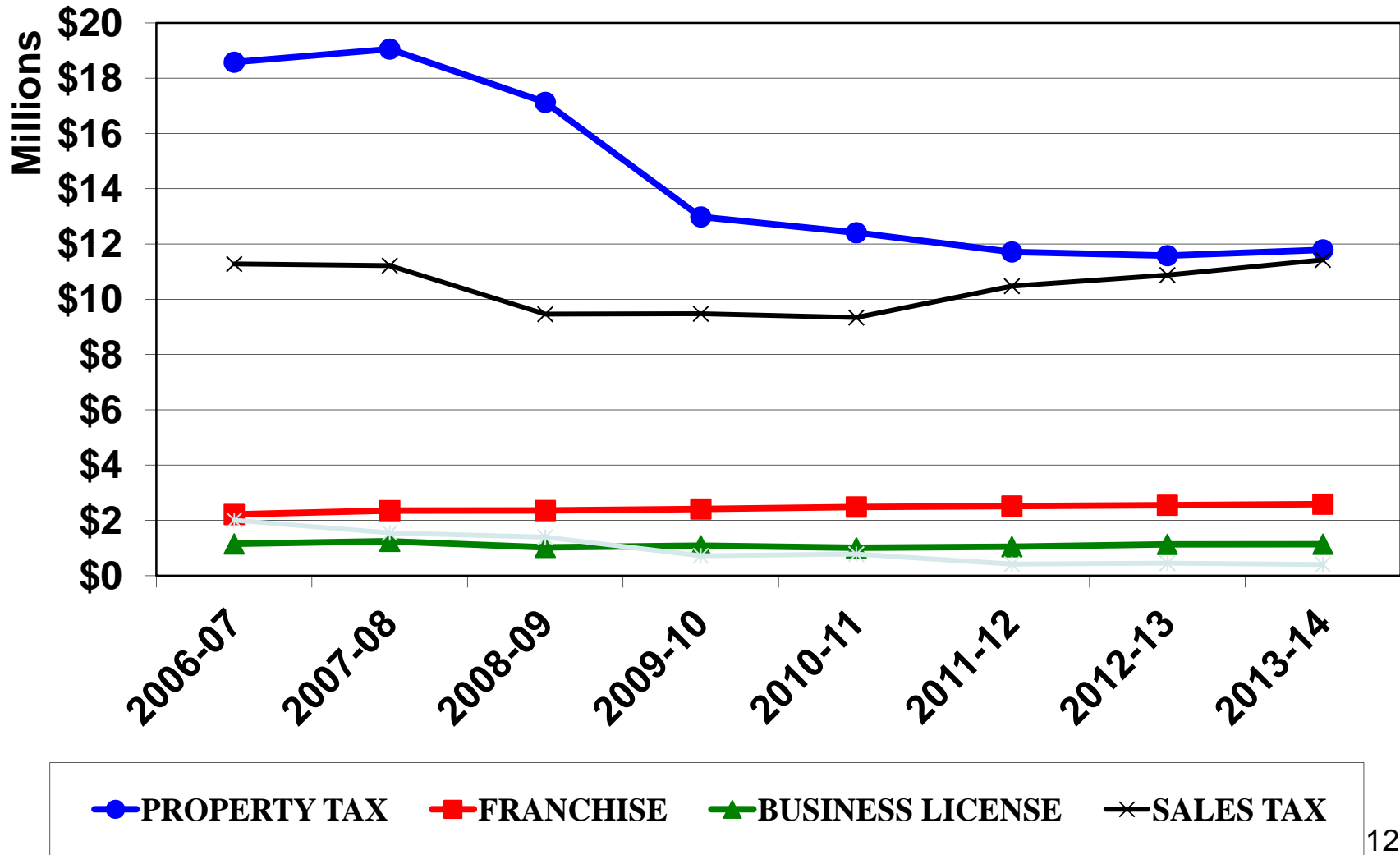
GENERAL FUND TAXES BY TYPE FY 2012-13



GENERAL FUND TAXES BY TYPE FY 2013-14



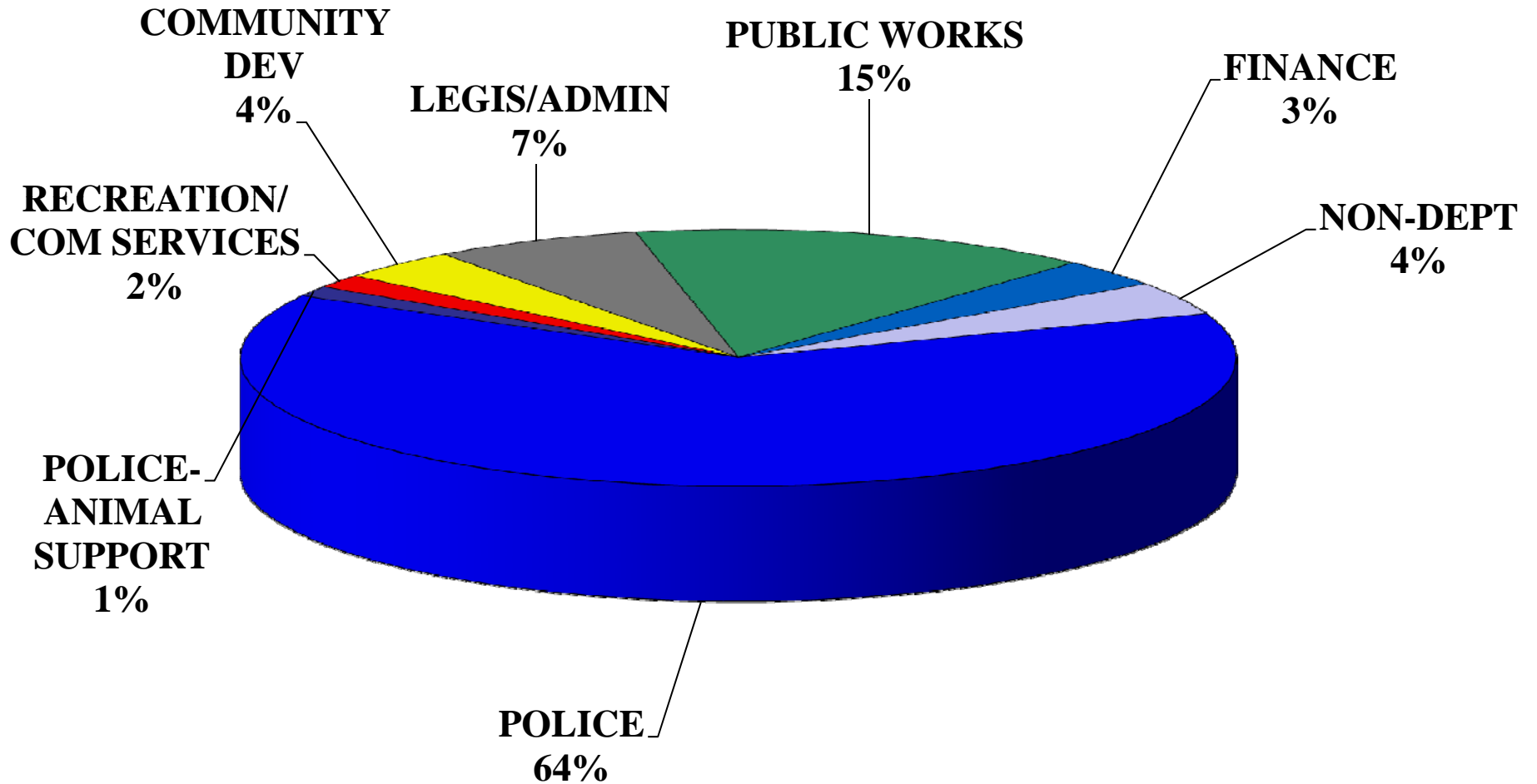
General Fund Tax Revenues



General Fund Expenditures

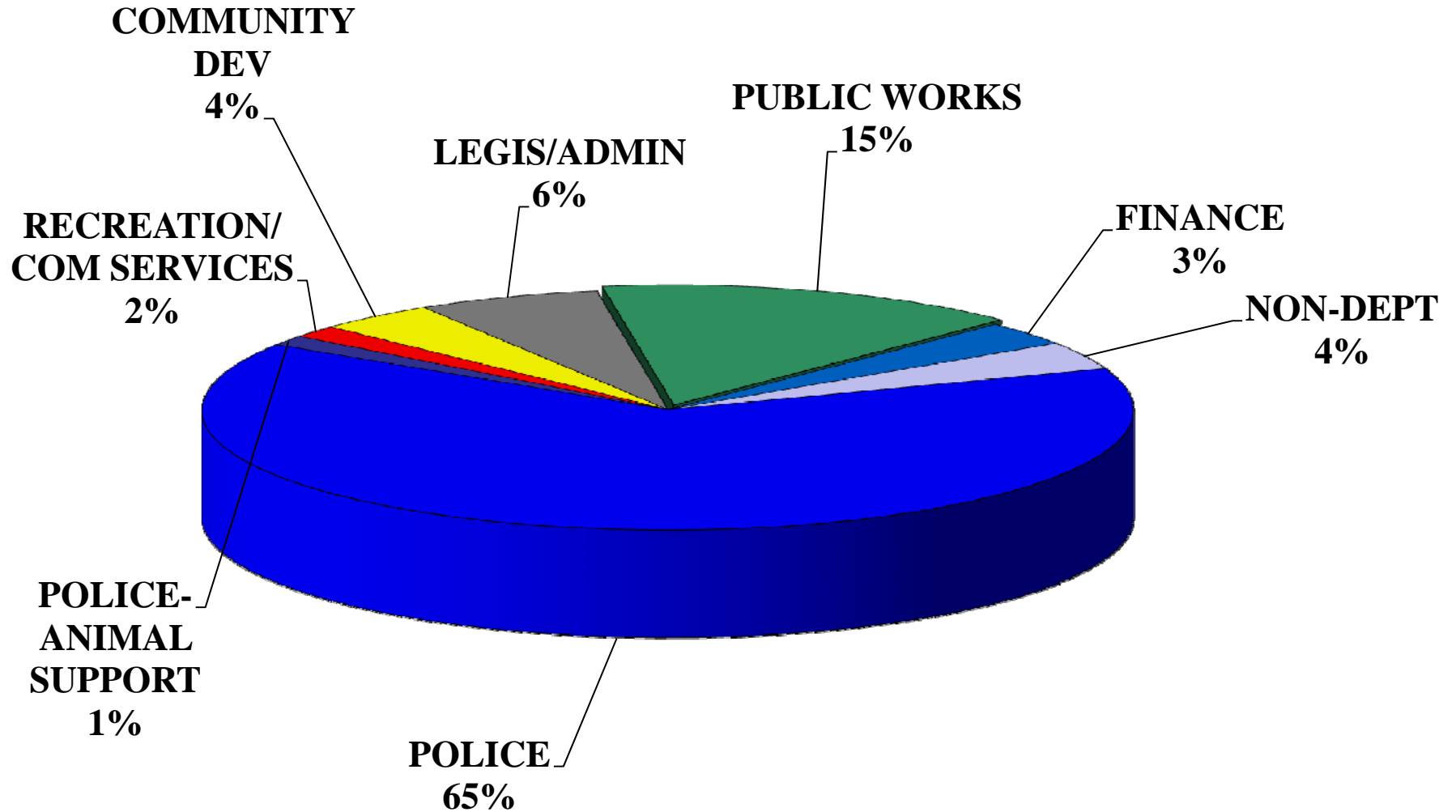
GENERAL FUND EXPENDITURES BY DEPARTMENT FY 2012-13

(Excludes Interfund Charges)

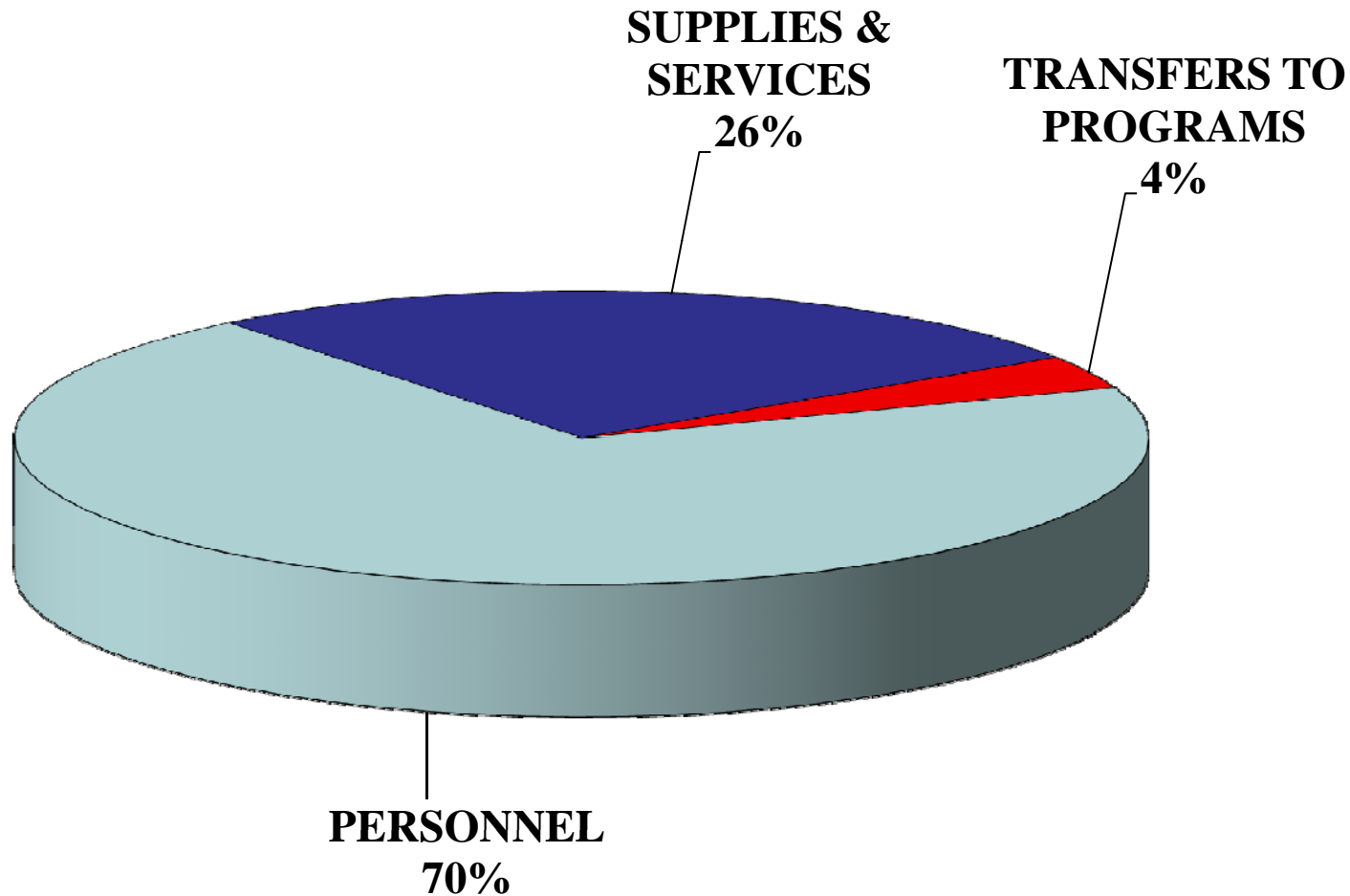


GENERAL FUND EXPENDITURES BY DEPARTMENT FY 2013-14

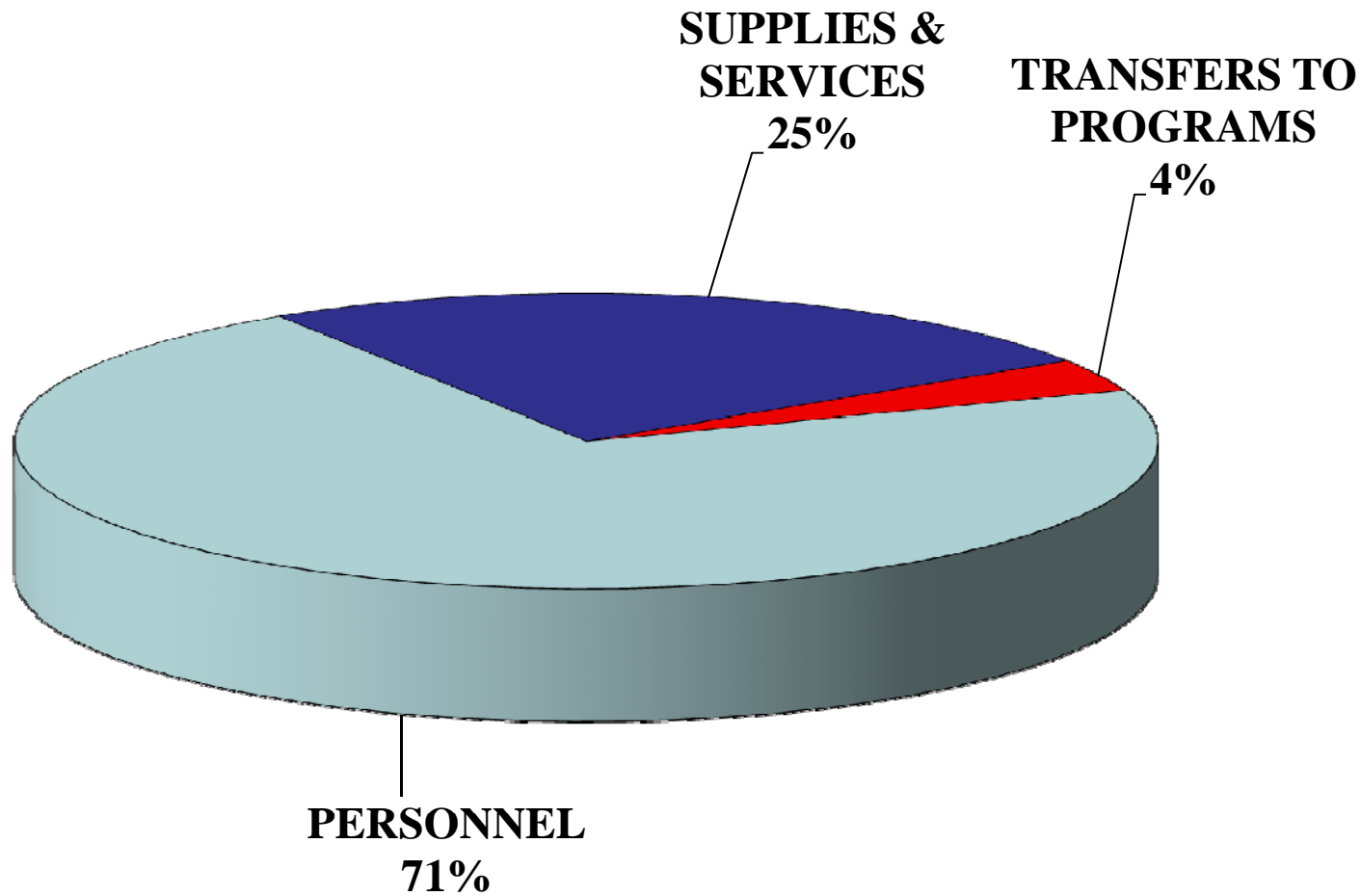
(Excludes Interfund Charges)



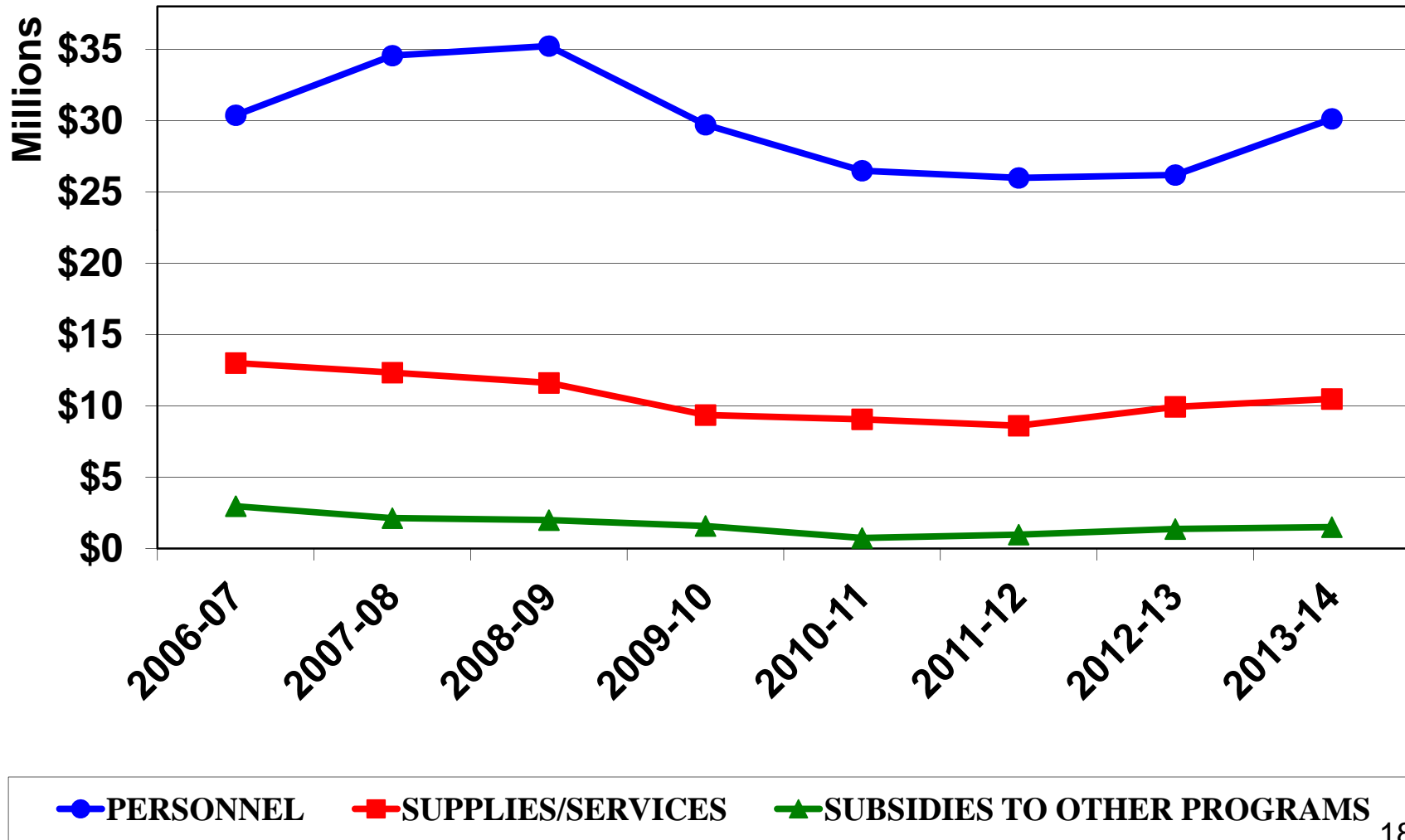
GENERAL FUND EXPENDITURES BY CATEGORY FY 2012-13



GENERAL FUND EXPENDITURES BY CATEGORY FY 2013-14



GENERAL FUND EXPENDITURES HISTORY BY CATEGORY



CURRENT STAFFING LEVELS (AS OF APRIL 1, 2013)

	FUNDED FTE	FILLED FTE	VACANCIES
POLICE -SWORN	102.00	87.00	15.00
POLICE-NON SWORN	26.50	23.50	3.00
POLICE TOTAL	128.50	110.50	18.00
ALL OTHER	153.25	133.25	20.00
GRAND TOTAL	281.75	243.75	38.00

FURTHER EVALUATION

- Further reductions of services
- Exploration of new revenue sources



STAFF REPORT TO THE ANTIOCH CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013

Prepared by: Dawn Merchant, Finance Director

Reviewed by: Jim Jakel, City Manager

Date: April 16, 2013

Subject: Budget Development Fiscal Years 2013-2014

RECOMMENDATION

Provide direction and feedback to staff regarding the budget information provided.

SUMMARY

This study session is the first of several to begin building the fiscal year 2014 budget and review projections for the fiscal year 2015 budget.

BACKGROUND

The purpose of this study session is to start a detailed review of individual division budgets within the General Fund, as well as the Recreation and Animal Services Special Revenue Funds and Prewett Enterprise Fund as subsidies to these programs are integral to the General Fund budget. Projections for fiscal year 2015 are also provided to better analyze where we are headed based on actions to date. While we are not adopting a 2015 budget at this time, based on preliminary estimates Council needs to be aware of the potential for projected General Fund deficits. While we are projecting to finish fiscal year 2014 with just over \$3.5M in fund balance, we are dipping into reserves of almost \$5M to achieve a balanced budget. Based on current fiscal year 2015 projections, past implemented cost reductions will not be enough as we are projecting to fully deplete reserves and be in the negative.

Although the economy is slowly rebounding and Antioch is seeing strong sales tax growth and the housing market beginning to rebound, new revenue growth must be considered. It is not possible to promise a full range of basic services to a community of this size with \$35.4M (projected for next fiscal year) in revenue and City Council has already expressed that the proposed revenue measure for the City will not be used to address the existing deficit spending of the City. On the flip side, if we are unable to increase our revenues in other ways besides the revenue measure, City Council may have to decide what services to further reduce to our public to avoid running into the negative in fiscal year 2015.

GENERAL FUND

Current fiscal year projections indicate a healthy fund balance of almost \$8.5M, significantly higher than the adopted FY13 budget. This equates to an unassigned fund balance of 20.94% which exceeds the fund balance policy target of 15%. While the City

has been successful in building up the fund balance since the recession began and closing the fiscal year end with surpluses through severe cuts and employee concessions, FY14 is presenting new challenges for the City Council to begin to address as costs of goods and services are beginning to rise and salary increases began to take effect in the current fiscal year. We have run out of one-time revenues that have been band aids for the City's economic crisis. Rising costs with not enough revenue growth lead to dismal projections for FY15, with the General Fund running out of money. A discussion of each fiscal year follows.

June 30, 2013

Projected revenues in FY13 have increased from \$34,262,554 to \$35,934,967. Discussions of the major factors attributed to this \$1,672,413 increase follow:

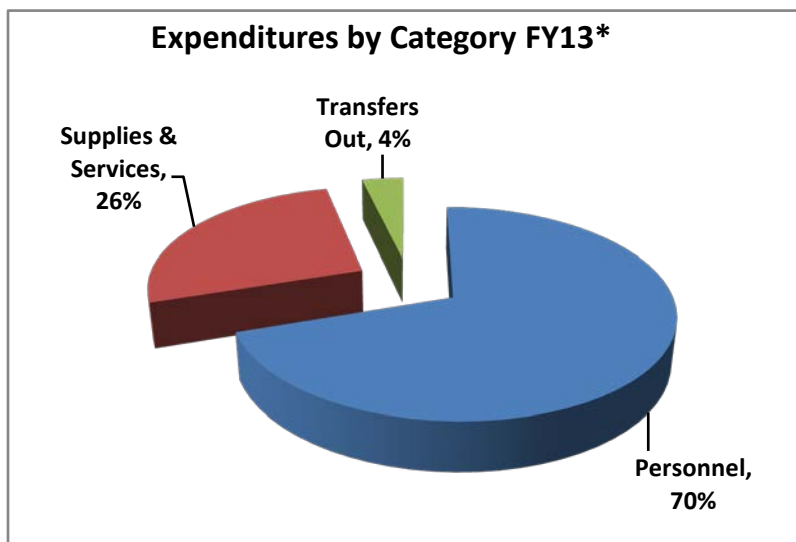
- Unexpected refund from Contra Costa County in the amount of \$521,890 arising from the miscalculation of property tax administrative fees for the periods of fiscal years 2007 through 2012.
- Projected grant revenue of \$113,603 from the award of the COPS hiring grant.
- \$390,000 more in projected building permit revenue.
- \$328,260 more in property tax revenue than anticipated due to the dissolution of redevelopment. At the time of budget adoption, it was unknown how much the City would receive as a taxing entity entitled to surplus funds distribution of Contra Costa County's Redevelopment Property Tax Trust Fund as the amount is based on remaining funds after all successor agencies have received allocations for enforceable obligations.
- \$160,000 more in projected encroachment permit revenue due mainly to a large permit pulled by PG&E.
- \$100,000 in unbudgeted reimbursement from PG&E towards annexation costs.

Projected expenditures in FY13 have decreased from \$36,722,955 to \$35,964,005. The decrease is due primarily to vacancy savings within the Police Department which have help offset increases in other areas.

The latest projections for FY13 are presented below.

	June 30, 2013	% Of Budget
Fund Balance July 1, 2012	\$8,489,101	
Revenues:		
Taxes	26,593,827	74%
Licenses & Permits	1,304,040	3%
Fines & Penalties	42,000	>1%
Investment Income & Rentals	462,440	1%
Revenue from Other Agencies	271,171	>1%
Current Service Charges	1,820,610	5%
Other Revenue	1,692,712	5%
Transfers In	3,748,167	10%
Total Revenues	\$35,934,967	100%
Expenditures:		
Legislative & Administrative	2,561,518	7%
Finance	1,326,873	4%
Nondepartmental	1,265,962	4%
Public Works	5,690,695	16%
Police Services	24,013,884	67%
Police Services – Animal Support	495,752	1%
Recreation/Community Services	645,690	1%
Community Development	1,477,244	4%
Interfund Charges	(1,513,613)	(4%)
Total Expenditures	\$35,964,005	100%
Net	(29,038)	
Projected Fund Balance June 30, 2013	\$8,460,063	
Committed for Compensated Absences	101,640	
Committed for Code Enforcement	50,000	
Committed for Litigation Reserve	500,000	
Assigned for RDA Contingency	284,122	
Unassigned Reserve %	20.94%	

Expenditures can be broken down further as follows:



*Excludes interfund charges

FY13 is now projected to have a very slight deficit, and we expect to actually have some surplus when we close the books. For the last three budget years, General Fund expenditures have come in under budget and we have been able to realize surpluses to help rebuild reserves. Staff will continue to monitor budgets closely and revise final FY13 projections if need be before brought to Council for adoption on June 25th. A discussion of General Fund reserves follows.

Reserves Analysis:

Litigation Reserve

The FY13 budget was adopted with a litigation reserve of \$170,000. Due to increased exposure to potential litigation, staff is recommending that the committed reserve be increased to \$500,000.

Committed for Code Enforcement

With the adoption of the FY13 budget, Council formally committed \$100,000 of monies received from GenOn towards funding of Code Enforcement. Based on current year expenditures, there is the potential that some funding will remain at year end. \$50,000 is reflected as a placeholder of those funds to carry towards funding into next year. An updated figure will be presented with the final budget presented for adoption.

Committed for Compensated Absences

The City's reserve policy states that a reserve for compensated absences in any given fiscal year will be equal to 5% of the audited balance in the prior fiscal year. \$115,000 was included in the adopted budget as the final audited balance was not known at the time. The actual number is \$101,640 and has been updated in the revised budget.

Assigned for RDA Contingency

This was discussed with Council at the September 25, 2012 meeting item on the budget. Staff made the recommendation to set aside money received from Contra Costa County as a result of redevelopment dissolution as a contingency to assist the Marina Fund should the State Department of Finance (DOF) reverse transfers the former redevelopment agency made to the Marina Fund. Transfers have historically been made to subsidize operations and the DOF has deemed the Marina Subsidy to not be an enforceable obligation of the former redevelopment agency. On April 1st, the DOF notified the City as Successor Agency to the Antioch Development Agency to reverse \$831,458 in transfers made since January 1, 2011 and remit the funds to the Contra Costa County Auditor-Controller. We have contested this finding with the DOF and completed a meet and confer conference call with the DOF on April 10th. The DOF has until May 1st to provide the City a final determination based on the meet and confer process, therefore we have not reversed the transfers. Should the final outcome not be in favor of the City, reversing the transfers will deplete the fund balance of the Marina and it will need the money being set aside in the General Fund.

June 30, 2014

Revenues are projected to decrease from fiscal year 2013. While we are projecting a 2% increase in property tax and 5.3% increase in sales tax, it is not enough to make up for the one time refund from Contra Costa County received in the current fiscal year and final pre-annexation monies from GenOn in the amount of \$800,000 received in the current fiscal year. Most other revenue sources continue to remain fairly flat.

Projected expenditures have increased approximately \$4.4M above FY13 to \$40,376,297. This is mainly due projected salary increases in the Police Department (from both negotiated salary increases and filling of vacant positions), rising insurance and other contractual costs and increased subsidies to Animal Services and Recreation programs.

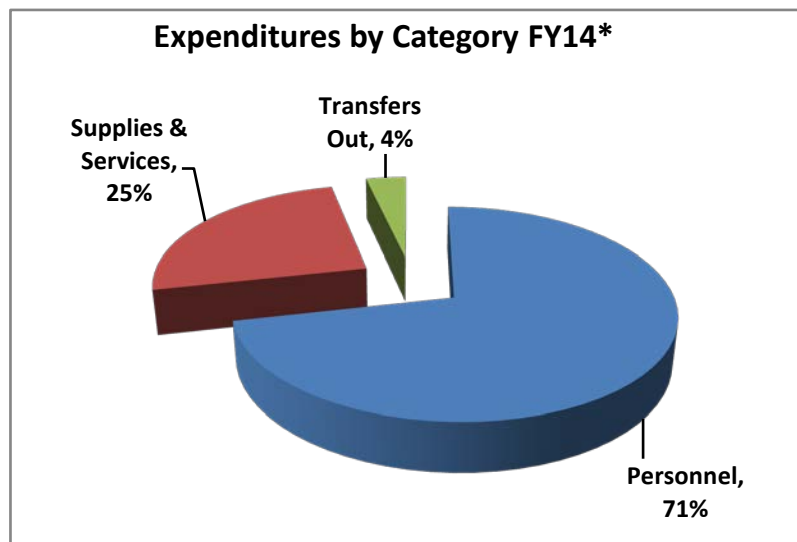
Assumptions included in FY14 are:

- 2% property tax.
- 5.3% increase in sales tax.
- APOA & APSMA salary increase of 4% effective September 2013.
- Local 1 salary increase of 3% effective April 2014.
- Local 3 salary increase of 3% effective March 2014.
- PERS employer contribution rate of 23.687% for miscellaneous and 31.680% for safety.
- Continue to fund medical after retirement and police supplementary retirement plans on pay as you go basis.
- Continue to fund street light electricity costs out of Gas Tax.
- Existing elected official voluntary reductions continue.
- Furloughs still in place (\$648,830 cost to General Fund to reinstate).
- Continue to fund replacement accounts with non-General Fund sources only.
- No earthquake insurance for Prewett, City Hall or Police Facility.
- Library facility maintenance funding of \$101,695. For the past several years, this funding has been paid out of the Residential Development Allocation Fund. In fiscal year 2014, that fund is projected to only have \$14,345 left in funds to pay towards the cost and the remainder will have to be paid out of the General Fund.
- Maintain current funded staffing levels in the General Fund, including the Police Department, with the following exceptions we are requesting City Council approval on:
 - Funding the Chief Building Official position to meet the increasing workload demands from additional permits being issued.
 - Funding one additional Customer Service Representative position to meet customer service needs for water utility customers. Only .10 of the position is funded out of the General Fund with the remainder split between Water and Sewer.
 - Reclass of existing Facility Maintenance Worker to Facility Maintenance Leadworker to align duties currently assigned to applicable job classification.

FY14 projections are presented below:

	June 30, 2014	% Of Budget
Projected Fund Balance July 1, 2013	\$8,460,063	
Revenues:		
Taxes	27,349,931	77%
Licenses & Permits	952,040	3%
Fines & Penalties	50,000	>1%
Investment Income & Rentals	470,690	1%
Revenue from Other Agencies	679,563	2%
Current Service Charges	1,883,510	5%
Other Revenue	330,600	1%
Transfers In	3,716,952	10%
Total Revenues	\$35,433,286	100%
Expenditures:		
Legislative & Administrative	2,671,701	7%
Finance	1,376,446	3%
Nondepartmental	1,581,797	4%
Public Works	6,258,131	16%
Police Services	27,213,473	67%
Police Services – Animal Support	572,573	1%
Recreation/Community Services	697,724	2%
Community Development	1,722,171	4%
Interfund Charges	(1,717,719)	(4%)
Total Expenditures	\$40,376,297	100%
Net	(4,943,011)	
Projected Fund Balance June 30, 2014	\$3,517,052	
Committed for Litigation Reserve	500,000	
Committed for Compensated Absences	115,000	
Unassigned Reserve %	8.26%	

Expenditures can be broken down further as follows:



*Excludes interfund charges

June 30, 2015

Although we are seeing sales tax revenue steadily climbing, the overall economy continues to be slow to recover in Antioch, and this is apparent in fiscal year 2014 and 2015 projections. Expenditures continue to severely outpace available resources and without significant turn-around in revenues or further severe cuts, the General Fund could run out of fund balance in fiscal year 2015 due to possible deficit spending of approximately \$6.1M.

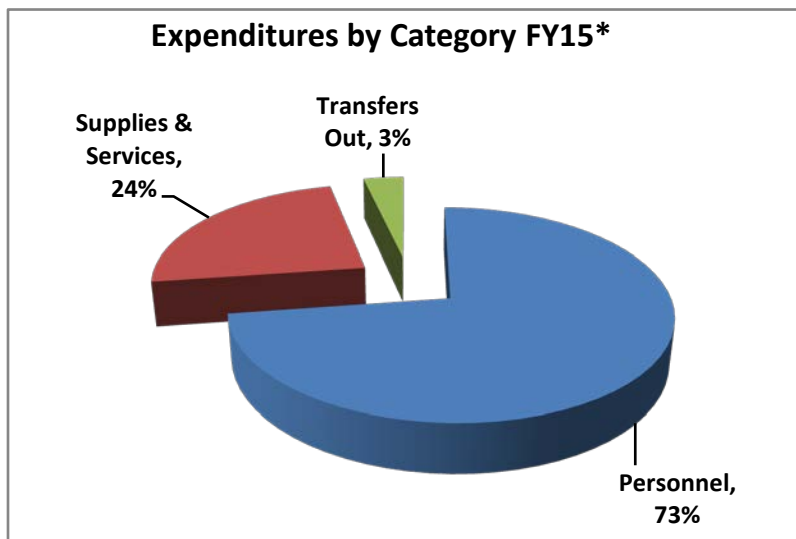
Expenditures are expected to climb \$1.94M above FY14, mainly attributable to negotiated salary increases and other payroll factors including PERS and insurance rates. While staffed FTE's are maintained at the current funded level, FY15 includes the following payroll and other assumptions:

- APOA and APSMA are entitled to a salary increase between a minimum of 2% and a maximum of 4.25% based on the existing four-city formula. The budget assumes a 3% increase.
- No salary increases for any other bargaining units within the General Fund.
- PERS employer contribution of 24.6% for miscellaneous and 33.9% for safety.
- Work furloughs still maintained.
- Existing elected official voluntary reductions still in place.
- Continue to fund medical after retirement and police supplementary retirement plan benefits on a pay as you go basis.
- Maintain funded staffing levels from fiscal year 2014.
- 4% increase in property tax.
- 2.4% increase in sales tax.
- Continue to fund replacement accounts with non-General Fund sources only.
- No earthquake insurance for Prewett, City Hall or Police Facility.
- Library maintenance funding of \$120,000.

Fiscal year 2015 projections are presented on the next page.

	June 30, 2015	% Of Budget
Projected Fund Balance July 1, 2014	\$3,517,052	
Revenues:		
Taxes	28,090,699	78%
Licenses & Permits	952,040	2%
Fines & Penalties	55,000	>1%
Investment Income & Rentals	475,000	1%
Revenue from Other Agencies	637,227	2%
Current Service Charges	1,919,322	5%
Other Revenue	330,600	1%
Transfers In	3,700,961	10%
Total Revenues	\$36,160,849	100%
Expenditures:		
Legislative & Administrative	2,403,628	6%
Finance	1,421,979	3%
Nondepartmental	1,780,764	5%
Public Works	6,325,820	15%
Police Services	28,988,931	68%
Police Services – Animal Support	597,926	1%
Recreation/Community Services	736,434	2%
Community Development	1,803,195	4%
Interfund Charges	(1,744,288)	(4%)
Total Expenditures	\$42,314,389	100%
Net	(6,153,540)	
Projected Fund Balance June 30, 2015	(\$2,636,488)	
Committed for Compensated Absences	115,000	
Committed for Litigation Reserve	500,000	
Unassigned Reserve %	(8.99%)	

Expenditures by category are as follows:



*Excludes interfund charges

As you can see, we are projecting continued deficit spending in FY15. This is due to several factors: small projected increases in the major sources of revenues; agreed upon salary increases scheduled to take place in FY15; increases in insurance premiums; projected increases in PERS rates. Expenditures are only going to continue to rise and possibly significant for PERS contributions as actuarial methods and assumptions are currently being evaluated by PERS. If new methods and assumptions are adopted, impacts to Cities will be monumental with implementation to begin in fiscal year 2016 for new methods and the year after for assumptions. This may have a severe impact to rates for several years following implementation and cities will need to brace for the budget impacts.

The projections for FY15 are working baseline estimates for planning purposes and continued vacancy and other savings may significantly lessen the deficit. The City needs to use these projections to chart our course going forward to determine funding priorities as we continue with the strategic planning process that has begun. We need to look for long term stability.

OTHER FUNDS

The Recreation Fund, Prewett Park Fund and Animal Services Fund are included in the study session packet attached. These funds receive operating subsidies from the General Fund thus it is important to review them in conjunction with the General Fund. As you will see in the packet, the subsidies are projected to increase in each of the next two fiscal years due to fairly flat revenue projections and increasing costs.

NEXT STEPS

Staff will be bringing forth budgets for remaining funds of the City for Council deliberation, including the five year capital improvement program. The final budget document incorporating all budgets that have been presented will be brought for Council approval on June 25, 2013.

OPTIONS

1. Provide direction to staff regarding the budget information provided.

ATTACHMENTS

Attachment A - Study Session Workbook

Budget Study Session



Attachment A

April 23, 2013

BUDGET STUDY SESSION – APRIL 23, 2013

LEGISLATIVE AND ADMINISTRATIVE

LEGISLATIVE AND ADMINISTRATIVE SUMMARY

	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
SOURCE OF FUNDS:									
Billings to Departments	247,297	253,023	161,450	211,923	193,736	220,330	14%	229,417	4%
Revenue From Other Agencies	158,550	202,181	82,737	75,000	75,568	135,000	79%	0	-100%
Charges for Services	16,302	371	1,129	0	0	0	0%	0	0%
Miscellaneous Revenue	2,117	2,061	50,209	0	134,012	0	-100%	0	0%
Transfers In	50,000	50,000	50,000	0	0	0	0%	0	0%
TOTAL SOURCE OF FUNDS	474,266	507,636	345,525	286,923	403,316	355,330	-12%	229,417	-35%
USE OF FUNDS:									
Personnel	1,733,616	1,442,744	1,307,102	1,395,865	1,450,171	1,607,359	11%	1,609,187	0%
Services & Supplies	1,418,679	949,546	1,068,409	1,080,869	1,111,347	1,064,342	-4%	794,441	-25%
TOTAL USE OF FUNDS	3,152,295	2,392,290	2,375,511	2,476,734	2,561,518	2,671,701	4%	2,403,628	-10%

Authorized & Funded FTE's:	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
City Council	5.00	5.00	5.00	5.00
City Attorney	3.50	1.50	1.50	1.50
City Manager	2.50	1.50	1.50	1.50
City Clerk	3.00	2.00	2.00	2.00
City Treasurer	1.15	1.15	1.15	1.15
Human Resources	3.50	3.50	3.50	3.50
Economic Development	3.00	1.00	1.00	1.00
Total Authorized & Funded FTE's	21.65	15.65	15.65	15.65

BUDGET STUDY SESSION – APRIL 23, 2013

CITY COUNCIL (100-1110) - The City Council acts on all legislative matters concerning the City. As the City policy-making and legislative body, the City Council is responsible to more than 100,000 residents of Antioch for approving all programs and services provided in the City. They approve and adopt all ordinances, resolutions, contracts and other matters regarding overall policy decisions and leadership. The Council appoints the City Manager and the City Attorney, as well as various commissions, boards and other citizen advisory committees.

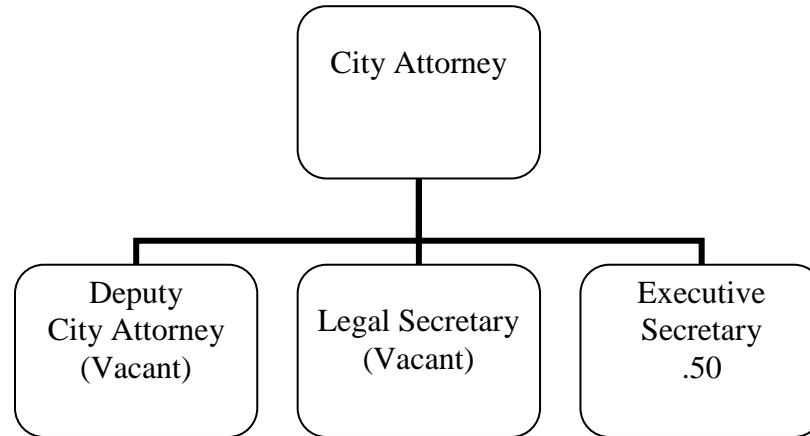
In reaching policy decisions, the City Council reviews proposals designed to meet community needs and sustain desired service levels; initiates new programs to upgrade existing City services; determines the ability of the City to provide financing for all municipal activities; and adopts the City budget following review and modification of a proposed budget, as submitted by the City Manager. In addition to holding regular and special Council meetings, the members of the City Council also function as directors of the City of Antioch as Successor Agency to the Antioch Development Agency and the Antioch Public Financing Authority.

City Council (100-1110)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Other	0	0	2,134	0	0	0	0%	0	0%
Total Source of Funds	0	0	2,134	0	0	0	0%	0	0%
Use of Funds:									
Personnel	108,683	123,566	127,608	133,076	120,436	114,266	-5%	116,765	2%
Services & Supplies	16,517	16,598	26,986	19,370	39,370	44,370	13%	22,370	-31% ¹
Total Use of Funds	125,200	140,164	154,594	152,446	159,806	158,636	-1%	139,135	-5%
Elected Officials	5.00	5.00	5.00	5.00	5.00	5.00		5.00	

¹VARIANCE: FY13 and FY14 include expenditures for strategic planning consultant.

BUDGET STUDY SESSION – APRIL 23, 2013

CITY ATTORNEY



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Funded Positions	# Proposed New Positions
3.5	1.5	1.5	0	0

BUDGET STUDY SESSION – APRIL 23, 2013

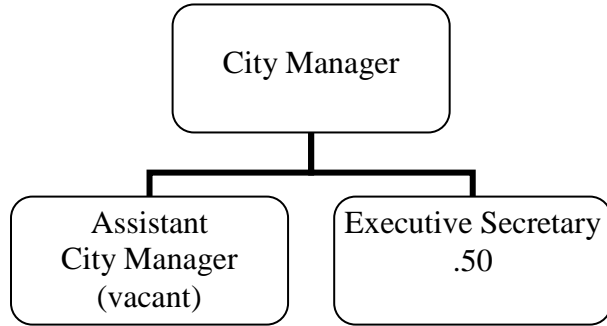
CITY ATTORNEY (100-1120) – The City Attorney’s Office is responsible for providing and supervising all legal services for the City and Antioch Development Agency. The Office provides advice to Council, Agency, Commissions and staff on the Brown Act, Public Records Acts, conflicts of interests, public contracting, land use, environmental laws, employment and other matters, and other matters; prepares or reviews ordinances, contracts, leases and similar legal documents; is responsible for land acquisition; oversees claims management and litigation matters; and acts as a board member to the joint risk authority (Municipal Pooling Authority).

City Attorney (100-1120)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Legal Fees	16,302	371	1,129	0	0	0	0%	0	0%
Other	2,117	2,061	44,174	0	22,794	0	-100% ¹	0	0%
Transfer in from ADA Area 1	50,000	50,000	50,000	0	0	0	0%	0	0%
Total Source of Funds	68,419	52,432	95,303	0	22,794	0	-100%	0	0%
Use of Funds:									
Personnel	341,134	356,471	322,234	323,388	316,374	337,627	7%	344,699	2%
Services & Supplies	443,859	30,038	63,528	114,615	115,250	115,015	0%	115,442	0%
Total Use of Funds	784,993	386,509	385,762	438,003	431,624	452,642	5%	460,141	2%
Funded FTE's	2.00	2.00	1.50	1.50	1.50	1.50		1.50	

¹VARIANCE: FY13 other revenue is reimbursements from GenOn for staff time.

BUDGET STUDY SESSION – APRIL 23, 2013

CITY MANAGER



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Funded Positions	# Proposed New Positions
2.5	1.50	1.50	0	0

BUDGET STUDY SESSION – APRIL 23, 2013

CITY MANAGER (100-1130) - The City Manager serves as the administrative head of the City government under the direction of the City Council and is responsible for carrying out the policies and directives of the City Council. The City Manager provides leadership to the City's executive managers and the organization as a whole in meeting the needs of the community and coordinating the provision of a wide range of municipal services. The City Manager also provides administrative policy direction for fiscal planning; intergovernmental relations in responding to state, federal and regional issues with local impacts; and for communications - both internal and with the community at large. The City Manager and staff attend all Council meetings, advising the Council on matters under consideration and makes Council policy recommendations as appropriate.

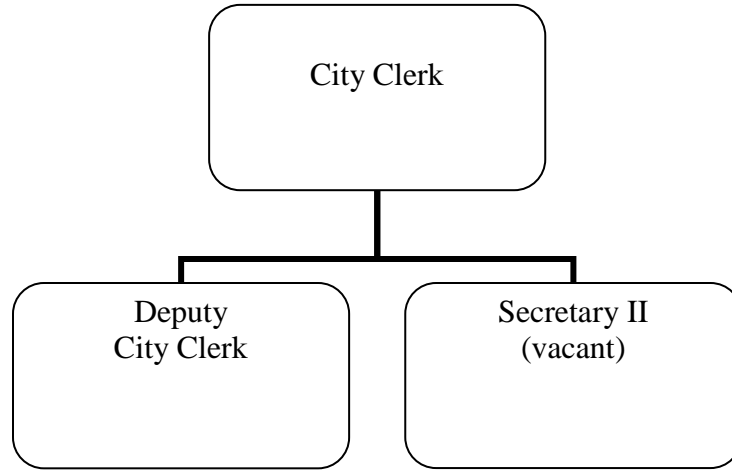
City Manager (100-1130)									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Revenue from Other Agencies	37,272	20,191	14,473	0	10,568	0	-100% ¹	0	0%
Other	0	0	3,891	0	0	0	0%	0	0%
Total Source of Funds	37,272	20,191	18,364	0	10,568	0	-100%	0	0%
Use of Funds:									
Personnel	516,566	301,330	313,081	354,347	353,302	405,414	15% ¹	375,144	-7%
Services & Supplies	39,873	45,345	49,291	70,552	70,552	100,552	43% ²	72,474	-28%
Total Use of Funds	556,439	346,675	362,372	424,899	423,854	505,966	20%²	447,618	-12%
Funded FTE's	2.00	2.00	1.40	1.50	1.50	1.50		1.50	

¹VARIANCE: FY13 reimbursements from GenOn for staff time.

²VARIANCE: FY14 includes City Manager contract amendments as approved by Council and recruitment expenses for City Manager position.

BUDGET STUDY SESSION – APRIL 23, 2013

CITY CLERK



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Funded Positions	# Proposed New Positions
3	2	2	0	0

BUDGET STUDY SESSION – APRIL 23, 2013

CITY CLERK (100-1140) - The City Clerk is elected to a four-year term of office to preside over the Office of the City Clerk and serves as the records keeper of the official actions of both the City Council and Antioch Development Agency and is responsible for the preparation and accuracy of the agendas, minutes, public hearing notices. The Clerk also serves as the City’s historian. The City Clerk serves as Clerk of the Council, conducts municipal elections, acts as the filing officer for the implementation and administration of the Political Reform Act, and is the custodian of the City seal. The position of City Clerk is elective and operates under statutory provision of the California Government Code, the Elections Code, and City ordinances and policies.

The office of the City Clerk receives claims and legal actions against the City; oversees the City’s Records Management Program; maintains the Municipal Code; maintains registration/ownership certificates for City vehicles; attests and/or notarizes City documents; conducts bid openings; serves as the liaison to the Board of Administrative Appeals; and interacts with the City Council, City staff, and the general public on all related matters.

City Clerk (100-1140)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Other	0	0	10	0	9,507	0	-100% ¹	0	0%
Total Source of Funds	0	0	10	0	9,507	0	-100%	0	0%
Use of Funds:									
Personnel	135,665	128,488	89,792	112,297	109,582	122,225	12% ²	128,035	5%
Services & Supplies	27,009	77,091	133,424	108,328	44,796	27,178	-39% ³	106,768	293% ³
Total Use of Funds	162,674	205,579	223,216	220,625	154,378	149,403	-3%	234,803	57%
Funded FTE's	2.00	2.50	2.50	2.00	2.00	2.00		2.00	

¹VARIANCE: FY13 included reimbursement for election costs.

²VARIANCE: Increase due to step increase and increase in other benefit costs.

³VARIANCE: FY13 includes November 2012 election costs. FY15 includes November 2014 projected election costs.

BUDGET STUDY SESSION – APRIL 23, 2013

CITY TREASURER (100-1150) - The City Treasurer is elected to a four-year term of office. The duties of a City Treasurer are to receive and safely keep all money coming into the City; to comply with all laws governing the deposit and securing of public funds and the handling of trust funds in the possession of the City; to pay out money on warrants signed by persons legally designated by the City; to call in money from inactive deposits and place it in active deposits as current demands require; and to deposit money for which there is no demand as inactive deposits into active deposit accounts.

Antioch’s City Treasurer reviews all travel expenses to ensure compliance with the City’s travel policy; processes interest checks from certificates of deposit; reviews all warrants and field checks issued; processes assessment payoffs, reviews and approves the monthly Investment Report to Council.

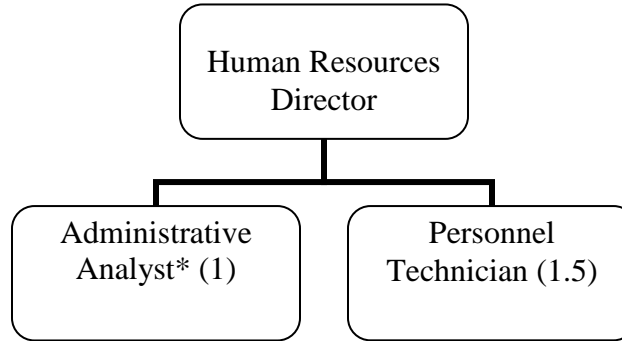
City Treasurer (100-1150)

	2009-10 Actual	2010-11 Actual	2010-11 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Billings to Departments	247,297	253,023	161,450	211,923	193,736	220,330	14%	229,417	4%
Total Source of Funds	247,297	253,023	161,450	211,923	193,736	220,330	14%	229,417	4%
Use of Funds:									
Personnel	38,968	39,824	40,680	42,972	42,427	44,215	4%	45,897	4%
Services & Supplies	190,785	197,226	103,106	149,973	133,818	157,973	18% ¹	163,214	3%
Total Use of Funds	229,753	237,050	143,786	192,945	176,245	202,188	15%	209,111	3%
Funded FTE's	1.15	1.15	1.15	1.15	1.15	1.15		1.15	

¹VARIANCE: Projected increase in bank charges.

BUDGET STUDY SESSION – APRIL 23, 2013

HUMAN RESOURCES



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Funded Positions	# Proposed New Positions
3.5*	3.5	3.5	0	0
*Does not include Administrative Analyst (vacant) charged to Loss Control Fund 580.				

The Human Resources Department is responsible for overseeing the management of personnel services including recruitment, benefit administration, employee relations, labor relations, training, and maintaining the personnel classification system.

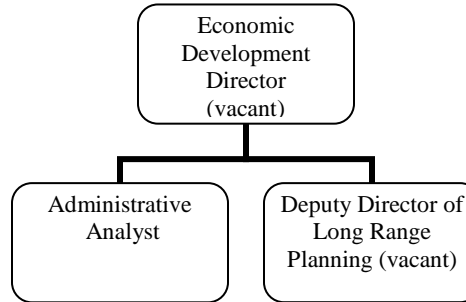
Human Resources (100-1160)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Personnel	407,549	388,572	300,121	258,500	403,094	472,195	17% ¹	483,620	2%
Services & Supplies	61,249	52,109	89,753	158,396	99,896	187,371	88% ²	189,538	1%
Total Use of Funds	468,798	440,681	389,874	416,896	502,990	659,566	31%	673,158	2%
Funded FTE's	3.50	3.50	3.50	3.50	3.50	3.50		3.50	

¹VARIANCE: FY14 includes full year of funding for Human Resources Director.

²VARIANCE: Reclassed contractual services previously charged to the Loss Control fund to this division. Portion of this increase will be allocated out through the cost allocation plan.

BUDGET STUDY SESSION – APRIL 23, 2013

ECONOMIC DEVELOPMENT



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Funded Positions	# Proposed New Positions
3	1	1	0	0

The Economic Development Department improves the local economy by providing programs to attract, retain, expand and assist business in Antioch. Department goals include promoting a positive business environment, expanding the local tax base, creating opportunities for new jobs, retail shops, employment centers and quality dining experiences.

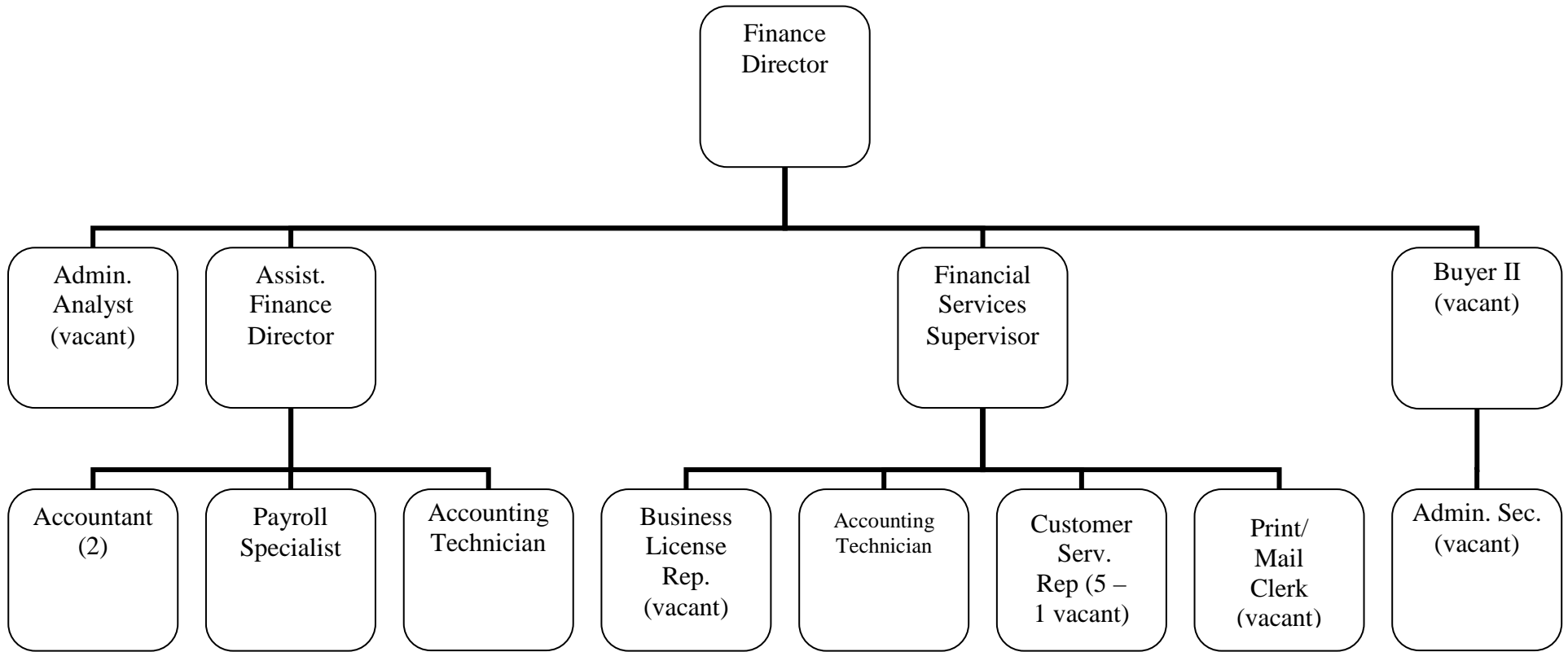
Economic Development (100-1180)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	121,278	81,990	68,264	75,000	65,000	135,000	108%	0	-100%
Other	0	0	0	0	101,711	0	-100% ¹	0	0%
Total Source of Funds	121,278	181,990	68,264	75,000	166,711	135,000	-19%	0	-100%
Use of Funds:									
Personnel	185,051	104,493	113,586	171,285	104,956	111,417	6%	115,027	3%
Services & Supplies	639,387	531,139	602,321	459,635	607,665	431,883	-29% ²	124,635	-71% ²
Total Use of Funds	824,438	635,632	715,907	630,920	712,621	543,300	-24%	239,662	-56%
Funded FTE's	1.00	1.00	0.50	1.00	1.00	1.00		1.00	

¹VARIANCE: One time reimbursement from PG&E for annexation project.

²VARIANCE: FY13 was final payment to Nokes under sales tax reimbursement agreement and FY14 will be final payment for Slatten Ranch agreement.

BUDGET STUDY SESSION – APRIL 23, 2013

FINANCE DEPARTMENT



# of Positions Authorized	# of Funded Positions	# of Filled Positions	# Vacant Funded Positions	# Proposed New Positions
18*	12	11	1**	1**

*Although 18 actual positions under Finance, some positions split funding as follows (FY13-FY15):

Finance Director - .80 Gen Fund Finance, .05 Gen Fund City Treasurer, .15 Wtr/Swr

Accountant – 1.90 Gen Fund Finance, .10 Gen Fund City Treasurer

Financial Services Supervisor - .15 Gen Fund Finance, .85 Wtr/Swr

Customer Service Rep. - .50 Gen Fund Finance, 4.5 Wtr/Swr

**Requesting funding of the 1 vacant CSR position to better meet customer service needs of our community

BUDGET STUDY SESSION – APRIL 23, 2013

The Finance Department provides internal support to other City Departments and external support to other government agencies by providing financial information to facilitate their decision making process. The Department administers more than 80 funds in accordance with Generally Accepted Accounting Principles. The Department is also responsible for overseeing the City's Purchasing, Printing, and Mail Services.

Along with the City Treasurer, the Finance Department is responsible for the safekeeping, management and accounting of the City's financial assets. The Department also supplies timely and accurate financial reports to elected and appointed officials and to the State. The Finance Department works with the City Manager to ensure that a sound program of fiscal control is undertaken with respect to developing and implementing the annual budget. The following divisions are in the Finance Department: Administration, Accounting, and Operations.

FINANCE SUMMARY									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
SOURCE OF FUNDS:									
Billings to Departments	81,144	38,125	101,410	42,200	43,511	41,500	-5%	41,500	0%
Administrative Services	79,300	79,300	79,300	79,300	79,300	79,300	0%	79,300	0%
Other	256	180	6	120	242	200	-17%	200	0%
TOTAL SOURCE OF FUNDS	160,700	117,605	180,716	121,620	123,053	121,000	-2%	121,000	0%
USE OF FUNDS:									
Personnel	1,214,290	1,197,669	1,112,240	765,570	751,267	800,007	6%	822,027	3%
Services & Supplies	677,708	616,930	694,752	562,721	575,606	576,439	0%	599,952	4%
TOTAL USE OF FUNDS	1,891,998	1,814,599	1,806,992	1,328,291	1,326,873	1,376,446	4%	1,421,979	3%

Authorized & Funded FTE's:	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
Finance Administration	2.00	0.80	0.80	0.80
Finance Accounting	6.00	4.90	4.90	4.90
Finance Operations	9.00	0.55	0.65	0.65
Total Finance Authorized & Funded FTE's	18.00	6.25	6.35	6.35

(a) Requesting to fill 1 vacant CSR, .10 of position charged to General Fund

BUDGET STUDY SESSION – APRIL 23, 2013

Finance Administration (100-1210)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Admin Services Mello Roos	41,200	41,200	41,200	41,200	41,200	41,200	0%	41,200	0%
Other	133	54	-127	0	0	0	0%	0	0%
Total Source of Funds	41,333	41,254	41,073	41,200	41,200	41,200	0%	41,200	0%
Use of Funds:									
Personnel	222,136	202,238	198,776	172,405	163,785	178,495	9%	180,670	1%
Services & Supplies	114,019	93,380	93,062	102,698	103,378	103,468	0%	109,273	6%
Total Use of Funds	336,155	295,618	291,838	275,103	267,163	281,963	6%	289,943	3%
Funded FTE's	0.95	0.95	0.95	0.80	0.80	0.80		0.80	

Finance Accounting (100-1220)									
	2009-10* Actual	2010-11* Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Admin Svcs-Assess. District	38,100	38,100	38,100	38,100	38,100	38,100	0%	38,100	0%
Other	123	126	133	120	242	200	-17%	200	0%
Total Source of Funds	38,223	38,226	38,233	38,220	38,342	38,300	0%	38,300	0%
Use of Funds:									
Personnel	560,087	567,876	528,796	545,195	544,321	568,271	4%	585,456	3%
Services & Supplies	261,688	252,928	255,669	267,846	269,801	277,996	3%	288,626	4%
Total Use of Funds	821,775	820,804	784,465	813,041	814,122	846,267	4%	874,082	3%
Funded FTE's	5.90	5.90	4.90	4.90	4.90	4.90		4.90	

*2009-10 and 2010-11 data includes actuals for the Purchasing Division (100-1240) which was consolidated with Accounting in 2011-12.

BUDGET STUDY SESSION – APRIL 23, 2013

Finance Operations (100-1230)									
	2009-10*	2010-11*	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Billings to Departments	81,144	38,125	101,410	42,200	43,511	41,500	-5%	41,500	0%
Total Source of Funds	81,144	38,125	101,410	42,200	43,511	41,500	-5%	41,500	0%
Use of Funds:									
Personnel	432,067	427,555	384,668	47,970	43,161	53,241	23% ¹	55,901	5%
Services & Supplies	302,001	270,622	346,021	192,177	202,427	194,975	-4%	202,053	4%
Total Use of Funds	734,068	698,177	730,689	240,147	245,588	248,216	1%	257,954	4%
Funded FTE's	6.00	5.00	5.00	0.55	0.55	0.65		0.65	

*2009-10 and 2010-11 data includes actuals for the Print & Mail Divisions (100-1310 & 100-1320) which were consolidated with Operations in 2011-12.

¹VARIANCE: Increase due to additional position request for a Customer Service Representative charged .10 to General Fund and step increases due to existing employees.

BUDGET STUDY SESSION – APRIL 23, 2013

NON-DEPARTMENTAL DEPARTMENT (100-1250) - The Non-Departmental classification is for revenues and expenditures that are not attributed to any one City department or division within the General Fund. Revenue items recognized in Non-Departmental include property taxes, franchise fees, business licenses, sales and use tax and motor-vehicle-in-lieu. Non-Departmental operating expenses include insurance policies and claims, sales tax audits, property tax audits, ABAG and League of California Cities membership dues.

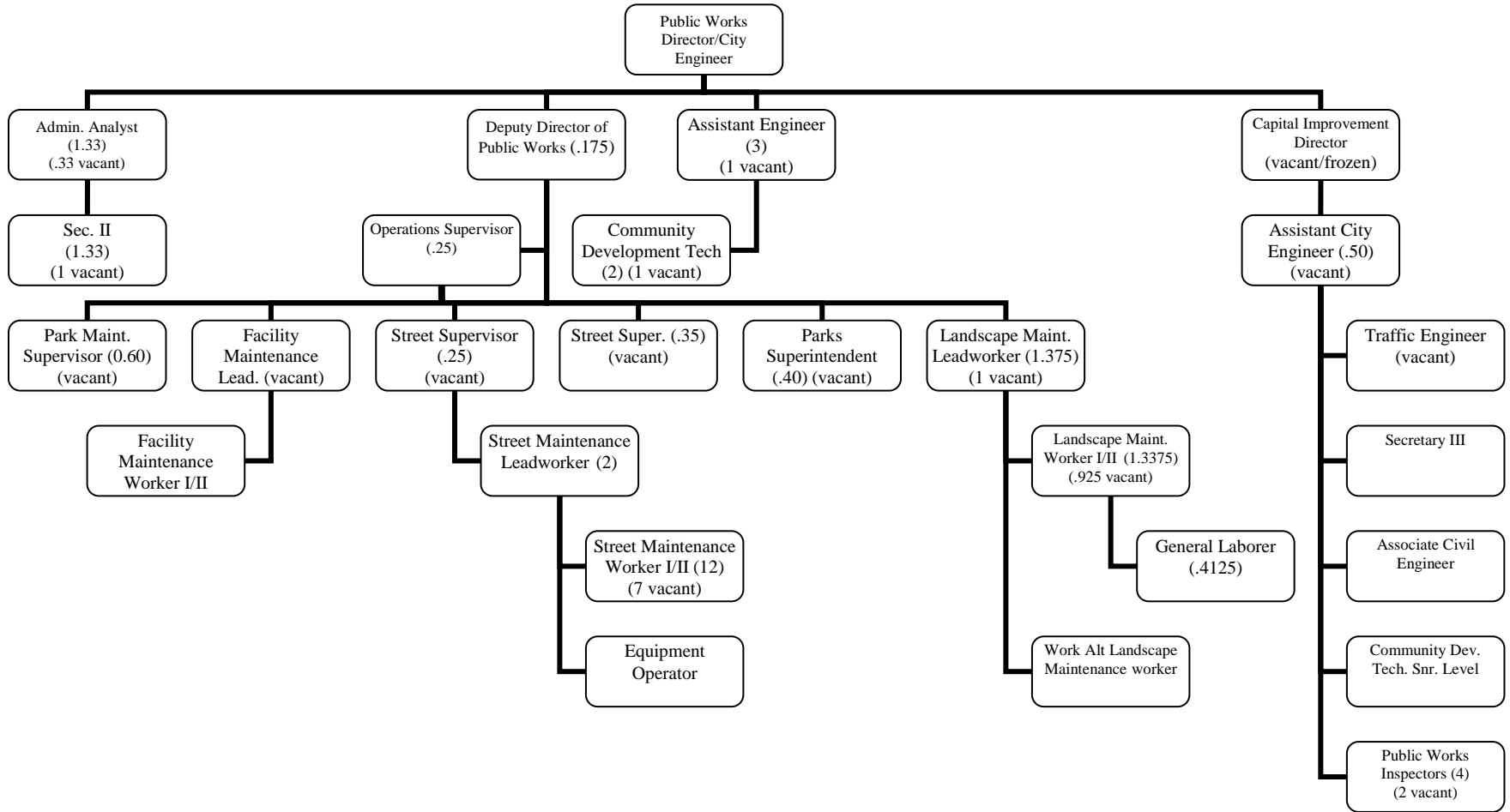
GENERAL FUND NONDEPARTMENTAL (100-1250)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Taxes	26,244,318	25,556,777	25,677,811	25,738,947	26,133,827	26,889,931	3%	27,630,699	3%
Investment Income & Rentals	357,898	431,132	462,671	462,440	462,440	470,690	2%	475,000	1%
Revenue from other Agencies	140,107	85,985	78,134	70,000	70,000	70,000	0%	70,000	0%
Charges for Services	12,472	13,363	8,054	14,500	10,600	11,000	4%	11,000	0%
Other Revenue	1,211,836	1,218,544	651,070	1,020,000	1,425,000	220,000	-85% ¹	220,000	0%
Transfers In	2,474,419	0	0	0	0	0	0%	0	0%
Total Source of Funds	30,441,050	27,305,801	26,877,740	27,305,887	28,101,867	27,661,621	-2%	28,406,699	3%
Use of Funds:									
Personnel	10,535	16,552	18,197	18,500	18,500	19,600	6%	20,700	6%
Services & Supplies	1,719,485	1,726,147	1,398,136	1,218,495	1,247,462	1,562,197	25% ²	1,760,064	13% ²
Total Use of Funds	1,730,020	1,742,699	1,416,333	1,236,995	1,265,962	1,581,797	25%	1,780,764	13%

¹VARIANCE: FY13 included one- time revenues from GenOn totalling \$800,000 and property tax administration refund from Contra Costa County in the amount of \$521,890 for the fiscal years 2007 through 2012.

²VARIANCE: Increase in projected claims liability expense and funding of library maintenance costs starting in FY14.

BUDGET STUDY SESSION – APRIL 23, 2013

PUBLIC WORKS – GENERAL FUND OPERATIONS



# of Positions Authorized	# of Positions Funded	# of Positions Filled	# Vacant Funded Positions	# Proposed New Positions
41.31*	22.785*	21.955*	0.83	0

*Does not include Warehouse Storekeeper and Maint. Worker II (.14) because these positions report to the Water Distribution Superintendent

BUDGET STUDY SESSION – APRIL 23, 2013

PUBLIC WORKS (GENERAL FUND) - The General Fund portion of the Public Works Department consists of administration and supervision, street maintenance, facilities maintenance, park maintenance and median and general landscape. In late fiscal year 2012, Capital Improvement was moved under Public Works. The Public Works Department Summary table provides a composite look at the revenues and expenditures of the department that operates within the General Fund.

PUBLIC WORKS SUMMARY									
	2009-10*	2010-11*	2011-12*	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	revised	Proposed	Change	Projected	Change
SOURCE OF FUNDS:									
Charges for Services	446,889	478,295	441,944	334,400	513,957	367,400	-40%	367,400	0%
Other	94,737	79,883	109,695	56,700	93,938	78,700	-19%	78,700	0%
Transfers In	2,820,829	2,939,015	2,995,274	3,041,481	3,041,481	3,012,294	-1%	2,964,303	-2%
TOTAL SOURCE OF FUNDS	3,362,455	3,497,193	3,546,913	3,432,581	3,649,376	3,458,394	-6%	3,410,403	-1%
USE OF FUNDS:									
Personnel	2,244,684	1,981,830	2,016,960	2,120,364	2,012,557	2,497,592	19%	2,591,214	4%
Services & Supplies	2,187,912	2,530,044	2,431,112	3,185,209	3,471,226	3,553,379	2%	3,527,194	-1%
Transfers Out	205,500	138,054	181,623	206,912	206,912	207,160	0%	207,412	0%
TOTAL USE OF FUNDS	4,638,096	4,649,928	4,629,695	5,512,485	5,690,695	6,258,131	9%	6,325,820	1%

*Includes actual data for Capital Improvement division (100-5170 and 100-5180) as these were brought under Public Works in 2012.

Authorized & Funded FTE's	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
Maintenance Administration	1.66	1.66	1.66	1.66
Maintenance Supervision	0.50	0.125	0.25	0.25
Street Maintenance	9.00	5.00	5.00	5.00
Striping & Signing	6.00	3.00	3.00	3.00
Facilities Maintenance	2.25	1.125	1.125	1.125
Parks Maintenance	1.22	0.40	0.275	0.275
Work Alternative Program	1.00	1.00	1.00	1.00
Parks Median/General Landscape	3.18	0.975	0.975	0.975
Engineering and Development Svcs	12.00	6.00	6.00	6.00
Warehouse & Central Stores	0.14	0.14	0.14	0.14
Capital Improvement Administration	2.50	1.50	1.50	1.50
Engineering Services (CIP)	2.00	2.00	2.00	2.00
Total Public Works Authorized & Funded FTE's	41.45	22.925	22.925	22.925

BUDGET STUDY SESSION – APRIL 23, 2013

Public Works Administration (100-2140)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Personnel	238,303	245,783	245,465	253,099	256,042	291,702	14% ¹	306,205	5%
Services & Supplies	66,358	45,212	52,947	55,556	57,206	57,206	0%	63,186	10%
Total Use of Funds	304,661	290,995	298,412	308,655	313,248	348,908	11%	369,391	6%
Funded FTE's	1.66	1.66	1.66	1.66	1.66	1.66		1.66	

¹VARIANCE: FY13 had vacancy savings from Administrative Analyst position to be filled in FY14.

Public Works General Maintenance Supervision (100-2150)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Personnel	61,356	61,731	66,010	20,960	20,397	40,080	96% ¹	40,505	1%
Services & Supplies	17,157	17,579	8,758	25,250	24,380	15,297	-37% ²	15,364	0%
Total Use of Funds	78,513	79,310	74,768	46,210	44,777	55,377	24%	55,869	1%
Funded FTE's	0.50	0.50	0.50	0.125	0.125	0.25		0.25	

¹VARIANCE: Re-allocation of positions charged to division

²VARIANCE: Decrease in division's share of vehicle maintenance fund allocation.

BUDGET STUDY SESSION – APRIL 23, 2013

Public Works Street Maintenance (100-2160)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Charges for Services	88,803	116,244	48,915	14,400	14,400	14,400	0%	14,400	0%
Trans in from Gas Tax Fund	510,000	760,000	1,010,000	1,010,000	1,010,000	1,010,000	0%	1,010,000	0%
Trans in from St Impact Fund	1,300,000	1,200,000	1,100,000	1,140,000	1,140,000	1,100,000	-4%	1,100,000	0%
Total Source of Funds	1,898,803	2,076,244	2,158,915	2,164,400	2,164,400	2,124,400	-2%	2,124,400	0%
Use of Funds:									
Personnel	445,307	433,774	422,403	457,625	429,696	515,640	20% ¹	534,875	4%
Services & Supplies	415,006	618,818	467,523	1,001,369	976,849	1,038,740	6%	1,042,306	0%
Total Use of Funds	860,313	1,052,592	889,926	1,458,994	1,406,545	1,554,380	11%	1,577,181	1%
Funded FTE's	5.00	5.00	5.00	5.00	5.00	5.00		5.00	

¹VARIANCE: Equipment Operator transferred to Vehicle Maintenance Fund for part of fiscal year 2013.

Public Works Signal/Street Lights (100-2170)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Charges for Services	8,144	0	0	0	0	0	0%	0	0%
Other	29,296	23,363	54,378	18,000	40,000	40,000	0%	40,000	0%
Trans in from Traffic Safety Fund	140,000	110,562	45,000	60,000	60,000	80,000	33% ¹	80,000	0%
Total Source of Funds	177,440	133,925	99,378	78,000	100,000	120,000	20%	120,000	0%
Use of Funds:									
Personnel	0	0	341	6,390	6,390	6,405	0%	6,405	0%
Services & Supplies	379,125	453,029	501,307	511,200	757,500	762,500	1%	767,500	1%
Total Use of Funds	379,125	453,029	501,648	517,590	763,890	768,905	1%	773,905	1%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: Project more funds available in the Traffic Safety Fund to transfer in FY14.

BUDGET STUDY SESSION – APRIL 23, 2013

Public Works Striping/Signing (100-2180)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Charges for Services	3,502	14,490	2,715	1,000	10,390	1,000	-90%	1,000	0%
Total Source of Funds	3,502	14,490	2,715	1,000	10,390	1,000	-90%	1,000	0%
Use of Funds:									
Personnel	264,045	266,036	280,479	285,930	289,605	321,820	11% ¹	333,220	4%
Services & Supplies	106,987	145,325	133,616	167,921	187,646	200,019	7%	193,556	-3%
Total Use of Funds	371,032	411,361	414,095	453,851	477,251	521,839	9%	526,776	1%
Funded FTE's	3.00	3.00	3.00	3.00	3.00	3.00		3.00	

¹VARIANCE: Negotiated salary increases and increase in benefit costs.

Public Works Facilities Maintenance (100-2190)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Other	0	281	0	0	0	0	0%	0	0%
Transfer In	0	19,108	0	0	0	0	0%	0	0%
Total Source of Funds	0	19,389	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	184,916	136,087	93,370	111,050	112,870	124,677	10% ²	128,677	3%
Services & Supplies	266,268	291,678	305,595	340,572	378,289	392,527	4%	357,840	-9%
Transfers Out	5,000	11,111	16,698	16,911	16,911	17,094	1%	17,280	1%
Total Use of Funds	456,184	438,876	415,663	468,533	508,070	534,298	5%	503,797	-6%
Funded FTE's	2.00	2.00	1.00	1.125	1.125	1.125		1.125	

²VARIANCE: Reclass of Facility Maintenance Worker to Leadworker position and negotiated salary increases.

BUDGET STUDY SESSION – APRIL 23, 2013

Public Works Parks Maintenance (100-2195)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-14 Projected	% Change
Source of Funds:									
Miscellaneous Revenue	4,431	35,265	51,335	38,500	39,592	38,500	-3%	38,500	0%
Transfer in from Solid Waste	94,000	0	0	0	0	0	0%	0	0%
Transfer in from SLLMDs	258,447	348,621	331,196	316,540	316,540	257,504	-19%	257,504	0%
Total Source of Funds	356,878	383,886	382,531	355,040	356,132	296,004	-17%	296,004	0%
Use of Funds:									
Personnel	16,105	16,010	32,235	53,425	55,355	41,008	-26% ¹	41,963	2%
Services & Supplies	630,163	653,002	668,565	709,145	708,159	710,745	0%	710,745	0%
Transfer out to Honeywell	0	3,943	5,925	6,001	6,001	6,066	1%	6,132	1%
Transfer out to SLLMDs	200,500	123,000	159,000	184,000	184,000	184,000	0%	184,000	0%
Total Use of Funds	846,768	795,955	865,725	952,571	953,515	941,819	-1%	942,840	0%
Funded FTE's	1.27	0.15	0.30	0.40	0.40	0.275		0.275	

¹VARIANCE: Decrease due to re-allocation of staffing.

Public Works Park Median/General Landscape Maintenance (100-2196)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Other	10,116	9,896	2,643	200	200	200	0%	200	0%
Trans in from SLLMD's	276,190	247,032	235,236	233,222	233,222	233,222	0%	233,222	0%
Total Source of Funds	286,306	256,928	237,879	233,422	233,422	233,422	0%	233,422	0%
Use of Funds:									
Personnel	106,022	108,363	103,109	110,765	113,411	120,622	6%	123,277	2%
Services & Supplies	142,843	196,571	196,643	224,708	226,408	230,402	2%	230,670	0%
Total Use of Funds	248,865	304,934	299,752	335,473	339,819	351,024	3%	353,947	1%
Funded FTE's	1.00	1.00	1.00	0.975	0.975	0.975		0.975	

BUDGET STUDY SESSION – APRIL 23, 2013

Public Works Work Alternative Program (100-2198)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Transfer in from NPDES	69,316	50,681	64,833	65,902	65,902	65,781	0%	67,401	2%
Transfer in from SLLMD Admin	16,636	12,163	15,560	15,817	15,817	15,787	0%	16,176	2%
Total Source of Funds	85,952	62,844	80,393	81,719	81,719	81,568	0%	83,577	2%
Use of Funds:									
Personnel	96,412	93,170	103,014	109,230	109,092	116,537	7%	119,777	3%
Services & Supplies	11,492	8,191	10,273	22,575	15,025	15,025	0%	15,025	0%
Total Use of Funds	107,904	101,361	113,287	131,805	124,117	131,562	6%	134,802	2%
Funded FTE's	1.00	1.00	1.00	1.00	1.00	1.00		1.00	

Public Works Warehouse And Central Stores (100-2620)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Personnel	23,290	11,697	11,951	12,145	12,145	13,416	10%	13,781	3%
Total Use of Funds	23,290	11,697	11,951	12,145	12,145	13,416	10%	13,781	3%
Funded FTE's	0.28	0.28	0.14	0.14	0.14	0.14		0.14	
*This program represents the General Fund portion (7%) - 80% is charged to the Water Fund, 7% to Sewer and 6% to the Vehicle Fund.									

BUDGET STUDY SESSION – APRIL 23, 2013

Public Works Engineering And Development (100-5150)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Permits	156,795	145,011	177,953	144,000	304,000	152,000	-50% ¹	152,000	0%
Charges for Services	189,645	202,550	212,361	175,000	185,167	200,000	8%	200,000	0%
Other	50,894	11,078	1,339	0	14,146	0	-100%	0	0%
Transfers In	156,240	190,848	193,449	200,000	200,000	250,000	25% ³	200,000	-20%
Total Source of Funds	553,574	549,487	585,102	519,000	703,313	602,000	-14%	552,000	-8%
Use of Funds:									
Personnel	629,199	461,753	486,342	509,565	494,170	640,280	30% ¹	667,425	4%
Services & Supplies	121,449	65,942	56,514	93,971	108,022	98,226	-9%	98,310	0%
Total Use of Funds	750,648	527,695	542,856	603,536	602,192	738,506	23%	765,735	4%
Funded FTE's	5.00	5.00	5.00	5.00	6.00	6.00		6.00	

¹VARIANCE: Large encroachment permit pulled by PG&E in FY13.

²VARIANCE: Inspector position previously funded from a water capital project transferred back to this division late FY13. There are also negotiated salary increases and other benefit increases. Actual results may vary depending on how much staff time is billed to CIP projects.

³VARIANCE: Transfer in from Gas Tax Fund of \$50,000 to fund traffic impact nexus analysis.

Capital Improvement Administration (100-5170)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Personnel	111,380	92,040	115,917	104,805	21,959	166,940	660% ⁴	174,324	4%
Services & Supplies	4,348	4,388	4,261	5,240	4,540	5,240	0%	5,240	0%
Total Use of Funds	115,728	96,428	120,178	110,045	26,499	172,180	550%	179,564	4%
Funded FTE's	2.00	2.00	2.00	1.50	1.50	1.50		1.50	

⁴VARIANCE: FY13 has vacancy savings from unfilled Assistant City Engineer position. FY14 projects position filled entire year.

BUDGET STUDY SESSION – APRIL 23, 2013

Capital Improvement Services (100-5180)									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	68,349	55,386	56,324	85,375	91,405	98,465	8%	100,780	2%
Services & Supplies	26,716	30,309	25,110	27,702	27,202	27,452	0%	27,452	0%
Total Use of Funds	95,065	85,695	81,434	113,077	118,607	125,917	6%	128,232	2%
Funded FTE's	3.00	3.00	2.00	2.00	2.00	2.00		2.00	

BUDGET STUDY SESSION – APRIL 23, 2013

POLICE DEPARTMENT – The Antioch Police Department is charged with the enforcement of local, state, and federal laws and with providing for around-the-clock protection of the lives and property of the public. The Police Department functions as an instrument of public service and as a tool for the distribution of information, guidance and direction.

The organization chart will be provided in the draft budget document. A summary of budget verses actual positions, excluding Animal Services, follows (as of April 1, 2013):

	Positions Authorized*	Funded Positions 2012-13*	Funded Positions 2013-14 & 2014-15	Filled Positions	Current Vacant Funded Positions	Proposed New Positions
Police Chief	1.00	1.00	1.00	1.00	0.00	0.00
Captain	2.00	2.00	2.00	1.00	1.00	0.00
Lieutenant	6.00	5.00	5.00	4.00	1.00	0.00
Sergeant	12.00	9.00	9.00	9.00	0.00	0.00
Corporal	7.00	7.00	7.00	7.00	0.00	0.00
Officers	98.00	78.00	78.00	65.00	13.00	0.00
Community Service Officers	20.00	3.00	3.00	3.00	0.00	0.00
Communications/Records Supervisor	1.00	1.00	1.00	0.00	1.00	0.00
Crime Data Technician	1.00	1.00	1.00	1.00	0.00	0.00
Dispatcher Lead	4.00	4.00	4.00	3.00	1.00	0.00
Dispatcher	13.00	11.00	11.00	10.00	1.00	0.00
Secretary	10.00	6.00	6.00	6.00	0.00	0.00
Personnel Technician	.50	.50	.50	.50	0.00	0.00
Grand Total	175.50	128.50	128.50	110.50	18.00	0.00

*Includes 1.40 authorized FTE in other funds and .10 in funded FTE out of Animal Services Fund.

BUDGET STUDY SESSION – APRIL 23, 2013

POLICE DEPARTMENT SUMMARY									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
SOURCE OF FUNDS:									
P.O.S.T. Funds	14,862	20,623	10,647	12,000	12,000	12,000	0%	12,000	0%
Federal Grant	985,144	693,777	738,123	0	113,603	462,563	307%	555,227	0%
Other Service Charges	12,362	13,710	15,907	15,040	15,040	15,040	0%	15,040	0%
Police Services General	89,356	43,082	56,495	43,000	45,000	45,000	0%	45,000	0%
False Alarm Permit Fees	36,393	32,049	36,148	25,000	32,000	25,000	-22%	25,000	0%
False Alarm Response	23,608	24,360	27,377	24,000	24,000	24,000	0%	24,000	0%
Miscellaneous Revenue	12,390	13,844	13,572	2,000	4,775	2,000	-58%	2,000	0%
Donations	0	6,936	90,000	0	695	0	-100%	0	0%
Booking Fee Reimbursements	6,377	5,221	3,066	5,000	5,000	5,000	0%	5,000	0%
Sales Tax Public Safety	430,153	469,063	496,517	450,000	460,000	460,000	0%	460,000	0%
Non-Traffic Fines	46,921	26,518	30,367	35,000	20,000	25,000	25%	25,000	0%
Vehicle Code Fines	117,882	75,652	42,849	65,000	22,000	25,000	14%	30,000	20%
Abatement Fees	400	0	0	0	0	0	0%	0	0%
Police Services 911-Brentwood	646,399	733,515	683,036	703,087	703,087	724,180	3%	745,905	3%
Police Services School District	207,207	0	0	0	0	0	0%	0	0%
Transfers in	438,805	663,133	642,238	727,316	706,686	704,658	0%	736,658	5%
Total Source of Funds	3,068,259	2,821,483	2,886,342	2,106,443	2,163,886	2,529,441	17%	2,680,830	6%
USE OF FUNDS:									
Personnel	23,139,659	21,037,077	20,716,329	22,199,147	20,947,525	23,967,979	14%	25,708,180	7%
Services & Supplies	3,069,256	2,958,667	2,722,194	3,067,030	3,047,860	3,226,794	6%	3,261,849	1%
Transfers Out	506,979	420,280	504,256	548,132	514,251	591,273	15%	616,828	4%
Total Use of Funds	26,715,894	24,416,024	23,942,779	25,814,309	24,509,636	27,786,046	13%	29,586,857	6%

BUDGET STUDY SESSION – APRIL 23, 2013

POLICE DEPARTMENT SUMMARY (Continued)				
	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
Authorized & Funded FTE'S (General Fund)				
Administration	21.80	10.85	10.85	10.85
Prisoner Custody	7.00	3.00	3.00	3.00
Community Policing	101.80	77.80	77.80	77.80
Traffic Division	4.00	4.00	4.00	4.00
Investigation	14.65	11.65	11.65	11.65
Special Operations Unit	6.25	5.25	5.25	5.25
Communications	17.65	15.65	15.65	15.65
Office of Emergency Services	0.25	0.00	0.00	0.00
Community Volunteers	0.70	0.20	0.20	0.20
Total Police Dept Authorized & Funded FTE's	174.10	128.40	128.40	128.40

BUDGET STUDY SESSION – APRIL 23, 2013

Police Administration (100-3110)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	14,862	30,616	10,647	12,000	12,000	12,000	0%	12,000	0%
Charges for Services	159,266	113,201	135,927	107,040	116,040	109,040	-6%	109,040	0%
Other	12,369	8,448	11,342	2,000	4,775	2,000	-58%	2,000	0%
Transfer In - Byrne Grant	25,000	25,000	0	25,000	25,000	0	-100% ¹	0	0%
Total Source of Funds	211,497	177,265	157,916	146,040	157,815	123,040	-22%	123,040	0%
Use of Funds:									
Personnel	2,075,668	1,590,923	1,585,533	1,676,025	1,677,141	1,826,230	9%	1,914,555	5%
Services & Supplies	960,402	911,813	999,522	962,598	969,398	1,030,906	6%	1,045,390	1%
Total Use of Funds	3,036,070	2,502,736	2,585,055	2,638,623	2,646,539	2,857,136	8%	2,959,945	4%
Funded FTE's	10.85	10.85	10.85	10.85	10.85	10.85		10.85	

¹VARIANCE: Grant awarded in FY13 which will be complete by 6/30/13.

Police Reserves (100-3120)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Charges for Services	2,453	0	0	0	0	0	0%	0	0%
Total Source of Funds	2,453	0	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	7,024	1,376	1,239	0	1,890	1,777	0%	2,106	0%
Services & Supplies	102	85	0	250	0	250	100%	250	0%
Total Use of Funds	7,126	1,461	1,239	250	1,890	2,027	7%	2,356	16%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

BUDGET STUDY SESSION – APRIL 23, 2013

Police Prisoner Custody (100-3130)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Booking Fee Reimbursements	6,377	5,221	3,066	5,000	5,000	5,000	0%	5,000	0%
Total Source of Funds	6,377	5,221	3,066	5,000	5,000	5,000	0%	5,000	0%
Use of Funds:									
Personnel	184,471	611,974	580,752	541,465	536,988	585,050	9%	618,220	6%
Services & Supplies	30,069	65,561	1,531	61,846	61,846	61,846	0%	61,846	0%
Total Use of Funds	214,540	677,535	582,283	603,311	598,834	646,896	8%	680,066	5%
Funded FTE's	3.00	4.00	4.00	4.00	4.00	4.00		4.00	

Police Community Policing (100-3150)									
	2009-10* Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Sales Tax Public Safety	430,153	469,063	496,517	450,000	460,000	460,000	0%	450,000	0%
Fines & Penalties	46,921	26,518	30,367	35,000	20,000	25,000	25%	25,000	0%
Revenue from Other Agency	1,192,351	683,784	738,123	0	113,603	462,563	307% ¹	555,227	20%
Donations	0	6,936	90,000	0	0	0	0%	0	0%
Other	21	4,396	2,230	0	0	0	0%	0	0%
Transfer In-SLESF/Wtr/Swr	366,976	584,971	642,238	666,658	642,658	704,658	10%	736,658	5%
Total Source of Funds	2,036,422	1,775,668	1,999,475	1,151,658	1,236,261	1,652,221	34%	1,766,885	8%
Use of Funds:									
Personnel	14,802,140	13,109,128	12,640,662	13,744,123	12,935,673	15,204,314	18% ²	16,407,345	8%
Services & Supplies	601,784	662,547	465,239	709,996	710,996	746,968	5%	757,313	1%
Total Use of Funds	15,403,924	13,771,675	13,105,901	14,454,119	13,646,669	15,951,282	17%	17,164,658	8%
Funded FTE's	79.80	76.80	76.80	76.80	77.80	77.80		77.80	

*2009/10 data includes actuals from SRO division disbanded at the end of that fiscal year and consolidated into Community Policing.

¹VARIANCE: Projected COPS grant reimbursement.

²VARIANCE: FY13 included vacancy savings. FY14 also includes negotiated salary increases and increase in division share of vehicle maintenance fund allocation.

BUDGET STUDY SESSION – APRIL 23, 2013

Police Traffic (100-3160)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2013-14 Projected	% Change
Source of Funds:									
Vehicle Code Fines	117,882	75,652	42,849	65,000	22,000	25,000	14%	30,000	20%
Charges for Services	400	0	0	0	0	0	0%	0	0%
Total Source of Funds	118,282	75,652	42,849	65,000	22,000	25,000	14%	30,000	20%
Use of Funds:									
Personnel	877,069	752,008	775,396	796,260	824,623	850,165	3%	895,620	5%
Services & Supplies	11,018	12,518	8,073	11,508	11,505	16,160	40%	16,381	1%
Total Use of Funds	888,087	764,526	783,469	807,768	836,128	866,325	4%	912,001	5%
Funded FTE's	5.00	4.00	4.00	4.00	4.00	4.00		4.00	

Police Investigation (100-3170)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Other	0	1,000	0	0	0	0	0%	0	0%
Total Source of Funds	0	1,000	0	0	0	0	0%	0	0%
Use of Funds:									
Personnel	2,165,421	2,065,417	2,198,295	2,229,507	2,037,770	2,103,857	3%	2,328,825	11%
Services & Supplies	658,000	547,906	459,342	471,888	453,166	482,353	6%	484,309	0%
Total Use of Funds	2,823,421	2,613,323	2,657,637	2,701,395	2,490,936	2,586,210	4%	2,813,134	9%
Funded FTE's	12.65	12.65	12.65	12.65	11.65	11.65		11.65	

BUDGET STUDY SESSION – APRIL 23, 2013

Police Special Operations Unit (100-3175)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Personnel	1,061,624	1,018,704	985,200	1,037,240	895,207	1,100,915	23% ¹	1,157,824	5%
Services & Supplies	20,050	34,438	24,201	30,524	30,529	32,989	8%	33,028	0%
Total Use of Funds	1,081,674	1,053,142	1,009,401	1,067,764	925,736	1,133,904	22%	1,190,852	5%
Funded FTE's	5.25	5.25	5.25	5.25	5.25	5.25		5.25	

¹VARIANCE: Vacancy savings in FY13 and negotiated salary increases in FY14.

Police Communications (100-3180)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Police Services 911 Brentwood	646,399	733,515	683,036	703,087	703,087	724,180	3%	745,905	3%
Total Source of Funds	646,399	733,515	683,036	703,087	703,087	724,180	3%	745,905	3%
Use of Funds:									
Personnel	1,865,088	1,817,659	1,892,369	2,113,545	1,976,918	2,230,505	13% ¹	2,315,385	4%
Services & Supplies	260,716	260,889	272,051	299,304	299,304	312,154	4%	317,154	2%
Total Use of Funds	2,125,804	2,078,548	2,164,420	2,412,849	2,276,222	2,542,659	12%	2,632,539	4%
Funded FTE's	15.65	15.65	15.65	15.65	15.65	15.65		15.65	

¹VARIANCE: Vacancy savings in FY13 and negotiated salary increases in FY14.

BUDGET STUDY SESSION – APRIL 23, 2013

Police Office Of Emergency Management (100-3185)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Donations	0	0	0	0	400	0	-100%	0	0%
Total Source of Funds	0	0	0	0	400	0	-100%	0	0%
Use of Funds:									
Personnel	53,834	1,618	0	0	0	0	0%	0	0%
Services & Supplies	9,688	7,546	10,587	11,377	10,377	10,777	4%	10,777	0%
Total Use of Funds	63,522	9,164	10,587	11,377	10,377	10,777	4%	10,777	0%
Funded FTE's	0.25	0.00	0.00	0.00	0.00	0.00		0.00	

Police Community Volunteers (100-3195)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Donations	0	0	0	0	295	0	-100%	0	0%
Transfer in from Byrne Grant	46,829	53,162	0	35,658	39,028	0	-100% ¹	0	0%
Total Source of Funds	46,829	53,162	0	35,658	39,323	0	-100%	0	0%
Use of Funds:									
Personnel	47,320	68,270	56,883	60,982	61,315	65,166	6%	68,300	5%
Services & Supplies	14,255	9,956	5,279	16,637	16,637	16,789	1%	16,789	0%
Total Use of Funds	61,575	78,226	62,162	77,619	77,952	81,955	5%	85,089	4%
Funded FTE's	0.00	0.00	0.20	0.20	0.20	0.20		0.20	

¹VARIANCE: Byrne Grant will be completed by 6/30/13.

