



# Agenda

# PUBLIC PROTECTION COMMITTEE

-- SPECIAL MEETING --  
NOVEMBER 30, 2010

1:00 P.M.

651 Pine Street, Room 101, Martinez

Supervisor Federal D. Glover, Chair

Supervisor John Gioia, Vice Chair


## Agenda Items:

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

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes)
3. Consider follow-up report from the Animal Services Director regarding the proposal to require the spaying/neutering of impounded dogs in Contra Costa County
4. Consider staff recommendation for an impartial screening process for recruitments to public bodies for which the Board of Supervisors is the appointing authority, when a Supervisor's family member is a candidate
5. Review draft final year-end committee productivity report and consider providing direction to staff on final disposition of referrals

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

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

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

For Additional Information Contact:

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## DISTRIBUTION

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

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

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

## **2010 PUBLIC PROTECTION COMMITTEE**

### **PROPOSAL TO REQUIRE THE SPAYING/NEUTERING OF IMPOUNDED DOGS IN THE COUNTY**

On August 10, 2010, the Board of Supervisors referred to the Public Protection Committee a proposal to enact an ordinance to require the spaying or neutering of pit bull-type dog breeds in the unincorporated area of Contra Costa County.

The Public Protection Committee took this matter up at its August 16, 2010 meeting and received a substantial amount of public testimony. The Committee decided to examine more closely the concept of mandatory spaying/neutering of any dog impounded by the County. The committee requested the Animal Services Director to gather the following statistics and other information and report back to the committee within 90 days:

- Number of impounded dogs, broken down by breed
- Number of euthanized dogs, broken down by breed
- Number of dogs returned to owners, broken down by breed (might also be helpful to know how many of these had been neutered, if you track that)
- Number of dogs adopted, broken down by breed
- Number of pit bull bites following passage of the San Francisco ordinance and other agencies that have adopted similar ordinances
- Dog bite/attack statistics before and after passage of Contra Costa County's dangerous dog ordinance
- How are we dealing with irresponsible pet owners?
- If we implemented a policy requiring spay/neutering of impounded dogs prior to allowing them to be reclaimed, what resources would be required and how much would they cost?

November 30, 2010

The statistical report requested of the Animal Services Director by the Committee is attached hereto. Also attached, for reference, is the referring Board Order.

## MEMORANDUM

**DATE:** November 30, 2010

**TO:** PUBLIC PROTECTION COMMITTEE

**FROM:** Glenn E. Howell, Director  
Animal Services Department

**RE:** FOLLOW UP REPORT REGARDING THE PROPOSAL TO REQUIRE THE  
SPAYING/NEUTERING OF IMPOUNDED DOGS IN CONTRA COSTA COUNTY

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This is a follow up report to the August 10, 2010 meeting of the Public Protection Committee to consider a mandatory spay / neuter ordinance for pitbull dogs. The Committee requested information on the following:

- A breakdown of impounded animals by breed
- Number of euthanized dogs broken down by breed
- Number of dogs returned to owners broken down by breed
- Number of impounded dogs that come in and leave the shelter intact
- Number of adopted dogs by breed
- Dog bite statistics before and after passage of Contra Costa Dangerous Animal Ordinance
- Number of pitbull bites in San Francisco and other jurisdictions following implementation of a mandatory spay/neuter ordinance
- How CCASD deals with irresponsible pet owners
- What resources would be necessary to implement a policy requiring spay/neutering of impounded dogs prior to release

### IMPOUNDS BY BREED

*Table # 1* shows the top five (5) breeds impounded into the shelter over the last five years. Year 2010 covers January through August. The pitbull has been the number one breed impounded over the last 10 years.

Table # 1

<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
Pit – 1439	Pit – 2066	Pit – 2241	Pit – 1977	Pit – 2126
Chi – 728	Chi – 910	Lab – 771	Lab – 789	Lab – 978
Ter – 543	Lab – 795	Chi – 680	GSH – 606	GSH – 723
Lab – 492	Ter – 694	GSH – 646	Chi – 486	Rot – 411
GSH – 411	GSH – 681	Ter – 544	Ter – 394	Chi – 369

*See attachment # 1 for a breakdown by breed of the top 20 impounds into the shelter.*

### **EUTHANASIA BY BREED**

Due to the continued popularity and over-breeding, the pitbull has been the number one breed euthanized for the last ten years. *Table # 2* shows the top five breeds euthanized over the last five years. Year 2010 covers the period of January through August. In calendar year 2009, behavior/aggression accounted for 79% of the pitbulls euthanized. In 2008, behavior/aggression accounted for 70% of the pitbulls euthanized. In 2007, behavior/aggression accounted for 70% of pitbulls that were put down.

