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OFFICE OF THE CITY CLERK
OAKLAND

2018 MAY 11 AM 10:16

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, Public Works

SUBJECT: Fund Three Litter/Nuisance
Enforcement Officers

DATE: May 1, 2018

City Administrator Approval

Date:

5/11/18

RECOMMENDATION

Staff Recommends the City Council Adopt A Resolution Authorizing The City Administrator Or Her Designee To 1) Appropriate Approximately \$36,780 from the Comprehensive Clean-Up Fund (1720) Fiscal Year 2017-18 Fund Balance and Approximately \$452,420 from FY 2018-19 1720 Funds To Fund Three Full-Time Litter/Nuisance Enforcement Officers To Help Enforce Regulations Pertaining to Litter and Nuisance Crimes; and 2) To Appropriate Revenues Received From Fines Issued By Litter/Nuisance Enforcement Officers And Rebates From the Mattress Recycling Council Redemption Program For Outreach And Education Programs And Materials.

EXECUTIVE SUMMARY

At the request of Mayor Schaaf and Councilmember Guillen, staff are recommending increasing Oakland's response to illegal dumping by re-building the anti-dumping education and enforcement work that was once performed by Litter Enforcement Officers.

Illegal dumping inflicts grave economic and environmental burdens on Oakland residents. Despite ongoing efforts to eradicate illegal dumping, the problem continues to grow in both frequency and quantity. Oakland Public Works (OPW) has increased its focus on delivering effective solutions, including community outreach, public education, refuse collection, and enforcement.

Over the past several years, the City of Oakland has implemented a number of important initiatives to combat illegal dumping, including an Illegal Dumping Rewards Program, closed circuit television (CCTV) monitoring of dumping hot spots, purchasing additional equipment, and adding staff. While these steps have expanded the City's capacity, they have been insufficient in combating illegal dumping in the city.

This report and resolution is a request to restore the Litter Enforcement Program that will focus on the enforcement of the City's illegal dumping laws and target perpetrators of illegal dumping.

Item: _____
FMC & PWC
May 22, 2018

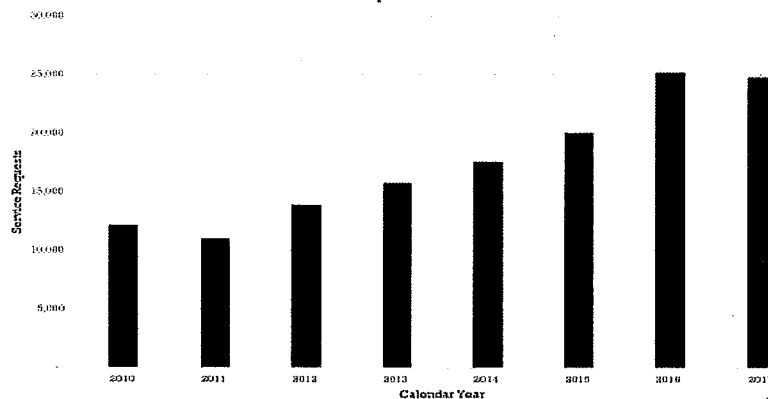
BACKGROUND / LEGISLATIVE HISTORY

Oakland’s Litter Enforcement Program was established in 2001. The program’s initial goal was to cleanup 24 chronic dumping hot spots in three Council Districts; monitor areas susceptible to illegal dumping, conduct forensic investigation of illegal dumping activity, enforce relevant health and safety codes, and to educate the public about how the city and community can work together to battle this issue.

Originally, the Litter Enforcement Program consisted of 8 Litter Enforcement Officers (LEOs), one Public Service Representative (PSR), and one Supervisor. The LEOs were deployed in six service delivery areas and were responsible for implementing outreach/public education, investigations, citing abandoned vehicles, and blight-related code enforcement. The Litter Enforcement Program was eliminated in 2010 due to budget cuts, and there has been an increase in illegal dumping on city streets. LEOs are non-sworn employees – they are not police officers, do not carry a weapon, and do not arrest people. They wear uniforms to identify themselves, and like parking enforcement officers, they are responsible for explaining and enforcing state and local codes relating to dumping, blight, and nuisance control.