BUDGET STUDY SESSION – APRIL 23, 2013

Police Facilities Maintenance (100-3200)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2013-14 Projected	% Change
Use of Funds:									
Services & Supplies	503,172	445,408	476,369	491,102	484,102	515,602	7%	518,612	1%
Transfer Out to Honeywell	0	12,154	18,263	18,499	18,499	18,700	1%	18,902	1%
Total Use of Funds	503,172	457,562	494,632	509,601	502,601	534,302	6%	537,514	1%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

Police Animal Control Support (100-3320)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Transfer Out to Animal Control	506,979	408,126	485,993	529,633	495,752	572,573	15%	597,926	4%
Total Use of Funds	506,979	408,126	485,993	529,633	495,752	572,573	15%	597,926	4%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

BUDGET STUDY SESSION – APRIL 23, 2013

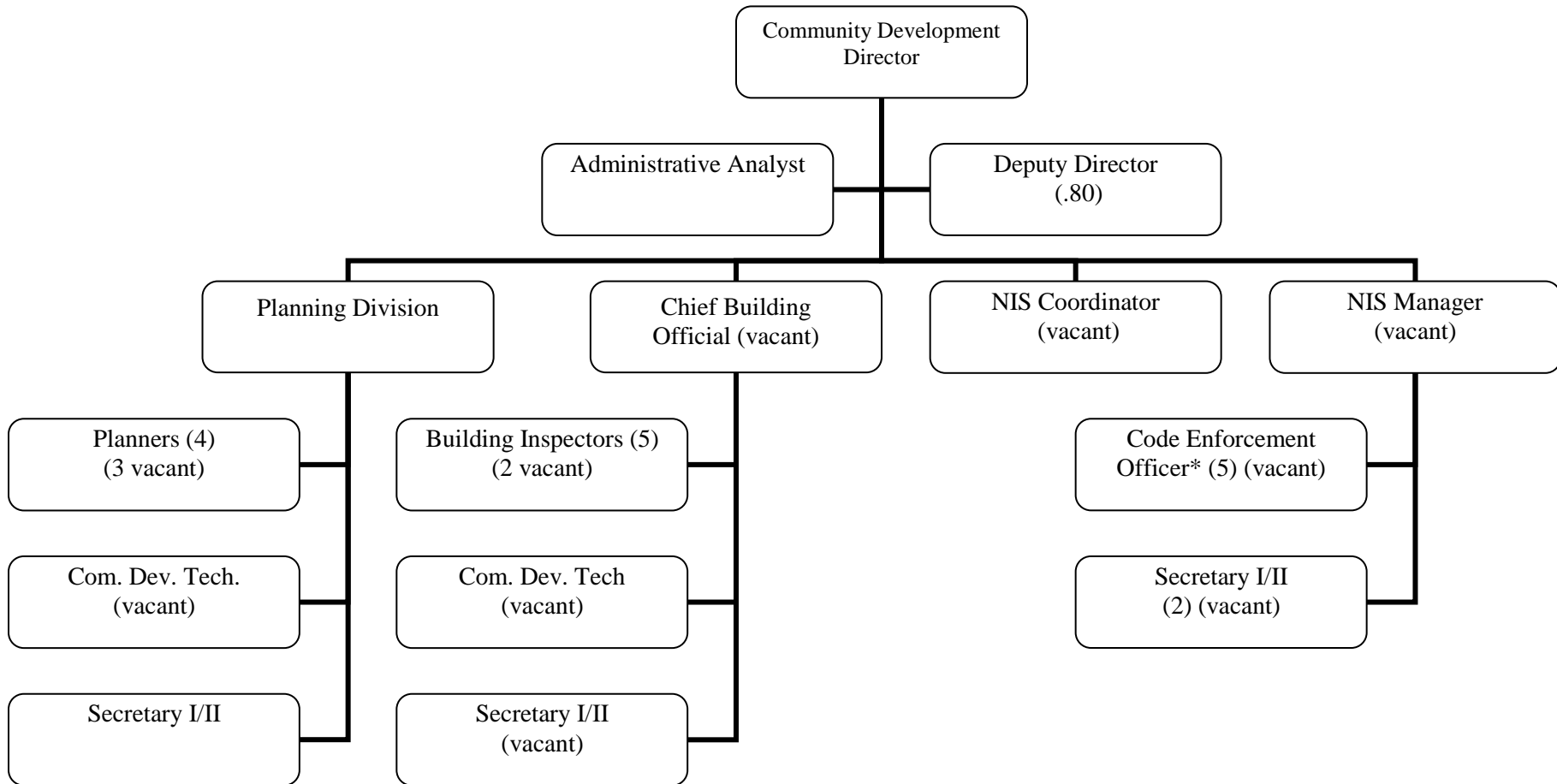
Parks and Recreation provides the City's residents recreational, preschool, social and meeting space within the community. Recreation programs are accounted for in the Recreation Special Revenue Fund and Prewett Park Enterprise Fund and fall under the direction of the Community Development Department. The divisions within the General Fund account for support given to both of these funds for operations, as well as support of some community services.

Park & Recreation Administration Support (100-4110)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Transfer Out to Recreation Fund	395,150	136,038	0	391,720	385,690	433,724	12%	442,434	2%
Transfer Out to Prewett Prk Fund	471,282	45,000	285,000	205,000	260,000	264,000	2%	294,000	11%
Total Use of Funds	866,432	181,038	285,000	596,720	645,690	697,724	8%	736,434	6%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

Park & Recreation Community Services (100-4120)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Use of Funds:									
Services & Supplies	9,110	510	0	0	0	0	0%	0	0%
Total Use of Funds	9,110	510	0	0	0	0	0%	0	0%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

BUDGET STUDY SESSION – APRIL 23, 2013

COMMUNITY DEVELOPMENT DEPARTMENT – GENERAL FUND



# of Positions Authorized	# of Positions Funded	# of Positions Filled	# of Vacant Funded Positions	# Proposed New Positions
25.80	8.80**	7.80	1**	1**

*A sixth Code Enforcement Officer position is accounted for in the Abandoned Vehicle Fund

**Requesting funding for Building Official position to meet demands of significant increase in building permits

BUDGET STUDY SESSION – APRIL 23, 2013

COMMUNITY DEVELOPMENT DEPARTMENT – The Community Development Department’s goal is to protect and enhance Antioch’s cultural, environmental and historic resources, while contributing to the development of a healthy economy by conducting modern, community planning, zoning, building inspection, code compliance and housing activities to ensure proper growth and development for the City’s residents.

COMMUNITY DEVELOPMENT SUMMARY									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
SOURCE OF FUNDS:									
Building Permits	699,613	630,600	812,737	610,000	1,000,000	800,000	-20%	800,000	0%
Plan Checking Fees	313,647	254,375	235,227	230,000	206,000	260,000	26%	265,000	2%
Planning Fees	17,844	15,051	13,292	13,000	15,000	14,000	-7%	14,000	0%
Planning Review-Bldg Permits	100	0	0	0	0	0	0%	0	0%
Pool Safety Fee	0	215	650	300	300	300	0%	300	0%
Technology Fee	46	10,489	14,734	12,000	19,000	17,000	-11%	17,000	0%
Energy Inspection Fee	89	9,898	13,551	8,000	19,000	17,000	-11%	17,000	0%
Accessibility Fee	0	1,486	2,423	2,000	2,000	2,000	0%	2,000	0%
Green Bldg Verif & Compliance	0	0	73,964	40,000	90,000	80,000	-11%	80,000	0%
Federal Grant	74,501	0	0	0	0	0	0%	0	0%
General Plan Maintenance Fee	22,625	16,579	30,755	11,600	48,000	30,000	-38%	30,000	0%
Reimbursement Developers	3,018	22,870	4,048	2,000	7,200	3,000	-58%	3,000	0%
Assessment Fees	4,879	933	539	2,500	1,619	2,500	54%	2,500	0%
Abatement Fees	45,986	8,497	37,725	56,000	63,500	60,000	-6%	60,000	0%
Donations	0	750	250	0	150	0	-100%	0	0%
Revenue from Other Agencies	0	0	160	0	0	0	0%	0	0%
Miscellaneous Revenue	21,672	18,672	22,113	21,700	21,700	21,700	0%	21,700	0%
Transfers In	15,500	0	0	0	0	0	0%	0	0%
Total Source of Funds	1,219,520	990,415	1,262,168	1,009,100	1,493,469	1,307,500	-12%	1,312,500	0%
USE OF FUNDS:									
Personnel	1,361,145	806,403	805,863	980,706	999,995	1,225,119	23%	1,286,128	5%
Services & Supplies	272,643	274,567	289,548	450,627	477,249	497,052	4%	517,067	4%
Total Use of Funds	1,633,788	1,080,970	1,095,411	1,431,333	1,477,244	1,722,171	17%	1,803,195	5%

BUDGET STUDY SESSION – APRIL 23, 2013

COMMUNITY DEVELOPMENT SUMMARY (Continued)

	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
Authorized & Funded FTE's				
Administration	2.00	2.00	2.00	2.00
Land Planning Services	6.00	2.00	2.00	2.00
Neighborhood Improvement	9.40	0.40	0.40	0.40
Building Inspection	8.40	3.40	4.40	4.40
Total Community Development Authorized & Funded FTE's	25.80	7.80	8.80	8.80 (a)

(a) Includes request for funded Building Official position

BUDGET STUDY SESSION – APRIL 23, 2013

Community Development Administration (100-5110)									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Use of Funds:									
Personnel	473,205	179,763	190,529	302,060	305,366	342,866	12% ¹	347,701	1%
Services & Supplies	121,463	90,224	101,809	102,302	102,302	102,302	0%	112,888	10%
Total Use of Funds	594,668	269,987	292,338	404,362	407,668	445,168	9%	460,589	3%
Funded FTE's	2.00	2.00	1.50	2.00	2.00	2.00		2.00	

¹VARIANCE: Includes step increase and other projected benefit cost increases.

Community Development Land Planning Services (100-5130)									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Charges for Services	247,616	182,355	181,049	149,600	164,000	199,000	21% ²	199,000	0%
Revenue from Other Agcy	0	0	160	0	0	0	0%	0	0%
Other	3,018	22,870	4,048	2,000	7,200	3,000	-58%	3,000	0%
Total Source of Funds	250,634	205,225	185,257	151,600	171,200	202,000	18%	202,000	0%
Use of Funds:									
Personnel	358,069	171,131	182,327	199,872	203,958	202,452	-1%	205,792	2%
Services & Supplies	65,618	89,467	73,219	132,876	131,358	182,991	39% ³	182,996	0%
Total Use of Funds	423,687	260,598	255,546	332,748	335,316	385,443	15%	388,788	1%
Funded FTE's	4.00	2.50	1.75	2.00	2.00	2.00		2.00	

²VARIANCE: Increase in projected plan checking fees.

³VARIANCE: Contractual expenditures for housing element

BUDGET STUDY SESSION – APRIL 23, 2013

Community Development Neighborhood Improvement Services (100-5140)									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Charges for Services	50,905	9,430	38,264	58,500	65,000	62,500	-4%	62,500	0%
Revenue from Other Agencies	74,501	0	0	0	0	0	0%	0	0%
Donations	0	750	250	0	150	0	-100%	0	0%
Other	2,554	1,995	1,575	1,700	1,700	1,700	0%	1,700	0%
Transfers In	15,500	0	0	0	0	0	0%	0	0%
Total Source of Funds	143,460	12,175	40,089	60,200	66,850	64,200	-4%	64,200	0%
Use of Funds:									
Personnel	172,739	60,303	38,504	70,437	89,977	123,220	37% ¹	123,990	1%
Services & Supplies	27,318	12,268	45,804	116,491	125,249	133,586	7%	142,686	7%
Total Use of Funds	200,057	72,571	84,308	186,928	215,226	256,806	19%	266,676	4%
Funded FTE's	0.90	0.90	0.30	0.40	0.40	0.40		0.40	

¹VARIANCE: Increase in part time help for code enforcement

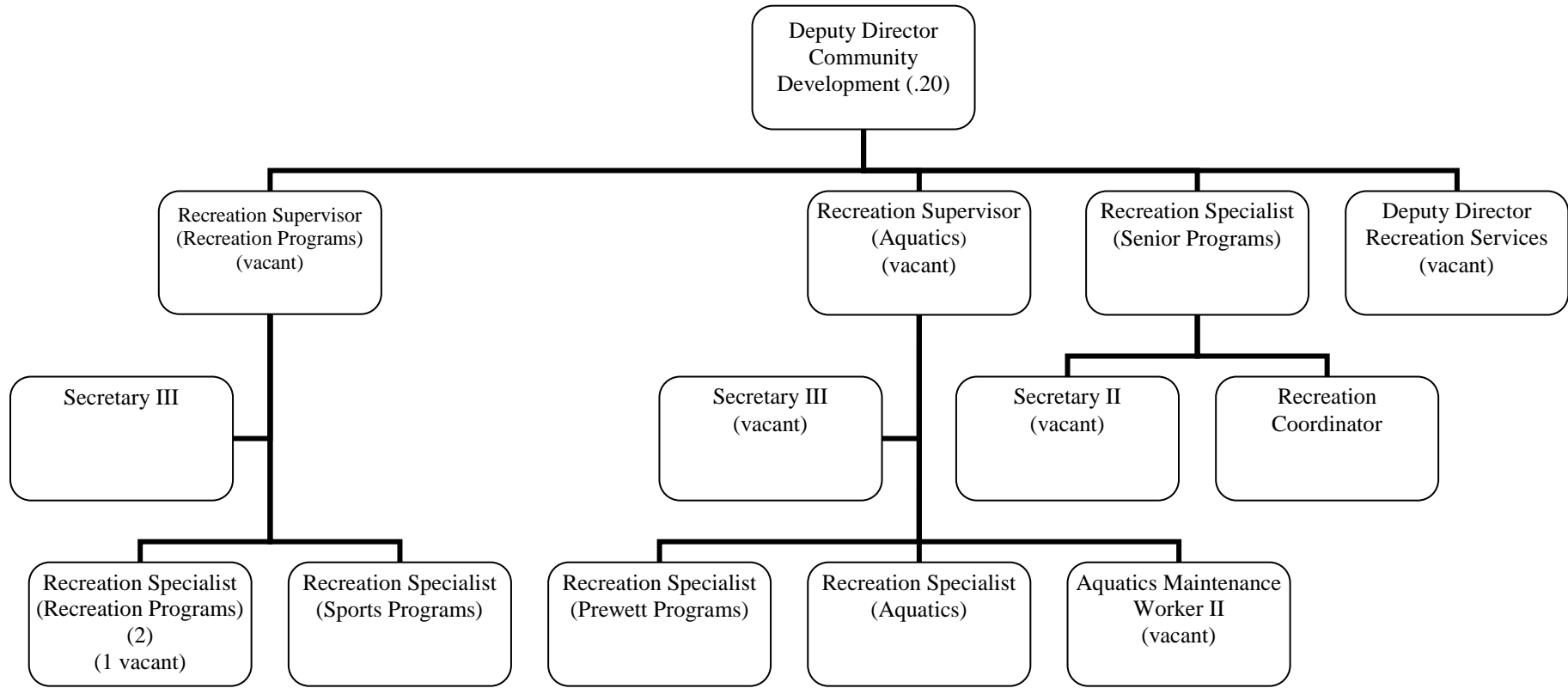
Community Development Building Inspection (100-5160)									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Permits	699,613	630,600	812,737	610,000	1,000,000	800,000	-20%	800,000	0%
Charges for Services	106,695	125,738	203,547	167,300	235,419	221,300	-6%	226,300	2%
Other	19,118	16,677	20,538	20,000	20,000	20,000	0%	20,000	0%
Total Source of Funds	825,426	773,015	1,036,822	797,300	1,255,419	1,041,300	-17%	1,046,300	0%
Use of Funds:									
Personnel	357,132	395,206	394,503	408,337	400,694	556,581	39% ²	608,645	9%
Services & Supplies	58,244	82,608	68,716	98,958	118,340	78,173	-34% ²	78,497	0%
Total Use of Funds	415,376	477,814	463,219	507,295	519,034	634,754	22%	687,142	8%
Funded FTE's	3.00	3.40	3.40	3.40	3.40	4.40		4.40	

²VARIANCE: Added funding for Building Official position which eliminates need for contract building official.

BUDGET STUDY SESSION – APRIL 23, 2013

RECREATION SERVICES FUND (219)

Recreation Services provides the city’s residents recreational, preschool, social and meeting space within the community. Recreation Services - Recreation programs fall under the Community Development Department and are maintained as a Special Revenue Fund within the City’s financial reporting structure.



# of Positions Authorized*	# of Positions Funded	# of Positions Filled	# Vacant Funded Positions	# Proposed New Positions
14.20	7.20	7.20	0	0
*Includes positions included in Prewett Park Enterprise Fund				

BUDGET STUDY SESSION – APRIL 23, 2013

RECREATION SERVICES (FUND 219)									
Statement of Revenues, Expenditures and Change in Fund Balance									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	\$63,723	\$44,027	\$67,690	\$78,896	\$78,896	\$70,784		\$83,403	
Revenue Source:									
Investment Income	462	1,427	3,503	100	700	100	-86%	100	0%
Revenue from Other Agencies	577,455	724,789	494,495	12,000	23,000	23,000	0%	23,000	0%
Current Service Charges	644,428	679,883	920,214	1,027,650	1,016,809	1,033,450	2%	1,052,450	2%
Other	33,770	56,855	342,835	38,500	38,220	35,000	-8%	35,000	0%
Transfer in from General Fund	395,150	136,038	0	391,720	385,690	433,724	12%	442,434	2%
Transfer in from RDA Fund	200,000	70,000	0	0	0	0	0%	0	0%
Transfer in from Senior Bus Fund	35,000	35,000	35,000	7,700	7,700	7,700	0%	7,700	0%
Transfer in from Child Care Fund	35,000	85,000	35,000	35,000	35,000	35,000	0%	35,000	0%
Total Revenue	1,921,265	1,788,992	1,831,047	1,512,670	1,507,119	1,567,974	4%	1,595,684	2%
Expenditures:									
Personnel	1,449,575	1,204,582	1,183,231	785,704	761,767	798,966	5%	823,691	3%
Services & Supplies	491,386	554,221	626,803	717,069	743,531	746,348	0%	753,671	1%
Transfer Out to Honeywell	0	6,526	9,807	9,933	9,933	10,041	1%	10,150	1%
Total Expenditures	1,940,961	1,765,329	1,819,841	1,512,706	1,515,231	1,555,355	3%	1,587,512	2%
Ending Balance, June 30¹	\$44,027	\$67,690	\$78,896	\$78,860	\$70,784	\$83,403		\$91,575	

¹Fund balance committed for sports field and memorial field maintenance

Authorized & Funded FTE's:	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
Senior Programs	3.00	2.00	2.00	2.00
Recreation Classes	2.00	1.00	1.00	1.00
Sports Programs	1.00	1.00	1.00	1.00
New Community Center	3.10	1.10	1.10	1.10
Total Recreation Authorized & Funded FTE's	8.10	5.10	5.10	5.10

BUDGET STUDY SESSION – APRIL 23, 2013

Recreation Services Administration (219-4410)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Investment Income	462	1,427	3,503	100	700	100	-86%	100	0%
Current Service Charges	35,114	31,618	51,888	30,000	35,000	35,000	0%	35,000	0%
Other	0	0	301,093	0	0	0	0%	0	0%
Transfer in from General Fund	251,437	0	0	209,973	220,972	249,700	13%	247,000	-1%
Transfers in from RDA Fund	200,000	70,000	0	0	0	0	0%	0	0%
Total Source of Funds	487,013	103,045	356,484	240,073	256,672	284,800	11%	282,100	-1%
Use of Funds:									
Personnel	361,239	133,889	3,885	6,600	7,565	7,625	1%	7,680	1%
Services & Supplies	185,020	125,403	58,238	57,895	58,812	66,345	13%	58,420	-12%
Transfer Out to Honeywell	0	6,526	9,807	9,933	9,933	10,041	1%	10,150	1%
Total Expenditures	546,259	265,818	71,930	74,428	76,310	84,011	10%	76,250	-9%
Funded FTE'S	3.00	1.10	1.10	0.00	0.00	0.00		0.00	

Recreation Services - Senior Programs (219-4420)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	16,000	22,504	19,250	18,000	20,000	20,000	0%	20,000	0%
Other	17,573	11,645	20,818	20,500	15,000	15,000	0%	15,000	0%
Transfer in from General Fund	143,713	136,038	0	181,747	164,718	184,024	12%	195,434	6%
Transfer in from Senior Bus	35,000	35,000	35,000	7,700	7,700	7,700	0%	7,700	0%
Total Source of Funds	212,286	205,187	75,068	227,947	207,418	226,724	9%	238,134	5%
Use of Funds:									
Personnel	176,389	174,634	179,512	184,974	165,120	190,880	16% ¹	201,395	6%
Services & Supplies	35,900	30,553	25,048	35,273	42,298	35,844	-15%	36,739	2%
Total Use of Funds	212,289	205,187	204,560	220,247	207,418	226,724	9%	238,134	5%
Funded FTE'S	2.00	1.00	1.00	2.00	2.00	2.00		2.00	

¹VARIANCE: Full year of funding for Recreation Coordinator position filled in FY13.

BUDGET STUDY SESSION – APRIL 23, 2013

Recreation Services - Classes (219-4430)*									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	308,636	290,496	351,822	385,000	350,000	365,000	4%	380,000	4%
Revenue from Other Agencies	569,455	712,789	483,245	0	0	0	0%	0	0%
Other	0	0	1,224	0	52	0	-100%	0	0%
Transfer in from Child Care	35,000	85,000	35,000	35,000	35,000	35,000	0%	35,000	0%
Total Source of Funds	913,091	1,088,285	871,291	420,000	385,052	400,000	4%	415,000	4%
Use of Funds:									
Personnel	729,468	665,862	597,821	221,191	195,809	193,482	-1%	200,032	3%
Services & Supplies	143,293	133,729	113,297	93,465	93,065	96,555	4%	102,980	7%
Total Use of Funds	872,761	799,591	711,118	314,656	288,874	290,037	0%	303,012	4%
Funded FTE'S	2.00	2.00	2.00	1.00	1.00	1.00		1.00	

*FY10-12 actuals include data for divisions 4461 and 4462 which were consolidated into this division in FY13.

Recreation Services - Camps (219-4440)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	34,054	21,813	17,301	20,000	30,000	34,000	13%	38,000	12%
Other	0	0	10	0	0	0	0%	0	0%
Total Source of Funds	34,054	21,813	17,311	20,000	30,000	34,000	13%	38,000	12%
Use of Funds:									
Personnel	11,383	10,610	8,819	10,435	14,953	16,055	7%	17,240	7%
Services & Supplies	9,815	4,612	2,411	4,935	5,935	6,435	8%	6,945	8%
Total Use of Funds	21,198	15,222	11,230	15,370	20,888	22,490	8%	24,185	8%
Funded FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

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Recreation Services - Sports Programs (219-4450)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	231,936	227,511	279,515	310,650	313,009	310,650	-1%	310,650	0%
Other	0	0	105	0	3,168	0	-100%	0	0%
Total Source of Funds	231,936	227,511	279,620	310,650	316,177	310,650	-2%	310,650	0%
Use of Funds:									
Personnel	152,218	152,874	166,395	165,721	169,346	171,427	1%	174,972	2%
Services & Supplies	98,466	106,794	79,711	116,100	116,333	116,135	0%	116,520	0%
Total Use of Funds	250,684	259,668	246,106	281,821	285,679	287,562	1%	291,492	1%
Funded FTE'S	1.00	1.00	1.00	1.00	1.00	1.00		1.00	

Recreation Services - Special Population (219-4470)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	7,378	5,973	5,132	10,000	10,000	10,000	0%	10,000	0%
Other	184	58	329	0	0	0	0%	0	0%
Total Source of Funds	7,562	6,031	5,461	10,000	10,000	10,000	0%	10,000	0%
Use of Funds:									
Personnel	0	293	898	3,100	3,090	3,090	0%	3,090	0%
Services & Supplies	400	669	499	5,800	5,800	5,800	0%	5,800	0%
Total Use of Funds	400	962	1,397	8,900	8,890	8,890	0%	8,890	0%
Funded FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

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Recreation Services - Concessions (219-4480)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	27,310	11,288	27,611	22,000	28,800	28,800	0%	28,800	0%
Other	13	-35	6	0	0	0	0%	0	0%
Total Source of Funds	27,323	11,253	27,617	22,000	28,800	28,800	0%	28,800	0%
Use of Funds:									
Personnel	10,666	7,384	10,188	5,400	9,400	9,560	2%	9,560	0%
Services & Supplies	18,492	8,783	12,439	9,050	9,500	9,000	-5%	9,000	0%
Total Use of Funds	29,158	16,167	22,627	14,450	18,900	18,560	-2%	18,560	0%
Funded FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

Recreation Services - Nutrition Program (219-4490)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Revenue from Other Agencies	8,000	12,000	11,250	12,000	23,000	23,000	0%	23,000	0%
Total Source of Funds	8,000	12,000	11,250	12,000	23,000	23,000	0%	23,000	0%
Use of Funds:									
Personnel	8,212	8,579	11,085	11,191	15,210	22,725	49% ¹	22,725	0%
Total Use of Funds	8,212	8,579	11,085	11,191	15,210	22,725	49%	22,725	0%
Funded FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: Increase in part time help.

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Recreation Services – New Community Center (219-4495)									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Source of Funds:									
Current Service Charges	0	91,184	186,945	250,000	250,000	250,000	0%	250,000	0%
Other	0	22,683	0	0	0	0	0%	0	0%
Total Source of Funds	0	113,867	186,945	250,000	250,000	250,000	0%	250,000	0%
Use of Funds:									
Personnel	0	50,457	204,628	177,092	181,274	184,122	2%	186,997	2%
Services & Supplies	0	143,678	335,160	394,551	404,488	410,234	1%	417,267	2%
Total Use of Funds	0	194,135	539,788	571,643	585,762	594,356	1%	604,264	2%
Funded FTE'S	0.00	0.00	1.10	1.10	1.10	1.10		1.10	

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PREWETT PARK FUND (641)

Prewett Park is a 100-acre family park complex opened in the spring of 1996 in the Southeast Area of the City. The Antioch Water Park was included in the first phase, which consists of five slides and an activity pool. The slides include a tot pool, a splash pool, a sports pool and an activity pool. All pools are utilized for instructional purposes. Also included in the first phase was the community center, park/picnic area and a natural landscape area. Construction of the park was paid for by Mello Roos funds.

Prewett Park includes the following programs: Administration, Community Aquatics, Water Park, and Community Center. Maintenance of the skate park was taken over by the Parks division in fiscal year 2011 and is combined into the administration division for reconciliation of fiscal year 2010 actuals only.

The Prewett Park Summary provides a combined statement of the revenues and expenditures of these programs.

PREWETT PARK SUMMARY (FUND 641)									
Statement of Revenues, Expenditures and Change in Net Assets									
	2009-10	2010-11	2011-12	2012-13	2012-13	2013-14	%	2014-15	%
	Actual	Actual	Actual	Budget	Revised	Proposed	Change	Projected	Change
Beginning Balance, July 1	-\$314	\$2,292	\$5,817	\$5,577	\$5,577	\$4,899		\$5,035	
Revenue Source:									
Interest Earnings	1,461	1,652	584	300	300	300	0%	300	0%
Current Service Charges	927,266	1,039,755	911,138	977,200	922,700	942,700	2%	942,700	0%
Other Revenue	92,377	4,622	3,127	500	1,348	500	-63%	500	0%
Transfer in from General Fund	471,282	45,000	285,000	205,000	260,000	264,000	2%	294,000	11%
Transfer in from Child Care Fund	0	50,000	0	35,000	35,000	35,000	0%	35,000	0%
Transfer in from Delta Fair Fund	0	0	10,000	63,000	63,000	0	-100%	0	0%
Transfers In from RDA	0	30,000	0	0	0	0	0%	0	0%
Total Revenue	1,492,386	1,171,029	1,209,849	1,281,000	1,282,348	1,242,500	-3%	1,272,500	2%
Expenditures:									
Personnel	869,083	675,519	653,849	667,870	667,517	624,782	-6%	632,987	1%
Services & Supplies	620,697	485,782	546,919	603,244	606,069	608,039	0%	628,934	3%
Transfers Out	0	6,203	9,321	9,440	9,440	9,543	1%	9,646	1%
Total Expenditures	1,489,780	1,167,504	1,210,089	1,280,554	1,283,026	1,242,364	-3%	1,271,567	2%
Ending Balance, June 30	\$2,292	\$5,817	\$5,577	\$6,023	\$4,899	\$5,035		\$5,968	

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PREWETT PARK SUMMARY (Continued)

	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
Authorized & Funded FTE's:				
Aquatics	0.40	0.40	0.40	0.40
Water Park	4.70	1.70	1.70	1.70
Total Prewett Authorized & Funded FTE's	5.10	2.10	2.10	2.10

Prewett Administration (641-4610)

	2009-10* Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Sources of Funds:									
Investment Income	1,461	1,652	584	300	300	300	0%	300	0%
Current Service Charges	48,900	22,000	0	0	0	0	0%	0	0%
Other	30,030	4,387	2,157	0	848	0	-100%	0	0%
Transfers In	471,282	125,000	295,000	303,000	358,000	299,000	-16%	329,000	10%
Total Source of Funds	551,673	153,039	297,741	303,300	359,148	299,300	-17%	329,300	10%
Use of Funds:									
Personnel	369,711	175,456	111,596	0	0	0	0%	0	0%
Services & Supplies	459,095	383,289	440,360	0	0	0	0%	0	0%
Transfers Out	0	6,203	9,321	9,440	9,440	9,543	1%	9,646	1%
Total Use of Funds	828,806	564,948	561,277	9,440	9,440	9,543	1%	9,646	1%
Funded FTE's	2.90	2.10	1.10	0.00	0.00	0.00		0.00	

*Fiscal year 2010 actuals include data for the skate park division taken over by the Parks department in fiscal year 2011

BUDGET STUDY SESSION – APRIL 23, 2013

Prewett Community Aquatics (641-4620)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	104,522	155,353	192,446	153,000	153,000	153,000	0%	153,000	0%
Other	1,809	256	975	500	500	500	0%	500	0%
Total Source of Funds	106,331	155,609	193,421	153,500	153,500	153,500	0%	153,500	0%
Use of Funds:									
Personnel	97,227	122,127	132,810	110,192	109,587	112,100	2%	113,780	1%
Services & Supplies	6,043	6,335	6,651	6,440	10,611	11,295	6%	11,950	6%
Total Use of Funds	103,270	128,462	139,461	116,632	120,198	123,395	3%	125,730	2%
Funded FTE's	0.40	0.40	0.40	0.40	0.40	0.40		0.40	

Prewett Water Park (641-4630)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	535,491	646,841	534,628	644,200	581,700	601,700	3%	601,700	0%
Other	38	0	661	0	3,000	3,000	0%	3,000	0%
Total Source of Funds	535,529	646,841	535,289	644,200	584,700	604,700	3%	604,700	0%
Use of Funds:									
Personnel	331,917	324,774	352,058	494,368	494,620	448,520	-9% ¹	455,045	1%
Services & Supplies	48,055	27,652	25,531	497,404	496,058	497,344	0%	517,584	4%
Total Use of Funds	379,972	352,426	377,589	991,772	990,678	945,864	-5%	972,629	3%
Funded FTE's	0.60	0.60	0.60	1.70	1.70	1.70		1.70	

¹VARIANCE: Reduction in part time help

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Prewett Community Center (641-4640)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	52,477	54,720	49,010	40,000	45,000	45,000	0%	45,000	0%
Other	50,716	0	5	0	0	0	0%	0	0%
Total Source of Funds	103,193	54,720	49,015	40,000	45,000	45,000	0%	45,000	0%
Use of Funds:									
Personnel	9,919	10,591	13,247	16,450	16,450	16,930	3%	16,930	0%
Services & Supplies	5,529	964	4,553	5,000	5,000	5,000	0%	5,000	0%
Total Use of Funds	15,448	11,555	17,800	21,450	21,450	21,930	2%	21,930	0%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

Prewett Concessions (641-4560)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	185,838	160,841	134,393	140,000	140,000	140,000	0%	140,000	0%
Other	161	-21	-10	0	0	0	0%	0	0%
Total Source of Funds	185,999	160,820	134,383	140,000	140,000	140,000	0%	140,000	0%
Use of Funds:									
Personnel	60,309	42,571	44,138	46,860	46,860	47,232	1%	47,232	0%
Services & Supplies	101,975	67,542	69,824	94,400	94,400	94,400	0%	94,400	0%
Total Use of Funds	162,284	110,113	113,962	141,260	141,260	141,632	0%	141,632	0%
Funded FTE's	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

BUDGET STUDY SESSION – APRIL 23, 2013

ANIMAL CONTROL FUND (214)

In 1978 the citizens of Antioch overwhelmingly voted for Measure A. This measure was for re-establishing, maintain and operating a City animal shelter. Measure A authorized funds to be appropriated annually by the City Council. This fund accounts for revenues and expenditures of the City's animal services program. A portion of the revenues required to operate this function comes from animal licenses and shelter, adoption, handling, and impound fees. The remainder comes from a subsidy from the General Fund.

ANIMAL CONTROL FUND 214									
Statement of Revenues, Expenditures and Change in Fund Balance									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Beginning Balance, July 1	\$0	\$0	\$21,485	\$29,568	\$29,568	\$0		\$0	
Revenue Source:									
Current Service Charges	290,880	305,737	281,296	239,100	222,306	220,100	-1%	220,100	0%
Investment Income	0	0	28	0	0	0	0%	0	0%
Revenue from Other Agencies	0	37,000	42,500	40,000	63,000	40,000	0%	40,000	0%
Other Revenue	12,933	14,268	13,462	11,000	17,663	11,000	-38%	11,000	0%
Transfers In	506,979	408,126	485,993	529,633	513,515	580,573	13%	605,926	4%
Total Revenue	810,792	765,131	823,279	819,733	816,484	851,673	4%	877,026	3%
Expenditures:									
Personnel	589,556	542,032	604,439	572,326	564,882	584,045	3%	605,790	4%
Services & Supplies	221,236	201,250	210,209	246,852	280,615	267,067	-5%	270,669	1%
Transfers Out	0	364	548	555	555	561	0%	567	1%
Total Expenditures	810,792	743,646	815,196	819,733	846,052	851,673	1%	877,026	3%
Ending Balance, June 30	\$0	\$21,485	\$29,568	\$29,568	\$0	\$0		\$0	

	Authorized FTE's	Funded 2012-13	Funded 2013-14	Funded 2014-15
Authorized & Funded FTE's	9.85	7.85	7.85	7.85

BUDGET STUDY SESSION – APRIL 23, 2013

Animal Services (214-3320)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Revised	2013-14 Proposed	% Change	2014-15 Projected	% Change
Source of Funds:									
Current Service Charges	290,880	305,737	281,296	239,100	222,306	220,100	-1%	220,100	0%
Investment Income	0	0	28	0	0	0	0%	0	0%
Other	12,933	14,268	13,462	11,000	17,663	11,000	-38%	11,000	0%
Transfers In	506,979	408,126	485,993	529,633	513,515	580,573	13%	605,926	4%
Total Source of Funds	810,792	728,131	780,779	779,733	753,484	811,673	8%	837,026	3%
Use of Funds:									
Personnel	589,556	520,890	570,109	572,326	535,314	584,045	9%	605,790	4%
Services & Supplies	182,702	200,028	210,121	206,852	217,615	227,067	4%	230,669	2%
Transfers Out	0	364	548	555	555	561	1%	567	1%
Total Use of Funds	772,258	721,282	780,778	779,733	753,484	811,673	8%	837,026	3%
Funded FTE'S	7.85	7.85	7.85	7.85	7.85	7.85		7.85	

Maddies Grant (214-3325)									
	2009-10 Actual	2010-11 Actual	2011-12 Actual	2012-13 Budget	2012-13 Projected	2013-14 Proposed	% Change	2014-15 Proposed	% Change
Source of Funds:									
Revenue from Other Agencies	0	37,000	42,500	40,000	42,500	40,000	-6%	40,000	0%
Total Source of Funds	0	37,000	42,500	40,000	42,500	40,000	-6%	40,000	0%
Use of Funds:									
Personnel	0	21,142	34,330	0	29,568	0	-100% ¹	0	0%
Services & Supplies	38,534	1,222	88	40,000	63,000	40,000	-37%	40,000	0%
Total Use of Funds	38,534	22,364	34,418	40,000	92,568	40,000	-57%	40,000	0%
Funded FTE'S	0.00	0.00	0.00	0.00	0.00	0.00		0.00	

¹VARIANCE: Grant funded part time help. If grant funding is received in FY14, then may go to part time help verses services and supplies.

**SPECIAL MEETING
ANTIOCH CITY COUNCIL**

**Special Meeting
6:00 P.M.**

**March 28, 2013
Antioch Water Park**

Mayor Harper called the meeting to order at 6:04 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Tiscareno, Agopian and Mayor Harper
Absent: Council Members Wilson and Rocha (Councilmember Rocha arrived at 6:11 P.M. and Councilmember Wilson arrived at 6:36 P.M.)

PLEDGE OF ALLEGIANCE

Mayor Harper led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

Ray Faulkenberry, Antioch resident and We R One Productions, presented and read written comment regarding his efforts to produce a commercial film in Antioch. He provided contact information for anyone wishing to be involved in the production.

Fred Hoskins, Antioch resident, expressed concern the City Council had not sought input from their constituency regarding the future sales tax ballot measure.

Councilmember Rocha arrived at 6:11 P.M.

1. REVIEW DRAFT ECONOMIC DEVELOPMENT STRATEGIC PLAN OUTLINE

Economic Development Analyst Nunnally, Community Development Director Wehrmeister and Human Resource/Economic Development Director Fitzer reviewed the Economic Development Strategic Plan recommending the City Council provide direction to staff.

Councilmember Wilson arrived at 6:36 P.M.

Mayor Harper suggested partnering with other agencies with regards to business retention and Workforce Development programs. He also suggested moving forward with a Farmers Market for downtown in an effort to promote Rivertown businesses.

Councilmember Tiscareno thanked staff for the presentation and suggested utilizing the City's website and social media to promote businesses and activities in the community. He voiced his support for streamlining the use permit process for new businesses.

Mayor Harper voiced his support for the following:

- Short term items – Managing media, continuing “project efficiency teams”, partnering with the Chamber of Commerce – Kiva Zip Lending program and development fee deferrals
- Retention – Business outreach

- Attraction – Partnering regionally for Economic Development
- Employment and Internship programs
- Sales Tax – “Shop Antioch campaign”

Councilmember Rocha stated she felt the City needed to focus on long term planning and a deep-water port. She suggested the City engage the Hispanic Chamber to pursue a Latino market for the Somersville Road area. She stated she felt it was important that the City participate in Workforce Development activities. She thanked staff for the information and stated she looked forward to a joint Economic Development effort with the surrounding jurisdictions.

Councilmember Agopian thanked staff for the presentation. He suggested reviewing the previous Economic Development Plan and seek input from private resources to determine what industries should be planned for and how to reach out to those uses. He stated that the information retrieved should be brought to the Economic Development Commission, for the development of a strategic plan. He suggested developing a vision of Antioch and determining how best to convey information and receive input from the public both internally and externally. He stated once the plan is developed, the City should focus on an action plan. He noted Economic Development should be a topic for discussion at quarterly work study sessions.

Mayor Harper spoke to the value of the protecting the City’s water rights and partnering with Delta Diablo Sanitation District to assist those efforts. He agreed that quarterly workshops on Economic Development could be discussed in the future.

Councilmember Wilson voiced her support for long term planning and defining Antioch’s strength and weaknesses. She stated she supports focusing on a population that can work, go to school and entertain in the community and how to brand the City.

In response to Mayor Harper, Human Resource/Economic Development Director Fitzer reported the Board of Supervisors had indicated they want the City’s participation in the preparation of the Waterfront Plan. She thanked the City Council for their comments and stated they looked forward to working the Economic Development Commission on a long term strategy.

Donald Freitas, Antioch resident, reported much of the information needed regarding industry and job creation in Antioch, had been previously provided to the City. He discussed the importance of face to face contact with commercial brokers and business leaders in bringing those types of uses into the area. He discussed the importance of creating the necessary infrastructure to attract permanent well-paying jobs to the community. He suggested more meetings be held to gain additional input from the public on their vision.

Nancy Fernandez, Antioch resident, questioned if the City had researched Tailgaters, and reported the criminal activity associated with their other location should be a concern. She suggested the City attempt to attract a Mi Pueblo Food Center and spoke to the need for jobs that offer a living wage. She suggested the City focus on repairing sound walls throughout the City and water services in the parks.

2. NOVEMBER 2013 REVENUE MEASURES: SALES TAX AND BUSINESS LICENSE TAX

City Manager Jakel requested the City Council provide direction to staff.

Mayor Harper reported the City Council had provided direction to poll the community on a one-half (½) and three-fourth (¾) cent sales tax with a sunset of ten (10) years.

Councilmember Rocha requested staff seek information from San Pablo regarding the amount of tax they earmarked for employment purposes.

City Manager Jakel reported the purpose of survey is to get public input and will be detailed to determine the level of support for the sales tax as well as the amount and duration.

In response to Joseph Ramos, Antioch resident, City Manager Jakel stated he would email Mr. Ramos the detailed information on the sales and business tax ballot measures, as requested.

Mayor Harper discussed the importance of keeping all lines of communication open with business leaders and commercial brokers. He stated the City Council was committed to the community.

3. SUMMARY OF FEBRUARY 28TH COMMUNITY FORUM AND NEXT STEPS

Mayor Harper reported many people shared their thoughts and suggestions for solutions at the February 28, 2013 Community Forum. He reported the City Council was in sync with key areas discussed at that forum and the next step was to receive community feedback. He introduced City-hired facilitator, Stacey McClaughlin.

Ms. McClaughlin gave a brief overview of the February 28, 2013 Community Forum. She announced that they intend to hold community meetings and create focus groups on various topics, throughout the community, to allow citizens to steer decision-making and provide input as to what they want to see for the community. She commented that this would be an opportunity for everyone to start working together to create the new Antioch.

The Council thanked Ms. McClaughlin for facilitating the process and discussed the value in engaging the entire community in the process of creating the vision for Antioch.

Ms. McClaughlin stated she appreciated the opportunity to help the City noting it is important for the community to realize they are part of the solution.

Mayor Harper stated he is fully committed to the City.

PUBLIC COMMENTS – None

Fred Hoskins, Antioch resident, thanked the City for their support of broadening their scope of communication with the public. He expressed concern that the taxpayers were paying for a consultant when they should be utilizing staff's expertise. He stated the most valuable asset to

Antioch is the waterfront and suggested making a list of opportunities and then planning to bring them to fruition. He requested the Council respond to their constituents and voiced his concern that the Council had not responded to his request to write a document in support of the Hardhouse transfer.

STAFF COMMUNICATIONS

City Manager Jakel thanked the Recreation staff for making the conference room at the Waterpark available for the meeting this evening. He discussed the positive aspects of the community and future opportunities.

COUNCIL COMMUNICATIONS

Councilmember Wilson apologized for being late this evening and stated she looked forward to working with Ms. McLaughlin and the Council.

Councilmember Rocha stated she looked forward to the community meetings.

Councilmember Tiscareno stated the report this evening had been positive and he looked forward to promoting the City. He stated he was proud of the City Council for working together cooperatively for the betterment of the City.

Councilmember Agopian stated he was impressed with the amount of people who had expressed their desire to become involved in the process. He spoke to the need of focusing on the City's potential.

Mayor Harper stated he felt Antioch had a bright future.

ADJOURNMENT

With no further business, Mayor Harper adjourned the Special Meeting at 7:57 P.M. to the next Regular Council Meeting on April 9, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

April 9, 2013
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code section 44956.9(d)(1): In re Eva Quesada Romero and Gilbert Raymond Romero [Humphrey's Restaurant], Case No. 12-44668, U.S. Bankruptcy Court, Northern District of California; **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: APN066-010-018; Agency Negotiator: City Manager, City Attorney; Negotiating Parties: Wells Fargo Bank, John Majidi, Bay Area Employment Development Company; Under negotiation: price, terms of payment
2. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION:** Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): 1 potential case
3. **CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION** – Significant exposure to litigation pursuant to California Government Code Section 94956.9(d)(2): Claim of Albert Seeno Construction Co. and Discovery Builders, Inc. regarding fee credit dispute related to Mira Vista Hills subdivision
4. **CONFERENCE INVOLVING A JOINT POWERS AGENCY** pursuant to California Government Code section 54956.96-- East Contra Costa Regional Fee and Financing Authority

Discussion will concern: CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to California Government Code sections 54956.9(d)(2)

Name of local agency representative on joint powers agency board: Mayor Harper

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, No action was taken; **#2 CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**, No action was taken; **#3 CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION**, No action was taken; and **#4 CONFERENCE INVOLVING A JOINT POWERS AGENCY**, No action was taken.

Mayor Harper called the meeting to order at 7:02 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno, Agopian, and Mayor Harper

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Rocha led the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS

Child Abuse Prevention Month, April 2013
National Service Recognition Day, April 9, 2013

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved the Proclamations.

Mayor Harper announced he would be receiving the proclamation for *National Service Recognition Day*.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Barbara Herendeen, Antioch Women's Club, represented Chief Cantando with a donation in the amount of \$510.00 for the Antioch Police Department Canine Program.

Chief Cantando, on behalf of the Antioch Police Department, thanked the Women's Club for their donation.

Mayor Harper thanked the Women's Club for the donation and recognizing the value of the canine program.

Martha Parsons, Keep Antioch Beautiful, presented Council with a t-shirt and invited them to participate in the "Keep Antioch Beautiful Day" event from 8:30 A.M. – 11:00 A.M. on April 20, 2013, with a free lunch for volunteers, immediately following, at Contra Loma Reservoir Regional Park. She recognized the sponsors of the event and provided contact information for anyone wishing to participate.

Mayor Harper thanked Ms. Parsons for organizing the event.

Ms. Parsons thanked Mayor Harper for recognizing the event as the City's Day of Service and his co-chairing the event.

Peggy Dillon and Suzette Rosario, representing the Bedford Center, gave a brief overview of the services they provided the community and invited the Council to attend a Mix and Mingle event from 3:00 P.M. – 5:30 P.M. on May 2, 2013.

Sean Wright, representing the Antioch Chamber of Commerce, invited the Council and community to attend EC2 - The Collaborative Workforce Pipeline of the Future from 10:00 A.M. – 12:00 P.M. on April 12, 2013, at Los Medanos College. He announced Showcase of the Schools, would be held from 11:30 A.M. – 1:30 P.M. on April 23, 2013. Contact information was provided.

Mayor Harper thanked Mr. Wright for promoting Economic Development and showcasing Antioch schools.

PUBLIC COMMENTS

Shelia White, Antioch resident, announced the Antioch High School Marching Band and Guard had been invited to perform at the Oakland Athletics game on April 15, 2013. She noted t-shirts would be sold to benefit the Antioch High School Marching Band and Guard.

Councilmember Rocha stated it was a honor for the Antioch High School Marching Band and Guard to be selected to perform at the Oakland Athletics Game.

Jacquelyn Higgins, Antioch resident, expressed concern regarding recent criminal activity that had occurred in her neighborhood and she questioned if it was possible for the Antioch Police Department to implement a community notification system.

Mayor Harper requested Chief Cantando make a presentation on the technology available for a community notification system.

Gary Reiman, business owner at 107 "G" Street, Antioch, discussed recent comments he had made regarding blight and criminal activity that had occurred in the City-Owned parking lot behind his business. He reported he had not received an adequate response to address these problems and the activity had continued. He stated he had notified his landlord that he would be vacating the property when his lease was up in June and requested the City Council address his concerns.

Marsha Burgess, business owner at 105 "G" Street Antioch, agreed with Mr. Reiman's comments and noted the activity that occurred in the parking lot was negatively impacting her business. She suggested the parking lot or street be closed or gated to restrict access.

Following discussion, Mayor Harper discussed the need for more Police Officers and stated he would visit the business and determine if crime prevention could occur through environmental design. He noted if this item needed to be brought back to the Council for action, they would do so.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Wilson reported on her attendance at the Mello Roos subcommittee and announced the League of California Cities Casino Night fundraiser would be held on May 23, 2013, in Orinda.

Councilmember Agopian reported on his attendance at the Mello Roos subcommittee meeting and proposed within the next 60-90 days, the Council agendize how to utilize the remainder of the Mello Roos monies.

City Manager Jakel responded that he would agendize the issue within the next 60 days.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the Tri Delta Transit meeting on March 27, 2013 and the League of California Cities conference on April 4, 2013. He announced Delta Diablo Sanitation District won the California Water Environmental Association Plant of the Year Award for 2012.

PRESENTATION

Contra Costa County Library's 100th Birthday Celebration, Barbara Flynn

Barbara Flynn reported on activities and programs at the Antioch Library. She thanked the sponsors and volunteers for making Library programming possible. She invited the Council and community to attend the 100th Birthday Celebration at Pleasant Hill Park from 12:00 P.M. – 5:00 P.M. on July 21, 2013. She reported the Strategic Plan would be updated after they receive community input from throughout the County. She thanked the City Council and citizens of Antioch for all that they do to keep the Antioch Library in business.

Mayor Harper thanked Ms. Flynn for the presentation and congratulated the Contra Costa County Library on its 100th Birthday.

Winner of the Northern California Regional Science Fair, Lauren Rojas

Councilmember Rocha stated she had known Ms. Rojas since she was very young and she was very proud of her accomplishment.

A video presentation of Lauren Rojas science fair project "Hello Kitty in Space" was played for the Council and audience.

Lauren Rojas, Cornerstone Christian Center School 7th grader, discussed how she made her winning Science Fair project.

The Council congratulated Ms. Rojas and stated they were very proud of the project.

Mayor Harper stated he would be attending Cornerstone Christian Center and presenting Ms. Rojas with a proclamation recognizing her accomplishments.

Ms. Rojas introduced her family in attendance this evening.

Mayor Harper requested the City Council consider adding an Urgency Item to the agenda this evening - **URGENCY ITEM - SUPPORT FOR AB935 TO EXPAND THE WETA WATER EMERGENCY TRANSPORTATION BOARD MEMBERS FROM FIVE (5) TO SEVEN (7) TO INCLUDE A MEMBER FROM CONTRA COSTA COUNTY.** He noted the request was made due to the issue coming up after the agenda was published.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously added agenda item **#4 URGENCY ITEM - SUPPORT FOR AB935 TO EXPAND THE WETA WATER EMERGENCY TRANSPORTATION BOARD MEMBERS FROM FIVE (5) TO SEVEN (7) TO INCLUDE A MEMBER FROM CONTRA COSTA COUNTY**, that came forward since the time the agenda was published.

1. **COUNCIL CONSENT CALENDAR**
 - A. **APPROVAL OF COUNCIL MINUTES FOR MARCH 26, 2013**
 - B. **APPROVAL OF COUNCIL WARRANTS**
 - C. **LONE TREE GOLF COURSE - CONTINUED DEFERMENT OF THE TWO OUTSTANDING CONSTRUCTION LOANS TO THE CITY OF ANTIOCH**
 - D. **GAS PIPELINE FRANCHISE**
 - E. **CONSIDERATION OF BIDS FOR THE LONE TREE WAY INTERSECTION IMPROVEMENTS, DEER VALLEY ROAD TO HILLCREST AVENUE, INCLUDING DEER VALLEY ROAD/LONE TREE WAY INTERSECTION AND THE TURN POCKET EXTENSION AT LONE TREE WAY/PREWETT PARK, ASSESSMENT DISTRICT NO. 27/31R, LONE TREE WAY CORRIDOR (P.W. 555-12C)**

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar with the exception of Item E which was removed for further discussion.

Item E – Councilmember Agopian suggested staff use methodology when replacing the landscaping.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously approved Item E.

COUNCIL REGULAR AGENDA

2. **RESOLUTION APPROVING PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) CONTRACT AMENDMENT TO EXCLUDE ELECTED OFFICIALS FROM PERS**

Director of Human Resources/Economic Development Direction Fitzer presented the staff report dated April 3, 2013 recommending the City Council, 1) Motion to adopt a Resolution of Intention to approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch to provide for the exclusion of Elected Officials on and after the effective date of this Amendment to Contract. 2) Motion to introduce the Ordinance by title only. 3) Motion to introduce the Ordinance authorizing

an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch.

RESOLUTION NO. 2013/16

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the City Council unanimously 1) Adopted a Resolution of Intention to approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch to provide for the exclusion of Elected Officials on and after the effective date of this Amendment to Contract. 2) Introduced the Ordinance by title only. 3) Introduced the Ordinance authorizing an Amendment to Contract between the Board of Administration California Public Employees' Retirement System (PERS) and the City Council of the City of Antioch.

3. UPDATE ON ANTIOCH'S WATER ISSUES AND ON-GOING DELTA ACTIVITIES

Public Works Director/City Engineer Bernal presented the staff report dated April 9, 2013 recommending the City Council receive and file the staff report regarding the current Bay Delta Conservation Plan (BDCP), Delta Stewardship Council's (DSC) Delta Plan and the State Water Resources Control Board (SWRCB) Water Quality Control Plan and Delta flow criteria.

Matt Emrick, outside legal counsel for the City, gave a brief overhead presentation of the Antioch Water Rights, State and Federal Export Projects, Bay Delta Conservation Plan (BDCP), State Water Resources Control Board (SWRCB) – Bay Delta Plan and Flow Criteria and the Delta Stewardship Council - Delta Plan.

Mayor Harper thanked Mr. Emrick for the presentation and reiterated the importance of understanding and protecting Antioch's water rights.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously received and filed the report.

Mayor Harper declared a recess at 8:53 P.M. The meeting reconvened at 8:59 P.M. with all Councilmembers present.

URGENCY ITEM

4. URGENCY ITEM - SUPPORT FOR AB935 TO EXPAND THE (WETA) WATER EMERGENCY TRANSPORTATION BOARD MEMBERS FROM FIVE (5) TO SEVEN (7) TO INCLUDE A MEMBER FROM CONTRA COSTA COUNTY

City Manager Jakel announced that Assembly Bill 935 introduced by Assemblyman Frazier had been scheduled for a hearing on April 10, 2013. He noted he had provided a letter of support for

the AB935, however if Council wanted to attend the hearing, staff would need to change the hours of the Governance Training/Workshop scheduled for that day.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the Council unanimously supported AB935 expanding the WETA Board members from five (5) to seven (7) to include a member from Contra Costa County.

Following discussion, Mayor Harper and Councilmembers Agopian and Rocha stated they would attend the hearing. Council agreed to reschedule the Governance Training/Workshop from 9:00 A.M. – 12:30 P.M., and 6:00 P.M. – 11:00 P.M. on April 9, 2013. The Training would continue on April 11, 2013, from 5:00 P.M. – 9:00 P.M.

City Attorney Nerland recommended a quorum of the Council not commute together to the hearing. She noted they could speak publicly on the matter however they should not be discussing this or other matters while they are there.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Jakel announced the Antioch City Council meeting would be held on April 23, 2013 and it would begin at 6:00 P.M. with a Budget Study Session.

COUNCIL COMMUNICATIONS

Councilmember Wilson reported on her attendance at the opening day for Antioch Babe Ruth Baseball.

Councilmember Rocha reported that she and Councilmember Tiscareno had discussed youth employment with Barbara Herendeen. She also noted activities were being discussed for the waterfront. She stated in the future, she would like to report back on both of those efforts. She reported on her attendance at County Clerk/Recorder Steve Weir's retirement party and the Cesar Chavez event. She announced the Antioch High School Foundation would host an event at 5:00 P.M. on April 12, 2013, at the Yacht Club.

Councilmember Tiscareno reported on his attendance at opening day for Antioch Babe Ruth Baseball and the Los Medanos College Cesar Chavez event.

Councilmember Agopian reported on his attendance at the Budget subcommittee meeting.

Mayor Harper announced the Workforce Development meeting would be held on April 25, 2013 at Dallas Ranch Middle School and there would be discussion regarding a youth component at that meeting. He reported the City of Antioch hires 235 youth every summer for recreational programming and there was a grant program for low income families. He reported they had reviewed the bylaws for the Antioch Community Foundation and sometime next year youth

programs and community events would be funded. He stated they would discuss how to better communicate with the public at the governance training and he looked forward to representing the City of Antioch in Sacramento, in support of AB935.

Councilmember Rocha announced the Mayor's Golf Tournament would be held on June 1, 2013.

In response to Councilmember Rocha, City Manager Jakel stated he would bring back information regarding the City funds recreational programming for low income families on April 23, 2013. He noted during the budget process, Council may want to reiterate their commitment to the philosophy that people who want to avail themselves of recreation programs, should not be denied because of an inability to pay.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:26 P.M. to the next regular Council meeting on April 23, 2013.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF APRIL 23, 2013**

FROM: Lynn Tracy Nerland, City Attorney 

DATE: April 16, 2013

SUBJECT: Special Meeting of April 10 and 11, 2013

ACTION: Approve minutes of the Special Meeting of April 10 and 11, 2013 (Attachment A) and receive and file the report confirming that no Brown Act violations occurred.

BACKGROUND:

As the City Council is aware, efforts are being undertaken to assist the new Council with organizational assessment, teambuilding and governance training, which will eventually include establishing an action plan to implement the general priorities already established by the City Council (including public safety; beautify the City/code enforcement; increased economic development/jobs; and continued efforts towards to improve traffic and transit such as the widening of Highway 4, e-BART and possible ferry service).

The first step in this process was the team building and governance training facilitated by Consultant Stacey McLaughlin of Mountaintop Insight, who is a former California City Manager and City Clerk and has done similar kinds of training with other city councils including in California the City of Walnut Creek and the City of Brea, as well as cities outside of California. This kind of team building and governance training/workshop/retreat does not involve making binding decisions and is typically held in a more informal, comfortable environment. However, because all of the Council Members are meeting at one time and in one place, it is advisable to hold the meeting in public and to follow the Brown Act noticing requirements, even when the Council is not making decisions on any agenda items.

Given the fact that the Council Members have jobs and other obligations, scheduling this initial training session was challenging. The initial Agenda (Attachment B) shows the original schedule of 9:00 a.m. to 5:00 p.m. on Wednesday, April 10, 2013 at the Prewett Water Park to be continued for an evening session on Thursday, April 11, 2013 starting at 5:00 p.m. However, as the City Council determined at the City Council meeting on April 9, 2013, there was a desire to allow the Council Members to attend the hearing at the State Legislature on Assembly Bill 935 regarding a seat for Contra Costa County on the Water Emergency Transportation Authority (WETA), which Assembly Member Frazier had sponsored. Therefore, the training schedule was modified and an evening session added on April 10, 2013. In addition, on Thursday, April 11, 2013, there was an ECRFFA/Transplan meeting which the Mayor needed to attend, so the Agenda was amended to show the evening session starting at 7:00 p.m. instead of 5:00 p.m. (Attachment B). These Amended Agendas were posted more than 24 hours in advance as required by the Brown Act.

Minutes

The Minutes of the Special Meeting are attached for the Council's approval (Attachment A).

Brown Act

The Ralph M. Brown Act (California Government Code section 54950 et seq.) attempts to ensure that deliberations and actions of local government are conducted openly and with the opportunity for public participation. Accordingly, the main components of the Brown Act address noticing and the rights of the public to attend meetings of public bodies like the City Council. In particular, agendas are required to be posted 72-hours in advance of a regular meeting and 24-hours in advance of a special meeting. The purpose of this requirement is to provide a mechanism for informing the public of pending actions and the opportunity to comment on the matter before or during consideration of the action item. At a regular meeting, the public also has the right to comment on a matter within the agency's jurisdiction even if that particular item is not on the agenda (this typically occurs during the initial public comment portion of an agenda). The Brown Act prohibits a majority of a governing body from reaching a decision outside of a regularly scheduled meeting. There are exceptions in the Brown Act for attending conferences, social events, public meetings of another governmental body or a meeting hosted by a group providing information about local issues, so long as the meeting is publicized and is not used as an opportunity to caucus.

Email from Karl Dietzel alleging Brown Act violations

Karl Dietzel attended portions of the Special Meeting as a member of the public and expressed concerns to the City Clerk and then sent an email to the City Attorney regarding his concerns (Attachment C). Pursuant to the City's administrative policy for addressing alleged Brown Act violations, the City Attorney is required to review such allegations and determine whether cure or corrective action is advisable within 30 days. The comments below follow the issues raised in Mr. Dietzel's email dated April 12, 2013.

Item 1 -- Mr. Dietzel alleges that the continued meeting on April 10, 2013 started before 7:00 p.m.

Response -- As indicated on the Amended Agenda and discussed at the Regular City Council meeting on April 9 and at the Special Meeting during the morning of April 10, 2013, the meeting was to be adjourned and continued to 6:00 p.m. As discussed above, there was a need to amend the times of the Special Meeting because of meetings held by the State Legislature and ECRFFA/Transplan. However, these changes were noticed in writing 24-hours ahead of time. Accordingly, it was not a violation of Brown Act for the meeting to start at 6:00 p.m. and no cure or corrective action is needed.

Item 2 -- Mr. Dietzel alleges that the “meeting was totally unprofessional.”

Response -- As discussed above, this Special Meeting was never intended to be a formal Council meeting but rather an informal workshop/retreat/training to address teambuilding and governance training that was facilitated by a consultant. Public comment forms were available at the entrance into the meeting room along with the agenda, but Mr. Dietzel was the only member of the public who attended any portion of the Special Meeting and he did not submit a public comment form or request to speak. Despite the informal nature of the training sessions, the City did comply with the Brown Act by agendizing the Special Meeting and providing a mechanism for public comments; accordingly, no violation of the Brown Act is found and no cure or corrective action is needed. If the City Council holds a subsequent workshop/retreat/training, action can be taken to announce verbally when public comments may be heard.

Item 3 -- Mr. Dietzel alleges that “all council members were sitting with their backs towards the public.”

Response -- This Special Meeting was an informal workshop/retreat/training to address teambuilding and governance training that was facilitated by a consultant. At times, the Council Members were seated in a circle in comfortable chairs; at times they were standing and engaging in exercises/activities; at times they were seated at tables working alone or in smaller groups. A staff member was present at all times to ensure that the conversations did not address substantive matters that were not agendized. No violation of the Brown Act is found; therefore, no cure or corrective action is required. Staff recognizes that as this process moves into the development of priorities and action plans that those meetings are likely to involve more members of the public and a more formal seating/standing arrangement may be necessary.

Items 4, 5 and 6 – In summary, Mr. Dietzel objects to being asked about videotaping the Special Meeting; although, he was allowed to do so.

Response – Mr. Dietzel is correct that the Brown Act allows a person to record a public meeting of the City Council unless the City Council makes the reasonable finding that “the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.” (Cal. Gov’t Code section 54953.5) Although there is some dispute as to what exactly was said to Mr. Dietzel, Mr. Dietzel was not prohibited from videotaping the meeting. Accordingly, there was no violation of the Brown Act and no cure or corrective action required. This report serves as the requested reminder to the City Council and staff regarding the right of the public to videotape public meetings of the City Council under the conditions set forth in the Brown Act.

FISCAL IMPACT:

There is no fiscal impact from the recommended action.

OPTIONS:

The City Council can amend the minutes if it deems necessary and can direct staff to bring other actions items forward for the City Council's consideration.

ATTACHMENTS:

- A. Minutes of the Special Meeting on April 10 and 11, 2013
- B. Agenda Notices for Special Meeting
- C. Email from Karl Dietzel alleging Brown Act violations

CITY COUNCIL WORKSHOP

Special Meeting
9:00 a.m.

April 10 & 11, 2013
Antioch Water Park
4701 Lone Tree Way

On April 10, 2013, the workshop was called to order at 9:08 a.m. All members of the City Council were present.

Staff present: Jim Jakel, City Manager, Ron Bernal, Public Works Director/City Engineer, and Michelle Fitzer, Human Resources/Economic Development Director. Consultant Stacey McLaughlin of Mountaintop Insight facilitated the workshop.

The City Council discussed the workshop schedule due to the hearing of AB 935 in sub-committee at the State Legislature in Sacramento. An agenda notice had been posted before 6:00 p.m. on Tuesday, April 9, 2013 at the Water Park, City Hall and the Library indicating that the City Council might continue the Special Meeting on Wednesday, April 10, 2013 to 6:00 p.m. as directed by the Mayor given the Council interest in attending the hearing in Sacramento during the afternoon. The Council confirmed the amended schedule for April 10th to be as follows:

Workshop from 9 a.m. – 12:30 p.m.

Break at 12:30 pm for Council to attend sub-committee hearing in Sacramento
Reconvene Council Workshop at 6 p.m., with dinner to be provided.

No public comments were taken, as no speaker cards were submitted (cards were available at the entrance door).

The Council worked with Ms. McLaughlin on various organizational assessment, teambuilding and governance training exercises until 12:52 p.m., at which time the meeting was adjourned to reconvene at 6:00 p.m. Besides the posted agenda, an additional handwritten notice was placed on the meeting room door, as well as the primary Water Park door, indicating that the workshop would reconvene at 6:00 p.m. This action was taken as an extra precaution in the event members of the public arrived during the break period and were unsure about the workshop reconvening.

Council reconvened at 6:00 p.m. once a quorum was present, and began the workshop at 6:31 p.m. when the Mayor arrived due to his need to attend the Delta-Diablo Sanitation District meeting. All members of the City Council were present. The Council continued to work on organizational assessment, teambuilding and governance training exercises until 9:57 p.m., at which time the workshop was adjourned to reconvene at 7:00 p.m. on April 11th due to the ECRFFA/Transplan meeting that the Mayor needed to attend. The Amended Agenda posted onsite reflected this date and time to reconvene the workshop, as well as at City Hall and the Library, 24-hours in advance of the continued Special Meeting on April 11, 2013.

On April 11, 2013, the Council reconvened at 7:00 p.m. once a quorum was present, and began the workshop at 7:27 p.m. when the Mayor arrived from the ECRFFA/Transplan meeting. All members of the City Council were present.

Staff present: Lynn Tracy Nerland, City Attorney, Ron Bernal, Public Works Director/City Engineer, and Michelle Fitzer, Human Resources/Economic Development Director. Consultant Stacey McLaughlin of Mountaintop Insight continued to facilitate the workshop.

The Council continued to work with Ms. McLaughlin on various organizational assessment, teambuilding and governance training exercises until 11:47 p.m., at which time the workshop was adjourned.

Regular Meetings:
2nd and 4th Tuesday
of each month

Agenda prepared by:
Office of the City Clerk
(925) 779-7009



**SPECIAL MEETING OF THE
ANTIOCH CITY COUNCIL**

WORKSHOP

**Antioch Water Park
4701 Lone Tree Way
Antioch, CA 94531**

**APRIL 10, 2013
9:00 A.M. – 5:00 P.M.**

To be continued to April 11, 2013 at 5:00 p.m.

**Antioch Water Park
4701 Lone Tree Way
Antioch, CA 94531**

9:00 A.M. ROLL CALL

PLEDGE OF ALLEGIANCE

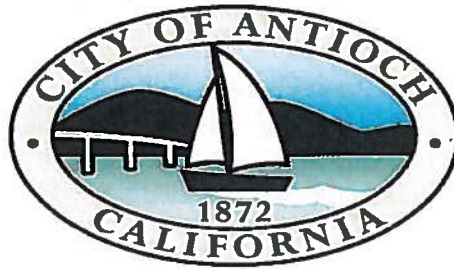
CITY COUNCIL ORGANIZATIONAL ASSESSMENT AND GOVERNANCE SESSION

**Public Comments will be taken on this item at the beginning of the discussion
of this item at 9:00 a.m. April 10, 2013**

**ADJOURNMENT to continued Special Meeting on April 11, 2013 at 5:00 p.m. at the
Antioch Water Park, 4701 Lone Tree Way, Antioch, CA 94531 to continue discussion
of City Council organizational assessment and governance session**

Regular Meetings:
2nd and 4th Tuesday
of each month

Agenda prepared by:
Office of the City Clerk
(925) 779-7009



AMENDED AGENDA

SPECIAL MEETING OF THE ANTIOCH CITY COUNCIL

WORKSHOP

**Antioch Water Park
4701 Lone Tree Way
Antioch, CA 94531**

**APRIL 10, 2013
9:00 A.M. – 5:00 P.M.**

[which may be continued from 6:00 P.M. – 11:00 P.M. on April 10, 2013]

To be continued to April 11, 2013 at 5:00 p.m.

**Antioch Water Park
4701 Lone Tree Way
Antioch, CA 94531**

9:00 A.M. ROLL CALL

PLEDGE OF ALLEGIANCE

CITY COUNCIL ORGANIZATIONAL ASSESSMENT AND GOVERNANCE SESSION

**Public Comments will be taken on this item at the beginning of the discussion
of this item at 9:00 a.m. April 10, 2013**

**ADJOURNMENT to continued Special Meeting on April 11, 2013 at 5:00 p.m. at the
Antioch Water Park, 4701 Lone Tree Way, Antioch, CA 94531 to continue discussion
of City Council organizational assessment and governance session**

***The City Council meetings are accessible to those with disabilities. Auxiliary aides will be made available
for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-
7081.***

Regular Meetings:
2nd and 4th Tuesday
of each month

Agenda prepared by:
Office of the City Clerk
(925) 779-7009



AMENDED AGENDA

**SPECIAL MEETING OF THE
ANTIOCH CITY COUNCIL**

WORKSHOP

**Antioch Water Park
4701 Lone Tree Way
Antioch, CA 94531**

**APRIL 10, 2013
9:00 A.M. – 5:00 P.M.**

[to be continued from 6:00 P.M. – 11:00 P.M. on April 10, 2013]

TO BE CONTINUED TO APRIL 11, 2013 AT 7:00 P.M.

**Antioch Water Park
4701 Lone Tree Way
Antioch, CA 94531**

9:00 A.M. ROLL CALL

PLEDGE OF ALLEGIANCE

CITY COUNCIL ORGANIZATIONAL ASSESSMENT AND GOVERNANCE SESSION

Public Comments will be taken on this item at the beginning of the discussion of this item at 9:00 a.m. April 10, 2013

ADJOURNMENT to continued Special Meeting on April 11, 2013 at 5:00 p.m. at the Antioch Water Park, 4701 Lone Tree Way, Antioch, CA 94531 to continue discussion of City Council organizational assessment and governance session

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Nerland, Lynn Tracy

From: Mr karl dietzel [redacted@yahoo.de]
Sent: Friday, April 12, 2013 10:25 PM
To: Nerland, Lynn Tracy
Subject: special council meeting april 10, 2013

dear mrs nerland,

our city council conducted a special council meeting on april 10, 2013, 9 am -5 pm, at the antioch water park.

several things happens that day, which i want to bring to your attention, where i believe it violated the brown act, and basically are just simply wrong.
my points are not in any order.

1) the email notice of this special public council meeting, stated 9 am - 5pm.
during the course of the morning, it was decided to stop the meeting about noon, and to continue at 7 pm.
then was changed to 5 pm, and changed again to 7 pm. when i arrived about 6:30 pm, the "meeting" was in full swing. the was no email notification about that time change.
how in gods name can the public participate if meeting times are changed so dramatically?

2) the meeting was totally unprofessional.
no roll call, no public comments, no comments to the public what that meeting was all about. who was leading this council meeting? a hired consultant?

3) all council members were sitting with their backs towards the public.

4) since the special meeting was NOT recorded, (audio or video) i intended to video record the meeting.
all council members, incl. jakel were informed per email.

5) after arrival, i went to the very left, against the wall, next to the flag (you saw me at the evening event) and set up my camera system.
at this time a lady names "stacy" approached me, telling me, i could not be there and video tape, i have to be in the back of the room. in what capacity is that lady addressing the public?
as you noticed during the evening session, i did not blocked any view of anybody, nor was i in anybodies face. i told her i will stay were i was, she left.

6) after that lady left, our hr person mrs fitzer came to me, and ask if it was necessary to video tape, the taping would distract the council members, and they could not be themselves. i repeatedly told her this is a public meeting and i will tape this meeting.

i strongly believe our council members should be advised and "trained" about the brown act and how to conduct professional council meetings.

to set the record straight..i did not ask the city clerk to talk to you or anybody about the above.

please respond in a timely manner.

thanks for your time

karl dietzel
[REDACTED] dogwood way
antioch, ca 94509
mobile: 925 [REDACTED]

CITY OF ANTIOCH
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100 General Fund

Non Departmental

202580	HARDY NIX JEWELERS	MEMORIAL PLAQUE	60.22
344555	BLUE SHIELD LIFE	PAYROLL DEDUCTIONS	11.25
344557	BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	177.00
344564	CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	22,427.60
344565	CONTRA COSTA WATER DISTRICT	CCWD FACILITY RESERVE FEE	97,460.00
344569	DELTA DENTAL	PAYROLL DEDUCTIONS	303.28
344571	DEPT OF CONSERVATION	SMI FEES	9,968.27
344573	DIVISION OF STATE ARCHITECT	SB 1186 FEE	146.10
344576	ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	189,720.00
344660	CIRCLEPOINT	CONSULTING SERVICES	225.00

City Council

344677	EMERALD HPC INTERNATIONAL LLC	CONSULTING SERVICES	500.00
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City Attorney

344563	CONTINUING EDUCATION OF THE BAR	SOFTWARE UPDATE	190.65
344592	JACKSON LEWIS LLP	LEGAL SERVICES	7,864.91
344593	JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	307.31
344599	LEXISNEXIS	ONLINE LEGAL RESEARCH	76.50

City Manager

344677	EMERALD HPC INTERNATIONAL LLC	CONSULTING SERVICES	500.00
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City Clerk

344665	CONTRA COSTA COUNTY	ELECTION FEES	52,603.99
344676	EIDEN, KITTY J	MINUTES CLERK	266.00
344711	OFFICE MAX INC	OFFICE SUPPLIES	153.04

City Treasurer

344585	GARDA CL WEST INC	ARMORED CAR PICK UP	211.87
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Human Resources

344549	EMPLOYEE	EDUCATIONAL INCENTIVE	1,000.00
344567	CORTEZ, ANA E	EXPENSE REIMBURSEMENT	21.26
344581	FEDEX	SHIPPING	25.36
344673	E GROUP LLC, THE	PROFESSIONAL SERVICES	400.00
344679	EMPLOYEE	EMPLOYMENT RECOGNITION	200.00
344681	EMPLOYEE	EMPLOYMENT RECOGNITION	300.00
344710	OCCUPATIONAL HEALTH CENTERS	PREEMPLOYMENT MEDICAL	724.50

Economic Development

344607	MUNICIPAL RESOURCE GROUP LLC	CONSULTANT SERVICES	11,328.00
344653	BAY ALARM COMPANY	ALARM SERVICES	645.00
919341	BERNICK, MICHAEL	CONSULTING SERVICES	3,300.00

Finance Administration

344711	OFFICE MAX INC	OFFICE SUPPLIES	359.10
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Finance Operations

344630	TYLER TECHNOLOGIES	MONTHLY INSITE FEES	680.00
344632	UNITED STATES POSTAL SERVICE	PO BOX SERVICE FEE	580.00
344649	BANK OF AMERICA	SYSTEM UPGRADE	460.28
344711	OFFICE MAX INC	OFFICE SUPPLIES	31.76

Prepared by: Georgina Meek
 Finance Accounting

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344741 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	2.00
Non Departmental		
344619 PERS	NON ELIGIBLE ADMIN FEE	1,628.39
344639 ACE HARDWARE, ANTIOCH	BUS LIC OVERPAYMENT REFUND	869.86
344667 DAVID WELLHOUSE AND ASSOC INC	CLAIMS FILING	5,500.00
344720 RAINS LUCIA STERN PC	SETTLEMENT	4,042.00
Public Works Street Maintenance		
919353 3M AOSAFETY EYEWARE	SAFETY GLASSES-CARERA	184.87
Public Works-Signal/Street Lights		
344613 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	415.51
344640 AMERICAN GREENPOWER USA INC	LIGHTING MATERIALS	1,430.74
344743 WESCO RECEIVABLES CORP	SUPPLIES	1,877.05
919359 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	2,784.32
Public Works-Striping/Signing		
344579 FASTENAL CO	DRILL BITS	87.90
344590 INTERSTATE SALES	MARKING PAINT	3,045.81
344678 FASTENAL CO	BOLTS	22.89
344738 TRI AMERICAN INC	EQUIPMENT REPAIR	2,109.89
Public Works-Parks Maint		
344570 DELTA FENCE CO	FENCE REPAIR	1,227.00
344579 FASTENAL CO	SUPPLIES	44.06
344595 KAY PARK AND REC CORP	EQUIPMENT REPLACEMENT	1,337.02
344604 MIRACLE PLAY SYSTEMS INC	PLAYGROUND EQUIPMENT	749.15
344610 ORCHARD SUPPLY HARDWARE	SUPPLIES	20.37
344611 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	390.00
344636 WESCO RECEIVABLES CORP	FREIGHT CHARGE	108.80
344668 DELTA FENCE CO	FENCE REPAIR	572.00
344713 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	862.00
344731 SPECTRATURF INC	PLAYGROUND SUPPLIES	456.09
Public Works-Median/General Land		
344612 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	7,280.00
344714 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	5,824.00
Police Administration		
344584 GALLS INC	PEPPER SPRAY	251.40
344609 OFFICE MAX INC	OFFICE SUPPLIES	305.30
344615 PITNEY BOWES INC	RENTAL CHARGES	331.35
344618 PERS	PAYROLL DEDUCTIONS	109.53
344643 AMERICAN TROPHIES	AWARDS/BADGES	743.50
344647 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	175.00
344651 BANK OF AMERICA	TRAINING-KELLEY	143.73
344659 CGIA	TUITION- V JOHNSON	320.00
344661 COMCAST	CABLE	26.32
344662 CONCORD UNIFORMS LLC	VEST	3,296.16
344682 FUHRMANN, THOMAS J	PER DIEM 5/2-5/4	213.00
344683 FUHRMANN, THOMAS J	PER DIEM 5/29-5/31	213.00
344684 GALLS INC	EQUIPMENT	209.28

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344696 KRENZ, RONALD L	TRAVEL EXPENSE	37.50
344698 LAW OFFICES OF JONES AND MAYER	LEGAL FEES	57.00
344699 LC ACTION POLICE SUPPLY	SUPPLIES	1,311.18
344706 MC MANUS, ERIC A	TRAVEL EXPENSE	37.50
344708 NAACP	MEMBER DUES	150.00
344725 SBRPSTC	TUITION-KRENZ	790.00
344726 SBRPSTC	TUITION-MCMANUS	790.00
344729 SHERATON INN	LODGING 5/2-5/4-FUHRMANN	283.68
344730 SHERATON INN	LODGING 5/29-5/31-FUHRMANN	283.71
919347 HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	872.30
919351 MOBILE MINI LLC	STORAGE CONTAINERS	213.96
919353 3M AOSAFETY EYEWARE	SAFETY GLASSES-QUINTERO	383.42
919355 ARATA PRINTING	BUSINESS CARDS	651.01
Police Prisoner Custody		
344618 PERS	PAYROLL DEDUCTIONS	106.43
Police Community Policing		
202510 CITY OF ANTIOCH	EXPENSE REIMBURSEMENT	50.85
344591 INTOXIMETERS	DRY GAS	371.78
344618 PERS	PAYROLL DEDUCTIONS	2,087.58
344619 PERS	PAYROLL DEDUCTIONS	618.56
344680 RETIREE	PENSION PAYMENT	2,967.00
344689 HUNT AND SONS INC	FUEL	57.00
344707 MOORE K9 SERVICES	K9 TRAINING	500.00
344744 WHITE, RYAN K	DOG ALLOWANCE	300.00
344745 RETIREE	PENSION PAYMENT	4,999.00
Police Traffic Division		
344618 PERS	PAYROLL DEDUCTIONS	160.67
Police Investigations		
344618 PERS	PAYROLL DEDUCTIONS	289.94
344619 PERS	PAYROLL DEDUCTIONS	2,045.14
Police Special Operations Unit		
344618 PERS	PAYROLL DEDUCTIONS	150.54
Police Communications		
344609 OFFICE MAX INC	OFFICE SUPPLIES	65.42
344618 PERS	PAYROLL DEDUCTIONS	13.83
344642 AMERICAN TOWER CORPORATION	TOWER RENTAL	216.12
344648 AT AND T MOBILITY	HIGH SPEED WIRELESS	2,712.96
344715 PACIFIC TELEMAGEMENT SERVICES	LOBBY PAY PHONE	78.00
Office Of Emergency Management		
344609 OFFICE MAX INC	OFFICE SUPPLIES	60.74
Police Facilities Maintenance		
344688 HONEYWELL INTERNATIONAL INC	REPAIR SERVICE	543.36
919348 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	968.43
Community Development Land Planning Services		
344552 BAY AREA NEWS GROUP	LEGAL AD	478.93

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Community Development Neighborhood Improvement

344740 TURNAGE II, KEN ABATEMENT SERVICE 3,060.27

PW Engineer Land Development

344552 BAY AREA NEWS GROUP LEGAL AD 113.18

344649 BANK OF AMERICA RECRUITMENT AD 294.00

344650 BANK OF AMERICA ADVERTISING 281.00

Community Development Building Inspection

344544 AMS DOT NET INC SOFTWARE SUPPORT 17,373.60

344558 CALIFORNIA BUILDING OFFICIALS ANNUAL FEE 215.00

Capital Imp. Administration

202455 DS WATERS OF AMERICA WATER 26.79

Community Development Engineering Services

344609 OFFICE MAX INC OFFICE SUPPLIES 171.36

212 CDBG Fund

CDBG

344693 KENNEDY, JANET CONSULTING SERVICES 315.00

919346 HOUSE, TERI CONSULTING SERVICES 5,460.00

CDBG NSP

344693 KENNEDY, JANET CONSULTING SERVICES 2,205.00

213 Gas Tax Fund

Streets

344601 MARK THOMAS AND CO INC PROFESSIONAL SERVICES 4,482.00

344657 BNSF RAILWAY COMPANY INC FLAGGING 8,380.53

214 Animal Control Fund

Animal Control

344675 EAST HILLS VETERINARY HOSPITAL VETERINARY SERVICES 1,477.60

344687 HILLS PET NUTRITION ANIMAL FOOD 589.84

216 Park-In-Lieu Fund

Parks & Open Space

344597 LEATHERS AND ASSOCIATES CONSULTING SERVICES 7,000.00

219 Recreation Fund

Non Departmental

344553 BERGERHOUSE, ANN DEPOSIT REFUND 500.00

Recreation Classes/Prog

202673 NUNN, ANN CLASS REFUND 87.00

202674 SATTERFIELD, CARLA CLASS REFUND 87.00

202675 GARCIA, CHYREL CLASS REFUND 56.00

202676 GREEN, CARIE CLASS REFUND 56.00

202677 ELLIOTT, JANINE CLASS REFUND 54.00

202678 LUNA, MIGUEL ADAN CLASS REFUND 54.00

202679 MOORE, SHEENA CLASS REFUND 48.00

202680 JAKABCIN, KATHY CLASS REFUND 48.00

202681 REHANA, STEPHANIE CLASS REFUND 48.00

202682 FARR, JANET CLASS REFUND 54.00

202683 GOMES, MARIA CLASS REFUND 53.00

202684 COLLINS, NANCY CLASS REFUND 56.00

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 Finance Accounting

4/18/2013

CITY OF ANTIOCH
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202685 DOBLER, RUTH	CLASS REFUND	24.00
202686 MARTINEZ, FELICA	CLASS REFUND	72.00
202687 ORANSKY, LINDA	CLASS REFUND	52.00
202688 RIOS, MARYROSE	CLASS REFUND	98.00
202689 ALESNA, RICHARD	CLASS REFUND	24.00
344574 DUGAND, KARINA	CONTRACTOR PAYMENT	739.20
344577 EL CAMPANIL THEATRE PRESERVATION	THEATRE RENTAL	500.00
344594 JUMP BUNCH	CONTRACTOR PAYMENT	403.20
344605 MUIR, ROXANNE	CONTRACTOR PAYMENT	201.60
344666 COSTCO	SUPPLIES	55.30
Recreation Camps		
344666 COSTCO	SUPPLIES	74.82
Recreation Sports Programs		
344543 AINOR SIGNS	EQUIPMENT REPAIR	902.50
344637 WILKINS, BLAIR	REGISTRATION REFUND	900.00
344711 OFFICE MAX INC	OFFICE SUPPLIES	154.70
Recreation Special Needs		
202683 GOMES, MARIA	CLASS REFUND	10.00
Recreation Concessions		
344666 COSTCO	SUPPLIES	367.00
Recreation-New Comm Cntr		
344547 AT AND T MCI	PHONE	63.41
344550 AUTOMATIC DOOR SYSTEMS INC	DOOR REPAIR	588.00
344562 COMCAST	CONNECTION SERVICES	1,586.93
344613 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	6,063.93
344654 BAY BUILDING MAINTENANCE INC	JANITORIAL SERVICE	995.00
344666 COSTCO	SUPPLIES	51.77
344703 MARLIES CLEANING SERVICE	CLEANING SERVICES	270.00
919358 HAMMONS SUPPLY COMPANY	SUPPLIES	636.56
220 Traffic Signalization Fund		
Traffic Signals		
344626 STEINY & COMPANY	TRAFFIC SIGNAL PROJECT	180,900.43
221 Asset Forfeiture Fund		
Non Departmental		
344700 LEXIPOL LLC	SUBSCRIPTION	2,925.00
Asset Forfeiture		
344700 LEXIPOL LLC	SUBSCRIPTION	975.00
344746 N P MARTIN DEL CAMPO MARTINEZ	ASSET FORFEITURE	487.14
222 Measure C Fund		
Streets		
344580 FEDERAL ADVOCATES INC	ADVOCACY SERVICES	5,000.00
229 Pollution Elimination Fund		
Channel Maintenance Operation		
344544 AMS DOT NET INC	SOFTWARE SUPPORT	17,373.60
344620 RMC WATER AND ENVIRONMENT	PROFESSIONAL SERVICES	4,110.00
344638 ACE HARDWARE, ANTIOCH	SUPPLIES	31.23

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344711 OFFICE MAX INC	OFFICE SUPPLIES	44.03
Storm Drain Administration		
344694 KIDS FOR THE BAY	TRAINING SHARED COST	4,000.00
238 PEG Franchise Fee Fund		
Non Departmental		
344672 DSAN CORPORATION	EQUIPMENT	1,437.00
251 Lone Tree SLLMD Fund		
Lonetree Maintenance Zone 3		
344613 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	47.41
Lonetree Maintenance Zone 4		
344608 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	825.00
344611 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	1,765.00
253 Almondridge SLLMD Fund		
Almondridge Maintenance		
344608 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	1,175.00
344627 STEWARTS TREE SERVICE	TREE SERVICE	550.00
254 Hillcrest SLLMD Fund		
Hillcrest Maintenance Zone 2		
344612 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,420.00
344714 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,936.00
Hillcrest Maintenance Zone 4		
344627 STEWARTS TREE SERVICE	TREE SERVICE	1,300.00
255 Park 1A Maintenance District Fund		
Park 1A Maintenance District		
344600 M AND L OVERHEAD DOORS	GATE REPAIR	1,325.13
344613 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	38.28
256 Citywide 2A Maintenance District Fund		
Citywide 2A Maintenance Zone 10		
344608 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	745.00
257 SLLMD Administration Fund		
SLLMD Administration		
344610 ORCHARD SUPPLY HARDWARE	TOOLS	32.53
344638 ACE HARDWARE, ANTIOCH	SUPPLIES	169.51
259 East Lone Tree SLLMD Fund		
Zone 1-District 10		
344608 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	1,200.00
344613 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	11.58
311 Capital Improvement Fund		
Measure WW		
919349 KARSTE CONSULTING INC	CONSULTING SERVICES	840.00
Public Buildings & Facilities		
344614 PARSONS BRINCKERHOFF INC	PROFESSIONAL SERVICES	1,630.36
344616 PLATINUM PIPELINE INC	MARKLEY CREEK CULVERT	50,113.74
919349 KARSTE CONSULTING INC	CONSULTING SERVICES	3,120.00

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312 Prewett Family Park Fund		
Parks & Open Space		
344695 KNORR SYSTEMS INC	EQUIPMENT	19,791.55
376 Lone Diamond Fund		
Assessment District		
344620 RMC WATER AND ENVIRONMENT	PROFESSIONAL SERVICES	27,159.45
570 Equipment Maintenance Fund		
Non Departmental		
344589 HUNT AND SONS INC	FUEL	4,068.72
344689 HUNT AND SONS INC	FUEL	7,492.59
Equipment Maintenance		
344541 ACE HARDWARE, ANTIOCH	SAFETY CHAIN	27.30
344546 ANTIOCH AUTO PARTS	AUTO PARTS STOCK	428.78
344551 BANK OF AMERICA	SUPPLIES	123.68
344554 BILL BRANDT FORD	REAR AXLE	25.67
344560 CHUCKS BRAKE & WHEEL SERVICE	BATTERIES	1,437.64
344566 CONTROLLED ENVIRONMENTAL SVCS	PUMP REPLACEMENT	850.00
344623 ROYAL BRASS INC	HOSE ASSEMBLY	383.99
344628 SUPERIOR AUTO PARTS	FUEL FILTER	11.86
344635 WALNUT CREEK FORD	REAR AXLE	363.59
344644 ANTIOCH AUTO PARTS	AUTO PARTS STOCK	798.72
344646 ANTIOCH GLASS	WINDSHIELD REPLACEMENT	206.96
344670 DELTA TRUCK CENTER	VEHICLE SERVICE	204.64
344674 EAST BAY WELDING SUPPLY	WELDING SUPPLIES	117.40
344685 GOLDEN GATE TRUCK CENTER	VEHICLE REPAIR	216.65
344705 MB COMPANIES INC	THROTTLE CABLE	179.03
344718 PETERSON	HOSE CLIPS	167.87
344722 RESPONSIVE COMMUNICATION SVCS	REPAIR SERVICES	3,261.95
344727 SCOTTOS AUTO BODY INC	BODY SHOP SERVICES	300.00
344737 TRED SHED, THE	TIRES	1,626.33
344741 UNITED PARCEL SERVICE	SHIPPING	28.25
919342 ECONOMY AUTO PAINTING & BODYWORK	BODY SHOP SERVICES	827.30
919350 KIMBALL MIDWEST	SUPPLIES	2,016.02
919356 ECONOMY AUTO PAINTING & BODYWORK	VEHICLE PAINT	827.30
573 Information Services Fund		
Non Departmental		
344586 GIS PLANNING INC	WEBSITE HOSTING	1,666.32
344649 BANK OF AMERICA	EE COMPUTER PURCHASE	5,390.22
Information Services		
344634 VERIZON WIRELESS	AIR CARD	35.11
344652 BARTON, T ALAN	EXPENSE REIMBURSEMENT	15.00
Network Support & PCs		
344561 COMCAST	ISP SERVICE	78.29
344562 COMCAST	CONNECTION SERVICES	1,036.20
344572 DIGITAL SERVICES	WEBSITE MAINTENANCE	2,535.00

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Telephone System

202256 AMERICAN MESSAGING	PAGER	39.10
344547 AT AND T MCI	PHONE	183.52
344548 AT AND T MCI	PHONE	67.87

GIS Support Services

344559 CALIF SURVEYING & DRAFTING SUPPLY	MEDIA PAPER	435.36
344586 GIS PLANNING INC	WEBSITE HOSTING	3,332.68
344618 PERS	PAYROLL DEDUCTIONS	17.88
344711 OFFICE MAX INC	OFFICE SUPPLIES	7.56

Office Equipment Replacement

344544 AMS DOT NET INC	SOFTWARE SUPPORT	7,872.75
344686 HEWLETT PACKARD COMPANY	SERVER	5,202.39

577 Post Retirement Medical-Police Fund

Non Departmental

344619 PERS	MEDICAL AFTER RETIREMENT	3,299.18
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578 Post Retirement Medical-Misc Fund

Non Departmental

344619 PERS	MEDICAL AFTER RETIREMENT	5,386.60
344691 RETIREE	MEDICAL AFTER RETIREMENT	958.76

579 Post Retirement Medical-Mgmt Fund

Non Departmental

344619 PERS	MEDICAL AFTER RETIREMENT	9,125.75
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580 Loss Control Fund

Human Resources

344567 CORTEZ, ANA E	EXPENSE REIMBURSEMENT	36.48
344690 IEDA INC	PROFESSIONAL SERVICES	3,884.46

611 Water Fund

Non Departmental

344579 FASTENAL CO	SUPPLIES	817.76
344609 OFFICE MAX INC	OFFICE SUPPLIES	1,975.47
344636 WESCO RECEIVABLES CORP	FREIGHT CHARGE	168.29
344641 AMERICAN TEXTILE AND SUPPLY INC	SUPPLIES	755.04
344644 ANTIOCH AUTO PARTS	SUPPLIES	1,699.11
344656 BISHOP CO	SUPPLIES	1,404.15
919357 GRAINGER INC	SUPPLIES	151.77

Water Production

344541 ACE HARDWARE, ANTIOCH	SUPPLIES	7.29
344545 ANIMAL DAMAGE MANAGEMENT	ANIMAL CONTROL SERVICES	125.00
344547 AT AND T MCI	PHONE	126.84
344582 FERGUSON ENTERPRISES INC	GASKET SHEET	166.77
344583 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	972.10
344602 MATAMOROS WELDING CO	WELDING SERVICE	3,879.48
344610 ORCHARD SUPPLY HARDWARE	PVC FITTINGS	25.12
344624 SHUTE MIHALY AND WEINBERGER LLP	LEGAL SERVICES	909.00
344625 SPAULDING, ANN B	CONSULTING SERVICES	3,603.86
344633 UNIVAR USA INC	CAUSTIC	12,515.07

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 Finance Accounting

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344638	ACE HARDWARE, ANTIOCH	NOZZLES	11.10
344655	BERENDSEN FLUID POWER	REPAIR KITS	830.95
344669	DELTA GRINDING CO INC	EQUIPMENT RENTAL	2,625.00
344678	FASTENAL CO	SUPPLIES	73.45
344692	KARL NEEDHAM ENTERPRISES INC	RENTAL EQUIPMENT	44,611.28
344697	L SERPA TRUCKING INC	TRUCK RENTAL	3,157.00
344702	M AND L OVERHEAD DOORS	VEHICLE SERVICE	752.69
344704	MATAMOROS WELDING CO	WELDING SERVICE	2,200.00
344721	REINHOLDT ENGINEERING CONSTR	INSPECTION	830.00
344728	SECO CONTROLS LLC	FILTER DISPLAY	1,382.47
919340	AIRGAS SPECIALTY PRODUCTS	AMMONIA	1,199.35
919343	EUROFINS EATON ANALYTICAL INC	SAMPLE TESTING	900.00
919344	GENERAL CHEMICAL CORP	ALUM	8,543.31
919345	GRAINGER INC	GASKET SET	72.27
919352	VINCENT ELECTRIC MOTOR CO	MOTORS	5,087.06
919361	NTU TECHNOLOGIES INC	POLYMER	2,700.00
Water Distribution			
344544	AMS DOT NET INC	SOFTWARE SUPPORT	17,373.59
344621	ROBERTS AND BRUNE CO	SUPPLIES	399.06
344701	LONE TREE TRUCKING INC	SAND	1,728.75
344711	OFFICE MAX INC	OFFICE SUPPLIES	132.85
919349	KARSTE CONSULTING INC	CONSULTING SERVICES	960.00
Public Buildings & Facilities			
344556	BROWN AND CALDWELL INC	CONSULTING SERVICES	4,309.44
344568	CSI SERVICES INC	COATING INSPECTION	20,552.75
344587	HDR ENGINEERING INC	CONSULTING SERVICES	17,329.23
344613	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	64.32
Warehouse & Central Stores			
344741	UNITED PARCEL SERVICE	CONSULTING SERVICES	2.00
621 Sewer Fund			
Sewer-Wastewater Collection			
344541	ACE HARDWARE, ANTIOCH	SUPPLIES	12.88
344544	AMS DOT NET INC	SOFTWARE SUPPORT	17,373.59
344555	BLUE SHIELD LIFE	PAYROLL DEDUCTIONS	8.90
344579	FASTENAL CO	SUPPLIES	30.65
344606	MUNICIPAL POOLING AUTHORITY	TRAINING	50.00
344619	PERS	PAYROLL DEDUCTIONS	613.12
344645	ANTIOCH BUILDING MATERIALS	ASPHALT	206.83
344678	FASTENAL CO	SUPPLIES	470.87
344701	LONE TREE TRUCKING INC	SAND	1,728.75
344711	OFFICE MAX INC	OFFICE SUPPLIES	7.95
344723	ROOTX	CHEMICALS	1,590.83
919354	3T EQUIPMENT COMPANY	CAMERA REPAIR	186.53
919357	GRAINGER INC	SUPPLIES	703.43

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 APRIL 4 - 17, 2013
 FUND/CHECK#

631 Marina Fund

Marina Administration

202592 DEPARTMENT OF MOTOR VEHICLES	APPLICATION FEE	8.00
202593 ULINE	SUPPLIES	88.26
202594 UNITED STATES POSTAL SERVICE	POSTAGE	6.11
919358 HAMMONS SUPPLY COMPANY	SUPPLIES	189.86

Marina Maintenance

344579 FASTENAL CO	BOLTS	6.15
344608 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	890.00
344617 PORT SUPPLY	SUPPLIES	170.71
344671 DOGGIE WALK BAGS INC	DOG WALK BAGS	286.77

Major Projects

344629 TRANSYSTEMS CORPORATION	CONSULTING SERVICES	329.65
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641 Prewett Water Park Fund

Non Departmental

344588 HUB INTERNATIONAL OF CA INSURANCE	INSURANCE PREMIUMS	377.94
344622 ROCHA, LETTIE	DEPOSIT REFUND	500.00

Recreation Aquatics

344654 BAY BUILDING MAINTENANCE INC	JANITORIAL SERVICE	500.00
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Recreation Water Park

344575 EAST BAY WELDING SUPPLY	HELIUM TANK RENTAL	114.00
344598 LESLIES POOL SUPPLIES	POOL SUPPLIES	25.09
344603 MD SOLUTIONS INTERNATIONAL	AED RENEWAL	250.00
344631 UNITED STATES POSTAL SERVICE	BROCHURE PERMIT	200.00
344658 CANVAS FACTORY	CANVAS COVERS	776.00
344695 KNORR SYSTEMS INC	CHEMICALS	870.93
344709 NEW PIG CORPORATION	EQUIPMENT	70.69
344724 ROYAL WHOLESALE ELECTRIC	LIGHTING	1,364.68

Recreation Community Cnter

344596 KELLY MOORE PAINT CO	SUPPLIES	44.94
344654 BAY BUILDING MAINTENANCE INC	JANITORIAL SERVICE	250.00
344719 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	158.83

Rec Prewett Concessions

919357 GRAINGER INC	SUPPLIES	152.49
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721 Employee Benefits Fund

Non Departmental

344542 AFLAC	PAYROLL DEDUCTIONS	7,821.54
344555 BLUE SHIELD LIFE	PAYROLL DEDUCTIONS	1,990.46
344569 DELTA DENTAL	PAYROLL DEDUCTIONS	26,326.05
344618 PERS	PAYROLL DEDUCTIONS	281,399.16
344619 PERS	PAYROLL DEDUCTIONS	274,847.27
344663 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
344664 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
344712 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	1,221.58
344716 PARS	PAYROLL DEDUCTIONS	2,539.79
344717 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	97.27

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 APRIL 4 - 17, 2013
 FUND/CHECK#

344732	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
344733	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	100.00
344734	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	214.00
344735	STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
344736	TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
344739	RECIPIENT	PAYROLL DEDUCTIONS	112.15
344742	US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	265.57
919360	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	20,339.10
919362	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,334.13



STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF APRIL 23, 2013

SUBMITTED BY: Donna Conley, City Treasurer *DC*
DATE: April 17, 2013
SUBJECT: Treasurer's Report: MARCH 2013

:

RECOMMENDATION: Review and file.