Table # 2

<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
Pit – 628	Pit– 938	Pit – 1170	Pit – 1116	Pit - 1154
Chi – 118	GSH – 205	GSH – 203	GSH – 198	GSH - 253
GSH – 105	Lab – 151	Lab 197	Lab – 184	Lab - 236
Ter – 82	Chi– 145	Rot – 134	Rot – 165	Rot - 174
Lab – 77	Ter– 107	Chi – 130	Chow – 78	Chow - 76

*See attachment # 2 for a breakdown of the top 20 breeds euthanized over the last 10 years.*

These numbers are not unique to Contra Costa County. Alameda County shelters impounded 2,104 pitbulls in 2009. Of those, 1,189 were euthanized. In 2008, Alameda County Shelters impounded 1,836 pitbulls. Of those, 1,117 were euthanized.

## ADOPTIONS BY BREED

*Table # 3* shows a breakdown by breed of the top five breeds adopted over the last ten years. Year 2010 covers the period of January through August.

*Table # 3*

<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
1. Chi – 367	1. Chi – 477	1.Pit – 321	1.Chi – 206	1.Pit - 265
2. Ter– 327	2. Pit -419	2.Chi – 310	2.Pit – 203	2.Lab - 235
3. Pit – 292	3. Ter–375	3.Ter – 301	3.Ter – 192	3.GSH – 212
4. Lab – 104	4. GSH – 204	4.Lab – 191	4.Lab – 177	4.Chi – 180
5. GSH – 84	5. Lab – 188	5.GSH – 185	5.GSH – 147	5.Ter - 169

*See attachment # 3 for a breakdown of the top 20 breeds adopted over the last 10 years.*

## IMPOUNDED DOGS RETURNED TO OWNERS INTACT

Listed below on *Table # 4* are the numbers of impounded dogs, per year, that were returned to their owners (RTO). The numbers are broken down by sex and indicate whether the dogs were spayed, neutered, or unaltered.

U = Unaltered    A = Altered    S = Spayed    N = Neutered    RTO = Returned to Owner

*Table # 4*

	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
U – Female	241	367	374	360	378	334
U – Male	360	557	597	617	625	577
<b>Total U - RTO'S</b>	<b>601</b>	<b>924</b>	<b>971</b>	<b>977</b>	<b>1003</b>	<b>911</b>
S – Female	267	445	555	534	577	574
N – Male	368	639	641	706	703	735
<b>Total A - RTO'S</b>	<b>635</b>	<b>1084</b>	<b>1196</b>	<b>1240</b>	<b>1280</b>	<b>1309</b>

*Table # 5* shows the number of pitbull dogs returned to their owners altered or intact.

Table # 5

<b>Year</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
U	170	247	317	288	317	272	273	267	324	318	326
A	126	197	218	206	212	177	174	176	193	169	106
<b>Total</b>	<b>296</b>	<b>444</b>	<b>535</b>	<b>494</b>	<b>529</b>	<b>449</b>	<b>447</b>	<b>443</b>	<b>517</b>	<b>487</b>	<b>432</b>

### **RETURN TO OWNER BY BREED**

Jan 2000 – Aug 2010

*Table # 6* is a list by breed of dogs redeemed by their owners. This list covers the last ten years, January 2000 through August 2010. The list starts with the breeds most seen in the shelter to the least seen. It indicates the number of intact and altered males and females.

U = Unaltered S = Spayed N = Neutered

Table # 6

	TOTAL	U -Female	U - Male	S - Female	N - Male
PITBULL	5073	1242	1877	936	1018
LABRADOR	4182	465	883	1171	1663
GER SHEP	2328	366	531	719	712
ROTTWEILER	1531	389	564	287	291
CHIHUAHUA	793	190	308	95	200
GOLDEN RETR	686	55	148	192	291
TERRIER	612	87	165	152	208
SIB HUSKY	556	94	79	198	185
AUST SHEP	550	66	96	196	192
CHOW CHOW	514	75	148	151	140
BOXER	469	70	131	115	153



BORDER COL	400	58	80	124	138
BEAGLE	387	49	54	117	167
COCKER SPAN	306	39	67	83	117
JACK RUS TER	259	29	59	67	104
POODLE MIN	258	49	73	59	77
AKITA	216	31	56	53	76
GER SH POINT	206	24	50	62	70
SHIH TZU	205	40	57	41	67
POMERANIAN	193	39	67	30	57
QUEENSLAND	177	29	29	61	58
DOBERMAN	172	19	39	54	60
LHASA APSO	172	19	39	54	60
MALMUTE	154	11	29	36	78
DACHSHUND	151	9	50	33	59
SCHNAUZER M	149	14	43	33	59
SHARPEI	146	27	45	36	38
AUS CAT DOG	138	18	35	38	47
PUG	135	35	36	29	35
DALMATIAN	133	18	21	47	47
YORKSHIRE T	109	19	36	16	38
MIN PIN	109	25	45	20	19
BASSET HND	101	9	23	27	42
SPRINGER SP	94	14	23	28	29
MASTIFF	93	16	30	14	33