Illegal Dumping Service Requests 2010 – 2017

**129%
Increase
from
Calendar
Year 2011
to
Calendar
Year 2016**



Eliminating illegal dumping is critical to supporting healthy and sustainable neighborhoods. Staff believe that a dramatic reduction in illegal dumping can be accomplished by expanding outreach efforts, including engaging residents and businesses to build public awareness, and allocating funds to hire three new Environmental Enforcement Officers (formerly known as Litter Enforcement Officers) to lead the City’s deterrence, forensic investigation, and enforcement efforts.

ANALYSIS AND POLICY ALTERNATIVES

The behavior of dumping refuse on city streets is one of the most challenging problems that the City experiences. OPW approaches Oakland’s dumping issue through a “Three E’s” lens:

- o Education – ensuring residents and businesses know the right way to dispose of their waste, and the full impacts of illegal dumping.
- o Eradication – removing the abandoned waste from city streets.
- o Enforcement – holding people accountable for illegal dumping.

If City resources are only directed to the removal of illegally dumped material, people may become conditioned to think that their debris will be removed by City staff at no cost to them, thus perpetuating the problem rather than solving it. To be effective, the city needs all three of these “legs of the stool” to be strengthened, and reconstituting the Litter Enforcement Program will improve both education and enforcement to build up a 3-pronged sustainable solution to illegal dumping in Oakland. Additionally, this program help to create safe sustainable neighborhoods, and assist in improving the physical appearance of the city, which will translate directly into attracting and retaining business and promoting civic pride.

FISCAL IMPACT

Litter Enforcement Officer FTE position costs:

Classification	FY17-18 (pro-rated)	FY18-19
Litter Enforcement Officer (LEO)	\$12,206	\$150,806
3.0 FTE LEO	\$36,780	\$452,420

There is a projected Fiscal Year 2017-18 ending fund balance in the Comprehensive Cleanup Fund (1720) of \$3.4M. This fund balance will be sufficient to implement the program in the current fiscal year and cover the cost of the positions in the next fiscal year. However, the City is expecting to use \$1.2M of this fund balance in Fiscal Year 2018-19 to continue current Illegal Dumping operations and to address the shortfall in the Landscape and Lighting Assessment District for Parks and Trees Services. The permanent funding of the three (3) Litter Enforcement Officers will need to be addressed in the FY 2019-2021 budget. Based on the effectiveness of the program, the City can increase the scale of the program as resources become available.

In addition to the personnel costs, an annual amount of \$100,000 should be appropriated in the FY 2018-19 budget for the ongoing maintenance expenses, overtime for special enforcement operations, supplies and fuel for the vehicles assigned to each LEO.

To help fund the education and outreach program, staff recommends using the revenue generated from two sources, the fines issued by the LEOs and revenue generated from the Mattress Recycling Council California, LLC rebate program. The previous LEO program generated a range of \$20K-70K in annual revenue between 2002 and 2007. For the previous reporting period, the City received \$16,000. Revenue may increase since the Mattress

Item: _____
FMC & PWC
May 22, 2018

Recycling Council currently pays the City \$10 for each mattress removed, and this amount is expected to increase to \$15 starting the next fiscal year.

PUBLIC OUTREACH / INTEREST

Over the past few years, staff have attended several community meetings to discuss illegal dumping. Many community organizations have made illegal dumping their top priority in 2018, and staff have participated in numerous walking tours, community meetings and large events. A common request from residents has been to restore the Litter Enforcement Program.

COORDINATION

This report was prepared in coordination with Budget Bureau in the Department of Finance and the Office of the Mayor.

SUSTAINABLE OPPORTUNITIES

Economic: The efforts of the LEOs to enforce the City's blight ordinance and penal code will assist in improving the physical appearance of the City of Oakland, which translates directly into attracting and retaining business and promoting civic pride. Education and enforcement should also reduce costs of eradication over time.

Environmental: A decrease in the amount of dumped materials and litter will improve the public health and environment in impacted communities and will reduce the amount of debris that enters the storm drain systems and pollutes our waterways and Bay.