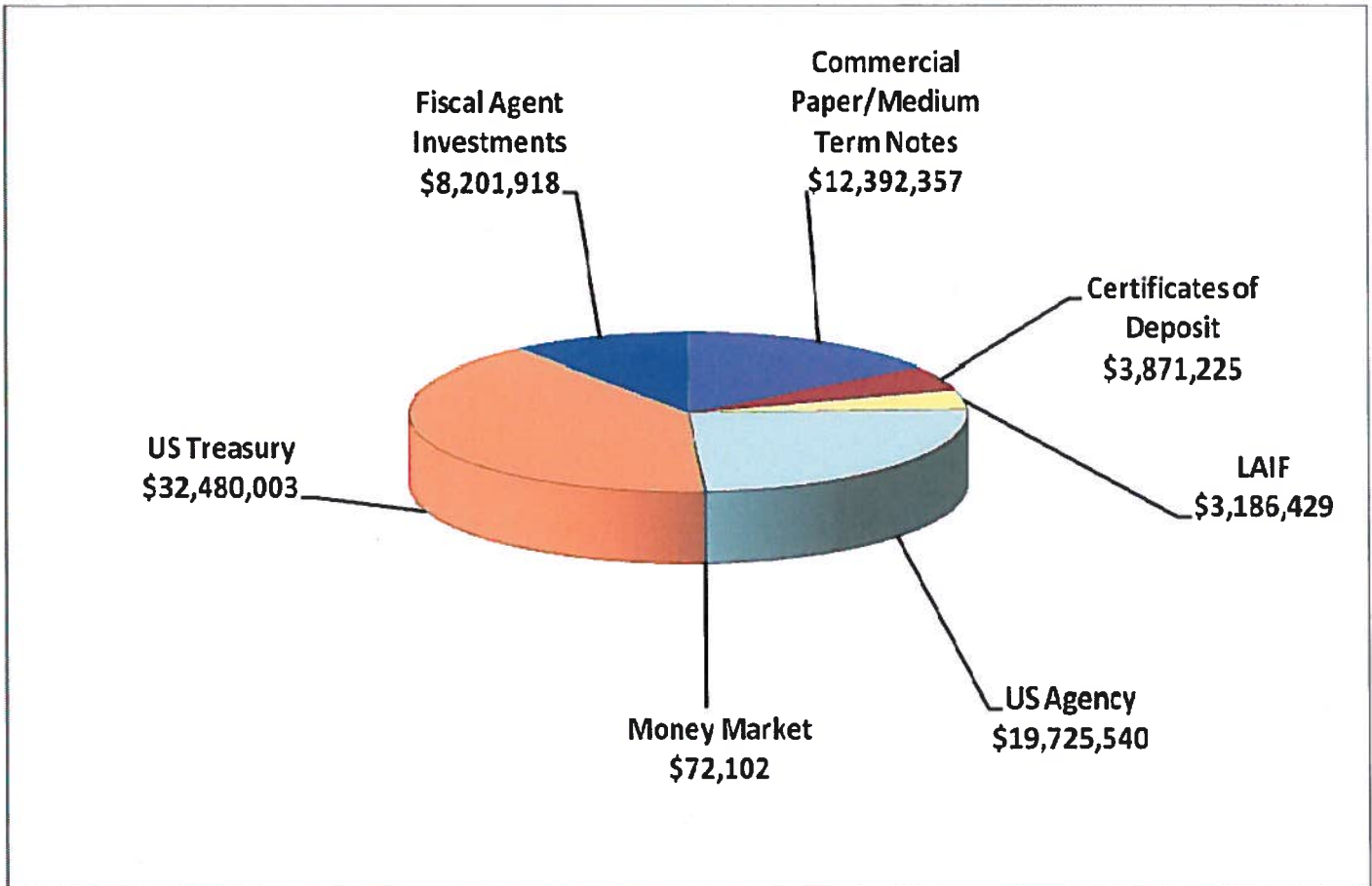
BACKGROUND: City of Antioch's portfolio as of March 2013 is in Compliance with The City's current Investment Policy. Based on the Portfolio as of March 2013 the City of Antioch is able to meet its expenditure requirements for the next six months.

C

4-23-2013

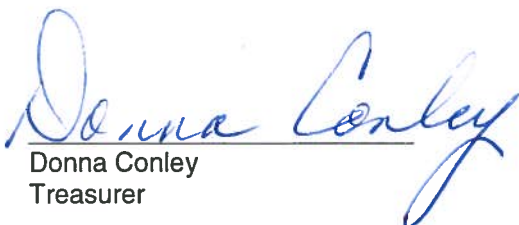
**CITY OF ANTIOCH
SUMMARY REPORT ON THE CITY'S INVESTMENTS**

MARCH 31, 2013



Total of City and Fiscal Agent Investments = \$79,929,574

All City investments are shown above and conform to the City Investment Policy. All investment transactions during this period are included in this report. As Treasurer of the City of Antioch and Finance Director of the City of Antioch, we hereby certify that sufficient investment liquidity and anticipated revenue are available to meet the next six (6) months' estimated expenditures.


Donna Conley
Treasurer


Dawn Merchant
Finance Director

**Summary of Fiscal Agent Balances by
Debt Issue**

	<u>Amount</u>
Antioch Public Financing Authority 2003 Water Revenue Bonds	1,312,164
Antioch Public Financing Authority 2002 Lease Revenue Bonds	285,527
Antioch Public Financing Authority 1998 Reassessment Revenue Bonds	5,942,624
Antioch Development Agency 2009 Tax Allocation Bonds	146,040
Antioch Development Agency 2000 Tax Allocation Bonds	83,028
ABAG Lease Revenue Bonds	<u>432,536</u>
	<u><u>\$8,201,918</u></u>



CITY OF ANTIOCH, CA - 04380500

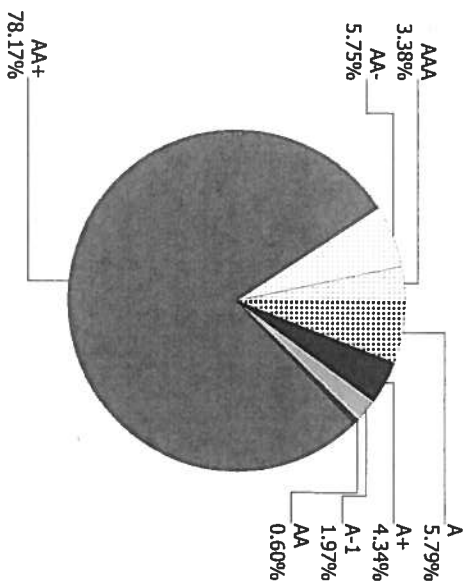
Managed Account Issuer Summary

For the Month Ending March 31, 2013

Issuer Summary

Issuer	Market Value of Holdings	Percent
BANK OF NEW YORK	1,445,654.00	2.11
BANK OF NOVA SCOTIA	1,349,740.80	1.97
BERKSHIRE HATHAWAY INC	858,136.20	1.25
CA ST DEPT OF WATER REV BONDS	501,185.00	0.73
CATERPILLAR INC	252,855.75	0.37
DEERE & COMPANY	454,140.00	0.66
FANNIE MAE	7,838,461.63	11.45
FEDERAL HOME LOAN BANKS	3,030,342.00	4.42
FREDDIE MAC	7,060,951.21	10.31
GENERAL ELECTRIC CO	2,220,166.37	3.24
IBM CORP	1,129,065.71	1.65
JOHNSON & JOHNSON	1,010,070.00	1.47
JP MORGAN CHASE & CO	2,707,834.41	3.95
MET WATER DISTRICT OF SOUTHERN CA	801,068.75	1.17
PROCTER & GAMBLE CO	502,753.00	0.73
STANDARD CHARTERED BANK	999,950.00	1.46
STATE OF CALIFORNIA	551,221.00	0.80
UNITED STATES TREASURY	32,541,704.94	47.52
WAL-MART STORES INC	410,464.67	0.60
WELLS FARGO & COMPANY	1,524,784.50	2.23
WESTPAC BANKING CORP NY	1,310,228.40	1.91
Total	\$68,500,778.34	100.00%

Credit Quality (S&P Ratings)



PFM Asset Management LLC



CITY OF ANTIPOGH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending March 31, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
US TREASURY NOTES	DTD 03/02/2009 1.875% 02/28/2014	912828KF6	1,000,000.00	AA+	Aaa	04/30/12	05/01/12	1,029,335.94	0.27	1,630.43	1,014,642.37	1,015,585.94
US TREASURY NOTES	DTD 03/31/2009 1.750% 03/31/2014	912828KJ8	3,000,000.00	AA+	Aaa	10/27/11	10/31/11	3,098,085.94	0.39	143.44	3,040,612.17	3,046,992.00
US TREASURY NOTES	DTD 05/16/2011 1.000% 05/15/2014	912828QM5	3,750,000.00	AA+	Aaa	03/27/12	03/29/12	3,799,511.72	0.38	14,191.99	3,776,130.30	3,784,132.50
US TREASURY NOTES	DTD 07/15/2011 0.625% 07/15/2014	912828OU7	575,000.00	AA+	Aaa	11/02/11	11/07/11	579,492.19	0.33	754.49	577,161.35	578,122.25
US TREASURY NOTES	DTD 07/15/2011 0.625% 07/15/2014	912828OU7	2,825,000.00	AA+	Aaa	06/20/12	06/21/12	2,841,552.73	0.34	3,706.84	2,835,349.56	2,840,339.75
US TREASURY N/B	DTD 07/31/2012 0.125% 07/31/2014	912828TF7	250,000.00	AA+	Aaa	10/23/12	10/26/12	249,287.11	0.29	51.80	249,460.38	249,736.25
US TREASURY NOTES	DTD 09/15/2011 0.250% 09/15/2014	912828RG7	1,150,000.00	AA+	Aaa	10/12/11	10/14/11	1,140,701.17	0.53	132.81	1,145,353.20	1,150,584.20
US TREASURY NOTES	DTD 12/15/2011 0.250% 12/15/2014	912828RV4	1,200,000.00	AA+	Aaa	01/05/12	01/06/12	1,195,312.50	0.38	881.87	1,197,273.65	1,200,469.20
US TREASURY NOTES	DTD 02/15/2012 0.250% 02/15/2015	912828SE1	1,500,000.00	AA+	Aaa	02/22/12	02/27/12	1,492,207.03	0.43	466.16	1,495,062.36	1,499,941.41
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	1,500,000.00	AA+	Aaa	06/20/12	06/21/12	1,578,457.03	0.42	3,097.83	1,555,827.35	1,560,762.00
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	2,500,000.00	AA+	Aaa	04/30/12	05/01/12	2,639,453.13	0.39	5,163.04	2,594,388.13	2,601,270.00
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	170,000.00	AA+	Aaa	03/13/12	03/15/12	169,428.91	0.49	29.45	169,627.13	170,405.11
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	825,000.00	AA+	Aaa	06/27/12	06/28/12	824,355.47	0.40	142.92	824,535.69	826,965.98
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	325,000.00	AA+	Aaa	10/23/12	10/26/12	337,098.63	0.39	942.68	335,227.81	336,044.80



PFM Asset Management LLC



CITY OF ANTIPOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending March 31, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
US TREASURY NOTES	08/02/2010 1.750% 07/31/2015	912828NP1	465,000.00	AA+	Aaa	08/22/12	08/23/12	483,418.36	0.39	1,348.76	479,652.92	480,802.56
US TREASURY NOTES	08/02/2010 1.750% 07/31/2015	912828NP1	3,625,000.00	AA+	Aaa	09/06/12	09/10/12	3,772,832.03	0.33	10,514.50	3,744,570.55	3,748,192.00
US TREASURY NOTES	11/30/2010 1.375% 11/30/2015	912828PJ3	2,550,000.00	AA+	Aaa	11/29/12	12/05/12	2,627,595.70	0.35	11,751.72	2,619,280.31	2,620,522.80
US TREASURY NOTES	11/30/2010 1.375% 11/30/2015	912828PJ3	2,735,000.00	AA+	Aaa	11/01/12	11/05/12	2,815,981.64	0.40	12,604.29	2,805,388.92	2,810,639.16
US TREASURY N/B	05/02/2011 2.000% 04/30/2016	912828QF0	1,925,000.00	AA+	Aaa	03/27/13	03/28/13	2,020,798.83	0.38	16,165.75	2,020,458.65	2,020,197.03
Security Type Sub-Total			31,870,000.00					32,694,906.06	0.38	83,720.77	32,480,002.80	32,541,704.94

Municipal Bond / Note												
METRO WTR DIST AUTH, CA REV BONDS	06/28/2012 0.616% 07/01/2014	59266THP9	575,000.00	AAA	Aa1	06/21/12	06/28/12	575,000.00	0.62	885.50	575,000.00	575,569.25
METRO WTR DIST AUTH, CA REV BONDS	06/28/2012 0.943% 07/01/2015	59266THQ7	225,000.00	AAA	Aa1	06/21/12	06/28/12	225,000.00	0.94	530.44	225,000.00	225,499.50
CA ST DEPT OF WATER REV BONDS	09/27/2012 0.650% 12/01/2015	13066KX87	500,000.00	AAA	Aa1	09/19/12	09/27/12	500,000.00	0.65	1,083.33	500,000.00	501,185.00
CA ST TXBL GO BONDS	03/27/2013 1.050% 02/01/2016	13063BN73	550,000.00	A	A1	03/13/13	03/27/13	551,859.00	0.93	64.17	551,851.78	551,221.00
Security Type Sub-Total			1,850,000.00					1,851,859.00	0.76	2,563.44	1,851,851.78	1,853,474.75

Federal Agency Bond / Note												
FNMA NOTES	07/18/2011 0.875% 08/28/2014	313560BV8	575,000.00	AA+	Aaa	09/29/11	09/30/11	578,588.00	0.66	433.25	576,750.17	580,080.70
FHLMC NOTES	08/12/2011 0.500% 09/19/2014	31346ZY15	1,600,000.00	AA+	Aaa	09/20/11	09/21/11	1,597,863.68	0.55	266.67	1,598,949.34	1,605,936.00
Security Type Sub-Total			2,175,000.00					2,176,451.68	0.61	700.92	2,175,700.51	2,186,016.70



PFM Asset Management LLC



CITY OF ANTIOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending March 31, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
FREDDIE MAC GLOBAL NOTES	DTD 08/05/2011 0.750% 09/22/2014	3134GZWG3	910,000.00	AA+	Aaa	09/28/11	09/30/11	911,820.00	0.68	170.63	910,906.22	916,741.28
FREDDIE MAC GLOBAL NOTES	DTD 08/05/2011 0.750% 09/22/2014	3134GZWG3	2,450,000.00	AA+	Aaa	08/30/11	08/31/11	2,462,838.00	0.58	459.38	2,456,219.28	2,468,149.60
FHFB NOTES	DTD 11/08/2010 0.875% 12/12/2014	313371PC4	3,000,000.00	AA+	Aaa	01/19/12	01/19/12	3,028,170.00	0.55	7,947.92	3,016,556.55	3,030,342.00
FANNIE MAE GLOBAL NOTES	DTD 04/19/2012 0.500% 05/27/2015	3135GQKM4	1,380,000.00	AA+	Aaa	04/17/12	04/19/12	1,376,011.80	0.59	2,376.67	1,377,223.62	1,384,569.18
FNMA NOTES (CALLABLE)	DTD 08/07/2012 0.500% 08/07/2015	3135GONG4	3,400,000.00	AA+	Aaa	08/02/12	08/07/12	3,399,660.00	0.50	2,550.00	3,399,733.27	3,399,870.80
FREDDIE MAC GLOBAL NOTES	DTD 07/11/2012 0.500% 08/28/2015	3134G3ZAI	1,825,000.00	AA+	Aaa	07/30/12	07/31/12	1,827,129.78	0.46	785.76	1,826,673.32	1,829,885.53
FANNIE MAE GLOBAL NOTES	DTD 11/16/2012 0.375% 12/21/2015	3135GOSB0	1,675,000.00	AA+	Aaa	11/14/12	11/16/12	1,671,097.25	0.45	1,744.79	1,671,566.57	1,673,020.15
FANNIE MAE GLOBAL NOTES	DTD 02/15/2013 0.500% 03/30/2016	3135GQVA8	800,000.00	AA+	Aaa	02/14/13	02/15/13	799,088.00	0.54	11.11	799,124.51	800,920.80
FREDDIE MAC GLOBAL NOTES	DTD 03/07/2013 0.500% 05/13/2016	3137EAD09	240,000.00	AA+	Aaa	03/06/13	03/07/13	239,985.60	0.50	80.00	239,985.84	240,238.80
Security Type Sub-Total								17,892,252.11	0.54	16,826.18	17,873,688.69	17,929,754.84
Corporate Note												
WAL MART STORES INC. CORP NOTES	DTD 04/18/2011 1.625% 04/15/2014	931142DA8	405,000.00	AA	Aa2	04/11/11	04/18/11	403,906.50	1.72	3,034.69	404,613.89	410,464.67
IBM CORP GLOBAL NOTES	DTD 05/12/2011 1.250% 05/12/2014	459200GWS	815,000.00	AA-	Aa3	05/09/11	05/12/11	814,233.90	1.28	3,933.51	814,712.19	823,596.62
JOHNSON & JOHNSON GLOBAL NOTE	DTD 05/20/2011 1.200% 05/15/2014	478160AX2	1,000,000.00	AAA	Aaa	05/17/11	05/20/11	998,830.00	1.24	4,533.33	999,555.15	1,010,070.00
JP MORGAN CHASE & CO NOTES	DTD 05/18/2009 4.650% 06/01/2014	46625HHN3	1,010,000.00	A	A2	12/19/11	12/22/11	1,062,853.30	2.43	15,655.00	1,035,635.54	1,055,491.41



PFM Asset Management LLC



CITY OF ANTIOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending March 31, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note												
PROCTER & GAMBLE CO CORP NOTES DTD 08/15/2011 0.700% 08/15/2014	742718DU0	500,000.00	AA-	Aa3	08/10/11	08/15/11	497,945.00	0.84	447.22	499,053.76	502,753.00	
BERKSHIRE HATHAWAY INC (FLOATING) NOTES DTD 08/15/2011 0.990% 08/15/2014	084670BA5	850,000.00	AA+	Aa2	08/10/11	08/15/11	850,000.00	0.98	1,051.98	850,000.00	858,136.20	
GENERAL ELEC CAP CORP GLOBAL NOTES DTD 01/09/2012 2.150% 01/09/2015	36962G5M2	1,050,000.00	AA+	A1	05/23/12	05/29/12	1,061,434.50	1.72	5,142.08	1,057,819.92	1,076,755.05	
GENERAL ELEC CAP CORP GLOBAL NOTES DTD 01/09/2012 2.150% 01/09/2015	36962G5M2	1,115,000.00	AA+	A1	01/04/12	01/09/12	1,113,840.40	2.19	5,460.40	1,114,306.11	1,143,411.32	
IBM CORP GLOBAL NOTES DTD 02/06/2012 0.550% 02/06/2015	459200HB0	305,000.00	AA-	Aa3	02/01/12	02/06/12	303,508.55	0.72	256.28	304,077.97	305,469.09	
BANK OF NEW YORK MELLON (CALLABLE) NOTES DTD 02/21/2012 1.200% 02/20/2015	06406HCC1	375,000.00	A+	Aa3	02/13/12	02/21/12	374,658.75	1.23	512.50	374,783.80	379,245.00	
CATERPILLAR FIN CORP NOTES DTD 05/30/2012 1.100% 05/29/2015	14912L5D9	250,000.00	A	A2	05/22/12	05/30/12	249,920.00	1.11	931.94	249,942.04	252,855.75	
JOHN DEERE CAPITAL CORP GLOBAL NOTES DTD 06/29/2012 0.950% 06/29/2015	24422ERS0	450,000.00	A	A2	06/26/12	06/29/12	449,878.50	0.96	1,092.50	449,908.79	454,140.00	
WELLS FARGO & COMPANY DTD 06/27/2012 1.500% 07/01/2015	94974BFE5	750,000.00	A+	A2	03/26/13	03/28/13	762,978.08	0.73	2,812.50	762,930.61	762,392.25	
WELLS FARGO & COMPANY DTD 06/27/2012 1.500% 07/01/2015	94974BFE5	750,000.00	A+	A2	03/27/13	03/28/13	762,757.50	0.74	2,812.50	762,710.84	762,392.25	
JPMORGAN CHASE & CO GLOBAL NOTES DTD 10/18/2012 1.100% 10/15/2015	46623EIR1	1,650,000.00	A	A2	10/15/12	10/18/12	1,649,323.50	1.11	8,217.92	1,649,424.15	1,652,343.00	
BANK OF NEW YORK MELLON (CALLABLE) DTD 10/25/2012 0.700% 10/23/2015	06406HCD9	425,000.00	A+	Aa3	10/18/12	10/25/12	424,562.25	0.73	1,289.17	424,625.00	425,562.28	
BANK OF NEW YORK MELLON (CALLABLE) DTD 10/25/2012 0.700% 10/23/2015	06406HCD9	640,000.00	A+	Aa3	12/17/12	12/20/12	638,067.20	0.81	1,941.33	638,256.76	640,846.72	



PFM Asset Management LLC



CITY OF ANTIPOCH, CA - 04380500

Managed Account Detail of Securities Held

For the Month Ending March 31, 2013

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Certificate of Deposit												
WESTPAC BANKING CORP NY (FLOAT) CD	DTT 02/16/2012 1.242% 02/14/2014	96121TLT3	1,300,000.00	AA-	Aa2	02/14/12	02/16/12	1,300,000.00	1.47	2,063.27	1,300,000.00	1,310,228.40
STANDARD CHARTERED BK NY LT CD (FLOAT)	DTT 03/18/2013 0.360% 03/18/2014	85325BVS0	1,000,000.00	AA-	A1	03/18/13	03/18/13	1,000,000.00	0.37	140.00	1,000,000.00	999,950.00
BANK OF NOVA SCOTIA HOUS CERT DEPOS (FLT)	DTT 03/06/2013 0.540% 03/06/2015	06417FPL8	1,350,000.00	A-1	P-1	03/04/13	03/06/13	1,350,000.00	0.59	526.50	1,350,000.00	1,349,740.80
Security Type Sub-Total			3,650,000.00					3,650,000.00	0.84	2,729.77	3,650,000.00	3,659,919.20
Managed Account Sub-Total			67,565,000.00					68,507,715.10	0.62	164,965.01	68,247,899.79	68,500,778.34
Securities Sub-Total			\$67,565,000.00					\$68,507,715.10	0.63%	\$164,965.01	\$68,247,899.79	\$68,500,778.34
Accrued Interest										\$164,965.01		
Total Investments												\$68,665,743.35



PFM Asset Management LLC



CITY OF ANTIPOCH, CA - 04380500

Managed Account Security Transactions & Interest

For the Month Ending March 31, 2013

Transaction Type	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
BUY										
03/04/13	03/06/13	BANK OF NOVA SCOTIA HOUS CERT DEPOS (FLT)	06417FPL8	1,350,000.00	(1,350,000.00)	0.00	(1,350,000.00)			
		DTD 03/06/2013 0.540% 03/06/2015								
03/06/13	03/07/13	FREDDIE MAC GLOBAL NOTES	3137EADC9	240,000.00	(239,985.60)	0.00	(239,985.60)			
		DTD 03/07/2013 0.500% 05/13/2016								
03/13/13	03/27/13	CA ST TXBL GO BONDS	13063BN73	550,000.00	(551,859.00)	0.00	(551,859.00)			
		DTD 03/27/2013 1.050% 02/01/2016								
03/18/13	03/18/13	STANDARD CHARTERED BK NY LT CD (FLOAT)	85325BVS0	1,000,000.00	(1,000,000.00)	0.00	(1,000,000.00)			
		DTD 03/18/2013 0.360% 03/18/2014								
03/26/13	03/28/13	WELLS FARGO & COMPANY	94974BFE5	750,000.00	(762,978.08)	(2,718.75)	(765,696.83)			
		DTD 06/27/2012 1.500% 07/01/2015								
03/27/13	03/28/13	US TREASURY N/B	9128280F0	1,925,000.00	(2,020,798.83)	(15,740.33)	(2,036,539.16)			
		DTD 05/02/2011 2.000% 04/30/2016								
03/27/13	03/28/13	WELLS FARGO & COMPANY	94974BFE5	750,000.00	(762,757.50)	(2,718.75)	(765,476.25)			
		DTD 06/27/2012 1.500% 07/01/2015								
Transaction Type Sub-Total				6,565,000.00	(6,688,379.01)	(21,177.83)	(6,709,556.84)			
INTEREST										
03/01/13	03/01/13	MONEY MARKET FUND	MONEY0002	0.00	0.00	0.49	0.49			
		JOHN DEERE CAPITAL CORP NOTE	24422ERRA9	500,000.00	0.00	4,000.00	4,000.00			
		DTD 03/03/2011 1.600% 03/03/2014								
03/15/13	03/15/13	US TREASURY NOTES	912828SK7	825,000.00	0.00	1,546.88	1,546.88			
		DTD 03/15/2012 0.375% 03/15/2015								
03/15/13	03/15/13	US TREASURY NOTES	912828RG7	1,150,000.00	0.00	1,437.50	1,437.50			
		DTD 09/15/2011 0.250% 09/15/2014								
03/15/13	03/15/13	US TREASURY NOTES	912828SK7	170,000.00	0.00	318.75	318.75			
		DTD 03/15/2012 0.375% 03/15/2015								
03/19/13	03/19/13	FLMNC NOTES	3134G2Y15	1,600,000.00	0.00	4,000.00	4,000.00			
		DTD 08/12/2011 0.500% 09/19/2014								
03/22/13	03/22/13	FREDDIE MAC GLOBAL NOTES	3134G2WG3	2,450,000.00	0.00	9,187.50	9,187.50			
		DTD 08/05/2011 0.750% 09/22/2014								
03/22/13	03/22/13	FREDDIE MAC GLOBAL NOTES	3134G2WG3	910,000.00	0.00	3,412.50	3,412.50			
		DTD 08/05/2011 0.750% 09/22/2014								



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending March 31, 2013

CITY OF ANTIPOCH, CA - 04380500

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
INTEREST											
03/30/13	03/30/13		FANNIE MAE GLOBAL NOTES	3135G0VA8	800,000.00	0.00	500.00	500.00			
			DTD 02/15/2013 0.5000% 03/30/2016								
03/31/13	03/31/13		US TREASURY NOTES	912828KJ8	3,000,000.00	0.00	26,250.00	26,250.00			
			DTD 03/31/2009 1.7500% 03/31/2014								
Transaction Type Sub-Total					11,405,000.00	0.00	50,653.62	50,653.62			
MATURITY											
03/18/13	03/18/13		STANDARD CHARTERED BANK NY CERT DEPOS	85325BQV9	1,000,000.00	1,000,000.00	3,213.89	1,003,213.89	0.00	0.00	
			DTD 09/21/2012 0.6550% 03/18/2013								
Transaction Type Sub-Total					1,000,000.00	1,000,000.00	3,213.89	1,003,213.89	0.00	0.00	
SELL											
03/04/13	03/06/13		TOYOTA MOTOR CREDIT CORP COMM PAPER	89233GSH0	675,000.00	674,797.50	0.00	674,797.50	2,150.44	432.00	SPEC LOT
			- 0.0000% 05/17/2013								
03/04/13	03/06/13		STANDARD CHARTERED BANK NY CERT DEPOS	85325BQV9	650,000.00	650,101.71	1,948.19	652,049.90	101.71	101.71	SPEC LOT
			DTD 09/21/2012 0.6550% 03/18/2013								
03/06/13	03/07/13		US TREASURY NOTES	912828P53	240,000.00	251,268.75	464.09	251,732.84	150.00	466.81	SPEC LOT
			DTD 01/31/2011 2.0000% 01/31/2016								
03/20/13	03/27/13		US TREASURY NOTES	912828P53	60,000.00	62,777.34	182.32	62,959.66	(2.35)	127.95	SPEC LOT
			DTD 01/31/2011 2.0000% 01/31/2016								
03/20/13	03/27/13		US TREASURY NOTES	912828PJ3	450,000.00	462,304.69	1,988.84	464,293.53	(1,388.67)	16.04	SPEC LOT
			DTD 11/30/2010 1.3750% 11/30/2015								
03/27/13	03/28/13		US TREASURY NOTES	912828KF6	1,500,000.00	1,523,730.47	2,139.95	1,525,870.42	(20,273.43)	1,505.63	SPEC LOT
			DTD 03/02/2009 1.8750% 02/28/2014								
03/27/13	03/28/13		CATERPILLAR FINANCIAL SE CORP NOTE	14912L4T5	250,000.00	253,037.50	2,028.13	255,065.63	2,840.00	2,970.05	SPEC LOT
			DTD 04/01/2011 1.6500% 04/01/2014								
03/27/13	03/28/13		JOHN DEERE CAPITAL CORP NOTE	24422ERA9	500,000.00	505,670.00	555.56	506,225.56	6,165.00	5,826.09	SPEC LOT
			DTD 03/03/2011 1.6000% 03/03/2014								



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending **March 31, 2013**

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
SELL											
	03/27/13	03/28/13	CA ST REV BONDS DTD 08/23/2012 2.500% 06/20/2013	13063BB68	825,000.00	829,397.25	12,261.99	841,659.24	(9,636.00)	480.99	SPEC LOT
	03/27/13	03/28/13	CATERPILLAR FINANCIAL SE NOTES DTD 05/20/2011 1.375% 05/20/2014	14912L4V0	275,000.00	277,981.00	1,344.44	279,325.44	3,126.75	3,037.30	SPEC LOT
Transaction Type Sub-Total					5,425,000.00	5,491,066.21	22,913.51	5,513,979.72	(16,766.55)	14,964.57	
Managed Account Sub-Total						(197,312.80)	55,603.19	(141,709.61)	(16,766.55)	14,964.57	
Total Security Transactions						(\$197,312.80)	\$55,603.19	(\$141,709.61)	(\$16,766.55)	\$14,964.57	



PFM Asset Management LLC

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF APRIL 23, 2013**

FROM: Lynn Tracy Nerland, City Attorney

DATE: April 22, 2013

SUBJECT: *Amended Report: Rejection of Claims*

The staff report for Item 2F, "Rejection of Claims," is amended to recommend rejecting just the following two claims:

RECOMMENDATION:

Reject the listed claims:

1. Melinda Will 12/13-2080 (personal injury)
2. Ronda Huddleston 13/14-2096 (civil rights)

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

Prepared by: Tina Wehrmeister, Community Development Director *TW*

Date: April 15, 2013

Subject: Defer Fees Due at Building Permit Issuance for
Residential Development

RECOMMENDATION

It is recommended that the City Council adopt the resolution extending authorization to establish a fee deferral program.

DISCUSSION

At the March 28, 2013 special meeting, staff was directed to bring this item before City Council to extend the authorization to establish a fee deferral program. As of the date of this report no residential developers have made a request to defer fees; however, adoption of the proposed resolution will give staff authorization to enter into an agreement to defer fees if a request is made in the future.

The May 22, 2012 staff report is attached including a discussion of fiscal impacts.

OPTIONS

Do not approve extension of the fee deferral program.

ATTACHMENTS

A. May 22, 2012 City Council staff report

RESOLUTION NO. 2013/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH EXTENDING THE TEMPORARY DEFERRAL OF CERTAIN RESIDENTIAL DEVELOPMENT FEES AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO IMPLEMENT A FEE DEFERRAL PROGRAM AND EXECUTE NECESSARY DOCUMENTS WITH DEVELOPERS UPON DEFERRAL REQUEST

WHEREAS, Government Code §66000 et seq., authorizes local agencies to collect fees to mitigate impacts of new development on infrastructure; and

WHEREAS, the City Council has adopted ordinances and resolutions establishing and revising Development Fees required to be paid by new development; and

WHEREAS, Government Code §66007 allows for the deferral of Development Fees at a time other than building permit issuance; and

WHEREAS, Government Code §66007(c) authorizes agencies to require a contract or agreement for deferred fees, requires the agreement to be recorded and further states the recorded agreement shall constitute a lien against the benefiting property; and

WHEREAS, the City Council of the City of Antioch desires to encourage the construction of residential projects in the City and to promote economic development during the slowdown in the current housing market; and

WHEREAS, the City Council finds that approving and authorizing the temporary deferral of certain residential Development Fees and authorizing the City Manager or designees to implement a Residential Fee Deferral Program, including necessary documents, is in the best interest of the City by allowing for greater flexibility in the collection of fees for residential development; and

WHEREAS, the City Council adopted a resolution authorizing staff to enter into agreements to defer certain fees on May 22, 2012 and now seeks to extend the authorization.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby:

1. Approve and authorize the deferral of City residential Development Fees, specifically technology, energy, water, sewer, signalization, park, bridge assessment, green building, waste management and general plan maintenance fees in accordance with the terms of this resolution. Fees attributable to building inspections and pass through fees may not be deferred.

2. Authorize the City Manager or designee to implement a Residential Fee Deferral Program, pursuant to Government Code §66007(c) and to execute documents necessary to implement this Resolution.

3. The Residential Fee Deferral Program shall include the following requirements/provisions:
 - a. Program is available to production home developers with approved master building plans.
 - b. Fees may be deferred for the earlier of Certificate of Occupancy (final) or six months.
 - c. The maximum number of deferments shall be 10 (ten).
 - d. The Developer's Title Company shall be responsible for paperwork, recording and releasing liens.
 - e. Use of a Title Company that fails, or previously has failed, to record or release liens associated with this program or other City business may immediately disqualify the developer from the program.
 - f. A 1% administration fee shall be charged on deferred fees.
 - g. Development shall be in compliance with all conditions of approval and environmental mitigation and monitoring programs.
 - h. Developer shall have no unpaid balances due to the City for the project or any other project or purpose.
 - i. Developer shall be deemed to be low risk of non-payment of fees. If the City opts to conduct a risk assessment the following may be considered: foreclosure on any properties within the last four years, filed for bankruptcy within the past four years, outstanding civil judgments and pending litigation against the City.
 - j. Additional requirements may be added by the City Manager in order to implement City Council direction.
 - k. Program shall be effective for one year from the date of this Resolution unless extended by the City Council

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the City Council of the City of Antioch, at a regular meeting thereof, held on the 23rd day of April 2013 by the following vote:

AYES:

NOES:

ABSENT:

Arne Simonsen, City Clerk

ATTACHMENT "A"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF MAY 22, 2012

Prepared by: Tina Wehrmeister, Community Development Director *JW*
Date: May 17, 2012
Subject: Request to Defer Fees Due at Building Permit Issuance for Residential Development

RECOMMENDATION

It is recommended that the City Council consider the request and determine to:

- 1) Adopt the resolution directing staff to establish a fee deferral program; or
- 2) Deny the request by motion; or
- 3) Direct staff to obtain further information.

REQUEST

Kiper Development Company submitted a letter included as Attachment "A" requesting to defer certain fees due at Building Permit issuance. Kiper is developing the Blue Ridge subdivision, a portion of the former McBail Sand Creek Subdivision off of Canada Valley Road, north of the Lone Tree Way Lowe's store. A summary of the request is as follows:

- Fees would be deferred to the earlier of Certificate of Occupancy or six months.
- Fees directly attributable to inspections costs would not be deferred.
- Maximum deferrals shall be 10 residential permits at any one time.
- Program shall be in place for one year and subject to renewal.

Although not mentioned in the letter, the City would not be able to defer pass-through fees collected for outside agencies.

This request is made by Kiper Development Company; however, if approved by Council the program would be available to all production home builders.

ANAYSIS / FISCAL IMPACTS

Administration: Although the developer proposal states that title companies would administer the program this is somewhat misleading and City staff time will be required to initiate the program, create or review document templates, track deferrals, create an accounts receivable invoice and sign lien and lien release documents. In fact, title companies would be responsible for the least time intensive portion of the program. If the program is implemented, the City would want to have approval authority over the

5-22-12

A1

title company used. Given current staffing levels, approval of this program will impact employee work load and permit processing time lines.

Staff is suggesting a 1% administration fee on deferred fees. This 1% administration fee is consistent with administration fees the City collects on pass-through agreements such as with the East Contra Costa Regional Fee and Finance Authority and the Contra Costa Water District. If the program is approved by Council, staff would monitor time spent on administering the program and may request adjustment to the fee if necessary.

Budgetary Impacts: The proposed fee deferral program by definition postpones payment of fees; it does not propose to waive any fee. The deferred permit fees would be booked by Finance at time of Building Permit issuance and an accounts receivable invoice would be created. Therefore, even though the fees would be paid months after the permit is pulled there will not be a negative impact on budget projections.

A sample building permit for a 2,500 s.f. home has been created and is included as Attachment "B". The items highlighted in yellow are costs associated with building inspections and will not be deferred. The costs highlighted in blue are pass-through fees and will also not be deferred. For the example provided, a total of \$14,432.86 will be deferred and payment in the amount of \$18,836.43 will be required at time of permit issuance. Of the deferred fees, \$648.69 is General Fund revenue and \$13,784.17 is enterprise or other fund revenue.

The proposal states that the fee schedule in place at the time fees are actually paid will be applicable. However, this is not feasible as the accounts receivable invoice will be created at the time the building permit is issued.

Program Qualifications: If the Council decides to approve the fee deferral program, staff suggests the following qualifications for participation. These have been included in the resolution but can be revised, added to, or deleted by the motion.

- Compliance with all conditions of approval and environmental mitigation and monitoring programs.
- No unpaid balances due to the City for the project or any other project or purpose.
- Applicant deemed to be a low risk of non-payment of fees. If the City opts to conduct a risk assessment the following may be considered: foreclosure on any properties within the last four years, filed for bankruptcy within the past four years, outstanding civil judgments and pending litigation against the City.

Applicability: The request is for deferral of fees for production home developers. The City has and will continue to consider deferral of fees for commercial and industrial projects that are significant to the economic vitality of the City on a case by case basis.

Fee deferrals for all other permits are not recommended as the fee collection and agreement process would be more involved and the City does not currently have the capacity to administer such a program. In addition, other types of permits may not be

associated with a property that will immediately be offered for sale; therefore, collection of fees may be difficult and/or liens may not be paid for years which would negatively impact the budget.

OPTIONS

1. Do not approve a fee deferral program.
2. Adopt the resolution with amendments.
3. Provide additional direction to staff.

ATTACHMENTS

- A. Kiper Development letter dated January 18, 2012
- B. Sample residential building permit

RESOLUTION NO. 2012/36

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING AND AUTHORIZING THE TEMPORARY DEFERRAL OF CERTAIN RESIDENTIAL DEVELOPMENT FEES AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO IMPLEMENT A FEE DEFERRAL PROGRAM AND EXECUTE NECESSARY DOCUMENTS WITH DEVELOPERS UPON DEFERRAL REQUEST

WHEREAS, Government Code §66000 et seq., authorizes local agencies to collect fees to mitigate impacts of new development on infrastructure; and

WHEREAS, the City Council has adopted ordinances and resolutions establishing and revising Development Fees required to be paid by new development; and

WHEREAS, Government Code §66007 allows for the deferral of Development Fees at a time other than building permit issuance; and

WHEREAS, Government Code §66007(c) authorizes agencies to require a contract or agreement for deferred fees, requires the agreement to be recorded and further states the recorded agreement shall constitute a lien against the benefiting property; and

WHEREAS, the City Council of the City of Antioch desires to encourage the construction of residential projects in the City and to promote economic development during the slowdown in the current housing market; and

WHEREAS, the City Council finds that approving and authorizing the temporary deferral of certain residential Development Fees and authorizing the City Manager or designees to implement a Residential Fee Deferral Program, including necessary documents, is in the best interest of the City by allowing for greater flexibility in the collection of fees for residential development.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby:

1. Approve and authorize the deferral of City residential Development Fees, specifically technology, energy, water, sewer, signalization, park, bridge assessment, green building, waste management and general plan maintenance fees in accordance with the terms of this resolution. Fees attributable to building inspections and pass through fees may not be deferred.
2. Authorize the City Manager or designee to implement a Residential Fee Deferral Program, pursuant to Government Code §66007(c) and to execute documents necessary to implement this Resolution.

ATTACHMENT "A"



January 18, 2012



Mr. Jim Jakel
City Manager
CITY OF ANTIOCH
P.O. Box 5007
Antioch, CA 94531-5007

Dear Jim;

I respectfully request the City of Antioch consider the following request on behalf of BRL Group, LLC (BRL) and its builder, Kiper Development, Inc. (KIPER), for the express purpose of stimulating construction spending, job growth and the economic health of the City of Antioch.

BRL is the owner of 127 finished lots within the City of Antioch, better known as the "Blue Ridge" subdivision (Tract #8951),

KIPER is interested in building and selling new homes in the City of Antioch in the face of a challenging economy,

KIPER has an obligation to pay certain fees in full to the City of Antioch (and others) prior to the issuance of building permits

KIPER is seeking relief of said payment requirement and proposes the following arrangement:

- defer fees typically due at building permit to the earlier of Certificate of Occupancy or Six (6) months,
- the fees due at building permit directly attributable to building inspections shall not be deferred,
- maximum number of deferments shall be ten (10)
- for each lot (home) that deferred fees are paid in full the builder (project) shall be eligible for one additional deferment
- proposed deferment program shall be in place for one year and subject to renewal annually
- the fee schedule in place at the time fees are actually paid shall be the applicable fee schedule
- the administration of this program shall be the responsibility of KIPER's title company; First American Title Company

I trust this provides the city staff and council members sufficient information to provide the requested relief.

If you require additional information do not hesitate to contact me.

Sincerely,

Douglas Krah

AL
AT

ATTACHMENT "B"

Job Address
 Assessor's Parcel #
 Tract # Lot #
 Property Owner(s)
 Mailing Address
 Contractor
 Mailing Address
 License #
 Project Description
 SINGLE FAMILY DWELLING - PLAN

X
E1205-0002

Lender
 Mailing Address
 Architect/Engineer
 Mailing Address
 License #

Setbacks: Front 0 Rear 0 Left 0 Right 0

Living Sq. Ft. 2,500
 Garage Sq. Ft. 450
 Porch Sq. Ft. 50
 Total Value: \$282,842.50

170b	aa-Building Permit	\$2,180.40
163	ac-CBSC SBI473	\$12.00
720r	aq-SMIP Residential	\$28.28
1701	ac-Technology Fee	\$43.61
1703	ad-Energy Inspection Fee	\$43.61
170p	ad-Plumbing Permit	\$150.00
170m	ae-Mechanical Permit	\$150.00
170e	af-Electrical Permit	\$150.00
170i	ag-Insulation Permit	\$150.00
606	ah-Temp Const Water(New Res)	\$27.00
756	ak-TWC	\$1,121.38
612	ak-Water Cap - 1"	\$4,612.82
618	am-Gravity Flow Sewer	\$663.74
614	am-Sewer Con	\$2,166.67
608	an-Water Meter Installation	\$487.94
276	ao-Traffic Signalization	\$362.00
732	ap-Fire Protection	\$591.00
251	aq-Park acquisition fee	\$1,050.00
249	az-Community Park Improvement	\$4,130.00
306	be-Hillcrest Bridge	\$254.00
734	bg-CCWD	\$1,873.00
726b	bh-BCURPEA	\$9,430.37
85	bm-Green Building Residential	\$392.47
170w	bm-Waste Management Plan	\$30.00
173	bn-General Plan Maintenance	\$169.00

Total Fees \$33,269.29
Balance Due \$33,269.29

A7
 B+

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

Prepared By: Phil Hoffmeister, Administrative Analyst *PH*
Reviewed By: Tina Wehrmeister, Community Development Director *TW*
Approved By: Ron Bernal, Public Works Director/City Engineer *REB*
Date: April 2, 2013
Subject: Resolution Establishing the National Pollution Discharge Elimination System Rate per Equivalent Runoff Unit for FY 2013-14

RECOMMENDATION

It is recommended that the City Council adopt the resolution establishing a rate of twenty-five dollars (\$25) per equivalent runoff unit (ERU) for fiscal year (FY) 2013-14. That rate will generate the funds used to maintain storm water quality as mandated by the Clean Water Act.

BACKGROUND INFORMATION

At its March 9, 1993 meeting, the City Council adopted Resolution 93/49 authorizing the establishment of an annual parcel assessment for drainage maintenance and the National Pollution Discharge Elimination System (NPDES) program. That action set the fee for fiscal year 1993-94 at \$20 per ERU per year and established a maximum rate of \$25 per ERU per year. At its April 12, 1994 meeting, the Council concurred with budget revisions proposed by staff and reduced that fee for fiscal year 1994-95 to \$17 per ERU per year. By subsequent actions, City Council set the rate for fiscal years 1995-96 through 2001-02 at \$17 per ERU per year.

At the April 9, 2002 Council meeting, in preparation for permit revisions and increased costs by the State Water Resources Control Board, staff presented alternatives to raising the ERU from \$17 to the maximum of \$25 over a 3-year period to meet projected increased costs. Staff recommended raising the ERU to \$21 in 2002-03, and proposed increasing the fee per ERU to \$23 in 2003-04 and \$25 in 2004-05. Council approved those increases respectively. The City is required by May 1st to determine the cost to be assigned to the ERU for the forthcoming fiscal year. The resolution submitted with this report meets that condition.

With the many uncertainties of future regulations and the cost to implement and administer these mandates, it is difficult to provide completely accurate projections. However, based on the City's current NPDES permit requirements and financial data

and estimates for revenue and expenditures to meet those provisions, a revised zero fund balance could be realized by the end of FY 2015-16.

Any rate above the maximum of \$25 requires a Proposition 218 vote. According to the Central Valley Regional Water Quality Control Board (CVRWQCB), the City's storm water program is currently operating at an acceptable level.

OPTIONS

Options include setting the ERU rate from \$0 to \$25. Any rate set below \$25 per ERU will cause a reduction in Clean Water efforts planned under the upcoming budget. Based upon current estimates, setting the rate at \$25 per ERU this coming fiscal year would provide adequate funding to keep the fund balance from going to zero until approximately the end of FY 2015-16.

FINANCIAL IMPACT

The adoption of the NPDES rate of \$25 per ERU for FY 2013-14 will generate approximately \$1,100,000. The City of Antioch will receive approximately \$850,000 of that revenue to provide services and administer the NPDES program as mandated by the Clean Water Act. The remaining \$250,000 reflects the City's share of County Clean Water Program costs. Such costs are allocated over all participating agencies on a population basis.

ATTACHMENTS

None.

RESOLUTION NO. 2013/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ESTABLISHING THE RATE PER EQUIVALENT RUNOFF UNIT FOR FISCAL YEAR 2013/14 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM

WHEREAS, under the Federal Clean Water Act, prescribed discharges of storm water require a permit from the appropriate California Regional Water Quality Control Board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Antioch (CITY) did apply for, and did receive, a NPDES permit which requires the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, it is the intent of the CITY to utilize funds received from its Storm Water Utility Area (SUA) for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, at the request of the CITY, the Contra Costa County Flood Control & Water Conservation District (DISTRICT) has completed the process for formation of a SUA, including the adoption of the Storm Water Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs Payment agreement between CITY and DISTRICT requires the CITY, by May 1st, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Antioch does determine that the rate to be assigned to a single ERU for FY 2013/14 shall be set at twenty-five dollars (\$25.00).

BE IT FUTHER RESOLVED, that the City Council does hereby request the DISTRICT to adopt SUA levies based on said amount.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 23rd day of April, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, City Clerk

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

Prepared by: Ryan Graham, Deputy Director of Community Development 

Approved by: Ron Bernal, Public Works Director/City Engineer 

Date: April 17, 2013

Subject: Budget Amendment for Antioch Water Park Repairs and Safety Upgrades

RECOMMENDATION

It is recommended that the City Council authorize the Director of Finance to amend the 2012-2013 Park in Lieu Fund budget in the amount of \$500,000 of Community Park Funds for Antioch Water Park Repairs and Safety Upgrades.

BACKGROUND INFORMATION

On February 12, 2013 the City Council awarded the lowest bidder, Western Water Features the filter replacement and resurfacing project for \$666,000. \$337,727 of that project is funded by the Measure WW Park Bond Funds. Although always the intent, the budget amendment for the \$328,273 in Community Park Funds funding was inadvertently not included in that staff report. The approval of this item will correct that. The additional \$171,727 will complete safety upgrades and repairs to include cement stairs, pumps and controllers, and other OSHA requirements to ensure a safe and enjoyable Water Park. Those projects will be brought back to be awarded when applicable.

FINANCIAL IMPACT

This budget amendment will complete the budgetary adjustments for the awarded bid and repairs and do not include any General Fund monies.

OPTIONS

No other options are recommended at this time

ATTACHMENTS

A: February 12, 2013 – City Council Staff Report

ATTACHMENT "A"

STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF FEBRUARY 12, 2013

PREPARED BY: Ryan Graham, Deputy Director of Community Development and Recreation

REVIEWED BY: Ron Bernal, Public Works Director/City Engineer *REB*

DATE: February 6, 2013

SUBJECT: Consideration of Bids for the Prewett Family Water Park Filter Replacement and Resurfacing (P.W. 567-5)

RECOMMENDATION

It is recommended City Council award the project to the low bidder, Western Water Features, Inc., in the amount of \$666,000.00.

BACKGROUND INFORMATION

On February 6, 2013, four (4) bids were received and opened as shown on the attached tabulation. The low bid was submitted by Western Water Features, Inc. of El Dorado Hills in the amount of \$666,000.00. The bids have been checked and found to be without any errors or omissions.

FINANCIAL IMPACT

The 2012-2013 Capital Improvement Budget includes \$337,727 of Measure WW Park Bond Funds and \$328,273 of Community Park Funds for design, engineering and construction of this project. The Engineer's estimate for construction of this project was \$685,000.

OPTIONS

None considered at this time.

ATTACHMENTS

A: Tabulation of Bids

RG/tl

E
2-12-13

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ATTACHMENT "A"

CITY OF ANTIOCH TABULATION OF BIDS



JOB TITLE: Prewett Family Water Park Filter Replacement and Resurfacing
(P.W. 567-5)

BIDS OPENED: February 6, 2013 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	Western Water Features, Inc. El Dorado Hills	Waterworks Industries, Inc. Windsor	California Commercial Pools, Inc. Glendora	Tricon Construction, Inc. Rancho Cordova
TOTAL BID PRICE	\$685,000.00	\$666,000.00	\$765,000.00	\$769,000.00	\$792,280.00

<i>Western Water Features, Inc.</i>	<i>Waterworks Industries, Inc.</i>	<i>California Commercial Pools, Inc.</i>	<i>Tricon Construction, Inc.</i>
Plaster Burketts Pool Plastering	Plaster Burketts Pool Plastering Electrical Ultimate Electric	Plaster Adams Pool Solutions Electrical Eric Humphrey Electric Tile Adams Pool Solutions	Plaster Burketts Pool Plastering Demolition WC Maloney

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

PREPARED BY: Scott Buenting, Associate Engineer, Capital Improvements Division 
REVIEWED BY: Ron Bernal, Public Works Director/City Engineer 
DATE: April 16, 2013
SUBJECT: Consultant Service Agreement for Construction Management Services and Biological Monitoring with Parsons Brinckerhoff, Inc. for the Lone Tree Way Intersection Improvements, Deer Valley Road to Hillcrest Avenue (P.W. 555-12C)

RECOMMENDATION

It is recommended that Council authorize the Director of Finance to amend the 2012-2013 Capital Improvement Budget to include Measure 'J' funding in the amount of \$109,758 for this project and approve the Consultant Service Agreement with Parsons Brinckerhoff, Inc. to perform construction management services and biological monitoring for the Lone Tree Way Intersection Improvements, Deer Valley Road to Hillcrest Avenue for this same amount.

BACKGROUND INFORMATION

Parsons Brinckerhoff, Inc. has successfully performed construction management services for the City on various sensitive projects and is currently working in this capacity during the construction of the Wilbur Avenue Overhead Widening project. The Lone Tree Way Intersection Improvement project entails construction along the heavily travelled roadways of Lone Tree Way and Deer Valley Road with the majority of the work being performed in the vicinity of Deer Valley High School. A large portion of the work will take place in close proximity to an existing burrowing owl habitat along the eastern edge of Deer Valley Road, an area that requires intensive monitoring and inspection during construction. Staff has solicited a proposal from Parsons Brinckerhoff, Inc. to perform construction management service and biological monitoring for this traffic capacity enhancement project. It is recommended that Council approve the proposal submitted by Parsons Brinckerhoff, Inc. to perform these services at a cost not to exceed \$109,758.

FINANCIAL IMPACT

The total contract amount for this work is \$109,758. Additional Measure 'J'; Funding in this amount is requested to secure construction management services and biological monitoring during construction of this project.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Consultant Service Agreement

ATTACHMENT "A"

**CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF ANTIOCH AND PARSONS BRINCKERHOFF, INC.
FOR CONSTRUCTION MANAGEMENT SERVICES AND BIOLOGICAL MONITORING
FOR THE LONE TREE WAY INTERSECTION IMPROVEMENTS, DEER VALLEY ROAD TO HILLCREST
AVENUE PROJECT (P.W. 555-12C)**

THIS AGREEMENT for consulting services is made by and between the City of Antioch ("City") and Parsons Brinckerhoff, Inc. ("Consultant") as of April 24, 2013.

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 **Term of Services.** The term of this Agreement shall begin on the date first noted above and shall end on December 31, 2013, and Consultant shall complete the work described in Exhibit A prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.
- 1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant a sum not to exceed **\$109,758.00 (One hundred nine thousand, seven hundred fifty-eight dollars)**, notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth below. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:

- Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
- The beginning and ending dates of the billing period;
- A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
- At City's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services.
- The Consultant's signature.

2.2 Payment Schedule.

2.2.1 City shall make incremental payments, based on invoices received, according to the payment schedule attached as Exhibit B, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements of Section 2.1 to pay Consultant.

2.2.2 City shall pay the last 10% of the total sum due pursuant to this Agreement within sixty (60) days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.

2.3 Total Payment. City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

2.4 Hourly Fees. Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the following fee schedule: See Exhibit B.

2.5 Reimbursable Expenses. Reimbursable expenses are specified below, and shall not exceed (One hundred nine thousand, seven hundred fifty-eight dollars) (\$109,758.00). Expenses not listed below are not chargeable to City. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.

2.6 Payment of Taxes. Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

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2.7 Authorization to Perform Services. The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant, at its own cost and expense, shall procure "occurrence coverage" insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work by the Consultant and its agents, representatives, employees, and subcontractors. Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's proposal. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution.

4.1 Workers' Compensation. Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City and their officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If

a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) or Insurance Services Office form number GL 0002 (ed. 1/73) covering comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 ("any auto"). No endorsement shall be attached limiting the coverage.

4.2.3 Additional requirements. Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

- a. City and their officers, employees, agents, and volunteers shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City or their officers, employees, agents, or volunteers.
- b. The insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- c. An endorsement must state that coverage is primary insurance with respect to the City and their officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by the City shall be called upon to contribute to a loss under the coverage.
- d. Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
- e. An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- f. The policy must contain a cross liability or severability of interest clause.

4.3 Professional Liability Insurance. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals

performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) covering the licensed professionals' errors and omissions.

- 4.3.1 Any deductible or self-insured retention shall not exceed \$150,000 per claim.
- 4.3.2 An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- 4.3.3 The following provisions shall apply if the professional liability coverages are written on a claims-made form:
 - a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
 - b. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
 - c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The City shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.
 - d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

4.4 All Policies Requirements.

- 4.4.1 **Acceptability of insurers.** All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.
- 4.4.2 **Verification of coverage.** Prior to beginning any work under this Agreement, Consultant shall furnish City with certificates of insurance and with original endorsements effecting coverage. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.
- 4.4.3 **Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.
- 4.4.4 **Deductibles and Self-Insured Retentions.** Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement.

During the period covered by this Agreement, only upon the prior express written authorization of Contract Administrator, Consultant may increase such deductibles or self-

insured retentions with respect to City and their officers, employees, agents, and volunteers. The Contract Administrator may condition approval of an increase in deductible or self-insured retention levels with a requirement that Consultant procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

4.4.5 Notice of Reduction in Coverage. In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Consultant shall provide written notice to City at Consultant's earliest possible opportunity and in no case later than five days after Consultant is notified of the change in coverage.

4.5 Remedies. In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES

5.1. CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend (with counsel acceptable to the CITY) and hold harmless CITY, and its employees, officials, volunteers and agents ("Indemnified Parties") from and against any and all losses, claims, damages, costs and liability arising out of any personal injury, loss of life, damage to property, or any violation of any federal, state, or municipal law or ordinance, arising out of or resulting from the performance of this Agreement by CONSULTANT, its officers, employees, agents, volunteers, subcontractors or sub-consultants, excepting only liability arising from the sole negligence, active negligence or intentional misconduct of CITY.

5.2. In the event that Consultant or any employee, agent, sub-consultant or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, sub-consultants or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

5.3. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

5.4. By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration, and that these provisions survive the termination of this Agreement.

Section 6. STATUS OF CONSULTANT.

6.1 **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

6.2 **Consultant No Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.

7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

7.4 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.

7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply

with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

8.1 Termination. City may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement upon 30 days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

8.2 Extension. City may, in their sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

8.3 Amendments. The parties may amend this Agreement only by a writing signed by all the parties.

8.4 Assignment and Subcontracting. City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

8.5 Survival. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.

8.6 Options upon Breach by Consultant. If Consultant materially breaches any of the terms of this Agreement, City remedies shall include, but not be limited to, the following:

8.6.1 Immediately terminate the Agreement;

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- 8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement; and/or
- 8.6.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant in which case the City may charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.
- 9.2 **Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 9.3 **Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

- 10.1 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 10.2 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

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- 10.3 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.4 Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.5 Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.6 Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any official of City in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

- 10.7 Inconsistent Terms.** If the terms or provisions of this Agreement conflict with or are inconsistent with any term or provision of any attachment or Exhibit attached hereto, then the terms and provisions of this Agreement shall prevail.
- 10.8 Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.
- 10.9 Contract Administration.** This Agreement shall be administered by the Project Engineer ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.
- 10.10 Notices.** Any written notice to Consultant shall be sent to:

Bart Littell, Vice President
Parsons Brinckerhoff, Inc.
3260 Lone Tree Way, Suite 104
Antioch, CA 94509

Any written notice to City shall be sent to:

City Manager
City of Antioch
P. O. Box 5007
Antioch, CA 94531-5007

10.11 Integration. This Agreement, including the scope of work attached hereto and incorporated herein as Exhibit A, and all other attachments, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

CITY:

CONSULTANT:

CITY OF ANTIOCH

PARSONS BRINCKERHOFF, INC.

Jim Jakel, City Manager

Bart Littell, Vice President

Attest:

Arne Simonsen, City Clerk

Approved as to Form:

Lynn Tracy Nerland, City Attorney

All

EXHIBIT A
Parsons Brinckerhoff, Inc.
Scope of Services
Construction Management
Lone Tree Way Intersection Improvements
PW 555-12C

1. Act as construction project coordinator and the point of contact for communications and interaction with the contractor, City, designer, utility companies, and affected third parties.
2. Perform all applicable Resident Engineer functions as required by City Standard Plans/specifications, the project Special Provisions, and applicable sections of the Caltrans Construction Manual.
3. Perform field inspection activities, monitor contractor's performance verses requirements of applicable specifications, and contract drawings.
4. Participate in a partnering relationship to be developed between the City, affected local agencies and the contractor.
5. Conduct a pre-construction conference.
6. Review and monitor the construction schedule. Prepare weekly reports documenting the progress of construction. Take photographic recordings of the construction progress on a regular basis.
7. Schedule, coordinate field and laboratory testing services. Materials testing shall conform to the requirements and frequencies as defined in the Caltrans Construction Manual and the Caltrans Materials Testing Manuals. Sampling/testing to be performed by others.
8. Evaluate, negotiate, recommend, and prepare change orders.
9. Process submittals and monitor design consultant review activities.
10. Prepare and recommend progress payments.
11. Identify potential claims and make recommendations to resolve said claims.
12. Perform construction administrative activities, including correspondence and document control.

13. Oversee the design clarification process.
14. Review Contractors detours and staging plans.
15. Prepare "Red-Line" Record Drawings in accordance with the Caltrans Construction Manual.
Provide Red-Line Record Drawings to City for preparing CADD files.
16. Provide final inspections services and project closeout activities, including preparation of the final construction project report.
17. Turn construction documents over to the City.
18. Provide office space for PB's CM staff in PB's Antioch office located at 3260 Lone Tree Way, Suite 104.
19. Perform biological monitoring for potential nesting birds.

COST PROPOSAL

FOR

***Construction Management Services - Lone Tree Way Intersection Improvements
PW 555-12C***

From:

PARSONS BRINCKERHOFF, INC.



Approved: _____
Bart Littell, Vice President

To:

City of Antioch

Wednesday, April 17, 2013

Basis For Estimate

- 1) PB services to start May 1, 2013 and end October 31, 2013.
Assume construction contract to start May 1, 2013 and end September 30, 2013.
- 2) Overtime Inspection, if necessary, will include premium time for non-exempt employees.
- 3) Annual labor escalations of 3.5% to be effective in August.
- 4) Excludes construction staking and testing.

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COST PROPOSAL SUMMARY

1) BURDENED LABOR COSTS (Includes Profit)

REGULAR TIME	\$94,953	
OVERTIME		
PREMIUM TIME		
	<hr/>	
	SUBTOTAL	\$94,953

2) EXPENSES / VENDORS:

	\$14,100	
Markup 5%	\$705	
	<hr/>	
	SUBTOTAL	\$14,805

TOTAL CONTRACT AMOUNT: \$109,758

AIS

ESTIMATED EXPENSES

	<u>UNIT</u>	<u>QTY</u>	<u>UNIT COST (\$)</u>	<u>SUBTOTAL (\$)</u>
A) VEHICLES, VEHICLE O&M, CELL PHONES, FIELD EQUIP, SAFETY EQUIPMENT, SURVEY EQUIPMENT, COMPUTERS	Hours	600	\$11	\$6,600
B) VENDOR: RCL ECOLOGY				\$7,500
ESTIMATED EXPENSES				<u>\$14,100</u>

A18

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

Prepared by: Philip L. Hoffmeister, Administrative Analyst *PH*

**Reviewed and
Approved by:** Ron Bernal, Public Works Director/City Engineer *REB*

Date: March 28, 2013

Subject: Resolution Approving Consolidated Engineer's Report and Declaring Intention to Levy and Collect Assessments for the Hillcrest, Citywide, Downtown, Almondridge, Lone Tree, and East Lone Tree Landscape Maintenance Districts, and Setting Public Hearing (PW 500)

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution approving the Engineer's Report and setting June 25th, 2013 as the date for the Public Hearing.

BACKGROUND INFORMATION

In Fiscal Year (FY) 2001-02 a Proposition 218 ballot to create one citywide Street Light and Landscape Maintenance District (SLLMD), subdivided into four benefit zones, failed by a 70% margin. Following that ballot, Council approved the Engineer's Report for the "existing" or "base assessment" Assessment District. That report, as does this year's, assesses only properties that are subject to assessments that were previously imposed by petition of the developer of the parcel.

The 1972 Street Light and Landscape Maintenance District Act requires that a Registered Civil Engineer prepare an Engineer's Report annually prior to rate setting by the City Council.

The attached Engineer's Report presents maintenance cost estimates based on FY 2013-14 budgets and approximately \$1,983,560 in collected assessments. None of the assessments exceed their respective maximum base rate. Based on previous direction by Council, assessments have been allocated first to cover costs of administration, then to local landscaping, and finally arterials and medians. Any shortfalls are shown as a contribution by the General Fund.

The action of the Council tonight is to approve the receipt of the Engineer's Report and to set a Public Hearing to consider it fully on June 25th, 2013. At that time, staff will recommend that Council confirm the levy of assessments and certify them to the County.

OPTIONS

Two options are presented for Council:

- 1) Approve the receipt of the Engineer's Report and set the public hearing; or
- 2) Not approve the receipt of the Engineer's Report.

If Option 1 is selected, a public hearing will be set for June 25th, 2013 to fully consider the report and levy the assessments.

If Option 2 is selected, not approving the Engineer's Report may cause delays in schedule to submit the levy of assessments to the County Auditors Office. As such, financial penalties would be applied for a late submission.

FISCAL IMPACTS

Street Light and Landscape Maintenance District assessment revenues for FY 2013-14 are estimated at approximately \$1,983,560.

Maintenance costs for FY 2013-14 are estimated at approximately \$3,198,005.

ATTACHMENTS

- A: Engineer's Report
- B: Street Light and Landscape Maintenance District Boundary Map

RESOLUTION NO. 2013/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE CONSOLIDATED ENGINEER'S REPORT AND DECLARING THE
INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE HILLCREST,
CITYWIDE, DOWNTOWN, ALMONDRIDGE, LONE TREE, AND EAST LONE TREE
LANDSCAPE MAINTENANCE DISTRICTS, AND SETTING PUBLIC HEARING
(PW 500)**

WHEREAS, the City Council has ordered the formation of the Hillcrest, Citywide, Downtown, Almondridge, Lone Tree Way, and East Lone Tree Landscape Maintenance Districts; and

WHEREAS, Streets & Highway Code §22620 et seq and Proposition 218 provide the procedures for the levy of annual assessments and the formation of such assessment districts; and

WHEREAS, the engineer of work has filed a report with the City Clerk, setting out the matters required by state law; and

WHEREAS; the City Council hereby approves the Consolidated Engineer's Report as submitted;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Antioch as follows:

The City Council hereby approves the Consolidated Engineer's Report as submitted and declares its intention to levy and collect assessments within the Hillcrest, Citywide, Downtown, Almondridge, Lone Tree, and East Lone Tree Landscape Maintenance Districts for the fiscal year 2013-2014.

1. The improvements in each District include maintenance of public landscaping, including but not limited to roadside and medians on collector streets, cul-de-sacs, landscaped trails and open space. No substantial changes are proposed to be made regarding the existing improvements, except the maintenance of new facilities that have been constructed since the last Engineer's Report.
2. The Hillcrest Landscape Maintenance District generally encompass the subdivisions abutting or in the area of Hillcrest Avenue. The Downtown District generally encompasses the commercial downtown area of the City. The Almondridge District generally encompasses the Almondridge subdivision. The Lone Tree District generally encompasses the subdivisions in the area south of Lone Tree Way. The East Lone Tree District generally encompasses the subdivisions in the area east of Vista Grande Drive and west of Empire Avenue. The Citywide District encompasses the remainder of the City, which is not included in one of the above-mentioned districts.

RESOLUTION NO. 2013/**

April 23, 2013

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3. Reference is made to the Consolidated Engineer's Report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment districts, and any zones therein, and the proposed assessments upon assessable lots and parcels within those districts.
4. Notice is hereby given that the City Council will conduct a public hearing on the matter of the levy and collection of assessments as described herein at 7:00 p.m. on June 25th, 2013 at the City Council Chambers, City Hall, Third and "H" Streets, Antioch, California. Public testimony will be allowed at this public hearing regarding the proposed levy and collection of assessments as described herein.
5. The City of Antioch is proposed to be assessed for its proportional street frontage in Downtown District 4, Zone 1, as well as for other city-owned residential parcels.
6. Separate written protests may be filed with the City Clerk, City Hall, Third and "H" Streets, P.O. Box 5007, Antioch, California, 94531-5007 at any time prior to the conclusion of the public hearing on June 25th, 2013. Protests must state all grounds of objection. A protest filed by a property owner must contain the address of the affected property. The City Council will also receive oral testimony and objections.
7. The City Clerk is hereby directed to publish a public hearing notice in the Contra Costa Times, as required by law.
8. None of the proposed assessments are proposed to be increased over the amounts authorized by the ballot measure.

If any person challenges the decision of the City in this matter in court, he or she may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

A copy of the Engineer's Report is available for inspection at the Community Development, Engineering and Development Services Division, 2nd Floor, City Hall, Third and "H" Streets, Antioch, California. Written statements in favor of, or in opposition to this matter, may be filed with the City Clerk, City Hall, Third and "H" Streets (P.O. Box 5007), Antioch CA 94531-5007, at any time prior to the hearing and to be heard thereon. The meeting facility is accessible to the handicapped. Auxiliary aides will be made available, upon request in advance, for persons with hearing or vision disabilities.

RESOLUTION NO. 2013/**

April 23, 2013

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* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof; held on the 23rd day of April, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN, City Clerk

ATTACHMENT "A"



CITY OF ANTIOCH
CONTRA COSTA COUNTY, CALIFORNIA

CONSOLIDATED ENGINEER'S REPORT
FOR THE
CITY OF ANTIOCH
STREET LIGHT AND LANDSCAPE MAINTENANCE
DISTRICT NUMBERS 1, 2A, 4, 5, 9, AND 10
AND THE
LEVY OF THE ANNUAL ASSESSMENT
FOR THE 2013/14 FISCAL YEAR

City of Antioch


As presented to Council on
April 23rd 2013

Prepared by
City of Antioch
City Engineer
Rowland E. Bernal Jr., P.E.
Philip Hoffmeister, Administrative Analyst

STREET LIGHT AND LANDSCAPE MAINTENANCE DISTRICT
NUMBERS 1, 2A, 4, 5, 9, AND 10
(Pursuant to the Landscaping and Lighting Act of 1972 and Proposition 218)

The undersigned respectfully submits the enclosed Engineer's Report as directed by the City Council.

Dated 4/17/13

By 
Rowland E. Bernal Jr., P.E.
License Expires 12/31/13

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the ____ day of _____, 2013.

Arne Simonsen, City Clerk
City of Antioch
Contra Costa County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Antioch, California on the ____ day of _____, 2013.

Arne Simonsen, City Clerk
City of Antioch
Contra Costa County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Contra Costa, California on the ____ day of _____, 2013.

Arne Simonsen, City Clerk
City of Antioch
Contra Costa County, California

By _____

Date _____

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I. INTRODUCTION

A. Preamble

In March 2001, Council considered a "reorganized" Street Light and Landscape Maintenance District (SLLMD) that would have created a single citywide District, subdivided into multiple benefit zones. In accordance with Proposition 218, ballots were sent to property owners for their approval/disapproval of that reorganized district. The result of that election was a majority "No" vote defeating the proposal. At its meeting on June 26, 2001, Council voted to approve the "Existing Light and Landscape Maintenance District", and that assessments could be levied only up to the "base assessments" for each parcel as recorded in Fiscal Year (FY) 2000-2001, (Resolution 2001/63). Since June 2001, new districts and zones have been formed that established a base rate plus an inflationary adjustment equal to the San Francisco Consumer Price Index (CPI) increase for the preceding twelve-month period.

As indicated in previous Engineer's Reports, most districts and zones did not collect sufficient assessments to finance estimated maintenance costs. Shortfalls were covered by contributions by the City General Fund. In FY 2003-04 Staff presented Council options for increasing assessments to their maximum base rates to reduce those shortfalls. In June 2003, Council decided to increase assessments to their respective maximum base assessments over a 3-year period. The final increment was approved by Council for FY 2005-06; however, some shortfalls remain. Those shortfalls continue to shown as paid by a contribution from the General Fund.

This Annual Consolidated Street Light and Landscape Maintenance Districts Engineer's Report continues with Council direction and presents maintenance costs for the existing lighting and landscaping districts and zones and assessments.

B. Enabling Legislation

Prior to November 1996, the City of Antioch Street Light and Landscape Maintenance Districts were governed only by the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500, and following) which allows a municipality or other local public agency to establish a special assessment district to raise funds for installing, maintaining and servicing public lighting, landscaping, park and recreational facilities. The revenue to pay for these improvements came from special assessments levied on the land benefiting from the improvements. The local legislative body set the assessment each year after receiving an Engineer's Report and holding a public hearing. The assessments were collected as a separately stated item on the county tax bill.

During that period, the City Council took five basic steps to levy the assessment:

- Adopt a Resolution Directing Filing of Annual Engineer's Report
- Preliminarily Approve the Engineer's Report
- Adopt a Resolution of Intention to Order Improvements
- Conduct a Public Hearing

- Adopt a Resolution Confirming the Diagram and Assessment and Levying the Annual Assessment.

A certified copy of the Engineer's Report and a computer data tape containing the assessment roll were then submitted to the Contra Costa County Auditor for collection of the approved assessments.

With the passage of Proposition 218 in November of 1996, additional actions were required to impose new, or increase existing, assessments. Proposition 218 also exempted "Any assessment imposed pursuant to a petition signed by persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed." For the City of Antioch, the City Attorney has determined that the base amount of assessment that was in effect at the time a new development petitioned for annexation into the district is excluded from the provisions of Proposition 218.

C. Consolidated Engineer's Report

This Consolidated Engineer's Report recommends an assessment for parcels within each of the six Districts in the City of Antioch that are subject to an assessment, up to the base amount. The recommended assessments are based on estimates of the benefits to be received by each assessable parcel for District landscaping and recreational improvements. The benefit estimates are used to apportion costs to each assessable parcel, up to the maximum amount each parcel may be assessed without exceeding the base amount.

The 1972 Act does not specify a method or formula for apportioning costs. The assessment may be apportioned by any formula or method that fairly distributes the costs among all assessable lots or parcels.

This report summarizes the proposed assessment methods and the resulting assessments recommended. The report includes the following:

- Assessment Diagram
- Description of Improvements
- Estimate of Operation and Maintenance costs for FY 2013/2014
- Description of Assessment Methodology
- Summary of Recommended Assessments
- Assessment Roll

II. ASSESSMENT DIAGRAM

A. Assessment Districts

This Consolidated Engineer's Report covers each of the six Street Lighting and Landscape Maintenance Districts within the City of Antioch. Collectively, these six

Districts encompass the entire area of the City that benefits from the improvements to be maintained. The Number and common name of each District is listed below:

**TABLE 1
DISTRICT NUMBERS AND COMMON NAMES**

District Number	Common Name
1	Hillcrest Avenue
2A	Antioch or City-wide
4	Downtown
5	Almondridge
9	Lone Tree Way
10	East Lone Tree Way

District boundaries are depicted on the Assessment Diagram on file with the City of Antioch. The Assessment Diagram shows District boundaries, benefit zone boundaries, and City streets. For a description of lines and dimensions of each lot or parcel within the District, the reader is referred to the Assessor's parcel maps on file at the County Assessor's office. The Assessor's parcel maps are incorporated by reference into the Assessment Diagram. The Assessor's parcel number is adopted as the distinctive designation of each lot or parcel.

B. Zone Boundaries

The Districts are subdivided into one or more benefit zones. These benefit zones indicate areas within which parcels of similar use receive approximately equivalent benefits from District improvements. The dividing lines between benefit zones coincide with major arterial streets or other major facilities (i.e. canal, freeway). Refer to the Assessment Diagram for a description of the zone boundaries.

III. DESCRIPTION OF IMPROVEMENTS

This Section describes the public improvements to be installed, operated, serviced and maintained by the District.

District improvements are generally described as operating, servicing, maintaining, repairing and replacing the following: public landscaping, including improvements for standard City of Antioch cul-de-sacs; public medians, rights-of-way and park sites; weed abatement for publicly owned open space parcels.

PARKS: The cost of contract maintenance and/or City work for maintenance of the neighborhood and community parks listed in Table 2. Park improvements to be maintained include, but are not limited to, tot lots, picnic facilities, landscaping and lighting, and the cost of utilities serving the park.

LOCAL LANDSCAPING: Includes the costs of pruning, irrigation, maintenance planting, debris removal and clean up along the City's trails, cul-de-sac bulbs, and local and collector streets. It also includes both contract and City work associated with weed abatement and the maintenance of firebreaks. Localized landscaping improvements including planters, trees in the public right-of-way, sound walls and entry signs are also maintained under this class of improvement.

MAJOR MEDIAN AND ROADSIDE LANDSCAPING: Includes the costs of pruning, irrigation, maintenance planting, debris removal and clean up along the City's arterial roadway system. Roadways included in this system are A Street, Buchanan Road, Contra Loma Boulevard, Dallas Ranch Road, Davison Drive, Deer Valley Road, Delta Fair Boulevard, East Eighteenth Street, Hillcrest Avenue, James Donlon Boulevard, L Street, Laurel Avenue, Lone Tree Way, Prewett Ranch Road, Somersville Road, West Fourth Street, West Tenth Street, and Wilbur Avenue.

PROGRAM ADMINISTRATION: Includes the costs of acquiring and maintaining equipment necessary to operate the program and conduct maintenance activities and the work of management staff that provide program oversight, scheduling, budgeting and coordination for special work groups.

**TABLE 2
NEIGHBORHOOD AND COMMUNITY PARKS**

District Number	Common Name
1-1	Hillcrest Park
	Nelson Ranch Park
1-2	Country Manor Park
	Deerfield Park
	Knoll Park
	Prewett Community Park
1-4	Meadow Creek Park
2A-1	Barbara Price
	Contra Loma Estates Park
	Fairview Park
	Prosserville Park
2A-2	City Park
2A-3	Jacobsen Park
	Meadowbrook Park
2A-4	Harbour Park
	Mountaire Park
2A-5	Chichibu Park
2A-6	Canal Park
	Gentrytown Park

2A-6	Mira Vista Park
	Village East Park
2A-7	Marchetti Park
2A-8	Antioch Community Park
	Mira Vista Hills Park
2A-9	Eaglesridge Park
2A-10	Markley Creek Park
4-1	--
5-1	Almondridge Park
9-1	Williamson Ranch Park
	Chaparral Park
9-2	Diablo West Park
9-3	Hansen Park
	Dallas Ranch Park
9-4	Heidorn Park
10	--

IV. COST ESTIMATES

Cost estimates for operating, maintaining, servicing, installing, repairing, replacing and upgrading lighting, landscaping, parks and recreational improvements are provided by the City of Antioch. Tables 3 through 22 present cost estimates for each benefit area.

Table 3
COST ESTIMATE -- 2013/2014
District 1, Zone 1 -- Hillcrest Avenue District

The following schedule shows the allocation of costs to be spread to this District/Zone (254-4541)

		Base Rate Benefit Units 1,681	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$55,480	\$82,493	\$0
Arterial Medians and Roadside	\$21,361	\$21,361	\$0
Local Landscaping, Trails, Open Space	\$198,925	\$5,652	\$193,273
Administration	\$81,790	\$0	\$81,790
SUBTOTAL:	\$357,556	\$109,506	\$275,063
535 Parcels Assessed at \$216 per unit =			\$115,560
413 Parcels Assessed at \$190 per unit =			\$78,470
283 Parcels Assessed at \$165 per unit =			\$46,695
207 Parcels Assessed at \$94 per unit =			\$19,458
131 Parcels Assessed at \$64 per unit =			\$8,384
112 Parcels Assessed at \$58 per unit =			\$6,496
TOTAL ASSESSED:			\$275,063
Ending FY12/13 Fund Balance (Estimated):			\$301,065
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0

District/Zone Benefits:

Parks: Hillcrest, Nelson Ranch

Arterial Landscaping: Hillcrest Avenue

Roadway Landscaping: Larkspur Drive, Wild Horse Road and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 3A
District 1, Zone 1
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
1-1	California Terrace	7222	123	165	165	165
1-1	Hillcrest Subd Un 1	5653	221	190	190	190
1-1	Hillcrest Subd Un 2	6067	83	190	190	190
1-1	Hillcrest Subd Un 3	6068	61	190	190	190
1-1	Nelson Ranch I	6893	102	216	216	216
1-1	Nelson Ranch II	8850	128	216	216	216
1-1	Nelson Ranch III	8851	138	216	216	216
1-1	Northwood Downs 1	6429	81	58	58	58
1-1	Northwood Downs 2	6564	31	58	58	58
1-1	Northwood Downs 3	6565	76	64	64	64
1-1	Ridgeview Un 1	6262	48	190	190	190
1-1	Ridgeview Un 2	6264	55	64	64	64
1-1	Viera Ranch 1-1	6855	172	94	94	94
1-1	Viera Ranch 1-2	7180	116	165	165	165
1-1	Viera Ranch 1-3	7181	69	216	216	216
1-1	Viera Ranch 2-1	6925	44	165	165	165
1-1	Viera Ranch 2-2	7219	49	216	216	216
1-1	Viera Ranch 2-3	7220	49	216	216	216
1-1	Viera Ranch 3	6943	35	94	94	94
Total:			1,681			275,063

Note: Values in the "FY 13-14 Assessment" column are for the forthcoming Fiscal Year. Assessments for the previous year (FY 12-13) are included for comparison.

Table 4
COST ESTIMATE -- 2013/2014
District 1, Zone 2 -- Hillcrest Avenue District

The following schedule shows the allocation of costs to be spread to this District/Zone (254-4542)

	Base Rate Benefit Units 3,237		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$102,279	\$53,170	\$49,109
Arterial Medians and Roadside	\$68,872	\$0	\$68,872
Local Landscaping, Trails, Open Space	\$171,540	\$0	\$171,540
Administration	\$73,705	\$0	\$73,705
SUBTOTAL:	\$416,396	\$53,170	\$363,226

882	Parcels Assessed at	\$216.00	per unit =	\$190,512
88	Parcels Assessed at	\$158.00	per unit =	\$13,904
1290	Parcels Assessed at	\$82.00	per unit =	\$105,780
53	Parcels Assessed at	\$76.00	per unit =	\$4,028
184	Parcels Assessed at	\$69.00	per unit =	\$12,696
52	Parcels Assessed at	\$56.00	per unit =	\$2,912
64	Parcels Assessed at	\$151.20	per unit =	\$9,676
458	Parcels Assessed at	\$42.00	per unit =	\$19,236
166	Parcels Assessed at	\$27.00	per unit =	\$4,482

TOTAL ASSESSED:	\$363,226
Ending FY12/13 Fund Balance (Estimated):	\$55,864
GENERAL FUND PORTION OF MAINTENANCE COST:	\$0

District/Zone Benefits:

Parks: Country Manor, Deerfield Mini, Knoll, Prewett Water Park
 Arterial Landscaping: Hillcrest Avenue, Lone Tree Way and Deer Valley Road
 Roadway Landscaping: Via Dora, Country Hills, Asilomar Drive and cul-de-sac bulbs
 Miscellaneous: open space and trails

Table 4A
District 1, Zone 2
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
1-2	Bear Ridge Un 1	7145	93	216	216.00	216.00
1-2	Bear Ridge Un 2	7251	79	216	216.00	216.00
1-2	Country Hills	6800	243	82	82.00	82.00
1-2	Country Manor Un 1	5891	69	69	69.00	69.00
1-2	Country Manor Condos	6657	233	82	82.00	82.00
1-2	Country Manor Un 2	6178	54	69	69.00	69.00
1-2	Country Manor Un 3	6179	61	69	69.00	69.00
1-2	Country Manor Un 4	6180	71	82	82.00	82.00
1-2	Country Manor Un 5	6181	18	82	82.00	82.00
1-2	Country Manor Un 6	6256	19	82	82.00	82.00
1-2	Country Manor Un 7R	6653	101	82	82.00	82.00
1-2	Deer Park Un 1	6899	204	42	42	42.00
1-2	Deer Park Un 4	7569	38	216	216.00	216.00
1-2	Deer Park Un 5	7847	38	216	216.00	216.00
1-2	Deer Park Un 6	7848	34	216	216.00	216.00
1-2	Deer Park Un 7	7281	35	216	216.00	216.00
1-2	Deerfield Un 1	6732	113	27	27	27.00
1-2	Deerfield Un 2	6733	53	27	27	27.00
1-2	Deerfield Un 3	6818	138	82	82.00	82.00
1-2	Deerfield Un 4	6817	150	82	82.00	82.00
1-2	Deerfield Un 5	6908	32	42	42	42.00
1-2	Deerfield Un 6	7283	53	76	76.00	76.00
1-2	Deerfield Un 7	7281	67	216	216.00	216.00
1-2	Deerfield Un 8	7286	60	216	216.00	216.00
1-2	Deerfield Un 9	7284	47	158	158.00	158.00
1-2	Deerfield Un 10	7285	52	56	56	56.00
1-2	Deerfield Un 11	7282	71	216	216.00	216.00
1-2	Hillcrest View Apts	-	64	151.20	151.20	151.20
1-2	Ho Property Un 1	7973	41	158	158.00	158.00
1-2	Ho Property Un 2	7974	65	216	216.00	216.00
1-2	Ho Property Un 8	8230	79	216	216.00	216.00
1-2	Ho Property Un 9	8231	80	216	216.00	216.00
1-2	Ho Property Un 10	8232	54	216	216.00	216.00
1-2	Parkside Un 1	6975	158	82	82.00	82.00
1-2	Parkside Un 2	7104	101	42	42	42.00
1-2	Shelbourne Un 1	7019	121	42	42	42.00
1-2	Shelbourne Un 2	7218	89	216	216.00	216.00
1-2	Sterling Gate Un 1	6616	76	82	82.00	82.00
1-2	Sterling Gate Un 2	6928	83	82	82.00	82.00

Total: 3237 363,226.80

Table 5
COST ESTIMATE -- 2013/2014
District 1, Zone 4 -- Hillcrest Avenue District

The following schedule shows the allocation of costs to be spread to this District/Zone (254-4544)

	Base Rate Benefit Units 1,607		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$18,861	\$18,861	\$0
Arterial Medians and Roadside	\$23,321	(\$2,203)	\$25,524
Local Landscaping, Trails, Open Space	\$108,153	\$0	\$108,153
Administration	\$52,144	\$0	\$52,144
SUBTOTAL:	\$202,479	\$16,658	\$185,821

350	Parcels Assessed at	\$193.00	per unit =	\$67,550
119	Parcels Assessed at	\$167.00	per unit =	\$19,873
344	Parcels Assessed at	\$216.00	per unit =	\$74,304
117	Parcels Assessed at	\$44.00	per unit =	\$5,148
225	Parcels Assessed at	\$38.00	per unit =	\$8,550
452	Parcels Assessed at	\$23.00	per unit =	\$10,396

TOTAL ASSESSED: \$185,821

Ending FY12/13 Fund Balance (Estimated): \$86,004

GENERAL FUND PORTION OF MAINTENANCE COST: \$0

District/Zone Benefits:

Parks: Meadow Creek Estates

Arterial Landscaping: Hillcrest Avenue and Lone Tree Way

Roadway Landscaping: Laurel Road, Country Hills Drive and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 5A
District 1, Zone 4
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
1-4	Canada Hills Un 1	6898	147	23	23	23
1-4	Canada Hills Un 2	7130	99	23	23	23
1-4	Canada Hills Un 3	7341	111	38	38	38
1-4	Canada Hills Un 4	7458	47	193	193	193
1-4	Canada Hills Un 5	7761	40	193	193	193
1-4	Canada Hills Un 6	7460	81	193	193	193
1-4	Canada Hills Un 7	7459	122	193	193	193
1-4	Hidden Glen Un1	6909	89	23	23	23
1-4	Hidden Glen Un 2	7505	81	216	216	216
1-4	Hidden Glen Un 3	8387	75	216	216	216
1-4	Hidden Glen Un 4	8388	126	216	216	216
1-4	Meadow Crk Est. 1	6930	117	23	23	23
1-4	Meadow Crk Est. 2	7123	114	38	38	38
1-4	Meadow Crk Est. 3	7124	117	44	44	44
1-4	Meadow Crk Est. 4	7125	119	167	167	167
1-4	Meadow Crk Est. 5	7867	60	193	193	193
1-4	Viera Ranch 2-2	7219	18	216	216	216
1-4	Viera Ranch 2-3	7220	44	216	216	216
Total:			1,607			185,821

Table 6
COST ESTIMATE -- 2013/2014
District 2A, Zone 1 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4561)

		Base Rate Benefit Units	
		0	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assessments Applied
Parks	\$48,389	\$48,389	\$0
Arterial Medians and Roadside	\$23,060	\$23,060	\$0
Local Landscaping, Trails, Open Space	\$0	\$0	\$0
Administration	\$0	\$0	\$0
SUBTOTAL:	\$71,449	\$71,449	\$0
TOTAL ASSESSED:			\$0
Ending FY12/13 Fund Balance (Estimated):			\$0
GENERAL FUND PORTION OF MAINTENANCE COST:			\$71,449

District/Zone Benefits:

Parks: Barbara Price, Contra Loma, Fairview, Prosserville
 Arterial Somersville Road, L Street, Fourth Street, West Tenth Street
 Roadway Landscaping: Sycamore Drive, G Street and cul-de-sac bulbs
 Miscellaneous: open space and trails

Table 7
COST ESTIMATE -- 2013/2014
District 2A, Zone 2 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4562)

		Base Rate Benefit Units	
		0	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assessed
Parks	\$19,663	\$19,663	\$0
Arterial Medians and Roadside	\$4,797	\$4,797	\$0
Local Landscaping, Trails, Open Space	\$0	\$0	\$0
Administration	\$0	\$0	\$0
SUBTOTAL:	\$24,460	\$24,460	\$0
TOTAL ASSESSED:			\$0
Ending FY12/13 Fund Balance (Estimated):			\$0
GENERAL FUND PORTION OF MAINTENANCE COST:			\$24,460

District/Zone Benefits:

Parks: City Park

Arterial: A Street

Roadway Landscaping: Merrill Drive, G Street and Cavallo Road roadside and cul-de-sac bulbs

Miscellaneous: open space and trails

Table 8
COST ESTIMATE -- 2013/2014
District 2A, Zone 3 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4563)

		Base Rate Benefit Units 230	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$24,412	\$24,412	\$0
Arterial Medians and Roadside	\$12,544	\$12,544	\$0
Local Landscaping, Trails, Open Space	\$18,223	\$15,855	\$2,368
Administration	\$12,128	\$0	\$12,128
SUBTOTAL:	\$67,307	\$52,811	\$14,496
			\$14,496
188 Parcels Assessed at \$66.00 per unit =			\$12,408
36 Parcels Assessed at \$22 per unit =			\$792
6 Parcels Assessed at \$216 per unit =			\$1,296
TOTAL ASSESSED:			\$14,496
Ending FY12/13 Fund Balance (Estimated):			\$13,010
GENERAL FUND PORTION OF MAINTENANCE COST:			\$39,801

District/Zone Benefits:

- Parks: Jacobsen, Meadowbrook
- Arterial: East 18th Street and Wilbur Avenue
- Roadway Landscaping: Cavallo Road and cul-de-sac bulbs
- Miscellaneous: open space and trails

Table 8A
 District 2A, Zone 3
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
2A-3	Lakeshore Apt.	6770	188	66	66	66
2A-3	Terrace Gardens	5582	36	22	22	22
2A-3	Bermuda Way	8848	6	216	216	216
Total:			230			14,496

Table 9
COST ESTIMATE -- 2013/2014
District 2A, Zone 4 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4564)

		Base Rate Benefit Units 337	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$49,063	\$49,063	\$0
Arterial Medians and Roadside	\$30,627	\$30,627	\$0
Local Landscaping, Trails, Open Space	\$18,294	\$9,421	\$8,873
Administration	\$4,043	\$0	\$4,043
SUBTOTAL:	\$102,027	\$89,111	\$12,916
			\$12,916
171 Parcels Assessed at \$60 per unit =			\$10,260
166 Parcels Assessed at \$16 per unit =			\$2,656
TOTAL ASSESSED:			\$12,916
Ending FY12/13 Fund Balance (Estimated):			\$4,755
GENERAL FUND PORTION OF MAINTENANCE COST:			\$84,356

District/Zone Benefits:

- Parks: Harbour, Mountaire
- Arterial: Lone Tree Way, Davison Drive and Hillcrest Avenue
- Roadway Landscaping: Cul-de-sac bulbs
- Miscellaneous: open space and trails

A20

Table 9A
 District 2A, Zone 4
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
2A-4	Hillcrest Estates	5494	54	60	60	60
2A-4	Hillcrest Estates Un 2	6184	53	60	60	60
2A-4	Brookside Estates	7155	166	16	16	16
2A-4	Shelbourne Un 3	7294	64	60	60	60
Total:			337			12,916

Table 10
COST ESTIMATE -- 2013/2014
District 2A, Zone 5 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4565)

		Base Rate Benefit Units	
		13	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assessments Applied
Parks	\$27,761	\$27,761	\$0
Arterial Medians and Roadside	\$31,993	\$31,993	\$0
Local Landscaping, Trails, Open Space	\$38,492	\$38,492	\$0
Administration	\$16,171	\$14,679	\$1,492
SUBTOTAL:	\$114,417	\$112,925	\$1,492
4 Parcels Assessed at \$139 per unit =			\$556
9 Parcels Assessed at \$104 per unit =			\$936
TOTAL ASSESSED:			\$1,492
Ending FY12/13 Fund Balance (Estimated):			\$13,990
GENERAL FUND PORTION OF MAINTENANCE COST:			\$98,935

District/Zone Benefits:

Parks: Chichibu

Arterial: Lone Tree Way, James Donlon Boulevard, Contra Loma Boulevard

Roadway Landscaping: Cul-de-sac bulbs

Miscellaneous: open space and trails

AZZ

Table 11
COST ESTIMATE -- 2013/2014
District 2A, Zone 6 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4566)

		Base Rate Benefit Units	
		274	
		District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$101,699	\$101,699	\$0
Arterial Medians and Roadside	\$38,823	\$38,823	\$0
Local Landscaping, Trails, Open Space	\$36,469	\$13,277	\$23,192
Administration	\$5,390	\$0	\$5,390
SUBTOTAL:		\$182,381	\$28,582
148	Parcels Assessed at \$139 per unit =		\$20,572
18	Parcels Assessed at \$103 per unit =		\$1,854
108	Parcels Assessed at \$57 per unit =		\$6,156
TOTAL ASSESSED:			\$28,582
Ending FY12/13 Fund Balance (Estimated):			\$20,946
GENERAL FUND PORTION OF MAINTENANCE COST:			\$132,853

District/Zone Benefits:

Parks: Canal, Gentrytown, Mira Vista, Village East

Arterial: Somersville Road, Buchanan Road, James Donlon Boulevard, Contra Loma Boulevard

Roadway Landscaping: Putnam Street, Johnson Drive and Cul-de-sac bulbs

Miscellaneous: open space and trails

Table 11A
 District 2A, Zone 6
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
2A-6	California Gables	7105	148	139	139	139
2A-6	Centennial Park	6812	108	57	57	57
2A-6	Mira Vista Un 11	7034	18	103	103	103
Total:			274			28,582

Table 12
COST ESTIMATE -- 2013/2014
District 2A, Zone 7 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4567)

		Base Rate Benefit Units	
		0	
MAINTENANCE AND SERVICES:	Total Cost	District Need	Assesments Applied
Parks	\$18,509	\$18,509	\$0
Arterial Medians and Roadside	\$12,745	\$12,745	\$0
Local Landscaping, Trails, Open Space	\$0	\$0	\$0
Administration	\$0	\$0	\$0
SUBTOTAL:	\$31,254	\$31,254	\$0
TOTAL ASSESSED:			\$0
Ending FY12/13 Fund Balance (Estimated):			\$0
GENERAL FUND PORTION OF MAINTENANCE COST:			\$31,254

District/Zone Benefits:

- Parks: Marchetti
- Arterial: Somersville Road, Delta Fair Boulevard
- Roadway Landscaping: None
- Miscellaneous: open space and trails

Table 13
COST ESTIMATE -- 2013/2014
District 2A, Zone 8 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4568)

	Base Rate Benefit Units 426		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$130,124	\$130,124	\$0
Arterial Medians and Roadside	\$23,213	\$10,162	\$13,051
Local Landscaping, Trails, Open Space	\$40,154	\$0	\$40,154
Administration	\$21,561	\$0	\$21,561
SUBTOTAL:	\$215,052	\$140,286	\$74,766

261	Parcels Assessed at	\$216.00	per unit =	\$56,376
120	Parcels Assessed at	\$129	per unit =	\$15,480
5	Parcels Assessed at	\$118	per unit =	\$590
40	Parcels Assessed at	\$58	per unit =	\$2,320

TOTAL ASSESSED:	\$74,766
Ending FY12/13 Fund Balance (Estimated):	\$14,133
GENERAL FUND PORTION OF MAINTENANCE COST:	\$126,153

District/Zone Benefits:

- Parks: Mira Vista Hills, Antioch Community Park
- Arterial: James Donlon Boulevard
- Roadway Landscaping: Cul-de-sac bulbs
- Miscellaneous: open space and trails

Table 13A
 District 2A, Zone 8
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
2A-8	Mira Vista Hills	4420	5	118	118	118
2A-8	Mira Vista Hills, Un 10	6472	78	129	129	129
2A-8	Mira Vista Hills, Un 12	6744	40	58	58	58
2A-8	Mira Vista Hills, Un 13	6708	95	216	216	216
2A-8	Mira Vista Hills, Un 14	6824	42	129	129	129
2A-8	Mira Vista Hills, Un 15	6920	79	216	216	216
2A-8	Mira Vista Hills, Un 16	6921	87	216	216	216
Total:			426			74,766.00

Table 14
COST ESTIMATE -- 2013/2014
District 2A, Zone 9 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4569)

		Base Rate Benefit Units 1,379																															
	Total Cost	District Need	Assessments Applied																														
MAINTENANCE AND SERVICES:																																	
Parks	\$19,831	\$19,831	\$0																														
Arterial Medians and Roadside	\$41,802	\$7,926	\$33,876																														
Local Landscaping, Trails, Open Space	\$61,903	\$0	\$61,903																														
Administration	\$20,213	\$0	\$20,213																														
SUBTOTAL:	\$143,749	\$27,757	\$115,992																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 10%; text-align: center;">68</td> <td style="width: 30%;">Parcels Assessed at</td> <td style="width: 10%; text-align: right;">\$144</td> <td style="width: 20%;">per unit =</td> <td style="width: 30%; text-align: right;">\$9,792</td> </tr> <tr> <td style="text-align: center;">174</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$135</td> <td>per unit =</td> <td style="text-align: right;">\$23,490</td> </tr> <tr> <td style="text-align: center;">442</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$108</td> <td>per unit =</td> <td style="text-align: right;">\$47,736</td> </tr> <tr> <td style="text-align: center;">122</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$107</td> <td>per unit =</td> <td style="text-align: right;">\$13,054</td> </tr> <tr> <td style="text-align: center;">34</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$74</td> <td>per unit =</td> <td style="text-align: right;">\$2,516</td> </tr> <tr> <td style="text-align: center;">539</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$36</td> <td>per unit =</td> <td style="text-align: right;">\$19,404</td> </tr> </tbody> </table>				68	Parcels Assessed at	\$144	per unit =	\$9,792	174	Parcels Assessed at	\$135	per unit =	\$23,490	442	Parcels Assessed at	\$108	per unit =	\$47,736	122	Parcels Assessed at	\$107	per unit =	\$13,054	34	Parcels Assessed at	\$74	per unit =	\$2,516	539	Parcels Assessed at	\$36	per unit =	\$19,404
68	Parcels Assessed at	\$144	per unit =	\$9,792																													
174	Parcels Assessed at	\$135	per unit =	\$23,490																													
442	Parcels Assessed at	\$108	per unit =	\$47,736																													
122	Parcels Assessed at	\$107	per unit =	\$13,054																													
34	Parcels Assessed at	\$74	per unit =	\$2,516																													
539	Parcels Assessed at	\$36	per unit =	\$19,404																													
TOTAL ASSESSED:				\$115,992																													
Ending FY12/13 Fund Balance (Estimated):				\$52,396																													
GENERAL FUND PORTION OF MAINTENANCE COST:				\$0																													