CHIHUAHUA LH87	27	28	13	19
RHOD RIDGE 84	10	18	23	33
BRITTANY 84	7	29	29	19
AM STAFF 83	10	33	23	17
BOSTON TER 79	13	22	17	27
POODLE TOY 78	21	34	3	20
SHET SHEEPDOG75	10	15	23	27
PEKINGESE 74	11	28	13	22
MALTESE 72	20	17	11	24
POINTER 70	15	8	26	21
CHES BAY RTR 70	14	20	22	14
BICHON FRISE 68	12	20	10	26
BULLMASTIFF 67	8	24	17	18
WEIMARANER 63	4	10	17	32
COCKAPOO 63	7	16	16	24
OTHERS 2049	289	501	583	676

### **IRRESPONSIBLE PET OWNERS**

The Committee asked how CCASD deals with irresponsible pet owners. This is handled by a variety of fines and ordinances. When appropriate, education is used and preferred as the first line of obtaining compliance. In other cases, a variety of fines and ordinances are enforced. The majority of the responses are complaint driven. Some tools at our disposal are:

1. Fines are assessed to owners of unaltered dogs at large. These fines of \$35.00 for the first offense, \$50.00 for the second offense, and \$100.00 for the third and subsequent offenses, are authorized via California Food and Agriculture Code, section 31751.7.
2. Contra Costa County code authorizes citations for animals running at large.
3. Impounded animals are assessed board fees.

4. Fines and/or late penalties are assessed for failure to license dogs.
5. Dogs that bite or threaten people are subject to the County's Dangerous Animal Ordinance.
6. Dogs that attack other domestic pets and livestock are subject to the County's Dangerous Animal Ordinance.
7. Animal Services also enforces California State laws related to care and treatment of animals.

### DOG BITES

The Committee requested the number of dog bites before and after implementation of the County's Dangerous Animal Ordinance which was upgraded in 2006. *Table # 7* indicates the number of dog bites to humans in Contra Costa County. The table covers calendar year 2002 through 2009.

Table # 7

2002	2003	2004	2005	2006	2007	2008	2009
1016	972	947	875	929	1014	1091	1115

*Table # 8* differentiates the severity of the bites.

Red = hospitalized / dead    Blue = severe    Green = moderate    Black = minor

Table # 8

2002	2003	2004	2005	2006	2007	2008	2009
2	6	8	10	11	5	5	2
51	47	36	38	45	49	38	72
430	431	383	348	339	315	385	352
533	488	520	479	534	645	633	689

The Committee requested stats on the number of pitbull bites to humans in San Francisco and other jurisdictions that implemented mandatory spay/neuter ordinances for pitbulls. San Francisco and other agencies were unable to provide that data. Given the method of data collection, we too are unable to provide pitbull dog bite statistics.

## **RESOURCES AND COST TO IMPLEMENT A SPAY/NEUTER BEFORE RELEASE FOR IMPOUNDED ANIMALS.**

Implementing a spay/neuter program for impounded dogs running at large would require an additional surgery shift, mandating one (1) RVT, Registered Veterinary Technician. Surgery reservations in our spay/neuter clinic are booked out six weeks. The Committee should be reminded that per State law, all adopted shelter animals must be spayed/neutered prior to leaving the shelter into their new home. The average turn-a-round time on spay/neuter adoptions is 2-3 days. These additional surgeries would put a further load on a medical staff already spread very thin. Quick turn-a-round time is necessary to relieve the pressure on shelter capacity due to the increase in animal population caused by the economy and the recent appellate court decision disallowing Saturday as a holding day.

Over the last year the shelter has increased the number of off-site adoption locations. While this has increased our adoptions, saving more animal lives, it has put an additional strain on the medical staff to keep up.

In addition to spay neuter surgeries, the medical staff must examine and vaccinate all incoming animals - over 16,000 animals in two locations. A good portion of these animals require treatment during their stay, thus the heavy demand on our RVTs.

Fiscal impact: \$ 81,764.00

## **2010 PUBLIC PROTECTION COMMITTEE**

### **DEVELOPMENT OF POLICY REGARDING THE APPOINTMENT OF FAMILY MEMBERS TO BOARD ADVISORY BODIES AND COMMISSIONS**

#### Background

The recent candidacy of Supervisor Piepho's husband, David Piepho, for a vacant Trustee seat on the Byron-Brentwood-Knightsen Union Cemetery District (BBKUCD) Board of Trustees raised the policy issue of whether or not it is appropriate for family members of the County Board of Supervisors to be appointed to Board advisory bodies and commissions or other governing bodies for which the Board of Supervisors is the appointing authority.