Social Equity: Enhanced efforts to collaborate and partner with neighborhoods, the business community, and the City will enhance the quality of life and safety of the people. The areas most impacted by illegal dumping are predominantly low-income communities of color; efforts to reduce the problem will improve conditions in these communities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends the City Council Adopt A Resolution Authorizing The City Administrator Or Her Designee To 1) Appropriate Approximately \$36,780 In Fiscal Year 2017-18 from the Comprehensive Clean-Up Fund (1720) Fund Balance and Approximately \$452,420 In Fiscal Year 2018-19 To Fund Three Full-Time Litter/Nuisance Enforcement Officers To Help Enforce Regulations Pertaining to Litter and Nuisance Crimes 2) To Appropriate Revenues Received From Fines Issued By Litter/Nuisance Enforcement Officers And Rebates From Mattress Recycling Council Redemption Program To Be Used For Outreach And Education Programs And Materials.

For questions regarding this report, please contact Tom Morgan, Agency Administrative Manager, at 510-238-7953.

Respectfully submitted,



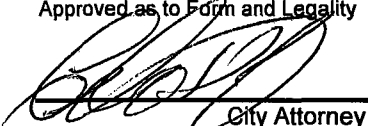
Jason Mitchell
Director, Oakland Public Works

Reviewed by: David Ferguson
Interim Assistant Director
Bureau of Facilities and Environment

Reviewed by: Adam Benson
Budget Administrator
Budget Bureau, Department of Finance

Prepared by: Tom Morgan
Agency Administrative Mgr, Public Works
Bureau of Administration

OAKLAND CITY COUNCIL



City Attorney

2018 MAY 11 AM 10:16 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO 1) APPROPRIATE APPROXIMATELY \$36,780 IN FISCAL YEAR 2017-18 FROM THE COMPREHENSIVE CLEAN-UP FUND (1720) FUND BALANCE AND APPROXIMATELY \$452,420 IN FISCAL YEAR 2018-19 TO FUND THREE FULL-TIME LITTER/NUISANCE ENFORCEMENT OFFICERS TO HELP ENFORCE REGULATIONS PERTAINING TO LITTER AND NUISANCE CRIMES 2) TO APPROPRIATE REVENUES RECEIVED FROM FINES ISSUED BY LITTER/NUISANCE ENFORCEMENT OFFICERS AND REBATES FROM MATTRESS RECYCLING COUNCIL REDEMPTION PROGRAM TO BE USED FOR OUTREACH AND EDUCATION PROGRAMS AND MATERIALS

WHEREAS, Illegal dumping continues to be one of the most challenging problems facing the Oakland community. Despite ongoing efforts to eradicate illegal dumping, it continues to grow in both frequency and quantity of dumping; and

WHEREAS, Illegal Dumping inflicts a grave economic and environmental injustice on Oakland residents; and

WHEREAS, With no current effective enforcement mechanism, dumpers continue to degrade the environment on a regular basis; and

WHEREAS, The efforts of the LEOs to enforce the City's blight ordinance and Penal Code will create safe sustainable neighborhoods, and assist in improving the physical appearance of the City of Oakland, which translates directly into attracting and retaining business and promoting civic pride; now, therefore be it

RESOLVED, That the City Council hereby authorizes the City Administrator or her Designee to appropriate approximately \$36,780 in fiscal year 2017-18 from the Comprehensive Clean-Up Fund (1720) fund balance and approximately \$452,420 in fiscal year 2018-19 to fund three (3) full-time Litter/Nuisance Enforcement Officers to help enforce regulations pertaining to litter and nuisance crimes and to appropriate revenues received from fines issued by Litter/Nuisance Enforcement Officers and rebates from Mattress Recycling Council redemption program to be used for outreach and education programs and materials; and be it

FURTHER RESOLVED, That sufficient fund balance is available to support these position through fiscal year 2018-19; and be it

FURTHER RESOLVED, That revenues from fines generated by Litter/Nuisance Enforcement Officers will be deposited into Fund 1720, Organization to-be-determined, Project to-be-determined, and expenditures equal to the revenue received may be appropriated without coming back to Council in Fund 1720, Organization to-be-determined, Project to-be-determined,

for the purpose of community outreach and education to deter illegal dumping; and be it

FURTHER RESOLVED, That revenues from rebates received from the Mattress Recycling Council redemption program will be deposited into Fund 1720, Organization to-be-determined, Project to-be-determined, and expenditures equal to the revenue received may be appropriated without coming back to Council in Fund 1720, Organization to-be-determined, Project to-be-determined, for the purpose of community outreach and education to deter illegal dumping.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California