District/Zone Benefits:

Parks: Eaglesridge

Arterial: Lone Tree Way, Deer Valley Road

Roadway Landscaping: Ridgerock Drive, Asilomar, Country Hills Drive and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 14A
 District 2A, Zone 9
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Assmnt	FY 12-13 Assmnt	FY13-14 Assessment
2A-9	Eagles Ridge Un 1	5614	116	36	36	36
2A-9	Eagles Ridge Un 2	6162	151	36	36	36
2A-9	Eagles Ridge Un 3	6163	122	36	36	36
2A-9	Eagles Ridge Un 4	6164	150	36	36	36
2A-9	Deer Park Un 2	7290	68	144	144	144
2A-9	Deer Park Un 3	7291	94	135	135	135
2A-9	Lone Tree Est. Un 1	7079	122	107	107	107
2A-9	Lone Tree Est. Un 1A	7880	5	108	108	108
2A-9	Lone Tree Est. Un 2	7691	80	135	135	135
2A-9	Lone Tree Est. Un 3	7900	75	108	108	108
2A-9	Lone Tree Est. Un 4	8020	46	108	108	108
2A-9	Lone Tree Est. Un 5	8120	62	108	108	108
2A-9	Lone Tree Est. Un 6	8366	99	108	108	108
2A-9	Ho Sub'd, Un 3	7999	34	74	74	74
2A-9	Ho Sub'd, Un 4	8025	47	108	108	108
2A-9	Ho Sub'd, Un 5	8045	61	108	108	108
2A-9	Ho Sub'd, Un 6	8102	47	108	108	108
Total:			1,379			115,992

Table 15
COST ESTIMATE -- 2013/2014
District 2A, Zone 10 -- Citywide District

The following schedule shows the allocation of costs to be spread to this District/Zone (256-4572)

		Base Rate Benefit Units	
		286 Residential 4 Commercial	
		District Need	Assessments Applied
MAINTENANCE AND SERVICES:		Total Cost	
Parks		\$20,225	\$17,336
Arterial Medians and Roadside		\$10,904	\$10,904
Local Landscaping, Trails, Open Space		\$81,502	\$81,502
Channel Maintenance		\$15,000	\$15,000
Administration		\$17,982	\$17,982
SUBTOTAL:		\$145,613	\$142,724
			\$140,755
			\$1,969
TOTAL ASSESSED:			\$142,724
Ending FY12/13 Fund Balance (Estimated):			\$49,083
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0

District/Zone Benefits:

Parks: Markley Creek

Arterial: James Donlan, Somersville

Roadway Landscaping: cul-de-sac bulbs

Table 15A
 District 2A, Zone 10
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Assmnt	FY 12-13 Assmnt	FY13-14 Assesment
2A-10	Black Diamond Ranch Un 1	7487	58	492.15	463.08	492.15
2A-10	Black Diamond Ranch Un 2	8585	117	492.15	463.08	492.15
2A-10	Black Diamond Ranch Un 3	8586	111	492.15	463.08	492.15
2A-10	Commerical Parcel	-	4	492.15	463.08	492.15
Total:			290			142,724

Table 16
COST ESTIMATE -- 2013/2014
District 4, Zone 1 -- Downtown District

The following schedule shows the allocation of costs to be spread to this District/Zone (252-4521)

	Base Rate Benefit Units		
	0		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$0	\$0	\$0
Arterial Medians and Roadside	\$0	\$0	\$0
Local Landscaping, Trails, Open Space	\$76,578	\$76,578	\$0
Administration	\$2,695	\$2,695	\$0
SUBTOTAL:	\$79,273	\$79,273	\$0
TOTAL ASSESSED:			\$0
Ending FY12/13 Fund Balance (Estimated):			\$0
GENERAL FUND PORTION OF MAINTENANCE COST:			\$79,273
<i>District/Zone Benefits:</i>			
Roadway Landscaping: Waldie Plaza, Rivertown Promenade, public parking lots, A Street extension, train station			

Table 17
COST ESTIMATE -- 2013/2014
District 5, Zone 1 -- Almondridge District

The following schedule shows the allocation of costs to be spread to this District/Zone (253-4531)

		Base Rate Benefit Units 479	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$42,120	\$37,494	\$4,626
Arterial Medians and Roadside	\$0	\$0	\$0
Local Landscaping, Trails, Open Space	\$65,088	\$0	\$65,088
Administration	\$21,712	\$0	\$21,712
SUBTOTAL:	\$128,920	\$37,494	\$91,426
463 Parcels Assessed at \$190.00 per unit =			\$87,970
16 Parcels Assessed at \$216.00 per unit =			\$3,456
TOTAL ASSESSED:			\$91,426
Ending FY12/13 Fund Balance (Estimated):			\$47,456
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0

District/Zone Benefits:

Parks: Almondridge

Arterial: None

Roadway Landscaping: Viera Avenue, Willow Avenue and cul-de-sac bulbs

Miscellaneous: open space and trails

Table 17A
 District 5, Zone 1
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
5-1	Almondridge West	6621	25	190	190	190.00
5-1	Almondridge Un 1	6109	93	190	190	190.00
5-1	Almondridge Un 2	6454	35	190	190	190.00
5-1	Almondridge Un 3	6788	50	190	190	190.00
5-1	Almondridge Un 4	6869	52	190	190	190.00
5-1	Almondridge Un 5	7190	96	190	190	190.00
5-1	Almondridge Un 6	7411	48	190	190	190.00
5-1	Almondridge Un 9	7673	35	190	190	190.00
5-1	Almondridge Un 11	7901	25	190	190	190.00
5-1	Almondridge Un 12	8065	4	190	190	190.00
5-1	Oakley Knolls	8501	16	216	216	216.00
Total:			479			91,426

Table 18
COST ESTIMATE -- 2013/2014
District 9, Zone 1 -- Lone Tree District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4511)

		Base Rate Benefit Units 1,200	
		District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$43,853	\$43,853	\$0
Arterial Medians and Roadside	\$25,516	\$21,108	\$4,408
Local Landscaping, Trails, Open Space	\$96,428	\$0	\$96,428
Administration	\$47,164	\$0	\$47,164
SUBTOTAL:	\$212,961	\$64,961	\$148,000
575 Parcels Assessed at \$140 per unit =			\$80,500
625 Parcels Assessed at \$108 per unit =			\$67,500
TOTAL ASSESSED:			\$148,000
Ending FY12/13 Fund Balance (Estimated):			\$71,892
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0

District/Zone Benefits:

Parks: Chapparal, Williamson Ranch

Arterial: Hillcrest Avenue, Lone Tree Way, Deer Valley Road, Prewett Ranch

Roadway Landscaping: Lone Tree Way, Deer Valley Road, Dallas Ranch Road, Prewett Ranch Road

Miscellaneous: open space and trails

Table 18A
 District 9, Zone 1
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
9-1	Diablo East Un 1	7121	177	108	108	108
9-1	Diablo East Un 2	7400	44	108	108	108
9-1	Diablo East Un 3	7401	21	140	140	140
9-1	Diablo East Un 4	8038	39	140	140	140
9-1	Diablo East Un 5	8052	39	140	140	140
9-1	Diablo East Un 6	8079	34	140	140	140
9-1	Diablo East Un 7	8122	52	140	140	140
9-1	Diablo East Un 8	8164	77	140	140	140
9-1	Diablo East Un 9	8191	71	140	140	140
9-1	Williamson Ranch 1	7114	20	108	108	108
9-1	Williamson Ranch 2	7258	166	108	108	108
9-1	Williamson Ranch 3	7587	86	108	108	108
9-1	Williamson Ranch 4	7606	93	108	108	108
9-1	Williamson Ranch 5	7618	39	108	108	108
9-1	Williamson Ranch 6	7619	75	140	140	140
9-1	Williamson Ranch 7	7620	82	140	140	140
9-1	Williamson Ranch 8	7826	85	140	140	140
Total:			1,200			148,000

Table 19
COST ESTIMATE -- 2013/2014
District 9, Zone 2 -- Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4512)

		Base Rate Benefit Units 2,024																																									
		District Need	Assessments Applied																																								
MAINTENANCE AND SERVICES:																																											
Parks	\$13,879	\$13,879	\$0																																								
Medians and Roadside	\$30,586	\$15,536	\$15,050																																								
Local Landscaping, Trails, Open Space	\$130,905	\$0	\$130,905																																								
Administration	\$51,207	\$0	\$51,207																																								
SUBTOTAL:	\$226,577	\$29,415	\$197,162																																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="text-align: right;">229</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$216.00</td> <td>per unit =</td> <td style="text-align: right;">\$49,464</td> </tr> <tr> <td style="text-align: right;">1149</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$93.00</td> <td>per unit =</td> <td style="text-align: right;">\$106,857</td> </tr> <tr> <td style="text-align: right;">29</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$88.00</td> <td>per unit =</td> <td style="text-align: right;">\$2,552</td> </tr> <tr> <td style="text-align: right;">45</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$83.00</td> <td>per unit =</td> <td style="text-align: right;">\$3,735</td> </tr> <tr> <td style="text-align: right;">38</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$216.00</td> <td>per unit =</td> <td style="text-align: right;">\$8,208</td> </tr> <tr> <td style="text-align: right;">460</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$51.00</td> <td>per unit =</td> <td style="text-align: right;">\$23,460</td> </tr> <tr> <td style="text-align: right;">74</td> <td>Parcels Assessed at</td> <td style="text-align: right;">\$39.00</td> <td>per unit =</td> <td style="text-align: right;">\$2,886</td> </tr> <tr> <td colspan="4">TOTAL ASSESSED:</td> <td style="text-align: right;">\$197,162</td> </tr> </tbody> </table>				229	Parcels Assessed at	\$216.00	per unit =	\$49,464	1149	Parcels Assessed at	\$93.00	per unit =	\$106,857	29	Parcels Assessed at	\$88.00	per unit =	\$2,552	45	Parcels Assessed at	\$83.00	per unit =	\$3,735	38	Parcels Assessed at	\$216.00	per unit =	\$8,208	460	Parcels Assessed at	\$51.00	per unit =	\$23,460	74	Parcels Assessed at	\$39.00	per unit =	\$2,886	TOTAL ASSESSED:				\$197,162
229	Parcels Assessed at	\$216.00	per unit =	\$49,464																																							
1149	Parcels Assessed at	\$93.00	per unit =	\$106,857																																							
29	Parcels Assessed at	\$88.00	per unit =	\$2,552																																							
45	Parcels Assessed at	\$83.00	per unit =	\$3,735																																							
38	Parcels Assessed at	\$216.00	per unit =	\$8,208																																							
460	Parcels Assessed at	\$51.00	per unit =	\$23,460																																							
74	Parcels Assessed at	\$39.00	per unit =	\$2,886																																							
TOTAL ASSESSED:				\$197,162																																							
Ending FY12/13 Fund Balance (Estimated):			\$140,394																																								
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0																																								

District/Zone Benefits:

Parks: Diablo West

Arterial: Lone Tree Way, Deer Valley Road, Dallas Ranch Road, Prewett Ranch Road

Roadway Landscaping: Lone Tree Way, Deer Valley Road, Dallas Ranch Road, Prewett Ranch Road

Miscellaneous: open space and trails

Table 19A
District 9, Zone 2
Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
9-2	Black Dia. Knolls 1	7201	29	51	51	51
9-2	Black Dia. Knolls 2	7498	45	51	51	51
9-2	Black Dia. Knolls 3	7554	28	51	51	51
9-2	Black Dia. Knolls 4	7592	36	51	51	51
9-2	Black Dia. Knolls 5	7499	64	51	51	51
9-2	Black Dia. Knolls 6	7593	24	51	51	51
9-2	Black Dia. Knolls 7	7594	31	93	93	93
9-2	Black Dia. Knolls 8	7825	26	83	83	83
9-2	Black Dia. Knolls 9	8008	19	83	83	83
9-2	Black Dia. Knolls 10	7824	29	88	88	88
9-2	Black Dia. Knolls 11	7500	48	93	93	93
9-2	Black Dia. Knolls 12	7823	26	93	93	93
9-2	Black Dia. Knolls 13	7822	32	93	93	93
9-2	Black Dia. Knolls 14	8110	43	93	93	93
9-2	Black Dia. Knolls 15	8181	53	93	93	93
9-2	Black Dia. Knolls 16	8182	42	93	93	93
9-2	Black Dia. Knolls 17	8183	45	93	93	93
9-2	Black Dia. Knolls 18	8324	56	93	93	93
9-2	Black Dia. Knolls 19	8325	89	93	93	93
9-2	Black Dia. Knolls 20	8326	64	93	93	93
9-2	Black Dia. Knolls 21	8466	49	216	216	216
9-2	Black Dia. Knolls 22	8467	64	216	216	216
9-2	Black Dia. Knolls 23	8525	27	216	216	216
9-2	Black Dia. Knolls 24	8526	89	216	216	216
9-2	Black Dia. Knolls 25	8528	38	216	216	216
9-2	Diablo West Un 1	7128	74	39	39	39
9-2	Diablo West Un 2	7469	119	51	51	51
9-2	Diablo West Un 3	7616	115	51	51	51
9-2	Diablo West Un 4	8243	71	93	93	93
9-2	Diablo West Un 5	8244	56	93	93	93
9-2	Diablo West Un 6	8245	81	93	93	93
9-2	Diablo West Un 7	8312	99	93	93	93
9-2	Diablo West Un 8	8313	46	93	93	93
9-2	Diablo West Un 9	8314	106	93	93	93
9-2	Lone Tree Glen	7275	161	93	93	93

Total: 2,024 197,162

Table 20
COST ESTIMATE -- 2013/2014
District 9, Zone 3 -- Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4513)

	Base Rate Benefit Units 1,953		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$54,095	\$13,966	\$40,129
Arterial Medians and Roadside	\$16,772	\$0	\$16,772
Local Landscaping, Trails, Open Space	\$110,256	\$0	\$110,256
Administration	\$48,512	\$0	\$48,512
SUBTOTAL:	\$229,635	\$13,966	\$215,669

129	Parcels Assessed at	\$216.00	per unit =	\$27,864
860	Parcels Assessed at	\$139.00	per unit =	\$119,540
519	Parcels Assessed at	\$95.00	per unit =	\$49,305
120	Parcels Assessed at	\$93.00	per unit =	\$11,160
25	Parcels Assessed at	\$216.00	per unit =	\$5,400
300	Parcels Assessed at	\$8.00	per unit =	\$2,400

TOTAL ASSESSED:	\$215,669
Ending FY12/13 Fund Balance (Estimated):	\$83,943
GENERAL FUND PORTION OF MAINTENANCE COST:	\$0

District/Zone Benefits:

Parks: Hansen and Dallas Ranch Park

Arterial: Lone Tree Way, Dallas Ranch Road

Roadway Landscaping: Prewett Ranch Road, Golf Course Road, Frederickson Lane and cul-de-sac bulbs

Miscellaneous: Open space and trails

Table 20A
 District 9, Zone 3
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
9-3	Black Dia. Est. Un 1	7515	31	95	95	95
9-3	Black Dia. Est. Un 2	7644	41	139	139	139
9-3	Black Dia. Est. Un 3	8064	54	139	139	139
9-3	Black Dia. Est. Un 4	8194	64	139	139	139
9-3	Black Dia. Est. Un 5	8076	55	139	139	139
9-3	Black Dia. Est. Un 6	8317	56	139	139	139
9-3	Black Dia. Est. Un 7	8318	73	139	139	139
9-3	Black Dia. Est. Un 8	8319	47	216	216	216
9-3	Black Dia. Est. Un 9	8320	49	216	216	216
9-3	Black Dia. Est. Un 10	8472	33	216	216	216
9-3	Black Dia. Est. Un 11	8567	25	216	216	216
9-3	Dallas Ranch Un 1	7380	58	95	95	95
9-3	Dallas Ranch Un 2	7859	50	95	95	95
9-3	Dallas Ranch Un 3	7860	34	95	95	95
9-3	Dallas Ranch Un 4	7198	138	95	95	95
9-3	Dallas Ranch Un 5	7376	122	95	95	95
9-3	Dallas Ranch Un 6	7966	45	95	95	95
9-3	Dallas Ranch Un 7	7377	187	139	139	139
9-3	Dallas Ranch Un 8	7378	54	139	139	139
9-3	Dallas Ranch Un 9	8107	34	139	139	139
9-3	Dallas Ranch Un 10	8108	63	139	139	139
9-3	Dallas Ranch Un 11	8109	120	93	93	93
9-3	Diamond Ridge Un 1	7317	179	8	8	8
9-3	Diamond Ridge Un 2	7536	86	8	8	8
9-3	Diamond Ridge Un 3	7537	41	95	95	95
9-3	Diamond Ridge Un 4	7627	35	8	8	8
9-3	Sandhill I	8247	75	139	139	139
9-3	Sandhill II	8410	104	139	139	139
Total:			1,953			215,669

Table 21
COST ESTIMATE -- 2013/2014
District 9, Zone 4 -- Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (251-4514)

		Base Rate Benefit Units 435	
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$12,685	\$0	\$12,685
Arterial Medians and Roadside	\$9,558	\$0	\$9,558
Local Landscaping, Trails, Open Space	\$68,061	\$0	\$68,061
Administration	\$14,974	\$0	\$14,974
SUBTOTAL:	\$105,278	\$0	\$105,278
435 Parcels Assessed at \$130.00 per unit =			\$56,550
TOTAL ASSESSED:			\$56,550
Ending FY12/13 Fund Balance (Estimated):			\$125,143
GENERAL FUND PORTION OF MAINTENANCE COST:			\$0

District/Zone Benefits:

- Park: Heidorn
- Arterial: Lone Tree Way, Hillcrest Avenue
- Roadway Landscaping: Vista Grande Drive and cul-de-sac bulbs
- Miscellaneous: Open space and trails

Table 21A
 District 9, Zone 4
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
9-4	Meadow Crk. Village 1	7862	55	216	160	130
9-4	Meadow Crk. Village 2	7947	77	216	160	130
9-4	Meadow Crk. Village 3	7967	108	216	160	130
9-4	Meadow Crk. Village 4	7971	98	216	160	130
9-5	Meadow Crk. Village 5	7897	97	216	160	130
Total:			435			56,550

Table 22
COST ESTIMATE -- 2013/2014
District 10, Zone 1 -- East Lone Tree Way District

The following schedule shows the allocation of costs to be spread to this District/Zone (259-4591)

	Base Rate Benefit Units 660.5		
	Total Cost	District Need	Assessments Applied
MAINTENANCE AND SERVICES:			
Parks	\$0	\$0	\$0
Arterial Medians and Roadside	\$8,196	\$0	\$8,196
Local Landscaping, Trails, Open Space	\$95,043	\$0	\$95,043
Channel Maintenance	\$20,000	\$0	\$20,000
Administration	\$17,982	\$0	\$17,982
SUBTOTAL:	\$141,221	\$0	\$141,221

462 Parcels Assessed at	\$101.58	per unit =	\$46,930
152 Multi Family Res	\$69.54	per unit =	\$10,570
12.6 Comm. Parcel	\$56.94	per unit =	\$717
33.9 Bus. Park parcel	\$43.00	per unit =	\$1,458

TOTAL ASSESSED:	\$59,675
Ending FY12/13 Fund Balance (Estimated):	\$94,265
GENERAL FUND PORTION OF MAINTENANCE COST:	\$0

District/Zone Benefits:

Park: None

Arterial: Lone Tree Way

Roadway Landscaping: Country Hills Drive, Canada Valley Road, Vista Grande, and cul de sacs

Miscellaneous: Open space and trails

Table 22A
 District 10
 Base Assessment Allocation

Dist/Zone	Sub'd	Tract	Benefit Units	Base Fee	FY 12-13 Assmnt	FY13-14 Assessment
10-1	Sand Creek Ranch 1	8114	57	388	101.58	101.58
10-1	Sand Creek Ranch 2	8958	27	388	101.58	101.58
10-1	Sand Creek Ranch 4	8640	97	388	101.58	101.58
10-1	Sand Creek Ranch 5	8885	42	388	101.58	101.58
10-1	Sand Creek Ranch 6	8886	31	388	101.58	101.58
10-1	Sand Creek Ranch 7	8948	52	388	101.58	101.58
10-1	Sand Creek Ranch 8	8951	156	388	101.58	101.58
10-1	Multi-Family Apts	-	152	271	69.54	69.54
10-1	Commercial parcel	-	12.6	225	56.94	56.94
10-1	Business Park	-	33.9	175	43.00	43.00
Total:			660.5			59,675

Table 23

Summary of Costs, Benefits and Assessments by Zone -- Fiscal Year 2013/2014

District/ Zone	Benefit Units	Ending Bal FY12/13	Est. Cost of Maintenance	Estimated Assessments	Zone Deficit	Assessment per BU
1-1	1,681	\$301,065	\$357,556	\$275,063	\$0	\$58 to \$216
1-2	3,237	\$55,864	\$416,396	\$363,226	\$0	\$27 to \$216
1-4	1,607	\$86,004	\$202,479	\$185,821	\$0	\$23 to \$216
2A-1	0	\$0	\$71,449	\$0	(\$71,449)	\$0
2A-2	0	\$0	\$24,460	\$0	(\$24,460)	\$0
2A-3	230	\$13,010	\$67,307	\$14,496	(\$39,801)	\$22 to \$216
2A-4	337	\$4,755	\$102,027	\$12,916	(\$84,356)	\$16 to \$60
2A-5	13	\$13,990	\$114,417	\$1,492	(\$98,935)	\$104 to \$139
2A-6	274	\$20,946	\$182,381	\$28,582	(\$132,853)	\$57 to \$139
2A-7	0	\$0	\$31,254	\$0	(\$31,254)	\$0
2A-8	426	\$14,133	\$215,052	\$74,766	(\$126,153)	\$58 to \$216
2A-9	1,379	\$52,396	\$143,749	\$115,992	\$0	\$36 to \$144
2A-10	290	\$49,083	\$145,613	\$142,724	\$0	\$492
4-1	0	\$0	\$79,273	\$0	(\$79,273)	\$0
5-1	479	\$47,456	\$128,920	\$91,426	\$0	\$190 to \$216
9-1	1,200	\$71,892	\$212,961	\$148,000	\$0	\$108 to \$140
9-2	2,024	\$140,394	\$226,577	\$197,162	\$0	\$39 to \$216
9-3	1,953	\$83,943	\$229,635	\$215,669	\$0	\$8 to \$216
9-4	435	\$125,143	\$105,278	\$56,550	\$0	\$130
10-1	660.5	\$94,265	\$141,221	\$59,675	\$0	\$43 to \$101
Totals		\$1,174,339	\$3,198,005	\$1,983,560	(\$688,534)	

V. ASSESSMENT METHODS

Proposition 218 provides that assessments imposed by petition signed by persons owning all of the parcels subject to assessment are exempt from the requirements of Prop. 218 insofar as the amount of such assessments are not increased over the amount in effect at the time of the petition. These assessments are known as the "base amount" or "base assessments".

A large number of parcels fall within this situation and have base assessments in place. Those parcels are the subjects of this Engineer's Report. The base assessment amounts vary, depending upon when the petition was filed with the City and the scope of improvements in place at the time that were being maintained by assessment. In preparing this Report, the Engineer determined the maximum base assessment that is assessable against each parcel, the improvements that are being maintained within the benefit zone, the cost of maintaining the improvements, and the total amount generated by the relevant base assessments. In instances where the cost of maintaining the improvements is less than the maximum assessable amount, the base assessments were proportionally reduced.

The assessment method suggested was to increase assessments to the maximum base rates over a 3-year period beginning in Fiscal Year 2003-04. The final increment was reached in FY 2005-06. Allocation of assessments has been applied first to administration costs; followed by local landscaping, trails, and open space; and finally arterials medians and roadside landscaping. Park costs continue to be shown; however, they also are shown as being paid by those districts and zones that can afford it. Remaining costs are shown as a contribution from the General Fund.

VI. SUMMARY OF ASSESSMENTS

The methods described in Section V are applied to estimate the benefits received by each assessable parcel, in every District and benefit zone, from the improvements described in this report.

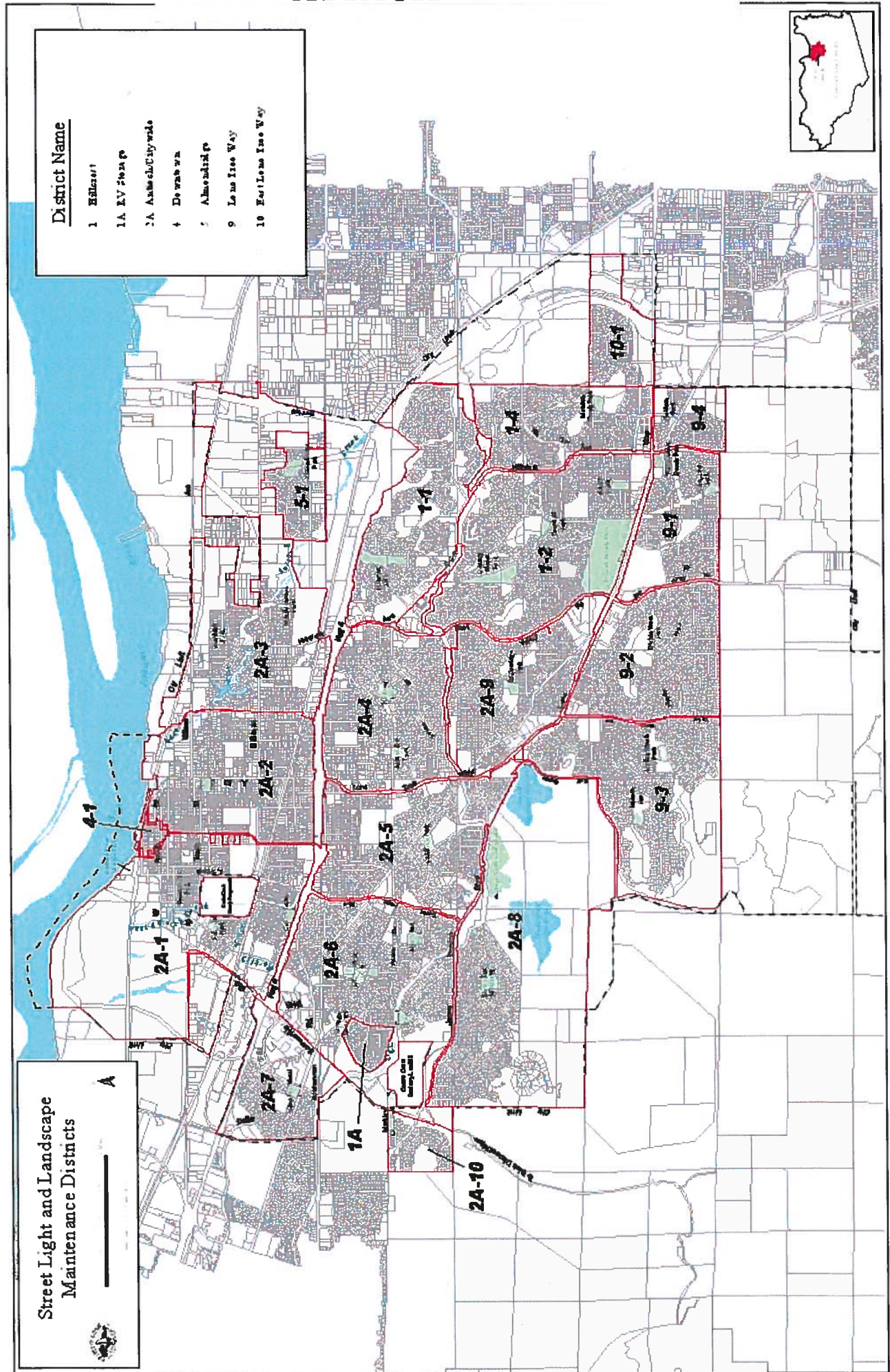
Table 23, Summary of Costs, Benefits and Assessments by Zone, presents a summary of assessments for each District and benefit zone.

VII. ASSESSMENT ROLL

The Assessment Roll is a listing of all assessable parcels of land within the District. Because of its large size, the Assessment Roll is presented under separate cover and is incorporated by reference into this report. The Assessment Roll can be inspected at the office of the City Engineer during regular working hours.

The Assessment Roll lists each parcel in the District by its distinctive designation, the Assessor's Parcel Number, and includes the Assessment amount for each parcel.

ATTACHMENT "B"



**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

PREPARED BY: Ahmed Abu-Aly, Associate Engineer, Capital Improvements Division *AA*

REVIEWED BY: Ron Bernal, Public Works Director/City Engineer *REB*

DATE: April 16, 2013

SUBJECT: Consideration of Bids for the Tot Lot Playground Replacement at City Park, (P.W. 205-G)

RECOMMENDATION

It is recommended City Council award the project to the low bidder, H & H Construction, in the amount of \$137,500.00 for this project.

BACKGROUND INFORMATION

In response to the arson damage of the tot lot playground structure at City Park, staff worked with Leathers and Associates, Inc. (L&A), the original designer of the playground structure, to prepare bid package for full replacement of the structure and the surface rubberized matting.

On April 16, 2013, three (3) bids were received and opened as shown on the attached tabulation. The low bid was submitted by H & H Construction of Dublin in the amount of \$137,500.00. The bids have been checked and found to be without any errors or omissions.

Construction of the project is scheduled to begin on June 24, 2013 and will be completed by July 8, 2013. L&A representatives will manage the construction of the playground structure.

FINANCIAL IMPACT

The City has submitted a claim to its property insurance carrier through the City's joint risk pool, Municipal Pooling Authority (MPA). However, there is a \$25,000 deductible, which community members and community groups have been fundraising to meet, including Take Back Antioch, Assembly Member Jim Frazier and S.T.A.R. Ministry at the Church on the Rock. In addition, PG&E has indicated a willingness to donate funds and an application for those grant funds has been submitted.

OPTIONS

None considered at this time.

ATTACHMENTS

A: Tabulation of Bids

ATTACHMENT "A"

CITY OF ANTIOCH TABULATION OF BIDS

JOB TITLE: Tot Lot Playground Replacement at City Park
(P.W. 205-G)

BIDS OPENED: April 16, 2013 ~ 2:00 p.m.
City Council Chambers

	Engineer's Estimate	H & H Construction Dublin	McNabb Construction Lafayette	S.R.P Company Antioch	
TOTAL BID PRICE:	\$175,000.00	\$137,500.00	\$156,697.00	\$169,628.99	
H & H Construction					
PIP Surfacing Robertson Industries, Inc. dba Tot-Turf		McNabb Construction Rubber Surfacing Spectra Turf			
		S.R.P. Company Rubber Surfacing Tot-Turf			

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

BY: Ron Bernal, Public Works Director/City Engineer
DATE: April 22, 2013
SUBJECT: **Item 2L: *First Supplemental Staff Report:*** Consideration of Bids for the Tot Lot Playground Replacement at City Park, (P.W. 205-G)

In response to the arson damage of the tot lot playground structure at City Park, staff worked with Leathers and Associates, Inc. (L&A), the original designer of the playground structure, to prepare a bid package for full replacement of the structure and the surface rubberized matting.

On April 16, 2013, three (3) bids were received and opened as shown on tabulation attached to the initial report. The apparent low bid was submitted by H & H Construction of Dublin in the amount of \$137,500.00 (Attachment A).

The apparent second low bidder, McNabb Construction Company, has submitted a bid protest (Attachment B). In summary, McNabb has two arguments:

1. All bid forms submitted by H & H Construction should have been executed by the sole owner, John Horn. Some of the bid forms (Acknowledgment of Insurance Requirements; Bid Bond; Non Collusion Affidavit; Statement of Qualifications) was signed by the Chief Estimator for the company, Nathan Miller.
2. H & H Construction has not shown that it or its subcontractors have completed two projects of playground safety surfacing and playground equipment construction within the last 24 months. (See Attachment C, "Notice Inviting Bids")

Staff is reviewing the protest in more detail and has requested additional information from all of the bidders. Staff expects to be issuing an additional supplemental report with a recommendation once this information is received.

The Bid Specifications allow the City Council to "reject any and all bids or to waive any irregularities or informalities in any bid or the bidding procedures." (See Attachment C, "Notice Inviting Bids")

ATTACHMENTS

- A: Bid of H&H Construction
- B: Bid Protest of McNabb Construction, Inc.
- C: Notice Inviting Bids

BID LETTER

**TO THE CITY OF ANTIOCH
Tot Lot Playground Replacement at City Park in Antioch, CA
(P.W. No. 205-G)**

CONTRACT

Pursuant to the Notice Inviting Bids, the undersigned bidder herewith submits a bid on the Bid Forms attached hereto and made a part hereof, and binds itself on award by the City of Antioch under this bid to execute a Contract in accordance with its bid and the Contract Documents.

The Notice Inviting Bids, Instructions to Bidders, Description of Project, General Provisions, Special Provisions, Technical Specifications, Contract Plans, and Addenda, if any, are made part of this bid and all provisions thereof are hereby accepted, and all representations and warranties required thereby are hereby affirmed.

This offer shall be irrevocable for a period of ninety (90) days after the date on which bids are opened.

The undersigned bidder understands that any clarification made to the above or any new and different conditions or information submitted on or with its Bid Forms, other than that requested, may render the bid non-responsive.

The undersigned, as bidder, declares that the only persons or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm or corporation and in submitting this bid, that it has carefully examined the location of the proposed work, the attached proposed form of contract, and the plans, specifications and the other Contract Documents; and agrees if this bid is accepted, that it will contract with the City of Antioch, on the form of contract included with these specifications, to provide all necessary labor, materials, equipment, machinery, apparatus and other means of construction, and to do all the work specified in the Contract Documents, in the manner and time therein prescribed, and according to the requirements of the City as therein set forth, and that he will accept all full payment therefore based on the item prices set forth in its Schedule of Bid Prices.

The prices included within the Schedule of Bid Prices include all costs for labor, materials, tools, equipment, services, subcontractors, suppliers, taxes, insurance, shipment, delivery, overhead, profit and all other costs necessary to perform the work in accordance with the Contract Documents.

The undersigned bidder acknowledges receipt, understanding, and full consideration of the following addenda to the Contract Documents:

ADDENDA NO.(s). (if none, so state): none

Name of Bidder: H + H Construction

Business Address: 7434 Larkdale Avenue
Dublin CA 94568

Phone: 925-551-3859 Fax: 925-551-3859

Email: hhfenceandconst@yahoo.com

Contractor's License No. 945997

License Expiration Date 04/30/2014

Classification Type B

If SOLE OWNER, sign here:

I sign as sole owner of the business named above:

John Horn

If PARTNERSHIP, one or more partners sign here:

The undersigned certify that we are partners in the business named above and that we sign this bid with the full authority to do so:

If CORPORATION, execute here:

Corporate Name: _____

Incorporated under the laws of the State of _____

The undersigned certify that they sign this bid with the full and proper authorization so to do:

By _____
*Signature of Authorized Official**

By _____
*Signature of Authorized Official**

Title

Title

Typewritten or Printed Name

Typewritten or Printed Name

If JOINT VENTURE, execute here:

Joint Venture name composed of: _____

The undersigned certify that they sign this bid with the full and proper authorization so to do:

*Signature of Authorized Official**

*Signature of Authorized Official**

Title

Title

Typewritten or Printed Name

Typewritten or Printed Name

*If bidder is a partnership or Joint Venture, give the full names of all partners and/or Joint Ventures in the space provided (use additional sheet if required). If bidder is a corporation, two signatures are required as follows: (1) the Chairman, President, or Vice-President and (2) the Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer. In the alternative, this Agreement may be executed by a single officer or a person other than an officer provided that evidence satisfactory to the City is provided demonstrating that such individual is authorized to bind the corporation (example, a copy of a certified resolution from the corporation's board or a copy of the corporation's bylaws)

END OF BID LETTER

LIST OF SUBCONTRACTORS

The Bidder is required to furnish the following information in accordance with the provisions of Sections 4100 to 4114, inclusive, of the Public Contract Code of the State of California. This list and information shall include all subcontractors that will perform work, provide labor or render services to the Bidder in connection with the project in an amount in excess of one-half of one percent of the total amount of Bidder's Total Bid Price.

Do not list alternative subcontractors for the same work. Use additional sheets if necessary.

NAME OF SUBCONTRACTOR	LICENSE NUMBER	LOCATION OF/ PLACE OF BUSINESS	TYPE OF WORK
1. Robertson Industries, Inc			
2. dba TotTurf	667261	Phoenix, AZ	PIP Surfacing
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

END LIST OF SUBCONTRACTORS

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That H & H Construction as Principal, and Developers Surety and Indemnity Company, as Surety, are held and firmly bound unto the City of Antioch, hereinafter called CITY, in the sum of (\$)10% of bid, being at least ten percent (10%) of the total amount of the bid, for the payment of which sum in lawful money of the United States of America to CITY we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.


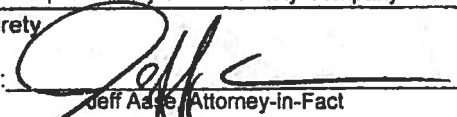
The condition of the above obligation is such that, whereas the Principal has submitted said bid to CITY;

NOW, THEREFORE, if the principal is awarded a Contract by CITY and, within the time and in the manner required by the Specifications, enters into a written Contract with CITY and furnishes the requisite bond or bonds and insurance certificates, then this obligation shall become null and void, otherwise to remain in full force and effect.

In the event suit is brought upon this bond by CITY and judgment is recovered, the Surety shall pay all costs incurred by CITY in such suit, including a reasonable attorney's fee to be fixed by the Court.

Dated April 11, 2013

TO BE CONSIDERED COMPLETE, BOTH THE PRINCIPAL AND SURETY MUST SIGN THIS BIDDER'S BOND. IN ADDITION, THE SURETY'S SIGNATURE MUST BE NOTARIZED AND A COPY OF THE SURETY'S POWER OF ATTORNEY MUST BE ATTACHED.

H & H Construction
Principal
By: 
Developers Surety and Indemnity Company
Surety
By: 
Jeff Aade Attorney-in-Fact
P.O. Box 19725, Irvine, CA 92623
Address of Surety

END OF BIDDERS BOND

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of San Bernardino }

On April 11, 2013
Date

before me, N. Cruz, notary public

Here Insert Name and Title of the Officer

personally appeared Jeff Aase

Name(s) of Signer(s)

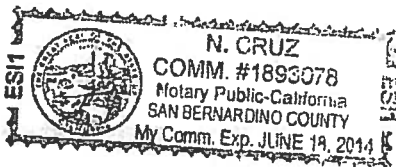
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing:

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA
PO Box 19725, IRVINE, CA 92623 (949) 263-3300**

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each hereby make, constitute and appoint:

Jennifer Wayne, Ryan Tash, Bret Millar, John Van Bokkelen, Susan C. Monteon, Janelle L. Tuominen, Jeff Aase, Will Mingram, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Boards of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, Executive Vice-President, Senior Vice-President or any Vice President of the corporations be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of either of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective officers and attested by their respective Secretary or Assistant Secretary this January 1st, 2008.

By: *Daniel Young*
Daniel Young, Vice-President

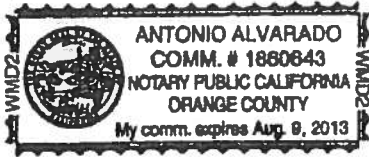
By: *Stephen T. Pate*
Stephen T. Pate, Senior Vice-President



State of California
County of Orange

On January 31, 2011 before me, Antonio Alvarado, Notary Public
Date Here insert Name and Title of the Officer

personally appeared Daniel Young and Stephen T. Pate
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the Instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature *Antonio Alvarado*
Antonio Alvarado, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 11th day of April, 2013.

By: *Gregg Okura*
Gregg Okura, Assistant Secretary

NON-COLLUSION AFFIDAVIT

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

(In accordance with California Public Contract Code Section 7106 and Title 23 United States Code Section 112)

State of ~~California~~ Nevada)
County of Douglas) ss.

Nathan Miller
Chief Estimator, being first duly sworn, deposes and says that he or she is of H+H Construction, the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the Contract or anyone interested in the proposed Contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly, or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

The above Affidavit is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Statement.

By *Nathan Miller*

Subscribed and sworn to before me,
a Notary Public in and for the
State of ~~California~~ Nevada, County of

Douglas, this 15th day of April, 2013

Kimberly Stanbro
Signature of Notary Public

My commission expires Feb. 1, 2013



END OF NON-COLLUSION AFFIDAVIT

BIDDER'S STATEMENT OF QUALIFICATIONS AND BUSINESS REFERENCES

Name Bidder H + H Construction

Address of Principal Office 7434 Larkdale Ave, Dublin CA 94568

1. Are you an individual , a partnership , a corporation or a joint venture ?
(Check as applicable)

If a partnership, list names and addresses of partners; if a corporation, list names of officers and directors and State of incorporation; if a joint venture, list names and addresses of venturers and if any venturer is a corporation, partnership or joint venture, list the same information for each such corporation, partnership and joint venture.

N/A

2. Are you licensed as a Contractor to do business in California? yes
License No. 945997 Classification B

For the following questions, if a joint venture, give information for each of the venturers, by name. Attach additional sheets if necessary.

3. How many years has your organization been in business as a Contractor under your present business name?: 20

4. How many years of experience has your organization had in construction work similar to the work you are interested in bidding? The CONTRACTOR or listed SUBCONTRACTOR shall be experienced and familiar with the application of chip seal and slurry seal. The CONTRACTOR shall submit, with the bid, a list of at least two projects of slurry seal and rubberized chip seal completed within the last 12 months.

(a) As a general contractor? 20
(b) As a subcontractor? 20

5. Show all the projects your organization has completed during at least the last five years in the following tabulation: If your organization has been in existence for less than five years, show all the projects your key personnel have completed during the last five years in the following tabulation. (For joint venture work show the sponsoring individual or company). Attach additional sheets if necessary.

Year	Type of Work	Value of Work	Location	For Whom
------	--------------	---------------	----------	----------

See attached

6. Have you or your organization, or any officer or partner thereof, failed to complete a contract? No If so, give details. Attach additional sheets if necessary.

7. In what other lines of business are you financially interested? Attach additional sheets if necessary.

None

8. Name the persons with whom you have been associated in business as partners or business associates in each of the last five years. Attach additional sheets if necessary.

None

9. Give information below about the relevant experience of the principal individuals of your present organization including those individuals to be in responsible charge of this project. Attach additional sheets if necessary.

Individual's Name	Present Position of Office	Years of Construction Experience	Magnitude and Type of Work	In What Capacity
-------------------	----------------------------	----------------------------------	----------------------------	------------------

See attached

10. Give information below about all your contract work underway, or for which you are committed. Attach additional sheets if necessary.

Type of Work	Location	Value	Percent Complete	Scheduled Completion Date	For Whom Performed
<u>Concrete Basketball Court</u>	<u>Pittsburg</u>	<u>\$97,000</u>	<u>65%</u>	<u>5/15/13</u>	<u>City of Pittsburg</u>
<u>Playground Mulch</u>	<u>Walnut Creek</u>	<u>\$42,550</u>	<u>0%</u>	<u>5/15/13</u>	<u>City of Walnut Creek</u>
<u>Wood Decking</u>	<u>Walnut Creek</u>	<u>\$81,000</u>	<u>90%</u>	<u>4/26/13</u>	<u>Carl Lu</u>

11. References: Give only engineers, architects, or owners, including public bodies, for whom you have done work: Attach additional sheets if necessary.

Name	Address	Business
<u>See attached</u>		

12. References: The following bank or banks can provide references as to the financial responsibility of the Bidder: Attach additional sheets if necessary.

(a) Name of Bank: Bank of America
 Address: 7496 Dublin Blvd
 City and State Dublin CA Telephone 800-432-1000
 Officer Familiar with Bidder's Account: Ang

(b) Name of Bank: _____
 Address: _____
 City and State _____ Telephone _____
 Officer Familiar with Bidder's Account: _____

(c) Name of Bank: _____
 Address: _____
 City and State _____ Telephone _____
 Officer Familiar with Bidder's Account: _____

13. References: The following surety company or companies can provide references as to the financial responsibility and general reliability of the Bidder: Attach additional sheets if necessary.

(a) Name of Surety Company: Developers Surety and Indemnity Company
 Name of Local Agent (if different) Bond Services of California, LLC
 Local Address: Street 290 W. Orange Show Rd Ste 109
 City and State San Bernardino CA Telephone 909-890-1409
 Person Familiar with Bidder's Account: Mira Cruz

(b) Name of Surety Company: _____
 Name of Local Agent (if different) _____
 Local Address: Street _____
 City and State _____ Telephone _____
 Person Familiar with Bidder's Account: _____

14. Is any litigation pending against your organization? No

If so, give details. Attach additional sheets if necessary.

The undersigned bidder represents and warrants that the foregoing information is true and accurate to the best of its knowledge and the undersigned intends that the City rely thereof in awarding the attached contract.

[Handwritten Signature]
Signature of Bidder

Chief Estimator
Title

Dated: April 15, 2013

END OF BIDDER'S STATEMENT OF QUALIFICATIONS AND BUSINESS REFERENCES

KEY PROJECT PERSONNEL

The following key personnel are available for this project:

John Horn, Owner

Mr. Horn has been working in construction for over 30 years. He has been a licensed contractor since 1992. His passion is crafting elaborate decks, arbors, gazebos and patio furniture. He is an accomplished heavy equipment operator and is experienced in heavy and building construction including septic systems, drainage, non-structural concrete, fencing, playgrounds, landscaping and all phases of building construction.

Nathan Miller, Chief Estimator / Project Manager

Mr. Miller has been performing public works construction for 20 years. He obtained a landscape contractors license in 1995. He anticipates earning a Bachelor of Technology: Construction Management degree from Western Nevada College this year. He is fully competent in all aspects of public works project and contract management and has participated in hundreds of public agency contracts though out the Western United States. He is a Certified Playground Safety Inspector (CPSI).

Joaquin Armenta, Superintendent / Concrete Foreman

Mr. Armenta has over 25 years of concrete experience obtaining his own contractor's license in 2008. He performs expert concrete works including sidewalks, curb and gutter, flat work, slabs, walls, light structural, stamped, colored and pervious concrete.

REFERENCES

City of Pittsburg—Ronald Nevels

65 Civic Avenue
Pittsburg, CA 94565
925-252-4949
925-252-6928 fax

City Park Basketball Court, April 2013

Installation of a large (approximately 96' x 60') monolithic poured slab, basketball posts, fencing, excavation and sub base.

Playscapes Construction, Inc.

1852 W 11th Street, Suite 400
Tracy, CA. 95376
877-806-4626
888-860-4626 fax

River Bluff Park, August 2011

Installation of concrete play area curbing, mow strip, sidewalks, plaza and large slab for picnic shelter.

Southgate Recreation Park District – Jordan Dienger
6000 Orange Avenue
Sacramento, CA. 95623-3225
916-428-1171 ext. 18
916-428-7334 fax

Florin Creek Park, September 2010

Demolition of play equipment, removal of sand, demolition of PIP surfacing and concrete substrate, install concrete curb & flatwork, install play equipment and site furnishings, and install EWF.

Title: Tot Lot Playground Replacement
 at City Park in Antioch, CA
 (P.W. 205-G)

Bids to be received by 2:00 p.m.
 April 16, 2013, Office of the City Clerk,
 City Hall, Antioch, CA

SCHEDULE OF BID PRICES

Item No.	Unit	Quantity	Description	Unit Price	Extended Amount
1.	LS	1	Mobilization, complete in place, for the lump sum price	\$ 15,000.00	\$ 15,000.00
2.	LS	1	Removal and disposal of existing rubber matting, complete in place, for the lump sum price.....	\$ 5,000.00	\$ 5,000.00
3.	LS	1	Saw cut concrete slab and replace with new posts in concrete footings per the specs and as directed in the field, complete in place, for the lump sum price.....	\$ 10,000.00	\$ 10,000.00
4.	LS	1	Purchase and deliver to the site, playground materials, per the Section C-6 Material List Items A, B and C, complete in place, for the lump sum price.....	\$ 42,941.01	42,941.01
5.	LS	1	Purchase and deliver to the site, playground materials per the Section C-6, Factory Direct Equipment Item D, complete in place, for the Lump Sum Fixed Price....	\$ 4,558.99	\$ 4,558.99
6.	LS	1	Construct and assemble new playground structure and equipment, per the specs and as directed in the field, complete in place, for the lump sum price.....	\$ 30,000.00	30,000.00
7.	LS	1	Place approximately 2,200 square feet of new rubber matting over the existing concrete slab, per the specification, complete in place, for the lump sum price	\$ 30,000.00	\$ 30,000.00
TOTAL BID PRICE:				\$ 137,500.00	

TOTAL BID PRICE: One hundred thirty seven thousand five hundred + ^{no}/₁₀₀
 (Written in Words)

All costs associated with the work required in the Plans and Specifications must be included in the bid items. This certifies that the prices in the proposal include all work as shown in the Plans and Specifications necessary to complete the work, in place and in full working order.



 Signature of Bidder

H + H Construction

 Company Name Printed

ATTACHMENT B

McNabb Construction, Inc.

April 20, 2013

Jim Jakel – City Manager
City of Antioch

Via email – jjakel@ci.antioch.ca.us
Via Fax – 925-779-7003

RE: Formal Bid Protest of the Bid Submitted By John Horn (H & H Construction)
Tot Lot Playground Replacement at City Park (PW #205-G)

Dear Mr. Jakel

Please accept this letter as a formal bid protest for the above referenced bid.

We are following the Bid Protest Procedures as outlined in Section 3-1.06 of the bid specifications. On Wednesday, April 16, 2013 an email was sent to members of the City Department in an attempt to seek resolution of the complaints with regards to the H & H Construction bid. As of the end of the day Friday, April 19, 2013 there has been no response from the Department. Since this item is scheduled for City Council approval on Tuesday, April 23, 2013, we have submitted this formal written protest as outlined in section 3-1.06 of the bid specifications.

The following is the basis for the protest and the reasons why the bid submitted by John Horn (H & H Construction) should be deemed non-responsive by the City of Antioch.

- 1) Pages P-3 through P-5, the Bid Letter portion of the bid. This is the portion of the bid documents that defines the bidder and where the bidder declares the type of organization is submitting the bid as well as certifies who is authorized to sign the bid documents contained in the bid submitted. Of the 4 types of bidders listed the Partnership, Corporation, and Joint Venture all have to certify that the person signing the bid documents has the proper authorization to do so as the bidder. **The Sole Owner type of bidder does not have the option to authorize additional individuals as authorized to sign the bid documents as bidder.** The Bid Letter portion of the bid therefore defines who the individuals certified to sign the bid with the full authority to do so.
 - a. John Horn by signing the Bid Letter as a Sole Owner of H & H Construction is binding himself to the language set forth in the Bid Letter. He is declaring that he is the only person interested in the bid as principal and by definition he is the only bidder authorized to sign these bid documents.
 - b. Page P-7 Acknowledgement of Insurance Requirements. This document calls for the "Signature of Bidder/Title". This was not properly signed by John Horn/Sole Owner as defined and stipulate in the Bidder Letter, and therefore is not a binding document submitted by John Horn (H & H Construction).
 - c. P-8 Bidder's Bond. This document calls for the signature of the Principal. In addition there is specific language that states "TO BE CONSIDERED COMPLETE BOTH THE PRINCIPAL AND SURETY MUST SIGN THIS BIDDER'S BOND". This was not properly signed by John Horn/Sole Owner as defined and stipulate in the Bidder Letter, and therefore is not a binding document submitted by John Horn (H & H Construction).
 - d. P-10 Non-Collusion Affidavit. "TO BE SIGNED BY BIDDER" is the language that starts this document. This was not properly signed by John Horn/Sole Owner as defined and stipulate in the Bidder Letter, and therefore is not a binding document submitted by John Horn (H & H Construction).
 - e. Pages P-11 through P-14 Bidder's Statement of Qualifications and Business References. On page P-14, "The undersigned bidder represents and warrants that the foregoing information is true and accurate". The document requires the "Signature of Bidder". This was not properly signed by John Horn/Sole Owner as defined and stipulate in the Bidder

3527 Mt Diablo Blvd #306, Lafayette, California, 94549-2035

Phone 925-935-4200

Fax 925-403-7972

E-mail: davemcnabb@hotmail.com

Licensc #728118

McNabb Construction, Inc.

- Letter, and therefore is not a binding document submitted by John Horn (H & H Construction).
- f. Page P-15 Schedule of Bid Prices. The document requires the "Signature of Bidder". This was not properly signed by John Horn/Sole Owner as defined and stipulate in the Bidder Letter, and therefore is not a binding document submitted by John Horn (H & H Construction).
- 2) Reference Requirements. Per page ii of the Notice Inviting Bids it states "The CONTRACTOR shall submit, with the bid, a list of at least two projects of Playground Safety Surfacing and construction of playground equipment". On Page P-11, Item 5. The bidder is asked to show the projects completed in the past five years. John Horn (H & H Construction) has been licensed with the State of California Contractor's Board since April 20, 2010. This is 3 years, so the bidder is asked to list additional projects that key personnel has completed during the past 5 years.
- a. There are three projects listed on the attachment submitted with the John Horn (H & H Construction) bid.
 - i. City of Pittsburg, City Park Basketball Court. This project should not be considered as a completed project since on page P-12 the bidder lists the project as 65% complete. This project does not have Playground Safety Surfacing and construction of playground equipment.
 - ii. Playscapes Construction, River Bluff Park, August 2011. This project is more than 2 years old and does not have Playground Safety Surfacing and construction of playground equipment.
 - iii. Southgate Recreation Park District, Florin Creek Park, September 2010. This project is more than 2 years old.

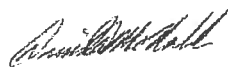
In conclusion, the bid submitted by John Horn, Sole Owner and bidder contains 5 documents that are not signed properly by the bidder John Horn. As stipulated in the "Bid Letter" portion of this bid documents John Horn is the only person authorized to sign as bidder. Also in the past 5 years the bidder has completed two listed projects (both over 24 months ago). Of the two listed projects only one has play equipment installation. The bid documents require 2 such projects within the past 24 months.

Based on this information we respectfully request that the City of Antioch deem the bid submitted by John Horn (H & H Construction) as non-responsive.

For reference I have attached the portions of the specification sited in this letter as well as a copy of the bid submitted by John Horn (H & H Construction) and a copy of the bidder's Contractors State License Board information.

If there is any more information or questions please contact me.

Regards,



Dave McNabb
McNabb Construction, Inc.
925-935-4200 cell
925-403-7972 fax
davemcnabb@hotmail.com email

cc: City Council via council2@ci.antioch.ca.us

3527 Mt Diablo Blvd #306, Lafayette, California, 94549-2035
Phone 925-935-4200 Fax 925-403-7972 E-mail: davemcnabb@hotmail.com
License #728118

NOTICE INVITING BIDS

NOTICE IS HEREBY GIVEN THAT sealed bids will be received by the Office of the City Clerk of the City of Antioch, City Hall, located at 200 "H" Street Antioch, California 94531-5007, until 2:00 p.m., April 16, 2013, at which time bids will be publicly opened and read in the City Council Chambers located at 200 "H" Street Antioch, California 94531-5007, for the following project:

Tot Lot Playground Replacement At City Park P.W. No. 205-G

Provide labor, equipment, and tools, purchase and deliver on site all playground material necessary for the reconstruction and assembling of the Tot Lot playground equipment including new concrete foundation post footings, removal and disposal of the existing playground rubber matting, installing new rubber matting at the Tot Lot playground area and all other items of work, as shown on the plans, as called for in these Special Provisions and as directed by the Engineer. The work is more fully described in the Description of Project and other Contract Documents. **The estimated cost of construction is \$175,000.00.**

Location: Antioch City Park, Tenth and "A" Streets, Antioch, California.

There is no pre bid meeting for this project.

Bids shall be submitted on the City's Bid Forms included in the Contract Documents, plainly endorsed with Bidder's name together with signed acknowledgment of any and all addenda. Bid Forms shall be securely sealed in a suitable envelope marked with the name and address of the Bidder, and marked in capital letters on the front and back of the envelope, as follows:

**Tot Lot Playground Replacement
At City Park
P.W. No. 205-G**

(Name and Address of Bidder)

Whether mailed or personally delivered, all bids shall be addressed to the Office of the City Clerk, City of Antioch, P.O. Box 5007, 200 "H" Street, Antioch, California 94531-5007. Late bids will be returned unopened. **No late bids will be accepted.**

Each bid must be accompanied by a Bid Guaranty in the form of a Certificate of Deposit, Certified or Cashier's Check, Bidder's Bond or Irrevocable Standby Letter of Credit, in an amount equal to at least ten percent (10%) of the Bidder's Total Bid Price. The Bid Guaranty will be retained by the City and applied to any and all damages sustained by the City in the event that the successful Bidder fails or refuses to enter into the Contract awarded to it and to furnish all required bonds and Certificates of Insurance.

The City intends to award the Contract to the lowest responsive, responsible Bidder based on the Total Bid Price. The City reserves the right to reject any and all bids and/or to waive any irregularities or informalities in any bid or in the bidding procedure. The City specifically reserves the right to not award the Contract after the opening of bids.

Bids will be examined and reported to the City Council of Antioch within sixty (60) days of the bid opening.

The City Council reserves the right to reject any and all bids or to waive any irregularities or informalities in any bid or in the bidding procedure.

In connection with the performance of this Contract, full compliance with all applicable safety and health standards and with all applicable laws and regulations concerning Equal Employment Opportunity and Disadvantaged Business Enterprises will be required.

At the time of bidding, and throughout the period of the contract, each bidder shall be licensed under the provisions of Business and Professions Code of the State of California, to do the type of work contemplated for the project.

Bidders and their proposed subcontractors shall hold such licenses, as may be required by the laws of the State of California for the performance of the work specified in the Contract Documents. Bidders bidding as the prime Contractor shall possess a valid California Contractor's General Building License (B) at the time of contract award and throughout the contract term. The Contractor will also be required to ensure that all subcontractors working on this project are holding valid licenses suitable for their trade.

The CONTRACTOR or listed SUBCONTRACTOR shall be experienced and familiar with the application of Playground Safety Surfacing and construction of playground equipment. The CONTRACTOR shall submit, with the bid, a list of at least two projects of Playground Safety Surfacing and construction of playground equipment completed within the last 24 months.

INSPECTION OF SITE OF WORK

Bidders are required to inspect the site of the work in order to satisfy themselves, by personal examination, or by such other means, as they may prefer, of the location of the proposed work and the actual conditions at the site.

The City has requested a bid to install playground equipment that is designated by a specific brand or trade name. **Contractor is required to bid on this specified play equipment and material.**

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county in which the work is to be done have been determined by the Director of the California Department of Industrial Relations. The prevailing wage rates may be reviewed at the City's offices or on line at www.dir.ca.gov/dlsr/PWD/index.htm.

Pursuant to Public Contract Code Section 22300, the successful Bidder may submit certain securities in lieu of the Owner withholding retention of payments during the Project. The successful bidder shall be required to furnish a Performance Bond and a Payment Bond, both in the amount of one hundred percent (100%) of the Total Bid Price.

Attention is directed to the Contract Documents for complete details and bid requirements. Copies of the Contract Documents may be obtained by logging on to www.blueprintexpress.com/Antioch or by calling BPXpress Reprographics at 707-745-3593. These items may be obtained at a set price of \$50.00, plus shipping and is non-refundable. All bidders must purchase a complete bid set from BPXpress Reprographics in order to be considered responsive and to receive addenda notifications.

All questions prior to award of the Contract shall be directed to the attention of the Capital Improvements Division via fax at (925) 779-7062. The deadline for submissions of questions and clarifications concerning the Contract Documents is **April 9, 2013**. Only signed Addenda issued by the Contracts & Procurement department is binding.

Holiday. When December 25 falls on Monday, Monday shall be observed as the Christmas holiday and December 22 shall be observed as the Christmas Eve holiday.

1-1.26 Liquidated Damages. – The definition contained in Section 1-1.26, "Liquidated Damages," of the Standard Specifications is hereby deleted and replaced with the following: The amount prescribed in the Contract Documents to be paid by one of the parties to the other as set forth in the Contract. Liquidated damages shall be paid to the City or shall be deducted from any payments due or to become due the Contractor for each calendar day's delay in fully and finally completing the whole or any specified portion of the work beyond the time allowed in the Contract Documents.

1-1.31 Proposal. – The definition contained in Section 1-1.31, "Proposal," of the Standard Specifications is hereby deleted and replaced with the following: The offer of the Bidder for the work when made out and submitted on the prescribed Proposal Forms, properly signed and guaranteed. Except as provided by Public Contract Code Section 5100 et seq., the submission of Bidder's Proposal shall constitute an irrevocable offer by Bidder, and the Bidder may not withdraw its offer at any time during City's consideration of the received Proposals.

1-1.312 Unbalanced Bid. – A bid containing a combination of lump sum and unit price Contract Items where individual Contract Items contained in the bid do not reflect reasonable actual direct costs plus a reasonable proportionate share of the Bidder's anticipated indirect costs and profit.

1-1.322 Schedule of Bids. – A listing by the Contractor of its bid prices for all Contract Items. The Schedule of Bids shall be submitted by the Contractor as one of the Proposal Forms. In the Schedule of Bids, Contractor shall indicate its Total Bid Price, which is to be the sum of its bid prices of all lump sum Contract Items plus the sum of the products of the quantities shown in the Schedule of Prices for unit price Contract Items times the Contractor's unit prices for those items. Contractor shall indicate its Total Bid Price in written and numeric form.

1-1.335 Request For Information ("RFI"). – A written request prepared by the Contractor seeking interpretation or clarification of the Contract Documents.

1-1.372 Addenda. – Written revisions designated by specific addendum number to any of the Contract Documents issued by the City before bid opening.

1-1.38 Specifications. – The definition contained in Section 1-1.38, "Specifications," of the Standard Specifications is hereby deleted and replaced with the following: "Specifications" shall mean: The directions, provisions and requirements contained in the Contract Documents.

1-1.385 Standard Specifications. – The 2006 edition of the Standard Specifications of the California Department of Transportation.

1-1.39 State. – All references in the Standard Specifications to the "State" shall be interpreted to refer to the City of Antioch or its corresponding agency, office, or officer acting under this Contract. References to state law shall still refer to the applicable provisions of the laws of the State of California, however.

1-1.392 State Highway Engineer. – The City's Public Works Director.

1-1.394 Transportation Building – Sacramento. – Office of the Public Works Director, City of Antioch.

1-1.396 Office of the District. – Whenever, in the Specifications, reference is made to the office of the District or the District's office, such references shall be deemed made to the City's

Said damages may include, but are not limited to, extra costs attributable to the delay in the performance of the work under the Contract, and the necessity of accepting a higher or less desirable bid from another contractor. The amount of the check or bond, as the case may be, shall not constitute a limitation upon the right of the City to recover the full amount of such damage.

2-1.08 WITHDRAWAL OF PROPOSALS. The following is to be added to Section 2-1.08, "Withdrawal of Proposals," of the Standard Specifications after the last paragraph of said section:

An electronic or telephonic request to withdraw a Proposal is not acceptable. The City will accept facsimile transmissions of properly executed requests for withdrawal of a Proposal provided that the requests are received by the City prior to the time fixed in the public notice for the opening of bids. The City will not be responsible for interruptions, delays, or any other unsuccessful facsimile transmission of bid withdrawals, whether or not caused by the City's facsimile equipment.

2-1.105 PREVIOUS DISQUALIFICATION, REMOVAL OR OTHER PREVENTION OF BIDDING. Section 2-1.105, "Previous Disqualification, Removal or Other Prevention of Bidding," of the Standard Specifications is amended by deleting from the first sentence the phrase "Pursuant to Section 10162 of the Public Contract Code" and by adding the following after the last paragraph of said section:

Pursuant to Public Contract Code Section 6109, by submitting its bid, a Bidder certifies that it has not been deemed ineligible to bid, work on or be awarded a public works project pursuant to California Labor Code Sections 1777.1 or 1777.7 and that it will not use any subcontractors to perform work on the public works project that have been deemed ineligible to perform work on a public works project pursuant to California Labor Code Sections 1777.1 and 1777.7. Any contract on a public works project between a contractor and a debarred subcontractor is void as a matter of law. Any public money paid to a debarred subcontractor by the Contractor shall be returned to the City. The Contractor shall be responsible for the payment of wages to any workers of the debarred subcontractor who worked on the project.

SECTION B-3: AWARD AND EXECUTION OF CONTRACT

The provisions of Section 3, "Award and Execution of Contract," of the Standard Specifications shall apply, subject to the following additions, amendments, deletions, and modifications:

3-1.03 EXECUTION OF CONTRACT. The following is added to Section 3-1.03, "Execution of Contract," of the Standard Specifications after the last paragraph of said section:

Within fifteen (15) days, not including Saturdays, Sundays and legal holidays, after the Bidder has received the Contract for execution, the successful Bidder shall also supply satisfactory evidence of Contractor's compliance with the Contract requirements regarding insurance and bonds.

3-1.06 BID PROTEST PROCEDURES. Any actual or prospective bidder, offeror, or contractor that has a grievance in connection with any City solicitation or award of contract may protest to the department soliciting the subject bid request, the City Manager or City Council. Protestors are urged to seek resolution of their complaints initially with the using department. All protests shall be submitted in writing. The protest shall be submitted within three (3) calendar days after protestor knows or should have known of the facts supporting protest, but not later than the award of bid.

In the event of such protest, the using department involved shall not proceed with the solicitation

or award of contract until a determination is made to settle the dispute. All disputes shall be settled in the best interest of the City. This determination may be made by either the using department, City Manager, or City Council. If protestor is in agreement with decision made at any staff level below City Council, the solicitation or award of contract process shall be resumed, according to the recommendation from staff. If the protestor disagrees with the decision, the protestor may appeal to the City Council within the time period specified below. The City Council will act as the final authority of all such decisions, and shall direct the final course of action.

(1) Notice to Contractor/Protestor of Decision. All decisions shall be promptly issued in writing and furnished immediately by certified mail to the contractor/protestor. The decision shall state the reasons for such action and shall inform the contractor of its rights to appeal under the Municipal Code.

(2) Final Decision/Contractor's Right to Appeal. Using department's decisions shall be final and conclusive, unless within five (5) working days from the date of receipt of the decision, the contractor mails or otherwise delivers a written appeal to the City Council or commences an action in a court of law.

SECTION B-4: SCOPE OF WORK

The provisions of Section 4, "Scope of Work," of the Standard Specifications shall apply, subject to the following additions, amendments, deletions and modifications:

4-1.00 A PROSECUTION OF WORK AND LIQUIDATED DAMAGE AMOUNT. Attention is directed to Section SP8-1.03, "Beginning of Work," and Section A-4, "Time of Completion," of these Special Provisions.

The Contractor shall be subject to liquidated damages in the event that its work is completed late. It is hereby agreed that in case all of the work called for under the Contract in all parts and requirements is not fully and finally finished or completed within the number of days as set forth above, damage will be sustained by the City. Moreover, it is further agreed that it is and will be impracticable and extremely difficult to ascertain and determine the actual damage that the City will sustain in the event of and by reason of such delay. Therefore, it is agreed that the Contractor will pay to the City the following liquidated damage amount:

ONE THOUSAND DOLLARS (\$1,000) PER CALENDAR DAY

for each and every day that the Contractor delays in fully and finally finishing the work in excess of the number of days prescribed and the number of additional or deductive days, if any, authorized by Contract Change Order. Contractor shall pay said liquidated damages as herein provided and further agrees that the City may deduct the amount thereof from any moneys due or that may become due the Contractor under the Contract.

Liquidated Damages due herein shall be in addition to any amounts that may be due under provisions located elsewhere in the Contract.

4-1.06 GUARANTY OF WORK. Contractor warrants to the City that all materials and equipment furnished under the Contract will be new unless otherwise specified, and that all work (without limitation, including all materials, equipment and workmanship) will be of the specified quality, free from faults and defects and in full and complete conformance with the Contract Documents. All work not conforming to these requirements, including substitutions not properly authorized by the Engineer, will be considered defective by the City.

BID LETTER

TO THE CITY OF ANTIOCH
Tot Lot Playground Replacement at City Park in Antioch, CA
(P.W. No. 205-G)

CONTRACT

Pursuant to the Notice Inviting Bids, the undersigned bidder herewith submits a bid on the Bid Forms attached hereto and made a part hereof, and binds itself on award by the City of Antioch under this bid to execute a Contract in accordance with its bid and the Contract Documents.

The Notice Inviting Bids, Instructions to Bidders, Description of Project, General Provisions, Special Provisions, Technical Specifications, Contract Plans, and Addenda, if any, are made part of this bid and all provisions thereof are hereby accepted, and all representations and warranties required thereby are hereby affirmed.

This offer shall be irrevocable for a period of ninety (90) days after the date on which bids are opened.

The undersigned bidder understands that any clarification made to the above or any new and different conditions or information submitted on or with its Bid Forms, other than that requested, may render the bid non-responsive.

The undersigned, as bidder, declares that the only persons or parties interested in this bid as principals are those named herein; ~~that this bid is made without collusion with any other person, firm or corporation and in submitting this bid,~~ that it has carefully examined the location of the proposed work, the attached proposed form of contract, and the plans, specifications and the other Contract Documents; and agrees if this bid is accepted, that it will contract with the City of Antioch, on the form of contract included with these specifications, to provide all necessary labor, materials, equipment, machinery, apparatus and other means of construction, and to do all the work specified in the Contract Documents, in the manner and time therein prescribed, and according to the requirements of the City as therein set forth, and that he will accept all full payment therefore based on the item prices set forth in its Schedule of Bid Prices.

The prices included within the Schedule of Bid Prices include all costs for labor, materials, tools, equipment, services, subcontractors, suppliers, taxes, insurance, shipment, delivery, overhead, profit and all other costs necessary to perform the work in accordance with the Contract Documents

The undersigned bidder acknowledges receipt, understanding, and full consideration of the following addenda to the Contract Documents:

ADDENDA NO.(s). (if none, so state): none

Name of Bidder: H + H Construction

Business Address: 7434 Larkdale Avenue
Dublin CA 94568

Phone: 925-551-3859 Fax: 925-551-3859

Email: hhfenceandconst@yahoo.com

Contractor's License No. 945997

License Expiration Date 04/30/2014

Classification Type B

If SOLE OWNER, sign here:
I sign as sole owner of the business named above:
John Horn

If PARTNERSHIP, one or more partners sign here:
The undersigned certify that we are partners in the business named above and that we sign this bid with the full authority to do so:

If CORPORATION, execute here:
Corporate Name: _____
Incorporated under the laws of the State of _____

The undersigned certify that they sign this bid with the full and proper authorization so to do

By _____
Signature of Authorized Official*

By _____
Signature of Authorized Official*

Title

Title

Typewritten or Printed Name

Typewritten or Printed Name

If JOINT VENTURE, execute here:

Joint Venture name composed of: _____

The undersigned certify that they sign this bid with the full and proper authorization so to do:

*Signature of Authorized Official**

*Signature of Authorized Official**

Title

Title

Typewritten or Printed Name

Typewritten or Printed Name

*If bidder is a partnership or Joint Venture, give the full names of all partners and/or Joint Ventures in the space provided (use additional sheet if required). If bidder is a corporation, two signatures are required as follows: (1) the Chairman, President, or Vice-President and (2) the Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer. In the alternative, this Agreement may be executed by a single officer or a person other than an officer provided that evidence satisfactory to the City is provided demonstrating that such individual is authorized to bind the corporation (example, a copy of a certified resolution from the corporation's board or a copy of the corporation's bylaws)

END OF BID LETTER

LIST OF SUBCONTRACTORS

The Bidder is required to furnish the following information in accordance with the provisions of Sections 4100 to 4114, inclusive, of the Public Contract Code of the State of California. This list and information shall include all subcontractors that will perform work, provide labor or render services to the Bidder in connection with the project in an amount in excess of one-half of one percent of the total amount of Bidder's Total Bid Price.

Do not list alternative subcontractors for the same work. Use additional sheets if necessary.

NAME OF SUBCONTRACTOR	LICENSE NUMBER	LOCATION OF/ PLACE OF BUSINESS	TYPE OF WORK
1. Robertson Industries, Inc			
2 dba TotTurf	667261	Phoenix, AZ	PIP Surfacing
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

END LIST OF SUBCONTRACTORS

ACKNOWLEDGMENT OF INSURANCE REQUIREMENTS

INCLUDED IN THE BID PRICE IS FULL COMPENSATION FOR PROCURING THE FOLLOWING REQUIRED INSURANCE

- a. PERSONAL INJURY AND PROPERTY DAMAGE LIABILITY INSURANCE of not less than limits of
 FIVE MILLION DOLLARS (\$5,000,000) per occurrence and
 FIVE MILLION DOLLARS (\$5,000,000) in the annual aggregate
- b. AUTOMOBILE LIABILITY INSURANCE of not less than limits of
 TWO MILLION DOLLARS (\$2,000,000) per occurrence/accident
- c. WORKERS' COMPENSATION INSURANCE, as per statutory requirement.
- d. EMPLOYER'S LIABILITY INSURANCE of not less than
 TWO MILLION DOLLARS (\$2,000,000) per accident and
 TWO MILLION DOLLARS (\$2,000,000) each employee by disease.
- e. BUILDERS' RISK INSURANCE
 AMOUNT EQUAL TO 100% OF THE TOTAL BID PRICE
- f. CONTRACTOR'S POLLUTION LIABILITY INSURANCE (If Required)
 FIVE MILLION DOLLARS (\$5,000,000)

 Chet Estimator
 Signature of Bidder/Title

4/15/13
 Date

END OF ACKNOWLEDGEMENT OF INSURANCE REQUIREMENTS

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That H & H Construction, as Principal, and Developers Surety and Indemnity Company, as Surety, are held and firmly bound unto the City of Antioch, hereinafter called CITY, in the sum of (\$)10% of bid, being at least ten percent (10%) of the total amount of the bid, for the payment of which sum in lawful money of the United States of America to CITY we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of the above obligation is such that, whereas the Principal has submitted said bid to CITY;

NOW, THEREFORE, if the principal is awarded a Contract by CITY and, within the time and in the manner required by the Specifications, enters into a written Contract with CITY and furnishes the requisite bond or bonds and insurance certificates, then this obligation shall become null and void, otherwise to remain in full force and effect.

In the event suit is brought upon this bond by CITY and judgment is recovered, the Surety shall pay all costs incurred by CITY in such suit, including a reasonable attorney's fee to be fixed by the Court.

Dated April 11, 2013

TO BE CONSIDERED COMPLETE, BOTH THE PRINCIPAL AND SURETY MUST SIGN THIS BIDDER'S BOND. IN ADDITION, THE SURETY'S SIGNATURE MUST BE NOTARIZED AND A COPY OF THE SURETY'S POWER OF ATTORNEY MUST BE ATTACHED.

H & H Construction
Principal
By: [Signature]
Developers Surety and Indemnity Company
Surety
By: [Signature]
Jeff Aase, Attorney-in-Fact
P.O. Box 19725, Irvine, CA 92623
Address of Surety

END OF BIDDERS BOND

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of San Bernardino }

On April 11, 2013
Date

before me, N. Cruz, notary public

Here Insert Name and Title of the Officer

personally appeared Jeff Aase

Name(s) of Signer(s)

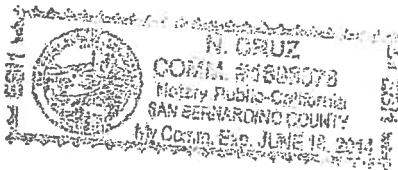
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: _____

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA
PO Box 19725, IRVINE, CA 92623, (949) 263-3300**

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each hereby make, constitute and appoint:

Jennifer Wayne, Ryan Tash, Bret Millar, John Van Bokkelen, Susan C. Monteon, Janelle L. Tuominen, Jeff Aase, Will Mingram, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to those presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Boards of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, Executive Vice-President, Senior Vice-President or any Vice President of the corporations be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of either of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney.

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporations when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective officers and attested by their respective Secretary or Assistant Secretary this January 1st, 2008.

By: *Daniel Young*
Daniel Young, Vice-President

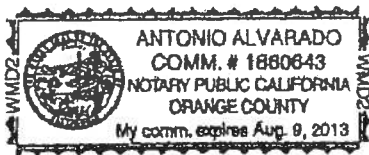
By: *Stephen T. Pale*
Stephen T. Pale, Senior Vice-President



State of California
County of Orange

On January 31, 2011 before me, Antonio Alvarado, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Daniel Young and Stephen T. Pale
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Antonio Alvarado*
Antonio Alvarado, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY or INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 11th day of April, 2013.

By: *Gregg Okura*
Gregg Okura, Assistant Secretary

NON-COLLUSION AFFIDAVIT

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

(In accordance with California Public Contract Code Section 7106 and Title 23 United States Code Section 112)

Nevada
State of ~~California~~
County of ~~San Diego~~ Douglas

ss

Nathan Miller
Chief Estimator

being first duly sworn, deposes and says that he or she is of H+H Construction, the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the Contract or anyone interested in the proposed Contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly, or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

The above Affidavit is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Statement.

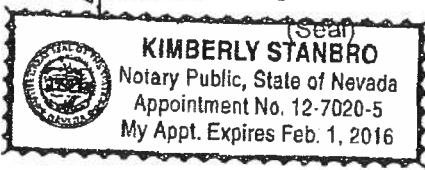
By [Signature]

Subscribed and sworn to before me,
a Notary Public in and for the
State of ~~California~~ Nevada, County of

Douglas, this 15th day of April, 2013

[Signature]
Signature of Notary Public

My commission expires Feb. 1, 2013



END OF NON-COLLUSION AFFIDAVIT

BIDDER'S STATEMENT OF QUALIFICATIONS AND BUSINESS REFERENCES

Name Bidder H + H Construction

Address of Principal Office 7434 Larkdale Ave, Dublin CA 94568

1. Are you an individual , a partnership , a corporation or a joint venture ?
(Check as applicable)

If a partnership, list names and addresses of partners; if a corporation, list names of officers and directors and State of incorporation; if a joint venture, list names and addresses of venturers and if any venturer is a corporation, partnership or joint venture, list the same information for each such corporation, partnership and joint venture.

N/A

2. Are you licensed as a Contractor to do business in California? yes
License No. 945997 Classification B

For the following questions, if a joint venture, give information for each of the venturers, by name Attach additional sheets if necessary.

3. How many years has your organization been in business as a Contractor under your present business name?: 20

4. How many years of experience has your organization had in construction work similar to the work you are interested in bidding? The CONTRACTOR or listed SUBCONTRACTOR shall be experienced and familiar with the application of chip seal and slurry seal. The CONTRACTOR shall submit, with the bid, a list of at least two projects of slurry seal and rubberized chip seal completed within the last 12 months.

(a) As a general contractor? 20
(b) As a subcontractor? 20

5. Show all the projects your organization has completed during at least the last five years in the following tabulation: If your organization has been in existence for less than five years, show all the projects your key personnel have completed during the last five years in the following tabulation. (For joint venture work show the sponsoring individual or company). Attach additional sheets if necessary.

Year	Type of Work	Value of Work	Location	For Whom
------	--------------	---------------	----------	----------

See attached

6. Have you or your organization, or any officer or partner thereof, failed to complete a contract? No If so, give details. Attach additional sheets if necessary.

7. In what other lines of business are you financially interested? Attach additional sheets if necessary.

None

8. Name the persons with whom you have been associated in business as partners or business associates in each of the last five years. Attach additional sheets if necessary.

None

9. Give information below about the relevant experience of the principal individuals of your present organization including those individuals to be in responsible charge of this project. Attach additional sheets if necessary.

Individual's Name	Present Position of Office	Years of Construction Experience	Magnitude and Type of Work	In What Capacity
-------------------	----------------------------	----------------------------------	----------------------------	------------------

See attached

10. Give information below about all your contract work underway, or for which you are committed. Attach additional sheets if necessary.

Type of Work	Location	Value	Percent Complete	Scheduled Completion Date	For Whom Performed
<u>Concrete Basketball Court</u>	<u>Pittsburg</u>	<u>\$47,000</u>	<u>65%</u>	<u>5/15/13</u>	<u>City of Pittsburg</u>
<u>Playground Mulch</u>	<u>Walnut Creek</u>	<u>\$42,550</u>	<u>0%</u>	<u>5/15/13</u>	<u>City of Walnut Creek</u>
<u>Wood Decking</u>	<u>Walnut Creek</u>	<u>\$82,000</u>	<u>90%</u>	<u>4/26/13</u>	<u>Carl Lu</u>

11. References: Give only engineers, architects, or owners, including public bodies, for whom you have done work: Attach additional sheets if necessary.

Name Address Business

See attached

12. References: The following bank or banks can provide references as to the financial responsibility of the Bidder: Attach additional sheets if necessary.

(a) Name of Bank: Bank of America
Address: 7496 Dublin Blvd
City and State Dublin CA Telephone 800-432-1000
Officer Familiar with Bidder's Account: Ang

(b) Name of Bank: _____
Address: _____
City and State _____ Telephone _____
Officer Familiar with Bidder's Account: _____

(c) Name of Bank: _____
Address: _____
City and State _____ Telephone _____
Officer Familiar with Bidder's Account: _____

13. References: The following surety company or companies can provide references as to the financial responsibility and general reliability of the Bidder: Attach additional sheets if necessary.

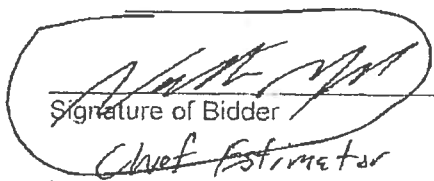
(a) Name of Surety Company: Developers Surety and Indemnity Company
Name of Local Agent (if different) Bond Services of California, LLC
Local Address: Street 290 W. Orange Shaw Rd Ste 109
City and State San Bernardino CA Telephone 909-890-1409
Person Familiar with Bidder's Account: Nora Cruz

(b) Name of Surety Company: _____
Name of Local Agent (if different) _____
Local Address: Street _____
City and State _____ Telephone _____
Person Familiar with Bidder's Account: _____

14. Is any litigation pending against your organization? No

If so, give details. Attach additional sheets if necessary.

The undersigned bidder represents and warrants that the foregoing information is true and accurate to the best of its knowledge and the undersigned intends that the City rely thereof in awarding the attached contract.


Signature of Bidder
Chief Estimator
Title

Dated: April 15, 2013

END OF BIDDER'S STATEMENT OF QUALIFICATIONS AND BUSINESS REFERENCES

Title: Tot Lot Playground Replacement
 at City Park in Antioch, CA
 (P.W. 205-G)

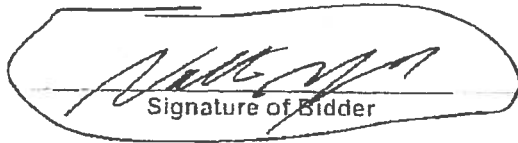
Bids to be received by 2:00 p.m.
 April 16, 2013, Office of the City Clerk,
 City Hall, Antioch, CA

SCHEDULE OF BID PRICES

Item No.	Unit	Quantity	Description	Unit Price	Extended Amount
1.	LS	1	Mobilization, complete in place, for the lump sum price	\$ 15,000.00	\$ 15,000.00
2.	LS	1	Removal and disposal of existing rubber matting, complete in place, for the lump sum price.....	\$ 5,000.00	\$ 5,000.00
3.	LS	1	Saw cut concrete slab and replace with new posts in concrete footings per the specs and as directed in the field, complete in place, for the lump sum price.....	\$ 10,000.00	\$ 10,000.00
4.	LS	1	Purchase and deliver to the site, playground materials, per the Section C-6 Material List Items A, B and C, complete in place, for the lump sum price.....	\$ 42,941.01	42,941.01
5.	LS	1	Purchase and deliver to the site, playground materials per the Section C-6, Factory Direct Equipment Item D, complete in place, for the Lump Sum Fixed Price ...	\$ 4,558.99	\$ 4,558.99
6.	LS	1	Construct and assemble new playground structure and equipment, per the specs and as directed in the field, complete in place, for the lump sum price.....	\$ 30,000.00	30,000.00
7.	LS	1	Place approximately 2,200 square feet of new rubber matting over the existing concrete slab, per the specification, complete in place, for the lump sum price	\$ 30,000.00	\$ 30,000.00
TOTAL BID PRICE:				\$ 137,500.00	

TOTAL BID PRICE: One hundred thirty seven thousand five hundred + no/100
 (Written in Words)

All costs associated with the work required in the Plans and Specifications must be included in the bid items. This certifies that the prices in the proposal include all work as shown in the Plans and Specifications necessary to complete the work, in place and in full working order.


 Signature of Bidder

H + H Construction
 Company Name Printed

KEY PROJECT PERSONNEL

The following key personnel are available for this project:

John Horn, Owner

Mr. Horn has been working in construction for over 30 years. He has been a licensed contractor since 1992. His passion is crafting elaborate decks, arbors, gazebos and patio furniture. He is an accomplished heavy equipment operator and is experienced in heavy and building construction including septic systems, drainage, non-structural concrete, fencing, playgrounds, landscaping and all phases of building construction.

Nathan Miller, Chief Estimator / Project Manager

Mr. Miller has been performing public works construction for 20 years. He obtained a landscape contractors license in 1995. He anticipates earning a Bachelor of Technology: Construction Management degree from Western Nevada College this year. He is fully competent in all aspects of public works project and contract management and has participated in hundreds of public agency contracts though out the Western United States. He is a Certified Playground Safety Inspector (CPSI).

Joaquin Armenta, Superintendent / Concrete Foreman

Mr. Armenta has over 25 years of concrete experience obtaining his own contractor's license in 2008. He performs expert concrete works including sidewalks, curb and gutter, flat work, slabs, walls, light structural, stamped, colored and pervious concrete.

REFERENCES

City of Pittsburg—Ronald Nevels
65 Civic Avenue
Pittsburg, CA 94565
925-252-4949
925-252-6928 fax

City Park Basketball Court, April 2013

Installation of a large (approximately 96' x 60') monolithic poured slab, basketball posts, fencing, excavation and sub base.

Playscapes Construction, Inc.
1852 W 11th Street, Suite 400
Tracy, CA. 95376
877-806-4626
888-860-4626 fax

River Bluff Park. August 2011

Installation of concrete play area curbing, mow strip, sidewalks, plaza and large slab for picnic shelter.

Southgate Recreation Park District – Jordan Dienger

6000 Orange Avenue

Sacramento, CA. 95623-3225

916-428-1171 ext. 18

916-428-7334 fax

Florin Creek Park, September 2010

Demolition of play equipment, removal of sand, demolition of PIP surfacing and concrete substrate, install concrete curb & flatwork, install play equipment and site furnishings, and install EWF.



DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Contractor's License Detail (Personnel List)

Contractor License #: 945997

Contractor Name: H & H CONSTRUCTION

Click on the person's name to see a more detailed page of information on that person

NAME	TITLE	ASSOCIATION DATE	DISASSOCIATION DATE	CLASS	MORE CLASS
<u>JOHN RANDAL HORN</u>	SOLE OWNER	04/20/2010		B	

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NOTICE INVITING BIDS

NOTICE IS HEREBY GIVEN THAT sealed bids will be received by the Office of the City Clerk of the City of Antioch, City Hall, located at 200 "H" Street Antioch, California 94531-5007, until 2:00 p.m., April 16, 2013, at which time bids will be publicly opened and read in the City Council Chambers located at 200 "H" Street Antioch, California 94531-5007, for the following project:

Tot Lot Playground Replacement At City Park P.W. No. 205-G

Provide labor, equipment, and tools, purchase and deliver on site all playground material necessary for the reconstruction and assembling of the Tot Lot playground equipment including new concrete foundation post footings, removal and disposal of the existing playground rubber matting, installing new rubber matting at the Tot Lot playground area and all other items of work, as shown on the plans, as called for in these Special Provisions and as directed by the Engineer. The work is more fully described in the Description of Project and other Contract Documents. **The estimated cost of construction is \$175,000.00.**

Location: Antioch City Park, Tenth and "A" Streets, Antioch, California.

There is no pre bid meeting for this project.

Bids shall be submitted on the City's Bid Forms included in the Contract Documents, plainly endorsed with Bidder's name together with signed acknowledgment of any and all addenda. Bid Forms shall be securely sealed in a suitable envelope marked with the name and address of the Bidder, and marked in capital letters on the front and back of the envelope, as follows:

**Tot Lot Playground Replacement
At City Park
P.W. No. 205-G**

(Name and Address of Bidder)

Whether mailed or personally delivered, all bids shall be addressed to the Office of the City Clerk, City of Antioch, P.O. Box 5007, 200 "H" Street, Antioch, California 94531-5007. Late bids will be returned unopened. **No late bids will be accepted.**

Each bid must be accompanied by a Bid Guaranty in the form of a Certificate of Deposit, Certified or Cashier's Check, Bidder's Bond or Irrevocable Standby Letter of Credit, in an amount equal to at least ten percent (10%) of the Bidder's Total Bid Price. The Bid Guaranty will be retained by the City and applied to any and all damages sustained by the City in the event that the successful Bidder fails or refuses to enter into the Contract awarded to it and to furnish all required bonds and Certificates of Insurance.

The City intends to award the Contract to the lowest responsive, responsible Bidder based on the Total Bid Price. The City reserves the right to reject any and all bids and/or to waive any irregularities or informalities in any bid or in the bidding procedure. The City specifically reserves the right to not award the Contract after the opening of bids.

Bids will be examined and reported to the City Council of Antioch within sixty (60) days of the bid opening.

The City Council reserves the right to reject any and all bids or to waive any irregularities or informalities in any bid or in the bidding procedure.

In connection with the performance of this Contract, full compliance with all applicable safety and health standards and with all applicable laws and regulations concerning Equal Employment Opportunity and Disadvantaged Business Enterprises will be required.

At the time of bidding, and throughout the period of the contract, each bidder shall be licensed under the provisions of Business and Professions Code of the State of California, to do the type of work contemplated for the project.

Bidders and their proposed subcontractors shall hold such licenses, as may be required by the laws of the State of California for the performance of the work specified in the Contract Documents. Bidders bidding as the prime Contractor shall possess a valid California Contractor's General Building License (B) at the time of contract award and throughout the contract term. The Contractor will also be required to ensure that all subcontractors working on this project are holding valid licenses suitable for their trade.

The CONTRACTOR or listed SUBCONTRACTOR shall be experienced and familiar with the application of Playground Safety Surfacing and construction of playground equipment. The CONTRACTOR shall submit, with the bid, a list of at least two projects of Playground Safety Surfacing and construction of playground equipment completed within the last 24 months.

INSPECTION OF SITE OF WORK

Bidders are required to inspect the site of the work in order to satisfy themselves, by personal examination, or by such other means, as they may prefer, of the location of the proposed work and the actual conditions at the site.

The City has requested a bid to install playground equipment that is designated by a specific brand or trade name. **Contractor is required to bid on this specified play equipment and material.**

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county in which the work is to be done have been determined by the Director of the California Department of Industrial Relations. The prevailing wage rates may be reviewed at the City's offices or on line at www.dir.ca.gov/dlsr/PWD/index.htm.

Pursuant to Public Contract Code Section 22300, the successful Bidder may submit certain securities in lieu of the Owner withholding retention of payments during the Project. The successful bidder shall be required to furnish a Performance Bond and a Payment Bond, both in the amount of one hundred percent (100%) of the Total Bid Price.

Attention is directed to the Contract Documents for complete details and bid requirements. Copies of the Contract Documents may be obtained by logging on to www.blueprintexpress.com/Antioch or by calling BPXpress Reprographics at 707-745-3593. These items may be obtained at a set price of \$50.00, plus shipping and is non-refundable. All bidders must purchase a complete bid set from BPXpress Reprographics in order to be considered responsive and to receive addenda notifications.

All questions prior to award of the Contract shall be directed to the attention of the Capital Improvements Division via fax at (925) 779-7062. The deadline for submissions of questions and clarifications concerning the Contract Documents is **April 9, 2013**. Only signed Addenda issued by the Contracts & Procurement department is binding.

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

BY: Ron Bernal, Public Works Director/City Engineer *REB*
DATE: April 23, 2013
SUBJECT: **Item 2L: *Second Supplemental Staff Report:*** Consideration of Bids for the Tot Lot Playground Replacement at City Park, (P.W. 205-G)

RECOMMENDATION

It is recommended City Council reject the bid protest of McNabb Construction Co. waive any irregularities in the bid of H & H Construction and award the project to the low bidder, H & H Construction, in the amount of \$137,500.00 for this project.

BACKGROUND INFORMATION

Bid for Tot Lot Playground Replacement at City Park

As indicated in the initial staff report on this item, in response to the arson damage of the tot lot playground structure at City Park, staff worked with Leathers and Associates, Inc., the original designer of the playground structure, to prepare a bid package for full replacement of the structure and the surface rubberized matting.

Although, it is anticipated that most of the cost of this replacement will be borne by the City's property insurance company, the City followed the competitive bidding requirements in State law given that the City was still likely going to pay some or all of the insurance deductible. Under the California Public Contract Code requirements for cities like Antioch that opt to comply with the Uniform Public Construction Cost Accounting Act (Cal. Pub. Con. Code sections 22000 et seq.), public works projects in excess of \$175,000 require a formal bid. Contracts less than that amount may be let by more informal bidding procedures. The City followed the more formal bidding procedures given the Engineer's Estimate of the value of the work. The City considered using the emergency provisions to dispense with competitive bidding, but wanted to ensure that the work was done at the lowest cost and to avoid complaints from the construction community.

On April 16, 2013, three (3) bids were received and opened as shown on tabulation attached to the original staff report. The apparent low bid was submitted by H & H Construction of Dublin in the amount of \$137,500.00 (Attachment A to the First Supplemental Staff Report). Construction of the project was scheduled to begin on June 24, 2013 and be completed by July 8, 2013. Leathers & Associates representatives will manage the construction of the playground structure.

Bid Protest of McNabb Construction

The apparent second low bidder, McNabb Construction Company, has submitted a bid protest (Attachment B to the First Supplemental Staff Report). In summary, McNabb has two arguments:

1. All bid forms submitted by H & H Construction should have been executed by the sole owner, John Horn. Some of the bid forms (Acknowledgment of Insurance Requirements; Bid Bond; Non Collusion Affidavit; Statement of Qualifications) was signed by the Chief Estimator for the company, Nathan Miller.
2. H & H Construction has not shown that it or its subcontractors have completed two projects of playground safety surfacing and playground equipment construction within the last 24 months. (See Attachment C to the First Supplemental Staff Report, "Notice Inviting Bids")

The Bid Specifications allow the City Council to "reject any and all bids or to waive any irregularities or informalities in any bid or the bidding procedures." (See Attachment C to the First Supplemental Staff Report, "Notice Inviting Bids") In addition, the courts generally give public agencies the discretion to determine responsiveness.

As to the first issue regarding the authority of Chief Estimator, Nathan Miller, to sign some of the documents in the bid package, H & H Construction has submitted the attached email response, along with documentation from the surety company, The Insko Insurance Group (Attachment A).

Staff finds that H & H Construction has submitted a binding bid in that the bid was signed initially by the sole owner, John Horn, and the Chief Estimator only signed the supplemental bid documents. It is not uncommon for a Chief Estimator to have the authority to submit bids, as this Chief Estimator did pursuant to the email from Mr. Horn (Attachment A). In addition, the surety company submitting the bid bond for H & H Construction recognized the Chief Estimator as a binding signatory for the principal and thus is bound to pay the penalty/bond amount if H & H Construction fails to execute a contract after being awarded the bid. Section 2.106 of the Caltrans Specifications, which were referenced with the Bid Specifications for this project indicate that when a bid is signed by "an agent, other than the officer or officers of a corporation" that a Power of Attorney must be on file with Caltrans or the bid may be rejected as irregular. However, the City's Bid Specifications allow the City Council to waive any irregularities. Staff recognizes that larger entities typically bid on Caltrans' jobs and that smaller businesses like those bidding on this playground project may not have formal "Powers of Attorney" in place but grant authority in the manner described in the email from the owner of H & H Construction.

Taking the totality of the circumstances, staff recommends that this irregularity be waived as a minor irregularity in that the documents submitted by H & H Construction indicate that the Chief Estimator was authorized to execute the ancillary bid documents and that H & H received no competitive advantage by not having the owner sign all of the documents as the bid and bid security was still binding on H & H Construction.

As to the second issue of whether H & H Construction or its subcontractors met the requirement to "submit, with the bid, a list of at least two projects of Playground Safety Surfacing and construction of playground equipment completed within the last 24 months." (See Attachment C to the First Supplemental Staff Report, "Notice Inviting Bids"). Staff recognizes that it failed to include a specific bid form for providing this information and that all three bidders thus only completed the "Bidder's Statement of Qualifications and References" that asked for more general information. Thus, when McNabb Construction raised this issue regarding the low bidder, an email was sent to all bidders requesting more detailed information regarding the experience of the bidder and its subcontractor in the past 24 months. At the time of writing this staff report, responses were received from H & H Construction (Attachment A) and McNabb Construction (Attachment B).

Given the recent economic conditions particularly for cities and school districts that would often be the ones contracting for playground construction, the 24-month period to complete two projects with both construction of playground equipment and Playground Safety Surfacing (the specialized rubber matting for most recent playgrounds) was perhaps somewhat narrow. However, no bidders or prospective bidders raised the issue prior to bid opening. However, in reviewing the information provided by H & H Construction, the company provides information regarding two qualifying projects completed in 2011. In addition, the subcontractor to H & H Construction, Tot Turf, which provides the rubber surface, has also completed numerous qualifying projects within the past two years. Accordingly, staff finds that H & H Construction and its subcontractor meet the requirement for having completed similar jobs within the past two years and deviation from the specifications, if any, is minor and can be waived.

FINANCIAL IMPACT

The City has submitted a claim to its property insurance carrier through the City's joint risk pool, Municipal Pooling Authority (MPA). The property insurance company is aware of the low bid. However, there is a \$25,000 deductible, which community members and community groups have been fundraising to meet, including Take Back Antioch, Assembly Member Jim Frazier and S.T.A.R. Ministry at the Church on the Rock. In addition, PG&E has indicated a willingness to donate funds and an application for those grant funds has been submitted.

OPTIONS

1. Reject all bids and direct staff to rebid the project. The option raises concerns about meeting the original construction completion date of July 8, 2013. The City has contacted Leathers & Associates, which would be available to manage the project later in the year, as long as it was completed in 2013 and did not carryover to 2014.
2. Accept the bid protest and find the low bidder, H & H Construction non-responsive. However, the apparent second lowest bidder, McNabb Construction, is not responsive for failure to obtain the Contract Documents at BPXpress Reprographics. The Bid Specifications require: "All bidders must purchase a complete bid set from BPXpress Reprographics in order to be considered responsive and to receive addenda notifications." (See Attachment C to the First Supplemental Staff Report, "Notice Inviting Bids"). McNabb Construction did submit information regarding completion of two qualifying projects within the past two years. (Attachment B)
3. Continue the matter if additional information is needed.