The Board of Supervisors, on September 14, 2010, referred this issue to the Public Protection Committee (PPC), which took up the matter at its regular meeting on October 18, 2010. After considering written and oral public testimony on the matter, there was consensus among the PPC members that Supervisors' family members should not be automatically barred from participating on public bodies for which the Board of Supervisors is the appointing authority, but that nominations for appointment should result from an "arms length" process whenever a Supervisor's family member is a candidate. The PPC requested staff to bring its recommendations for such a process at the next PPC meeting.

#### November 30, 2010

Attached is a staff report with recommendations for an objective screening process for those instances in which a Supervisor's family member is a candidate for a public body for which the Board of Supervisors is the appointing authority.

**County of Contra Costa**  
**OFFICE OF THE COUNTY ADMINISTRATOR**  
**MEMORANDUM**

DATE: NOVEMBER 16, 2010

TO: **PUBLIC PROTECTION COMMITTEE:**  
FEDERAL D. GLOVER, Chair, District V Supervisor  
JOHN GIOIA, Vice Chair, District I Supervisor

FROM: JULIE ENEA, Senior Deputy County Administrator

SUBJECT: **RECOMMENDATIONS FOR SCREENING PROCESS WHEN A COUNTY SUPERVISOR'S FAMILY MEMBER IS A CANDIDATE FOR A PUBLIC BODY FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY**

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At your committee's October 18, 2010 meeting, you requested staff to provide recommendations for an "arms length" screening process in those instances when a County Supervisor's family member is a candidate for a public body for which the Board of Supervisors is the appointing authority.

Staff preliminarily determined that none of the nine Bay Area counties has a written policy regarding appointment of Supervisors' family members to Board advisory bodies and none of the other Bay Area counties appear to prohibit family members from serving on public bodies for which the Board of Supervisors is the appointing authority. Contra Costa County has adopted some general policies regarding potential conflicts of interest, but nothing that pertains specifically to the appointment of Supervisors' family members to Board advisory bodies. For example, the Board adopted a general guideline in Resolution No. 2002/377 "Board Advisory Body Procedures" that discourages simultaneous membership by more than one member of a family on a Board advisory body. Board Resolution No. 2002/376 also adopted the Common Law Policy on Conflicts: All Board Appointees should so conduct the public business as to avoid even any appearance of conflict of interest.

An "arms length" screening process would ideally exclude Board of Supervisors members and County staff from participation. Therefore, the staff offers the following recommendations for your consideration:

1. Subcommittee of the Civil Grand Jury. Request the Superior Court to establish a subcommittee of the civil grand jury to serve, as needed, as a screening body for the Board of Supervisors whenever a potential conflict of interest exists. The civil grand jury is established by statute as a "watchdog" of public agencies and is generally perceived by the public as objective and neutral. A new grand jury is appointed by the Superior Court annually through a combined screening and lottery process. While the jurors may not be subject matter experts for any particular public body, they are considered well-qualified to serve as a grand juror. The County is responsible for the cost of the civil grand jury, so this

option would likely result in little or no additional cost. The current presiding judge of the superior court is amenable to the proposal.

2. The Congress of Neutrals or a Like Organization. The County currently contracts with a nonpartisan, nonprofit organization called the Congress of Neutrals to provide mediation and dispute resolution services to deter disputes from formal court proceedings. The Congress of Neutrals trains and uses law students, retired persons, community volunteers, and business owners to provide dispute resolution services. This organization is very likely to be accepted by the public as objective and neutral. The County could negotiate a fee with the Congress of Neutrals or a similar organization to provide screening services as needed.
3. Ad Hoc Interview Panel. As with the recent Byron-Brentwood-Knightsen Union Cemetery District trustee recruitment, County staff could be assigned to assemble interviews panels on an ad hoc basis, as needed, to perform a screening process. This option does not have the same degree of distance from the process as Options 1 and 2 and it does require a significant amount of staff time and coordination. However, it is no less distant than staff involvement in other Board advisory body recruitments.

*cc: David Twa, County Administrator  
Mary Ann Mason, Supervising Deputy County Counsel*

**2010 PUBLIC PROTECTION COMMITTEE**

**REVIEW OF COMMITTEE'S WORK DURING 2010 AND  
IDENTIFICATION OF ISSUES TO BE REFERRED TO THE 2011 COMMITTEE**

Attached is a draft Order to the Board summarizing the activities and accomplishments of the Public Protection Committee in 2010 and recommending matters for referral to the 2011 Committee.

Staff requests direction on any changes you require on the disposition of referrals.



TO: BOARD OF SUPERVISORS  
FROM: PUBLIC PROTECTION COMMITTEE  
DATE: NOVEMBER 23, 2010



# Contra Costa County

SUBJECT: **2010 YEAR-END REPORT ON ACCOMPLISHMENTS AND DISPOSITION OF  
REMAINING REFERRALS TO THE PUBLIC PROTECTION COMMITTEE**

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

## RECOMMENDATIONS:

1. ACKNOWLEDGE that the Board of Supervisors referred 10 issues to the Public Protection Committee (PPC) for its review and consideration during 2010.
2. FIND that the 2010 PPC convened six meetings, worked through and provided an opportunity for public input on a number of significant issues, and made \_\_\_ reports with recommendations to the Board.
3. RECOGNIZE the excellent work of the County department staff who provided the requisite information to the PPC in a timely and professional manner, and members of the Contra Costa community and other public agencies who, through their interest in improving the quality of life in Contra Costa County, provided valuable insight into our discussions, and feedback that helped us to formulate our policy recommendations.
4. APPROVE recommended disposition of PPC referrals described on Page 8 of this report.

CONTINUED ON ATTACHMENT:  YES  NO

SIGNATURE:

\_\_\_\_ RECOMMENDATION OF COUNTY ADMINISTRATOR      \_\_\_\_ RECOMMENDATION OF BOARD COMMITTEE  
\_\_\_\_ APPROVE                      \_\_\_\_ OTHER

SIGNATURE(S):

\_\_\_\_\_  
FEDERAL D. GLOVER, Chair

\_\_\_\_\_  
JOHN GIOIA, Vice Chair

ACTION OF BOARD ON \_\_\_\_\_ APPROVE AS RECOMMENDED \_\_\_\_\_ OTHER \_\_\_\_\_

VOTE OF SUPERVISORS

\_\_\_\_ UNANIMOUS (ABSENT \_\_\_\_\_)

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

CONTACT: JULIE ENEA (925) 335-1077

CC: PUBLIC PROTECTION COMMITTEE STAFF  
COUNTY ADMINISTRATOR

I HEREBY CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF AN ACTION TAKEN  
AND ENTERED ON THE MINUTES OF THE  
BOARD OF SUPERVISORS ON THE DATE  
SHOWN.

ATTESTED: December 7, 2010

DAVID J. TWA, CLERK OF THE BOARD OF  
SUPERVISORS AND COUNTY ADMINISTRATOR

BY \_\_\_\_\_, DEPUTY

BACKGROUND:

The Public Protection Committee (PPC) was established on January 8, 2008 to study criminal justice and public protection issues and formulate recommendations for consideration by the Board of Supervisors. During 2010, the PPC examined the following 10 issues:

1. Opportunities to Improve Coordination of Response to Disasters and Other Public Emergencies. Approximately three weeks following the November 2007 Cosco Busan oil spill, the Sheriff's Office of Emergency Services (OES) presented to the Board of Supervisors its assessment of the emergency response efforts, including what worked well and didn't work well, and what lessons were learned through those experiences. At the conclusion of the Board discussion, Supervisor Gioia introduced five recommendations that were approved by the Board. Supervisor Gioia also convened meetings within his District to discuss the implementation of the recommendations.

On February 5, 2007 the Board of Supervisors referred this matter to the PPC for continuing development and oversight. Following a briefing to the PPC by the Office of the Sheriff on February 11, 2008, the PPC reported out to the Board of Supervisors on May 6, 2009 with recommendations for follow-up by the Sheriff and Human Resources departments. PPC received a status report from the Office of the Sheriff and Health Services Department in February 2009 and requested the Hazardous Materials Program Manager to report back to the PPC on the development of mutual aid agreements from local oil refineries.

The Health Services Department made a report to the PPC on April 19, 2010 regarding the resources and connections available to respond to hazardous materials emergencies and, again, on October 18, 2010 regarding who determines which local official participates in incident command if an event is in Contra Costa County.

Recommendation: **REFER to 2011 PPC**

2. Improving Public Response During Emergencies Through Education. In January 2008, the Board of Supervisors referred to the PPC the matter of improving public response to emergency instructions and protocols through broader and better education, which had previously been on referral to the IOC. The Board suggested that the PPC work with the Office of the Sheriff, the Health Services Department, and the CAER (Community Awareness & Emergency Response) Program to determine what educational efforts are being made and what additional efforts may be undertaken to improve public response and safety during an emergency.