ATTACHMENTS

A: Information provided by H & H Construction

B: Information provided by all bidders regarding experience during the past 24 months

Nerland, Lynn Tracy

From: Abu-aly, Ahmed
Sent: Tuesday, April 23, 2013 2:54 PM
To: Nerland, Lynn Tracy
Subject: FW: Formal Bid Protest - Tot Lot Playground Replacement at City Park (PW #205-G)

Ahmed

From: H and H Construction [mailto:hhfenceandconst@yahoo.com]
Sent: Tuesday, April 23, 2013 10:04 AM
To: Abu-aly, Ahmed
Subject: Re: Formal Bid Protest - Tot Lot Playground Replacement at City Park (PW #205-G)

Mr Abu-Aly,

Per your request we are providing the following information in response to the merit-less bid protest submitted by McNabb Construction.

Nathan Miller, in his capacity as Chief Estimator for H & H Construction, has my full authority to sign and submit bids for my business including the subject bid at issue. Mr. Miller is employed by H & H Construction as a project manager in addition to being our chief estimator. His combined duties included taking a project from start to finish. His duties as our chief estimator includes: locating leads and prospective jobs through numerous sources including builder's exchanges, numerous agency websites, numerous online lead services, local newspaper public notices and occasionally word of mouth. After narrowing leads down to prospects that fit our "niche", he then runs the leads by me for my approval. Upon approval, he obtains plans and specifications and then begins preparing the bid. He performs site visits, quantity take-offs, material quotes, labor/ man hour estimates, requests for subcontractor quotes, requests for bid bonds, asks questions of the project owner, attends pre bid meetings, prepares bid forms and qualification packets, and submits the bid. Upon award he then begins his duties as a project manager in which he also has my full authority to sign contracts, change orders, material orders, subcontracts, etc.

H & H Construction submitted several projects that demonstrate our experience with municipal/public playground projects. We performed as a subcontractor on the River Bluff Park in Ceres in summer 2011. This project included an entire new playground. We performed as the general contractor on the Florin Creek Park project in Sacramento. We removed and replaced a large playground including an impressive pyramid net climber. Although the majority of construction took place in the late summer to early fall of 2010, my records reflect we didn't receive final payment until summer 2011. As I can recall from memory, the project "Notice of Completion" wasn't filed until all administrative paperwork and warranty/maintenance period was completed in spring or early summer 2011. Both of these projects, on their own, should satisfy the experience submittal requirements for this project. However, below are two local playground projects performed in the last 24 months for private individuals under contract from L & L Landscaping, 5115 Johnson Dr., Pleasanton, CA; Contact: Bruce Lance 925-982-9082.

Flanerry Residence, 172 Rudgear Rd, Walnut Creek, CA ; 2012

Sherman Residence, 14 Canyon Oaks Ct., Danville, CA 2011

I have requested a letter from the surety regarding the bid bond but at this time they have not replied. I'm told that non routine requests can take several days to work through their departments.

We stand committed and look forward to the prospect of successfully completing this project.

Sincerely,

John Horn, Owner

H & H Construction.

From: "Abu-aly, Ahmed" <aabualy@ci.antioch.ca.us>
To: "hhfenceandconst@yahoo.com" <hhfenceandconst@yahoo.com>
Cc: "Bernal, Ron" <rbernal@ci.antioch.ca.us>; "Nerland, Lynn Tracy" <lnerland@ci.antioch.ca.us>
Sent: Monday, April 22, 2013 12:51 PM
Subject: FW: Formal Bid Protest - Tot Lot Playground Replacement at City Park (PW #205-G)

Hi John,

Please see attached formal bid protest, as we have discussed please provide us by 9 am tomorrow the followings:

- Letter describing your Chief Estimator duties and his authority to sign and submit bids on your behalf.
- Letter from the Bid Bonding Company accepting Nathan Miller your Chief Estimator signature on the bid bond.
- More detail information on your company experience in building playground and the experience of the turf surfacing company in applying the turf surface in the past 2 years.

Thanks

*Ahmed Abu-Aly
City of Antioch
Tel. 925-779-6130
Fax. 925-779-7062*

Regular business hours are from 8:00 am to 5:00 pm Monday through Thursday

From: Bernal, Ron
Sent: Monday, April 22, 2013 11:44 AM
To: Abu-aly, Ahmed
Subject: Fwd: Formal Bid Protest - Tot Lot Playground Replacement at City Park (PW #205-G)

Ahmed-here's bid protest letter from McNabb.

Sent from my Samsung Epic™ 4G Touch

----- Original message -----

Subject:Fwd: Formal Bid Protest - Tot Lot Playground Replacement at City Park (PW #205-G)
From:"Jakel, Jim" <JimJakel@ci.antioch.ca.us>
To:"Bernal, Ron" <rbernal@ci.antioch.ca.us>,"Nerland, Lynn Tracy" <lnerland@ci.antioch.ca.us>
Cc:

Jim Jakel
Sent from my iPhone

Begin forwarded message:

From: Dave McNabb <davemcnabb@hotmail.com>
Date: April 20, 2013, 8:59:59 AM PDT
To: "Jakel, Jim" <JimJakel@ci.antioch.ca.us>
Cc: Council <Council2@ci.antioch.ca.us>
Subject: Formal Bid Protest - Tot Lot Playground Replacement at City Park (PW #205-G)

Please find attached the documents that make up our formal bid protest



April 23, 2013

City of Antioch
Attn: Ahmed Abu-Aly

Via e-mail: aabually@ci.antioch.ca.us

RE: H & H Construction

Mr. Ahmed Abu-Aly,

1. We stand behind and affirm the bid bond.
2. We are informed and, on that basis, believe that Nathan Miller, our principal's chief estimator, signed the bid bond with the consent and on behalf of our principal.
3. Assuming, as we have been informed, that Mr. Miller was authorized to sign the bid bond on behalf of our principal we accept that signature as valid for H&H Construction.

Regards,

A handwritten signature in black ink, appearing to be "JA", with a long horizontal flourish extending to the right.

Jeff Aase, Attorney-in-Fact

Nerland, Lynn Tracy

From: Tsitovich, Alex [alex@totturf.com]
Sent: Tuesday, April 23, 2013 9:06 AM
To: Abu-aly, Ahmed
Cc: H and H Construction (hhfenceandconst@yahoo.com)
Subject: PROTEST LETTER VS H & H CONSTRUCTION
Attachments: protest letter.doc MASTER.doc; REFERENCES.doc

Mr. Abu-Aly:

Attached please find my response to an issue of "experience" and H and H Construction brought to my attention. If you have any questions please feel free to call.

Alex Tsitovich

Sales Manager Northern California



A PLAYCORE Company

1354 14th Street
Oakland, California 94607
Direct Cell: 510 381 8294
Office: 510 433 0655
Office Fax: 510 433 0610
Alternate Fax: 925 256 6472
www.totturf.com

The contents of this message and any attachments are proprietary, confidential and/or legally privileged, and are intended solely for the use of the person(s) intended to receive this message. If you are not the intended recipient, then please be aware that any use of this message (including any copying, archiving, dissemination or distribution of this message) is strictly prohibited. If you have received this message in error, please notify the sender, delete this message and any attachments and destroy all records and copies of it. Thank you.

TOT TURF

A PLAYCORE Company

22 April 2013

Mr. Ahmed Abu-Aly, City of Antioch, California
City of Antioch
200 H Street
Antioch CA 94531

Subject: Experience of the Turf Surfacing Company 13-10269

Dear Mr. Abu – Aly:

I am writing in response to a Letter of Protest you received on the City Park project and our relation with Nathan Miller and H & H Construction.

I am the Regional Sales Manager for TotTurf by Robertson Industries. We are a Division of PlayCore LLC and have been providing surfacing in northern California for 20 years. Locally, we service northern California from our 10,000 square foot Regional Service Center in Oakland, California using “employee” trained installers. We do not “certify” Rep organizations or mobile applicators to install our product. Annually we will install 300-350 jobs out Oakland.

As you may know we have done a number of jobs for the City of Antioch over the years, and these past few years I have worked with Wayne Burgess.

I have known Nathan Miller for the better part of 15 years and proud to say we do a number of jobs that vary in scope each year with him (1-5).

Nathan’s credentials speak for themselves, and I certify that TotTurf’s experience with Nathan have all been successful and uneventful from start to finish satisfying his customers expectations.

For the record, in regards to this bid, I see TotTurf released only four (4) bids to the following: H & H Construction, Community Playgrounds, Goodland Construction and SRP Company. I endorse and certify experience with only these four (4) contractors in respect to this job.

Very truly yours,

ALEX TSITOVICH
REGIONAL SALES MANAGER

CC; file
Nathan Miller, H & H
Attach: references

TOTTURF

A PLAYCORE Company

p. 2 13 10269

INSTALLATIONS:

ATHAN DOWNS PARK
2975 MONTEVIDEO DRIVE
SAN RAMON CA 94583
KAREN MC NAMARA (CITY OF SAN RAMON)
JEFF GUALT
925 973 2801
8925 SQUARE FEET

BAY MEADOWS PARK
SAN MATEO CA 94402
CITY OF SAN MATEO
RON MASON CITY OWNER
650 740 3341
ADAN MONTES (CONTRACTOR-ROBERT BOTHMAN) 408 639 0835
4778 SQUARE FEET

REFERENCES

CITY AND COUNTY OF SAN FRANCISCO
EDWARD CHIN
30 VAN NESS BLVD. 5TH FLOOR
SAN FRANCISCO CA 94117
415 558 4485

KINDANGO PRE SCHOOLS
KATE BREITZMAN
44000 OLD SPRINGS ROAD
FREMONT 94538
510 897 6914

CITY OF PIEDMONT
RECREATION DEPARTMENT
MARK DELVENTHAL, DIRECTOR
358 HILLSIDE
PIEDMONT CA 94611
510/420-3070

CITY OF FOSTER CITY
PARKS AND RECREATION DEPARTMENT
KEVIN MILLER, DIRECTOR
650 SHELL BLVD.
FOSTER CITY CA 94404
650/345-5731

MT. DIABLO UNIFIED SCHOOL DISTRICT
OPERATIONS
MIKE FOX, SUPERVISOR OF TRADES CONSTRUCTION
1480 GASOLINE ALLEY
CONCORD CA 94520
925/825-7440 EXT. 3820

CITY OF SAN RAMON
PUBLIC WORKS DEPARTMENT
KAREN MC NAMARA, DIRECTOR
5000 CROW CANYON ROAD
SAN RAMON CA 94583
925/973-2801

CITY OF SAN MATEO
PARKS AND RECREATION DEPARTMENT
RON MASON
220 W. 20TH AVENUE
SAN MATEO CA 94403
650/740-3341

McNabb Construction, Inc.

April 23, 2013

Ahmed Abu-Aly
City of Antioch
Via email – aabualy@ci.antioch.ca.us

Hi Ahmed:

Per your email request please see the following Construction of Playground Equipment and Installation of Playground Rubber Matting within the last 24 months.

McNabb Construction, Inc. was the General Contractor on both projects for the City of San Pablo and the City of Tracy. McNabb Construction did not have any subcontractors on these projects and did the play equipment install and the poured in place rubber play surfacing (PIP) in house.

Project: Wanlass Park
Owner: City of San Pablo
Contacts: Adele Ho City Engineer City of San Pablo 510-215-3068
Aaron Pieczonka Inspector Ghiradelli Associates 510-451-4180
Completed: October 2012
Contract: \$300,154

Project: Playground Renovation Project
Doctor Powers Park, Dorothy Zanussi Park North, Dorothy Zanussi Park South, Kit Fox Park, and George Kelly Park
Owner: City of Tracy
Contact: Mark Ruiz Inspector City of Tracy 209-831-4461
Completed: August 2012
Contract: \$318,078

Additional Playground projects completed from 1996-2010 can be provided upon request. Owner's include Novato Unified School District (25 Play Structures), West Contra Costa Unified School District (PIP), City of Hercules (2 Play Structures & PIP), Hayward Area Recreation District (3 Play Structures & PIP), City of Napa (Play Structure & PIP), City of Union City (2 Play Structures & PIP), City of Pleasanton (12 Play Structures & PIP), City of Yuba City (Spray Park), City of Manteca (Spray Park), Contra Costa County (4 Play Structures), City of Richmond (Play Structure & PIP), City of Novato (Play Structure & PIP), City of Fairfield (3 Play Structures, PIP & Spray Park), City of Santa Clara (4 Play Structures & PIP), City of Sonoma (2 Play Structures & PIP), City of San Francisco (PIP), Town of Moraga (Play Structure), City of Milpitas (6 Play Structures & PIP), Town of Danville (Play Structure & PIP).

Even though the above referenced projects had both playground installation and rubber safety surfacing installed by McNabb Construction, we listed a subcontractor for the bid submitted to the City of Antioch. So we have attached as part of this submittal a list of the projects done by Spectra Turf in 2011 and 2012

If you have any questions please let me know.

Regards,



Dave McNabb
McNabb Construction, Inc.
925-935-4200 cell 925-403-7972 fax davemcnabb@hotmail.com email

cc: Ron Bernal via email rbernal@ci.antioch.ca.us

3527 Mt Diablo Blvd #306, Lafayette, California, 94549-2035
Phone 925-935-4200 Fax 925-403-7972 E-mail: davemcnabb@hotmail.com
License #728118

2011 SPECTRATURF SURFACING PROJECTS

DATE	PROJECT NAME	LOCATION	SQFT
1/3/2011	RAGLE PARK	SANTA FE, NM	663
1/4/2011	BONELLI #5	SAN DIMAS, CA	3085
1/4/2011	TAPO CANYON PARK	SIMI VALLEY, CA	2065
1/6/2011	24TH STREET ELEM	LOS ANGELES, CA	1,344
1/10/2011	PAMELA PARK	DUARTE, CA	5975
1/14/2011	GLEN HELEN PARK	DEVORE, CA	2,025
1/19/2011	SANTA FE APARTMENTS	BAKERSFIELD, CA	1100
1/20/2011	FOSTER ELEM	COMPTON, CA	1,200
2/17/2011	ENCLAVE PARK	CORONA, CA	1,257
2/21/2011	BLANTON CDC	BAKERSFIELD, CA	576
2/22/2011	VETERANS PARK	COMMERCE, CA	4,417
2/25/2011	PALMS PARK	LAKEWOOD, CA	
2/28/2011	BANDINI PARK	COMMERCE, CA	3128
3/1/2011	JURUPA VALLEY AQUATIC CENTER	RIVERSIDE, CA	1727
3/3/2011	ROSEWOOD PARK	COMMERCE, CA	4780
3/9/2011	BRISTOW PARK	COMMERCE, CA	5471
3/22/2011	VICTORIA PARK	PALM SPRINGS, CA	5934
3/25/2011	RUTH HARDY PARK	PALM SPRINGS, CA	2236
3/29/2011	POINT LOMA NAVAL BASE	POINT LOMA, CA	8952
3/31/2011	STINE ROAD HEAD START	BAKERSFIELD, CA	820
4/4/2011	GRAND WAILEA RESORT	MAUI, HI	4000
4/6/2011	LINDA LANE PARK	SAN CLEMENTE, CA	2220
4/18/2011	BAKERSFIELD ADULT SCHOOL	BAKERSFIELD, CA	2333
4/18/2011	COSTEAU PARK	LAGUNA HILLS, CA	3165
4/20/2011	PALM PARK	WHITTIER, CA	6387
5/9/2011	COMMUNITY CENTER	LAGUNA HILLS, CA	
5/9/2011	JACKSON PARK PHASE 1		
5/16/2011	SANDY BASIN 3	FORT IRWIN, CA	2800
5/16/2011	117TH STREET		2770
5/23/2011	MCCAFREY HOMES	CLOVIS, CA	300
6/2/2011	LAUREL PARK	WHITTIER, CA	2375
6/6/2011	JACKSON PARK PHASE 2		
6/7/2011	REEVES PARK	BEVERLY HILLS, CA	987
6/10/2011	DISCOVERY SITE #23	LANCASTER, CA	655
6/20/2011	LAKE MERIDIAN		3760
6/20/2011	BIRCH AQUARIUM	SAN DIEGO, CA	1376
6/22/2011	TAYLOR HIGH SCHOOL	TAYLOR, TX	
6/24/2011	NEW HORIZIONS ELEM	IRVINE, CA	1295
6/27/2011	NINA PLACE APAREMENTS	BAKERSFIELD, CA	1800
6/27/2011	WARREN AIR FORCE BASE	WARREN AFB, CA	
7/4/2011	EAGLE GLEN PARK	CORONA, CA	480
7/6/2011	ITALIAN SCHOOL	SAN FRANCISCO, CA	1762
7/11/2011	KB HOMES	FONTANA, CA	850
7/18/2011	STILLWELL COMMUNITY CENTER	MONTEREY, CA	1100
7/26/2011	BIOLA ELEM	FRESNO, CA	
7/26/2011	TEAGUE ELEM	FRESNO, CA	
7/29/2011	RAFER JOHNSON CENTER	BAKERSFIELD, CA	918
8/2/2011	NOOKSACK HEADSTART	EVERSON, WA	2087
8/2/2011	PARK PALACE APARTMENTS	MOJAVE, CA	7506
8/9/2011	GODDARD SCHOOL	HENDERSON, NV	1990

2012 SPECTRATURF SURFACING PROJECTS

DATE	PROJECT NAME	LOCATION	SQFT
1/3/2012	LPVH SPORTS PARK	SAN CLEMENTE, CA	10818
1/3/2013	PASADENA COLLEGE CDC	PASADENA, CA	30
1/5/2012	OTAY ELEM SCHOOL	CHULA VISTA, CA	1200
1/30/2012	MAYFAIR PARK	LAKESWOOD, CA	2202
2/1/2012	LINCOLN ELEM SCHOOL	CLOVIS, CA	841
2/13/2012	GROSSMONT HIGH SCHOOL	EL CAJON, CA	1636
2/22/2012	FORT IRWIN	FORT IRWIN, CA	1,654
2/28/2012	BECKES STREET APTS	WASCO, CA	972
3/8/2012	RAUL PEREZ PARK	HUNTINGTON PARK, CA	3,392
3/10/2012	CARLSBAD COUNTRY DAY SCHOOL	CARLSBAD, CA	464
3/13/2012	YORBA REGIONAL PARK	YORBA LINDA, CA	
3/20/2012	VISTA PARK	COSTA MESA, CA	530
3/21/2012	SHIFFER PARK	COSTA MESA, CA	696
3/22/2012	JORDAN PARK	COSTA MESA, CA	335
3/27/2012	GARFIELD ELEM	ENID, OK	4800
4/2/2012	BAKERSFIELD ADULT SCHOOL	BAKERSFIELD, CA	1515
4/5/2012	MENIFEE ELEM #9	LAKE ELSINORE, CA	9608
4/6/2012	MONTGOMERY ELEM	CHULA VISTA, CA	1050
4/14/2012	MISSION LUTHERN CHURCH	LAGUNA NIGUEL	1640
4/16/2012	MADISON ELEM	INDIO, CA	18280
4/23/2012	STAR TACOMA	TACOMA, WA	2000
4/30/2012	BAYER HEATHER CARE	BERKLEY, CA	1669
4/30/2012	BEALE AFB CDC	BEALE AFB, CA	7083
5/7/2012	TRUMAN ELEM SCHOOL	LA QUINTA, CA	17595
5/7/2012	AQUARIUM OF THE PACIFIC	LONG BEACH, CA	1620
5/7/2012	CARRIAGE CREST PARK	CARSON, CA	4550
5/9/2012	BRENTWOOD CIVIC CENTER	BRENTWOOD, CA	4366
5/11/2012	DENNIS ALLEN PARK	SAN DIEGO, CA	520
5/16/2012	CHINESE REC CENTER	SAN FRANCISCO, CA	4222
5/21/2012	FRANKLIN ELEM SCHOOL	LA QUINTA, CA	9715
5/22/2012	LOS NIETOS & SANTA FE PARK	SANTA FE SPRINGS, CA	877
5/24/2012	SOUTH REGION ELEM #11	LOS ANGELES, CA	1725
5/29/2012	GODDARD SCHOOL	VANCOUVER, WA	1718
6/4/2012	ENATAI PARK	BELLEVUE, WA	1439
6/4/2012	HOOVER ELEM	INDIO, CA	10958
6/5/2012	MENIFEE ELEM #11	LAKE ELSINORE, CA	7347
6/10/2012	CARMICHAEL PARK	BRIGHTON, CO	7347
6/11/2012	BALBOA PARK	SAN FRANCISCO, CA	4726
6/18/2012	STEVENSON PARK	CARSON, CA	3695
6/18/2012	BRENTWOOD PARK	CORONA, CA	702
6/21/2012	PALMVIEW PARK	WEST COVINA, CA	432
6/22/2012	A TIME FOR CHANGE PRE SCHOOL	SAN BERNARDINO, CA	602
6/25/2012	DR CARREON ELEM SCHOOL	INDIO, CA	5929
6/25/2012	DOOR COMPONETS TOT LOT	FONTANA, CA	580
6/25/2012	REAGAN ELEM SCHOOL	PALM DESERT	9550
6/26/2012	FEASTER ELEM SCHOOL	CHULA VISTA, CA	900
6/28/2012	JACKSON ELEM SCHOOL	INDIO, CA	6260
7/5/2012	COLUMBUS TUSTIN PARK	TUSTIN, CA	805
7/11/2012	EASTLAKE ELEM SCHOOL	CHULA VISTA, CA	1100
7/14/2012	COVINA DEV CENTER	COVINA, CA	1240

2012 SPECTRATURF SURFACING PROJECTS

DATE	PROJECT NAME	LOCATION	SQFT
7/17/2012	SMOTHERS PARK	OWENSBORO, KY	14552
7/17/2012	MEADOWS ELEM SCHOOL	SAN JOSE, CA	5313
7/17/2012	CORNERSTONE ACADEMY	SAN JOSE, CA	5458
7/30/2012	TEHACHIPI FITNESS	TEHACHIPI, CA	1,308
8/1/2012	PINAESHI PARK	ROSEVILLE, CA	500
8/6/2012	MAY WHITNEY SCHOOL	LAKE ZURICH, IL	4852
8/13/2012	PINE ST CDC	SANTA MONICA, CA	1346
8/13/2012	BANNON CREEK	SACRAMENTO, CA	1532
8/16/2012	BURCKHAULTER ELEM	OAKLAND, CA	900
8/17/2012	JOHN ADAMS CDC	SANTA MONICA, CA	1420
8/22/2012	EAST VALLEY CENTER	ESCONDIDO, CA	1572
8/24/2012	RUBIDOUX CDC	RIVERISDE, CA	3935
8/30/2012	RUBEN CASTRO	MOORPARK, CA	1300
9/4/2012	BIDWELL PARK APTS	CHICO, CA	1300
9/4/2012	IDAHO CREEK PARK	LONGMONT, CO	1800
9/24/2012	BIGGS PARK	FORT BLISS, TX	8391
9/28/2012	IMMANUEL CDC	RIDGECREST, CA	1456
10/8/2012	SEAGATE PARK	CARLSBAD, CA	1078
10/23/2012	EL DORADO HILL	SAN DEIGO, CA	1105
10/25/2012	TIERRASANTA RIDGE	SAN DIEGO, CA	1078
11/1/2012	VILLAGE VIEW APTS	SAN DIEGO, CA	504
11/12/2012	WASCO ARMS APTS	WASCO, CA	1532
11/15/2012	DAILARD PARK	SAN DIEGO, CA	1250
11/19/2012	DAVID WIER ELEM	FAIRFIELD, CA	1000
11/19/2012	GODDARD SCHOOL	SAN RAMON, CA	1799
11/20/2012	JAPANESE CHRISTIAN CHURCH	CAMPBELL, CA	1035
11/26/2012	ROSENA PARK	FONTANA, CA	5791
11/26/2012	DEL NORTE PARK	WEST COVINA, CA	650
11/28/2012	MISSION SPRINGS PARK	DESERT HOT SPRINGS, CA	613
12/3/2012	EAGLE RANCH ELEM SCHOOL	ADELANTO, CA	3224
12/10/2012	STAR TACOMA PHASE 2	TACOMA, WA	2020
12/17/2012	PEARSALL PARK	SAN ANTONIO, TX	2385

CITY OF ANTIOCH AS SUCCESSOR AGENCY TO
 THE ANTIOCH DEVELOPMENT AGENCY
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 MARCH 21 - APRIL 17, 2013
 FUND/CHECK#

239 Redevelopment Obligation Retirement Fund

344540 CONTRA COSTA COUNTY	DDR BALANCE	3,829.43
344581 FEDEX	SHIPPING	40.08

332 Redevelopment Obligation Retirement Fund (for former Project Area #2)

344540 CONTRA COSTA COUNTY	DDR BALANCE	221,730.93
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333 Redevelopment Obligation Retirement Fund (for former Project Area #3)

344540 CONTRA COSTA COUNTY	DDR BALANCE	38.57
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334 Redevelopment Obligation Retirement Fund (for former Project Area #4)

344540 CONTRA COSTA COUNTY	DDR BALANCE	14.67
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335 Redevelopment Obligation Retirement Fund (for former Project Area #4.1)


344540 CONTRA COSTA COUNTY	DDR BALANCE	4,286.40
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CITY OF ANTIOCH AS HOUSING SUCCESSOR TO
THE ANTIOCH DEVELOPMENT AGENCY
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
MARCH 21 - APRIL 17, 2013
FUND/CHECK#

227 Housing Fund		
Housing - CIP		
344693 KENNEDY, JANET	CONSULTANT SERVICES	892.50

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

Prepared by: Teri House, CDBG Consultant 

Reviewed by: Ryan Graham, Deputy Director of Community Development 

Approved by: Tina Wehrmeister, Director of Community Development 

Date: April 15, 2013

Subject: FY 2012-13 Annual CDBG Action Plan Funding

RECOMMENDATION

- 1) It is recommended the City Council approve the funding recommendations of the CDBG subcommittee, and approve the Resolution reflecting the final recommendations and adopting the draft fiscal year (FY) 2013-14 Action Plan.
- 2) It is recommended the City Council approve the recommendation of the CDBG subcommittee to modify the funding cycles within each Five Year Consolidated Plan so that the first funding cycle covers two years and the second cycle covers the remaining three years of the Consolidated Plan, as is being considered by all Contra Costa CDBG/HOME Consortium jurisdictions.

BACKGROUND INFORMATION

FY 2013-14 Annual Action Plan

The City of Antioch's annual Action Plan describes the specific activities the City will undertake during the program year to address priority needs identified in the Contra Costa Consortium 5-Year Consolidated Plan for 2010-15. The Action Plan identifies the use of grant funds and program income, including any remaining Redevelopment Agency Housing Set-aside funds, as well as other fund sources received during the program year. It lists the proposed accomplishments of each funded activity, and the actions the City proposes to undertake during the year to address obstacles in meeting underserved persons, foster and maintain affordable housing, reduce the number of households living under the poverty level, and enhance coordination between public and private housing and social service agencies.

FY 2013-14 Action Plan Recommendations

The new CDBG Subcommittee this grant cycle consisted of Council members Monica Wilson and Tony Tiscareno. The Subcommittee and CDBG consultant met on March 15, 2013, to review the CDBG program, 2010-15 Consolidated Plan, and Council recommendations for the past three years. The Subcommittee reviewed and discussed revised priorities in the areas of Public Services, Housing, Special Needs populations, and general Community Development, and the corresponding actions needed to fulfill the revised Consolidated Plan. They also

reviewed the substantial amendments to the priorities and goals necessitated by the State of California when it dissolved Redevelopment agencies and seized funds in 2010-11. (Previously, the City of Antioch had allocated over \$1.1 million in Redevelopment housing set-aside funds annually that was utilized to build affordable housing, rehabilitate homes for elderly and disabled homeowners, rehabilitate rental housing for lower income persons, and provide a wide variety of homeless services for adults and youth.)

Subcommittee members also examined the funding levels and performance, through the end of the second quarter, of agencies that submitted renewal applications. Since FY 2014-15 is the second year of the grant cycle, renewal applications were invited only from funded subrecipients who were initially funded in the procurement process for FY 2012-13. Applications, budgets and proposed accomplishments were reviewed by the consultant for completeness and accuracy before the meeting with the Subcommittee.

As the amount of the CDBG grant was not known at the March 15th meeting, funding scenarios presented by the consultant included level funding with FY 12-13, or cuts of up to 5% due to sequestration. Together they developed a strategy to keep all Public Services grant funding equal to FY 12-13, even with possible cuts, by utilizing prior year funds to make up the gap while not exceeding the Public Services cap established by HUD. This allows all Public Services grants to be maintained at a level not less than \$5,000, which is the minimum acceptable by HUD Compliance officer for the City of Antioch. The Subcommittee then made the recommendations to Council included in this report.

FY 2013-14 Action Plan Funding

As of the staff report submission date, the amount of the City of Antioch's federal CDBG allocation is unknown due to the effects of sequestration and delayed federal budget. Based on the most recent information from Antioch's HUD liaison, the grant is expected to be in a range equal to last year's allocation of \$659,487, plus or minus 5% or \$32,975. The expected range, therefore, is from \$626,512 to \$692,462. As the Action Plan must still be submitted to HUD in early May, this report uses these ranges in this document, allowing Council to approve funding for subrecipients and submit the Action Plan on time as required.

In addition to the CDBG grant amount, the City will utilize some amount of carry-over or residual funds from prior years to make up for any funding cuts of up to 5% and to fund both rental and housing rehabilitation programs, which are necessary components of the Code Enforcement program. While the exact total amount of CDBG funds recommended for allocation is unknown until the City is advised of its grant allocation by HUD, the City has outlined a funding strategy and ratios, below, and allocations that are within five percent (5%) both above and below the 2012-13 grant amount of \$659,487, as contained in Exhibit 1 of the Resolution.

- **Public Services** – will remain at \$100,000 whether funds are decreased up to 5%, or increased to any amount, leaving them identical to 2012-13 funding level. Any funding decrease will be backfilled using prior year residual funds. Public Services are capped by HUD at an amount not to exceed 15% of the grant amount plus 15% of the prior year (2012-13) program income.
- **Administration** – cannot exceed 20% of the grant amount by HUD standards, so will decrease or increase to that percentage.
 - **Fair Housing** – funded from Administration, will remain at \$20,000 (2012-13 grant amount) whether funds are decreased up to 5%, or increased to any amount.

- **Economic Development** – not to exceed 10% of the annual CDBG grant by City Council determination. Grants to the two subrecipients will not exceed their 2012-13 grant allocation, and any decrease in Antioch’s grant will affect both subrecipients in proportion to their original award.
- **Code Enforcement** – Determined by City Council to be 20% of the City’s annual CDBG grant, this award will be decreased or increased to equal 20%.
- **Affordable Housing rehab projects** – will both be funded at \$100,000, identical to 2012-13 funding level.
- **Infrastructure Project (City Roadway)** – will be funded at \$135,000, equal to last year’s grant, by utilizing closed-out 2011-12 Roadway funds.

GRANT CYCLE LENGTH

Background

In 2013-14, all members of the Contra Costa Consortium are considering a change to the length of the grant cycles that fall within the five-year Consolidated Plan. The proposal is to conduct a two-year grant cycle as part of the development of the new Consolidated Plan each five-year period, then a three-year grant cycle to complete the Consolidated Plan.

The Consolidated Plan period is fixed by HUD at either three or five years, both of which are odd numbers. When the Consortium adopted the two year grant cycle in 2006, one year had already passed in the Consolidated Plan. Therefore, the two, two-year grant cycles of 2006-07/07-08 and 08-09/ 09-10, accurately concluded the 2005-10 Consolidated Plan at the end of 2009-10.

The development of the 2010-15 Consolidated Plan and two year funding cycle of 2010-11/11-12 then successfully ensued. However, as the Consortium began planning for the development of the 2015-20 Consolidated Plan this year, it became quite apparent that the three-year period remainder at the end of this Consolidated Plan provided several challenges.

Issue 1

The primary issue lies with the intent of the extensive public participation process that contributes to the development of a new Consolidated Plan (ConPlan). Jurisdictions first conduct an extensive analysis of needs of their lower income populations and community areas using existing data and a great deal of public input of nonprofit agencies and residents. Jurisdictions then develop strategies to meet those needs which will occur over the five-year ConPlan. Once strategies are developed, jurisdictions request proposals that will meet the identified needs utilizing the approved strategies. Nonprofit and other agencies submit proposals which the jurisdictions consider funding with CDBG funds. Jurisdictions choose some proposals for funding, and report the achievements of those agencies annually throughout the ConPlan five year period.

The data analysis on needs for the 2015-20 Consolidated Plan begins as early as January 2014, meetings with nonprofit agencies occur in June, and active community meetings to gather information on needs occur in June and July. Council meets in Study Session in July or August to develop a strategy, and by the end of September this strategy has been approved by Council. All of this work is necessary so that the Grant Cycle Kickoff meeting in early October 2014 (for the 2015-16 and 16-17 grant cycle) solicits applications for funding that will meet the strategies and goals that are a part of the new ConPlan.

However, if we were to conduct a two-year grant process, it would span 2014-15 of the existing ConPlan AND 2015-16 of the new ConPlan. The extensive public participation process that

went into the development of the new ConPlan would be circumvented and rendered null by continuing to have in place funding decisions that were made under previously identified needs and strategies. Therefore, the actual implementation of the new priorities would be delayed until 2016-17 – NOT the intent of the Consolidated Plan public participation process.

Issue 2

The second issue is that of making the most of limited and decreasing resources. The Consolidated Plan process, which only occurs every five years, is a very involved and labor intensive process for jurisdictional staff, and costs the jurisdiction approximately \$40,000 in staff and consultant time. Conducting a grant cycle is a somewhat less involved, but still labor intensive, process, which costs the City of Antioch roughly \$20,000 in staff/consultant time. Conducting a one-year grant cycle for the last year of the Consolidated Plan would be costly, resulting in a minimum of \$20,000 in additional administrative expenses for the City of Antioch, and more if the City is the only jurisdiction in the County to conduct a one-year cycle. These funds could be used for additional grants if not used for administration, resulting in greater community benefit.

After considering the options above, the Council Subcommittee recommended, changing the City of Antioch's grant cycle for each five-year Consolidated Plan, to two years to allow for evaluation of the ConPlan strategies and any adjustments, then three years to complete the ConPlan.

For the 2010-15 Consolidated Plan, the first two-year grant cycle spanned 2010-11 and 2011-12. The second, three- year cycle will now be for 2012-13, 2013-14, and 2014-15. All programs and projects that were awarded grants for FY 2012-13 received a one-year contract and were eligible for an automatic renewal in FY 2013-14, contingent on the availability of CDBG funds, the satisfactory accomplishment of contract goals, and approval by City Council. All funded programs were found to be in compliance and on target for their contract goals, and were recommended for funding. These same programs will be eligible for another renewal in 2014-15, with the same conditions. New proposals will then be sought during that grant cycle for FY 2015-16 and 16-17, the first two years of the new 2015-20 Consolidated Plan.

FISCAL IMPACTS

There is a potential impact to the General Fund for City-sponsored projects if Council reduces funding recommendations for City-run programs. Depending on the program, the scope of services may be proportionally reduced, or Council may choose to backfill with other funding sources, thereby impacting the General Fund.

OPTIONS

1. The Council can reject the CDBG Subcommittee funding recommendations and provide new direction to staff.
2. The Council can reject the CDBG Subcommittee recommendations to conduct one two-year, and one three-year grant cycle for each five year Consolidated Plan, and choose to conduct two two-year and one three year grant cycle for each five-year Consolidated Plan, with the understanding that this will incur additional administrative costs for the single year cycle and may not be compatible with the consensus of the Contra Costa CDBG Consortium.

RESOLUTION NO. 2013/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE ONE-YEAR COMMUNITY DEVELOPMENT BLOCK GRANT DRAFT 2013-14 ANNUAL ACTION PLAN

WHEREAS, the City of Antioch, an entitlement community, has expressed its intention of receiving Community Development Block Grant funds from the U. S. Department of Housing and Urban Development; and

WHEREAS, FY 2013-14 is the second year of the FY 2012-14 two-year funding cycle, and no new proposals were solicited; and

WHEREAS, the City of Antioch has solicited comments from March 19 to April 23, 2013 on the draft Action Plan funding recommendations of the Council CDBG Subcommittee; and

WHEREAS, the City Council conducted a Public Hearing on April 23 to received and consider public comments on the proposed FY 2013-14 Annual Action Plan, and

WHEREAS, the U. S. Department of Housing and Urban Development had not yet notified the City of Antioch of the amount of the CDBG allocation as of the Public Hearing, but instructed the City to use a range of five percent above and below the 2012-13 CDBG entitlement allocation of \$659,487 to determine individual grant amounts in Exhibit 1 of this resolution.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby approves and adopts the funding recommendations of the Council CDBG Subcommittee comprising the draft 2013-14 Action Plan of the 2010-2015 Consolidated Plan, herein referred to and on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED, that the City Manager, or his successor, is designated as the City representative to submit the draft FY 2013-2014 Annual Action Plan and all understandings and assurances contained therein, and directs and authorizes said representative to act in connection with the submission and to provide such additional information as may be required.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 23rd day of April 2013, by the following vote:

AYES:

NOES:


ABSENT:

ARNE SIMONSEN, City Clerk

EXHIBIT A

2013-14 Antioch Action Plan		2013-14 Funding Recommendations		
Agency	Program	12-13	5% DECREASE	5% INCREASE
		659,487	626,513	692,461
Public Services				
CD-1 General Public Services				
Bay Legal	Tenant/Landlord Counseling	10,000	10,000	10,000
CD-2 Senior Services				
CC Senior Legal Services	Senior Legal Services	5,000	5,000	5,000
City - Senior Center	Administration & Programs	35,000	35,000	35,000
Ombudsman Services	Ombudsman Services	5,000	5,000	5,000
Senior Outreach Services	Care Management	5,000	5,000	5,000
Senior Outreach Services	Meals on Wheels	5,000	5,000	5,000
CD-3 Youth Services				
City - Youth Recreation	Youth Recreation Scholarships	15,000	15,000	15,000
Community Violence Solutions	Child Sexual Assault Intervention	5,000	5,000	5,000
H-1 Homeless Services (Providing Housing)				
CC Health Svcs Homeless Shelter	Adult Interim Housing	5,000	5,000	5,000
H-1 Homeless Services (Providing Services Only)				
SHELTER Inc.	Emergency Housing Services	10,000	10,000	10,000
TOTAL PUBLIC SERVICES		100,000	100,000	100,000
Administration, Planning & Fair Housing				
CD-5 Fair Housing Services				
Bay Legal -Fair Housing	Fair Housing	20,000	20,000	20,000
CD-8 Administration & Planning				
City of Antioch	Administration & Planning	111,897	105,302	118,492
TOTAL ADMINISTRATION & FAIR HOUSING		131,897	125,302	138,492
Economic Development, Infrastructure & Housing				
CD-6 Economic Development (capped by Council at 10% of grant) MAX \$65,000				
Antioch Chamber	Nx Level Small Business Trng	15,000	14,410	15,000
Opportunity Junction	Job Training & Placement	50,000	48,240	50,000
Subtotal Economic Development		65,000	62,650	65,000
CD-7 Infrastructure and Public Facilities				
City Roadway	Downtown Roadway Rehab	135,000	135,000	135,000
Subtotal Infrastructure & Public Facilities		135,000	135,000	135,000
AH 1-3 Affordable Housing				
City of Antioch	Code Enforcement	131,897	125,302	138,492
CCC Dept. of Conservation & Dev.	Homeowner Hsg Rehab	100,000	100,000	100,000
CCC Housing Authority	Multi-family Hsg Rehab	100,000	100,000	100,000
Subtotal Housing		331,897	325,302	338,492
Total Economic Development, Infrastructure, and Housing		531,897	522,952	538,492
TOTAL CDBG ALLOCATION		763,794	748,254	776,984
The 12-13 Allocation was \$763,794 , as follows: \$659,487 annual grant, \$34,304 prior year funds, \$70,000 housing RLF				
If the 13-14 Allocation is the SAME AS 12-13 = \$763,794 : \$659,487 annual grant, \$104,307 prior year funds				
If the 13-14 Allocation experiences a DECREASE to \$748,254 : \$626,613 annual grant, \$121,641 prior year funds				
If the 13-14 Allocation experiences an INCREASE to \$776,984 : \$692,461 annual grant, \$84,523 prior year funds				

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

Prepared by: Tina Wehrmeister, Community Development Director 
Reviewed by: Jim Jakel, City Manager
Date: April 18, 2013
Subject: Amendments to the Zoning Ordinance in order to regulate
Community Supervision Programs

RECOMMENDATION

It is recommended that the City Council:

- 1) Motion to read the Interim Zoning Ordinance and Regular Ordinance by title only;
- 2) Motion to extend the Interim Urgency Ordinance regulating Community Supervision Programs including the findings for the need for this urgency action (4/5 vote required) (Attachment A);
- 3) Motion to introduce a Regular Ordinance amending Section 9-5.203 and adding Section 9-5.3836 to the Antioch Municipal Code dealing with Community Supervision Programs. Staff is proposing some modifications to the ordinance that the Planning Commission unanimously recommended adopting on April 17, 2013. Staff's recommendations are shown in redline to the Planning Commission's recommended ordinance (Attachment B).

BACKGROUND

On March 26, 2013 the City Council adopted an urgency ordinance to require a Use Permit for Community Supervision Programs (as defined in the ordinance) in all districts where Business and Professional Office uses are permitted and directed staff to prepare a regular ordinance for Planning Commission consideration and recommendation. Findings were made regarding the urgent need to take action as set forth in the staff report and attachments from the March 26, 2013 City Council meeting (Attachment C)

The Planning Commission considered the proposed regular ordinance on April 17, 2013 and made a unanimous recommendation discussed below. The Planning Commission staff report, which included the March 26th City Council report as an attachment, is included as Attachment C.

The Planning Commission received written and oral public comments from the County Probation Department, Supervisor Federal Glover, and the ACLU, see Attachments D, E, and F.

DISCUSSION

Urgency Ordinance

The current urgency ordinance will expire on May 10, 2013 and if the Council decides to introduce a regular ordinance on April 23 and then adopt it on May 14, 2014, that ordinance will not take effect for 30 days on June 13, 2013, leaving a gap of 34 days without regulations governing Community Supervision Programs in place. Staff is therefore recommending that the current interim urgency ordinance be extended.

If the interim urgency ordinance is extended, then that extension would continue for 22 months and 15 days or until the regular ordinance becomes effective, whichever occurs first.

Regular Ordinance

Planning Commission's Recommendation

At their April 17th meeting, the Planning Commission held a public hearing on the proposed ordinance and received extended public comments from the entities that also provided written comments: Contra Costa County Probation, ACLU and Supervisor Federal Glover's office. The Planning Commission recognized the benefits of Community Supervision Programs (also known as rehabilitative services provided in conjunction with probation and parole services) in reducing recidivism and assisting previously incarcerated individuals to successfully integrate into the community but felt that these benefits needed to be balanced with the responsibility to protect public health and safety, particularly related to sensitive populations including seniors and children. The comment was also made that locating programs in areas where they are more likely to succeed will result in greater program benefit to those seeking services and to the community as a whole. For example, there should be a dialog about locating Community Supervision Programs near public transportation. Also, there should be dialog about whether to locate such Community Supervision Programs near a liquor store or smoke shop that may undermine the success sought by these programs. Accordingly, the Planning Commission made the following amendments reflected in the ordinance that they recommended to the Council:

- Reference to AB 109 was removed from the Community Supervision Program definition. This reflects the fact that it is not the intent of the ordinance to target a specific probation and parole population.
- Community Supervision Programs would be allowed in any zone where Business and Professional Offices are allowed in Section 9-5.3803 of the Antioch Municipal Code; Table of Land Use Regulations, but shall be subject to approval of a use permit if located within a zone that requires a use permit for a Business

and Professional Office use or if located within 1,500 feet of a public or private school, park, recreation center, senior age restricted living facility or similar Community Supervision Program and shall not be permitted within 500 feet of a public or private school, park, recreation center, senior age restricted living facility, or other Community Supervision Program.

This change addressed the concerns regarding proximity to sensitive uses and added senior living facilities, and also addressed commenters' concerns about a de facto ban. Staff will have maps available at or prior to the April 23rd meeting showing the impact of the proposed regulations. Also, the City's Municipal Code is available on-line at: http://www.amlegal.com/antioch_ca/. The zoning map is available at: <http://www.antiochprospector.com/ed.asp?bhcp=1>

- Under Operational Requirements, the hours of operation were extended to 10:00pm as the Commission felt that the originally proposed 7:00pm closing time would be too onerous for programs serving individuals who may be commuting. Also, "and rest area" was removed from the screened smoking area requirement language.

The Planning Commission also discussed how this recommendation would impact mixed-use areas that permit Community Supervision Programs but would have residences (most likely high density) in close proximity but did not make a recommendation regarding this issue. Staff will prepare a map showing the location of mixed-use zoning. Staff is not expecting significant amount of mixed-use development in the very near term therefore, this issue could also be addressed in the future.

Finally, the Planning Commission was concerned about the County's suggestion that these uses not have to pay for staff time to process use permits. As County staff knows from its own planning fees, these use permit fees are not profit-making but merely cover City costs to process the application. The Planning Commission indicated making a fee exception for nonprofits that just provide services to formerly incarcerated persons begs the question of how to handle other nonprofits providing needed services in the community.

In addition, Staff notes that the County is the funding agency for these programs so the County could consider providing additional grants for those Community Service Program providers that feel they must locate where a use permit is required for Business and Professional uses or within 1500 feet of a public or private school, park, recreation center, senior age restricted living facility or similar Community Supervision Program.

Staff Recommendation

In reviewing the Planning Commission's recommendation, staff has suggested further revisions on the redline Attachment B. In particular, staff understands that there may be some benefits to locating some of these Community Supervision Programs near to each other if potential impacts can be effectively addressed. In addition, staff believes that it would be simpler to administer an ordinance with just one radius

distance as opposed to both a 500-foot regulation and a 1500-foot regulation. Accordingly, staff recommends that the City Council approve the Planning Commission's recommended ordinance with the following change:

- Community Supervision Programs would be allowed in any zone where Business and Professional Offices are permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code; Table of Land Use Regulations, but shall be subject to approval of a use permit if located within a zone that requires a use permit for a Business and Professional Office use or if located within 1,500 feet of a public or private school, park, recreation center, senior age restricted living facility or other Community Supervision Program.

This approach does not ban Community Supervision Programs from any location where business and professional uses are allowed, but does allow a dialog regarding potential impacts through the use permit process if a Community Supervision Program wants to locate near a sensitive use or other Community Supervision Program. However, staff would still hope that the County Probation Office and service provider would talk to the City staff about issues in locating these uses such as the location of public transportation, high crime areas and uses that may undermine the success of the Community Supervision Program such as locating next to a liquor store given the documented substance abuse issues with a high percentage of individuals on probation and parole

FISCAL IMPACTS

No fiscal impacts are anticipated due to adoption of the proposed ordinance.

OPTIONS

1. Do not extend the interim urgency ordinance, which would allow the lapse of any specific regulations regarding service providers to individuals on probation or parole, and direct staff not to proceed further with a regular ordinance; or
2. Extend the interim urgency ordinance allowing community supervision program uses wherever Business and Professional uses are allowed subject to a use permit but with the revision to the definition of "community supervision program;" and
 - a. direct staff to provide additional information on any applicable issues, including those raised during the public testimony, to be presented at a future Council meeting with a recommendation on the introduction of a proposed regular ordinance; or
 - b. introduce the regular ordinance recommended by the Planning Commission; or
 - c. Introduce the regular ordinance with additional amendments as deemed appropriate.

ATTACHMENTS

- A. Interim Urgency Ordinance extending the regulating of Community Supervision Programs including the revision to the definition of a “community supervision programs”
- B. Ordinance amending Section 9-5.203 and adding Section 9-5.3836 to the Antioch Municipal Code dealing with Community Supervision Programs (staff’s recommended revisions to the ordinance recommended by the Planning Commission are shown in redline)
- C. April 17, 2013 Planning Commission staff report, which includes the staff report to the City Council on March 26, 2013
- D. Letter from Supervisor Federal Glover, dated April 17, 2013
- E. Letter from the ACLU, dated April 17, 2013
- F. Letter from Jessie Warner, Contra Costa County Reentry Coordinator dated April 16, 2013

ATTACHMENT "A"

ORDINANCE NO. 2063-C-S

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH EXTENDING AN INTERIM LAND USE REGULATIONS FOR THE ESTABLISHMENT AND OPERATION OF COMMUNITY SUPERVISION PROGRAMS

The City Council of the City of Antioch does ordain as follows:

SECTION 1. Findings.

- A. On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specific inmates and parolees from the California Department of Correction and Rehabilitation to counties; and
- B. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide; and
- C. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and
- D. The City has received and anticipates additional requests for the construction, establishment and operation of Community Supervision Programs (as defined herein) within the City. However, this use is not defined in the Antioch Municipal Code and the general category of "Business and Professional Office" may not take into account potential impacts of Community Supervision Programs on the surrounding community such as loitering and increased calls for service. The provisions of the City Municipal Code that may regulate the construction, operation and establishment of Community Supervision Programs in the City are inadequate and need review, study, and revision. The current provisions also fail to fully take into account the impacts related to the location and manner of construction, establishment and operation of Community Supervision Programs, and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on surrounding uses and the community; and

- E. The 2011 Adult Institutions Outcome Evaluation Report by the California Department of Corrections and Rehabilitation, which was attached to the staff report presented to the City Council on March 26, 2013 and is referenced with these findings, indicates most recidivists return to prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrests rates and states that average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively; and
- F. Widely reported news stories regarding adverse impacts of AB 109 were also attached to the staff report presented to the City Council and are on file with the City Clerk and on the City's website at www.ci.antioch.ca.us. It is reasonable to conclude that similar adverse impacts on the public health, safety and welfare will likely also occur in the City of Antioch; and
- G. The City of Antioch's crime rate for Part 1 crimes has increased 24% from 2011 to 2012 while arrests are down 14% in the same period as more particularly described in the presentation by the Police Chief at the City Council meeting on February 12, 2013 which can be viewed at <http://ci.antioch.ca.us/CityGov/CouncilMeetings/021213/>; and
- H. The number of sworn police officers available to serve the City per capita has decreased significantly due to budget considerations. In 1995 the number of sworn police officers was 89 and the population was 74,925. Currently, the number of sworn police officers is 89 and the population is 103,833; and
- I. Statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested; and
- J. While the intent of support programs is to reduce recidivism and assist individuals in becoming productive members of society, there is potential for negative impacts to the public health, safety, and welfare if Antioch received a disproportionate number of service providers or these service providers were concentrated near sensitive or certain other uses. This interim urgency ordinance would allow the City of Antioch the opportunity to study appropriate locations and concentration, distances from sensitive uses such as schools and parks, and adopt operational requirements such as hours of operation. It is necessary for the City of Antioch staff to study the possible adoption of amendments to the City's Municipal Code and Zoning Code regarding Community Supervision Programs. Staff needs time to study whether amendments to the City's Municipal Code are necessary to eliminate or minimize the negative secondary side effects resulting from Community Supervision Programs. Staff needs

time to study whether to limit such businesses to certain zoning districts, and which zoning districts would be appropriate for such uses. Finally, staff needs time to study whether there should be a limit on the concentration of Community Supervision Programs in the City, and if so, whether there should be regulations as to their proximity to sensitive uses and each other; and

- K. California Government Code Section 65858 subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance regulating any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that such measures shall be of no effect 45 days from the date of adoption, and may be extended to have a maximum total duration of 2 years; and
- L. The City Council desires to (1) address the community concerns regarding the establishment and operation of Community Supervision Programs, (2) study the potential impacts the Community Supervision Programs may have on the public health, safety and welfare, (3) study and determine what local regulations may be appropriate or necessary for Community Supervision Programs, (4) study and determine the appropriate zoning and location for Community Supervision Programs, if any, and (5) determine appropriate controls for protection of public health, safety and welfare; and
- M. Furthermore, locating Community Supervision Programs in areas where they are more likely to succeed will result in greater program benefit to those seeking services and to the community as a whole. For example, there should be a dialog about locating Community Supervision Programs near public transportation. Also, there should be dialog about whether to locate such Community Supervision Programs near a liquor store that may undermine the success sought by these programs, given the documented substance abuse issues with a high percentage of individuals on probation and parole; and
- N. Without the immediate enactment of this Ordinance, multiple applicants could quickly receive entitlement that would allow Community Supervision Programs that pose a threat to the public safety, health and welfare and frustrate these studies and impair the orderly and effective implementation of contemplated Municipal Code Amendments and any further authorization of these uses within the City during the period of the interim zoning regulations may be in conflict with or may frustrate the contemplated updates and revisions of the Municipal Code; and

- O. Based on the foregoing, the City finds that there is a current and immediate threat to the public health, safety, or welfare and that this Ordinance is necessary in order to protect the City from the potential effects and impacts of Community Supervision Programs in the City, potential increases in crime, and other similar or related effects on property values and the quality of life in the City's neighborhoods; and
- P. The City Council further finds that this interim zoning regulation is a matter of local and City-wide importance and is not directed towards any particular business that currently seeks to construct or operate a Community Supervision Program; and
- Q. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the interim zoning regulations imposed by this Ordinance will not in any way deprive any person of rights granted by State or federal laws, because the interim zoning regulation is short in duration, still allows the use to be approved with a use permit during the period of further review, and is essential to protect the public health, safety and welfare.

SECTION 2. Interim Land Use Regulations Imposed.

- A. Scope. In accordance with the authority granted the City of Antioch under Article XI, Section 7 of the California Constitution and California Government Code Section 65858, from and after the effective date of this ordinance, no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, business permit, or building permit shall be approved or issued for the establishment or operation of Community Supervision Programs in the City of Antioch without said use first obtaining a Use Permit as provided for under Title 9, Article 27 of the Antioch Municipal Code in any zone where Business and Professional Offices are currently permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code, Table of Land Use Regulations.
- B. Definition. For purposes of this ordinance, "Community Supervision Programs" means any facility, building, structure or location, where a organization, whether private, public, institutions of education, non-for-profit, or for-profit, provide re-entry services including but not limited to employment support and placement services, short and long term housing access including residential facilities not licensed by the State of California, peer and mentoring services, and resource centers. Included in the definition are services provided to individuals on probation or parole.
- C. Exceptions. Existing and legally established social service providers are exempt and may continue to operate at current locations; however, existing providers may

not expand any facility, building, structure, or location under this moratorium or move to another location without first obtaining a Use Permit.

- D. Statutory Findings and Purpose. This ordinance is declared to be an interim ordinance as defined under California Government Code Section 65858. This ordinance is deemed necessary based on the findings of the City Council of the City of Antioch set forth in the findings, incorporated into Section 1 of this Ordinance.

SECTION 3. Establishment, Operation and Maintenance of a Community Supervision Programs in Violation of this Ordinance Declared a Public Nuisance.

The establishment, maintenance or operation of Community Supervision Programs as defined herein within the City limits of the City of Antioch in violation of this Ordinance is a public nuisance. Violations of this ordinance may be enforced by any applicable law, with criminal penalties.

SECTION 4. Severability.

If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Antioch hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. CEQA.

- A. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.
- B. This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.
- C. This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 6. Effective Date.

This Ordinance shall become effective immediately upon passage and adoption if passed and adopted by at least four-fifths vote of the City Council and shall be in effect for 22 months and 15 days or until a regularly adopted ordinance addressing this same subject becomes effective, whichever occurs first.

The foregoing ordinance was introduced and adopted at a meeting of the City of Antioch held on ____ day of _____ 2013, by the following vote.

AYES: Council Members

NOES:

ABSTAINED:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "B"

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING SECTION 9-5.203 AND ADDING SECTION 9-5.3836 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH COMMUNITY SUPERVISION PROGRAMS

The City Council of the City of Antioch does ordain as follows:

SECTION 1. The City Council finds as follows:

- A. On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specific inmates and parolees from the California Department of Correction and Rehabilitation to counties; and
- B. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide; and
- C. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and
- D. The City has received and anticipates additional requests for the construction, establishment and operation of Community Supervision Programs (as defined herein) within the City. However, this use is not defined in the Antioch Municipal Code and the general category of "Business and Professional Office" may not take into account potential impacts of Community Supervision Programs on the surrounding community such as loitering and increased calls for service and particularly impacts on sensitive uses such as schools and parks. The provisions of the City Municipal Code that may regulate the construction, operation and establishment of Community Supervision Programs in the City are inadequate and need review, study, and revision. The current

provisions also fail to fully take into account the impacts related to the location and manner of construction, establishment and operation of Community Supervision Programs, and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on surrounding uses and the community; and

- E. The 2011 Adult Institutions Outcome Evaluation Report by the California Department of Corrections and Rehabilitation, which was attached to the staff report presented to the City Council on March 26, 2013 and is referenced with these findings, indicates most recidivists return to prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrests rates and states that average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively; and
- F. Widely reported news stories regarding adverse impacts of AB 109 were also attached to the staff report presented to the City Council on March 26, 2013 and are on file with the City Clerk and on the City's website at www.ci.antioch.ca.us. It is reasonable to conclude that similar adverse impacts on the public health, safety and welfare will likely also occur in the City of Antioch; and
- G. The City of Antioch's crime rate for Part 1 crimes has increased 24% from 2011 to 2012 while arrests are down 14% in the same period as more particularly described in the presentation by the Police Chief at the City Council meeting on February 12, 2013 which can be viewed at <http://ci.antioch.ca.us/CityGov/CouncilMeetings/021213/>; and
- H. The number of sworn police officers available to serve the City per capita has decreased significantly due to budget considerations. In 1995 the number of sworn police officers was 89 and the population was 74,925. Currently, the number of sworn police officers is 89 and the population is 103,833; and
- I. Statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested; and
- J. While the intent of support programs is to reduce recidivism and assist individuals in becoming productive members of society, there is potential for negative impacts to the public health, safety, and welfare if Antioch

received a disproportionate number of service providers or these service providers were concentrated near sensitive or certain other uses. This ordinance would define appropriate locations and concentration, distances from sensitive uses such as schools and parks, and operational requirements; and

- K. Locating programs in areas where they are more likely to succeed will result in greater program benefit to those seeking services and to the community as a whole. For example, there should be a dialog about locating Community Supervision Programs near public transportation. Also, there should be dialog about whether to locate such Community Supervision Programs near a liquor store that may undermine the success sought by these programs, given the documented substance abuse issues with a high percentage of individuals on probation and parole; and
- L. Based on the foregoing, the City finds that this Ordinance is necessary in order to protect the City from the potential effects and impacts of Community Supervision Programs in the City, potential increases in crime and other similar or related effects on property values and the quality of life in the City's neighborhoods and to assist in the proper placement of these uses to ensure a greater likelihood of success; and
- M. The City Council further finds that this zoning regulation is a matter of local and City-wide importance and is not directed towards any particular business that currently seeks to construct or operate a Community Supervision Program; and
- N. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that this Ordinance will not in any way deprive any person of rights granted by State or federal laws.

SECTION 2. Section 9-5.203 of the Antioch Municipal Code is amended to add the following definition:

COMMUNITY SUPERVISION PROGRAM. Any facility, building, structure or location, where an organization, whether private, public, institutions of education, not for-profit, or for-profit, provide re-entry services to previously incarcerated persons or persons who are attending programs in-lieu of incarceration including, but not limited to: employment support and placement services, short and long term housing access including residential facilities not licensed by the State of California, peer and mentoring services, and resource centers. Included in this definition are services provided to individuals on probation or parole.

SECTION 3. Section 9-5.3836 is hereby added to the Antioch Municipal Code, to read as follows:

Sec. 9-5.3836 Community Supervision Programs.

(A) ~~Except for the locations described in subsection (C) and s~~ Subject to the operational requirements listed in subsection (B), Community Supervision Programs shall be allowed in any zone where Business and Professional Offices are permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code; Table of Land Use Regulations. However, such use shall be subject to approval of a use permit if located within a zone that requires a use permit for a Business and Professional Office use or if the use is within 1,500 feet of a public or private school, park, recreation center, senior age restricted living facility or other Community Supervision Program. This distance shall be a radial distance measured from property line to property line.

(B) Operational requirements for Community Supervision Programs are as follows:

- (1) Hours of operation shall be between 8:00am to 10:00pm.
- (2) No congregation outside the premises shall be permitted.
- (3) If program participants will be at the facility for more than two hours, an outdoor designated smoking area screened from public view shall be provided.

~~(C) Community Supervision Programs shall not be allowed within 500 feet of any other Community Supervision Program, or within 500 feet of any public or private school, park, recreation center or senior age restricted living facility. This distance shall be a radial distance measured from property line to property line.~~

SECTION 4. Severability.

If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Antioch hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. CEQA.

Pursuant to CEQA Guidelines Section 15061(b)(3), this ordinance is not subject to CEQA because the Municipal Code amendments are more restrictive than current regulations and will not cause a direct or reasonably foreseeable indirect physical change in the environment. Specifically:

- A. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.
- B. This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.
- C. This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 7. Publication; Certification. The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

I **HEREBY CERTIFY** that the foregoing Ordinance was introduced on ____ day of _____, 2013 and adopted at a regular meeting of the City Council of the City of Antioch on _____, 2013, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "C"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF APRIL 17, 2013

Prepared by: Tina Wehrmeister, Community Development Director *TW*
Date: April 11, 2013
Subject: Amendments to the Zoning Ordinance in order to regulate
Community Supervision Programs

RECOMMENDATION

It is recommended that the Planning Commission conduct a public hearing and receive comments on the proposed Zoning Ordinance amendments and adopt the attached resolution recommending that the City Council adopt an ordinance regulating Community Supervision Programs.

BACKGROUND

On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specified inmates and parolees from the California Department of Correction and Rehabilitation to counties. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide.

Currently, the type of support services that will be offered to former inmates and parolees (Community Supervision Programs as defined in the proposed ordinance) is not separately defined in the Municipal Code. As such, these services would fall under the general Business and Professional Office use classification (similar to family counseling) and would be permitted in a variety of commercial, business park, and office zoning districts throughout the City.

On March 26, 2013 the City Council adopted an urgency ordinance to require a Use Permit for Community Supervision Programs (as defined in the ordinance) in all districts where Business and Professional Office uses are permitted while staff prepared a regular ordinance for Planning Commission consideration and recommendation. Background information on recidivism rates and findings of necessity due to potential impacts to sensitive uses are contained in the City Council staff report (Attachment A).

DISCUSSION

The intent of Community Supervision uses to provide support programs to former inmates to reduce recidivism and assist individuals in becoming productive members of society is laudable and necessary given recidivism statistics. However, these statistics also indicate that these kinds of services raise the potential for negative impacts to the public health, safety, and welfare, particularly if Antioch received a disproportionate number of service providers or these uses were concentrated near sensitive uses such as schools and parks. The proposed ordinance would address these concerns by specifying where Community Supervision Programs could locate in the community and in proximity to each other and existing sensitive uses including schools, parks, and recreation centers. Operational requirements addressing hours of operation, loitering, and rest areas are also included in the ordinance for Planning Commission consideration.

The proposed Ordinance is an exhibit to the resolution. The three locations where Community Supervision Programs could locate without a Use Permit were selected because of their relative distance from sensitive uses or because it is already a county social service center in the case of the Delta Fair address. Under the proposed ordinance, Community Supervision Programs may also be allowed in any zone where Business and Professional Offices are permitted or conditionally permitted but shall be subject to approval of a Use Permit and location and operation restrictions.

ATTACHMENTS

- A. March 26, 2013 City Council staff report
- B. March 26, 2013 City Council minutes

RESOLUTION NO. 2013-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
SECTION 9-5.203 AND ADDING SECTION 9-5.3836 TO THE ANTIOCH MUNICIPAL
CODE, DEALING WITH COMMUNITY SUPERVISION PROGRAMS**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** requesting approval of amendments to the Antioch Municipal Code dealing with Community Supervision Programs (Z-13-02); and,

WHEREAS, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed changes to the Antioch Municipal Code are exempt because they are more restrictive than current regulations and will not cause a direct or reasonably foreseeable indirect physical change in the environment; and,

WHEREAS, on March 26, 2013, the City Council adopted an interim ordinance regulating Community Supervision Programs and directed staff to study the issues and bring a regular ordinance to Planning Commission for consideration and recommendation; and,

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on April 17, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend that the City Council **ADOPT** the ordinance attached as Exhibit 1 to this resolution, amending the Antioch Municipal Code dealing with Community Supervision Programs (Z-13-02).

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 17th day of April, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tina Wehrmeister, Secretary to the
Planning Commission

EXHIBIT I

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING SECTION 9-5.203 AND ADDING SECTION 9-5.3836 TO THE ANTIOCH MUNICIPAL CODE, DEALING WITH COMMUNITY SUPERVISION PROGRAMS

The City Council of the City of Antioch does ordain as follows:

SECTION 1. The City Council finds as follows:

- A. On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specific inmates and parolees from the California Department of Correction and Rehabilitation to counties; and
- B. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide; and
- C. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and
- D. The City has received and anticipates additional requests for the construction, establishment and operation of Community Supervision Programs (as defined herein) within the City. However, this use is not defined in the Antioch Municipal Code and the general category of "Business and Professional Office" may not take into account potential impacts of Community Supervision Programs on the surrounding community such as loitering and increased calls for service and particularly impacts on sensitive uses such as schools and parks. The provisions of the City Municipal Code that may regulate the construction, operation and establishment of Community Supervision Programs in the City are inadequate and need review, study, and revision. The current

provisions also fail to fully take into account the impacts related to the location and manner of construction, establishment and operation of Community Supervision Programs, and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on surrounding uses and the community; and

- E. The 2011 Adult Institutions Outcome Evaluation Report by the California Department of Corrections and Rehabilitation, which was attached to the staff report presented to the City Council on March 26, 2013 and is referenced with these findings, indicates most recidivists return to prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrests rates and states that average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively; and
- F. Widely reported news stories regarding adverse impacts of AB 109 were also attached to the staff report presented to the City Council on March 26, 2013 and are on file with the City Clerk and on the City's website at www.ci.antioch.ca.us. It is reasonable to conclude that similar adverse impacts on the public health, safety and welfare will likely also occur in the City of Antioch; and
- G. The City of Antioch's crime rate for Part 1 crimes has increased 24% from 2011 to 2012 while arrests are down 14% in the same period as more particularly described in the presentation by the Police Chief at the City Council meeting on February 12, 2013 which can be viewed at <http://ci.antioch.ca.us/CityGov/CouncilMeetings/021213/>; and
- H. The number of sworn police officers available to serve the City per capita has decreased significantly due to budget considerations. In 1995 the number of sworn police officers was 89 and the population was 74,925. Currently, the number of sworn police officers is 89 and the population is 103,833; and
- I. Statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested; and
- J. While the intent of support programs is to reduce recidivism and assist individuals in becoming productive members of society, there is potential for negative impacts to the public health, safety, and welfare if Antioch

received a disproportionate number of service providers or these service providers were concentrated near sensitive or certain other uses. This ordinance would define appropriate locations and concentration, distances from sensitive uses such as schools and parks, and operational requirements; and

- K. Based on the foregoing, the City finds that this Ordinance is necessary in order to protect the City from the potential effects and impacts of Community Supervision Programs in the City, potential increases in crime, and other similar or related effects on property values and the quality of life in the City's neighborhoods; and
- L. The City Council further finds that this zoning regulation is a matter of local and City-wide importance and is not directed towards any particular business that currently seeks to construct or operate a Community Supervision Program; and
- M. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that this Ordinance will not in any way deprive any person of rights granted by State or federal laws.

SECTION 2. Section 9-5.203 of the Antioch Municipal Code is amended to add the following definition:

COMMUNITY SUPERVISION PROGRAM. Any facility, building, structure or location, where an organization, whether private, public, institutions of education, not for-profit, or for-profit, provide re-entry services to previously incarcerated persons or persons who are attending programs in-lieu of incarceration including, but not limited to: employment support and placement services, short and long term housing access including residential facilities not licensed by the State of California, peer and mentoring services, and resource centers. Community Supervision Programs may also be known as AB 109 Post Release Community Supervision Programs. Included in this definition are services provided to individuals on probation or parole.

SECTION 3. Section 9-5.3836 is hereby added to the Antioch Municipal Code, to read as follows:

Sec. 9-5.3836 Community Supervision Programs.

(A) Community Supervision Programs shall be permitted in the following specified locations provided that the operational requirements listed in subsection C are met:

- (1) County service building located at 4545 Delta Fair Blvd.
- (2) Delta Business Park, Vern Roberts Circle
- (3) East 18th Street Specific Plan and Business Park Area north of East 18th Street between Vineyard Drive and Drive-In Way

(B) Except for the locations listed under subsection A, Community Supervision Programs may be allowed in any zone where Business and Professional Offices are permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code; Table of Land Use Regulations, but shall be subject to approval of a use permit and location and operation restrictions set forth in this section.

(C) Operational requirements for Community Supervision Programs are as follows:

- (1) Hours of operation shall be between 8:00am to 7:00pm.
- (2) No congregation outside the premises shall be permitted.
- (3) If program participants will be at the facility for more than two hours, an outdoor designated smoking and rest area screened from public view shall be provided.

(D) Community Supervision Programs shall not be permitted within 1500 feet of any other Community Supervision Program, or within 1500 feet of any public or private school, park, or recreation center. This distance shall be a radial distance measured from property line to property line.

SECTION 4. Severability.

If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Antioch hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. CEQA.

Pursuant to CEQA Guidelines Section 15061(b)(3), this ordinance is not subject to CEQA because the Municipal Code amendments are more restrictive than current regulations and will not cause a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 7. Publication; Certification. The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

I HEREBY CERTIFY that the foregoing Ordinance was introduced on ____ day of _____, 2013 and adopted at a regular meeting of the City Council of the City of Antioch on _____, 2013, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "A"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF MARCH 26, 2013

Prepared by: Tina Wehrmeister, Community Development Director *TW*

Reviewed by: Jim Jakel, City Manager
Lynn Tracy Nerland, City Attorney

Date: March 21, 2013

Subject: Adoption of an Interim Urgency Zoning Ordinance Prohibiting the Issuance of Permits, Licenses or Approvals for Community Supervision Programs

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Motion to adopt the attached interim urgency zoning ordinance prohibiting the issuance of permits, licenses or approvals for construction, establishment or operation of Community Supervision Programs, as defined in the ordinance, on an interim basis pending consideration of amendments to Title 9 of the Antioch Municipal Code for a period of forty-five (45) days and declaring the urgency thereof (four-fifths vote required).
2. Provide initial feedback to staff on future zoning regulations.

BACKGROUND / DISCUSSION

On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specified inmates and parolees from the California Department of Correction and Rehabilitation to counties. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide.

Currently, the type of support services that will be offered to former inmates and parolees (Community Supervision Programs as defined in the proposed ordinance) is not separately defined in the Municipal Code. As such, these services would fall under the general Business and Professional Office use classification (similar to family counseling) and would be permitted in a variety of commercial, business park, and office zoning districts throughout the City.

The City has already received inquiries from a service provider regarding locating in Antioch. Since AB 109 went into effect, statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested. This is comparable to the recidivism rates published by the California Department of Corrections and Rehabilitation (CDCR), see Attachment "C". The CDCR reports that most recidivists return to

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prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrest rates and states that the average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively.

The intent of Community Supervision uses is to provide support programs to former inmates to reduce recidivism and assist individuals in becoming productive members of society is laudable and necessary given recidivism statistics. However, these statistics also indicate that these kinds of services raise the potential for negative impacts to the public health, safety, and welfare, particularly if Antioch received a disproportionate number of service providers or these uses were concentrated near sensitive uses such as schools and parks.

The prohibition of these Community Supervision Program uses would be for 45 days unless extended pursuant to the California Government Code. The intent is not to permanently ban services but to rather allow the City the opportunity to study appropriate locations and concentration, distances from sensitive uses such as schools and parks, and adopt operational requirements such as hours of operation. This prohibition would not apply to existing social service organizations that provide services that fall under the definition of a Community Supervision Program, but would not allow them to expand.

Initial feedback is also being requested on the future ordinance such as location requirements. For example liquor establishments and adult oriented uses are required to be 500 and 1,500 feet from sensitive uses, respectively.

FISCAL IMPACT

There is no direct fiscal impact with the adoption of the proposed urgency ordinance. There will be staff time expended to prepare the zoning ordinance addressing Community Supervision Programs.

OPTIONS

Staff has prepared an alternative urgency ordinance requiring a Use Permit for Community Supervision Programs in the zoning districts that Business and Professional Offices are permitted. This option would not prohibit service providers but would allow the City to conditionally approve or deny the use after a public hearing while staff considers whether to make the use permit requirement permanent and whether further regulations are warranted during the 45 day study period.

The Council may also choose not to adopt either urgency ordinance. This would mean that services provided to Post Release Community Supervision individuals would continue to be considered a Business and Professional Office use.

ATTACHMENTS

- A. Interim Ordinance Prohibiting Community Supervision Program uses for a 45 day period
- B. Interim ordinance requiring a Use Permit for Community Supervision Program uses for a 45 day period
- C. 2011 Adult Institutions Outcome Evaluation Report from the California Department of Corrections and Rehabilitation
- D. News stories regarding adverse impacts of AB 109

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING AN INTERIM URGENCY ORDINANCE REGARDING THE ESTABLISHMENT AND OPERATION OF COMMUNITY SUPERVISION PROGRAMS

The City Council of the City of Antioch does ordain as follows:

SECTION 1. Findings.

- A. On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specific inmates and parolees from the California Department of Correction and Rehabilitation to counties; and
- B. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide; and
- C. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and
- D. The City has received and anticipates additional requests for the construction, establishment and operation of Community Supervision Programs (as defined herein) within the City. However, this use is not defined in the Antioch Municipal Code and the general category of "Business and Professional Office" may not take into account potential impacts of Community Supervision Programs on the surrounding community such as loitering and increased calls for service. The provisions of the City Municipal Code that may regulate the construction, operation and establishment of Community Supervision Programs in the City are inadequate and need review, study, and revision. The current provisions also fail to fully take into account the impacts related to the location and manner of construction, establishment and operation of Community Supervision Programs, and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on surrounding uses and the community; and

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- E. The 2011 Adult Institutions Outcome Evaluation Report by the California Department of Corrections and Rehabilitation, which was attached to the staff report presented to the City Council on March 26, 2013 and is referenced with these findings, indicates most recidivists return to prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrests rates and states that average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively; and
- F. Widely reported news stories regarding adverse impacts of AB 109 were also attached to the staff report presented to the City Council and are on file with the City Clerk and on the City's website at www.ci.antioch.ca.us. It is reasonable to conclude that similar adverse impacts on the public health, safety and welfare will likely also occur in the City of Antioch; and
- G. The City of Antioch's crime rate for Part 1 crimes has increased 24% from 2011 to 2012 while arrests are down 14% in the same period as more particularly described in the presentation by the Police Chief at the City Council meeting on February 12, 2013 which can be viewed at <http://ci.antioch.ca.us/CityGov/CouncilMeetings/021213/>; and
- H. The number of sworn police officers available to serve the City per capita has decreased significantly due to budget considerations. In 1995 the number of sworn police officers was 89 and the population was 74,925. Currently, the number of sworn police officers is 89 and the population is 103,833; and
- I. Statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested; and
- J. While the intent of support programs is to reduce recidivism and assist individuals in becoming productive members of society, there is potential for negative impacts to the public health, safety, and welfare if Antioch received a disproportionate number of service providers or these service providers were concentrated near sensitive or certain other uses. This interim urgency ordinance would allow the City of Antioch the opportunity to study appropriate locations and concentration, distances from sensitive uses such as schools and parks, and adopt operational requirements such as hours of operation. It is necessary for the City of Antioch staff to study the possible adoption of amendments to the City's Municipal Code and Zoning Code regarding Community Supervision Programs.

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Staff needs time to study whether amendments to the City's Municipal Code are necessary to eliminate or minimize the negative secondary side effects resulting from Community Supervision Programs. Staff needs time to study whether to limit such businesses to certain zoning districts, and which zoning districts would be appropriate for such uses. Finally, staff needs time to study whether there should be a limit on the concentration of Community Supervision Programs in the City, and if so, whether there should be regulations as to their proximity to sensitive uses and each other; and

- K. California Government Code Section 65858 subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that such measures shall be of no effect 45 days from the date of adoption, and may be extended to have a maximum total duration of 2 years; and
- L. The City Council desires to (1) address the community concerns regarding the establishment and operation of Community Supervision Programs, (2) study the potential impacts the Community Supervision Programs may have on the public health, safety and welfare, (3) study and determine what local regulations may be appropriate or necessary for Community Supervision Programs, (4) study and determine the appropriate zoning and location for Community Supervision Programs, if any, and (5) determine appropriate controls for protection of public health, safety and welfare; and
- M. Without the immediate enactment of this Ordinance, multiple applicants could quickly receive entitlement that would allow Community Supervision Programs that pose a threat to the public safety, health and welfare and frustrate these studies and impair the orderly and effective implementation of contemplated Municipal Code Amendments and any further authorization of these uses within the City during the period of the interim zoning regulations may be in conflict with or may frustrate the contemplated updates and revisions of the Municipal Code; and
- N. Based on the foregoing, the City finds that there is a current and immediate threat to the public health, safety, or welfare and that this Ordinance is necessary in order to protect the City from the potential effects and impacts of Community Supervision Programs in the City, potential increases in crime, and other similar

or related effects on property values and the quality of life in the City's neighborhoods; and

- O. The City Council further finds that this interim zoning regulation is a matter of local and City-wide importance and is not directed towards any particular business that currently seeks to construct or operate a Community Supervision Program; and
- P. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the interim zoning regulations imposed by this Ordinance will not in any way deprive any person of rights granted by State or federal laws, because the interim zoning regulation is short in duration and essential to protect the public health, safety and welfare.

SECTION 2. Urgency Ordinance Imposed.

- A. Scope. In accordance with the authority granted the City of Antioch under Article XI, Section 7 of the California Constitution and California Government Code Section 65858, from and after the effective date of this ordinance, no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, business permit, building permit, conditional use permit, or zoning text amendment shall be approved or issued for the establishment or operation of Community Supervision Programs in the City of Antioch. Additionally, Community Supervision Programs are hereby expressly prohibited in all areas and zoning districts of the City.
- B. Definition. For purposes of this ordinance, "Community Supervision Program" means any facility, building, structure or location, where a organization, whether private, public, institutions of education, non-for-profit, or for-profit, provide re-entry services including but not limited to employment support and placement services, short and long term housing access including residential facilities not licensed by the State of California, peer and mentoring services, and resource centers. Community Supervision Programs may also be known as AB 109 Post Release Community Supervision Programs. Included in the definition are services provided to individuals on probation or parole.
- C. Exceptions. Existing and legally established social service providers are exempt and may continue to operate at current locations; however, existing providers may not expand any facility, building, structure, or location under this moratorium or move to another location.

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- D. Statutory Findings and Purpose. This ordinance is declared to be an interim ordinance as defined under California Government Code Section 65858. This ordinance is deemed necessary based on the findings of the City Council of the City of Antioch set forth in the findings, incorporated into Section 1 of this Ordinance.

SECTION 3. Establishment, Operation and Maintenance of a Community Supervision Programs in Violation of this Ordinance Declared a Public Nuisance.

The establishment, maintenance or operation of Community Supervision Programs as defined herein within the City limits of the City of Antioch in violation of this Ordinance is a public nuisance. Violations of this ordinance may be enforced by any applicable law, with criminal penalties.

SECTION 4. Severability.

If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Antioch hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. CEQA.

- A. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.
- B. This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.
- C. This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 6. Effective Date.

This Ordinance shall become effective immediately upon passage and adoption if passed and adopted by at least four-fifths vote of the City Council and shall be in effect for 45 days unless extended by the City in accordance with California Government Code Section 65858.

The foregoing ordinance was introduced and adopted at a meeting of the City of Antioch held on _____ by the following vote.

AYES:

NOES:

ABSTAINED:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

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ATTACHMENT "B"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ESTABLISHING INTERIM LAND USE REGULATIONS FOR THE ESTABLISHMENT AND OPERATION OF COMMUNITY SUPERVISION PROGRAMS

The City Council of the City of Antioch does ordain as follows:

SECTION 1. Findings.

- A. On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specific inmates and parolees from the California Department of Correction and Rehabilitation to counties; and
- B. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide; and
- C. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and
- D. The City has received and anticipates additional requests for the construction, establishment and operation of Community Supervision Programs (as defined herein) within the City. However, this use is not defined in the Antioch Municipal Code and the general category of "Business and Professional Office" may not take into account potential impacts of Community Supervision Programs on the surrounding community such as loitering and increased calls for service. The provisions of the City Municipal Code that may regulate the construction, operation and establishment of Community Supervision Programs in the City are inadequate and need review, study, and revision. The current provisions also fail to fully take into account the impacts related to the location and manner of construction, establishment and operation of Community Supervision Programs, and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on surrounding uses and the community; and
- E. The 2011 Adult Institutions Outcome Evaluation Report by the California Department of Corrections and Rehabilitation, which was attached to the staff report

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presented to the City Council on March 26, 2013 and is referenced with these findings, indicates most recidivists return to prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrests rates and states that average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively; and

- F. Widely reported news stories regarding adverse impacts of AB 109 were also attached to the staff report presented to the City Council and are on file with the City Clerk and on the City's website at www.ci.antioch.ca.us. It is reasonable to conclude that similar adverse impacts on the public health, safety and welfare will likely also occur in the City of Antioch; and
- G. The City of Antioch's crime rate for Part 1 crimes has increased 24% from 2011 to 2012 while arrests are down 14% in the same period as more particularly described in the presentation by the Police Chief at the City Council meeting on February 12, 2013 which can be viewed at <http://ci.antioch.ca.us/CityGov/CouncilMeetings/021213/>; and
- H. The number of sworn police officers available to serve the City per capita has decreased significantly due to budget considerations. In 1995 the number of sworn police officers was 89 and the population was 74,925. Currently, the number of sworn police officers is 89 and the population is 103,833; and
- I. Statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested; and
- J. While the intent of support programs is to reduce recidivism and assist individuals in becoming productive members of society, there is potential for negative impacts to the public health, safety, and welfare if Antioch received a disproportionate number of service providers or these service providers were concentrated near sensitive or certain other uses. This interim urgency ordinance would allow the City of Antioch the opportunity to study appropriate locations and concentration, distances from sensitive uses such as schools and parks, and adopt operational requirements such as hours of operation. It is necessary for the City of Antioch staff to study the possible adoption of amendments to the City's Municipal Code and Zoning Code regarding Community Supervision Programs. Staff needs time to study whether amendments to the City's Municipal Code are necessary to eliminate or minimize the negative secondary side effects resulting from Community Supervision Programs. Staff needs time to study whether to limit such businesses to certain zoning districts, and which zoning districts would be appropriate for such uses. Finally, staff needs time to study

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whether there should be a limit on the concentration of Community Supervision Programs in the City, and if so, whether there should be regulations as to their proximity to sensitive uses and each other; and

- K. California Government Code Section 65858 subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance regulating any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that such measures shall be of no effect 45 days from the date of adoption, and may be extended to have a maximum total duration of 2 years; and
- L. The City Council desires to (1) address the community concerns regarding the establishment and operation of Community Supervision Programs, (2) study the potential impacts the Community Supervision Programs may have on the public health, safety and welfare, (3) study and determine what local regulations may be appropriate or necessary for Community Supervision Programs, (4) study and determine the appropriate zoning and location for Community Supervision Programs, if any, and (5) determine appropriate controls for protection of public health, safety and welfare; and
- M. Without the immediate enactment of this Ordinance, multiple applicants could quickly receive entitlement that would allow Community Supervision Programs that pose a threat to the public safety, health and welfare and frustrate these studies and impair the orderly and effective implementation of contemplated Municipal Code Amendments and any further authorization of these uses within the City during the period of the interim zoning regulations may be in conflict with or may frustrate the contemplated updates and revisions of the Municipal Code; and
- N. Based on the foregoing, the City finds that there is a current and immediate threat to the public health, safety, or welfare and that this Ordinance is necessary in order to protect the City from the potential effects and impacts of Community Supervision Programs in the City, potential increases in crime, and other similar or related effects on property values and the quality of life in the City's neighborhoods; and
- O. The City Council further finds that this interim zoning regulation is a matter of local and City-wide importance and is not directed towards any particular business that currently seeks to construct or operate a Community Supervision Program; and

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- P. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the interim zoning regulations imposed by this Ordinance will not in any way deprive any person of rights granted by State or federal laws, because the interim zoning regulation is short in duration and essential to protect the public health, safety and welfare.

SECTION 2. Interim Land Use Regulations Imposed.

- A. Scope. In accordance with the authority granted the City of Antioch under Article XI, Section 7 of the California Constitution and California Government Code Section 65858, from and after the effective date of this ordinance, no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, business permit, or building permit shall be approved or issued for the establishment or operation of Community Supervision Programs in the City of Antioch without said use first obtaining a Use Permit as provided for under Title 9, Article 27 of the Antioch Municipal Code in any zone where Business and Professional Offices are currently permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code, Table of Land Use Regulations.
- B. Definition. For purposes of this ordinance, "Community Supervision Programs" means any facility, building, structure or location, where a organization, whether private, public, institutions of education, non-for-profit, or for-profit, provide re-entry services including but not limited to employment support and placement services, short and long term housing access including residential facilities not licensed by the State of California, peer and mentoring services, and resource centers. Community Supervision Programs may also be known as AB 109 Post Release Community Supervision Programs. Included in the definition are services provided to individuals on probation or parole.
- E. Exceptions. Existing and legally established social service providers are exempt and may continue to operate at current locations; however, existing providers may not expand any facility, building, structure, or location under this moratorium or move to another location without first obtaining a Use Permit.
- C. Statutory Findings and Purpose. This ordinance is declared to be an interim ordinance as defined under California Government Code Section 65858. This ordinance is deemed necessary based on the findings of the City Council of the City of Antioch set forth in the findings, incorporated into Section 1 of this Ordinance.

SECTION 3. Establishment, Operation and Maintenance of a Community Supervision Programs in Violation of this Ordinance Declared a Public Nuisance.

The establishment, maintenance or operation of Community Supervision Programs as defined herein within the City limits of the City of Antioch in violation of this Ordinance is a public nuisance. Violations of this ordinance may be enforced by any applicable law, with criminal penalties.

SECTION 4. Severability.

If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Antioch hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. CEQA.

- A. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.
- B. This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.
- C. This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 6. Effective Date.

This Ordinance shall become effective immediately upon passage and adoption if passed and adopted by at least four-fifths vote of the City Council and shall be in effect for 45 days unless extended by the City in accordance with California Government Code Section 65858.

The foregoing ordinance was introduced and adopted at a meeting of the City of Antioch held on _____ by the following vote.

AYES:

NOES:

ABSTAINED:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

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ATTACHMENT "C"



**California Department of Corrections
And Rehabilitation**

2011 Adult Institutions Outcome Evaluation Report

**Office of Research
November 23, 2011**

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You can obtain reports by contacting the Department of Corrections and Rehabilitation at the following address:

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Office of Research, Research and Evaluation Branch
1515 S Street, Suite 208S
Sacramento, California 95811
916.323.2919

Or

On the World Wide Web at:

http://www.cdcr.ca.gov/adult_research_branch/

CDCR Office of Research

"Providing quality research, data analysis and evaluation to implement evidence-based programs and practices, strengthen policy, inform management decisions and ensure accountability."

Produced by

Office of Research, Research and Evaluation Branch

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Jay Atkinson, Deputy Director (A)

Brenda Grealish, Research Manager III

Tina Fitzgerald, Research Manager II

Kevin Grassel, Research Program Specialist II

Betty Viscuso, Associate Information Systems Analyst

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For questions regarding the contents of this report, please contact
Brenda Grealish, Research Manager III of Research and Evaluation.

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OFFICE OF THE SECRETARY

1515 S Street, 95814
P.O. Box 942883
Sacramento, CA 94283-0001



November 23, 2011

Dear Colleagues:

The mission of the California Department of Corrections and Rehabilitation (CDCR) is to protect the public by safely and securely supervising adult and juvenile offenders, providing effective rehabilitation and treatment, and integrating offenders successfully into the community. Consistent with this purpose, we are holding ourselves accountable for data-driven policies informed by the latest research on what works in corrections and rehabilitation.

As a part of this commitment, I am pleased to present the second in a series of annual reports on the outcomes of adult inmates released from CDCR correctional institutions. This report features measures of recidivism by which we can gauge improvement, and enable us to compare our performance with that of other similarly situated states.

This report is a tangible result of our commitment to transparency and accountability. My hope is that the data contained in this report will provide new insights to policy-makers and correctional stakeholders with regard to the dynamics of recidivism. Our goal is to provide information that will be useful in moving the State forward in our attempt to increase public safety through the reduction of recidivism.

Sincerely,

MATTHEW L. CATE
Secretary

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Executive Summary

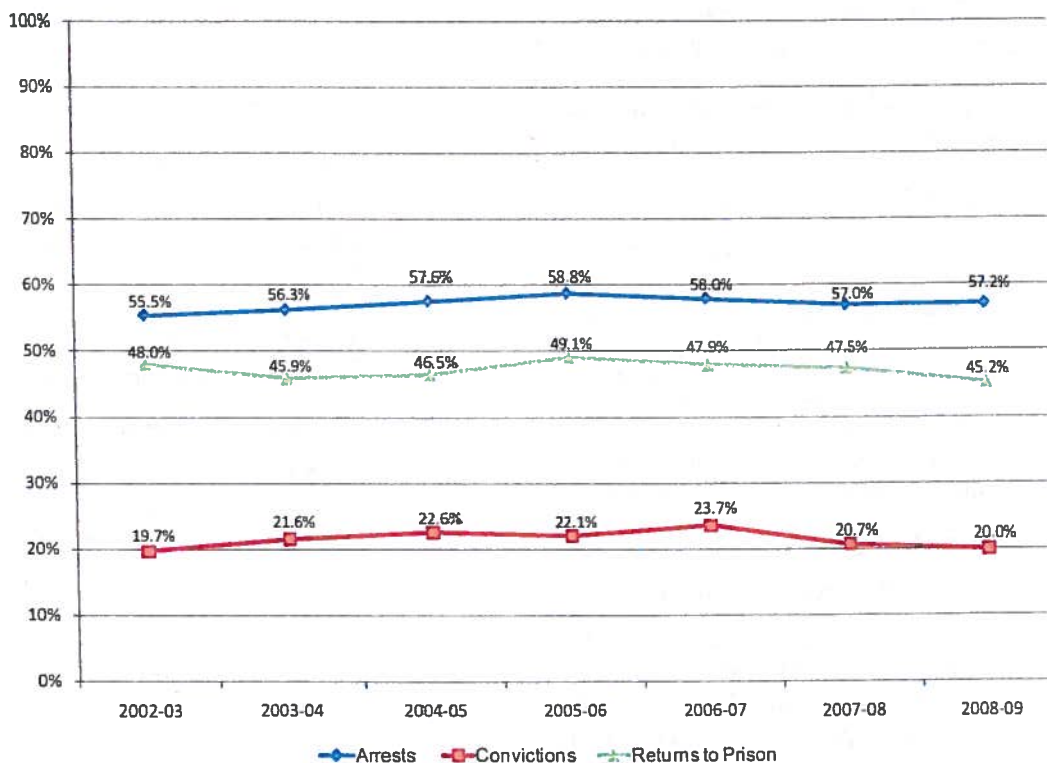
Introduction

To comport with national best practices, the California Department of Corrections and Rehabilitation (CDCR) measures recidivism by tracking arrests, convictions and returns to prison. Although all three measures are displayed in charts and tables in Appendix A, CDCR uses the latter measure, returns to prison, as the primary measure of recidivism for the

purpose of this report. We chose this measure because it is the most reliable measure available and is well understood and commonly used by most correctional stakeholders.

CDCR has reported recidivism rates for felons released from custody since 1977. During this time, the methodology for reporting recidivism has changed.

Figure 1. One-Year Recidivism Rates for Arrests, Convictions and Returns to Prison for Felons Released Between Fiscal Years 2002-03 and 2008-09¹



¹ Rates for "Arrests" and "Convictions" only include those felons where an automated criminal history record was available from the Department of Justice. These records are necessary to measure recidivism by arrest and conviction. The data contained in this chart were extracted in June 2011 to minimize the effects of the time lag in data entry into state systems.

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Commencing with our 2010 report, all felons are now tracked for the full follow-up period, regardless of their status as on parole or discharged. In addition, recidivism rates are presented based on numerous characteristics (e.g., commitment offense, length-of-stay).

This report is intended to provide more detailed information about recidivism to CDCR executives and managers, lawmakers and other correctional stakeholders who have an interest in the dynamics of reoffending behavior and recidivism reduction.

Recidivism Definition

CDCR measures recidivism by arrests, convictions and returns to prison. CDCR uses the latter measure, returns to prison, as its primary measure of recidivism. Throughout this document, unless otherwise stated, the terms recidivate and recidivism refer to this primary measure. CDCR defines "returns to prison" as follows:

An individual convicted of a felony² and incarcerated in a CDCR adult institution who was released to parole, discharged after being paroled, or directly discharged from CDCR during a defined time period and subsequently returned to prison during a specified follow-up period.

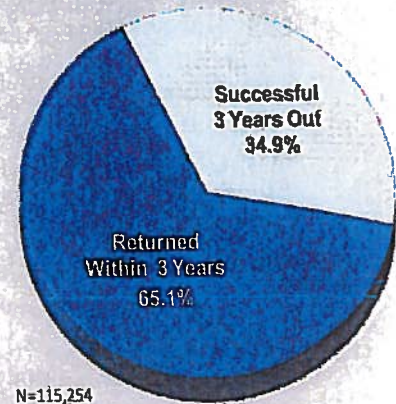
Key Findings

Overall CDCR Recidivism Rates

- The one-year rates have declined slightly under all measures of recidivism since FY 2006-07 with the exception of a small increase in arrests in FY 2008-09 (Figure 1).
- The total three-year recidivism rate (return to prison) for all felons

² Due to reporting limitations, civil addicts are currently excluded. It is expected that this limitation will be addressed following implementation of the Strategic Offender Management System (SOMS).

Figure 2.
Three-year recidivism rates for felons released from all CDCR institutions during fiscal year 2006-07



released during FY 2006-07 is 65.1 percent (Figure 2).

- Most felons who recidivate return to prison within a year of release (73.5 percent).
- Re-released felons recidivate at a rate 19.5 percentage points higher than those released for the first time.

CDCR Inmate Personal Characteristics

- Females have a 55.1 percent recidivism rate, which is approximately 11 points lower than that of males.
- Younger felons recidivate at the highest rate. Inmates released at age 24 or younger return to prison at a rate of 71.9 percent.
- Race/ethnicity appears to influence recidivism rates for first-releases, but this effect is not evident for re-released inmates.
- Slightly more than a quarter of all inmates are paroled to Los Angeles County after release. Of these parolees, however, only 57.0 percent recidivated within three years, which is lower than the statewide average.

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CDCR Offender Characteristics

- Inmates committed to prison for a property crime consistently recidivate at a higher rate than those committed for other types of crimes including crimes against persons, drug crimes, and "other" crimes.
- Inmates committed for more serious crimes do not have higher recidivism rates. For example, inmates released for rape have a lower recidivism rate (51.1 percent) than those who were committed for vehicle theft (74.3 percent).
- Although few in number, inmates released after having served an indeterminate sentence recidivate at a much lower rate (12.8 percent) than those who served a determinate sentence (65.1 percent).
- Felons required to register as sex offenders (i.e., sex registrants) recidivate at a higher rate (66.9 percent) as compared to other felons (65.0 percent). Eighty-four percent of sex registrants who recidivate do so because of a parole violation.
- Inmates designated as serious or violent offenders recidivate at a lower rate than those who are not.
- Inmates participating in mental health programs recidivate at rates 6 to 11 percentage points higher than other felons.
- The California Static Risk Assessment performs well at predicting inmate risk for recidivism.

CDCR Offender Length-of-Stay

- Recidivism rates increase with lengths-of-stay up to two to three years and decrease thereafter. Inmates with a length-of-stay between two to three years recidivate at the highest rate (69.8 percent). Those who served over 15 years in prison recidivated at the lowest rate (40.1 percent).
- There is little variation in the recidivism rate despite the number of prior returns to CDCR custody within the current term.
- Although fewer inmates return to prison as the total number of stays increase, recidivism rates for those with more total stays increase with each additional stay at CDCR institutions.

CDCR Institutional Missions

- Inmates housed in reception centers for at least 30 days prior to release have a recidivism rate that is higher than any other institutional mission.
- Inmates who had spent time in the Security Housing Unit (SHU) prior to release recidivate at a higher rate than those who had not.

CDCR Programs

- Released felons who had a designated developmental disability recidivate at a rate that is 12.8 percentage points higher than those who did not have a developmental disability designation.
- Participation in in-prison substance abuse programs, combined with post-release community-based after-care results in recidivism rates (29.3 percent) that are much lower than those that did not participate in any substance abuse treatment program (65.3 percent).

Conclusion

This report demonstrates how recidivism varies among offenders by their personal characteristics such as gender, race, age, and mental health status, as well as by their arrest histories and behavior while under CDCR custody and supervision. These findings are consistent with other jurisdictions across the United States and have important implications for correctional policy and practice.

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Definition of Terms

California Static Risk Assessment (CSRA)

The CSRA is an actuarial tool that utilizes demographic and criminal history data to predict an offender's risk of recidivating at the time they are released from CDCR. Offenders are categorized as low, moderate or high risk of incurring a new criminal conviction.

Cohort

A group of individuals who share a common characteristic, such as all inmates who were released to parole during a given year.

Controlling Crime or Commitment Offense

The most serious offense on the conviction for which the inmate was sentenced to prison on that term.

Correctional Clinical Case Management System (CCCMS)

The CCCMS facilitates mental health care by linking inmate/patients to needed services and providing sustained support while accessing such services. CCCMS services are provided as outpatient services within the general population setting at all institutions.

Determinate Sentencing Law (DSL)

Established by Penal Code Section 1170 in 1976, Determinate Sentencing Law identifies a specified sentence length for convicted felons who are remanded to state prison. Essentially, three specific terms of imprisonment (low, middle, and high) are assigned for crimes, as well as enhancements (specific case factors that allow judges to add time to a sentence). Opportunities to earn "credits" can reduce the length of incarceration. Released felons are automatically placed on parole unless they served all of their prison and parole time while they were incarcerated; in this case they are then discharged.

Developmental Disability Program (DDP)

CDCR program that ensures inmates with developmental disabilities are accurately identified; provided with appropriate classification, housing, and protection; and not subjected to discrimination.

Enhanced Outpatient Program (EOP)

A mental health services designation applied to a severely mentally ill inmate receiving treatment at a level similar to day treatment services.

First Release

The first release on the current term for felons with new admissions and parole violators returning with a new term (PV-WNT).

Indeterminate Sentencing Law (ISL)

Established by Penal Code Section 1168 in 1917, the Indeterminate Sentencing Law allowed judges to determine a range of time (minimum and maximum) a convicted felon would serve. Different felons convicted for the same crimes could spend varying lengths of time in prison; release depended on many factors, including each prisoner's individual conduct in prison. After the minimum sentence passed, felons were brought to a parole board that would identify the actual date of release. Indeterminate sentencing was replaced by Determinate Sentencing (Penal Code Section 1170) in 1976.

Institutional Mission

Institutions are designated with a mission that meets the security level or special purpose required for the inmates being housed. Reception centers process incoming inmates. Levels I, II, III, and IV house male general population inmates according to their security classification (low, medium, high-medium, and maximum). Female institutions provide female offenders with gender-responsive supervision, treatment, and services. Camps and "other" facilities house low-level inmates while providing rehabilitative treatment through work, vocation, academic and substance abuse programs. Institutions may have one or more missions according to the security needs and/or special purposes.