In April, the PPC met with CAER (Community Awareness Emergency Response) Executive Director Tony Semenza and staff from the Office of the Sheriff and Health Services to discuss what has been done to better inform the public and what more can be done to improve public response to emergency warnings. CAER provided a thorough report on its countywide community fairs, and programs targeted at the education system and non-English speaking populations. Our committee asked CAER to provide a written outreach strategy that describes how new homeowners are educated about emergency awareness. As the matter has not been brought back to the PPC since the April discussion, we recommend that this matter be referred to the 2009 PPC for follow-up.

Due to scheduling conflicts and the cancellation of the October-December PPC meetings, CAER was unable to make a follow-up report to the PPC in 2010.

Recommendation: **REFER to 2011 PPC**

3. Welfare Fraud Investigation and Prosecution. In September 2006, the Employment and Human Services (EHS) Department updated the Internal Operations Committee (IOC) on its efforts to improve internal security and loss prevention activities. The IOC had requested the department to report back in nine months on any tools and procedures that have been developed and implemented to detect changes in income eligibility for welfare benefits.

The EHS Director made follow-up reports to IOC in May and October 2007, describing what policies, procedures, and practices are employed by the Department to ensure that public benefits are provided only to those who continue to meet income eligibility requirements, explaining the complaint and follow-through process, and providing statistical data for 2005/06, 2006/07, and for the first quarter of 2007/08.

Upon creation of the PPC in January 2008, this matter was reassigned from the IOC to the PPC. PPC received a status report on this referral in October 2008 and, again, in June 2010. The Committee requested staff to report back on how the County's program compares to a statewide fraud rate, if such a rate exists. The Committee also requested a follow-up report on the IHSS fraud program and the transition of welfare fraud collections from the Office of Revenue Collection, which was recently disbanded, to the Employment and Human Services Department.

On October 18, 2010, the PPC received a status report from the District Attorney and the Employment and Human Services Director on the Welfare Fraud Investigations and Prosecutions Program, addressing the specific questions of the PPC from the June 21 meeting. As the PPC wishes to monitor performance of the welfare fraud program, it is recommended that this matter be retained on referral with a follow-up report in one year.

Recommendation: **REFER to 2011 PPC**

4. Multi-Language Capability of the Telephone Emergency Notification System. This matter had been on referral to the IOC since 2000 and was reassigned to the PPC in January 2008. The PPC met with Sheriff and Health Services Department staff in March 2008 to receive an update on the County's efforts to implement multilingual emergency telephone messaging. The Committee learned that the Federal Communications Commission has before it two rulemaking proceedings that may directly affect practices and technology for multilingual alerting and public notification. Additionally, the federally-funded Bay Area "Super Urban Area Safety Initiative" (SUASI) has selected a contractor undertake an assessment and develop a five-year strategic plan on notification of public emergencies, with an emphasis on special needs populations. The Sheriff's Office of Emergency Services reported to the PPC in April 2009 that little has changed since the March 2008 report.

On October 18, 2010, the PPC received a report from the Sheriff's Office of Emergency Services on the Community Warning and Telephone Emergency Notification systems, and on developments at the federal level that impact those systems and related technology. Sheriff staff concluded that

multi-lingual public emergency messaging is too complex to be implemented at the local level and should be initiated at the state and federal levels. New federal protocols are now being established to provide the framework within which the technological industries and local agencies can work to develop these capabilities.

As the PPC wishes to monitor progress at the federal and state level as it impacts the County's ability to provide this public safety service, it is recommended that this matter be retained on referral with a follow-up report in one year.

Recommendation: **REFER to 2011 PPC**

5. Disproportionate Minority Contact. The Probation Department secured grant funding from the California Corrections Standards Authority to study factors leading to the over-representation of minority youth in the juvenile justice system relative to their numbers in the general population, to provide training and community outreach regarding Disproportionate Minority Contact (DMC), and to build integrated data systems that enable agencies to collaborate in monitoring the paths of minority youth through the juvenile justice system. The Board requested the County Probation Officer to provide an informational report to the PPC on the DMC initiative. The PPC received an orientation from the Probation Department in April 2008 and a status report April 2009 on the accomplishments of the Enhanced DMC Technical Assistance Project for 2008 and plan of activities for 2009, which was:

- ◆ To continuing its training efforts for staff with a mandatory eight-hour (8) class "Exploring other Cultures";
- ◆ To develop, along with the District Attorney and Public Defender, a Management Information System (MIS) that will aid in the collection of DMC data;
- ◆ To develop a culturally competent assessment tool for the Juvenile Hall intake process;
- ◆ To develop criteria and protocol for diversion programs in three target areas;
- ◆ To work with stakeholders, community-based organizations, and other stakeholders to address DMC.
- ◆ To explore funding sources for the diversion programs through grants, foundation/endowment funding, and local and community business.