Manual California Static Risk Assessment (CSRA)

Inmates who do not have automated criminal history data available from the Department of Justice (DOJ) must have their CSRA score calculated manually. This is done with a review of a paper copy of the inmate's rap sheet. Manual scores are not available for a certain percentage of inmates because CSRA scores for the FY 2006-07 cohort were computed retroactively as of their date of release during that time period.

Parole

A period of conditional supervised release following a prison term.

Parole Violation (Law)

A law violation occurs when a parolee commits a crime while on parole and returns to CDCR custody (RTC) by action of the Board of Parole Hearings rather than by prosecution in the courts.

Parole Violation (Technical)

A technical violation occurs when a parolee violates a condition of his/her parole that is not considered a new crime and returns to CDCR custody (RTC).

Parole Violator Returning With a New Term (PV-WNT)

A parolee who receives a court sentence for a new crime committed while under parole supervision and returned to prison.

Registered Sex Offender

An inmate is designated as a registered sex offender if CDCR records show that the inmate has at some point been convicted of an offense that requires registration as a sex offender under Penal Code Section 290. This designation is permanent in CDCR records.

Re-Release

After a return to prison for a parole violation, any subsequent release on the same (current) term is a re-release.

Serious Felony Offenses

Serious felony offenses are specified in Penal Code Section 1192.7(c) and Penal Code Section 1192.8.

Stay

A stay is any period of time an inmate is housed in a CDCR institution. Each time an inmate returns to prison it is considered a new stay, regardless of the reason for returning.

Substance Abuse Program (SAP)

CDCR in-prison and post-release, community-based substance abuse treatment programs designed to reduce/eliminate offender drug and alcohol abuse and dependence.

Term

A term is a sentence an inmate receives from a court to be committed to CDCR for a length-of-time. If an inmate is released after serving a term and is later returned to prison for a parole violation, the inmate returns and continues serving the original (current) term. If that inmate returns for committing a new crime, the inmate begins serving a new term.

Violent Felony Offenses

Violent felony offenses are specified in Penal Code Section 667.5(c).

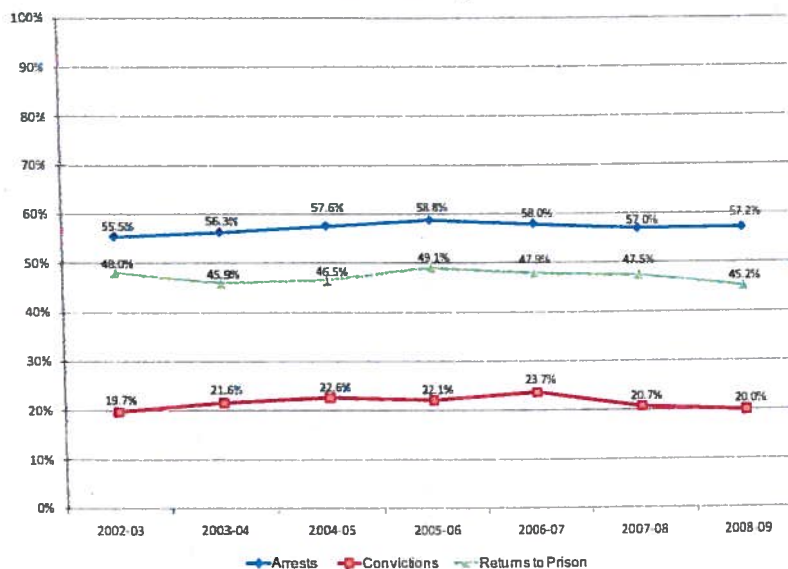
California Department of Corrections and Rehabilitation

2011 Adult Institutions Outcome Evaluation Report

1 Introduction

The California Department of Corrections and Rehabilitation (CDCR) is pleased to present the 2011 Outcome Evaluation, our second in an annual series of reports analyzing recidivism for felons released from California prisons. This report provides information about recidivism to CDCR executives, lawmakers and other correctional stakeholders who have an interest in the dynamics of reoffending behavior and reducing recidivism.

Figure A. One-Year Recidivism Rates for Arrests, Convictions and Returns to Prison for Felons Released Between Fiscal Years 2002-03 and 2008-09¹



As with our prior 2010 recidivism report, this report measures recidivism by tracking arrests, convictions and returns to prison at one-, two-, and three-year intervals.

¹ Rates for "Arrests" and "Convictions" only include those felons where an automated criminal history record was available from the Department of Justice. These records are necessary to measure recidivism by arrest and conviction.

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We continue to focus on the three-year return-to-prison rate as our primary measure of recidivism. Our return-to-prison measure, as described in our 2010 report, includes offenders released from prison after having served their sentence for a crime as well as offenders released from prison after having served their term for a parole violation. It also includes all offenders released from prison, whether on parole or discharged from parole during the three-year follow-up period. We employ an approach that is consistent with that set forth in last year's report so that policymakers and researchers can have year-over-year comparisons. Accordingly, this year's cohort will supplement last year's data, providing a progressively fuller picture of trends in recidivism with each successive report. This year's three-year return cohort focuses on those who were released from prison during FY 2006-07.

Additionally, we are excited to present for the first time analyses in this report that examine trends in recidivism among new populations of offenders. This year we've added analyses focusing on recidivism rates for the developmentally disabled, murderers, offenders who have received substance abuse treatment, and those who have paroled from Security Housing Units (SHU). We hope that you find these analyses to be topical and relevant. Each year we look forward to adding still more.

The focus of this year's report – the cohort of offenders released from prison in FY 2006-07 – provides an opportunity to gauge the success of correctional practices that governed that cohort, both in prison prior to their release in FY 2006-07, and on parole up to three years afterward. At its outermost reaches, this report begins to capture parole practices reaching into the first half of 2010, a period marked by the implementation of reforms set forth in Senate Bill (SB) 18 (3rd Ex. Sess) (Ducheny). These reforms include the creation of non-revocable parole, incentive funding for probation departments that adopt best practices, and parole reentry courts, among others. We look forward to seeing how these types of changes in correctional practices affect our recidivism rates in the coming years.

Enthusiasm for this year's recidivism discussion was also stoked by a significant report issued by the Pew Center on the States entitled "State of Recidivism: The Revolving Door of America's Prisons," which examined recidivism rates among many states across the country. California is pleased to be among the 33 states that provided data to Pew for this valuable comparative purpose.

The Pew report confirmed that when measured by "returns to prison," California's recidivism rates are near the highest nationwide. However, the report also made clear that when recidivism is measured by re-imprisonment for new crimes only, California's recidivism rates are lower than the nationwide

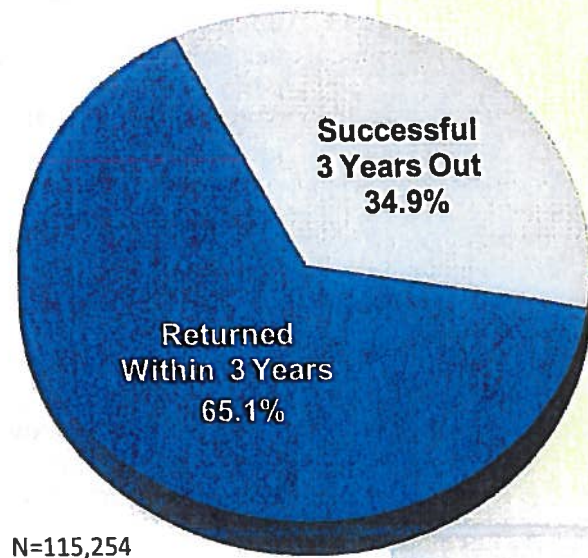
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average. The Pew report observed that it was two particularities of California's parole structure – the placement of virtually every offender on a period of mandatory parole, and the routine use of prison stays for punishment of parole violators – that contributed to California's high "return to prison" recidivism rates since this measure includes offenders returned for not only new crimes, but also parole violations. Absent those practices, California's recidivism rate may be similar to those of other states.

In future reports we will monitor how changes to California's parole structure impacts its recidivism rates not only with respect to non-revocable parole, which prohibited certain low-level offenders from being returned to custody, but also Governor Brown's historic realignment legislation, which requires that all parole violators who are returned to custody serve their time at local jails instead of prison. California is now in line with many other states that similarly use jail, not prison, as custody for parole violators. As a result, we expect to see changes to our recidivism rates in the coming years as California moves away from some of the practices that contributed to our high rates.

Ultimately, our goal is that this report and future reports will continue to spur discussion of the best possible ways for California to reduce recidivism and better protect public safety.

Figure B. Three-year recidivism rates for felons released from all CDCR institutions during FY 2006-07



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2 Evaluation Design

2.1 Objectives and Purpose of the Evaluation

This report presents the recidivism rates for CDCR inmates and examines how these rates vary across time and place, by person (personal and offender characteristics), by incarceration experience (e.g., length-of-stay), and by CDCR missions and institutions.

2.2 Primary Definition of Recidivism

Although there are numerous ways to define recidivism (e.g., arrests, convictions, returns to prison), CDCR employs returns to prison as its primary indicator of a recidivist defined as follows:

In this report, a recidivist is defined as a convicted felon who was released from CDCR in FY 2006-07 and subsequently returned to CDCR within a three-year follow-up period.

An individual convicted of a felony² and incarcerated in a CDCR adult institution who was released to parole, discharged after being paroled, or directly discharged from CDCR during a defined time period (recidivism cohort) and subsequently returned to prison during a specified follow-up period (recidivism period).

The recidivism rate is calculated using the ratio of the number of felons in the recidivism cohort who were returned to prison during the recidivism period to the total number of felons in the recidivism cohort, multiplied by 100.

$$\text{Recidivism Rate} = \frac{\text{Number Returned to Prison}}{\text{Recidivism Cohort}} \times 100$$

See Appendix A where this definition is expanded by depicting recidivism rates using re-arrest and reconviction in addition to returns to prison. Results for each of these measures are available for FYs 2002-03 through 2008-09.

3 Methods

This report presents recidivism rates from a three-year follow-up period for all felons who were released from the CDCR Division of Adult Institutions (DAI) between July 1, 2006 and June 30, 2007 (FY 2006-07). The cohort includes inmates who were released to parole for the first time on their current term and inmates who

² Due to reporting limitations, civil addicts are currently excluded. It is expected that this limitation will be addressed following implementation of the Strategic Offender Management System (SOMS).

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were directly discharged, as well as inmates who were released to parole on their current term prior to FY 2006-07, returned to prison on this term, and were then re-released during FY 2006-07. Figures, charts and graphs illustrate the relationship between descriptive variables (e.g., gender, race/ethnicity, age at parole) and recidivism rates. Expanded analyses of these variables are available in Appendix B.

3.1 Data Sources

CDCR Offender-Based Information System (OBIS)

Data were extracted from the CDCR Offender-Based Information System (OBIS) to identify the inmates who were released during FY 2006-07, as well as to determine which of these individuals were returned to prison during the three-year follow-up period.

Department of Justice (DOJ) Criminal Justice Information System (CJIS) California Law Enforcement Telecommunications System (CLETS)

Data were also derived from the DOJ, Criminal Justice Information System (CJIS), California Law Enforcement Telecommunications System (CLETS), arrest and convictions data to compute California Static Risk Assessment (CSRA) recidivism risk scores at the time of release, and to compute the re-arrest and reconviction figures included in Appendix A.

CDCR Office of Substance Abuse Treatment Services (OSATS) Interim Computerized Attendance Tracking System (ICATS)

The dataset containing the release cohort was matched to data reported to the CDCR Office of Substance Abuse Treatment Services (OSATS) Interim Computerized Attendance Tracking System (ICATS). ICATS is a repository for attendance and completions for inmates/parolees who participate in the CDCR In-Prison Substance Abuse Programs (SAPs) and Community-Based Substance Abuse Programs.

CDCR Clark Developmental Disability Automated Tracking System (CDDATS)

The Clark Developmental Disability Automated Tracking System (CDDATS) was used to record inmates who have been screened for a developmental disability upon entry into CDCR and identifies their developmental disability level designation and housing location as part of the CDCR Developmental Disability Program (DDP). CDDATS data are entered by staff at each institution. Although DECS (Disability and Effective Communications System) is currently the system of record, CDDATS was the system of record at the time the cohort was released from CDCR.

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Revocation Scheduling and Tracking System (RSTS)

For those parolees whose parole was revoked, the CDCR Revocation Scheduling and Tracking System (RSTS) was used to identify the type of parole revocations (technical or nontechnical).

3.2 Data Limitations

Data quality is of paramount importance with any and all data analyses performed by the CDCR Office of Research. The intent of this report is to provide "summary statistical" (aggregate) rather than "individual-level" information.

Overall, the aggregate data are robust in that a large number of records are available for analyses. At an individual level, the data become less robust as the smaller number of records is easily influenced by nuances associated with each case. Consequently, caution must be exercised when interpreting results that involve a small number of cases. Within this analytical framework, recidivism rates are only presented for inmate releases (i.e., denominators) that are greater than or equal to 30.

In addition, recidivism rates are "frozen" at three years, meaning that after three years the follow-up period is considered to be completed and no further analyses are performed. As such, reported rates may fluctuate slightly for the one- and two-year rates as data used in subsequent reporting years will likely be updated, particularly for the 'Arrests' and 'Convictions' presented in the Appendix since these data are routinely updated in accordance with criminal justice system processing.

Re-released felons made up 41.8 percent of the recidivism cohort.

4 Release Cohort Description

Nearly 60 percent of the release cohort was made up of first releases while 41.8 percent were re-releases. Almost all of the distributions for the personal and offender characteristics of first releases were similar to those of the total recidivism cohort.

Personal Characteristics

A total of 115,254 adult men and women were released from CDCR adult institutions in FY 2006-07 (Table 1). Males outnumbered females approximately nine to one. There was a nearly even distribution of inmates between the age of 20 and 44 at release; few inmates were between the age of 18 and 19 (0.6 percent). After 45 to 49 years of age, the number of inmates declined; individuals over age 60 represented roughly 1 percent of the cohort. The majority of inmates were Hispanic/Latino (37.5 percent), followed by White (32.1 percent) and Black/African American (26.0 percent). Less than 5 percent were Native American/Alaska Native, Asian, Native Hawaiian/Pacific Islander or Other.

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Offender Characteristics

The top 20 counties receiving the largest number of parolees are presented in Table 1, with the remaining counties grouped into the "All Others" category. The majority of the inmates paroled to Los Angeles County (26.4 percent). Of the remaining large counties in California, the top three that received paroled inmates were San Bernardino (8.5 percent), Orange (7.6 percent), San Diego (6.5 percent), and the bottom three were Santa Clara (3.2 percent), San Joaquin (2.3 percent), and Stanislaus (1.5 percent). In the previous 2010 Adult Institutions Outcome Evaluation Report, San Francisco was depicted since it had a release population within the top 20 of all county releases. This year, San Francisco was replaced by Stanislaus.

About two-thirds of the FY 2006-07 recidivism cohort include inmates who had served their current term for a property crime or a drug crime. Slightly more than 20 percent were committed to CDCR for a crime against persons and approximately 12 percent were committed for "other" crimes. Almost all inmates had a determinate sentence.

Approximately seven percent of the release cohort were required to register as a sex offender. In addition, roughly 20 percent of the release cohort were committed for a crime that was considered to be serious and/or violent. These percentages remain consistent for both first released and re-released sex offenders and serious/violent offenders.

Nearly 86 percent of the release cohort had not been enrolled in any type of mental health treatment program³ while incarcerated at CDCR. Those designated as Enhanced Outpatient Program (EOP) (severely mentally ill) made up 4.7 percent of the release cohort and those assigned to the Correctional Clinical Case Management System (CCCMS) made up the remaining 9.7 percent.

When assessed for recidivism risk using the CSRA, approximately 53 percent of the inmates were identified as being at a high risk for being convicted of a new crime, 28.4 percent were medium risk and 16.3 percent were low risk.

CDCR Incarceration Experience

More than half (58.5 percent) of the FY 2006-07 cohort inmates served 18 months or less in CDCR institutions. Approximately 71 percent who were released for the first time served 18 months

Almost 30 percent of the recidivism cohort had never been previously incarcerated at CDCR.

³ EOP and CCCMS are CDCR designations and do not necessarily reflect a clinical (e.g., Diagnostic and Statistical Manual) mental health diagnosis.

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or less in CDCR institutions compared to 41.8 percent of re-releases who served 18 months or less.

The majority of the cohort (58.2 percent) is comprised of first releases with no returns on their current term. Of those with returns on their current term, many (45.9 percent) had returned once. Thereafter, the number of returning inmates gradually decreases.

Almost half (49.2 percent) of the first releases had only one stay in a CDCR adult institution, and approximately one-fifth (20.8 percent) of re-releases stayed two times. Regardless of type of release, 13.6 percent of the FY 2006-07 cohort had 10 or more stays in CDCR when released.

Institutional Mission⁴

Twenty-two percent of the FY 2006-07 cohort released from a Level II institution. Another 26.6 percent were released from a reception center. Combined, this accounts for almost half of all releases during FY 2006-07. Among first releases only, slightly more than 20 percent released from a Level III or Level IV institution. Over half of re-releases were released from a reception center.

The vast majority (94.8 percent) of the release cohort had never been assigned to a SHU at any point during their term, while 5.2 percent has been assigned to a SHU.

Programs

Only 1.5 percent of the release cohort were in the DDP.

Over 12.5 percent of the release cohort had participated in the SAP while incarcerated. Eight percent completed the program while 4.6 did not complete the program prior to release from prison.

⁴ Since inmates are often transferred just prior to release to institutions close to their release county, the last institution where an inmate spent at least 30 days prior to being released in FY 2006-07 is the inmate's institution of release. The "Under 30 Days" category reflects those inmates who were not incarcerated in any one institution for at least 30 days prior to release.

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Table 1. Cohort Description

Characteristics	First Releases		Re-Releases		Total	
	N	%	N	%	N	%
Total	67,029	100.0	48,225	100.0	115,254	100.0
Sex						
Male	59,154	88.3	44,062	91.4	103,216	89.6
Female	7,875	11.7	4,163	8.6	12,038	10.4
Age at Release						
18-19	689	1.0	47	0.1	736	0.6
20-24	11,039	16.5	5,019	10.4	16,058	13.9
25-29	13,433	20.0	9,399	19.5	22,832	19.8
30-34	10,434	15.6	7,436	15.4	17,870	15.5
35-39	10,070	15.0	8,057	16.7	18,127	15.7
40-44	9,123	13.6	7,716	16.0	16,839	14.6
45-49	6,714	10.0	5,868	12.2	12,582	10.9
50-54	3,370	5.0	2,977	6.2	6,347	5.5
55-59	1,381	2.1	1,155	2.4	2,536	2.2
60 and over	776	1.2	551	1.1	1,327	1.2
Race/Ethnicity						
White	20,168	30.1	16,821	34.9	36,989	32.1
Hispanic/Latino	27,816	41.5	15,410	32.0	43,226	37.5
Black/African American	15,980	23.8	14,015	29.1	29,995	26.0
Native American/Alaska Native	518	0.8	576	1.2	1,094	0.9
Asian	416	0.6	308	0.6	724	0.6
Native Hawaiian/Pacific Islander	96	0.1	49	0.1	145	0.1
Other	2,035	3.0	1,046	2.2	3,081	2.7
County of Parole						
Alameda	2,727	4.1	2,564	5.3	5,291	4.6
Fresno	2,052	3.1	2,479	5.1	4,531	3.9
Kern	2,270	3.4	1,777	3.7	4,047	3.5
Los Angeles	21,782	32.5	8,672	18.0	30,454	26.4
Orange	5,954	8.9	2,774	5.8	8,728	7.6
Riverside	4,198	6.3	2,932	6.1	7,130	6.2
Sacramento	3,329	5.0	2,355	4.9	5,684	4.9
San Bernardino	5,585	8.3	4,161	8.6	9,746	8.5
San Diego	4,063	6.1	3,385	7.0	7,448	6.5
San Joaquin	1,238	1.8	1,444	3.0	2,682	2.3
Santa Clara	1,816	2.7	1,830	3.8	3,646	3.2
Stanislaus	872	1.3	830	1.7	1,702	1.5
All Others	11,118	16.6	11,588	24.0	22,706	19.7
Commitment Offense						
Crime Against Persons	14,179	21.2	12,141	25.2	26,320	22.8
Property Crimes	22,802	34.0	16,025	33.2	38,827	33.7
Drug Crimes	22,124	33.0	14,599	30.3	36,723	31.9
Other Crimes	7,924	11.8	5,460	11.3	13,384	11.6

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Table 1. Cohort Description (continued)

Characteristics	First Releases		Re-Releases		Total	
	N	%	N	%	N	%
Sentence Type						
Determinate Sentence Law	72	0.1	14	0.0	86	0.1
Indeterminate Sentence Law	67,029	100.0	48,225	100.0	115,254	100.0
Sex Offenders						
Yes	3,606	5.4	4,223	8.8	7,829	6.8
No	63,423	94.6	44,002	91.2	107,425	93.2
Serious/Violent Offenders						
Yes	13,312	19.9	10,171	21.1	23,483	20.4
No	53,717	80.1	38,054	78.9	91,771	79.6
Mental Health						
Enhanced Outpatient Program	2,337	3.5	3,096	6.4	5,433	4.7
Correctional Clinical Case Management System	5,660	8.4	5,471	11.3	11,131	9.7
Crisis Bed	8	0.0	8	0.0	16	0.0
No Mental Health Code	59,024	88.1	39,649	82.2	98,673	85.6
Department Mental Health	0	0.0	1	0.0	1	0.0
CSRA Risk Score						
Low	13,223	19.7	5,621	11.7	18,844	16.3
Medium	21,024	31.4	11,760	24.4	32,784	28.4
High	31,378	46.8	29,608	61.4	60,986	52.9
N/A	1,404	2.1	1,236	2.6	2,640	2.3
Length of Stay						
0 - 6 months	10,126	15.1	2,301	4.8	12,427	10.8
7 - 12 months	26,128	39.0	8,147	16.9	34,275	29.7
13 - 18 months	11,082	16.5	9,708	20.1	20,790	18.0
19 - 24 months	6,250	9.3	7,983	16.6	14,233	12.3
2 - 3 years	5,706	8.5	9,777	20.3	15,483	13.4
3 - 4 years	2,546	3.8	4,440	9.2	6,986	6.1
4 - 5 years	1,670	2.5	2,014	4.2	3,684	3.2
5 - 10 years	2,828	4.2	3,313	6.9	6,141	5.3
10 - 15 years	575	0.9	468	1.0	1,043	0.9
15 + years	118	0.2	74	0.2	192	0.2
Prior Returns to Custody						
None	67,029	100.0	0	0.0	67,029	58.2
1	0	0.0	22,128	45.9	22,128	19.2
2	0	0.0	11,313	23.5	11,313	9.8
3	0	0.0	6,505	13.5	6,505	5.6
4	0	0.0	3,705	7.7	3,705	3.2
5	0	0.0	2,077	4.3	2,077	1.8
6	0	0.0	1,205	2.5	1,205	1.0
7	0	0.0	640	1.3	640	0.6
8	0	0.0	357	0.7	357	0.3
9	0	0.0	170	0.4	170	0.1
10+	0	0.0	125	0.3	125	0.1

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Table 1. Cohort Description (continued)

Characteristics	First Releases		Re-Releases		Total	
	N	%	N	%	N	%
Number of CDCR Stays Ever						
1	32,983	49.2	0	0.0	32,983	28.6
2	7,926	11.8	10,012	20.8	17,938	15.6
3	5,137	7.7	7,485	15.5	12,622	11.0
4	3,964	5.9	5,544	11.5	9,508	8.2
5	3,285	4.9	4,245	8.8	7,530	6.5
6	2,719	4.1	3,467	7.2	6,186	5.4
7	2,190	3.3	2,892	6.0	5,082	4.4
8	1,846	2.8	2,519	5.2	4,365	3.8
9	1,440	2.1	2,069	4.3	3,529	3.1
10	1,163	1.7	1,782	3.7	2,945	2.6
11	944	1.4	1,478	3.1	2,422	2.1
12	777	1.2	1,315	2.7	2,092	1.8
13	595	0.9	1,086	2.3	1,681	1.5
14	479	0.7	878	1.8	1,357	1.2
15 +	1,581	2.4	3,433	7.1	5,014	4.4
Institutional Mission						
Level I	12,663	18.9	5,534	11.5	18,197	15.8
Level II	16,951	25.3	8,416	17.5	25,367	22.0
Level III	7,654	11.4	2,790	5.8	10,444	9.1
Level IV	6,229	9.3	1,684	3.5	7,913	6.9
Female Institutions	5,337	8.0	3,053	6.3	8,390	7.3
Camps	2,837	4.2	1	0.0	2,838	2.5
Reception Centers	5,745	8.6	24,903	51.6	30,648	26.6
Other Facilities	8,876	13.2	1,839	3.8	10,715	9.3
Under 30 days	737	1.1	5	0.0	742	0.6
Security Housing Unit (SHU) Status						
SHU	2,863	4.3	3,139	6.5	6,002	5.2
No SHU	64,166	95.7	45,086	93.5	109,252	94.8
Developmental Disability Program (DDP) Status						
DDP	813	1.2	919	1.9	1,732	1.5
No DDP	66,216	98.8	47,306	98.1	113,522	98.5
In-Prison Substance Abuse Program						
Completed Program	7,103	10.6	2,091	4.3	9,194	8.0
Did Not Complete Program	4,038	6.0	1,317	2.7	5,355	4.6
Did Not Participate in Program	55,888	83.4	44,817	92.9	100,705	87.4

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C71

5 Overall California Department of Corrections and Rehabilitation Adult Recidivism Rate

Inmates released from CDCR in FY 2006-07 have a 65.1 percent three-year recidivism rate.

Re-releases recidivate at a higher rate than first-releases.

Figure 1. Overall Recidivism Rates: First Releases, Re-Releases and Total

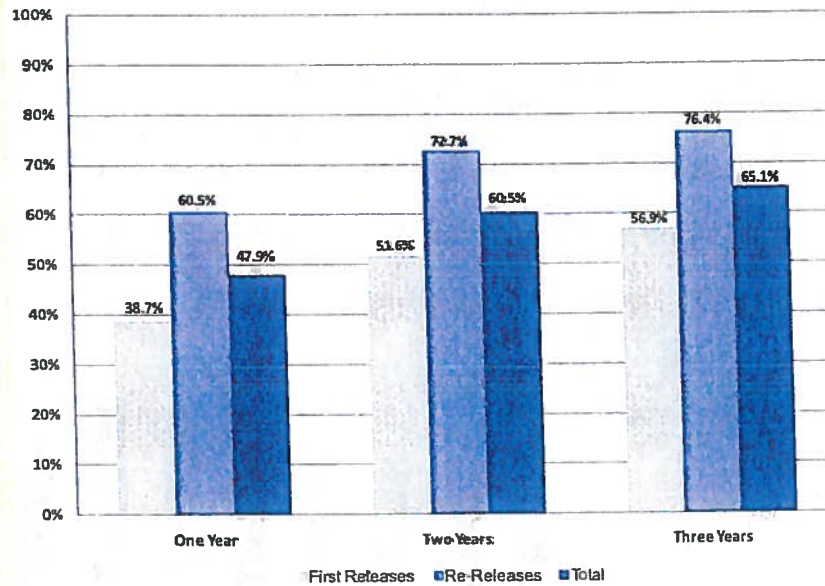


Figure 1 and Table 2 shows the total three-year recidivism rate for the FY 2006-07 cohort is 65.1 percent. The recidivism rate for re-releases is 19.5 percentage points higher than for first releases. When examining the recidivism rates as time progresses, most inmates who return to prison do so in the first year after release.

The overall recidivism rate for the FY 2006-07 cohort is 2.4 percentage points lower than the FY 2005-06 cohort. This reduction is primarily due to the reduction in the recidivism rates for the first releases, which decreased by 3.8 percentage points, although there was also a small (1.1 percentage point) reduction for those who were re-releases.

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t75

Table 2. Overall Recidivism Rates: First releases, Re-Releases and Total

	Total Released	One Year		Two Years, Cumulative		Three Years, Cumulative	
		Number Returned	Recidivism Rate	Number Returned	Recidivism Rate	Number Returned	Recidivism Rate
First Releases	67,029	25,968	38.7%	34,617	51.6%	38,158	56.9%
Re-Releases	48,225	29,199	60.5%	35,075	72.7%	36,861	76.4%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%

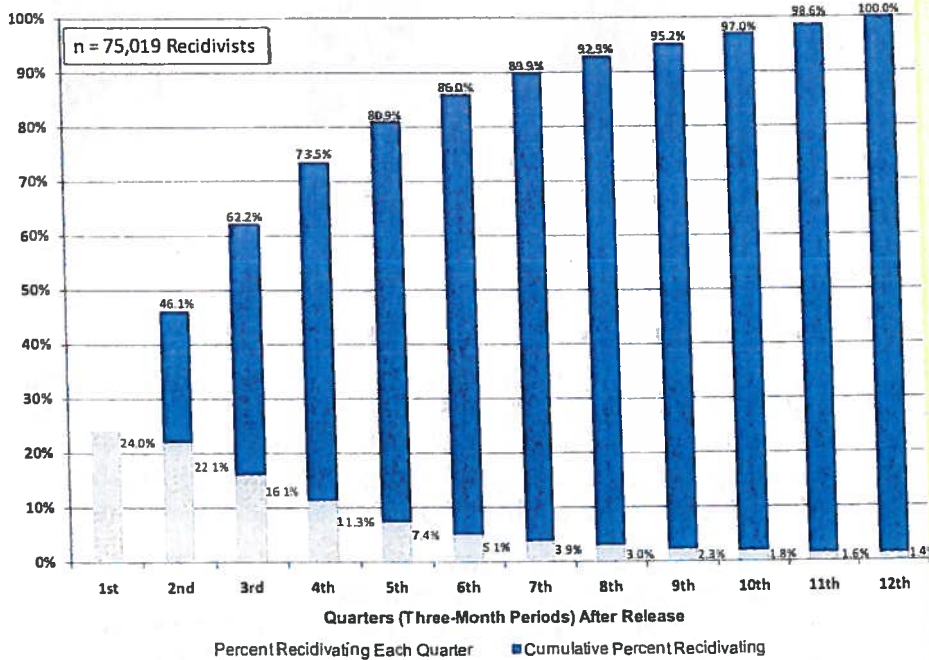
6 Time to Return

This "Time to Return" section only examines the 75,019 inmates who returned to prison within three years of release (identified previously in Figure 1 and Table 2) to assess how long inmates are in the community before recidivating and returning to prison.

Almost 50 percent of inmates who recidivate within three years do so within the first six months.

6.1 Time to Return for the 75,019 Recidivists

Figure 2. Three-Year Quarterly and Cumulative Rate of Return Post Release



At one year, this rate increases to almost 75 percent.

C48
A40
CT6

Figure 2 and Table 3 illustrate the percentage of inmates who recidivate during each quarterly (three-month) period, as well as the total percent of inmates who had recidivated through the end of the quarter.

Of the 75,019 inmates who return to prison, nearly equal percentages return during the first quarter and the second quarter (24.0 and 22.1 percent, respectively). Altogether, nearly half (approximately 46 percent) of the inmates released returned to prison after having been in the community for only six months. Almost 75 percent of the recidivists returned to prison within 12 months of release.

The number of inmates recidivating over time decreases as most have already returned to prison by the end of the first year. Since this analysis only focuses on those inmates identified as recidivists, and because few individuals returned to prison within the final months of the follow-up period, the 12th quarter represents the final, cumulative results (i.e., 100 percent) of the 75,019 recidivists. Collectively, these results mirror those reported for the FY 2005-06 cohort.

Table 3. Three-Year Quarterly and Cumulative Rate of Return Post Release

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Percentage of Recidivists	24.0%	22.1%	16.1%	11.3%	7.4%	5.1%	3.9%	3.0%	2.3%	1.8%	1.6%	1.4%
Cumulative Percent	24.0%	46.1%	62.2%	73.5%	80.9%	86.0%	89.9%	92.9%	95.2%	97.0%	98.6%	100.0%

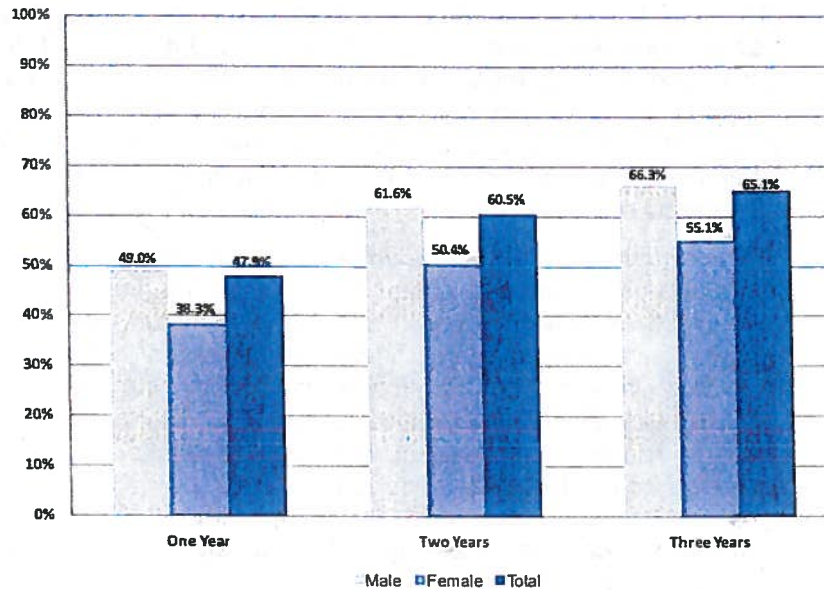
7 Recidivism Rate by Demographics

Demographics include the following personal characteristics of felons: gender, age at time of release, race/ethnicity, and county of parole. Research has shown that recidivism varies by some of these demographic factors, and these findings are corroborated by the data provided below.

C49
A41
E27

7.1 Gender

Figure 3. Recidivism Rates by Gender



Females
recidivate at a
lower rate than
males.

Because males outnumber females almost nine to one in the FY 2006-07 cohort, gender differences in rates of recidivism are masked. It is important, therefore, to examine male and female recidivism rates individually to see if differences exist. As shown in Figure 3 and Table 4, recidivism rates are considerably lower for females compared to males. By the end of three years, the recidivism rate for females is approximately 11 percentage points lower than that of males.

Males and females who were released for the first time recidivate at lower rates than those who were re-released, with female first releases and re-releases recidivating at lower rates than males. There is an 18.7 percentage point difference in the recidivism rate between first-released and re-released males. Females have a 24.1 percentage point difference in the recidivism rate between first and re-releases. Females who were re-released recidivate at a rate only six percentage points lower than their male counterparts. Both males and females experienced an almost equal decline in recidivism rates from those reported for the FY 2005-06 cohort.

Despite the fact that female offenders represent a small proportion of the CDCR inmate population and they have a lower recidivism rate than males, CDCR continues to emphasize the importance of increasing rehabilitative opportunities for female inmates through a commitment to the provision of gender-responsive programs.

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170

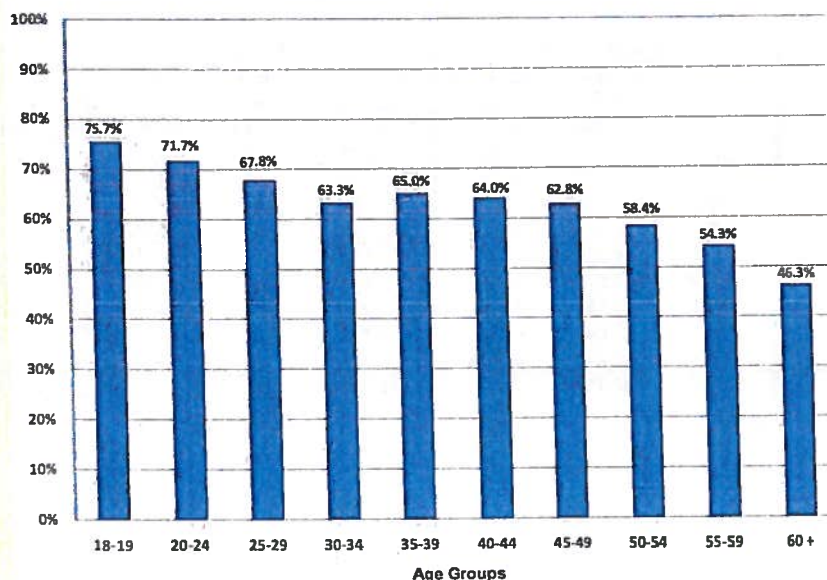
Table 4. Recidivism Rates by Gender

Gender	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Male	59,154	34,475	58.3%	44,062	33,908	77.0%	103,216	68,383	66.3%
Female	7,875	3,683	46.8%	4,163	2,953	70.9%	12,038	6,636	55.1%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

7.2 Age at Release

Figure 4. Three-Year Recidivism Rates by Age at Release

In general, recidivism rates decrease with age.



Conforming to the general theory that people age out of criminal activity⁵, the overall recidivism rate for inmates released in FY 2006-07 declines with age. Felons in the 18 to 19 year-old group have a 75.7 percent recidivism rate and those ages 60 and older have a 46.3 percent recidivism rate (Figure 4 and Table 5). The exception is a 1.7 percentage point increase from the 30 to 34 year-old age group to the 35 to 39 year-old age group. Thereafter, the declining trend in the recidivism rate resumes.

The pattern in the recidivism rate for each age group within first and re-releases mirrors that of the total recidivism rate (i.e., the gradual decline over time with the exception of the increased recidivism rate for the 35 to 39 age group).

⁵ Andrews, D.A. and J. Bonta (2006). The Psychology of Criminal Conduct, 4th ed. Neward, NJ: LexisNexis.

CS1
A43
A29

When compared to FY 2005-06 cohort first releases, FY 2006-07 cohort first releases reflect a reduction in recidivism rates that range from two to six percentage points across all but one age group. This exception is the 18 to 19 age group, which has a one percentage point recidivism rate increase. Although the reductions are smaller, the FY 2006-07 re-release cohort reflects a similar pattern of reduction in recidivism rates, with the exception that the 18 to 19 age group had a larger increase in their recidivism rate (eight percentage points).

Table 5. Recidivism Rates by Age Group

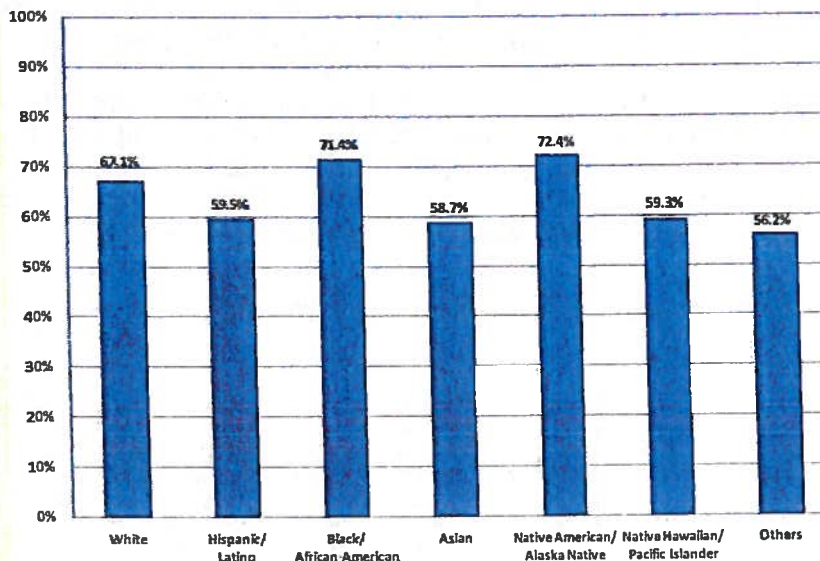
Age Groups	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
18-19	689	516	74.9%	47	41	87.2%	736	557	75.7%
20-24	11,039	7,322	66.3%	5,019	4,188	83.4%	16,058	11,510	71.7%
25-29	13,433	8,087	60.2%	9,399	7,382	78.5%	22,832	15,469	67.8%
30-34	10,434	5,700	54.6%	7,436	5,603	75.3%	17,870	11,303	63.3%
35-39	10,070	5,531	54.9%	8,057	6,260	77.7%	18,127	11,791	65.0%
40-44	9,123	4,975	54.5%	7,716	5,810	75.3%	16,839	10,785	64.0%
45-49	6,714	3,537	52.7%	5,868	4,369	74.5%	12,582	7,906	62.8%
50-54	3,370	1,597	47.4%	2,977	2,110	70.9%	6,347	3,707	58.4%
55-59	1,381	602	43.6%	1,155	774	67.0%	2,536	1,376	54.3%
60 +	776	291	37.5%	551	324	58.8%	1,327	615	46.3%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

C52
A44
A30

7.3 Race/Ethnicity

Figure 5. Three-Year Recidivism Rates by Race/Ethnicity

Total three-year recidivism rates are highest among White, Black/African-American, and Native American/Alaska Native race/ethnicity groups.



Recidivism rates for race/ethnicity vary by first releases and re-releases.

Figure 5 and Table 6 show the three-year recidivism rates for all releases are highest among White, Black/African-American, and Native American/Alaska Native race/ethnicity groups, ranging from 67.1 percent to 72.4 percent. The overall recidivism rate for all other race/ethnicity groups is roughly 60 percent.

Although small in number, the Native American/Alaska Native, Asian and Native Hawaiian/Pacific Islander first and re-release groups recidivate at rates similar to the other race/ethnicity groups. Moreover, the recidivism rate for first releases who are Hispanic/Latino (the largest group represented in the cohort) is over 10 percentage points lower than that of all other race/ethnicity groups combined (51.2 percent versus 61.0 percent).

The 2010 Adult Institutions Outcome Evaluation Report showed that recidivism rates by race/ethnicity for the FY 2005-06 cohort varied between first releases and re-releases. This finding is not evident for the FY 2006-07 cohort as the dispersion between the recidivism rates decreased within first releases and increased within re-releases, leaving little difference between the two groups.

Comparison of the FY 2005-06 and FY 2006-07 cohort first releases shows that not only did the Native American/Alaska Native group no longer have the highest recidivism rate, this group also had the greatest decline in recidivism rate for first releases

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(-5.8 percentage points). In turn, the Black/African American first releases had a 4.5 percentage point decrease in their recidivism rate. The recidivism rates for both Native American/African American groups are still quite similar.

For FY 2006-07 re-releases, the Native American/Alaska Native group still had the highest recidivism rate (79.5 percent), but the lowest switched from Native Hawaiian/Pacific Islander to Asian. In fact, the Native Hawaiian/Pacific Islander re-release group had the greatest increase in their recidivism rate as compared to the FY 2005-06 cohort (+1.8 percentage points). Furthermore, the Asian re-releases had a recidivism rate that was six percentage points lower than that which was reported for FY 2005-06.

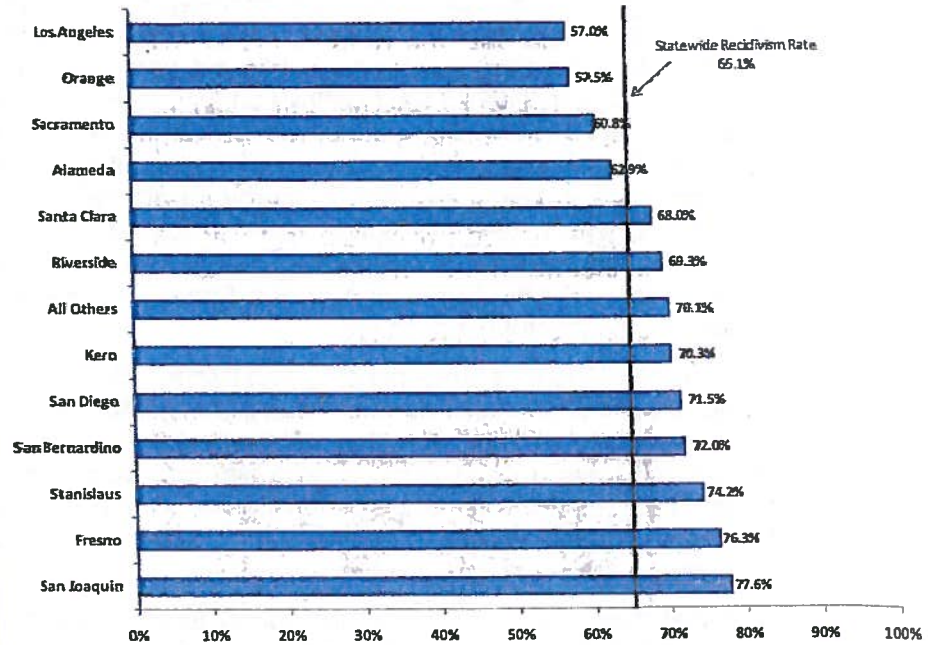
Table 6. Recidivism Rates By Race/Ethnicity

Race/Ethnicity	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
White	20,168	11,935	59.2%	16,821	12,885	76.6%	36,989	24,820	67.1%
Hispanic/Latino	27,816	14,228	51.2%	15,410	11,509	74.7%	43,226	25,737	59.5%
Black/African-American	15,980	10,419	65.2%	14,015	11,010	78.6%	29,995	21,429	71.4%
Asian	416	212	51.0%	308	213	69.2%	724	425	58.7%
Native American/Alaska Native	518	334	64.5%	576	458	79.5%	1,094	792	72.4%
Native Hawaiian/Pacific Islander	96	50	52.1%	49	36	73.5%	145	86	59.3%
Others	2,035	980	48.2%	1,046	750	71.7%	3,081	1,730	56.2%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

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E32

7.4 County of Parole⁶

Figure 6. Three-Year Recidivism Rates by County



Recidivism rates may vary by county due to a number of factors: local jail overcrowding, cost avoidance, prosecutorial discretion, community characteristics and variability in law enforcement and Board of Parole Hearings practices.

Despite the fact that over a quarter of all inmates who were paroled in FY 2006-07 were released into Los Angeles County, the Los Angeles County recidivism rate (57.0 percent) is the lowest of the twelve largest counties (see Figure 6 and Table 7). Stanislaus, Fresno, and San Joaquin counties have the highest overall three-year recidivism rates, ranging from 74.2 percent to 77.6 percent, respectively.

As shown throughout the report, re-released inmates generally have higher recidivism rates than those released for the first time. This may also explain Los Angeles County's low recidivism rate as it received roughly two-and-a-half times as many first-release as re-release inmates. This large proportion of first-release inmates (and their low rate of recidivism) reduced the overall recidivism rate for inmates released to Los Angeles County.

The difference in the recidivism rate between first-release inmates and re-release inmates varies greatly by county. Alameda County has the widest range (31.7 percentage points), with first-release inmates recidivating at a rate of 47.6 percent and re-releases recidivating at a rate of 79.3 percent. Fresno County has the

⁶ Direct discharges are not included since these individuals do not have a parole county.

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narrowest range (10.4 percentage points), with first-release inmates recidivating at a rate of 70.6 percent and re-releases recidivating at a rate of 81.0 percent.

Minor changes in recidivism rates have occurred since data were reported for the FY 2005-06 cohort. Despite the fact that the Kern County recidivism rate decreased by 1.4 percentage points in FY 2006-07, it moved up two positions on the recidivism ranking because Riverside County and all others had larger decreases in their recidivism rates (-3.8 and -3.0 percentage points, respectively). San Diego and San Bernardino switched positions, with San Diego having a slightly lower recidivism rate. The increase in the number of Stanislaus County releases bumped San Francisco off this chart; this year San Francisco releases are reflected in the all others category.

In sum, first-releases experienced recidivism rate decreases across all counties, with Alameda having the greatest decrease (-6.2 percentage points). The exception was Kern County, which had no recidivism rate change. Recidivism rate decreases also occurred for re-releases, although there were slight increases for Alameda, Sacramento, and San Joaquin counties (2.1 percentage points and less).

Note that these results represent the county to which the inmates were paroled; however, inmates may not have remained in the county to which they were paroled. In addition, inmates may recidivate in a county other than that of his/her parole. In such cases, the recidivism is counted in the parole county.

Table 7. Recidivism Rates by County⁷

County of Commitment	First Releases			Re-Releases			Total		
	Number Paroled	Number Returned	Recidivism Rate	Number Paroled	Number Returned	Recidivism Rate	Number Paroled	Number Returned	Recidivism Rate
Alameda	2,727	1,298	47.6%	2,564	2,032	79.3%	5,291	3,330	62.9%
Fresno	2,052	1,449	70.6%	2,479	2,007	81.0%	4,531	3,456	76.3%
Kern	2,270	1,457	64.2%	1,777	1,388	78.1%	4,047	2,845	70.3%
Los Angeles	21,782	11,119	51.0%	8,672	6,250	72.1%	30,454	17,369	57.0%
Orange	5,954	2,866	48.1%	2,774	2,154	77.6%	8,728	5,020	57.5%
Riverside	4,198	2,649	63.1%	2,932	2,295	78.3%	7,130	4,944	69.3%
Sacramento	3,329	1,591	47.8%	2,355	1,867	79.3%	5,684	3,458	60.8%
San Bernardino	5,585	3,634	65.1%	4,161	3,380	81.2%	9,746	7,014	72.0%
San Diego	4,063	2,658	65.4%	3,385	2,668	78.8%	7,448	5,326	71.5%
San Joaquin	1,238	882	71.2%	1,444	1,200	83.1%	2,682	2,082	77.6%
Santa Clara	1,816	1,138	62.7%	1,830	1,341	73.3%	3,646	2,479	68.0%
Stanislaus	872	578	66.3%	830	685	82.5%	1,702	1,263	74.2%
All Others	11,118	6,831	61.4%	11,588	9,089	78.4%	22,706	15,920	70.1%
Total	67,004	38,150	56.9%	46,791	36,356	77.7%	113,795	74,506	65.5%

⁷ Direct discharges are not included since these individuals do not have a parole county.

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E34

8 Offender Characteristics

Offender characteristics include the categories for the controlling crime of the current term; sentence type; special classifications of inmates including registered sex offenders, serious or violent offenders, mental health status; developmental disability, substance abuse program participation, and risk to reoffend, as measured by the California Static Risk Assessment (CSRA) at the time of release.

8.1 Commitment Offense Category

Figure 7. Recidivism Rates by Commitment Offense Category

At 69.1 percent, inmates committed to CDCR for property crimes have the highest three-year recidivism rate.

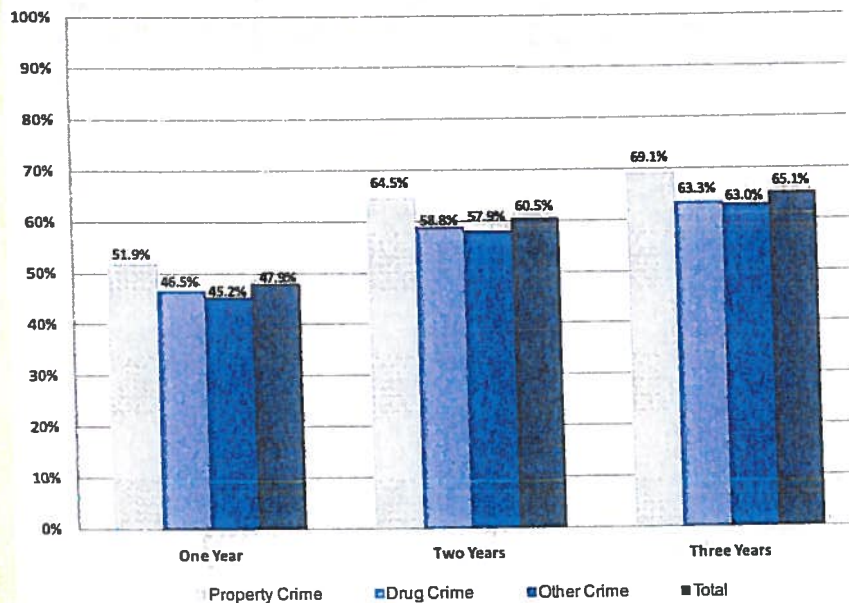


Figure 7 and Table 8 reveal that inmates committed for property crimes have the highest overall, three-year recidivism rate. Over half of the inmates released with a property crime commitment recidivated within the first year of release and 69.1 percent recidivated within three years of their release. Inmates committed for crimes against persons, drug crimes or other offenses recidivate at an almost identical lower rate, whether it was at one, two, or three years of follow-up.

Re-release inmates with drug crime commitments have a three-year recidivism rate that is 21.9 percentage points higher than first-release inmates with a drug crime commitment (76.5 percent versus 54.6 percent, respectively). Similarly, re-releases with a crime against a person commitment have a three-year recidivism

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L35

rate that is approximately 19 percentage points higher than first releases with a crime against a person commitment (73.1 percent versus 53.8 percent, respectively).

There were slight declines (up to five percent) in the recidivism rates by Commitment Offense Category for first releases, re-releases and overall groupings from the FY 2005-06 cohort to the FY 2006-07 cohort.

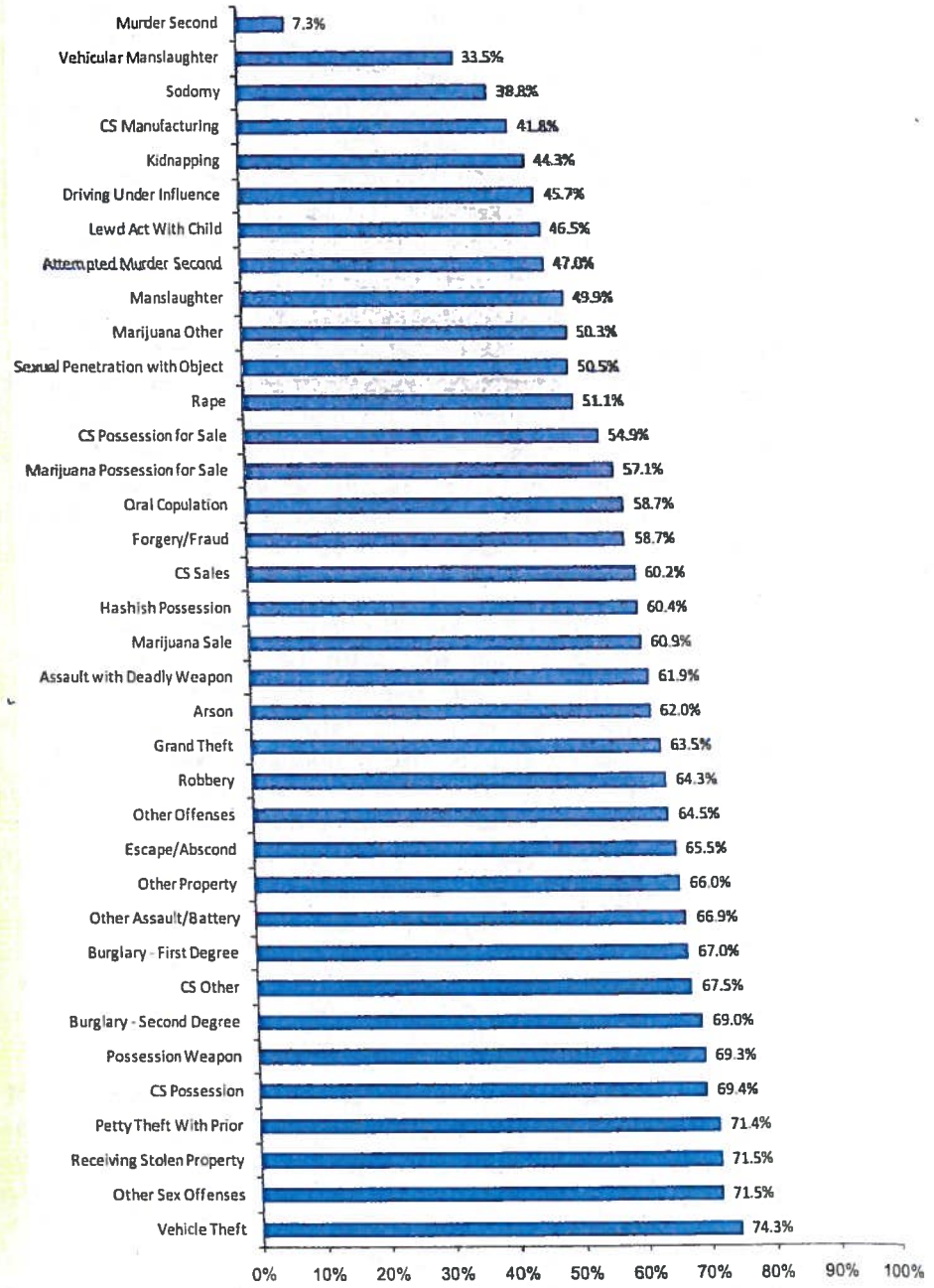
Table 8. Recidivism Rates by Commitment Offense Category

Offense Categories	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Crime Against Persons	14,179	7,633	53.8%	12,141	8,874	73.1%	26,320	16,507	62.7%
Property Crimes	22,802	14,081	61.8%	16,025	12,749	79.6%	38,827	26,830	69.1%
Drug Crimes	22,124	12,086	54.6%	14,599	11,167	76.5%	36,723	23,253	63.3%
Other Crimes	7,924	4,358	55.0%	5,460	4,071	74.6%	13,384	8,429	63.0%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

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t36

8.2 Commitment Offense^{8,9,10}

Figure 8. Three-Year Recidivism Rates by Commitment Offense



⁸ Other sex offenses include failure to register as a sex offender, unlawful sex with a minor, and indecent exposure.

⁹ Other offenses include false imprisonment, accessory, and malicious harassment.

¹⁰ CS is an abbreviation for "Controlled Substance."

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t37

Figure 8 and Table 9 show the top three highest three-year recidivism rates for all releases occurs for inmates who were committed to a CDCR adult institution for vehicle theft, other sex offenses and receiving stolen property (ranging from 71.5 to 74.3 percent). The lowest three recidivism rates for all releases occur for inmates committed to CDCR for murder second, vehicular manslaughter, and sodomy (ranging from 7.3 to 38.8 percent). Inmates committed for more serious crimes do not have higher recidivism rates. For example, approximately 74 percent of inmates convicted of vehicle theft recidivate within three years, whereas approximately 51.1 percent of inmates convicted of rape (more than 20 percentage points less) recidivate within three years.

There are also differences when examining commitment offense grouping by type of release. Despite their commitment crime, all re-releases have at least a 59 percent recidivism rate ranging from as low as 59.2 percent (vehicular manslaughter) to 82.6 percent (vehicle theft). However, such a broad statement cannot be made for first releases due to the wide range in their recidivism rates, which vary by as much as 66.1 percentage points. Murder second is the lowest at 2.8 percent and vehicle theft is the highest at 69.0 percent.

Comparison to the FY 2005-06 cohort shows overall declines in the FY 2006-07 cohort recidivism rates across most of the offenses. The largest overall decline was for sodomy (-22.2 percentage points) and the largest overall increase was for marijuana sale (+4.8 percentage points). With respect to first releases, the largest decline was for escape/abscond (-24.4 percentage points); however, the recidivism rates increased for three offenses [attempted murder second (+0.8 percentage points), marijuana sale (+5.6 percentage points) and oral copulation (+11.8 percentage points)]. For re-releases, the largest decline was for sexual penetration with object (-15.6 percentage points); however, the recidivism rates increased for several offenses [ranging from CS possession for sale (+0.2 percentage points) to marijuana sale (+2.7 percentage points)].

Please also see Appendix C for an in-depth analysis of the recidivism behavior of murderers who returned to CDCR either as a new admission or with a new term over a 15-year time period. Although this 15-year murderer recidivism report is not directly related, or necessarily comparable, to the data presented in this 2011 Adult Institutions Outcome Evaluation Report, it is included for informational purposes.

The seriousness of an inmate's commitment crime may be inversely related to his/her recidivism risk.

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Table 9. Recidivism Rates by Commitment Offense¹¹

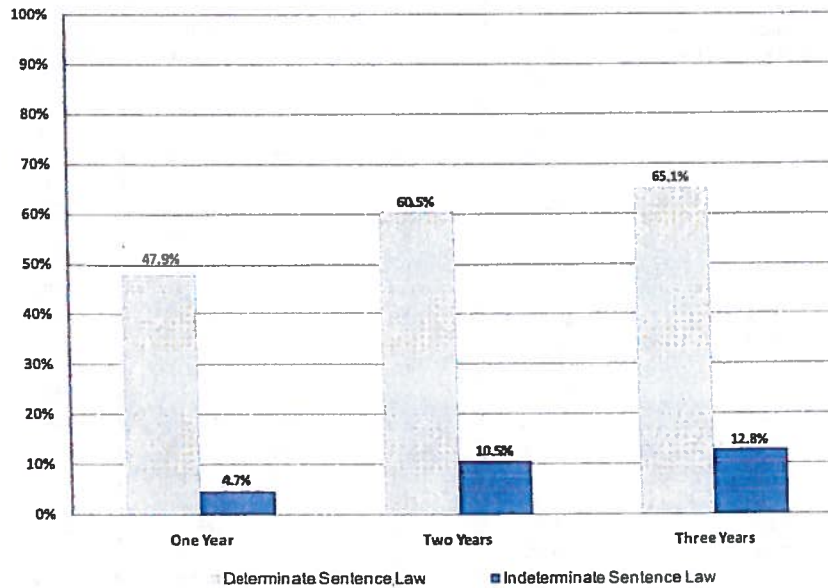
Offense	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Murder First	6	1	N/A	0	0	N/A	6	1	N/A
Murder Second	36	1	2.8%	5	2	N/A	41	3	7.3%
Attempted Murder First	11	0	N/A	5	3	N/A	16	3	N/A
Vehicular Manslaughter	190	51	26.8%	49	29	59.2%	239	80	33.5%
Sodomy	27	10	N/A	22	9	N/A	49	19	38.8%
CS Manufacturing	545	141	25.9%	369	241	65.3%	914	382	41.8%
Kidnapping	143	48	33.6%	92	56	60.9%	235	104	44.3%
Driving Under Influence	1,901	705	37.1%	767	515	67.1%	2,668	1,220	45.7%
Lewd Act With Child	1,018	368	36.1%	804	479	59.6%	1,822	847	46.5%
Attempted Murder Second	213	81	38.0%	119	75	63.0%	332	156	47.0%
Manslaughter	303	120	39.6%	184	123	66.8%	487	243	49.9%
Marijuana Other	86	26	30.2%	63	49	77.8%	149	75	50.3%
Sexual Penetration with Object	56	22	39.3%	45	29	64.4%	101	51	50.5%
Rape	191	73	38.2%	169	111	65.7%	360	184	51.1%
CS Possession for Sale	6,762	3,094	45.8%	3,380	2,478	73.3%	10,142	5,572	54.9%
Marijuana Possession for Sale	716	356	49.7%	397	280	70.5%	1,113	636	57.1%
Oral Copulation	90	48	53.3%	106	67	63.2%	196	115	58.7%
Forgery/Fraud	2,203	1,055	47.9%	1,438	1,082	75.2%	3,641	2,137	58.7%
CS Sales	2,049	1,013	49.4%	1,190	936	78.7%	3,239	1,949	60.2%
Hashish Possession	29	18	N/A	24	14	N/A	53	32	60.4%
Marijuana Sale	284	152	53.5%	181	131	72.4%	465	283	60.9%
Assault with Deadly Weapon	3,229	1,758	54.4%	2,507	1,795	71.6%	5,736	3,553	61.9%
Arson	149	75	50.3%	154	113	73.4%	303	188	62.0%
Grand Theft	2,106	1,152	54.7%	1,419	1,088	76.7%	3,525	2,240	63.5%
Robbery	2,817	1,590	56.4%	2,238	1,659	74.1%	5,055	3,249	64.3%
Other Offenses	2,088	1,145	54.8%	1,931	1,449	75.0%	4,019	2,594	64.5%
Escape/Abscond	78	39	50.0%	99	77	77.8%	177	116	65.5%
Other Property	676	395	58.4%	449	348	77.5%	1,125	743	66.0%
Other Assault/Battery	4,873	2,824	58.0%	4,478	3,434	76.7%	9,351	6,258	66.9%
Burglary - First Degree	1,883	1,080	57.4%	1,583	1,243	78.5%	3,466	2,323	67.0%
CS Other	373	223	59.8%	354	268	75.7%	727	491	67.5%
Burglary - Second Degree	4,417	2,733	61.9%	3,052	2,421	79.3%	7,469	5,154	69.0%
Possession Weapon	3,708	2,394	64.6%	2,509	1,917	76.4%	6,217	4,311	69.3%
CS Possession	11,280	7,063	62.6%	8,641	6,770	78.3%	19,921	13,833	69.4%
Petty Theft With Prior	3,585	2,298	64.1%	2,872	2,310	80.4%	6,457	4,608	71.4%
Other Sex Offenses	976	638	65.4%	1,318	1,003	76.1%	2,294	1,641	71.5%
Receiving Stolen Property	3,103	2,036	65.6%	2,103	1,688	80.3%	5,206	3,724	71.5%
Vehicle Theft	4,829	3,332	69.0%	3,109	2,569	82.6%	7,938	5,901	74.3%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

¹¹ Recidivism rates were not calculated when fewer than 30 inmates were released.

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8.3 Sentence Type

Figure 9. Recidivism Rates by Sentence Type



Although few in number, inmates released after having served an indeterminate sentence recidivate at a much lower rate (12.8 percent) than those who served a determinate sentence (65.1 percent).

California's Determinate Sentencing Law¹² had been in effect for about 35 years by the time the inmates in this FY 2006-07 cohort were released. As a result, the vast majority of individuals who were released served a determinate sentence. Figure 9 and Table 10 show that despite this fact, the 72 inmates who were released after having served an indeterminate sentence recidivated at a rate that was much lower than those who served a determinate sentence (12.8 percent versus 65.1 percent, respectively). Those who served an indeterminate sentence are more likely to be older than those who served a determinate sentence.

Table 10. Recidivism Rates by Sentence Type¹³

Sentence Type	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Determinate Sentence Law	66,957	38,153	57.0%	48,211	36,855	76.4%	115,168	75,008	65.1%
Indeterminate Sentence Law	72	5	6.9%	14	6	NA	86	11	12.8%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

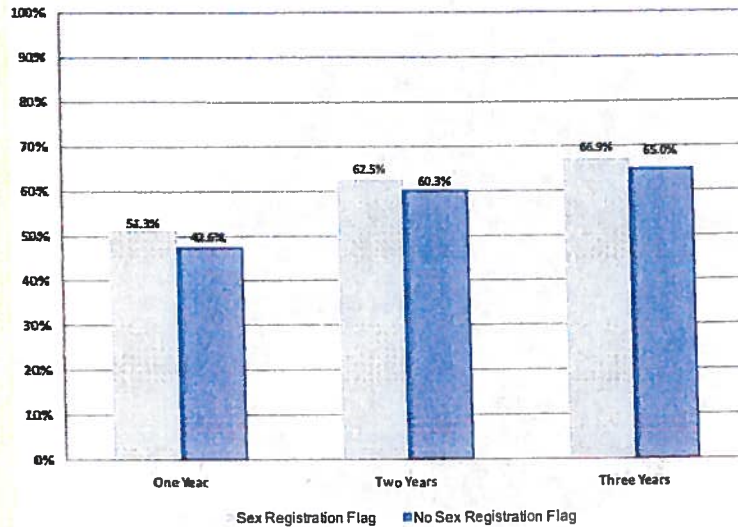
¹² The Uniform Determinative Sentencing Act was enacted by the California Legislature in 1976.

¹³ Recidivism rates were not calculated when fewer than 30 inmates were released.

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8.4 Sex Registrants

Figure 10. Recidivism Rates by Sex Registration Flag



Offenders who are required to register as a sex offender have a slightly higher recidivism rate than those who do not.

Figure 10 and Table 11 show that for total releases, the three-year recidivism rate for offenders required to register as a sex offender (sex registrants) is 1.9 percentage points higher than those who do not. First-release sex registrants have a slightly higher recidivism rate than nonsex registrants (0.9 percentage points) while re-release flagged sex offenders have a lower recidivism rate than nonsex registrants (1.9 percentage points).

There was a reversal of the total recidivism rates from FY 2005-06 to FY 2006-07, with the 2006-07 cohort showing an increase in recidivism in each of the three follow-up years. Examination into this finding reveals that across the three years, the greatest increase occurred in the one-year recidivism rates for sex registrants (+4.8 percentage points). This may be an artifact of the initial implementation of policies related to Jessica's Law, passed in November 2006, which led to increased supervision of sex registrants.

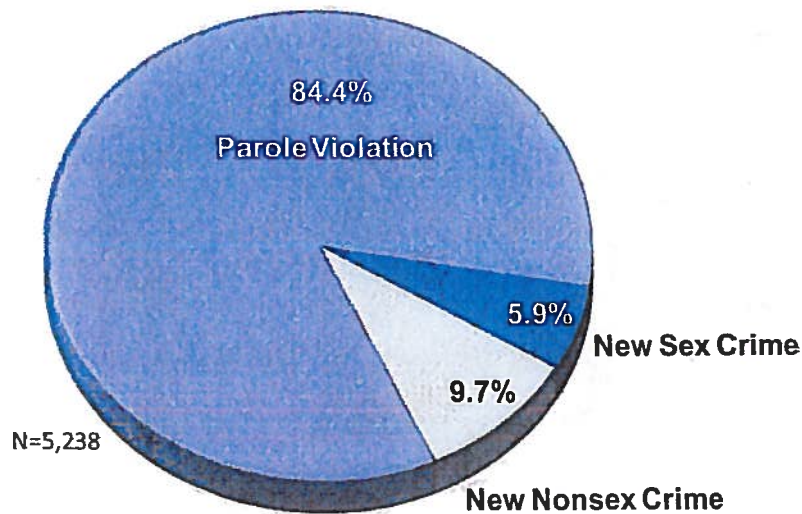
Table 11. Recidivism Rates by Sex Registration Flag

Sex Registration Flag	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Yes	3,606	2,083	57.8%	4,223	3,155	74.7%	7,829	5,238	66.9%
No	63,423	36,075	56.9%	44,002	33,706	76.6%	107,425	69,781	65.0%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

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8.4.1 Recidivism Offense for Sex Registrants

Figure 11. Sex Registrant Recidivism Offense



Offenders who are required to register as a sex offender are more likely to be recommitted to CDCR for a new nonsex crime than for a new sex crime.

Recidivating sex registrants are most often returned to prison for a new nonsex crime than for a new sex crime. As seen in Figure 11 and Table 12, a larger proportion of sex registrants return to prison for a new nonsex crime offense (9.7 percent), exceeding those who return to prison for a new sex crime (5.9 percent).

A slightly higher proportion of sex registrants return to prison for a new sex crime or for a new nonsex crime after having served more than one prison sentence (an increase of 2.2 and 0.7 percentage points, respectively). Regardless of the release type, 84.4 percent of sex registrants return to prison for parole violations.

From FY 2005-06 to FY 2006-07, there was a slight decrease in the proportion of parole violators (-1.6 percent) and an increase in those who returned for a new sex crime (+0.9 percent) and a new nonsex crime (+0.8 percent).

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Table 12. Sex Registrant Recidivism Offense

Reason for Recidivism	First Releases Returned		Re-Releases Returned		Total Returned	
	Number	Percent	Number	Percent	Number	Percent
New Sex Crime	95	4.6	216	6.8	311	5.9
New Nonsex Crime	193	9.3	315	10.0	508	9.7
Parole Violation	1,795	86.2	2,624	83.2	4,419	84.4
Total	2,083	100.0	3,155	100.0	5,238	100.0

8.5 Comparison of Violent, Drug and Registered Sex Offender Recidivism Rates By Age

Figure 12. Violent, Drug and Registered Sex Offender Recidivism Rates By Age

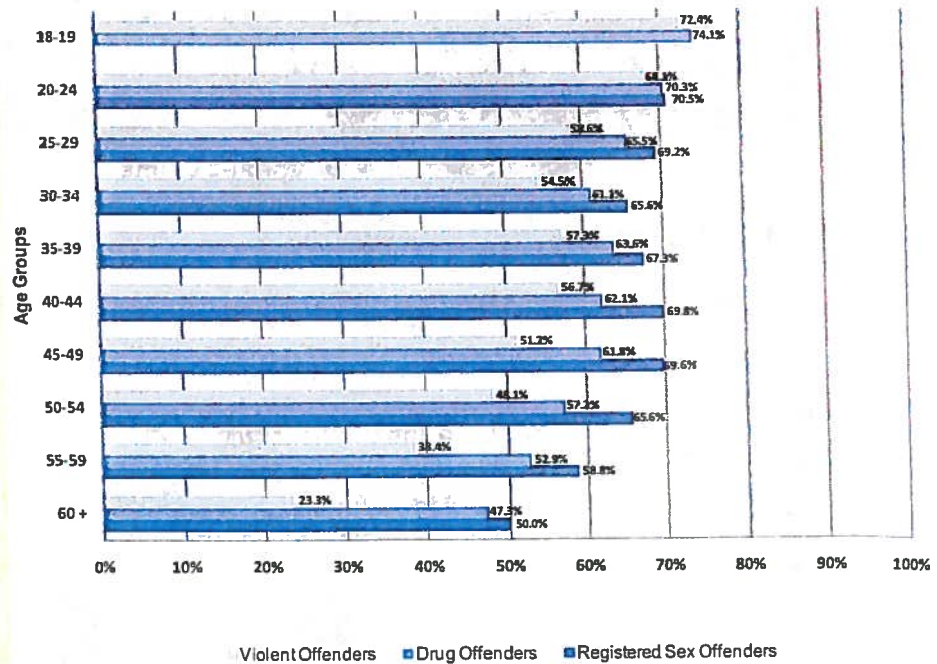


Figure 12 and Table 13 depict recidivism rates for violent, drug and registered sex offenders stratified by age. Individuals who were identified as a violent offender had the lowest total recidivism rates (58.1 percent) followed by drug offenders (62.8 percent) and registered sex offenders (66.9 percent). This same pattern was found within each age grouping.

Recidivism rates by age followed the same pattern found in the age at release analysis, except for the youngest age group, which had the highest rates for these types of offenses. There were less than 30 registered sex offenders released in this age group, so a rate was not calculated. Consistent with these earlier findings,

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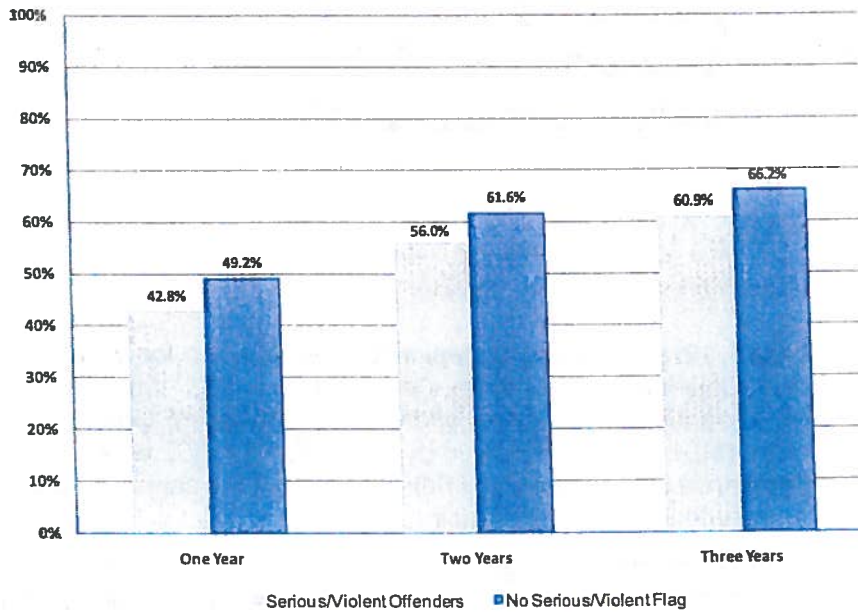
recidivism rates peaked at age 35-39 and declined thereafter for each group, with the exception that registered sex offender recidivism rate declines did not begin until after age 45. Again, the higher recidivism rates for registered sex offenders may be an artifact of increased supervision requirements.

Table 13. Violent, Drug and Registered Sex Offender Recidivism Rates By Age¹⁴

Age Groups	Violent Offenders			Drug Offenders			Registered Sex Offenders		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
18-19	58	42	72.4%	81	60	74.1%	11	11	N/A
20-24	1,641	1,117	68.1%	3,351	2,357	70.3%	404	285	70.5%
25-29	2,252	1,319	58.6%	6,029	3,952	65.5%	918	635	69.2%
30-34	1,368	745	54.5%	5,461	3,334	61.1%	986	647	65.6%
35-39	944	541	57.3%	6,170	3,927	63.6%	1,243	837	67.3%
40-44	735	417	56.7%	6,009	3,731	62.1%	1,412	985	69.8%
45-49	529	271	51.2%	4,725	2,922	61.8%	1,279	890	69.6%
50-54	270	130	48.1%	2,399	1,372	57.2%	800	525	65.6%
55-59	112	43	38.4%	906	479	52.9%	400	235	58.8%
60+	86	20	23.3%	370	175	47.3%	376	188	50.0%
Total	7,995	4,645	58.1%	35,501	22,309	62.8%	7,829	5,238	66.9%

8.6 Serious or Violent Offenders

Figure 13. Recidivism Rates by Serious/Violent Offender Flag



Inmates identified as being serious/violent recidivate at a rate lower than those without a serious/violent offense.

¹⁴ Recidivism rates were not calculated when fewer than 30 inmates were released.

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Figure 13 and Table 14 show that across all three years serious/violent offenders return to prison at a lower rate than inmates not flagged for serious/violent offenses. Within the first year of release, roughly 50 percent of the nonserious/nonviolent inmates return to prison and 42.8 percent of serious/violent offenders return to prison. By the third year, nonserious/nonviolent inmates recidivate at a rate of 66.2 percent and serious/violent offenders recidivate at a rate of 60.9 percent.

First-release serious/violent and nonserious/nonviolent inmates recidivate at lower rates (52.1 percent and 58.1 percent, respectively) than re-release serious/violent and nonserious/nonviolent inmates (72.5 percent and 77.5 percent, respectively). When compared to the FY 2005-06 cohort, overall the FY 2006-07 cohort showed the greatest decline in recidivism rates for the nonserious/nonviolent offenders, particularly those who were first releases.

Table 14. Recidivism Rates by Serious/Violent Offender Flag

Serious/Violent Offense	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Yes	13,312	6,932	52.1%	10,171	7,378	72.5%	23,483	14,310	60.9%
No	53,717	31,226	58.1%	38,054	29,483	77.5%	91,771	60,709	66.2%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

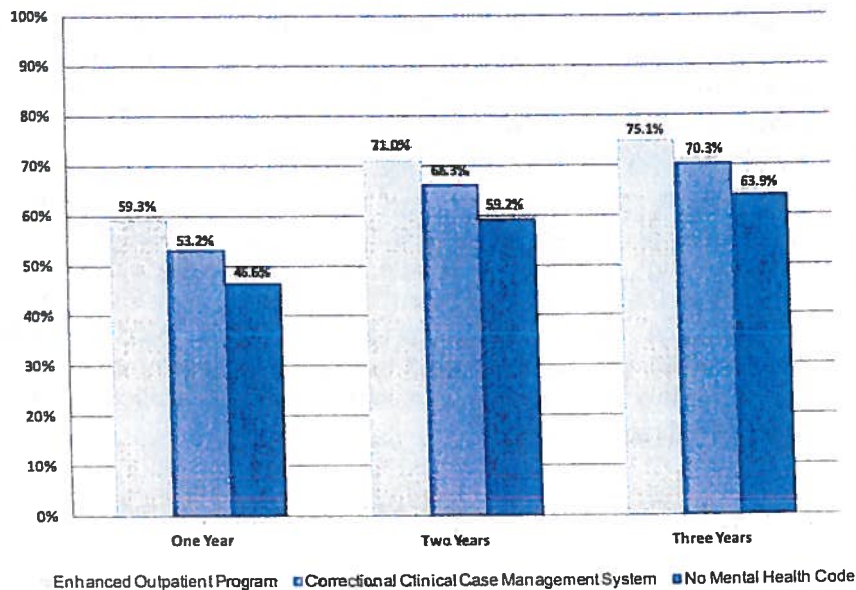
8.7 Mental Health Status¹⁵

Approximately 14 percent of the felons released from CDCR in FY 2006-07 were designated as either EOP or CCCMS. EOP is designed for mentally ill inmates who experience adjustment difficulties in a general population setting, but are not so impaired that they require 24-hour inpatient care. Similar to secure day-treatment services in the community, the program includes 10 hours of structured clinical activity per week, individual clinical contacts at least every 2 weeks, and enhanced nursing services. Inmates receiving CCCMS services are housed within the general population and participate on an outpatient basis. Services include individual counseling, crisis intervention, medication review, group therapy, social skills training, clinical discharge and pre-release planning. This is similar to an outpatient program in the community.

¹⁵ EOP and CCCMS are CDCR designations and do not necessarily reflect a clinical (e.g., Diagnostic and Statistical Manual) mental health diagnosis.

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Figure 14. Recidivism Rates by Mental Health Status



Overall, inmates with identified mental health issues recidivate at a higher rate than those without mental health issues.

Figure 14 and Table 15 show that inmates with identified mental health issues recidivate at higher rates than those who are not. The recidivism rate is higher for inmates who received mental health treatment services in the CDCR EOP than those who received services in the CCCMS. Specifically, the recidivism rates for the EOP and CCCMS inmates are higher (75.1 and 70.3 percent, respectively) than that for inmates who did not have a mental health code designation (63.9 percent).

At the end of three years, first-release inmates with an EOP designation recidivate at higher rate (69.9 percent) than those designated as CCCMS (62.7 percent). In addition, first releases who were served by the EOP have a recidivism rate that is 14 percentage points higher than those who did not have a mental health code designation, and first-release inmates served by the CCCMS recidivated at a rate that was 6.8 percentage points higher. In contrast, the recidivism rates for re-released mental health inmates did not differ much from nonmental health inmates. Re-released inmates who were EOP or CCCMS have a higher recidivism rate (79.0 percent and 78.2 percent, respectively) than nonmental health inmates (76.0 percent).

When compared to the FY 2005-06 cohort, CCCMS inmates had the greatest recidivism rate decline (-4 percentage points).

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Table 15. Recidivism Rates by Mental Health Status¹⁶

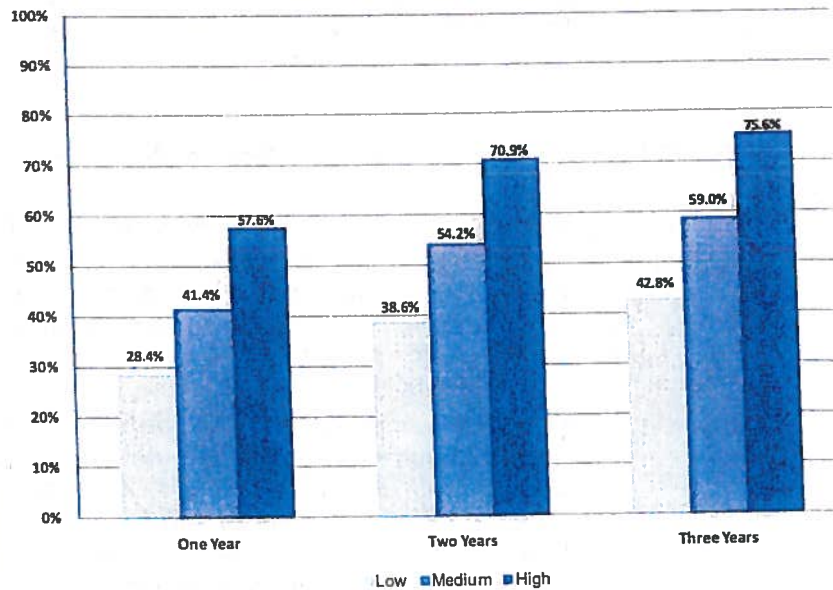
Mental Health Code	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Enhanced Outpatient Program	2,337	1,633	69.9%	3,096	2,447	79.0%	5,433	4,080	75.1%
Correctional Clinical Case Management System	5,660	3,551	62.7%	5,471	4,278	78.2%	11,131	7,829	70.3%
Crisis Bed	8	4	N/A	8	7	N/A	16	11	N/A
No Mental Health Code	59,024	32,970	55.9%	39,649	30,128	76.0%	98,673	63,098	63.9%
Department Mental Health	0	0	N/A	1	1	N/A	1	1	N/A
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

Observed recidivism rates increase in line with predicted recidivism rates, as measured by the CSRA.

8.8 Risk of Recidivism

The CSRA is a tool used to calculate an offender's risk of being convicted of a new offense after release from prison. Based on their criminal history, offenders are designated as having either a low, medium or high risk of being convicted of a new offense after release, with the high risk being further delineated with three sub-categories (high drug, high property and high violence). Over half of all inmates released from CDCR in FY 2006-07 were designated as being at high-risk of recidivism.

Figure 15. Recidivism Rates by CSRA Risk Category



¹⁶ Recidivism rates were not calculated when fewer than 30 inmates were released.

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As expected, the three-year recidivism rate for all releases is lowest for those with a low-risk score (42.8 percent) followed by those with a medium-risk score (59.0 percent), and the high-risk inmates have the highest recidivism rate (75.6 percent) (see Figure 15 and Table 16).

Similarly, recidivism rates for first releases and re-releases increase as inmate risk level increases. However, the lower the risk score, the larger the difference in recidivism rate between first releases and re-releases. Low-risk re-releases recidivate at a rate about 27 percentage points higher than low-risk first releases. Medium-risk re-releases recidivate at a rate 20 percentage points higher than medium-risk first releases. High-risk re-releases recidivate at a rate 11 percentage points higher than high-risk first releases. The greatest decline in recidivism rates by risk score from the FY 2005-06 cohort occurred for first releases, which range from a decrease of 3.4 to 4.2 percentage points.

Table 16. Recidivism Rates by CSRA Risk Category¹⁷

Risk Score	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Low	13,223	4,579	34.6%	5,621	3,481	61.9%	18,844	8,060	42.8%
Medium	21,024	10,882	51.8%	11,760	8,446	71.8%	32,784	19,328	59.0%
High	31,378	22,048	70.3%	29,608	24,079	81.3%	60,986	46,127	75.6%
N/A	1,404	649	46.2%	1,236	855	69.2%	2,640	1,504	57.0%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

9 CDCR Incarceration Experience

For the purpose of this report, length-of-stay refers to the total amount of time an inmate served in CDCR adult institutions on the term from which she/he was released in FY 2006-07, regardless of the number of times an inmate cycled in and out of incarceration prior to the FY 2006-07 release.

Example: Prior to being released in FY 2006-07, an inmate who was initially committed to CDCR on August 1, 2002, initially paroled on August 1, 2004 (24 months served at CDCR), returned to prison on the same term on December 1, 2004, was released again on April 1, 2005 (4 more months served at CDCR), then

¹⁷ N/A reflects scores computed manually for inmates whose CII numbers did not match to the Department of Justice rap sheet data files. Consequently, the CSRA scores for these inmates are currently unavailable.

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returned to prison on the same term on April 1, 2006, and was released during the FY 2006-07 cohort period on August 1, 2006 (4 months served at CDCR). Added together, this inmate would have a total of 32 months in CDCR for the current term.

9.1 Length-of-Stay (Current Term)

Figure 16. Recidivism Rates by Length-of-Stay

Recidivism rates peak for inmates who serve 2 to 3 years (69.8 percent) and decline thereafter, which may be attributed to the effects of age.

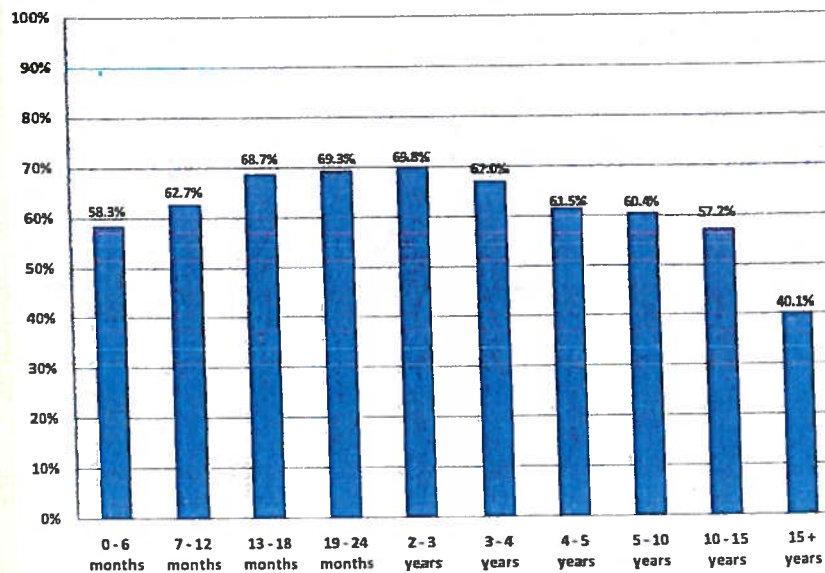


Figure 16 and Table 17 show that the FY 2006-07 cohort recidivism rate is 58.3 percent for inmates who served 0 to 6 months on their current term. From that point, the recidivism rate increases incrementally until it peaks at 69.8 percent for those who served 2 to 3 years on their current term. Thereafter, the recidivism rate drops steadily as the length-of-stay increases, ending with inmates who served 15 or more years having a recidivism rate of 40.1 percent.

First releases show a different pattern than that of the overall cohort. First releases peak at 13 to 18 months (60.3 percent) ending with inmates who served 15 or more years having a 28.0 percent recidivism rate. Re-releases show a similar pattern to that of the overall cohort, peaking at 13 to 18 months and 19 to 24 months (78.3 percent) and then decreasing thereafter. Diverging from the first releases and the overall cohort, re-releases end with inmates who served 15 or more years having a much higher recidivism rate (59.5 percent). The effects of length-of-stay may also be confounded by the effects of age.

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There were declines in all length-of-stay categories from FYs 2005-06 to 2006-07, with the slightest decrease occurring for those who stayed 2 to 3 years (-0.2 percentage points) to those who stayed 0 to 6 months (-4.8 percentage points). The exception was for those who stayed 15-plus years, as their recidivism rates increased by 2.3 percentage points.

Table 17. Recidivism Rates by Length-of-Stay

Length-of-Stay	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
0 - 6 months	10,126	5,606	55.4%	2,301	1,645	71.5%	12,427	7,251	58.3%
7 - 12 months	26,128	15,340	58.7%	8,147	6,159	75.6%	34,275	21,499	62.7%
13 - 18 months	11,082	6,680	60.3%	9,708	7,599	78.3%	20,790	14,279	68.7%
19 - 24 months	6,250	3,607	57.7%	7,983	6,252	78.3%	14,233	9,859	69.3%
2 - 3 years	5,706	3,245	56.9%	9,777	7,556	77.3%	15,483	10,801	69.8%
3 - 4 years	2,546	1,310	51.5%	4,440	3,369	75.9%	6,986	4,679	67.0%
4 - 5 years	1,670	775	46.4%	2,014	1,490	74.0%	3,684	2,265	61.5%
5 - 10 years	2,828	1,292	45.7%	3,313	2,420	73.0%	6,141	3,712	60.4%
10 - 15 years	575	270	47.0%	468	327	69.9%	1,043	597	57.2%
15 + years	118	33	28.0%	74	44	59.5%	192	77	40.1%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

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9.2 Number of Returns to CDCR Custody Prior to Release (Current Term Only)

Figure 17. Three-Year Recidivism Rates by Number of Returns to CDCR Custody (RTC) on the Current Term Prior to Release

Re-released Inmates who return to CDCR incarceration at least one time during their current term have a recidivism rate similar to inmates who have multiple returns to custody.

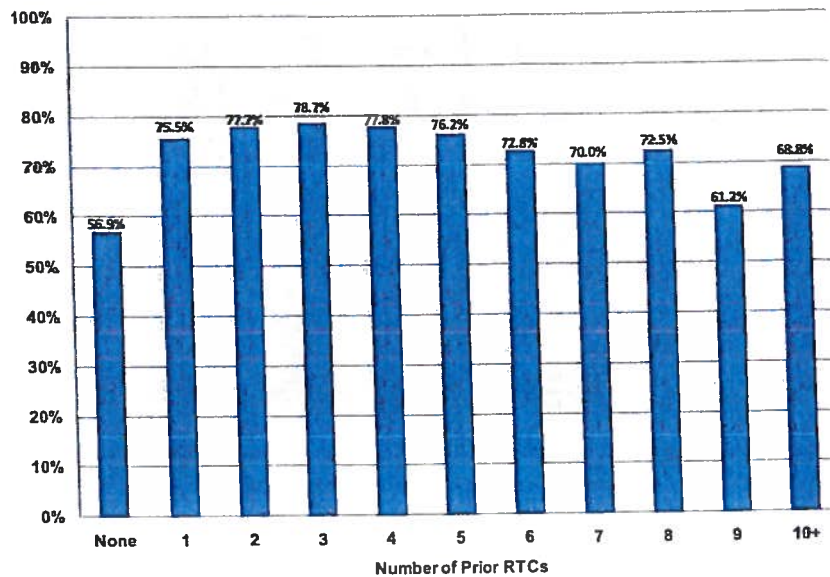


Figure 17 and Table 18 show the number of returns to CDCR custody on the current term for inmates released from CDCR during FY 2006-07. The "None" category represents inmates released for the first time (i.e., these individuals have no prior returns for their current term).

There is little variation in the recidivism rate despite the number of prior returns to CDCR custody within the current term. A re-released inmate who returns once on the current term has a recidivism rate similar to that of a re-released inmate who returns twice, three times, four times, etc. This relationship changes when all stays on all terms are taken into account (see Section 9.3, below).

From FY 2005-06 to FY 2006-07, there were minor shifts in the recidivism rates for each number of RTCs (with some increasing

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and some decreasing). The greatest change was for those who had 10-plus returns, which increased 10.5 percentage points.¹⁸

Table 18. Number of Returns to CDCR Custody on Current Term Prior to Release

RTCs on Current Term	Total		
	Number Released	Number Returned	Recidivism Rate
None	67,029	38,158	56.9%
1	22,128	16,711	75.5%
2	11,313	8,794	77.7%
3	6,505	5,119	78.7%
4	3,705	2,881	77.8%
5	2,077	1,582	76.2%
6	1,205	877	72.8%
7	640	448	70.0%
8	357	259	72.5%
9	170	104	61.2%
10+	125	86	68.8%
Total	115,254	75,019	65.1%

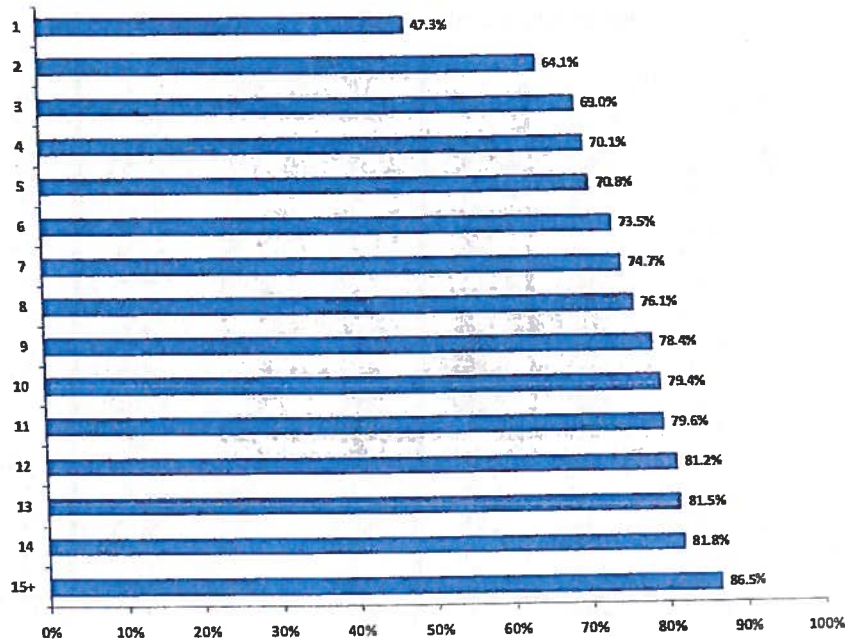
¹⁸ This increase is likely due to a manual correction that was applied to a small number of records in the FY 2006-07 cohort dataset. This relatively minor update presents with a notable change in the recidivism rate since there are so few individuals who return to CDCR 10-plus times on their current term.

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452

9.3 Number of CDCR Stays Ever (All Terms Combined)

Figure 18. Three-Year Recidivism Rates by Total Number of Stays Ever

Over an inmate's entire criminal career, recidivism rates increase with each additional stay at a CDCR institution.



A stay is defined as any period of time an inmate is housed in a CDCR institution. Each time an inmate returns to prison it is considered a new stay, regardless of whether the return represents a new admission, a parole violation with a new term, or a return to prison following a parole violation. The number of stays is cumulative over any number of convictions or terms in an offender's criminal career.

As the number of prior incarcerations in CDCR adult institutions increases, so does the likelihood of return to prison (see Figure 18 and Table 19). Examination of prior CDCR stays for inmates released in FY 2006-07 supports this assertion. While there are progressively fewer inmates who return to prison over time, the recidivism rates for those who do return increases incrementally with each additional stay, from 47.3 percent for inmates who had one (first ever) stay to 86.5 percent for inmates who had 15-plus stays. Almost half (47.7 percent) of the inmates returned to prison have between one and three CDCR stays, and the greatest increase in the recidivism rates occurs between one and two stays (16.8 percentage point increase).

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From FY 2005-06 to 2006-07, there were overall declines in the recidivism rates for most categories of stays, ranging from six stays (-0.5 percentage points) to fourteen stays (-4.6 percentage points). The only increases were for offenders who had two stays (+2.2 percentage points) and fifteen or more stays (+0.2 percentage points).

Table 19. Recidivism Rates by Total Number of Stays Ever

Stays	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
1	32,983	15,589	47.3%	0	0	N/A	32,983	15,589	47.3%
2	7,926	4,442	56.0%	10,012	7,062	70.5%	17,938	11,504	64.1%
3	5,137	3,177	61.8%	7,485	5,536	74.0%	12,622	8,713	69.0%
4	3,964	2,492	62.9%	5,544	4,176	75.3%	9,508	6,668	70.1%
5	3,285	2,143	65.2%	4,245	3,189	75.1%	7,530	5,332	70.8%
6	2,719	1,877	69.0%	3,467	2,672	77.1%	6,186	4,549	73.5%
7	2,190	1,589	72.6%	2,892	2,205	76.2%	5,082	3,794	74.7%
8	1,846	1,340	72.6%	2,519	1,983	78.7%	4,365	3,323	76.1%
9	1,440	1,091	75.8%	2,089	1,677	80.3%	3,529	2,768	78.4%
10	1,163	887	76.3%	1,782	1,450	81.4%	2,945	2,337	79.4%
11	944	730	77.3%	1,478	1,198	81.1%	2,422	1,928	79.8%
12	777	606	78.0%	1,315	1,092	83.0%	2,092	1,698	81.2%
13	595	463	77.8%	1,086	907	83.5%	1,681	1,370	81.5%
14	479	381	79.5%	878	729	83.0%	1,357	1,110	81.8%
15+	1,581	1,351	85.5%	3,433	2,985	87.0%	5,014	4,336	86.5%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

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A68
E54

10 Recidivism by Institutional Missions

10.1 Institution Missions

Figure 19. Three-Year Recidivism Rates by Institutional Missions¹⁹

Inmates housed in reception centers at least 30 days prior to release are more likely to recidivate than inmates housed at any other CDCR mission.