The County Probation Officer presented the final DMC report to our committee on June 21, 2010 highlighting the accomplishments of the Enhanced DMC Technical Assistance Project and on the development of diversion and re-entry services in addition to probation and detention programs and services. The County has assisted the Richmond and Bay Point communities by providing seed money to community-based organizations to develop a referral process and diversion program curriculum. Once youths are referred to the programs, the Probation Department will track the participants to determine program completion and recidivism rates. With the acceptance by the Board of Supervisors of the final DMC report on July 13, 2010, it is recommended that this referral be terminated.

Recommendation: **TERMINATE referral.**

6. County support and coordination of non-profit organization resources to provide prisoner re-entry services. On August 25, 2009, the Board of Supervisors referred to the PPC a presentation by the Urban Strategies Council on how the County might support and coordinate County and local non-profit organization resources to create a network of re-entry services for individuals who are leaving jail or prison and are re-integrating in local communities. On September 14, the PPC invited the Sheriff-Coroner, County Probation Officer, District Attorney, Public Defender, Health Services Director, and Employment and Human Services Director to hear a presentation by the Urban Strategies Council. The PPC encouraged County departments to participate convene a task force to work develop a network for prisoner re-entry services, which has been meeting independently from the PPC. The PPC received a status report from County departments in April 2010. The Employment and Human Services department reported on its efforts to weave together a network of services, utilizing ARRA funding for the New Start Program and on the role of One-Stop Centers in finding jobs for state parolees. Probation reported on the impacts of the anticipated flood of state parolees into the county. The Sheriff reported on the costs for expanding local jail capacity and possible expanded use of GPS (global positioning systems) use in monitoring state parolees released back to our county. The Health Services Department reported on its Healthcare for the Homeless Program as a means to get parolees into the healthcare system and on its development of cross-divisional teams on anti-violence. The Public Defender reported on its Clean State Program.

Supervisor Glover indicated that his staff would continue to coordinate this local initiative when the Urban Strategies Council exhausts its federal grant funding. In order to monitor the activities of the task force, it is recommended that this matter be retained on referral to the PPC.

Recommendation: **REFER to 2011 PPC**

7. Residential Rental Inspection Program. The Residential Rental Inspection Program (RRIP) was established by the Board of Supervisors in 2004 with the stated purposes to identify and reduce the number of blighted and deteriorated rental housing units, maintain safe housing for renters, and improve the overall quality of life for communities throughout the County. After five years of operation, the Department of Conservation and Development (DCD) was finding it difficult to achieve the desired goals of the programs within its current operational and financial structure. The program model was highly labor intensive and the revenues generated by the program did not cover its operational costs. On January 26, 2010, the Board of Supervisors requested the PPC to hear a report from DCD concerning the status of the RRIP and to consider staff recommendations for making changes that will further the operational goals of the program and improve its financial sustainability.

At the March 4, 2010 meeting of the PPC, DCD staff proposed changes to RRIP that would end the practice of conducting an interior inspection of every rental unit in the unincorporated area and instead only require interior inspection when a property exhibits exterior signs of neglect as observed in the field by Building Inspection staff. The proposal would also restructure the program fees for increased viability. The PPC instructed staff to present the proposed program changes to County's 13 municipal advisory councils (MACs) for added community input. During

the months of April and May of 2010, staff made presentations to 12 of the 13 MACs regarding the proposed restructuring of the program. On June 21, staff reported to the PPC regarding the input received from the MACs on the proposal and the PPC approved the proposal and directed that the appropriate ordinance be drafted to implement the proposal.

On September 21, 2010, the Board of Supervisors adopted Ordinance No. 2010-14 implementing the restructured Residential Rental Inspection Program.

Recommendation: **TERMINATE referral.**

8. Mandatory spaying or neutering of Pit Bull-type dog breeds. On August 10, 2010, the Board of Supervisors referred to the PPC a proposal to enact an ordinance to require the spaying or neutering of pit bull-type dog breeds in the unincorporated area of Contra Costa County. The PPC took this matter up at its August 16, 2010 meeting and received a substantial amount of public testimony. The Committee decided to examine more closely the concept of mandatory spaying/neutering of any dog impounded by the County. The committee requested the Animal Services Director to gather and report at a subsequent meeting statistics and other information on the number of impounded, adopted or euthanized dogs by breed, the number of dog bites before and after passage of the County's dangerous dog ordinance passage of San Francisco's ordinance, and the potential costs of a policy requiring spay/neutering of impounded dogs prior to allowing them to be reclaimed.