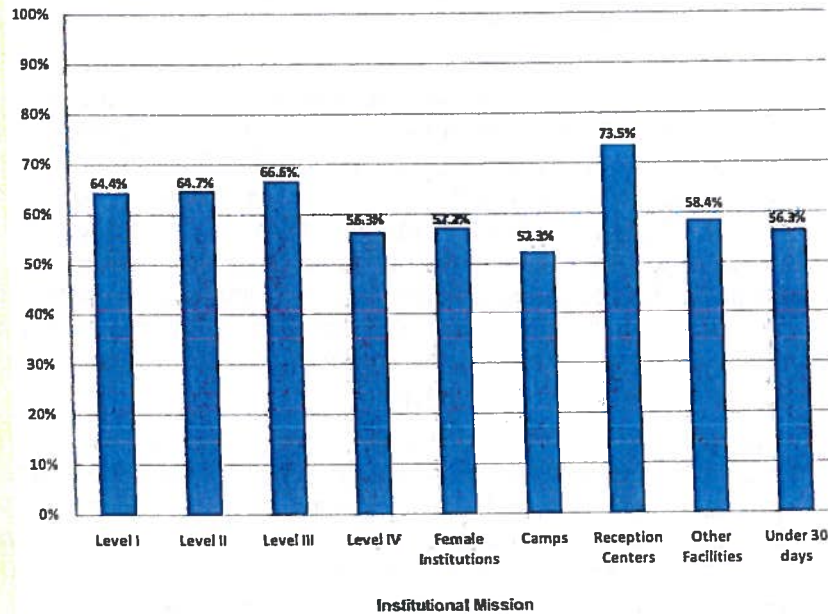


Figure 19 and Table 20 show the three-year recidivism rates for the FY 2006-07 inmates categorized by the last mission²⁰ in which they were housed for at least 30 days prior to being released. The three-year recidivism rate is highest for inmates who were released to parole from reception centers (73.5 percent), likely influenced by re-releases as they are oftentimes housed in reception centers when their parole has been revoked. Recidivism rates were fairly comparable for inmates who were

¹⁹ Since inmates are often transferred to institutions closer to their county just prior to release, it was decided that the last institution where an inmate spent at least 30 days prior to being released to parole in FY 2006-07 would be the inmate's institution of release. The "Under 30 Days" category reflects those inmates who were not incarcerated in any one institution for at least 30 days prior to being paroled.

²⁰ Since females are not housed according to levels, all female institutions are collapsed and displayed as "Female Institutions." Levels I through IV are male only. Camps, reception centers, other facilities and under 30 days categories are comprised of both males and females.

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155

assigned to the first three housing levels (approximately 64 to 67 percent) with inmates who were assigned to camps having the lowest overall recidivism rate of all CDCR missions (52.3 percent).

While women housed in CDCR female institutions recidivated at a slightly higher rate than males in Level IV housing (approximately 1.0 percentage point) and CDCR camps (4.9 percentage points), females still had a lower rate than males housed in Level I through III institutions, as well as inmates housed in reception centers and "other facilities."

First releases recidivate at a lower rate (ranging from 48.8 to 62.1 percent) than re-releases (ranging from 72.0 to 80.0 percent). After ranking the recidivism rates from highest to lowest for each mission for both first and re-releases (Table 21), comparisons of the results show that inmates who are housed in reception centers have the highest recidivism rate when they are first releases and the third lowest recidivism rate when they are re-releases. In addition, inmates housed in both Level III and Level IV institutions have a higher likelihood to recidivate when they are re-releases. Women housed in female institutions have the lowest recidivism rates irrespective of release type.

From FY 2005-06 to 2006-07, the total recidivism rates decreased, ranging from a 1.2 percentage point decrease for inmates released from Level III housing to a 6.5 percentage point decrease for those released from a camp. The exception was a slight increase for those released from Level IV housing (+0.8 percentage points). A similar pattern was found for first releases and re-releases.

Table 20 presents the percentage of inmates who were released with a high CSRA score (i.e., were identified as having a high risk to recidivate) by mission. Although it may seem logical that inmate risk to recidivate would increase as housing level increased, there is actually almost an inverse relationship between these two factors, with risk to recidivate decreasing as security housing increases. The exception to this finding is for Level III inmates who have both a high CDCR security housing level and also represent the greatest proportion of inmates (within the four housing levels) that have high CSRA risk scores.

Appendix D shows these mission recidivism rates further broken out by gender and institutions.

Although inmates housed in reception centers have the highest recidivism rate for all missions overall and for first releases, inmates re-released from reception centers have the third lowest rate for all missions.

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Table 20. Recidivism Rates by Institutional Missions²¹

Institutional Mission	Percent of Total Released with a High Risk CSRA Score	First Releases			Re-Releases			Total		
		Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Level I	53.8%	12,663	7,415	58.6%	5,534	4,295	77.6%	18,197	11,710	64.4%
Level II	51.1%	16,951	9,980	58.9%	8,416	6,439	76.5%	25,367	16,419	64.7%
Level III	58.1%	7,654	4,720	61.7%	2,790	2,231	80.0%	10,444	6,951	66.6%
Level IV	50.9%	6,229	3,111	49.9%	1,684	1,345	79.9%	7,913	4,456	56.3%
Female Institutions	32.8%	5,337	2,604	48.8%	3,053	2,199	72.0%	8,390	4,803	57.2%
Camps	49.5%	2,837	1,484	52.3%	1	0	N/A	2,838	1,484	52.3%
Reception Centers	58.6%	5,745	3,568	62.1%	24,903	18,950	76.1%	30,648	22,518	73.5%
Other Facilities	54.0%	8,876	4,862	54.8%	1,839	1,398	76.0%	10,715	6,260	58.4%
Under 30 days	36.9%	737	414	56.2%	5	4	N/A	742	418	56.3%
Total	52.9%	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

Table 21. Recidivism Rates by Institutional Missions Sorted from Highest to Lowest

First Releases		Re-Releases	
Institutional Mission	Recidivism Rate	Institutional Mission	Recidivism Rate
Reception Centers	62.1%	Level III	80.0%
Level III	61.7%	Level IV	79.9%
Level II	58.9%	Level I	77.6%
Level I	58.6%	Level II	76.5%
Under 30 days	56.2%	Reception Centers	76.1%
Other Facilities	54.8%	Other Facilities	76.0%
Camps	52.3%	Female Institutions	72.0%
Level IV	49.9%	Camps	N/A
Female Institutions	48.8%	Under 30 days	N/A

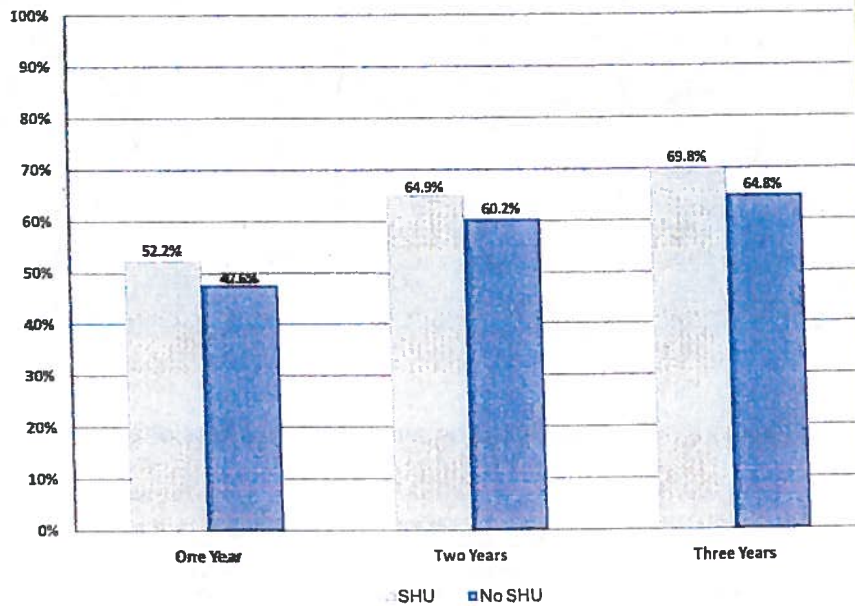
10.2 Security Housing Unit (SHU)

Approximately 5 percent of the felons released from CDCR in FY 2006-07 were housed in a SHU at some point on the term for which they were released. Inmates whose conduct endangers the safety of others or the security of the institution are housed in a SHU. In most cases, these inmates have committed serious rules violations (e.g., assault on an inmate or staff) while housed in a general population setting or have been validated as a member or associate of a prison gang.

²¹ Recidivism rates were not calculated where less than 30 inmates were released.

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Figure 20. Recidivism Rates by Security Housing Unit Status



Overall, inmates who were assigned to a Security Housing Unit recidivated at a higher rate than those who were not.

Figure 20 and Table 22 show that across all three years inmates who were assigned to a SHU recidivated at higher rate than those who have were not assigned to a SHU.

First-release inmates who were assigned to a SHU recidivated at a rate which was five percentage points higher than first-release inmates who were not assigned to a SHU (61.7 percent and 56.7 percent, respectively).

Re-release inmates who were assigned to a SHU recidivated at a rate that was nearly one percentage point higher than re-release inmates who were not assigned to a SHU (77.2 percent and 76.4 percent, respectively).

See Appendix E for detailed rates of recidivism for inmates housed in a SHU by CDCR institution.

Table 22. Recidivism Rates by Security Housing Unit Status

SHU Status	First Releases			Re-Releases			Total		
	Number Paroled	Number Returned	Recidivism Rate	Number Paroled	Number Returned	Recidivism Rate	Number Paroled	Number Returned	Recidivism Rate
SHU	2,863	1,766	61.7%	3,139	2,423	77.2%	6,002	4,189	69.8%
No SHU	64,166	36,392	56.7%	45,086	34,438	76.4%	109,252	70,830	64.8%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

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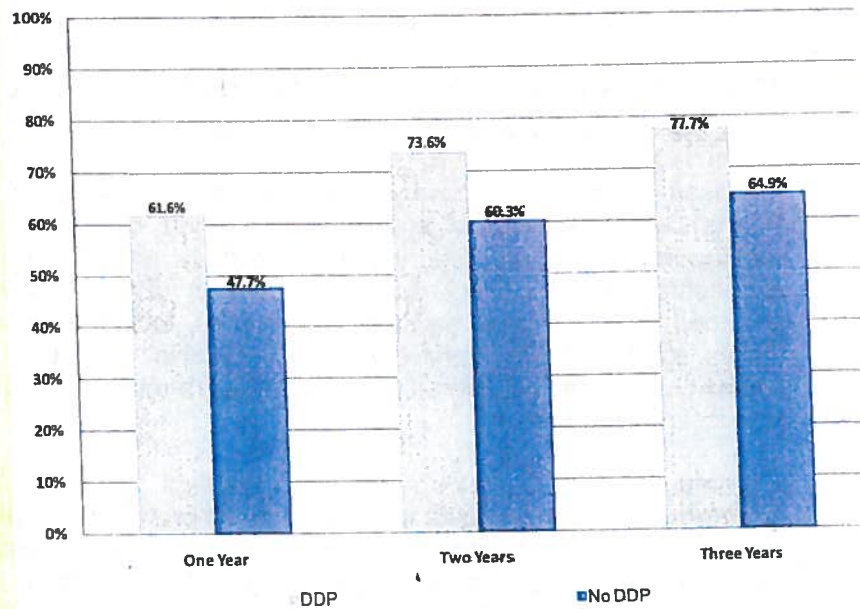
11 Recidivism by CDCR Program

There are a number of programs at CDCR. Below are recidivism rates by program participation where the data are available for analysis. Future reports will provide results for other programs as well.

11.1 Developmental Disability Program (DDP)

Criteria for inclusion in the DDP are low cognitive functioning (usually IQ of 75 or below) and concurrent deficits or impairments in adaptive functioning. Both criteria must be met. All inmates included in the DDP are assigned to housing that addresses their safety and security needs and are provided with appropriate, specific adaptive support services. Adaptive support services include self-care, daily living skills, social skills and self-advocacy.

Figure 21. Recidivism Rates by DDP Participation



Overall, inmates with a designated developmental disability recidivate at a higher rate than those without a developmental disability designation.

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Figure 21 and Table 23 show that across all three years individuals who participated in the DDP return to prison at a higher rate than those who did not participate. Within the first year of release, roughly 60 percent of the inmates from the DDP returned to prison, whereas those not from the DDP returned at a rate that was slightly less than 50 percent. By the third year, these recidivism rates climbed to 77.7 and 64.9 percent, respectively.

First-releases in both groups recidivate at lower rates (70.7 percent and 56.8 percent, respectively) than re-releases (83.9 percent and 76.3 percent, respectively).

Table 23. Recidivism Rates by DDP Participation

Developmental Disability Program (DDP) Status	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
DDP	813	575	70.7%	929	771	83.9%	1,732	1,346	77.7%
No DDP	66,216	37,583	56.8%	47,306	36,090	76.3%	113,522	73,673	64.9%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

11.2 In-Prison and Community-Based Substance Abuse (SAP) Treatment Programs²²

In-Prison Substance Abuse Programs and Community-Based (SAPs) are designed to create an extended exposure to a continuum of services during incarceration and facilitate a successful re-entry into community living. These services, provided in both female and male institutions, include substance abuse treatment and recovery services; social, cognitive and behavioral counseling; life skills training; health-related education; and relapse prevention.

Community-based substance abuse treatment programs (also referred to as "continuing care" or "aftercare") provide post-release substance abuse treatment services through the Substance Abuse Services Coordination Agencies (SASCA). There are four SASCA, one in each parole region, that are responsible for referring, placing, and tracking parolees in appropriate substance abuse programs.

²² This analysis only includes data for SAP programs operated by the CDCR Office of Substance Abuse Treatment Services. Data for substance abuse treatment programs administered by the Department of Adult Parole Operations (DAPO) (e.g. STAR, RSMC, PSC) are not included.

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Figure 22. Three-Year Recidivism Rates by Substance Abuse Treatment Program Involvement

The combination of in-prison SAP and aftercare results in the best outcome: a recidivism rate that is much lower than those who did not participate in in-prison SAP (with or without aftercare).

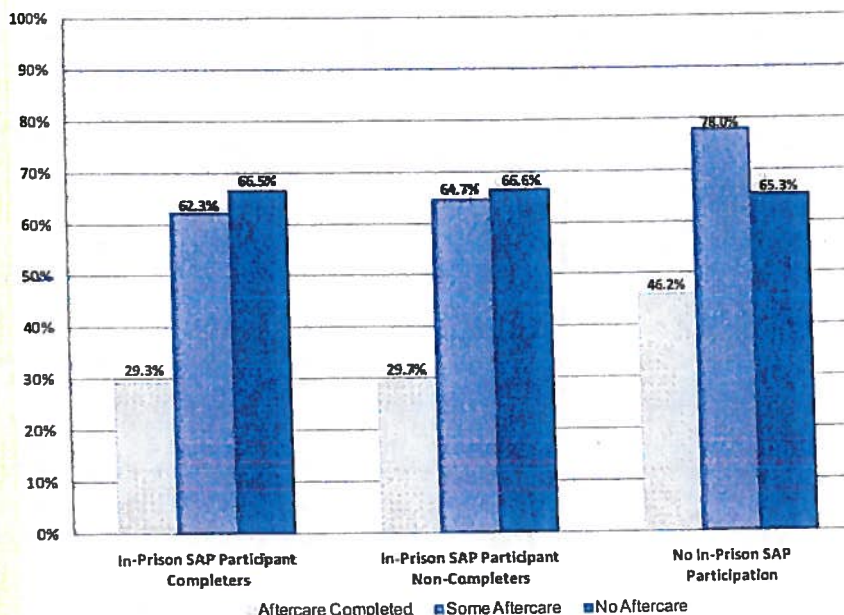


Figure 22 and Table 24 depict recidivism rates by Substance Abuse Program (SAP) involvement during and after incarceration. Individuals who completed²³ an in-prison SAP recidivated at rates that were almost identical to those who did not complete an in-prison SAP, with those completing community-based aftercare recidivating at the lowest rate (approximately 30 percent).

Given this finding, at first blush it would appear there is little value offered by the in-prison SAP; however, further examination revealed higher recidivism rates for those who had no in-prison SAP and either completed or received some aftercare. Specifically, the no in-prison SAP group who completed aftercare still had a recidivism rate that was approximately 16 percentage points higher than those who were involved in in-prison SAP. Furthermore, those who did not receive in-prison SAP and only received aftercare had the highest recidivism rate (79 percent).

The implication of this finding suggests that the combination of in-prison SAP and aftercare results in the best outcome: a recidivism rate that is much lower than those who did not participate in in-prison SAP (with or without aftercare). These

²³ "Completers" are identified based on clinical judgment that the participant has successfully met the SAP treatment goals.

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results should be interpreted with caution since the number of aftercare completers is small.

For further information on SAP participants, see Appendix F.

Table 24. Recidivism Rates by Substance Abuse Treatment Program Involvement²⁴

Substance Abuse Treatment Program Involvement	First Releases			Re-Releases			Total		
	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
In-Prison SAP Participant Completers									
No Aftercare	5,540	3,389	61.2%	1,982	1,611	81.3%	7,522	5,000	66.5%
Some Aftercare	927	567	61.2%	80	60	75.0%	1,007	627	62.3%
Completed Aftercare	636	182	28.6%	29	13	NA	665	195	29.3%
In-Prison SAP Participant Non-Completers									
No Aftercare	3,286	1,978	60.2%	1,261	1,028	81.5%	4,547	3,006	66.1%
Some Aftercare	455	293	64.4%	43	29	67.4%	498	322	64.7%
Completed Aftercare	297	88	29.6%	13	4	NA	310	92	29.7%
No In-Prison SAP Participation									
Some Aftercare	126	80	63.5%	189	169	89.4%	315	249	79.0%
Completed Aftercare	73	24	32.8%	90	53	58.9%	163	77	47.2%
Did Not Participate in SAP or Aftercare	55,689	31,557	56.7%	44,538	33,894	76.1%	100,227	65,451	65.3%
Total	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

12 Type of Return to CDCR

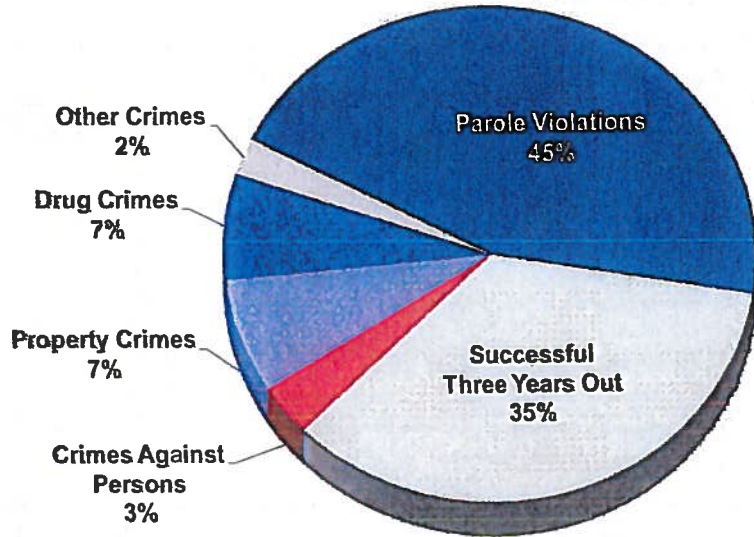
As illustrated in Figure 23, almost half of the inmates released in FY 2006-07 returned to prison for a parole violation within the three-year follow-up period. Nineteen percent of the release cohort returned to CDCR after being convicted of a new criminal offense.

Almost 50 percent of the inmates released during FY 2006-07 returned for parole violations within the three-year follow-up period.

²⁴ These results should not be compared to the FY 2005-06 Division of Addiction and Recovery Services (DARS) "In-Prison Substance Abuse Program (SAP) Return to Prison Analysis and Data Tables" report due to major differences in cohort selection and methodology.

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Figure 23. Three-year outcomes for inmates released from all CDCR adult institutions in FY 2006-07.



Approximately one-third of inmates released in FY 2006-07 were not returned to the CDCR.

Furthermore Table 25, which depicts a breakdown of the reasons parole violators returned to prison, shows that returns due to technical violations were slightly higher than for nontechnical violations (54 versus 46 percent, respectively). Almost all returns for technical violations were due to violations of parole process. Finally, almost 20 percent of FY 2006-07 releases returned to prison after being convicted of a new crime.

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Table 25. Parole Violators Returned to Custody

	Males		Females		Total RTCs	
	Number	Percent	Number	Percent	Number	Percent
FELON PAROLE VIOLATORS RETURNED TO CUSTODY (PV-RTC)*						
PV-RTC with Principal Charge Information	40,739	86.1%	3,818	85.2%	44,557	86.0%
Charges Dismissed	1,016	2.1%	40	0.9%	1,056	2.0%
PV-RTC with Charge Information Unavailable	5,571	11.8%	622	13.9%	6,193	12.0%
Total	47,326	100.0%	4,480	100.0%	51,806	100.0%
PRINCIPAL CHARGE CATEGORY (Includes Technical and Non-Technical)						
Crimes Against Persons	5,002	12.3%	279	7.3%	5,281	11.9%
Weapons Offenses	2,738	6.7%	180	4.7%	2,918	6.5%
Property Offenses	2,274	5.6%	315	8.3%	2,589	5.8%
Drug Offenses	3,420	8.4%	259	6.8%	3,679	8.3%
Other Offenses	6,922	17.0%	585	15.3%	7,507	16.8%
Violations of Parole Process	20,383	50.0%	2,200	57.6%	22,583	50.7%
Total	40,739	100.0%	3,818	100.0%	44,557	100.0%
TYPE OF RETURN TO CUSTODY						
Nontechnical Violations	18,988	46.6%	1,504	39.4%	20,492	46.0%
Technical Violations	21,751	53.4%	2,314	60.6%	24,065	54.0%
Total	40,739	100.0%	3,818	100.0%	44,557	100.0%

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November 2011

Table 25. Parole Violators Returned to Custody (continued)

	Males		Females		Total RTCs	
	Number	Percent	Number	Percent	Number	Percent
NON-TECHNICAL VIOLATIONS (Returns for Criminal Violations)						
TYPE I						
Drug Possession	759	1.9%	66	1.7%	825	1.9%
Drug Use	1,784	4.4%	122	3.2%	1,906	4.3%
Drug Use/Simple Possession	13	0.0%	0	0.0%	13	0.0%
Miscellaneous Violations of Law	1,547	3.8%	248	6.5%	1,795	4.0%
Sub-Total	4,103	10.1%	436	11.4%	4,539	10.2%
TYPE II						
Assault and Battery	650	1.6%	66	1.7%	716	1.6%
Burglary	438	1.1%	39	1.0%	477	1.1%
Driving Violations	1,264	3.1%	84	2.2%	1,348	3.0%
Drug Possession	3	0.0%	0	0.0%	3	0.0%
Drug Sales/Trafficking	397	1.0%	30	0.8%	427	1.0%
Firearms and Weapons	285	0.7%	18	0.5%	303	0.7%
Miscellaneous Non-Violent Crimes	2,747	6.7%	179	4.7%	2,926	6.6%
Miscellaneous Violations of Law	140	0.3%	4	0.1%	144	0.3%
Sex Offenses	1,098	2.7%	18	0.5%	1,116	2.5%
Theft and Forgery	1,611	4.0%	257	6.7%	1,868	4.2%
Sub-Total	8,633	21.2%	695	18.2%	9,328	20.9%
TYPE III						
Assault and Battery (Major)	2,693	6.6%	163	4.3%	2,856	6.4%
Burglary - Major	225	0.6%	19	0.5%	244	0.5%
Driving Violations (Major)	453	1.1%	19	0.5%	472	1.1%
Drug Violations (Major)	464	1.1%	41	1.1%	505	1.1%
Homicide	83	0.2%	2	0.1%	85	0.2%
Miscellaneous Crimes (Major)	764	1.9%	50	1.3%	814	1.8%
Rape and Sexual Assaults	210	0.5%	1	0.0%	211	0.5%
Robbery	268	0.7%	29	0.8%	297	0.7%
Weapon Offenses	1,092	2.7%	49	1.3%	1,141	2.6%
Sub-Total	6,252	15.3%	373	9.8%	6,625	14.9%
TOTAL	18,988	46.6%	1,504	39.4%	20,492	46.0%
TECHNICAL VIOLATIONS (Returns for Violations that are not Criminal)						
TYPE VII - Violations of Parole Process	20,383	50.0%	2,200	57.6%	22,583	50.7%
TYPE II - Weapons Access	1,361	3.3%	113	3.0%	1,474	3.3%
TYPE III - Psychiatric Endangerment	7	0.0%	1	0.0%	8	0.0%
TOTAL	21,751	53.4%	2,314	60.6%	24,065	54.0%

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065

13 Conclusion

Recidivism rates are key indicators of correctional performance that are impacted by all aspects of the correctional system. This report provides a glimpse into many of these factors. It is intended to provide a baseline from which to measure future performance and evaluate the impact of CDCR rehabilitative programs, policies and practices.

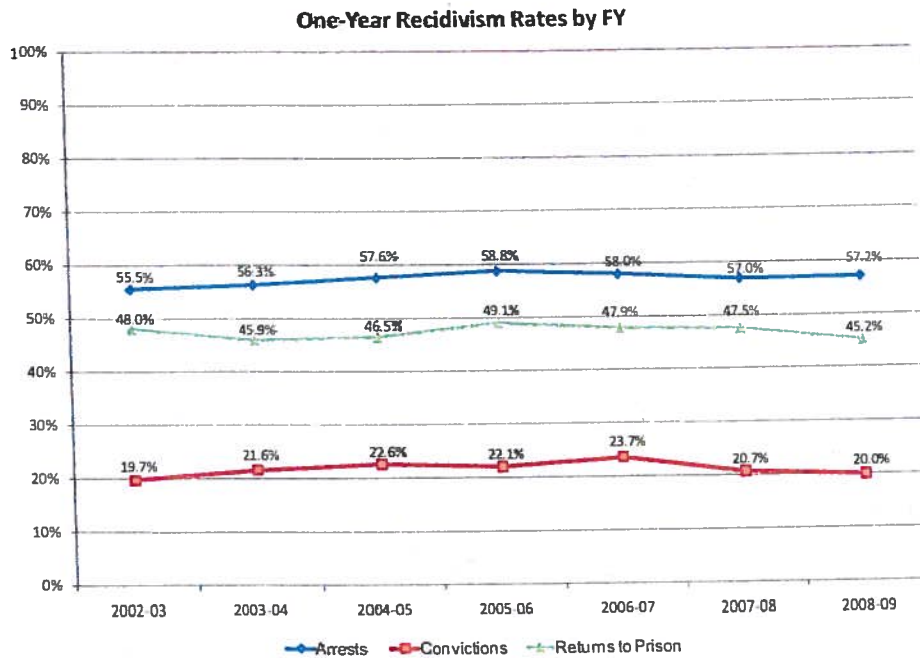
Although most inmates released from CDCR in FY 2006-07 recidivate and return to prison, it is important to recognize that slightly more than one-third of these releases remain in the community. This finding provides hope that successful reintegration of offenders into the community, which is part of CDCR's mission, is possible.

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Appendix A

One-, Two- and Three-Year Recidivism Rates for Arrests, Convictions, and Returns to Prison for Felons¹ Released Between FYs 2002-03 and 2008-09^{2,3}

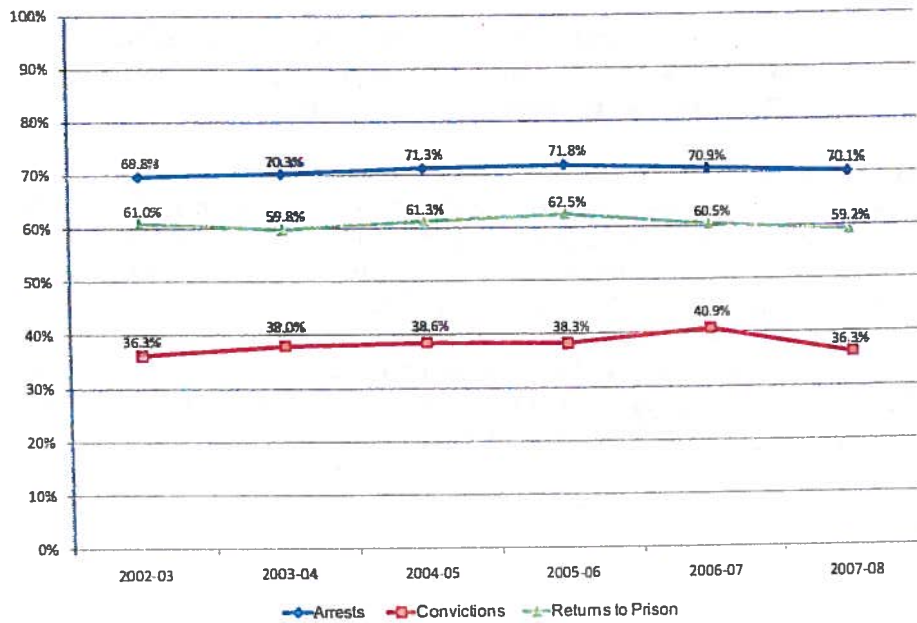
Presented in the three figures and tables below are recidivism rates for up to seven years for felons released from CDCR by arrests, convictions and returns to prison. Shown first are the one-year recidivism rates for all felon releases from FY 2002-03 through FY 2008-09. This figure provides the longest period of time where data are available. While one year of follow-up is the shortest time frame presented, it is a good indicator of recidivism (as indicated previously in this report) since almost 75 percent of felons who recidivate do so within the first year of release. To provide as complete a picture as possible, these one-year rates are followed by two- and three-year recidivism rates.⁴



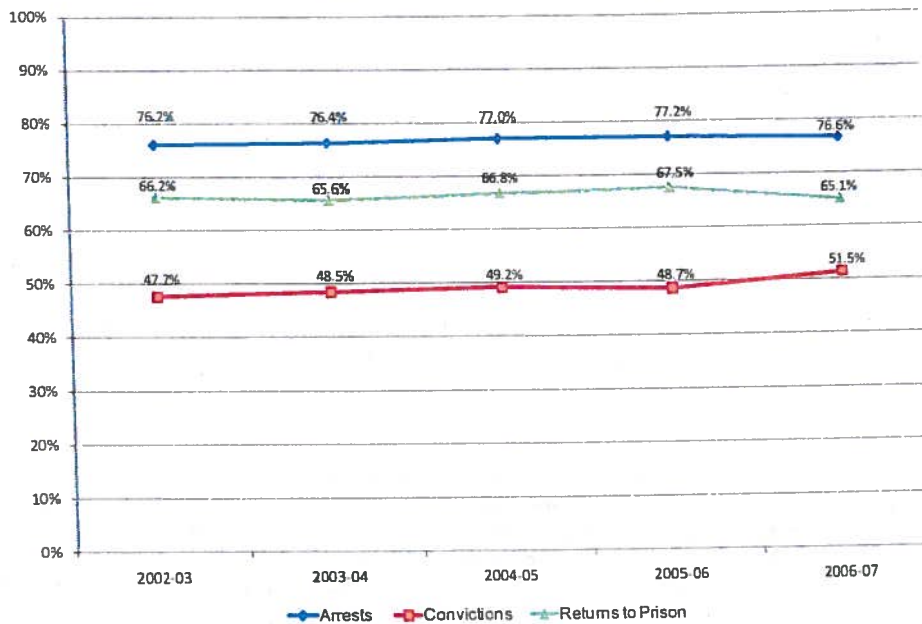
- ¹ Rates for "Arrests" and "Convictions" only include those felons where an automated criminal history record was available from the Department of Justice. These records are necessary to measure recidivism by arrest and conviction. Total numbers released for these measures are therefore smaller than those used to compute "Returns to Prison."
- ² FYs that do not yet have enough follow-up time to capture recidivism behavior are denoted as "N/A."
- ³ The data contained in these charts and tables were extracted in June 2011 to minimize the effects of the time lag in data entry into state systems.
- ⁴ Recidivism rates are "frozen" at three years, meaning that after three years the follow-up period is considered to be completed and no further analyses are performed. As such, reported rates may fluctuate slightly for the one- and two-year rates as data used in subsequent reporting years will likely increase, particularly for "Arrests" and "Convictions" since these data are routinely updated in accordance with criminal justice system processing.

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Two-Year Recidivism Rates by FY



Three-Year Recidivism Rates by FY



Rates for "Arrests" and "Convictions" only include those felons where an automated criminal history record was available from the Department of Justice. These records are necessary to measure recidivism by arrest and conviction. Total numbers released for these measures are therefore smaller than those used to compute "Returns to Prison."

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November 2011

Fiscal Year	Number Released	Arrests ^A					
		One Year		Two Years		Three Years	
		Number Arrested	Recidivism Rate	Number Arrested	Recidivism Rate	Number Arrested	Recidivism Rate
2002-03	99,482	55,204	55.5%	69,449	69.8%	75,765	76.2%
2003-04	99,635	56,127	56.3%	70,070	70.3%	76,135	76.4%
2004-05	103,647	59,703	57.6%	73,881	71.3%	79,819	77.0%
2005-06	105,974	62,331	58.8%	76,079	71.8%	81,786	77.2%
2006-07*	112,665	65,369	58.0%	79,893	70.9%	86,330	76.6%
2007-08	113,765	64,838	57.0%	79,756	70.1%	N/A	N/A
2008-09	110,033	62,886	57.2%	N/A	N/A	N/A	N/A

Fiscal Year	Number Released	Convictions ^A					
		One Year		Two Years		Three Years	
		Number Convicted	Recidivism Rate	Number Convicted	Recidivism Rate	Number Convicted	Recidivism Rate
2002-03	99,482	19,643	19.7%	36,087	36.3%	47,443	47.7%
2003-04	99,635	21,509	21.6%	37,881	38.0%	48,350	48.5%
2004-05	103,647	23,464	22.6%	40,022	38.6%	51,026	49.2%
2005-06	105,974	23,428	22.1%	40,635	38.3%	51,650	48.7%
2006-07*	112,665	26,657	23.7%	46,106	40.9%	57,980	51.5%
2007-08	113,765	23,593	20.7%	41,312	36.3%	N/A	N/A
2008-09	110,033	21,987	20.0%	N/A	N/A	N/A	N/A

Fiscal Year	Number Released	Returns to Prison					
		One Year		Two Years		Three Years	
		Number Returned	Recidivism Rate	Number Returned	Recidivism Rate	Number Returned	Recidivism Rate
2002-03	103,934	49,924	48.0%	63,415	61.0%	68,810	66.2%
2003-04	103,296	47,423	45.9%	61,788	59.8%	67,734	65.6%
2004-05	106,920	49,761	46.5%	65,559	61.3%	71,444	66.8%
2005-06	108,662	53,330	49.1%	67,958	62.5%	73,350	67.5%
2006-07*	115,254	55,167	47.9%	69,691	60.5%	75,018	65.1%
2007-08	116,063	55,075	47.5%	68,672	59.2%	N/A	N/A
2008-09	112,934	51,030	45.2%	N/A	N/A	N/A	N/A

^A Rates for "Arrests" and "Convictions" only include those felons where an automated criminal history record was available from the Department of Justice. These records are necessary to measure recidivism by arrest and conviction. Total numbers released for these measures are therefore smaller than those used to compute "Returns to Prison".

* The "number released" depicted for Fiscal Year 2006-07 differs slightly from that which was reported in the 2010 Adult Institutions Outcome Evaluation Report due to a minor error that was identified related to the extraction of the data used to develop the cohort. Although this correction resulted in a reduction of 828 records, there was a minimal difference in the one-year return to prison rate (+0.1 percent) and no difference in the two-year rate. Because the "Arrest" and "Conviction" data are regularly updated, it is difficult to decipher the impact of this correction to these two measures, if any.

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Appendix B

Three-Year Recidivism Rates by Offender Characteristics Felons Released During FY 2006-07

Offender Characteristics	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED					
		One Year		Two Years		Three Years	
		N	Rate	N	Rate	N	Rate
Sex							
Male	103,216	50,551	49.0%	63,625	61.6%	68,383	66.3%
Female	12,038	4,616	38.3%	6,067	50.4%	6,636	55.1%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Age at Release							
18-19	736	400	54.3%	515	70.0%	557	75.7%
20-24	16,058	8,644	53.8%	10,754	67.0%	11,510	71.7%
25-29	22,632	11,403	49.9%	14,355	62.9%	15,469	67.8%
30-34	17,670	8,193	45.8%	10,466	58.6%	11,303	63.3%
35-39	18,127	8,619	47.5%	10,951	60.4%	11,791	65.0%
40-44	16,839	7,917	47.0%	10,028	59.6%	10,785	64.0%
45-49	12,582	5,809	46.2%	7,332	58.3%	7,906	62.8%
50-54	6,347	2,701	42.6%	3,441	54.2%	3,707	58.4%
55-59	2,538	1,024	40.4%	1,275	50.3%	1,376	54.3%
60 and over	1,327	457	34.4%	575	43.3%	615	46.3%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Race/Ethnicity							
White	36,989	18,696	50.5%	23,228	62.8%	24,820	67.1%
Hispanic/Latino	43,226	18,640	43.1%	23,787	55.0%	25,737	59.5%
Black/African-American	29,995	15,617	52.1%	19,884	66.3%	21,429	71.4%
Asian	724	318	43.9%	386	54.7%	425	58.7%
Native American/Alaska Native	1,094	618	56.5%	741	67.7%	792	72.4%
Native Hawaiian/Pacific Islander	145	64	44.1%	85	58.6%	86	59.3%
Others	3,081	1,214	39.4%	1,571	51.0%	1,730	56.2%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Commitment Offense							
Crime Against Persons	26,320	11,898	45.2%	15,295	58.1%	16,507	62.7%
Property Crime	38,827	20,132	51.9%	25,050	64.5%	26,830	69.1%
Drug Crime	36,723	17,088	46.5%	21,598	58.8%	23,253	63.3%
Other Crime	13,384	6,049	45.2%	7,749	57.9%	8,429	63.0%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Sentence Type							
Determinate Sentence Law	115,168	55,163	47.9%	69,683	60.5%	75,008	65.1%
Indeterminate Sentence Law	86	4	4.7%	9	10.5%	11	12.8%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Sex Offender							
Yes	7,629	4,018	51.3%	4,891	62.5%	5,238	66.9%
No	107,425	51,149	47.6%	64,801	60.3%	69,781	65.0%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Serious/Violent Offender							
Yes	23,483	10,052	42.8%	13,144	56.0%	14,310	60.9%
No	91,771	45,115	49.2%	56,548	61.6%	60,709	66.2%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Mental Health							
Enhanced Outpatient Program	6,433	3,223	59.3%	3,860	71.0%	4,080	75.1%
Correctional Clinical Case Management System	11,131	5,927	53.2%	7,378	66.3%	7,829	70.3%
Crisis Bed	16	8	N/A	11	N/A	11	N/A
No Mental Health Code	98,673	46,008	46.6%	58,442	59.2%	63,098	63.9%
Department Mental Health	1	1	N/A	1	N/A	1	N/A
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%

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**Three-Year Recidivism Rates by Offender Characteristics
Felons Released During FY 2006-07 (continued)**

Offender Characteristics	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED					
		WITHIN					
		One Year		Two Years		Three Years	
		N	Rate	N	Rate	N	Rate
Risk Score Level							
N/A	2,640	1,104	41.8%	1,386	52.5%	1,504	57.0%
Low	18,844	5,343	28.4%	7,282	38.6%	8,060	42.8%
Medium	32,784	13,571	41.4%	17,773	54.2%	19,328	59.0%
High	60,886	35,149	57.6%	43,251	70.9%	46,127	75.6%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Length of Stay							
0 - 6 months	12,427	5,004	40.3%	6,678	53.7%	7,251	58.3%
7 - 12 months	34,275	15,436	45.0%	19,848	57.9%	21,499	62.7%
13 - 18 months	20,790	10,736	51.6%	13,344	64.2%	14,279	68.7%
19 - 24 months	14,233	7,498	52.7%	9,230	64.8%	9,859	69.3%
2 - 3 years	15,483	8,252	53.3%	10,133	65.4%	10,801	69.8%
3 - 4 years	6,888	3,539	51.4%	4,372	63.5%	4,679	67.9%
4 - 5 years	3,884	1,623	41.8%	2,091	53.8%	2,265	58.3%
5 - 10 years	6,141	2,624	42.7%	3,395	55.3%	3,712	60.4%
10 - 15 years	1,043	406	38.9%	534	51.2%	597	57.2%
15 + years	192	49	25.5%	67	34.9%	77	40.1%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Prior Returns to Custody							
None	67,029	25,968	38.7%	34,617	51.6%	38,158	56.9%
1	22,128	12,741	57.6%	15,833	71.6%	16,711	75.5%
2	11,313	7,070	62.5%	8,414	74.4%	8,794	77.7%
3	6,505	4,249	65.3%	4,927	75.7%	5,119	78.7%
4	3,705	2,382	64.3%	2,738	73.9%	2,881	77.8%
5	2,077	1,303	62.7%	1,500	72.2%	1,582	76.2%
6	1,205	716	59.4%	824	68.4%	877	72.8%
7	640	370	57.8%	420	65.6%	448	70.0%
8	357	212	59.4%	242	67.8%	259	72.5%
9	170	86	50.6%	97	57.1%	104	61.2%
10+	125	70	56.0%	80	64.0%	86	68.8%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
Number of CDCR Stays Ever							
One stay	32,983	10,370	31.4%	14,004	42.5%	15,589	47.3%
Two stays	17,938	8,136	45.4%	10,682	59.5%	11,504	64.1%
Three stays	12,622	6,404	50.7%	8,074	64.0%	8,713	69.0%
Four stays	9,508	5,057	53.2%	6,250	65.7%	6,668	70.1%
Five stays	7,530	3,977	52.8%	4,992	66.3%	5,332	70.8%
Six stays	6,186	3,349	54.1%	4,248	68.7%	4,549	73.5%
Seven stays	5,082	2,856	56.2%	3,530	69.5%	3,794	74.7%
Eight stays	4,365	2,548	58.4%	3,146	72.1%	3,323	76.1%
Nine stays	3,529	2,112	59.8%	2,603	73.8%	2,768	78.4%
10 stays	2,945	1,791	60.8%	2,195	74.5%	2,337	79.4%
11 stays	2,422	1,524	62.9%	1,826	75.4%	1,928	79.6%
12 stays	2,092	1,359	65.0%	1,594	76.2%	1,698	81.2%
13 stays	1,681	1,117	66.4%	1,312	78.0%	1,370	81.5%
14 stays	1,357	891	65.7%	1,050	77.4%	1,110	81.8%
15 + stays	5,014	3,676	73.3%	4,186	83.5%	4,336	86.5%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
SHU Status							
SHU	6,404	3,397	53.0%	4,211	65.8%	4,525	70.7%
No SHU	108,850	51,770	47.6%	65,481	60.2%	70,494	64.8%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
DDP Status							
DDP	1,732	1,067	61.6%	1,274	73.6%	1,346	77.7%
No DDP	113,522	54,100	47.7%	68,418	60.3%	73,673	64.9%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%
In-Prison Substance Abuse Program							
Completed Program	9,194	4,013	43.6%	5,316	57.8%	5,822	63.3%
Did Not Complete Program	5,355	2,363	44.1%	3,115	58.2%	3,420	63.9%
Did Not Participate in Program	100,705	48,791	48.4%	61,261	60.8%	65,777	65.3%
Total	115,254	55,167	47.9%	69,692	60.5%	75,019	65.1%

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Three-Year Recidivism Rates by Offender Characteristics Felons Released During FY 2006-07 by Type of Release

Offender Characteristics	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED IN THREE YEARS		First Releases						Re-Releases								
		N	Rate	One Year		Two Years		Three Years		One Year		Two Years		Three Years				
				N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate			
Sex																		
Male	103,216	68,383	66.3%	23,639	40.0%	31,330	53.0%	34,475	58.3%	26,912	61.1%	32,295	73.3%	33,908	77.0%			
Female	12,038	6,636	55.1%	2,329	29.6%	3,287	41.7%	3,683	46.8%	2,287	54.9%	2,780	66.8%	2,953	70.9%			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Age at Release																		
18-19	738	657	75.7%	364	52.8%	475	68.9%	516	74.9%	36	76.6%	40	85.1%	41	87.2%			
20-24	16,058	11,510	71.7%	5,271	47.7%	6,734	61.0%	7,322	66.3%	3,373	67.2%	4,020	80.1%	4,188	83.4%			
25-29	22,832	15,469	67.8%	5,588	41.6%	7,339	54.6%	8,087	60.2%	5,820	61.9%	7,016	74.6%	7,382	78.5%			
30-34	17,870	11,303	63.3%	3,838	36.8%	5,155	49.4%	5,700	54.6%	4,354	58.6%	5,311	71.4%	5,603	75.3%			
35-39	18,127	11,791	65.0%	3,628	36.0%	4,981	49.5%	5,531	54.9%	4,991	61.9%	5,970	74.1%	6,260	77.7%			
40-44	16,839	10,785	64.0%	3,311	36.3%	4,513	49.5%	4,975	54.5%	4,606	59.7%	5,515	71.5%	5,810	75.3%			
45-49	12,582	7,908	62.8%	2,355	35.1%	3,195	47.6%	3,537	52.7%	3,454	58.9%	4,137	70.5%	4,369	74.5%			
50-54	8,347	3,707	54.4%	1,031	30.6%	1,429	42.4%	1,587	47.4%	1,670	56.1%	2,012	67.6%	2,110	70.9%			
55-59	2,536	1,376	54.3%	394	28.5%	533	38.6%	602	43.6%	630	54.5%	742	64.2%	774	67.0%			
60 and over	1,327	615	46.3%	192	24.7%	263	33.9%	291	37.5%	265	48.1%	312	56.6%	324	58.8%			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Race/Ethnicity																		
White	38,889	24,820	67.1%	8,338	41.3%	10,894	54.0%	11,935	59.2%	10,358	61.6%	12,334	73.3%	12,885	76.6%			
Hispanic/Latino	43,228	25,737	59.5%	9,577	34.4%	12,870	46.3%	14,228	51.2%	9,063	58.8%	10,917	70.8%	11,509	74.7%			
Black/African-American	29,985	21,429	71.4%	6,984	43.7%	9,444	59.1%	10,419	65.2%	8,633	61.6%	10,440	74.5%	11,010	78.6%			
Asian	724	425	58.7%	166	35.1%	193	46.4%	212	51.0%	172	55.8%	203	65.9%	213	69.2%			
Native American/Alaska Native	1,094	792	72.4%	249	48.1%	307	59.3%	334	64.5%	369	64.1%	434	75.3%	458	79.5%			
Native Hawaiian/Pacific Islander	145	86	59.3%	36	37.5%	50	52.1%	50	52.1%	28	57.1%	35	71.4%	36	73.5%			
Others	3,081	1,730	56.2%	638	31.4%	859	42.2%	980	48.2%	576	55.1%	712	68.1%	750	71.7%			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Commitment Offense																		
Crime Against Persons	28,320	18,507	62.7%	4,959	35.0%	6,874	48.5%	7,633	53.8%	6,939	57.2%	8,421	69.4%	8,874	73.1%			
Property Crime	38,827	26,830	69.1%	9,845	43.2%	12,857	56.4%	14,081	61.8%	10,287	64.2%	12,193	76.1%	12,749	79.6%			
Drug Crime	36,723	23,253	63.3%	8,246	37.3%	10,981	49.6%	12,086	54.6%	8,842	60.6%	10,617	72.7%	11,167	76.5%			
Other Crime	13,384	8,429	63.0%	2,918	36.8%	3,905	49.3%	4,358	55.0%	3,131	57.3%	3,844	70.4%	4,071	74.6%			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Sentence Type																		
Determinate Sentence Law	115,168	75,008	65.1%	25,967	38.8%	34,614	51.7%	38,153	57.0%	29,196	60.6%	35,069	72.7%	36,855	76.4%			
Indeterminate Sentence Law	86	11	12.8%	1	1.4%	3	4.2%	5	6.9%	3	21.4%	6	42.9%	6	42.9%			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Sex Offender																		
Yes	7,829	5,238	68.9%	1,424	39.5%	1,888	52.4%	2,083	57.8%	2,594	61.4%	3,003	71.1%	3,155	74.7%			
No	107,425	69,781	65.0%	24,544	38.7%	32,729	51.6%	36,075	56.9%	26,605	60.5%	32,072	72.9%	33,706	76.6%			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Serious/Violent Offender																		
Yes	23,483	14,310	60.9%	4,372	32.8%	6,188	46.5%	6,932	52.1%	5,680	55.8%	6,956	68.4%	7,378	72.5%			
No	91,771	60,709	66.2%	21,596	40.2%	28,429	52.9%	31,226	58.1%	23,519	61.8%	28,119	73.9%	29,483	77.5%			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Mental Health																		
Enhanced Outpatient Program	5,433	4,080	75.1%	1,183	50.6%	1,520	65.0%	1,633	69.9%	2,040	65.9%	2,340	75.6%	2,447	79.0%			
Correctional Clinical Case Management System	11,131	7,829	70.3%	2,468	43.6%	3,277	57.9%	3,551	62.7%	3,459	63.2%	4,101	75.0%	4,278	78.2%			
Crisis Bed	18	11	68.8%	3	N/A	4	N/A	4	N/A	5	62.5%	7	87.5%	7	87.5%			
No Mental Health Code	98,673	63,098	63.9%	22,314	37.8%	29,816	50.5%	32,970	55.9%	23,694	59.8%	28,626	72.2%	30,128	76.0%			
Department Mental Health	1	1	N/A	0	N/A	0	N/A	0	N/A	1	N/A	1	N/A	1	N/A			
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	58.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			

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Three-Year Recidivism Rates by Offender Characteristics Felons Released During FY 2006-07 by Type of Release (continued)

Offender Characteristics	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED IN THREE YEARS		First Releases						Re-Releases								
		N	Rate	One-Year		Two Years		Three Years		One Year		Two Years		Three Years				
				N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate			
Risk Score Level																		
NA	2,640	1,504	57.0%	424	30.2%	581	41.4%	649	48.2%	680	55.0%	805	65.1%	855	69.2%			
Low	18,844	8,060	42.8%	2,747	20.8%	4,022	30.4%	4,579	34.6%	2,596	46.2%	3,260	58.0%	3,481	61.9%			
Medium	32,784	19,328	59.0%	7,108	33.8%	9,772	46.5%	10,882	51.8%	6,462	54.9%	8,001	68.0%	8,446	71.8%			
High	60,986	46,127	75.6%	15,688	50.0%	20,242	64.5%	22,048	70.3%	19,461	65.7%	23,009	77.7%	24,079	81.3%			
Total	115,254	75,019	65.1%	25,968	39.7%	34,617	51.6%	38,158	66.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Length of Stay																		
0 - 6 months	12,427	7,251	58.3%	3,768	37.2%	5,111	50.5%	5,606	55.4%	1,236	53.7%	1,567	68.1%	1,645	71.5%			
7 - 12 months	34,275	21,499	62.7%	10,727	41.1%	14,006	53.6%	15,340	58.7%	4,709	57.8%	5,842	71.7%	6,159	75.6%			
13 - 18 months	20,790	14,279	68.7%	4,684	42.4%	6,096	55.0%	6,680	60.3%	6,042	62.2%	7,248	74.7%	7,599	78.3%			
19 - 24 months	14,233	9,859	69.3%	2,446	39.1%	3,248	52.0%	3,607	57.7%	5,052	63.3%	5,982	74.9%	6,252	78.3%			
2 - 3 years	15,483	10,801	69.8%	2,133	37.4%	2,817	51.1%	3,245	56.9%	6,119	62.6%	7,216	73.8%	7,536	77.3%			
3 - 4 years	8,988	4,879	54.3%	831	32.6%	1,177	48.2%	1,310	51.5%	2,708	61.0%	3,195	72.0%	3,369	75.9%			
4 - 5 years	3,684	2,265	61.5%	464	29.8%	686	41.1%	775	48.4%	1,159	57.5%	1,405	69.8%	1,490	74.0%			
5 - 10 years	6,141	3,712	60.4%	741	26.2%	1,125	39.8%	1,292	45.7%	1,883	56.8%	2,270	68.5%	2,420	73.0%			
10 - 15 years	1,043	597	57.2%	148	25.7%	227	39.5%	270	47.0%	258	55.1%	307	65.6%	327	69.9%			
15+ years	192	77	40.1%	16	13.6%	24	20.3%	33	28.0%	33	44.6%	43	58.1%	44	59.5%			
Total	115,254	75,019	65.1%	25,968	39.7%	34,617	51.6%	38,158	66.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Prior Returns to Custody																		
None	67,029	38,158	56.9%	25,968	38.7%	34,617	51.6%	38,158	56.9%	0	NA	0	NA	0	NA			
1	22,128	18,711	84.6%	0	0	0	0	0	0	12,741	57.6%	15,833	71.6%	16,711	75.5%			
2	11,313	8,794	77.7%	0	0	0	0	0	0	7,070	62.5%	8,414	74.4%	8,794	77.7%			
3	6,505	5,119	78.7%	0	0	0	0	0	0	4,249	65.3%	4,927	75.7%	5,119	78.7%			
4	3,705	2,831	76.4%	0	0	0	0	0	0	2,382	64.3%	2,738	73.9%	2,881	77.8%			
5	2,077	1,582	76.2%	0	0	0	0	0	0	1,303	62.7%	1,500	72.2%	1,582	76.2%			
6	1,205	877	72.8%	0	0	0	0	0	0	716	59.4%	824	68.4%	877	72.8%			
7	640	448	70.0%	0	0	0	0	0	0	370	57.8%	420	65.6%	448	70.0%			
8	357	299	83.8%	0	0	0	0	0	0	212	59.4%	242	67.8%	299	83.8%			
9	170	104	61.2%	0	0	0	0	0	0	86	50.6%	97	57.1%	104	61.2%			
10+	125	89	71.2%	0	0	0	0	0	0	70	56.0%	80	64.0%	89	71.2%			
Total	115,254	75,019	65.1%	25,968	39.7%	34,617	51.6%	38,158	66.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
Number of CDCR Stays Ever																		
One stay	32,983	15,589	47.3%	10,370	31.4%	14,004	42.5%	15,589	47.3%	0	0.0%	0	0.0%	0	0.0%			
Two stays	17,938	11,504	64.1%	2,885	36.4%	4,000	50.5%	4,442	58.0%	5,251	52.4%	6,882	66.7%	7,062	70.5%			
Three stays	12,622	8,713	69.0%	2,147	41.2%	2,852	55.5%	3,177	61.8%	4,287	57.3%	5,222	69.8%	5,536	74.0%			
Four stays	9,508	6,668	70.1%	1,682	42.4%	2,252	56.8%	2,492	62.9%	3,375	60.9%	3,998	72.1%	4,176	75.3%			
Five stays	7,530	5,332	70.8%	1,465	44.6%	1,967	59.9%	2,143	65.2%	2,512	59.2%	3,025	71.3%	3,189	75.1%			
Six stays	6,188	4,549	73.5%	1,273	46.8%	1,711	62.9%	1,877	69.0%	2,076	59.9%	2,537	73.2%	2,672	77.1%			
Seven stays	5,082	3,794	74.7%	1,104	50.4%	1,459	66.6%	1,589	72.6%	1,752	60.6%	2,071	71.6%	2,205	76.2%			
Eight stays	4,365	3,323	76.1%	958	51.9%	1,254	67.9%	1,340	72.6%	1,590	63.1%	1,892	75.1%	1,983	78.7%			
Nine stays	3,629	2,768	76.0%	755	52.4%	1,000	69.4%	1,091	75.8%	1,357	65.0%	1,603	76.7%	1,677	80.3%			
10 stays	2,845	2,337	82.1%	632	54.3%	811	69.7%	887	76.3%	1,159	65.0%	1,384	77.7%	1,450	81.4%			
11 stays	2,422	1,928	79.6%	536	56.8%	681	72.1%	730	77.3%	908	69.0%	1,041	79.2%	1,092	83.0%			
12 stays	2,092	1,698	81.2%	451	58.0%	553	71.2%	606	78.0%	782	70.2%	874	80.5%	907	83.5%			
13 stays	1,681	1,370	81.5%	355	59.7%	438	73.6%	463	77.8%	604	68.8%	701	79.8%	729	83.0%			
14 stays	1,357	1,110	81.8%	287	59.9%	349	72.9%	381	79.5%	2,578	75.1%	2,900	84.5%	2,985	87.0%			
15+ stays	6,014	4,338	72.1%	1,058	69.4%	1,288	81.3%	1,351	85.5%									
Total	115,254	75,019	65.1%	29,968	39.7%	34,617	51.6%	38,158	66.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
SHU Status																		
SHU	6401	4525	70.7%	1,310	43.3%	1,729	57.2%	1,899	62.8%	2,087	61.7%	2,482	73.4%	2,626	77.7%			
No SHU	108850	70494	64.8%	24,658	36.5%	32,888	51.4%	36,259	58.7%	27,112	60.5%	32,593	72.7%	34,235	76.3%			
Total	115254	75019	65.1%	25,968	39.7%	34,617	51.6%	38,158	66.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
DDP Status																		
DDP	1,732	1,348	77.7%	426	52.4%	533	65.6%	575	70.7%	641	69.7%	741	80.6%	771	83.9%			
NO DDP	113,522	73,673	64.9%	25,542	38.6%	34,084	51.5%	37,583	56.8%	28,558	60.4%	34,334	72.6%	36,090	76.3%			
Total	115,254	75,019	65.1%	25,968	39.7%	34,617	51.6%	38,158	66.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			
In-Prison Substance Abuse Program																		
Completed Program	9,194	6,822	74.1%	2,678	37.7%	3,695	52.0%	4,138	58.3%	1,335	63.8%	1,621	77.5%	1,684	80.5%			
Did Not Complete Program	5,355	3,420	63.9%	1,513	37.5%	2,089	51.7%	2,359	58.4%	850	64.5%	1,026	77.9%	1,061	80.6%			
Did Not Participate in Program	100,705	65,777	65.3%	21,777	39.0%	28,833	51.6%	31,661	58.7%	27,014	60.3%	32,428	72.4%	34,116	76.1%			
Total	115,254	75,019	65.1%	25,968	39.7%	34,617	51.6%	38,158	66.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			

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**Three-Year Recidivism Rates by Offender Commitment Offense
Felons Released During FY 2006-07
by Type of Release**

Commitment Offense	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED IN THREE YEARS		First Releases						Re-Releases					
		N	Rate	One Year		Two Years		Three Years		One Year		Two Years		Three Years	
				N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
Murder First	6	1	N/A	0	N/A	0	N/A	1	N/A	0	N/A	0	N/A	0	N/A
Murder Second	41	3	7.3%	0	0.0%	1	2.8%	1	2.8%	0	N/A	2	N/A	2	N/A
Manslaughter	487	243	49.9%	65	21.5%	104	34.3%	120	39.6%	83	45.1%	117	63.6%	123	66.8%
Vehicular Manslaughter	239	80	33.5%	22	N/A	44	23.2%	51	26.8%	23	46.9%	29	59.2%	29	59.2%
Robbery	5,055	3,249	64.3%	958	34.0%	1,420	50.4%	1,590	56.4%	1,252	55.9%	1,561	69.7%	1,659	74.1%
Assault/Deadly Weapon	5,736	3,553	61.8%	1,140	35.3%	1,585	49.1%	1,758	54.4%	1,370	54.6%	1,691	67.5%	1,795	71.6%
Attempted Murder First	16	3	N/A	0	N/A	0	N/A	0	N/A	2	N/A	3	N/A	3	N/A
Attempted Murder Second	332	156	47.0%	39	18.3%	67	31.5%	81	38.0%	59	49.6%	75	63.0%	75	63.0%
Other Assault/Battery	9,351	6,258	66.9%	1,935	39.7%	2,583	53.0%	2,824	58.0%	2,736	61.1%	3,280	73.2%	3,434	76.7%
Rape	360	184	51.1%	52	27.2%	64	33.5%	73	38.2%	91	53.8%	108	63.9%	111	65.7%
Lewd Act With Child	1,822	847	46.5%	221	21.7%	319	31.3%	368	36.1%	372	46.3%	438	54.5%	479	59.6%
Oral Copulation	196	115	58.7%	34	37.8%	42	46.7%	48	53.3%	47	44.3%	63	59.4%	67	63.2%
Sodomy	49	19	38.8%	7	N/A	9	N/A	10	N/A	6	N/A	9	N/A	9	N/A
Sexual Penetration with Object	101	51	50.5%	11	N/A	20	N/A	22	N/A	19	42.2%	26	57.8%	29	64.4%
Other Sex Offenses	2,294	1,641	71.5%	448	45.9%	576	59.0%	638	65.4%	839	63.7%	968	73.4%	1,003	76.1%
Kidnapping	235	104	44.3%	27	18.9%	40	28.0%	48	33.6%	40	43.5%	51	55.4%	56	60.9%
Burglary First	3,466	2,323	67.0%	709	37.7%	958	50.9%	1,080	57.4%	991	62.6%	1,182	74.7%	1,243	78.5%
Burglary Second	7,469	5,154	69.0%	1,858	42.1%	2,485	56.3%	2,733	61.9%	1,950	63.9%	2,322	76.1%	2,421	79.3%
Grand Theft	3,525	2,240	63.5%	808	38.4%	1,049	49.8%	1,152	54.7%	864	60.9%	1,039	73.2%	1,088	76.7%
Petty Theft With Prior	6,457	4,608	71.4%	1,547	43.2%	2,066	57.6%	2,298	64.1%	1,865	64.9%	2,204	76.7%	2,310	80.4%
Receiving Stolen Property	5,206	3,724	71.5%	1,483	47.8%	1,864	60.1%	2,036	65.6%	1,378	65.5%	1,618	76.9%	1,688	80.3%
Vehicle Theft	7,938	5,901	74.3%	2,465	51.0%	3,116	64.5%	3,332	69.0%	2,136	68.7%	2,476	79.6%	2,569	82.6%
Forgery/Fraud	3,641	2,137	58.7%	687	31.2%	951	43.2%	1,055	47.9%	819	57.0%	1,019	70.9%	1,082	75.2%
Other Property Offense	1,125	743	66.0%	288	42.6%	368	54.4%	395	58.4%	284	63.3%	333	74.2%	348	77.5%
CS Possession	19,921	13,833	69.4%	4,993	44.3%	6,505	57.7%	7,063	62.6%	5,427	62.8%	6,461	74.8%	6,770	78.3%
CS Possession for Sale	10,142	5,572	54.9%	2,002	29.6%	2,740	40.5%	3,094	45.8%	1,888	55.9%	2,326	68.8%	2,478	73.3%
CS Sales	3,239	1,949	60.2%	652	31.8%	918	44.8%	1,013	49.4%	754	63.4%	898	75.5%	936	78.7%
CS Manufacturing	914	382	41.8%	92	16.9%	122	22.4%	141	25.9%	183	49.6%	229	62.1%	241	65.3%
Other CS Offense	727	491	67.5%	156	41.8%	205	55.0%	223	59.8%	222	62.7%	256	72.3%	268	75.7%
Hashish Possession	53	32	60.4%	13	N/A	16	N/A	18	N/A	12	N/A	12	N/A	14	N/A
Marijuana Possession for Sale	1,113	636	57.1%	229	32.0%	310	43.3%	356	49.7%	216	54.4%	265	66.8%	280	70.5%
Marijuana Sale	465	283	60.9%	93	32.7%	141	49.6%	152	53.5%	102	56.4%	125	69.1%	131	72.4%
Marijuana Other	149	75	50.3%	16	18.6%	24	27.9%	26	30.2%	38	60.3%	45	71.4%	49	77.8%
Escape/Abscond	177	116	65.5%	24	30.8%	36	46.2%	39	50.0%	61	61.6%	70	70.7%	77	77.8%
Driving Under Influence	2,668	1,220	45.7%	431	22.7%	598	31.5%	705	37.1%	386	50.3%	484	63.1%	515	67.1%
Arson	303	188	62.0%	44	29.5%	60	40.3%	75	50.3%	96	62.3%	106	68.8%	113	73.4%
Possession Weapon	6,217	4,311	69.3%	1,650	44.5%	2,172	58.6%	2,394	64.6%	1,457	58.1%	1,807	72.0%	1,917	76.4%
Other Offenses	4,019	2,594	64.5%	769	36.8%	1,039	49.8%	1,145	54.8%	1,131	58.6%	1,377	71.3%	1,449	75.0%
Total	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	56.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%

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Three-Year Recidivism Rates by Offender Parole County⁶ Felons Released During FY 2006-07 by Type of Release

County of Parole	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED IN THREE YEARS		First Releases						Re-Releases					
		N	Rate	One Year		Two Years		Three Years		One Year		Two Years		Three Years	
				N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
Alameda	5,291	3,330	62.9%	964	35.4%	1,208	44.3%	1,298	47.6%	1,647	64.2%	1,955	76.2%	2,032	79.3%
Amador	44	25	56.8%	11	35.5%	13	41.9%	14	45.2%	10	N/A	11	N/A	11	N/A
Alpine	9	5	N/A	1	N/A	2	N/A	2	N/A	2	N/A	2	N/A	3	N/A
Butte	939	612	65.2%	181	36.6%	238	48.2%	273	55.3%	268	60.2%	324	72.8%	339	76.2%
Calaveras	57	30	52.6%	15	40.5%	17	45.9%	20	54.1%	8	N/A	10	N/A	10	N/A
Colusa	45	33	73.3%	9	N/A	12	N/A	16	N/A	12	N/A	16	N/A	17	N/A
Contra Costa	1,525	1,116	73.2%	282	46.1%	354	57.8%	382	62.4%	607	66.5%	701	76.8%	734	80.4%
Del Norte	78	54	69.2%	24	54.5%	26	59.1%	26	59.1%	22	64.7%	26	76.5%	28	82.4%
El Dorado	250	168	67.2%	55	44.7%	70	56.9%	77	62.6%	82	64.6%	90	70.9%	91	71.7%
Fresno	4,531	3,456	76.3%	1,118	54.5%	1,357	66.1%	1,449	70.6%	1,701	68.6%	1,934	78.0%	2,007	81.0%
Glenn	112	77	68.8%	31	50.8%	33	54.1%	35	57.4%	37	72.5%	42	82.4%	42	82.4%
Humboldt	601	446	74.2%	131	48.9%	167	62.3%	174	64.9%	220	66.1%	257	77.2%	272	81.7%
Imperial	371	280	75.5%	84	54.5%	107	69.5%	113	73.4%	135	62.2%	159	73.3%	167	77.0%
Inyo	45	23	51.1%	12	30.8%	19	48.7%	19	48.7%	4	N/A	4	N/A	4	N/A
Kern	4,047	2,845	70.3%	952	41.9%	1,343	59.2%	1,457	64.2%	1,090	61.3%	1,327	74.7%	1,388	78.1%
King	808	581	71.9%	169	42.8%	221	55.9%	241	61.0%	292	70.7%	330	79.9%	340	82.3%
Lake	289	187	64.7%	68	42.5%	79	49.4%	90	56.3%	83	64.3%	93	72.1%	97	75.2%
Lassen	93	56	60.2%	25	46.3%	29	53.7%	30	55.6%	23	59.0%	25	64.1%	26	66.7%
Los Angeles	30,454	17,369	57.0%	6,403	29.4%	9,655	44.3%	11,119	51.0%	4,409	50.8%	5,793	66.8%	6,250	72.1%
Madera	624	460	73.7%	127	48.5%	152	58.0%	161	61.5%	249	68.8%	287	79.3%	299	82.6%
Marin	51	35	68.6%	10	N/A	12	N/A	13	N/A	19	N/A	21	N/A	22	N/A
Mariposa	38	26	68.4%	7	N/A	11	N/A	12	N/A	12	N/A	14	N/A	14	N/A
Mendocino	291	190	65.3%	52	40.6%	62	48.4%	71	55.5%	101	62.0%	116	71.2%	119	73.0%
Merced	885	636	71.9%	215	49.4%	265	60.9%	281	64.6%	306	68.0%	342	76.0%	355	78.9%
Modoc	31	22	71.0%	11	N/A	11	N/A	11	N/A	8	N/A	11	N/A	11	N/A
Mono	27	14	N/A	3	N/A	3	N/A	3	N/A	8	N/A	11	N/A	11	N/A
Monterey	1,094	767	70.1%	216	41.1%	300	57.1%	324	61.7%	349	61.3%	413	72.6%	443	77.9%
Napa	156	95	60.9%	33	36.3%	38	41.8%	42	46.2%	45	69.2%	52	80.0%	53	81.5%
Nevada	98	56	57.1%	12	31.6%	15	39.5%	16	42.1%	35	58.3%	38	63.3%	40	66.7%
Orange	8,728	5,020	57.5%	2,009	33.7%	2,640	44.3%	2,866	48.1%	1,713	61.8%	2,059	74.2%	2,154	77.6%
Placer	565	384	68.0%	119	41.8%	144	50.5%	157	55.1%	182	65.0%	219	78.2%	227	81.1%
Plumas	44	26	59.1%	9	30.0%	14	46.7%	15	50.0%	10	N/A	11	N/A	11	N/A
Riverside	7,130	4,944	69.3%	1,922	45.8%	2,429	57.9%	2,649	63.1%	1,833	62.5%	2,189	74.7%	2,295	78.3%
Sacramento	5,684	3,458	60.8%	1,147	34.5%	1,470	44.2%	1,591	47.8%	1,528	64.9%	1,784	75.8%	1,867	79.3%
San Benito	75	49	65.3%	22	40.7%	34	63.0%	36	66.7%	11	N/A	13	N/A	13	N/A
San Bernardino	9,746	7,014	72.0%	2,739	49.0%	3,373	60.4%	3,634	65.1%	2,779	66.8%	3,244	78.0%	3,380	81.2%
San Diego	7,448	5,326	71.5%	1,876	46.2%	2,433	59.9%	2,658	65.4%	2,178	64.3%	2,567	75.8%	2,668	78.8%
San Francisco	1,614	1,224	75.8%	291	52.5%	350	63.2%	374	67.5%	721	68.0%	825	77.8%	850	80.2%
San Joaquin	2,682	2,082	77.6%	691	55.8%	835	67.4%	882	71.2%	1,030	71.3%	1,161	80.4%	1,200	83.1%
San Luis Obispo	837	459	54.8%	132	28.6%	193	41.8%	221	47.8%	173	46.1%	220	58.7%	238	63.5%
San Mateo	1,105	747	67.6%	259	43.0%	330	54.8%	356	59.1%	314	62.4%	368	73.2%	391	77.7%
Santa Barbara	886	639	72.1%	255	50.1%	318	62.5%	340	66.8%	246	65.3%	292	77.5%	299	79.3%
Santa Clara	3,646	2,479	68.0%	705	38.8%	1,021	56.2%	1,138	62.7%	1,026	56.1%	1,266	69.2%	1,341	73.3%
Santa Cruz	381	268	70.3%	81	45.3%	103	57.5%	110	61.5%	124	61.4%	153	75.7%	158	78.2%

⁶ Direct discharges are not included since these individuals do not have a parole county.

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November 2011

**Three-Year Recidivism Rates by Offender Parole County⁶
Felons Released During FY 2006-07
by Type of Release (continued)**

County of Parole	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED IN THREE YEARS		First Releases						Re-Releases					
				One Year		Two Years		Three Years		One Year		Two Years		Three Years	
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
Shasta	1,096	751	68.5%	232	42.1%	297	53.9%	318	57.7%	348	63.9%	421	77.2%	433	79.4%
Sierra	7	5	N/A	4	N/A	4	N/A	4	N/A	1	N/A	1	N/A	1	N/A
Siskiyou	133	90	67.7%	24	39.3%	31	50.8%	33	54.1%	43	59.7%	56	77.8%	57	79.2%
Solano	1,540	1,129	73.3%	353	50.8%	430	61.9%	462	66.5%	565	66.9%	651	77.0%	667	78.9%
Sonoma	778	511	65.7%	158	40.0%	191	48.4%	215	54.4%	231	60.3%	281	73.4%	296	77.3%
Stanislaus	1,702	1,263	74.2%	435	49.9%	537	61.6%	578	66.3%	576	69.4%	661	79.6%	685	82.5%
Sutter	419	290	69.2%	111	48.9%	135	59.5%	148	65.2%	114	59.4%	137	71.4%	142	74.0%
Tehama	360	230	63.9%	83	39.9%	104	50.0%	112	53.8%	96	63.2%	117	77.0%	118	77.6%
Trinity	39	23	59.0%	10	N/A	11	N/A	12	N/A	10	N/A	11	N/A	11	N/A
Tulare	1,491	1,088	73.0%	367	46.7%	474	60.3%	523	66.5%	476	67.5%	547	77.6%	565	80.1%
Tuolumne	74	35	47.3%	18	32.1%	24	42.9%	25	44.6%	8	N/A	10	N/A	10	N/A
Ventura	1,608	1,172	72.9%	411	49.1%	528	63.1%	560	66.9%	508	65.9%	587	76.1%	612	79.4%
Yolo	677	501	74.0%	169	50.6%	209	62.6%	222	66.5%	239	69.7%	271	79.0%	279	81.3%
Yuba	416	305	73.3%	110	51.6%	130	61.0%	142	66.7%	142	70.0%	159	78.3%	163	80.3%
Total	113,795	74,506	65.5%	25,963	38.7%	34,611	51.7%	38,150	56.9%	29,009	62.0%	34,685	74.1%	36,356	77.7%

⁶ Direct discharges are not included since these individuals do not have a parole county.

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**Current Term Commitment Offense by New Term Commitment Offense for
Felon Sex Registrants and All Other Felon Offenders
Released During FY 2006-07**

Commitment Offense	Total Released	Total Recidivated	Returned with a New Conviction								Parole Violation Returned to Custody		
			Crime Against Persons		Property Crime		Drug Crime		Other Crime		N	%	
			N	%	N	%	N	%	N	%			
Sex Registrants													
Crime Against Persons	5,151	3,088	251	8.1	61	2.0	68	2.2	53	1.7	2,655	86.0	
Property Crimes	1,025	835	66	7.9	39	4.7	32	3.8	11	1.3	687	82.3	
Drug Crimes	1,083	860	68	7.9	20	2.3	70	8.1	8	0.9	694	80.7	
Other Crimes	570	455	34	7.5	6	1.3	19	4.2	13	2.9	383	84.2	
Total	7,829	5,238	419	8.0	126	2.4	189	3.6	85	1.6	4,419	84.4	

Commitment Offense	Total Released	Total Recidivated	Returned with a New Conviction								Parole Violation Returned to Custody	
			Crime Against Persons		Property Crime		Drug Crime		Other Crime		N	%
			N	%	N	%	N	%	N	%		
All Other Offenders												
Crime Against Persons	21,169	13,419	946	7.0	891	6.6	960	7.2	607	4.5	10,015	74.6
Property Crimes	37,802	25,995	1,112	4.3	5,254	20.2	2,010	7.7	711	2.7	16,908	65.0
Drug Crimes	35,640	22,393	824	3.7	1,784	8.0	4,166	18.6	657	2.9	14,962	66.8
Other Crimes	12,814	7,974	508	6.4	576	7.2	627	7.9	761	9.5	5,502	69.0
Total	107,425	69,781	3,390	4.9	8,505	12.2	7,763	11.1	2,736	3.9	47,387	67.9

**Current Term Commitment Offense by New Term Commitment Offense for
Felon Serious/Violent Offenders and All Other Felon Offenders
Released During FY 2006-07**

Parole Offense	Total Paroled	Total Recidivated	Returned with a New Conviction								Parole Violation Returned to Custody	
			Crime Against Persons		Property Crime		Drug Crime		Other Crime		N	%
			N	%	N	%	N	%	N	%		
Serious/Violent Offenders												
Crime Against Persons	15,436	9,056	631	7.0	551	6.1	605	6.7	405	4.5	6,864	75.8
Property Crimes	4,289	2,892	149	5.2	411	14.2	224	7.7	88	3.0	2,020	69.8
Drug Crimes	1,013	582	29	5.0	55	9.5	95	16.3	31	5.3	372	63.9
Other Crimes	2,745	1,780	121	6.8	114	6.4	125	7.0	103	5.8	1,317	74.0
Total	23,483	14,310	930	6.5	1,131	7.9	1,049	7.3	627	4.4	10,573	73.9

Parole Offense	Total Paroled	Total Recidivated	Returned with a New Conviction								Parole Violation Returned to Custody	
			Crime Against Persons		Property Crime		Drug Crime		Other Crime		N	%
			N	%	N	%	N	%	N	%		
All Other Offenders												
Crime Against Persons	10,884	7,451	566	7.6	401	5.4	423	5.7	255	3.4	5,806	77.9
Property Crimes	34,538	23,938	1,029	4.3	4,882	20.4	1,818	7.6	634	2.6	15,575	65.1
Drug Crimes	35,710	22,671	863	3.8	1,749	7.7	4,141	18.3	634	2.8	15,284	67.4
Other Crimes	10,639	6,649	421	6.3	468	7.0	521	7.8	671	10.1	4,568	68.7
Total	91,771	60,709	2,879	4.7	7,500	12.4	6,903	11.4	2,194	3.6	41,233	67.9

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November 2011

**Flagged Sex Registrants Released During FY 2006-07 for
Either a Sex Offense or a Nonsex Offense
Who Returned to Prison
by Type of Release**

	First Release Returns		Re-Release Returns		Total Returns	
	Number	Percent	Number	Percent	Number	Percent
Released for a sex offense						
Returned with a new sex conviction	45	4.6%	98	7.0%	143	6.0%
Returned with a new nonsex conviction	48	4.9%	104	7.4%	152	6.4%
Returned for a parole violation	882	90.5%	1,194	85.5%	2,076	87.6%
Total	975	100.0%	1,396	100.0%	2,371	100.0%
Released for a nonsex offense						
Returned with a new sex conviction	50	4.5%	118	6.7%	168	5.9%
Returned with a new nonsex conviction	145	13.1%	211	12.0%	356	12.4%
Returned for a parole violation	913	82.4%	1,430	81.3%	2,343	81.7%
Total	1,108	100.0%	1,759	100.0%	2,867	100.0%

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Appendix C

Post Release Criminal Activity of Convicted Murderers Who Have Paroled Since 1995 Data as of March 31, 2011

Recidivism behavior of murderers who returned to CDCR either as a new admission or with a new term over a 15-year time period. Although this 15-year murderer recidivism report is not directly related, or necessarily comparable, to the data presented in this 2011 Adult Institutions Outcome Evaluation Report, it is included for informational purposes.

New Crimes, If Any	Number of Paroled Inmates	Percent	Sentence For New Crime
Burglary, 2nd Degree	1		Served 6 Months* (9/10 - Present)
Petty Theft with a Prior	1		Served 11 Months (3/09 - 1/10)
Possession of a Weapon	1		Served 10 Months (7/05 - 5/06)
	1		Served 4 Months (5/09 - 9/09)
Robbery	1		Served 11 Months* (4/10 - Present)
Sub Total for New Crimes	5	1%	
No New Crimes	855	99%	
Total	860	100%	

*Offenders still serving time for offense.

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Appendix D

Mission and Institution Recidivism Rates by Gender Released During FY 2006-07

Mission	Institution	Demographics			Recidivism Rates													
		Median Age	High Risk CSRA	Median LOS (Months)	First Releases			Re-Releases			Total							
					Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate					
Male																		
Camps	CCC	35	52.9%	18.1	1,226	686	56.0%	0	0	N/A	1,226	686	56.0%					
	CMC	38	45.8%	22.1	48	27	56.3%	0	0	N/A	48	27	56.3%					
	SCC	36	50.7%	16.4	1,805	885	52.5%	1	0	N/A	1,306	685	52.5%					
Sub-Total		35	51.6%	17.3	2,579	1,398	54.2%	1	0	N/A	2,580	1,398	54.2%					
LEVEL I	CAL	36	61.4%	3.7	311	193	62.1%	529	412	77.9%	840	605	72.0%					
	CCC	34	54.6%	7.9	1,287	828	64.2%	458	352	76.9%	1,745	1,179	67.5%					
	CEN	33	56.9%	5.5	319	190	59.6%	263	202	76.8%	582	392	67.4%					
	CMC	39	52.3%	4.8	2,625	1,480	56.4%	1,301	985	75.7%	3,926	2,465	62.8%					
	CMF	34	48.7%	12.9	187	101	54.0%	8	6	N/A	195	107	54.9%					
	CMF	37	58.9%	5.7	137	85	62.8%	44	36	81.8%	181	122	67.4%					
	COR	36	55.1%	6.1	689	420	61.0%	229	179	78.2%	918	599	65.3%					
	SAC	35	54.5%	4.8	524	332	63.4%	186	142	76.3%	710	474	68.8%					
	CTF	38	43.1%	4.7	857	457	47.8%	198	161	81.3%	1,155	618	53.5%					
	CVSP	34	55.5%	5.8	319	163	51.1%	214	164	76.6%	533	327	61.4%					
	DVI	45	25.0%	70.9	4	2	N/A	0	0	N/A	4	2	N/A					
	FSP	36	52.6%	7.6	329	204	62.0%	70	57	81.4%	399	261	65.4%					
	HDSP	36	51.2%	6.2	375	202	53.9%	186	146	78.5%	561	348	62.0%					
	MCSP	38	58.5%	11.8	257	146	56.8%	3	2	N/A	260	148	56.9%					
	ISP	35	57.9%	4.1	259	143	55.2%	394	317	80.5%	653	460	70.4%					
	KVSP	35	57.6%	5.6	418	264	63.2%	167	115	68.9%	585	379	64.8%					
	LAC	35	52.0%	5.1	366	206	56.3%	84	72	85.7%	450	278	61.8%					
	NKSP	38	48.8%	8.2	344	196	57.0%	17	15	N/A	361	211	58.4%					
	PBSP	36	55.1%	7.2	277	178	64.3%	66	50	75.8%	343	228	66.5%					
	PVSP	37	57.1%	5.1	391	236	60.4%	190	150	78.9%	581	386	66.4%					
	RJD	37	53.5%	6.3	318	198	62.3%	158	118	74.2%	477	316	66.2%					
SBURN	37	63.1%	5.6	0	0	N/A	65	50	77%	65	50	76.9%						
SCC	33	54.7%	7.6	1,327	815	61.4%	366	300	82.0%	1,693	1,115	65.9%						
SVSP	38	54.6%	5.1	334	205	61.4%	155	124	80.0%	489	329	67.3%						
WSP	36	53.6%	3.9	309	172	55.7%	182	140	76.9%	491	312	63.5%						
Sub-Total		36	53.8%	5.5	12,663	7,415	58.6%	5,534	4,295	77.6%	18,197	11,710	64.4%					
LEVEL II	ASP	35	47.9%	6.2	3,275	1,911	58.4%	1,443	1,094	75.8%	4,718	3,005	63.7%					
	CCI	38	42.5%	5.3	2,092	1,171	56.0%	275	203	73.8%	2,367	1,374	58.0%					
	CMC	36	47.8%	6.3	2,063	1,152	55.8%	639	471	73.7%	2,702	1,623	60.1%					
	CMF	36	48.4%	6.8	169	85	50.3%	83	64	77.1%	252	149	59.1%					
	CRC	35	49.3%	5.4	1,543	849	55.0%	1,081	802	74.2%	2,624	1,651	62.9%					
	SAC	36	52.0%	6.5	1,438	890	61.9%	597	480	80.4%	2,035	1,370	67.3%					
	CTF	37	48.7%	5.6	413	235	56.9%	129	98	76.0%	542	333	61.4%					
	CVSP	34	52.0%	5.1	1,207	722	59.8%	805	601	74.7%	2,012	1,323	65.8%					
	DVI	36	59.7%	4.7	568	332	58.7%	511	402	78.7%	1,077	734	68.2%					
	FSP	34	61.1%	3.3	709	454	64.0%	631	510	80.8%	1,340	964	71.9%					
	HDSP	31	57.1%	5.1	84	56	66.7%	42	33	78.6%	128	89	70.6%					
	SATF	35	52.3%	7.6	2,507	1,571	62.7%	897	683	76.1%	3,404	2,254	66.2%					
	SQ	37	60.3%	9.2	885	552	62.4%	1,283	998	77.8%	2,168	1,550	71.5%					
	Sub-Total		36	51.1%	5.6	16,951	9,980	58.9%	8,416	6,439	76.5%	25,367	16,419	64.7%				
	LEVEL III	CEN	28	52.7%	3.4	1,852	878	47.4%	448	345	77.0%	2,300	1,223	53.2%				
CMF		39	56.0%	5.9	624	393	63.0%	329	239	72.6%	953	632	66.3%					
COR		31	52.3%	7.3	213	123	57.7%	72	59	81.9%	285	182	63.9%					
CTF		27	63.9%	5.5	823	577	70.1%	281	229	81.5%	1,104	806	73.0%					
FSP		27	67.7%	6.9	455	342	75.2%	180	155	86.1%	635	497	78.3%					
MCSP		34	50.3%	7.7	398	279	70.1%	169	134	79.3%	567	413	72.8%					
ISP		27	65.5%	6.1	920	635	69.0%	452	364	80.5%	1,372	999	72.8%					
NKSP		31	55.1%	5.3	286	167	58.4%	35	30	85.7%	321	197	61.4%					
PVSP		29	59.8%	6.2	1,127	757	67.2%	404	335	82.9%	1,531	1,092	71.3%					
RJD		33	55.5%	3.8	698	417	59.7%	326	266	81.6%	1,024	683	66.7%					
WSP		29	55.7%	3.0	258	152	58.9%	94	75	79.8%	352	227	64.5%					
Sub-Total		29	58.1%	5.1	7,654	4,720	61.7%	2,790	2,231	80.0%	10,444	6,951	66.6%					

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Mission and Institution Recidivism Rates by Gender Released During FY 2006-07 (Continued)

Mission	Institution	Demographics			Recidivism Rates								
		Median Age	High Risk CSRA	Median LOS (Months)	First Releases			Re-Releases			Total		
					Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
LEVEL IV	CAL	32	32.7%	1.8	2,673	682	21.8%	339	242	71.4%	3,012	824	27.4%
	CEN	26	100.0%	22.7	1	1	N/A	0	0	N/A	1	1	N/A
	COR	30	65.1%	6.8	716	500	69.8%	216	164	75.9%	932	664	71.2%
	SAC	34	60.1%	4.0	358	233	65.1%	193	153	79.3%	551	386	70.1%
	HDSP	30	64.0%	6.5	354	301	85.0%	176	155	88.1%	530	456	86.0%
	MCSP	36	63.3%	7.4	53	43	81.1%	26	22	N/A	79	65	82.3%
	KVSP	29	62.7%	6.6	468	338	72.2%	149	119	85.0%	608	457	75.2%
	LAC	34	54.9%	5.5	591	390	66.0%	196	159	81.1%	787	549	69.8%
	PBSP	34	61.3%	6.4	210	149	71.0%	116	95	81.9%	326	244	74.8%
	RJD	38	60.0%	3.7	8	8	N/A	2	1	N/A	10	9	N/A
	SATF	29	69.1%	7.3	148	114	77.0%	56	47	83.9%	204	161	78.9%
	SVSP	31	63.1%	7.5	649	452	69.6%	224	188	83.9%	873	640	73.3%
Sub-Total		31	50.9%	3.5	6,229	3,111	49.9%	1,684	1,345	79.9%	7,913	4,456	56.3%
Reception Center	CCI	30	56.1%	2.9	565	363	64.2%	200	161	80.5%	765	524	68.5%
	CIM	36	62.1%	2.9	452	285	63.1%	5,853	4,449	76.0%	6,305	4,734	75.1%
	DVI	36	66.5%	2.6	424	287	67.7%	3,075	2,470	80.3%	3,499	2,757	78.8%
	HDSP	35	52.4%	2.9	20	14	N/A	310	232	74.8%	330	246	74.5%
	LAC	34	55.6%	2.2	274	140	51.1%	822	569	69.2%	1,096	709	64.7%
	NKSP	35	53.2%	2.8	932	548	58.8%	778	604	77.6%	1,710	1,152	67.4%
	PITCH	37	51.7%	3.8	0	0	N/A	2,474	1,833	74.1%	2,474	1,833	74.1%
	RIOCC	37	56.5%	7.8	0	0	N/A	363	272	74.9%	363	272	74.9%
	RJD	37	56.5%	2.9	269	180	66.9%	1,920	1,442	75.1%	2,189	1,622	74.1%
	SQ	36	66.4%	2.5	582	412	73.3%	3,810	2,958	77.6%	4,372	3,370	77.1%
	SRITA	38	59.4%	5.1	0	0	N/A	1,124	834	74.2%	1,124	834	74.2%
	WSP	34	57.6%	3.0	1,556	953	61.2%	3,111	2,397	77.0%	4,667	3,350	71.8%
Sub-Total		36	60.0%	2.9	5,054	3,182	63.0%	23,840	18,221	76.4%	28,894	21,403	74.1%
Other Facilities	CCF	31	58.1%	4.9	6,422	3,789	59.0%	1,787	1,370	76.7%	8,209	5,159	62.8%
	LPU	39	0.0%	3.0	2	1	50.0%	0	0	N/A	2	1	N/A
	RENT1	33	51.9%	3.4	293	158	N/A	4	3	N/A	297	161	N/A
	RENT3	35	46.3%	3.6	414	198	47.8%	1	1	N/A	415	199	48.0%
	RENT4	33	56.3%	3.5	292	171	58.6%	1	0	N/A	293	171	58.4%
Sub-Total		31	57.3%	4.4	7,423	4,317	58.2%	1,793	1,374	76.6%	9,216	5,691	61.8%
Female													
Camp	CW	37	28.7%	13.2	258	86	33.3%	0	0	N/A	258	86	33.3%
Sub-Total		37	28.7%	13.2	258	86	33.3%	0	0	N/A	258	86	33.3%
Institutions	CCWF	38	28.1%	5.3	2,126	993	46.7%	483	358	74.1%	2,609	1,351	51.8%
	CW	37	34.0%	3.5	1,163	565	47.8%	1,460	1,058	72.5%	2,643	1,623	61.4%
	VSPW	36	35.7%	4.1	2,028	1,046	51.6%	1,110	783	70.5%	3,138	1,829	58.3%
Sub-Total		37	32.8%	4.3	5,337	2,604	48.8%	3,053	2,199	72.0%	8,390	4,803	57.2%
Reception Center	CCWF	36	23.0%	1.9	178	103	57.9%	139	87	62.6%	317	190	59.9%
	CW	36	32.3%	3.5	16	9	N/A	377	266	70.6%	393	275	70.0%
	CRCW	33	26.9%	5.8	379	198	52.2%	52	40	76.9%	431	238	55.2%
	RIOCC	38	46.4%	6.8	0	0	N/A	28	18	N/A	28	18	N/A
	SRITA	34	33.3%	3.6	0	0	N/A	6	5	N/A	6	5	N/A
	VSPW	36	46.1%	2.4	118	76	64.4%	461	313	67.9%	579	389	67.2%
Sub-Total		35	34.1%	3.1	691	386	55.9%	1,063	729	68.6%	1,754	1,115	63.6%
Other Facilities	CCF	34	34.8%	4.8	320	141	44.1%	22	11	N/A	342	152	44.4%
	LPUPF	28	41.3%	12.2	63	14	22.2%	0	0	N/A	63	14	22.2%
	LPUPM	28	51.2%	6.7	83	30	36.1%	1	0	N/A	84	30	35.7%
	RENT1	37	31.0%	3.0	249	92	36.9%	12	5	N/A	261	97	37.2%
	RENT2	40	50.0%	1.8	9	2	N/A	1	1	N/A	10	3	N/A
	RENT3	36	28.5%	3.3	329	106	32.2%	4	2	N/A	333	108	32.4%
	RENT4	35	34.0%	2.9	400	160	40.0%	6	5	N/A	406	165	40.6%
Sub-Total		35	33.8%	3.4	1,453	545	37.5%	46	24	52.2%	1,499	569	38.0%

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**Mission and Institution Recidivism Rates by Gender
Released During FY 2006-07 (Continued)**

Mission	Institution	Demographics			Recidivism Rates								
		Median Age	High Risk CSRA	Median LOS (Months)	First Releases			Re-Releases			Total		
					Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate	Number Released	Number Returned	Recidivism Rate
Under 30													
Male													
LEVEL I	CTF	24	100.0%	0.1	1	1	N/A	0	0	N/A	1	1	N/A
	SBURN	54	0.0%	0.3	0	0	N/A	1	0	N/A	1	0	N/A
Sub-Total		39	50.0%	0.2	1	1	N/A	1	0	N/A	2	1	N/A
LEVEL II	CCI	27	100%	0.8	1	1	N/A	0	0	N/A	1	1	N/A
	CRC	43	33.3%	0.6	3	3	N/A	0	0	N/A	3	3	N/A
	DVI	33	33.3%	0.2	3	0	N/A	0	0	N/A	3	0	N/A
Sub-Total		33	42.9%	0.2	7	4	N/A	0	0	N/A	7	4	N/A
LEVEL III	WSP	30	0.0%	0.5	2	2	N/A	0	0	N/A	2	2	N/A
Sub-Total		30	0.0%	0.0	2	2	N/A	0	0	N/A	2	2	N/A
LEVEL IV	HDSP	31	0.0%	0.4	1	0	N/A	0	0	N/A	1	0	N/A
Sub-Total		34	43.9%	0.6	1	0	N/A	0	0	N/A	1	0	N/A
Reception Center	CCI	32	35.1%	0.5	77	35	45.5%	0	0	N/A	77	35	45.5%
	CJM	28	40.0%	0.1	4	3	N/A	1	1	N/A	5	4	N/A
	DVI	34	43.9%	0.6	57	43	75.4%	0	0	N/A	57	43	75.4%
	HDSP	27	25.0%	0.5	4	2	N/A	0	0	N/A	4	2	N/A
	LAC	35	28.1%	0.4	32	11	34.4%	0	0	N/A	32	11	34.4%
	NKSP	31	49.9%	0.8	139	77	55.4%	0	0	N/A	139	77	55.4%
	RJD	31	44.0%	0.6	25	18	72.0%	0	0	N/A	25	18	N/A
	SQ	32	51.8%	0.6	54	40	74.1%	2	2	N/A	56	42	75.0%
	WSP	30	0	0.6	198	116	58.6%	0	0	N/A	198	116	58.6%
Sub-Total		32	41.8%	0.6	590	345	58.5%	3	3	N/A	593	348	58.7%
Female													
Institutions	CCWF	27	0.0%	0.9	3	2	N/A	0	0	N/A	3	2	N/A
	CW	36	0.0%	0.3	4	1	N/A	0	0	N/A	4	1	N/A
	VSPW	26	20.0%	0.9	6	1	N/A	0	0	N/A	6	1	N/A
Sub-Total		29	8.3%	0.8	12	4	N/A	0	0	N/A	12	4	N/A
Reception Center	CCWF	36	12.8%	0.5	78	35	44.9%	0	0	N/A	78	35	44.9%
	CW	32	25.0%	0.3	3	1	N/A	1	1	N/A	4	2	N/A
	CRCW	31	0.0%	0.4	1	1	N/A	0	0	N/A	1	1	N/A
	VSPW	32	23.8%	0.5	42	21	50.0%	0	0	N/A	42	21	50.0%
Sub-Total		33	16.8%	0.5	124	58	46.8%	1	1	N/A	125	59	47.2%
Grand Total		35	52.9%	4.3	67,029	38,158	56.9%	48,225	36,861	76.4%	115,254	75,019	65.1%

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Appendix E

Three-Year Recidivism Rates* By Security Housing Unit (SHU) Institution and Time Between SHU and Parole Felons Released in FY 2006-07

Institution ¹	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED IN THREE YEARS		First Releases						Re-Releases					
				One Year		Two Years		Three Years		One Year		Two Years		Three Years	
				N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
CCI - SHU															
Parole from SHU	88	62	70.5%	37	60.7%	40	65.6%	42	68.9%	13	48.1%	20	74.1%	20	74.1%
Within 14 DAYS	85	69	81.2%	26	47.3%	34	61.8%	43	78.2%	22	73.3%	25	83.3%	26	86.7%
15 - 30 DAYS	12	7	NA	3	NA	5	NA	5	NA	2	NA	2	NA	2	NA
OVER 30 DAYS	734	516	70.3%	176	46.9%	220	58.7%	236	62.9%	230	64.1%	267	74.4%	280	78.0%
CIW - SHU															
OVER 30 DAYS	5	1	NA	0	NA	0	NA	0	NA	0	NA	0	NA	1	NA
COR - SHU															
Parole from SHU	263	168	63.9%	79	42.0%	104	55.3%	114	60.6%	43	57.3%	48	64.0%	54	72.0%
Within 14 DAYS	156	124	79.5%	56	53.3%	74	70.5%	79	75.2%	39	76.5%	44	86.3%	45	88.2%
15 - 30 DAYS	27	14	NA	7	NA	9	NA	10	NA	4	NA	4	NA	4	NA
OVER 30 DAYS	4,099	2,848	69.5%	735	40.6%	987	54.5%	1,089	60.1%	1,385	60.6%	1,666	72.8%	1,759	76.9%
FSP - SHU															
OVER 30 DAYS	19	7	NA	1	NA	2	NA	3	NA	4	NA	4	NA	4	NA
PBSP - SHU															
Parole from SHU	4	4	NA	2	NA	4	NA	4	NA	0	NA	0	NA	0	NA
Within 14 DAYS	65	46	70.8%	20	32.8%	31	50.8%	43	70.5%	2	NA	2	NA	3	NA
15 - 30 DAYS	6	4	NA	2	NA	3	NA	3	NA	0	NA	1	NA	1	NA
OVER 30 DAYS	201	158	78.6%	30	50.8%	41	69.5%	43	72.9%	91	64.1%	109	76.8%	115	81.0%
SQ - SHU															
OVER 30 DAYS	7	2	NA	0	NA	0	NA	0	NA	1	NA	2	NA	2	NA
VSPW - SHU															
Parole from SHU	10	7	NA	4	NA	4	NA	4	NA	2	NA	3	NA	3	NA
Within 14 DAYS	8	5	NA	2	NA	5	NA	5	NA	0	NA	0	NA	0	NA
15 - 30 DAYS	2	2	NA	1	NA	1	NA	1	NA	1	NA	1	NA	1	NA
OVER 30 DAYS	211	145	68.7%	31	40.3%	38	49.4%	42	54.5%	80	59.7%	94	70.1%	103	76.9%
NO SHU	109,252	70,830	64.8%	24,756	38.6%	33,015	51.5%	36,392	56.7%	27,280	60.5%	32,783	72.7%	34,438	76.4%
TOTAL	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	56.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%

* Recidivism rates were not calculated when fewer than 30 offenders were released.

¹ Note: Not necessarily institution from which offenders paroled.

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**Three-Year Recidivism Rates*
By Security Housing Unit (SHU) Institution
and Total Time Spent in a SHU¹
Felons Released in FY 2006-07**

Institution ²	TOTAL NUMBER RELEASED	TOTAL RECIDIVATED IN THREE YEARS		First Releases						Re-Releases								
				One Year		Two Years		Three Years		One Year		Two Years		Three Years				
				N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate			
CCI - SHU																		
1 Year	783	549	70.1%	209	47.9%	257	58.9%	281	64.4%	222	64.0%	258	74.4%	268	77.2%			
2 Years	76	56	73.7%	21	52.5%	25	62.5%	27	67.5%	19	52.8%	26	72.2%	29	80.6%			
3 Years	27	24	88.9%	7	NA	9	NA	9	NA	12	NA	14	NA	15	NA			
4 Years	9	7	NA	0	NA	0	NA	0	NA	6	NA	7	NA	7	NA			
5 Years	7	5	NA	2	NA	2	NA	2	NA	2	NA	3	NA	3	NA			
6+ Years	17	13	NA	3	NA	6	NA	7	NA	6	NA	6	NA	6	NA			
CIW - SHU																		
1 Year	5	1	NA	0	NA	0	NA	0	NA	0	NA	0	NA	1	NA			
5 Years	0	0	NA	0	NA	0	NA	0	NA	0	NA	0	NA	0	NA			
COR - SHU																		
1 Year	4,188	2,891	69.0%	804	41.1%	1,070	54.8%	1,172	60.0%	1,353	60.6%	1,627	72.8%	1,719	76.9%			
2 Years	209	162	77.5%	49	48.0%	68	66.7%	77	75.5%	67	62.6%	80	74.8%	85	79.4%			
3 Years	72	53	73.6%	10	27.0%	21	56.8%	25	67.6%	25	71.4%	26	74.3%	28	80.0%			
4 Years	33	23	69.7%	6	NA	7	NA	7	NA	12	NA	15	NA	16	NA			
5 Years	17	11	NA	1	NA	1	NA	4	NA	7	NA	7	NA	7	NA			
6+ Years	26	14	53.8%	7	NA	7	NA	7	NA	7	NA	7	NA	7	NA			
FSP - SHU																		
1 Year	16	6	NA	1	NA	2	NA	3	NA	3	NA	3	NA	3	NA			
2 Years	2	0	NA	0	NA	0	NA	0	NA	0	NA	0	NA	0	NA			
PBSP - SHU																		
1 Year	108	81	75.0%	21	53.8%	26	66.7%	29	74.4%	40	58.0%	49	71.0%	52	75.4%			
2 Years	64	54	84.4%	12	40.0%	18	60.0%	22	73.3%	25	73.5%	30	88.2%	32	94.1%			
3 Years	36	29	80.6%	6	NA	11	NA	14	NA	11	NA	13	NA	15	NA			
4 Years	23	18	78.3%	5	NA	7	NA	8	NA	8	NA	10	NA	10	NA			
5 Years	15	13	NA	4	NA	9	NA	11	NA	2	NA	2	NA	2	NA			
6+ Years	30	17	NA	6	NA	8	NA	9	NA	7	NA	8	NA	8	NA			
SQ - SHU																		
1 Year	4	1	NA	0	NA	0	NA	0	NA	0	NA	1	NA	1	NA			
2 Years	3	1	NA	0	NA	0	NA	0	NA	1	NA	1	NA	1	NA			
VSPW - SHU																		
1 Year	219	152	69.4%	35	40.7%	44	51.2%	48	55.8%	80	60.2%	95	71.4%	104	78.2%			
2 Years	10	6	NA	3	NA	4	NA	4	NA	2	NA	2	NA	2	NA			
3 Years	1	0	NA	0	NA	0	NA	0	NA	0	NA	0	NA	0	NA			
6+ Years	1	1	NA	0	NA	0	NA	0	NA	1	NA	1	NA	1	NA			
Any SHU	6,002	4,189	69.8%	1212	42.3%	1602	56.0%	1766	61.7%	1919	61.1%	2292	73.0%	2423	77.2%			
NO SHU	109,252	70,830	64.8%	24,756	38.6%	33,015	51.5%	36,392	56.7%	27,280	60.5%	32,783	72.7%	34,438	76.4%			
TOTAL	115,254	75,019	65.1%	25,968	38.7%	34,617	51.6%	38,158	56.9%	29,199	60.5%	35,075	72.7%	36,861	76.4%			

* Recidivism rates were not calculated when fewer than 30 offenders were released.

¹ Total time in a SHU for parole term case.

² Last SHU prior to parole.

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Appendix F

**Substance Abuse Treatment Programs
Male Felons Released in FY 2006-07
Three Year Recidivism Rates by Program Location**

Institution Facility/Building	TOTAL RECIDIVATED IN THREE YEARS			First Releases						Re-Releases					
	TOTAL NUMBER	N	Rate	One Year		Two Years		Three Years		One Year		Two Years		Three Years	
				N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
ASP Avenal State Prison-A	312	231	74.0%	81	42.0%	108	56.0%	126	65.3%	86	72.3%	102	85.7%	105	88.2%
CCI CA Correctional Institute-A	167	117	70.1%	53	40.8%	78	60.0%	85	65.4%	31	83.8%	32	86.5%	32	86.5%
CIM CA Institute for Men-A	278	184	66.2%	70	35.7%	100	51.0%	118	60.2%	52	63.4%	62	75.6%	66	80.5%
CIM CA Institute for Men-B	259	166	64.1%	70	36.5%	96	50.0%	109	56.8%	47	70.1%	57	85.1%	57	85.1%
CMC CA Men's Colony-West-A	312	214	68.6%	76	38.2%	110	55.3%	121	60.8%	82	72.6%	90	79.6%	93	82.3%
CRC CA Rehabilitation Center-A	120	80	66.7%	27	34.2%	42	53.2%	48	60.8%	28	68.3%	30	73.2%	32	78.0%
CRC CA Rehabilitation Center-C	134	87	64.9%	34	42.0%	43	53.1%	44	54.3%	35	66.0%	42	79.2%	43	81.1%
CRC CA Rehabilitation Center-E	105	73	69.5%	21	33.3%	35	55.6%	37	58.7%	28	66.7%	35	83.3%	36	85.7%
CRC CA Rehabilitation Center-G	179	134	74.9%	46	45.1%	63	61.8%	69	67.6%	51	66.2%	64	83.1%	65	84.4%
COR CA State Prison, Corcoran-A	336	216	64.3%	92	39.3%	127	54.3%	138	59.0%	60	58.8%	72	70.6%	78	76.5%
CTF Correctional Training Facility - South-A	340	231	67.9%	85	40.1%	111	52.4%	122	57.5%	81	63.3%	103	80.5%	109	85.2%
CTF Correctional Training Facility - South-B	249	206	82.7%	104	55.0%	133	70.4%	153	81.0%	44	73.3%	52	86.7%	53	88.3%
CVSP Chuckawalla Valley State Prison-A	312	222	71.2%	95	45.0%	126	59.7%	139	65.9%	63	62.4%	80	79.2%	83	82.2%
RJD R J Donovan Correctional Facility-A	122	92	75.4%	41	50.6%	50	61.7%	54	66.7%	29	70.7%	37	90.2%	38	92.7%
RJD R J Donovan Correctional Facility-B	95	72	75.8%	35	59.3%	39	66.1%	43	72.9%	21	58.3%	29	80.6%	29	80.6%
RJD R J Donovan Correctional Facility-C	81	63	77.8%	16	42.1%	26	68.4%	28	73.7%	31	72.1%	35	81.4%	35	81.4%
RJD R J Donovan Correctional Facility-D	6	3	N/A	1	N/A	1	N/A	1	N/A	1	N/A	2	N/A	2	N/A
SAC CA State Prison, Sacramento-A	696	487	70.0%	201	40.7%	279	56.5%	318	64.4%	133	65.8%	164	81.2%	169	83.7%
ISP Ironwood State Prison-A	224	162	72.3%	68	43.9%	92	59.4%	105	67.7%	45	65.2%	54	78.3%	57	82.6%
KVSP Kern Valley State Prison-A	14	12	N/A	10	N/A	11	N/A	12	N/A	0	N/A	0	N/A	0	N/A
LAC CA State Prison, Los Angeles County-A	150	123	82.0%	49	57.6%	65	76.5%	70	82.4%	35	53.8%	49	75.4%	53	81.5%
NKSP North Kern State Prison-A	1,261	781	61.9%	447	38.9%	622	54.2%	696	60.6%	66	58.4%	82	72.6%	85	75.2%
PVSP Pleasant Valley State Prison-B	171	124	72.5%	65	49.2%	82	62.1%	91	68.9%	31	79.5%	33	84.6%	33	84.6%
SATF Substance Abuse Treatment Facility-Corcoran-A	952	678	71.2%	251	42.3%	334	56.3%	379	63.9%	243	67.7%	286	79.7%	299	83.3%
SATF Substance Abuse Treatment Facility-Corcoran-B	462	287	62.1%	182	42.3%	246	57.2%	264	61.4%	18	56.3%	23	71.9%	23	71.9%
SCC Sierra Conservation Center-A	225	174	77.3%	83	54.6%	104	68.4%	112	73.7%	48	65.8%	62	84.9%	62	84.9%
SCC Sierra Conservation Center-B	127	82	64.6%	24	32.0%	34	45.3%	37	49.3%	36	69.2%	44	84.6%	45	86.5%
SOL CA State Prison, Solano-A	287	208	72.5%	88	47.6%	113	61.1%	122	65.9%	67	65.7%	85	83.3%	86	84.3%
SOL CA State Prison, Solano-B	120	87	72.5%	34	48.6%	43	61.4%	45	64.3%	36	72.0%	41	82.0%	42	84.0%
WSP Wasco State Prison-A	1,555	1,062	68.3%	596	46.0%	775	59.8%	841	64.9%	174	66.9%	209	80.4%	221	85.0%
DTF Drug Treatment Furlough-Region 4	1	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A
MRA- Mandatory Residential Aftercare-SB1453 (SASCA)-1	38	13	34.2%	8	21.1%	12	31.6%	13	34.2%	0	N/A	0	N/A	0	N/A
SASCA Mandatory Residential Aftercare-SB1453 (SASCA)-2	13	6	N/A	4	N/A	5	N/A	6	N/A	0	N/A	0	N/A	0	N/A
SASCA Mandatory Residential Aftercare-SB1453 (SASCA)-3	42	22	52.4%	12	29.3%	18	43.9%	22	53.7%	0	N/A	0	N/A	0	N/A
SASCA Mandatory Residential Aftercare-SB1453 (SASCA)-4	35	16	45.7%	9	26.5%	13	38.2%	16	47.1%	0	N/A	0	N/A	0	N/A
SASCA Substance Abuse Services Coordination Agency-1	304	171	56.3%	85	31.3%	127	46.7%	148	54.4%	18	56.3%	23	71.9%	23	71.9%
SASCA Substance Abuse Services Coordination Agency-2	238	137	57.6%	84	37.5%	111	49.6%	126	56.3%	7	N/A	10	N/A	11	N/A
SASCA Substance Abuse Services Coordination Agency-3	594	287	48.3%	124	21.4%	223	38.4%	279	48.1%	6	N/A	8	N/A	8	N/A
SASCA Substance Abuse Services Coordination Agency-4	586	339	57.8%	194	35.6%	271	49.7%	312	57.2%	20	48.8%	27	65.9%	27	65.9%
Total	11,502	7,649	66.5%	3,565	40.3%	4,868	55.1%	5,449	61.7%	1,753	65.8%	2,124	79.7%	2,200	82.5%

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**Substance Abuse Treatment Programs
Female Felons Released in FY 2006-07
Three Year Recidivism Rates by Program Location**

Institution Facility/Building	TOTAL RECIDIVATED			First Releases						Re-Releases					
	TOTAL NUMBER	IN THREE YEARS		One Year		Two Years		Three Years		One Year		Two Years		Three Years	
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
CCWF Central California Woman's Facility-A	346	199	57.5%	84	30.4%	127	46.0%	145	52.5%	47	67.1%	51	72.9%	54	77.1%
CCWF Central California Woman's Facility-B	391	187	47.8%	76	25.2%	109	36.2%	124	41.2%	53	58.9%	62	68.9%	63	70.0%
CIW CA Institute for Women-A	563	313	55.6%	114	30.1%	161	42.5%	182	48.0%	108	58.7%	126	68.5%	131	71.2%
CIW CA Institute for Women-C	153	87	56.9%	38	33.3%	50	43.9%	57	50.0%	26	66.7%	30	76.9%	30	76.9%
CRC CA Rehabilitation Center-D	187	95	50.8%	38	26.6%	54	37.8%	62	43.4%	25	56.8%	33	75.0%	33	75.0%
FOTEP Female Offender Treatment & Employmnt Pgm-1	35	15	42.9%	4	N/A	9	N/A	11	N/A	3	N/A	4	N/A	4	N/A
FOTEP Female Offender Treatment & Employmnt Pgm-2	31	11	35.5%	5	16.7%	9	30.0%	10	33.3%	1	N/A	1	N/A	1	N/A
FOTEP Female Offender Treatment & Employmnt Pgm-3	51	30	58.8%	15	32.6%	22	47.8%	27	58.7%	3	N/A	3	N/A	3	N/A
FOTEP Female Offender Treatment & Employmnt Pgm-4	56	22	39.3%	8	16.0%	16	32.0%	17	34.0%	4	N/A	5	N/A	5	N/A
VSPW Valley State Prison for Women-A	306	179	58.5%	67	28.0%	104	43.5%	121	50.6%	46	68.7%	53	79.1%	58	86.6%
VSPW Valley State Prison for Women-B	457	280	61.3%	96	35.0%	129	47.1%	144	52.6%	97	53.0%	130	71.0%	136	74.3%
MCOP-S Mandatory Conditions of Parole (SASCA)-1	3	1	N/A	0	N/A	1	N/A	1	N/A	0	N/A	0	N/A	0	N/A
MRA- Mandatory Residential Aftercase-SB1453 (SASCA)-1	25	6	N/A	3	N/A	6	N/A	6	N/A	0	N/A	0	N/A	0	N/A
SASCA Mandatory Residential Aftercase-SB1453 (SASCA)-2	12	6	N/A	2	N/A	4	N/A	6	N/A	0	N/A	0	N/A	0	N/A
SASCA Mandatory Residential Aftercase-SB1453 (SASCA)-3	32	9	28.1%	3	10.0%	7	23.3%	8	26.7%	1	N/A	1	N/A	1	N/A
SASCA Mandatory Residential Aftercase-SB1453 (SASCA)-4	29	12	N/A	8	N/A	8	N/A	10	N/A	2	N/A	2	N/A	2	N/A
SASCA Substance Abuse Services Coordination Agency-1	118	46	39.0%	21	20.2%	31	29.8%	37	35.6%	6	N/A	8	N/A	9	N/A
SASCA Substance Abuse Services Coordination Agency-2	55	19	34.5%	9	19.6%	11	23.9%	14	30.4%	4	N/A	5	N/A	5	N/A
SASCA Substance Abuse Services Coordination Agency-3	96	29	30.2%	11	12.6%	21	24.1%	27	31.0%	1	N/A	2	N/A	2	N/A
SASCA Substance Abuse Services Coordination Agency-4	101	47	46.5%	24	26.7%	37	41.1%	39	43.3%	5	N/A	7	N/A	8	N/A
Total	3,047	1,593	52.3%	626	27.2%	916	39.7%	1,048	45.5%	432	58.2%	523	70.5%	545	73.5%

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California Department of Corrections and Rehabilitation
Office of Research, Research and Evaluation Branch

On the World Wide Web at:

http://www.cdcr.ca.gov/adult_research_branch

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ATTACHMENT "D"

Woodland police chief: Crime stats paint 'bleak picture'

By ELIZABETH KALFSBEEK/eka.jsbeek@daiiydemocrat.com Daily Democrat
Created:

DailyDemocrat.com

Woodland's crime rates -- which were up 14.7 percent in 2012 over 2011 -- continued to climb during January.

"Unfortunately, we just got our January monthly stats out today and the trend is continuing," said Police Chief Dan Bellini at Tuesday's City Council meeting.

Specifically, part one crimes, or major incidents such as murder, rape, vehicle theft, aggravated assault, arson, are up 23 percent over January a year ago. Burglary is up 45 percent and motor vehicle theft is double what it was last year; Bellini said.

"I know it's a bleak picture, but I think what's important to understand is that you have a very dedicated public safety department, and the employees that work there are committed to doing the best they can under the conditions to provide the best service possible to the community," said Bellini.

The police and fire department's fourth quarter (October-December) statistics report was included in Tuesday's City Council packet. Bellini expanded on the final quarter of the year by recapping the year in review, crime wise, to councilmen.

He said 2012 was a bad year across the board for California communities and public safety, that increased levels of crime are "shocking."

Police responded to 34,477 calls during the year, an increase of 14.7 percent from 2011. Major crimes increased by 28 percent. Out of the eight major crime categories, only rape (10 incidents) decreased from 2011 (by 65.5 percent).

There were no homicides in Woodland during 2012.

Property crimes (burglary and theft) increased by 44.8 percent (1,533 incidents); motor vehicle thefts by 54.2 percent (202 incidents); aggravated assaults by 12.2 percent (120 incidents); simple assaults by 9.1 percent (369 incidents) and robbery by 11.9 percent (47 incidents).

"Some in the state would be quick to point to realignment as maybe being the cause for some of the crime increases we're seeing across the state," said Bellini of former inmates released back into the community since October 2011. "Unfortunately I'm not so willing to place the blame solely on the shoulders of realignment. Obviously it probably does play some role, but how much of a role we're not really clear at this point."

Woodland has experienced the biggest influx of post release community supervision individuals in Yolo County, with 116. West Sacramento has 87, Davis has 17 and Winters has six.

"Realignment was what everyone referred to as the 'non, non, non: non violent, non sexual, non serious' offenders that were being released back into the community," explained Bellini. "But you have to understand that's only based on their commitment offense (the crime for which they were in prison)."

"We have people coming back in to the community that have serious, violent crimes in their past, but their

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commitment offense was a property crime, so they're getting released on realignment. It doesn't mean they're not violent people; it just means that their commitment offense was not violent."

Yolo County received AB 109 funds, or monies for realignment, \$400,000 of which goes to front line law enforcement. Woodland received \$160,000.

Councilman Bill Marble, who is on the Public Safety Policy Committee for the League of California Cities, asked whether these funds are adequate compensation for the extra work load.

"In many communities that are feeling the brunt of impact, or perceived impact (of realignment), the funding is a fraction of what is probably needed," responded City Manager Paul Navazio. "It's one thing to track individuals, it's another thing to deal with the ancillary issues. I subscribe to the theory that local government kind of got the short change on realignment."

The Woodland Police Department has 60 budgeted positions, 59 of which are filled. Of the 59 sworn officers, nine are out on long term injuries or pregnancy leave. One recent hire is still in training and not on patrol.

Twelve officers work per day, four on day shift, four on swing and four on graveyard.

There are two officers assigned to monitor not only the post release community supervision individuals, but also those on parole and probation.

In an effort to bolster patrol, these two officers are sharing their time with monitoring these people and patrolling, said Bellini.

Other officers have been moved out of specialty assignments to go back to patrol due to limited officers, including a gang officer and the traffic division.

Prior to budget cuts in recent years, Woodland's police force was 71.

Vice Mayor Tom Stallard asked Bellini if there were trends or reasons to attribute the spike in crime.

"I don't think you can just point to one factor (that is causing the crime)," answered Bellini. "I think it's a multitude of factors, and I do believe AB 109 or realignment plays a factor in that cause. I think a lot of communities reduced their public safety as a result of budget problems.

"A lot of our specialized teams are gone, a lot of our ability to be proactive is gone and I think there was an underestimation of how much of a role that played in the ability to try to keep crime in check."

Woodland's crime clearance rates are possibly linked to fewer officers on staff as well.

Clearance rates are affected by a lot of factors, explained Bellini, who said victims are not always cooperative during investigations, especially when gang-related.

Arsons, for example, usually have no witnesses and little physical evidence.

"They're difficult crimes to solve," he said.

The highest clearance rate in 2012 was for aggravated assault. Out of 489 incidents, 381 were cleared by ~~D~~

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arrest, or 78 percent. The second highest rate was robberies. Out of 50 incidents, 26 were cleared by arrest, or 52 percent.

The lowest rate was for arson. Out of 52 incidents, only five were cleared by arrest, or 9 percent.

"Realistically, there are no easy answers to this," answered Bellini when asked by Stallard if there was a "strategy" in place to deal with the crime surge. "And whatever our response is, is kind of going to have to be measured within the ability of the city's budget to try to help with resources."

Follow Elizabeth Kalfsbeek at twitter.com/woodlandbeat

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Azusa police probation sweep targets felons released under A.B. 109

By Brian Day, Staff Writer twitter.com/sgvcrime San Gabriel Valley Tribune

Posted:

sgvtribune.com

AZUSA - Police Friday carried out probation compliance checks primarily targeting convicted felons sentenced under Assembly Bill 109 of 2011, also known as the California prison realignment.

Of the roughly half-dozen probationers within Azusa visited by gang investigators, all but one had been sentenced under A.B. 109 guidelines, Azusa police Sgt. John Madaloni said in a written statement.

While the operation resulted in no arrests, "officers left those probationers visited with the knowledge that the Azusa Police Department would hold them accountable in terms of their probation and early release status while residing in the city," Madaloni said.

Under the prison realignment, which took effect in October of 2011, criminals whose most recent convictions are deemed "non-serious" and "non-violent," and who are not considered to be high-risk sex offenders, are eligible to serve their sentences in county jail rather than state prison. The law was meant to reduce prison overcrowding as mandated by federal authorities.

Due to county jail overcrowding, inmates are often released early from county custody.

The post-release supervision of criminals sentenced under A.B. 109 has also changed since the law's implementation. Instead of state parole, they are either supervised by county probation departments - which local law enforcement officials say is already overburdened - or released with no supervision at all, depending on specific circumstances.

Azusa police and other departments have raised concerns that felons released onto county probation, known as Post-Release Community Supervision, are not adequately supervised due to a lack of resources. Police point to increases in property crime rates since the implementation of A.B. 109 as evidence of the problem.

"As a result of this local crime surge and its correlation with A.B. 109 releases, the Azusa Police Department has made such compliance searches a policing priority in hopes of curbing unlawful behavior," Madaloni said.

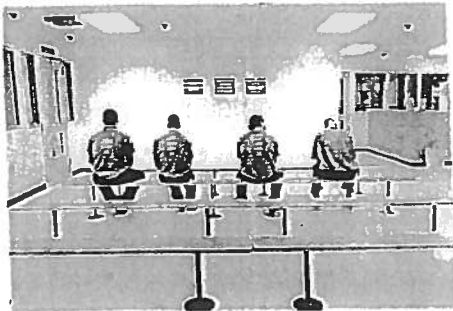
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THE ORANGE COUNTY
REGISTER

Report: 15% of offenders return after release in program overhaul

By SEAN EMERY

2013-03-01 21:35:56



About 15 percent of offenders now being supervised by county probation after an overhaul of the California correctional system were convicted of new violations after their release from lock-up, while about a third of the offenders were temporarily sent back behind bars on short-term "flash incarcerations," according to a study of recidivism rates during the first year of inmate realignment.

The recently released breakdown of recidivism among the individuals released from prison to county probation supervision during the first year of inmate realignment shows more than half those subsequently convicted of new crimes were due to drug charges, statistics provided

by the Orange County Probation Department show.

Created by an Assembly bill, inmate realignment marked a historic change for California's justice system, moving from state prisons to local jails convicted felons considered "nonviolent, nonserious and non-sex" offenders and having eligible offenders released from state prison move from state parole to county probation oversight.

Between realignment going into effect in October 2011 and the one-year anniversary of the program, 2,249 individuals were sent to county probation for supervision, a 13 percent increase over their early projections.

"So often we hear phrases like 'landmark legislation,' and that might be unfortunate because when true landmark legislation occurs, we might discount what is actually happening," Chief Probation Officer Steve Sentman said in a written statement. "In the case of California's public safety realignment plan, this was indeed a huge change to the way we manage offenders in our state."

The recidivism numbers released by probation are not necessarily a reflection of how many arrests involving the realignment offenders have occurred during the first year. Local police chiefs have indicated that some offenders have been arrested multiple times, and probation officials acknowledged that some may have been arrested in other jurisdictions.

Making a direct comparison between the local recidivism numbers during the first year of realignment and the number of individuals who were previously sent back behind bars when the offenders were supervised by state parole is difficult. Realignment significantly changed the way the population of supervised offenders is managed.

The local recidivism numbers don't take into account newly-created law enforcement tools included in realignment, namely "flash incarcerations" that allow probation officers to jail offenders up to 10 days for violations without court hearings.

Orange County Probation officials say they used flash incarcerations for about 33 percent of those under their supervision during the first year of realignment.

Along with the 15 percent of offenders who were convicted of new violations, probation officials also moved to

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send nearly 5 percent of the offenders to jail for not abiding by the terms of their release in what officials refer to as "technical violations."

While the main driver behind realignment was crowding at the state prison level, backers of the plan also hoped that moving more responsibility to the local level would help address a state recidivism rate that had hovered around 70 percent.

"Our strategy will be continued monitoring of our performance so that we remain aware of changes in outcome and respond with the right tactics," Sentman said. "We know we are doing a better job with these offenders than our predecessors."

While probation officials deal with released offenders under their supervision, Orange County Sheriff's Department officials have been faced with a rising population of inmates that are serving longer sentences and have a more-violent criminal history.

While fears that bed space in the local jail system could run out by late last year didn't come to pass, Sheriff's Department officials say they have faced a rising inmate population.

Bed space in the jails is closely monitored and evaluated on a daily basis, Sheriff's Department Cmdr. Steve Kea said. The department is also in the process of creating a pilot project to place some nonviolent misdemeanor offenders on electronic monitoring and home confinement.

Contact the writer: 714-796-7939 or semery@ocregister.com

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Recently released inmates and Tulare Co. schools

Friday, March 29, 2013

TAGS [tulare](#), [tulare county](#), [local](#), [jessica.peres](#)

Important News Email Print Facebook

FRESNO, Calif. (KFSN) -- Tulare County is drawing heat over funds it approved for a drug and rehab facility located next to a school.

For nearly 50 years the Paar Center in Porterville has provided inpatient treatment for people suffering from drug and alcohol addiction. In the past, the non-profit has received funding from Tulare County's Health and Human Resources department.

The Tulare County Board of Supervisors approved \$150,000 to go towards the Paar Center to help treat recently released inmates as part of AB-109. These specific clients are former inmates whose offenses would normally have had them sentenced to state prison, but because of AB-109 they served time in county jail.

Mike Innis, Tulare Co. Supervisor said, "The type of clients which we the probation put in here are the same type of clients that have always been here they're nonviolent non sex offenders."

The Porterville unified school superintendent recently expressed concerns with Tulare County supervisors over their lack of communication with the school district on their plans with the AB-109 money.

Dr. John Snavelly, Porterville Unified Schools Superintendent said, "What I was really looking for when i presented to the board of supervisors was just asking to be a partner in the dialogue of the type of clientele they will be receiving."

Some parents and the Porterville unified superintendent aren't concerned with what the Paar Center does, but the fact that they're treating recently released inmates so close to a school.

The Paar Center's five buildings sit right next to Belleview Elementary School. Snavelly says the facility has always been a good neighbor but he's worried the county has approved a change in the type of clients they will be treating.

Snavelly said, "It's been very specific and focused as to who they serve. Now my fear is that definition is broadened and they can send other individuals who aren't quite as low risk."

Rudy Pina of the Paar Center said, "We have a really good success rate we help the community we have people in our programs that do night watches in the area so i don't think it's a real concern as far as safety."

Pina says the facility does not receive sex offenders and those they treat are heavily screened by the probation department.

Snavelly hopes he will be included in discussions once the Paar Center's contract with the county is up for renewal in July.

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Metal thefts on the rise

Published: 3/11 5:21 pm

Updated: 3/11 6:54 pm

Crimes once thought of as more of a rural, farming problem, are creeping into the city. Metal thefts are up. Things like copper wiring, manhole covers, even air conditioners are being stolen and recycled for cash.

Dangling lines and gutted casings are what 17 News found at the Fairfax Street bridge over the railroad tracks. Metal thieves stole the wire, cutting the electricity and leaving the overpass and the one at Oswell Street, in the dark.

Kern County Roads Director, Craig Pope, says his department has seen an increase in thefts of all things metal.

"We're seeing wire disappear. We're seeing manholes disappear. We're seeing what we call lamp holes disappear. And, these cause a great deal of safety for the public because if you are driving down the road and all of a sudden there's a hole

 Metal theft creeping into the city

there, that's a problem," said Pope.

And, it's a costly problem. Pope says the mile of wire stolen at the overpasses will cost about \$60,000 to replace. And, the thieves will likely only get ten percent of its worth recycling it.

The owner of Abbey Carpet Store told 17 News in January, thieves gutted air conditioning units on top of his strip mall. It left business owners there with a \$5,000 to \$7,000 bill.

Undercover Detective, Mark Jackson, is part of the Rural Crimes division at the Sheriff's Department and focuses on metal thefts.

"More individuals are remaining out of custody because of A.B.109 and we see a theft increase," said Jackson.

Detective Jackson says metal crimes are up in the last year. And, Bakersfield police say they've been noticeably worse the last six to eight months.

Crooks who have typically been stealing from ag and oil land are carrying their crimes into urban areas.

"I'm not surprised," said Jackson. "Anywhere where metal is not locked down, is an easy opportunity to steal it and they will."

Detective Jackson and Bakersfield police say most thieves will take the metal out of the county since recyclers in Kern County work closely with them. But, they say most serve little time when caught. The BPD says the last suspect arrested served just three weeks of a 180-day sentence.

More From The Web

[4 More Reasons to Snack on Nuts \(Reader's Digest\)](#)

[What Happens to a Bail Bond When Found Not Guilty? \(eHow\)](#)

[Your ancestors' death certificate may reveal more than you expect \(Ancestry.com\)](#)

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Must set better goals for prison realignment

Contra Costa Times editorial © 2013 Bay Area News Group Contra Costa Times

Posted:

ContraCostaTimes.com

What does success look like?

Any Management 101 textbook will cite this as a bedrock question that must be answered before undertaking a major project. But it is clear that the state of California failed to do so before implementing its historic switch of confinement responsibilities 17 months ago.

The Legislature should resolve -- and the governor should agree -- to correct that oversight before taking any further steps to amend the law that went into effect in October 2011.

The realignment, as it is called, was offered as the collaborative answer by Gov. Jerry Brown and the Legislature to fix a horribly overcrowded state prison system that the federal courts said violated laws for confinement of prisoners.

Realignment transferred responsibility of many supposedly lower-threat prisoners from state prisons to local jails or local probation. The state sent money to the local jurisdictions to handle the costs. The move has successfully lowered the state's numbers, but it ballooned populations in local jails as well as increased the burden on local probation operations.

Brown and his administration have told us that realignment has been a major success. The problem is that the public just has to take their word for it because there is little empirical data to back the claim.

Most of the information about the realignment is anecdotal and many of those anecdotes are not very pretty. There have been some tragic cases of attacks by recently freed prisoners, an apparent dramatic increase in the number of sex offenders disabling their GPS monitoring devices, spikes in property crimes in some areas as well as what seem like spikes in the number of homeless encampments, just to name a few. But specific numbers on all of these range from sketchy to nonexistent.

So much so, in fact, that many victim-rights groups are pressuring lawmakers to radically reform the realignment plan. Legislators from both sides of the aisle have already begun offering changes to the realignment law.

On top of that, the Sacramento Bee has reported that Brown told a private meeting with Stanford law professors and their students last month that he was concerned with how counties were managing their jail population. He later confirmed that he is considering legislative modification to address some of the clear problems.

And, Jeffrey Beard, California's corrections secretary, also agreed that the state had not explicitly defined "what is the criteria for success."

While there is certainly enough smoke in the anecdotes to warrant modification of the law, it seems to us that there is even a greater need for everyone involved to step back, take a deep breath and then set about crafting legislation that will spell out what measures California, the federal government and the public should use to measure success of realignment. It must set some specific and concrete goals around which any corrective

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legislation can be fashioned.

Only then should the Legislature begin examining and voting on the changes proposed by its members.

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- E. CONSULTING SERVICES AGREEMENT FOR CITY MANAGER RECRUITMENT
- F. CONSIDERATION OF BIDS FOR THE MARINA BOAT LAUNCH FACILITY THIRD BOARDING FLOAT (P.W. 523-16B)
- G. CONSIDERATION OF BIDS FOR THE MARINA BOAT LAUNCH RESTROOM FACILITY (P.W. 523-16R)
- H. RESOLUTION NO. 2013/15 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF BOATING AND WATERWAYS FOR THE IMPROVEMENTS OF THE MARINA BOAT LAUNCHING FACILITY, (P.W. 523-16)
- I. CONSIDERATION OF BIDS FOR THE 2013 PAVEMENT MAINTENANCE, RUBBERIZED CAPE SEAL PROJECT (P.W. 328-6)

City of Antioch Acting as Housing Successor to the Antioch Development Agency

J. APPROVAL OF HOUSING SUCCESSOR WARRANTS

Councilmember Rocha reported Item E was a Consulting Services Agreement for City Manager recruitment.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the City Council unanimously approved the Council Consent Calendar.

PUBLIC HEARING

2. ADOPTION OF AN INTERIM URGENCY ZONING ORDINANCE PROHIBITING THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR COMMUNITY SUPERVISION PROGRAMS

Councilmember Rocha recused herself from this item due to potential conflict of interest.

Deputy Director of Community Development Wehrmeister presented the staff report dated March 21, 2013 recommending the City Council take the following actions: 1) Motion to adopt the interim urgency zoning ordinance prohibiting the issuance of permits, licenses or approvals for construction, establishment or operation of Community Supervision Programs, as defined in the ordinance, on an interim basis pending consideration of amendments to Title 9 of the Antioch Municipal Code for a period of forty-five (45) days and declaring the urgency thereof (four-fifths vote required), 2) Provide initial feedback to staff on future zoning regulations.

In response to Council, Captain McConnell clarified AB109 applies to those released for non-violent, non-serious, and non-sexual offenders, irrespective of their criminal history. He provided a breakdown per agency for AB109 releases and noted Antioch had the majority of the population.

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B1

Mayor Harper opened and closed the public hearing with no speakers requesting to speak.

Councilmember Tiscareno stated he was willing to support the forty-five (45) day moratorium to give staff time to study feasible locations and to amend the Municipal Code to include Community Service Programs.

Mayor Harper spoke to the importance of providing these services in the community and stated he supported restricting Community Service Programs to feasible locations.

Councilmember Agopian expressed concern for the recidivism rate for AB109 releases and stated he felt the help for those individuals needed to be provided when they were incarcerated. He noted that considering the risks, it is prudent to study the issue during the forty-five (45) day moratorium and assure facilities are regulated appropriately.

Following discussion and at the request of Council, Todd Belleci, Contra Costa County Probation Department, came forward to respond to questions. Mayor Harper reopened the public hearing.

Todd Belleci, Contra Costa County Probation Department, reported the bidder's conference for the Requests for Proposals (RFP) begin on March 27, 2013, bids would be due on April 19, 2013, and County staff would then begin to evaluate bids and award the Requests for Proposals. He briefly discussed the categories for services and the recidivism rate for those individuals on probation.

Director of Community Development Wehrmeister reported the County had indicated RFP contracts would be awarded on May 14, 2013.

Mayor Harper closed the public hearing.

City Attorney Nerland clarified the urgency ordinance recommended by City Staff and the option, urgency ordinance were both interim urgency ordinances for forty five (45) days, unless extended by the City Council and both require a 4/5 vote.

Speaking on the following motion, Council directed staff to study feasible areas and identify Community Supervision Programs in the Antioch Municipal Code.

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council unanimously approved the interim urgency ordinance (attachment B).

Councilmember Rocha returned to the dais.

COUNCIL REGULAR AGENDA

C121
B2



ATTACHMENT "D"

Federal D. Glover

Supervisor, District Five
Contra Costa County, Board of Supervisors

dist5@bos.cccounty.us
www.cccounty.us/supervisorglover

April 17, 2013

District V Includes

Planning Commission
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Antioch (North)

Hercules

RE: Item 2 of the April 17, 2013 Planning Commission agenda

Martinez

Commissioners:

Pinole (North)

Pittsburg

Before you make your decision on Item 2 of your agenda of April 17, 2013, please allow me to correct misperceptions about who AB109 people are and parts of the staff report and proposed ordinance.

Alhambra Valley

Bay Point

Contra Costa County (and no other county) had/has the legal or constitutional grounding to circumvent the state's decision. The county challenged it. But ultimately, the state made its decision.

Briones

Clyde

Crockett

AB109ers, as they are commonly called, did not "land in Antioch" using a formula nor are they being placed there indiscriminately. There is no formula. They are people who were committed to the state penal system from Antioch, or otherwise have their legal residence in that city. So, when they were released, they were simply released to the communities where they make their homes. The County does not make this determination; the State of California does. Antioch is one of the largest cities in the County. As such, it tends to have among the largest number of individuals being released under the State's new law. It also makes sense to locate those services so that they are easily accessible to the greatest number of clients.

Mt. View

Pacheco

Port Costa

Reliez Valley

Rodeo

Tormey

Vine Hill

Second, because the AB109ers are already in your community, and will continue to come to your community unless the state law is somehow amended again, the County simply receives state money to provide intervention services in the fields of housing, health care, education, counseling and employment.

315 E. Leland Road
Pittsburg, CA 94565
Phone: (925) 427-8138
Fax: (925) 427-8142

651 Pine Street
Martinez, CA 94553
Phone: (925) 335-8200
Fax: (925) 335-8208

151 Linus Pauling Drive
Hercules, CA 94547
Phone: (510) 262-8800
Fax: (510) 262-8808

D1

Let me stress: they are in Antioch already. The county is simply offering to provide services that will decrease the risk of these individuals committing crimes again. With this ordinance, the County and the service providers may decide not to locate in Antioch and the AB109ers in Antioch will have difficulty accessing the vital services and programs. If that becomes the case, the AB109ers will still be in Antioch and the state will continue to release others who must return to the community of their last known address.

Third, if the services are not provided or obstacles are created to make it too difficult to provide those services in Antioch, then the likelihood of recidivism increases. No community, including Antioch, deserves to have an increase in crime. AB109 services are intended to decrease that likelihood.

The background material provided by staff presents some information that is questionable. I ask you take into consideration the following corrections and clarifications:

1. Plans for AB109 returnees did not suddenly appear out of thin air. From the time AB109 was passed in the 2010 elections, County Probation, the Sheriffs Office, the District Attorney, the courts, Behavioral Health and the Contra Costa Association of Police Chiefs and other county agencies have been holding public meetings under the state mandated banner of the Community Corrections Partnership (CCP). The Antioch City Manager, the Antioch Police Chief and various Antioch City Council members have been informed of and encouraged to attend these meetings or send their representatives. During these meetings and information gathering, it has been acknowledged that Antioch would be receiving the inmates from the AB109 program. I wanted the programs to be easily accessible to the greatest number of formerly incarcerated individuals.
2. **RE: Section 1, Item C of the Staff Report.** The city of Antioch may have the right to amend its zoning to accommodate the Community Supervision services, but be aware that it would be the first city in Antioch to place such restrictions.
3. **RE: Section 1, Item E of the Staff Report.** The staff report cites the recidivism rates for the first, second and third years after release. They are alarming but they are based on what the formerly incarcerated who DID NOT receive any of these programs. The average high rate of recidivism statewide of 74% clearly is the strongest evidence that the old way of incarceration without rehabilitation of any kind was a massive failure. This figure is further skewed because it includes those on Parole. Parolees are supervised by the California Department of Corrections and Rehabilitation, not the county or nonprofits. AB109ers make

up a small percentage of those formerly incarcerated returning to their communities.

4. RE: Section 1, Item G of the Staff Report. Part 1 crimes may have risen between 2011 and 2012 but there is no evidence to conclude that AB109ers were the major re-offenders. With the programs and services being offered, this crime rate will be reduced.

5. RE: Section 1, Item I of the Staff Report. The recidivism rate of 35% among Post Release Supervision individuals is far lower than the state average negating fears of Item E in the Staff Report. However, this statistic includes all of those individuals requiring Post Release Supervision including those on Parole. AB109ers make up only a small percentage of under Post Release Supervision. If the programs were in place, it is safe to assume that even Antioch's laudable 35% recidivism rate could be lowered even more.

6. RE: Section 1, Item J of the Staff Report. It is state law that the formerly incarcerated return to the communities of their last legal address. The County nor the City of Antioch do not have the authority to countermand that law.

7. RE: Section 3, Item (A)(1) of the Proposed Ordinance. The county-owned facility at 4545 Delta Fair is fully occupied and will continue to do so in the foreseeable future. Mention of this location is a moot suggestion.

8. RE: Section 3, Item (A)(3) of the Proposed Ordinance. Accessibility is key to the success of these programs. This location is on the far outskirts of the city and would require multiple bus transfers from some parts of the city. If placed in a site that is difficult to get to, the likelihood of the formerly incarcerated to participate is reduced and the programs' effectiveness would also be reduced. Most of the parcels in this area are empty and would require building a new building, which would be a prohibitive extra expense. Realistically, there is only one office complex there that might be considered, thus offering a severely narrow selection giving a single landlord a undue advantage over a potential client with a monopoly on sites, thus reducing the possibility of negotiating a lower rent.

9. RE: Section 3, Item C of the Proposed Ordinance. The proposed hours of operation 8 a.m. to 7 p.m. are too restrictive. Because some of the AB109ers work during the day, classes and counseling are normally scheduled in the evening. A more realistic time allotment would be from 8 a.m. to 10 p.m.

No matter what the City of Antioch ultimately decides, AB109ers and the formerly incarcerated will remain in the community and will continue to live in Antioch. If the Planning Commission approves the staff recommendation, it

would require providers of the Community Supervision Programs to pay a land use permit fee of \$2000. An appeal will add to that cost. As you know, most nonprofits operate on very meager financial resources. The fee for a land use permit may be too burdensome for agencies and prevent them from providing services to the formerly incarcerated in Antioch.

If the Planning Commission approves the staff recommendation, it could mean that services funded by the state through Contra Costa County -- at no additional cost to the city -- may not be provided in the City of Antioch. That further suggests that the likelihood of the Antioch residents reoffending - committing further crimes - will remain at the state level, about 75%. In Contra Costa, through the efforts of Probation and intervention programs, that recidivism rate has been dramatically reduced.

Although I understand the reasons behind the City Council's March 26 decision, I disagree with them and urge you not to recommend the ordinance as written. If Antioch approves the ordinance, to my knowledge, it would be the only city in California to place such restrictions on these services. Most cities are eager to have these services for their AB109ers.

However, if you decide to approve the ordinance, I respectfully request that the Planning Commission consider the following changes to the proposed ordinance:

1. See Comments No. 7 (above) and No. 8. Widen the areas of permissible operation since two of the three suggested sites are inadequate or not worth consideration. Prospective service providers need a wider range of choices.
2. No. 9. Extend the hours of operation to allow evening classes and counseling to "8 a.m. to 10 p.m."
3. Reduce or eliminate the land use permit fees since these programs are designed to benefit the City of Antioch by helping reduce crime and the probability of recidivism.

There is much misinformation and many rumors about AB109 but let me emphasize: It's the state law and the reality with which all our communities are constrained to live.

All the County can do is offer or contract for services -- without costs to the local communities -- that decrease the likelihood of them reoffending. Having the services nearer to potential clients make the likelihood of participation greater.

Antioch is safer with these services than without them.

Sincerely,

A handwritten signature in blue ink, appearing to read "Federal Glover", with a long horizontal flourish extending to the right.

Supervisor Federal Glover
Contra Costa County, District V

ATTACHMENT "E"



April 17, 2013

Planning Commission
City of Antioch
P.O. Box 5007
Antioch, CA 94531

Dear Commissioners:

We urge you to reject the resolution adopting the proposed Zoning Ordinance amendments that would restrict the operation of the Community Supervision Programs in the City of Antioch. The proposed zoning restrictions are contrary to the legislative intent of AB 109 and in possible violation of state and federal law.

The proposed ordinance is contrary to the goals of the 2011 Realignment legislation, which mandates the use of community-based alternatives to incarceration that have been demonstrated to reduce recidivism. This legislative intent is codified in the language of the Realignment legislation:

California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices . . . Realigning low-level felony offenders who do not have prior convictions for serious, violent, or sex offenses to locally run community-based corrections programs, which are strengthened through community-based punishment, evidence-based practices, improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society.

See Cal. Penal Code § 17.5(a).

Proposed Restrictions Constitute a De Facto Ban on Service Provision

The zoning restrictions placed on re-entry service providers under the proposed amendments are so onerous as to constitute a near de facto ban on necessary reentry service provision in the City of Antioch.

MICHELLE A. WELSH, CHAIRPERSON | DENNIS McNALLY, AJAY KRISHNAN, FARAH BRELVI, ALLEN ASCH, VICE CHAIRPERSONS | KENNETH J. SUGARMAN, SECRETARY/TREASURER
ABDI SOLTANI, EXECUTIVE DIRECTOR | CHERI BRYANT, DEVELOPMENT DIRECTOR | SHAYNA GELENDER, ORGANIZING & COMMUNITY ENGAGEMENT DIRECTOR | REBECCA FARMER, COMMUNICATIONS DIRECTOR
ALAN SCHLOSSER, LEGAL DIRECTOR | MARGARET C. CROSBY, ELIZABETH GILL, LINDA LYF, JULIA HARUMI MASS, LINNEA NELSON, MICHAEL RISHER, JORY STEELE, STAFF ATTORNEYS
PHYLLIDA BURLINGAME, ALLEN HOPPER, NATASHA MINSKER, NICOLE A. OZER, POLICY DIRECTORS | STEPHEN V. BOMSE, GENERAL COUNSEL

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA

39 DRUMM STREET, SAN FRANCISCO, CA 94111 | T/415.621.2493 | F/415.255.1478 | TTY/415.863.7832 | WWW.ACLUNC.ORG

E1



First, the prohibition on siting within 1500 feet of any public or private school, park, or recreation center, Section 9-5.3836(D), greatly restricts the ability of service providers to locate in populated parts of the city given Antioch's approximately 31 parks, more than 20 schools and numerous recreation centers. Pushing programs to the outskirts of the city barriers to avoid proximity to these "sensitive services" will erect barriers to access and will reduce the programs' effectiveness. Further, the prohibition on siting within 1500 feet of any other service provider, Section 9-5.3836(D), will eliminate participants' opportunity to access multiple types of services in one location, which can be crucial given some of the participants' likely lack of personal transportation options.

Second, the operational use requirements set forth in Section 9-5.3836(C) that are applicable to all service providers regardless of where they are located, are vague, burdensome and run the risk of rendering the prospective programs ineffective. The daytime hour restrictions on the services create barriers to participation for those who work during the day, the mandate that no congregation be permitted outside the premises is overly vague, and the requirement for screened-off outdoor smoking areas may prove overly burdensome for a service provider to construct. Nor is there anything in the ordinance specifying how purported non-compliance with these requirements would be determined, how the provider could appeal such determination, nor the process by which a permit would be revoked upon a final determination of non-compliance. Such vagueness will create difficulties both in compliance with and enforcement of the amended code.

Third, the use permitting process required for a provider to locate in any zone where Business and Professional Office set forth at Section 9-5.3836(B), particularly the \$2,000 permit fee, is likely to prove prohibitive to many prospective service providers who are non-profits and community-based organizations with limited funds and limited capacity to navigate the lengthy process.

Finally, the non-use-permit-requiring locations set forth in Section 9-5.3836(A) fail to provide sufficient or viable options for service providers to locate. The East 18th Street area specified in (A)(3) is on the outskirts of the City and not easily accessible by public transportation (multiple bus transfers would be required), which will create barriers to participation by those without their own transportation. Further, the East 18th Street is largely undeveloped, with little available office space. Absent a service provider constructing its own facility, for which it is not likely to have the funds, there is therefore little in the way of viable siting opportunity. The potential of siting in the one available office complex in the area is made all the more difficult given the fact that no service provider will be permitted within 1500 feet of any other provider. Section 9-5.3836(D). Finally, the County service building described in (A)(1) is currently in use and does not contain additional space for new providers to locate.

The proposed zoning restrictions do not appear to be driven by any rational justification by the Planning Commission or City Council. Instead it appears that the intent of the code amendments is to severely restrict the ability of providers to provide crucial recidivism-reducing services to the people of Antioch. This is contrary to the intent of Realignment and will do nothing to decrease the rate of recidivism in the City or the County.

Flawed Justification

Recidivism rates in Antioch will not be reduced unless formerly incarcerated individuals reentering the community have access to evidence-based reentry services and programs. However, rather than focusing attention on increasing evidence-based services in the community, the City appears to be doing the opposite and is using inaccurate information to justify its opposition to such programs.

City councilmembers point to the supposed influx of formerly incarcerated people to Antioch and inaccurate accounts of increased recidivism rates to justify the creation of barriers to these necessary services, through the implementation of this ordinance.

First, there is no mass influx of criminals to Antioch; moreover, the AB 109 population is not migrating to the City. As under the parole system prior to the implementation of AB 109, individuals under Post-Release Community Supervision (PRCS) are returning to their home communities after release from prison. The only difference is that PRCS individuals are now supervised by the county probation department instead of by the state parole department.

Second, City Councilmembers are relying on false and inaccurate recidivism rates in their analysis of this population. It is too soon to accurately estimate recidivism rates under Realignment. Moreover, the newspaper accounts upon which the councilmembers rely are merely anecdotal. The fact is that under AB 109 recidivism rates are no worse than they were under the old system. The state prison and parole systems were doing a terrible job of preventing lower-level offenders from reoffending. Under Realignment, communities now have the opportunity to reduce recidivism rates by using the various evidence-based programs that this ordinance seeks to block.

Racially Disparate Impact

If implemented, this ordinance will likely disproportionately impact African Americans. Over the duration of Realignment African Americans have made up 40% (60 out of 149 individuals) of the AB 109 population in Antioch, despite making up only 17% of the total Antioch population.¹ Though the situations are not identical, the facts related to this proposed ordinance raise some similar concerns to those that prompted the ACLU of Northern California and other

¹ See Census Bureau data for 2010 (reporting 17,667 African Americans out of a total of 102,372 city residents).


public interest law firms to file *Williams v. City of Antioch*. As in *Williams*, where we believed that the targeting of Section 8 voucher holders by the Antioch Police Community Action Team adversely impacted African Americans, restricting access to Community Supervision Programs will similarly disparately affect African Americans. This is because African Americans are overrepresented in the City's AB 109 population. Under this theory, first developed in Title VII cases, statistical evidence that a policy, neutral on its face, has an adverse impact on a protected class will establish a *prima facie* case. No proof of discriminatory intent is required to prevail on this claim. *Pfaff v. HUD*, 88 F.3d 739, 745-46 (9th Cir. 1996).² Moreover, this zoning ordinance may violate Cal. Gov't Code § 11135, which prohibits racial discrimination by recipients of state funding. That statute's implementing regulations include a proscription against adverse impact, for which parties may state a claim. Cal Gov't Code § 11139; 22 Cal. Admin Code 98101(i)(1); *Darensburg v. Metro Transp. Comm'n*, 611 F. Supp. 2d 994, 1041-42 (N.D. Cal. 2009).

Given the myriad legal, policy and factual issues discussed above, we urge you to reject the proposed resolution to recommend the ordinance to the city council. Alternatively we request that you delay the vote on the resolution in order to allow time for meaningful research on the topic.

Sincerely,



Micaela Davis
Criminal Justice and Drug Policy Attorney
mdavis@aclunc.org



Jolene Forman, Esq.
Criminal Justice and Drug Policy Fellow
jforman@aclunc.org

² If plaintiffs establish adverse impact, the burden shifts to defendant to rebut the impact by showing that its policy or practice was justified by a legally sufficient, nondiscriminatory reason. *Pfaff*, 88 F.3d at 746-47.

ATTACHMENT "F"

MEMORANDUM

Date: April 16, 2013

To: Antioch City Council

From: Jessie Warner, Contra Costa County Reentry Coordinator

Subject: Implementation of Public Safety Realignment (AB109) in Contra Costa County

AB 109 Overview

Public Safety Realignment (AB 109) took effect October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail pursuant to Penal Code 1170 (h) and provides for an expanded role for split-sentences with post-release Mandatory Supervision by Probation for these offenders;
- Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transferred the housing responsibility for parole and PRCS revocations to local jail custody.

It is important to note that under AB109 no inmates are released early. All inmates returning to the Antioch community from prison incarceration are returning on the same date they would have prior to AB109 implementation. Similarly, individuals sentenced under Penal Code 1170(h) are serving their full incarceration sentence. The county jail facilities are not overcrowded and no need for early release of inmates is forecasted. The only change AB 109 brought about is the agency providing supervision (County Probation instead of State Parole) and Contra Costa County's (CC County) efforts to coordinate services.

AB109 tasked local government at the county level with developing a new approach to reducing recidivism among certain low-level felony criminal offenders. According to the Pew Center on the State's report, *State of Recidivism: The Revolving Door of America's Prisons*, when measure by "returns to prison" California's recidivism rates are near the highest nationwide. Conversely, when measured by incarceration for commitment of new crimes, California's recidivism rate is lower than the nationwide average. Two factors contribute to the high recidivism rate, 1) virtually all prisoners are placed on parole supervision upon release, and 2) incarceration is the response for many parole violations that do not involve a new law violation. These "technical violations" for missing appointments or failing drug tests, which are the majority of new incarcerations for parole violators, significantly impact recidivism in California.

On August 24, 2012 the Executive Committee of the Community Corrections Partnership unanimously agreed that the goals established by the *Contra Costa County Reentry Strategic Plan* would guide the planning for Public Safety Realignment. These goals are:

- Use a holistic, systemic, and inclusive approach that involves federal, state and local government stakeholders, community organizations, advocates, the formerly incarcerated, and family and community members;
- Adopt strategies that draw on evidenced-based approaches and practices;
- Target high- to moderate-risk probationers and parolees through the use of evidence-based tools;
- Emphasize geographic areas from which a disproportionate number of formerly incarcerated people are drawn and return;
- Incorporate assessment and case management tools targeting continuous reentry planning, beginning at the point of admission to the criminal justice system, and working through pre- and post-release;
- Embrace a commitment to the continuous and appropriate delivery of drug treatment, medical care, job training and placement, educational services, cognitive behavioral therapy and/or other service essential to reentry;
- Provide for independent evaluations of reentry programs using, when feasible, random assignment and controlled studies to determine effectiveness of programs and services provided; and
- Reduce crime, increase public protection, and protect people from further victimization.

Reentry Population in Contra Costa County

Approximately 4,300¹ total offenders are under state or county adult supervision in CC County. 3,695 of the total CC County reentry population are probationers. The Richmond and Antioch area have 1,829 or 49.4% of the County probation population. According to Correctional Assessment and Intervention System (CAIS) data CC County probationers, 33% are “high risk” and 51% are “moderate risk.”

The AB109 population makes up a small portion of the reentry population in CC County. As of February 1, 2013, three hundred sixteen (316) clients were supervised under AB109. Forty three percent (43%) reside in East County (Antioch, Bay Point, Brentwood, Discovery Bay, Oakley, Pittsburg). Ninety-two (92) percent of currently supervised AB 109 clients are assessed as moderate to high-risk for recidivism using the CAIS risk, needs assessment tool.

“High to moderate risk” is not a designation of the severity of crime committed by a probationer. Instead, as defined by CAIS, “moderate to high risk” indicates the likelihood that an individual will reoffend based upon factors of recidivism including procriminal attitudes, anti-social behaviors, anti-social peers, substance abuse and lack of education/employment. The CAIS tool aids Probation Officers to develop a plan for supervision to address the factors and most effectively reduce the risk of re-offense through targeted interventions.

According to reports created monthly by the Sheriff’s Office the 1170 (h) inmate profile includes non-serious, non-violent, non-sex offenders, the majority of whom have a history of drug, theft

¹ CC County Probation and California Department of Corrections Parole Unit data in CC County as of 3/15/13.

and auto theft convictions. PRCS clients have a similar profile. By definition the AB109 population does not include individuals convicted of serious and violent crimes such as rape, murder and mayhem. (See Cal. Penal Code § 1192.7(c); Cal. Penal Code § 667.5(c))

Impact of Employment on Recidivism

It is well documented (both empirically and theoretically) that employment is one of the best predictors of whether or not someone will stay out of the criminal justice system (Solomon, Johnson, Travis and McBride 2004). Numerous statistical studies demonstrate that “a parolee who finds and maintains a steady job—and who also has stable housing and avoids substance abuse—is more likely to avoid subsequent offenses and to successfully complete his term on parole” (California Legislative Analyst’s Office 2007).

CC County Reentry Continuum

The service delivery model developed for AB 109 will involve multiple organizations working in collaboration to provide services to address the specific criminogenic needs of the AB 109 population, including the evidence-based practice of service delivery prior to community release.

A dedicated unit of AB 109 Probation Officers serve as lead case managers to coordinate and track services provided by County and community-based partner organizations. The AB 109 Probation Officers will interview clients using CAIS a comprehensive, validated risk and needs assessment tool. Areas of criminogenic need will be identified and prioritized in developing an individualized case plan that addresses specific goals and needed services.

Throughout the past year, AB 109 Probation Officers have worked closely with the County’s Behavioral Health Division’s Forensic Team to coordinate service referrals. The Forensic Team was formed to address the needs of criminal justice involved individuals with co-occurring mental health and substance abuse disorders. In addition to mental health counseling and medication management, clients can access residential and out-patient substance abuse treatment, short term housing through homeless shelters, as well as assistance with enrollment in state and federal benefits including health care and income supports. This innovative partnership between County agencies will be further supported by employment, housing, and mentoring services as well as access to the Reentry Resource Centers in each region of Contra Costa County.

For Penal Code 1170(h) individuals sentenced to Mandatory Supervision, AB 109 Probation Officers will initiate case management pre-release including completing Criminal Assessment & Intervention System (CAIS) risk and needs assessments and developing a transition plan. Where appropriate, AB 109 individuals will access comprehensive Forensic Team services. AB 109 individuals who are not dually diagnosed with co-occurring disorders can still access the AB 109 designated shelter beds and substance abuse programs with Probation Officer referral to the County Behavioral Health Division. Both AB 109 Probation Officers and Forensic Team staff will make direct referrals and coordinate services with agencies funded to provide employment, mentoring and housing services. (The attached flowchart demonstrates the connections between the AB109 supervision team and the county and community-based services that are being made available to AB109 clients.)

Probation

Referrals to Forensic Services for assessment or direct to case manager at One-stop Reentry Resource Centers

Behavioral Health Division - Forensic Services

Benefits Specialist- screening and application support for SSI/SSDI and other county and state benefits including medical, CalFresh, and General Assistance

Mental Health Services

- Screening for Serious Mental Illness and other MH issues
- Outpatient Mental Health Treatment
- Medication Management
- Transition to long-term mental health and wellness team as appropriate

Homeless Services

- Shelter-Richmond/Concord
- Case management- Permanent Housing, Income/Benefits

AODS

- Substance abuse screening and placement in residential and outpatient treatment
- Transition to sober living housing as appropriate

Community-Based Service Providers

One-stop Reentry Resource Center or Continuum

- Potential for co-located services and case management
- Screening and application support for benefits
- Guided referral to housing, employment, and other services
- On-site consultations and workshops with attorneys, child support services, other partners

Transitional and Permanent Housing

- Housing vouchers for Public Housing
- Master leasing for sub-tenants with poor credit
- Rental subsidies for security deposit and first/last month rent
- Links to existing housing programs

Employment and Training Services

- Case management for job readiness, placement and retention
- Transitional employment
- On-the job training subsidies
- Sector training and placement
- Employer outreach and education


Mentoring and Family Reunification

- Mentoring and counseling services that promote positive social networks and family reunification

Trauma-informed Training and Services

Build upon trauma-informed practices of Behavioral Health Division to develop and provide training and develop trauma-informed models. Service providers and county agency partners will participate in training and on-going program enhancement

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF APRIL 23, 2013**

Prepared by: Tina Wehrmeister, Community Development Director 
Reviewed by: Jim Jakel, City Manager
Date: April 23, 2013
Subject: **Supplemental Staff Report:** Amendments to the Zoning Ordinance in order to regulate Community Supervision Programs

RECOMMENDATION

It is recommended that the City Council:

- 1) Motion to read the Interim Zoning Ordinance and Regular Ordinance by title only;
- 2) Motion to extend the Interim Urgency Ordinance regulating Community Supervision Programs including the findings for the need for this urgency action (4/5 vote required) (**revised Attachment A to reflect the language in the proposed regular ordinance**); and
- 3) Motion to introduce a Regular Ordinance amending Section 9-5.203 and adding Section 9-5.3836 to the Antioch Municipal Code dealing with Community Supervision Programs. Staff is proposing some modifications to the ordinance that the Planning Commission unanimously recommended adopting on April 17, 2013. Staff's recommendations are shown in redline to the Planning Commission's recommended ordinance (**revised Attachment B to include a provision allowing the Planning Commission or City Council to grant relief from the requirements**).

BACKGROUND

On March 26, 2013 the City Council adopted an urgency ordinance to require a Use Permit for Community Supervision Programs (as defined in the ordinance) in all districts where Business and Professional Office uses are permitted and directed staff to prepare a regular ordinance for Planning Commission consideration and recommendation. Findings were made regarding the urgent need to take action as set forth in the staff report and attachments from the March 26, 2013 City Council meeting. The Planning Commission considered the proposed regular ordinance on April 17, 2013 and made a unanimous recommendation discussed in the staff report.

In the City Council staff report dated April 18, 2013, staff recommended further revisions to the interim ordinance and regular ordinance. Staff has talked with both the entities that submitted comments to the Planning Commission: ACLU and Supervisor's Federal Glover.

Staff has also mapped a 1500-foot buffer around the specified sensitive uses (blue parcel lines) overlaid on the zoning map. (Attachment C) Business and Professional uses, which have been determined to be the most similar zoning category to the Community Supervision Program uses, are allowed by right in the following zoning districts: Planned Business Center (PBC), Professional Office District (C-O), Neighborhood/Community Commercial District (C-2), Regional Commercial District (C-3) and Mixed Commercial/Residential (MCR). Business and Professional uses are also allowed with a use permit in the following zoning districts: Convenience Commercial (C-1), Urban Waterfront District (WF) and Rivertown Commercial (RTC).

Staff recommends additional revisions to the ordinances attached to the April 18, 2013 staff report. In particular:

- The regulations of the Community Supervision Program uses in the interim ordinance are now the same as the proposed ordinance to avoid confusion and to allow these uses to be permitted without a use permit in some areas;
- Language has been added to allow the Planning Commission or City Council to grant relief from the requirements of the proposed ordinance if deemed to be in the best interest of the public health, safety and welfare; and
- Although a legislative action not requiring findings, additional findings have been included.

No ban on Community Supervision Program uses is recommended. Staff is recommending that these uses be permitted by right in some locations and subject to a use permit in other locations.

ATTACHMENTS

- A. **Revised** Interim Urgency Ordinance extending the regulating of Community Supervision Programs in the same manner as the proposed regular ordinance
- B. **Revised Regular** Ordinance amending Section 9-5.203 and adding Section 9-5.3836 to the Antioch Municipal Code dealing with Community Supervision Programs (staff's recommended revisions to the ordinance recommended by the Planning Commission are shown in redline)
- C. Map of Zoning Districts and 1500-foot buffer around specified sensitive uses

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
EXTENDING AN INTERIM LAND USE REGULATIONS FOR THE
ESTABLISHMENT AND OPERATION OF COMMUNITY SUPERVISION
PROGRAMS**

The City Council of the City of Antioch does ordain as follows:

SECTION 1. Findings.

- A. On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specific inmates and parolees from the California Department of Correction and Rehabilitation to counties; and
- B. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide; and
- C. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and
- D. The City has received and anticipates additional requests for the construction, establishment and operation of Community Supervision Programs (as defined herein) within the City. However, this use is not defined in the Antioch Municipal Code and the general category of "Business and Professional Office" may not take into account potential impacts of Community Supervision Programs on the surrounding community such as loitering and increased calls for service. The provisions of the City Municipal Code that may regulate the construction, operation and establishment of Community Supervision Programs in the City are inadequate and need review, study, and revision. The current provisions also fail to fully take into account the impacts related to the location and manner of construction, establishment and operation of Community Supervision Programs, and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on surrounding uses and the community; and

- E. The 2011 Adult Institutions Outcome Evaluation Report by the California Department of Corrections and Rehabilitation, which was attached to the staff report presented to the City Council on March 26, 2013 and is referenced with these findings, indicates most recidivists return to prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrests rates and states that average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively; and
- F. Widely reported news stories regarding adverse impacts of AB 109 were also attached to the staff report presented to the City Council and are on file with the City Clerk and on the City's website at www.ci.antioch.ca.us. It is reasonable to conclude that similar adverse impacts on the public health, safety and welfare will likely also occur in the City of Antioch; and
- G. The City of Antioch's crime rate for Part 1 crimes has increased 24% from 2011 to 2012 while arrests are down 14% in the same period as more particularly described in the presentation by the Police Chief at the City Council meeting on February 12, 2013 which can be viewed at <http://ci.antioch.ca.us/CityGov/CouncilMeetings/021213/>; and
- H. The number of sworn police officers available to serve the City per capita has decreased significantly due to budget considerations. In 1995 the number of sworn police officers was 89 and the population was 74,925. Currently, the number of sworn police officers is 89 and the population is 103,833; and
- I. Statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested; and
- J. While the intent of support programs is to reduce recidivism and assist individuals in becoming productive members of society, there is potential for negative impacts to the public health, safety, and welfare if Antioch received a disproportionate number of service providers or these service providers were concentrated near sensitive or certain other uses. This interim urgency ordinance would allow the City of Antioch the opportunity to study appropriate locations and concentration, distances from sensitive uses such as schools and parks, and adopt operational requirements such as hours of operation. It is necessary for the City of Antioch staff to study the possible adoption of amendments to the City's Municipal Code and Zoning Code regarding Community Supervision Programs. Staff needs time to study whether amendments to the City's Municipal Code are necessary to eliminate or minimize the negative secondary side effects resulting from Community Supervision Programs. Staff needs

time to study whether to limit such businesses to certain zoning districts, and which zoning districts would be appropriate for such uses. Finally, staff needs time to study whether there should be a limit on the concentration of Community Supervision Programs in the City, and if so, whether there should be regulations as to their proximity to sensitive uses and each other; and

- K. California Government Code Section 65858 subdivision (a) provides: that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance regulating any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; that adoption of such urgency measures requires a four-fifths vote of the legislative body; that such measures shall be of no effect 45 days from the date of adoption, and may be extended to have a maximum total duration of 2 years; and
- L. The City Council desires to (1) address the community concerns regarding the establishment and operation of Community Supervision Programs, (2) study the potential impacts the Community Supervision Programs may have on the public health, safety and welfare, (3) study and determine what local regulations may be appropriate or necessary for Community Supervision Programs, (4) study and determine the appropriate zoning and location for Community Supervision Programs, if any, and (5) determine appropriate controls for protection of public health, safety and welfare; and
- M. Furthermore, locating Community Supervision Programs in areas where they are more likely to succeed will result in greater program benefit to those seeking services and to the community as a whole. For example, there should be a dialog about locating Community Supervision Programs near public transportation. Also, there should be dialog about whether to locate such Community Supervision Programs near a liquor store that may undermine the success sought by these programs, given the documented substance abuse issues with a high percentage of individuals on probation and parole; and
- N. Without the immediate enactment of this Ordinance, multiple applicants could quickly receive entitlement that would allow Community Supervision Programs that pose a threat to the public safety, health and welfare and frustrate these studies and impair the orderly and effective implementation of contemplated Municipal Code Amendments and any further authorization of these uses within the City during the period of the interim zoning regulations may be in conflict with or may frustrate the contemplated updates and revisions of the Municipal Code; and

- O. Based on the foregoing, the City finds that there is a current and immediate threat to the public health, safety, or welfare and that this Ordinance is necessary in order to protect the City from the potential effects and impacts of Community Supervision Programs in the City, potential increases in crime, and other similar or related effects on property values and the quality of life in the City's neighborhoods; and
- P. The City Council further finds that this interim zoning regulation is a matter of local and City-wide importance and is not directed towards any particular business that currently seeks to construct or operate a Community Supervision Program; and

Q. The requirement for a use permit if a Community Supervision Use is located within 1,500 feet of a public or private school, park, recreation center, senior age restricted living facility or other Community Supervision Program allows for many locations where these uses are permitted by right and the 1,500-foot requirement is similar to the requirements in the Municipal Code for adult entertainment and adult boutique uses, as well the 1,500-foot safe school zones in California Penal Code section 626 and less than the 2,000-foot residence requirements for Penal Code section 290 registrants; and

~~Q.R.~~ The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the interim zoning regulations imposed by this Ordinance will not in any way deprive any person of rights granted by State or federal laws, because the interim zoning regulation is short in duration, still permits the use in some areas and in other areas allows the use to be approved with a use permit during the period of further review, and is essential to protect the public health, safety and welfare.

SECTION 2. Interim Land Use Regulations Imposed.

A. Scope. In accordance with the authority granted the City of Antioch under Article XI, Section 7 of the California Constitution and California Government Code Section 65858, from and after the effective date of this ordinance, no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, business permit, or building permit shall be approved or issued for the establishment or operation of Community Supervision Programs in the City of Antioch ~~without said use first obtaining a Use Permit as provided for under Title 9, Article 27 of the Antioch Municipal Code in any zone where Business and Professional Offices are currently permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code, Table of Land Use Regulations, except as set forth below:~~

1. Subject to the operational requirements listed in subsection (2), Community Supervision Programs shall be allowed in any zone where Business and

Professional Offices are permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code; Table of Land Use Regulations. However, such use shall be subject to approval of a use permit if located within a zone that requires a use permit for a Business and Professional Office use or if the use is within 1,500 feet of a public or private school, park, recreation center, senior age restricted living facility or other Community Supervision Program. This distance shall be a radial distance measured from property line to property line.

(2) Operational requirements for Community Supervision Programs are as follows:

- (a) Hours of operation shall be between 8:00am to 10:00pm.
- (b) No congregation outside the premises shall be permitted.
- (c) If program participants will be at the facility for more than two hours, an outdoor designated smoking area screened from public view shall be provided.

(3) The Planning Commission or City Council may grant relief from any of the requirements of this section.

- B. Definition. For purposes of this ordinance, “Community Supervision Programs” means any facility, building, structure or location, where a organization, whether private, public, institutions of education, non-for-profit, or for-profit, provide re-entry services including but not limited to employment support and placement services, short and long term housing access including residential facilities not licensed by the State of California, peer and mentoring services, and resource centers. Included in the definition are services provided to individuals on probation or parole.
- C. Exceptions. Existing and legally established social service providers are exempt and may continue to operate at current locations; however, existing providers may not expand any facility, building, structure, or location under this moratorium or move to another location without first obtaining a Use Permit.
- D. Statutory Findings and Purpose. This ordinance is declared to be an interim ordinance as defined under California Government Code Section 65858. This ordinance is deemed necessary based on the findings of the City Council of the City of Antioch set forth in the findings, incorporated into Section 1 of this Ordinance.

SECTION 3. Establishment, Operation and Maintenance of a Community Supervision Programs in Violation of this Ordinance Declared a Public Nuisance.

The establishment, maintenance or operation of Community Supervision Programs as defined herein within the City limits of the City of Antioch in violation of this Ordinance is a public nuisance. Violations of this ordinance may be enforced by any applicable law, with criminal penalties.

SECTION 4. Severability.

If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Antioch hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. CEQA.

- A. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.
- B. This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.
- C. This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 6. Effective Date.

This Ordinance shall become effective immediately upon passage and adoption if passed and adopted by at least four-fifths vote of the City Council and shall be in effect for 22 months and 15 days or until a regularly adopted ordinance addressing this same subject becomes effective, whichever occurs first.

The foregoing ordinance was introduced and adopted at a meeting of the City of Antioch held on _____ day of _____ 2013, by the following vote.

AYES: Council Members

NOES:

ABSTAINED:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ORDINANCE NO.**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING SECTION 9-5.203 AND ADDING SECTION 9-5.3836 TO
THE ANTIOCH MUNICIPAL CODE, DEALING WITH
COMMUNITY SUPERVISION PROGRAMS**

The City Council of the City of Antioch does ordain as follows:

SECTION 1. The City Council finds as follows:

- A. On October 1, 2011 the Public Safety Realignment Act (Assembly Bill 109) went into effect transferring responsibility for supervising specific inmates and parolees from the California Department of Correction and Rehabilitation to counties; and
- B. In response to AB 109, the Contra Costa County Board of Supervisors approved an AB 109 Public Safety Realignment Budget which includes \$4,035,000 for community programs including employment support and placement services, resource centers, short and long term housing access, and peer and mentoring services. Contra Costa County has issued a Request for Proposals for these services. Private, public, for-profit, and not-for-profit organizations are able to apply for these funds and the services would be provided at various unspecified locations County-wide; and
- C. Article XI, Section 7 of the California Constitution provides a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and
- D. The City has received and anticipates additional requests for the construction, establishment and operation of Community Supervision Programs (as defined herein) within the City. However, this use is not defined in the Antioch Municipal Code and the general category of "Business and Professional Office" may not take into account potential impacts of Community Supervision Programs on the surrounding community such as loitering and increased calls for service and particularly impacts on sensitive uses such as schools and parks. The provisions of the City Municipal Code that may regulate the construction, operation and establishment of Community Supervision Programs in the City are inadequate and need review, study, and revision. The current

provisions also fail to fully take into account the impacts related to the location and manner of construction, establishment and operation of Community Supervision Programs, and the related public health, safety, and welfare concerns, including but not limited to the impacts they may have on surrounding uses and the community; and

- E. The 2011 Adult Institutions Outcome Evaluation Report by the California Department of Corrections and Rehabilitation, which was attached to the staff report presented to the City Council on March 26, 2013 and is referenced with these findings, indicates most recidivists return to prison within the first year of release, 46% of the recidivists returned to prison after only 6 months of release, and 75% returned to prison within 12 months of release. Further, the CDCR report discusses arrests rates and states that average arrest rate for inmates released for one, two and three-year periods are 57.2%, 70.7%, and 76.7% respectively; and
- F. Widely reported news stories regarding adverse impacts of AB 109 were also attached to the staff report presented to the City Council on March 26, 2013 and are on file with the City Clerk and on the City's website at www.ci.antioch.ca.us. It is reasonable to conclude that similar adverse impacts on the public health, safety and welfare will likely also occur in the City of Antioch; and
- G. The City of Antioch's crime rate for Part 1 crimes has increased 24% from 2011 to 2012 while arrests are down 14% in the same period as more particularly described in the presentation by the Police Chief at the City Council meeting on February 12, 2013 which can be viewed at <http://ci.antioch.ca.us/CityGov/CouncilMeetings/021213/>; and
- H. The number of sworn police officers available to serve the City per capita has decreased significantly due to budget considerations. In 1995 the number of sworn police officers was 89 and the population was 74,925. Currently, the number of sworn police officers is 89 and the population is 103,833; and
- I. Statistics have been collected on Post Release Community Supervision individuals in Antioch and found that 35% have been rearrested; and
- J. While the intent of support programs is to reduce recidivism and assist individuals in becoming productive members of society, there is potential for negative impacts to the public health, safety, and welfare if Antioch

received a disproportionate number of service providers or these service providers were concentrated near sensitive or certain other uses. This ordinance would define appropriate locations and concentration, distances from sensitive uses such as schools and parks, and operational requirements; and

- K. Locating programs in areas where they are more likely to succeed will result in greater program benefit to those seeking services and to the community as a whole. For example, there should be a dialog about locating Community Supervision Programs near public transportation. Also, there should be dialog about whether to locate such Community Supervision Programs near a liquor store that may undermine the success sought by these programs, given the documented substance abuse issues with a high percentage of individuals on probation and parole; and
- L. The requirement for a use permit if a Community Supervision Use is located within 1,500 feet of a public or private school, park, recreation center, senior age restricted living facility or other Community Supervision Program allows for many locations where these uses are permitted by right and the 1,500-foot requirement is similar to the requirements in the Municipal Code for adult entertainment and adult boutique uses, as well the 1,500-foot safe school zones in California Penal Code section 626 and less than the 2,000-foot residence requirements for Penal Code section 290 registrants; and
- M. Based on the foregoing, the City finds that this Ordinance is necessary in order to protect the City from the potential effects and impacts of Community Supervision Programs in the City, potential increases in crime and other similar or related effects on property values and the quality of life in the City's neighborhoods and to assist in the proper placement of these uses to ensure a greater likelihood of success; and
- N. The City Council further finds that this zoning regulation is a matter of local and City-wide importance and is not directed towards any particular business that currently seeks to construct or operate a Community Supervision Program; and
- O. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that this Ordinance will not in any way deprive any person of rights granted by State or federal laws.

SECTION 2. Section 9-5.203 of the Antioch Municipal Code is amended to add the following definition:

COMMUNITY SUPERVISION PROGRAM. Any facility, building, structure or location, where an organization, whether private, public, institutions of education, not for-profit, or for-profit, provide re-entry services to previously incarcerated persons or persons who are attending programs in-lieu of incarceration including, but not limited to: employment support and placement services, short and long term housing access including residential facilities not licensed by the State of California, peer and mentoring services, and resource centers. Included in this definition are services provided to individuals on probation or parole.

SECTION 3. Section 9-5.3836 is hereby added to the Antioch Municipal Code, to read as follows:

Sec. 9-5.3836 Community Supervision Programs.

(A) ~~Except for the locations described in subsection (C) and s~~Subject to the operational requirements listed in subsection (B), Community Supervision Programs shall be allowed in any zone where Business and Professional Offices are permitted or conditionally permitted in Section 9-5.3803 of the Antioch Municipal Code; Table of Land Use Regulations. However, such use shall be subject to approval of a use permit if located within a zone that requires a use permit for a Business and Professional Office use or if the use is within 1,500 feet of a public or private school, park, recreation center, senior age restricted living facility or other Community Supervision Program. This distance shall be a radial distance measured from property line to property line.

(B) Operational requirements for Community Supervision Programs are as follows:

- (1) Hours of operation shall be between 8:00am to 10:00pm.
- (2) No congregation outside the premises shall be permitted.
- (3) If program participants will be at the facility for more than two hours, an outdoor designated smoking area screened from public view shall be provided.

~~(C) Community Supervision Programs shall not be allowed within 500 feet of any other Community Supervision Program, or within 500 feet of any public or private school, park, recreation center or senior age restricted living facility. This distance shall be a radial distance measured from property line to property line.~~

(C) The Planning Commission or City Council may grant relief from any of the requirements of this section.

SECTION 4. Severability.

If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Antioch hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. CEQA.

Pursuant to CEQA Guidelines Section 15061(b)(3), this ordinance is not subject to CEQA because the Municipal Code amendments are more restrictive than current regulations and will not cause a direct or reasonably foreseeable indirect physical change in the environment. Specifically:

- A. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.
- B. This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation and policies.
- C. This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2) above, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 7. Publication; Certification. The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

I HEREBY CERTIFY that the foregoing Ordinance was introduced on ____ day of _____, 2013 and adopted at a regular meeting of the City Council of the City of Antioch on _____, 2013, by the following vote:

**AYES:
NOES:
ABSTAINED:
ABSENT:**

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch



April 23, 2013

Antioch City Council
P.O. Box 5007
Antioch, CA 94531

Dear Councilmembers:

We urge you to reject both the proposal to extend the interim ordinance regulating reentry services (“Interim Ordinance”) and the proposal to introduce the regular ordinance proposed by the Planning Commission (“Planning Commission Regular Ordinance”) or the regular ordinance proposed by the Planning Commission and revised by City Council staff (“Revised Regular Ordinance”) concerning the regulation of such programs. (Council Agenda, April 23, 2013, Item 4). Both the interim and proposed regular ordinances would restrict the operation of social service programs in the City of Antioch in ways that are contrary to the legislative intent of California’s 2011 Realignment legislation (“Realignment” or “AB 109”) and in possible violation of state and federal law.

Zoning Ordinances Would Restrict Availability of Critical Recidivism Reducing Services

Realignment mandates the use of community-based alternatives to incarceration that have been demonstrated to reduce recidivism. This legislative intent is codified in the language of the Realignment legislation:

California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices . . . Realigning low-level felony offenders who do not have prior convictions for serious, violent, or sex offenses to locally run community-based corrections programs, which are strengthened through community-based punishment, evidence-based practices, improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society.

See Cal. Penal Code § 17.5(a).

The zoning restrictions placed on re-entry service providers under the proposed regular ordinances create obstacles that may severely restrict and hinder effective provision of these critical recidivism-reducing reentry services in the City of Antioch.

MICHELLE A. WELSH, CHAIRPERSON | DENNIS MCNALLY, AJAY KRISHNAN, FARAH BRELVI, ALLEN ASCH, VICE CHAIRPERSONS | KENNETH J. SUGARMAN, SECRETARY/TREASURER
ABDI SOLTANI, EXECUTIVE DIRECTOR | CHERI BRYANT, DEVELOPMENT DIRECTOR | SHAYNA GELENDER, ORGANIZING & COMMUNITY ENGAGEMENT DIRECTOR | REBECCA FARMER, COMMUNICATIONS DIRECTOR
ALAN SCHLOSSER, LEGAL DIRECTOR | MARGARET C. CROSBY, ELIZABETH GILL, LINDA LYE, JULIA HARUMI MASS, LINNEA NELSON, MICHAEL RISHER, JORY STEELE, STAFF ATTORNEYS
PHYLLIDA BURLINGAME, ALLEN HOPPER, NATASHA MINSKER, NICOLE A. OZER, POLICY DIRECTORS | STEPHEN V. BOMSE, GENERAL COUNSEL



Proposed Regular Ordinances Create Substantial Obstacles to Service Provision

The Revised Regular Ordinance prohibits entities that provide “reentry” services to formerly incarcerated persons from locating anywhere except in zones where Business and Professional Offices are permitted or conditionally permitted. Within that zone the use shall be subject to a the approval of a use permit if locating in a zone that requires a use permit or if the entity will be situated within 1500 feet of any public or private school, park, recreation center, senior age restricted living facility or other Community Supervision Program.

Although we commend staff for its revision of the Planning Commission’s recommendation which provided or an outright ban on services located within 500 of feet of these entities or to one another, the current ordinance may still prove overly burdensome and ultimately end up restricting provision of and access to these services. Business and Professional Office zones appear to make up a small part of the City, thereby providing a limited number of available locations for services. Given Antioch’s approximately 31 parks, more than 20 schools and numerous recreation centers and senior living facilities it is likely that a service provider will fall within 1500 feet of one of these areas and will have to go through the use permitting process. Nor do such restrictions appear to be justified by any of the findings set forth in the ordinance or narrowly tailored to take into account public safety needs or the rehabilitative needs of persons on parole or probation. *See e.g. In re White*, 97 Cal.App.3d 141, 150-151 (Cal. App. 1979) (holding that condition of probation prohibiting a defendant from going into certain map areas was unnecessarily broad); *People v. Smith*, 152 Cal.App.4th 1245, 1248, 1250-51 (Cal. App. 2007) (holding that even in cases of sex offenders, proximity restrictions must not be overly broad and, instead, must consider the particularized needs of the probationer and be tailored to serve either the goals of probation, public safety, or rehabilitation).

We are also concerned that the use permitting process with its \$2000 fee and multi-month long process may prove overly burdensome to non-profit and community based service providers hoping to serve the Antioch community and will therefore end up restricting the availability of services. Questions also exist about the discretionary nature of the use permitting process and what guidelines exist for the determination of whether a permit will be granted or not. If entities were required to go through this process it would be important for guidelines to be implemented in order to ensure that a permit is not denied based on unfounded fears and prejudices.

In sum, it appears that the Revised Regular Ordinance will have the practical effect of restricting the ability of providers to provide crucial recidivism-reducing services to the people of Antioch. That the definition of Community Supervision Programs has been extended in the Revised Regular Ordinance to include any entity providing services to formerly incarcerated persons and not just those serving the AB 109 population, only serves to increase the volume of services that will be restricted.

Findings Do Not Justify Restriction of Services

The findings the City sets forth in both the interim and proposed regular ordinance as justification for the restrictive zoning ordinance appears to indicate that the City is concerned that formerly incarcerated persons may recidivate and that Realignment has or will cause an increase in crime. *See* Interim Ordinance Findings E – I and Regular Ordinance E – I. There are factual inaccuracies and logical inconsistencies in both the findings and in the City’s reliance on the findings to justify their decision to restrict services. For instance, the findings cite to news stories that make claims that increases in crime in certain parts of the state have been caused by Realignment. However, these stories are often speculative and fail to present real data to support their conclusions. Other news stories and reports have combatted this proposition using real data. For instance, a recent report released by the Center on Juvenile and Criminal Justice looking at 2012 crime data found no demonstrated relationship between the implementation of Realignment and any increases in violent or property crime that may have presented across the state. *See* Center on Juvenile and Criminal Justice, *California’s Urban Crime Increase in 2012: Is “Realignment” to Blame?* (January 2013).¹ The report also found that although violent and property crimes increased slightly in most large California cities in the first six months of 2012, those figures still remained among the lowest recorded in more than 40 years. *Id.*

Further, the City’s findings include citations to statistics from the CDCR showing that formerly incarcerated persons tend to recidivate at certain rates and a citation to a figure which apparently shows that 35% of the population under Post Release Community Supervision in Antioch have been rearrested. The fact is that under AB 109 recidivism rates are no worse than they were under the old system. The state prison and parole systems were failing at their job of preventing lower-level offenders from reoffending. The difference under Realignment is that now that local systems have supervisory responsibility they have the opportunity to reduce the recidivism rates that existed under the old system by using the various evidence-based programs that this ordinance seeks to restrict. The fact of the matter is that recidivism rates in Antioch will not be reduced unless formerly incarcerated individuals reentering the community have access to evidence-based reentry services and programs.

Nor has Realignment caused an influx of formerly incarcerated people to Antioch or any other community. Prior to Realignment people exiting prison or coming out of county jail would have returned to their communities the same as they are doing now. The only difference is that some people exiting prison are now supervised by the county probation department instead of by the state parole department. Persons who have been through the criminal justice system will be living in Antioch the same as before. The only difference,

¹ *available at* http://www.cjcj.org/uploads/cjcj/documents/california_urban_crime_increase_2012.pdf.

with respect to the proposed ordinance, is whether those persons will have access to services shown to reduce the risk of recidivism or not.

Unfounded restrictions, as appear to occur here, may run contrary to the law. The City may not treat a facility differently due to the City's require a special use permit based on "mere negative attitudes, or fear unsubstantiated by factors which are properly cognizable in a zoning proceeding." See *Cleburne v. Cleburne Living Center*, 473 U.S. 432, 448 (1985) (holding that requiring a special use permit for a facility servicing a particular class of individuals violates the Equal Protection Clause of the Fourteenth Amendment when there is no rational basis for believing that a facility would pose any special threat to a city's legitimate interest).

Discriminatory Impact of the Zoning Restrictions

If implemented, this ordinance will likely disproportionately impact African Americans. Over the duration of Realignment African Americans have made up 40% (60 out of 149 individuals) of the AB 109 population in Antioch, despite making up only 17% of the total Antioch population.² If the City Council approves the broadening of the definition of Community Supervision Services to include services provided to all formerly incarcerated persons, not simply those sentenced or supervised pursuant to AB 109, the impact is likely to be similarly disproportionate. See e.g. California Sentencing Institute 2010 Report by the Center for Juvenile and Criminal Justice, available at <http://casi.cjcg.org/> (raw data showing that in 2010 in Contra Costa County there were 204.1 new felony admissions per 100,000 African Americans as compared to 25.6 new felony admissions per 100,000 Whites).

Though the situations are not identical, the facts related to this proposed ordinance raise some similar concerns to those that prompted the ACLU and other public interest law firms to file *Williams v. City of Antioch*. As in *Williams*, where we believed that the targeting of Section 8 voucher holders by the Antioch Police Community Action Team adversely impacted African Americans, restricting access to Community Supervision Programs will similarly disparately affect African Americans. This is because African Americans are overrepresented in the City's AB 109 population and overrepresented in the Counties formerly incarcerated population. Under this theory, first developed in Title VII cases, statistical evidence that a policy, neutral on its face, has an adverse impact on a protected class will establish a *prima facie* case. No proof of discriminatory intent is required to prevail on this claim. *Pfaff v. HUD*, 88 F.3d 739, 745-46 (9th Cir. 1996).³ Moreover, this zoning ordinance may violate California Government Code section 11135, which prohibits racial discrimination by recipients of state funding. That statute's implementing regulations include a proscription against adverse impact, for which parties may

² See Census Bureau data for 2010 (reporting 17,667 African Americans out of a total of 102,372 city residents).

³ If plaintiffs establish adverse impact, the burden shifts to defendant to rebut the impact by showing that its policy or practice was justified by a legally sufficient, nondiscriminatory reason. *Pfaff*, 88 F.3d at 746-47.

state a claim. Cal Gov't Code § 11135; 22 Cal. Admin Code 98101(i)(1); *Darensburg v. Metro Transp. Comm'n*, 611 F. Supp. 2d 994, 1041–42 (N.D. Cal. 2009).

Furthermore, to the extent that the zoning ordinance restricts provision of drug treatment and mental health services, the ordinance may be in violation of the Americans with Disabilities Act (“ADA”) and the Rehabilitation Act (“Rehabilitation Act”). *Bay Area Addiction Research and Treatment, Inc. v. City of Antioch*, 179 F. 3d 725 (9th Cir. 1999) (“BAART I”); *Bay Area Addiction Research and Treatment, Inc. v. City of Antioch*, 2000 WL 33716782 (N.D. Cal. 2000) (“BAART II”). The BAART case involved a methadone clinic’s challenge under the ADA and Rehabilitation Act to the City of Antioch’s restriction on a specific site at which the clinic wanted to locate. The Ninth Circuit found that the ADA and Rehabilitation Act applied to zoning and further that those with drug addiction histories were qualified individuals under the Act absent a finding of significant risk. *BAART I*. The district court on remand found that the location of the clinic at the proposed site did not pose a significant risk to the surrounding community under the statute and enjoined the City from restricting the clinic from locating at the chosen site. *BAART II*.

Extension of the Interim Urgency Ordinance is Unwarranted

Finally, one part of the proposal in front of the City is to extend the Interim Ordinance including the findings for the need for the urgency action. The Interim Ordinance would then remain in effect for 22 months and 15 days for until a regular ordinance addressing the issue becomes effective. Staff has proposed that the Interim Ordinance be passed along with instructions to staff to provide additional information to be presented at a future meeting, or, alongside the introduction of a regular ordinance.

The City’s current interim ordinance may not be extended “unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.” Cal. Gov. Code § 65858(c). As set forth above, the findings presented fail to demonstrate a current and immediate threat to the public presented by the siting of re-entry service providers. Therefore, an extension of the City’s interim ordinance does not appear warranted.

Further, there are some concerns about the procedure by which the City proposes to extend the existing Interim Urgency Ordinance. Specifically, it is unclear whether the City published notice in a local newspaper 10 days prior to the hearing on the extension (April 23) as required by California Government Code Sections 65858 and 65090. Cal. Gov. Code § 65858 (“After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.”); Cal. Gov. Code § 65090(a) (“When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be published pursuant to Section 6061 in at least one newspaper

of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency.”). If the City did not provide notice it may be required to do so and set a hearing at least 10 days out from the time of notice in order to give the public the appropriate amount of notice and opportunity to comment.

Given the myriad legal, policy and factual issues discussed above, we urge you to reject the proposals to extend the Interim Ordinance and the proposals to introduce the Planning Commission Regular Ordinance or the Revised Regular Ordinance.

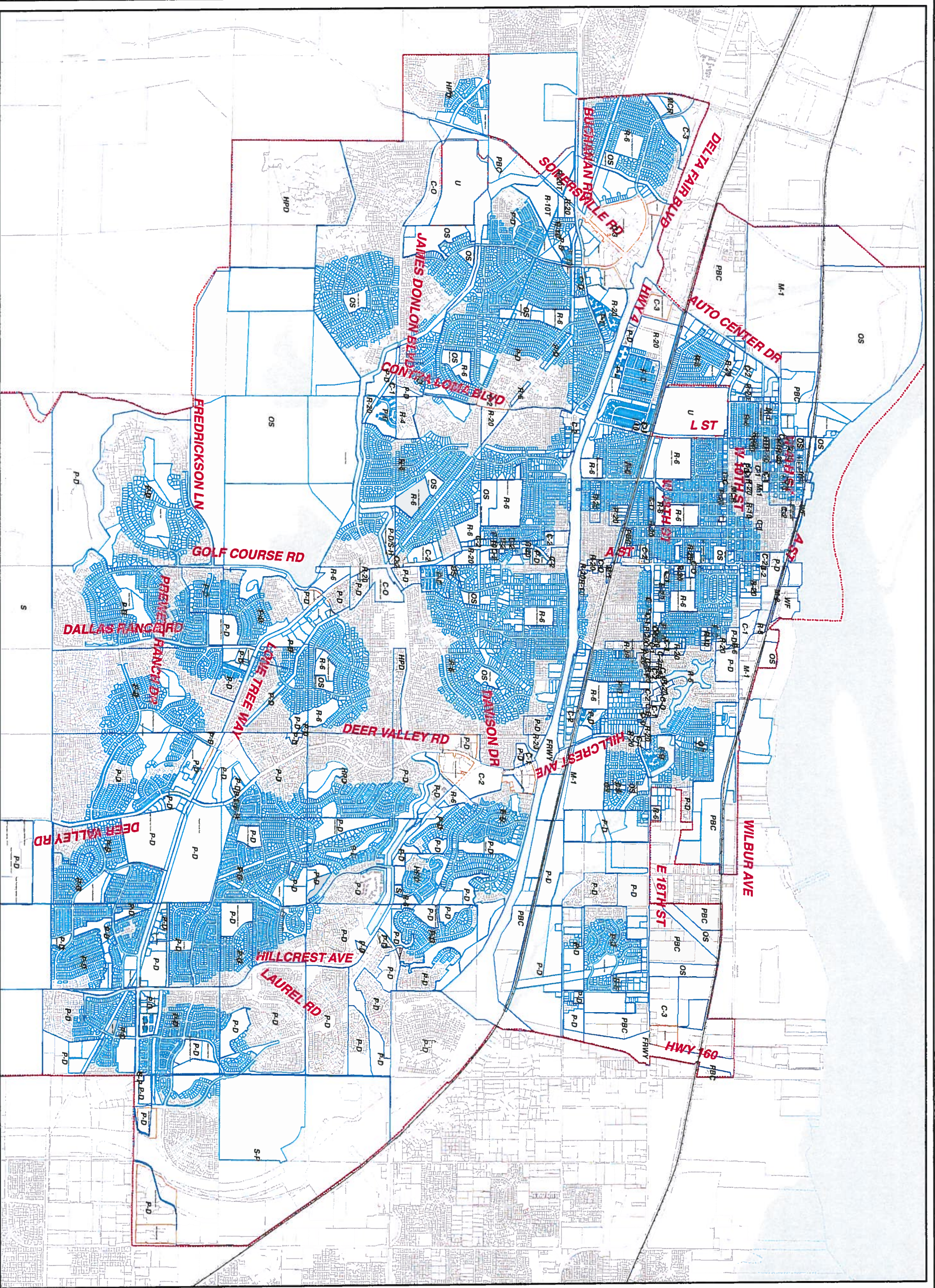
Sincerely,



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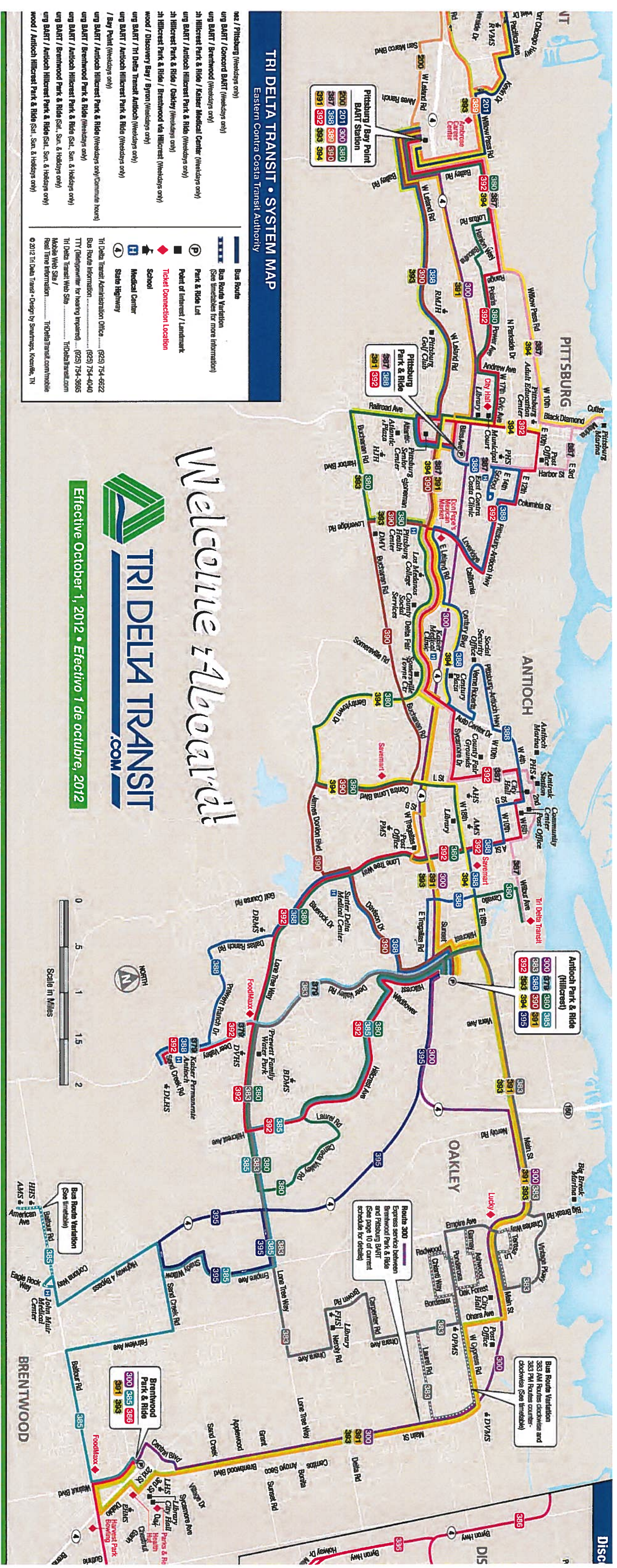


1000 Feet



City of Antioch GIS

Date printed: 4-23-13



TRI DELTA TRANSIT • SYSTEM MAP
Eastern Contra Costa Transit Authority

- Bus Route
 - Bus Route Variation (See itineraries for more information)
 - Park & Ride Lot
 - Point of Interest / Landmark
 - Ticket Connection Location
 - School
 - Medical Center
 - State Highway
- Pittsburg / Bay Point BART Station
 390 387 388 389 390 391 392 393 394
- Antioch Park & Ride (Hillcrest)
 300 378 380 385 383 388 390 391 392 393 394 395
- Bus Route Variation 383 AM Routes (weekdays and 383 PM Routes (weekdays) (See itineraries for details)
- Bus Route Variation 383 AM Routes (weekdays and 383 PM Routes (weekdays) (See itineraries for details)

Welcome Aboard!



Effective October 1, 2012 • Efectivo 1 de octubre, 2012



Bus Route Variation (See itineraries)
 HZSS & AMKS
 385

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 HZSS & AMKS
 385

Bus Route Variation (See itineraries)
 HZSS & AMKS
 385