Recommendation: \_\_\_\_\_ **referral.**

9. Ordinance prohibiting archery/bow hunting in incorporated area. On July 13, 2010, the Sheriff-Coroner introduced Ordinance No. 2010-12 to prohibit archery and bow hunting in public places or residential or commercially zoned areas of the county unincorporated area except at public or private target ranges, as permitted by law; when necessary to kill or deter a dangerous animal that presents an immediate threat to human health and safety; or when otherwise authorized by law. The Board referred the proposed ordinance to the PPC for further examination.

The PPC considered the proposed ordinance at its August 16, 2010 meeting and received public comment. Proponents of the ordinance argued in the current county ordinance code, the definition for "firearms" is not sufficiently broad to encompass bows and arrows. Proponents also contended that they were not asking the Board to completely prohibit archery but only to prohibit bow hunting in residential areas due to public safety concerns. Opponents of the ordinance argued that current state law provides adequate public safety protection and that local jurisdictions should not be making new laws when current state laws are not enforced.

Upon due consideration of the relevant issues, public testimony, and County Counsel's summary of current laws regulating bow hunting, the PPC found that current state law provided adequate public safety protection if enforced, and recommended to the Board that the County focus its efforts on increasing enforcement in problem areas of the county and doing more public education and outreach regarding safe and responsible bow hunting. On September 14, 2010, the Board of Supervisors dismissed the proposal to adopt and ordinance that would prohibit archery and bow hunting in certain areas of Contra Costa County.

Recommendation: **TERMINATE referral.**

10. Brentwood-Byron Cemetery District appointment and related policy issue of appointing family members to Board advisory bodies. In July 2010, a vacancy occurred on the Byron-Brentwood-Knightesen Union Cemetery District (BBKUCD) Board of Trustees and, following recruitment, David Piepho, who is the husband of Supervisor Mary Piepho applied. Supervisor Piepho consequently recused herself from the process and, on September 14, 2010, the Board of Supervisors referred the matter to the PPC to discuss the issue of whether to develop a policy regarding the appointment of family members to boards and commissions and to consider the appointment process to fill the current BBKUCD Board vacancy.

The Clerk of the Board's office re-opened a recruitment on September 22, 2010 and extended the application deadline for the seat to October 12, 2010. A total of ten applications were received; two of the applicants withdrew from the process, leaving eight remaining applicants.

The PPC considered the Board of Supervisors' referral at its regular meeting on October 18, 2010. The PPC received a substantial amount of written and oral public testimony on the spirit of the Maddy Act and in support of the various candidates. The PPC limited its discussion to the process to be used to fill the BBKUCD Board vacancy and the broader policy issue of permitting Supervisors' family members to serve on Board advisory bodies, committees, and commissions or other public bodies for which the Board of Supervisors is the appointing authority. There was consensus among the Committee members that Supervisors' family members should not be automatically barred from participating on Board advisory bodies, committees, and commissions, but that nominations for appointment should result from an "arms length" process whenever a Supervisor's family member is a candidate. The Committee determined that, in the case of the Trustee 3 seat on the BBKUCD Board of Trustees, the nomination process should be delegated to a panel made up of subject matter experts from outside of Contra Costa County. The PPC took this recommendation to the Board of Supervisors on October 26, 2010, and the Board directed the County Administrator's Office to convene a panel of three individuals made up of trustees or district managers from cemetery districts outside of Contra Costa County, to evaluate candidates and nominate an individual to the Board of Supervisors, within 30 days, for appointment to the Trustee 3 seat on the BBKUCD Board.

The County Administrator's Office convened the interview panel on November 10 and, on November 23, submitted a recommendation to the Board of Supervisors to appoint Vickey Rinehart for appointment to fill the vacant Trustee 3 seat. The panel also decided to nominate Bailey Neff on a contingency basis in the event that Ms. Rinehart is unable to serve. The Board approved these recommendations.

Outcome of policy discussion to be determined ...

Recommendation: **TERMINATE referral.**

LIST OF REFERRALS TO BE TERMINATED

- 10/05 Disproportionate Minority Contact in County Juvenile Justice System
- 10/07 Residential Rental Inspection Program
- 10/09 Ordinance prohibiting archery/bow hunting in incorporated area
- 10/10 Byron-Brentwood-Knightsen Union Cemetery District appointment / family member policy

LIST OF ITEMS TO BE REFERRED TO THE  
2011 PUBLIC PROTECTION COMMITTEE

- 10/01 Opportunities to improve coordination of response to disasters and other public emergencies (Cosco Busan)
- 10/02 Improving public response to emergencies through education
- 10/03 Welfare fraud investigation and prosecution
- 10/04 Multilingual capabilities of the telephone emergency notification system  
County support and coordination of non-profit organization resources to provide prisoner re-entry services.
- 10/06
- 10/08 Mandatory spay/neutering of pit bull type dogs