

CITY OF OAKLAND
AGENDA REPORT

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OFFICE OF THE CITY CLERK
OAKLAND
2008 JAN 10 PM 3:58

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: January 22, 2008

RE: **Follow Up Report from the Public Works Agency Regarding the Litter Enforcement Unit of the Public Works Agency Detailing Staffing, Areas of Focus, Investigation of Illegal Dumping, Fines Assessed, Abandoned Vehicles Cited and Towed, and Education and Outreach Efforts in the Community**

SUMMARY

Over the past nine months, staff presented to the Public Works Committee two informational reports regarding the Litter Enforcement Unit of the Public Works Agency detailing staffing, areas of focus, investigation of illegal dumping, fines assessed, abandoned vehicles cited and towed, and education and outreach efforts in the community. This report describes the latest update on PWA's efforts to deal with illegal dumping.

FISCAL IMPACT

This is an informational report only; therefore there are no fiscal impacts.

BACKGROUND

The Litter Enforcement Unit consists of six Litter Enforcement Officers (LEO). The officers are responsible for monitoring areas susceptible to illegal dumping, conducting forensic investigation of illegal dumping activity, and enforcing relative codes. In addition, the LEO assists with development and implementation of permanent solutions to the systemic problem of illegal dumping. The LEO also collaborates with Neighborhood Service Coordinators, participants on SDS teams and Neighborhood Crime Prevention Councils and participates in community and business meetings to provide education and mitigation/prevention of illegal dumping.

KEY ISSUES AND IMPACTS

Illegal dumping continues to be one of the most challenging problems that the Public Works Agency (PWA) and the Oakland community are facing. Despite ongoing efforts to deal with illegal dumping, it continues to persist as a leading issue. The highest number of calls received

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by the Public Works Call Center is regarding illegal dumping complaints. PWA is continually evaluating new approaches to this problem.

Our focus is to continue to work toward more effective solutions to the systemic problem of illegal dumping and to focus on long term solutions, including enforcement, education and mitigation / prevention. This shift in focus will reduce the amount of time investigating incidents by LEOs and is likely to cause a decrease in the number of illegal dumping cases filed. However, we believe it will help us reduce the amount of illegal dumping that currently takes place in Oakland.

PROGRAM DESCRIPTION

The major new and enhanced work that is currently being done is described below:

Private Property Surveillance / Signage

In an effort to raise awareness and inform business owners in commercial areas, LEOs visit property owners, provide outreach materials with specific contact and resource information, and request that owners of commercial property install signage on their property to warn would-be illegal dumpers. Staff has taken a survey of owners who have expressed interest in signage or surveillance cameras and are working with the Oakland Police Department to identify locations of mutual interest. Upon visiting 51 merchants in the West and East Oakland commercial areas staff found over 50% of those canvassed were interested in signage and approximately 30% expressed interest in having cameras installed. The next step is to look at incentives for businesses to get signs and surveillance cameras installed. This would include paying some of the costs to purchase and install the equipment.

Monitoring / Surveillance

This past fall, two surveillance cameras were installed in locations that are frequently abused by illegal dumpers. The cameras have the capability to be adjusted remotely from a desktop computer. The cameras will allow staff to view "live action" as well as record several hours of data that can be reviewed. They will also allow us to capture license plate numbers of vehicles and run the license plates to retrieve owner information. Activity can be monitored by staff at any remote location that has internet access. The information provided through video surveillance will be used to strengthen cases against individuals who have been put on notice through other outreach efforts (e.g., truck notifications). Next year, two additional cameras will be installed at selected locations. We are still working out some technical aspects of the program and the training for online access is still in progress.

Warning Letters

A large degree of illegal dumping is attributed to construction materials and debris. Because of this, a warning letter campaign was instituted targeting businesses in the general construction trade. Over 500 warning letters have been mailed to businesses involved in general construction or remodeling and which possess City of Oakland business licenses.

Truck Notices

In known illegal dumping hot spots, a "Truck Notification" letter is placed on vehicles full of debris, putting the owner/operators on notice of the consequences of dumping in the City. The letters also contain a list of options to inform owners/operators how to properly dispose of materials. The letter is sent by certified mail to the registered owner of that vehicle. To date, 300 letters have been issued, and staff is tracking this data for use in ongoing enforcement action.

CEDA Permit Counter

As part of the conditions of final permit approval, contractors must show proper disposal of waste. Also, at the CEDA permit counter, outreach material (in Spanish, Chinese, and English) is available to provide the Oakland Municipal Code (§§8.28.060, 8.28.070, 8.38.170, 8.38.040) regarding hauling, transporting, dumping and the consequences associated with illegally dumping debris in the City of Oakland.

Internet Notices

On a weekly basis, staff accesses the internet and checks for businesses that advertise hauling in the City. These businesses are e-mailed a 'Hauler Notice' which provides them with the Oakland Municipal Code (OMC) that clarifies who has the express authority to collect and transport waste in the City, and informs the hauler of the consequences for dumping and the cost associated with the cleanup. Initially, there were over 100 haulers noticed via-e-mail; many ended up being the same people, with variations on how they were listed. There have been 95 responses by businesses listed as "Haulers," with responses such as "I encourage your mission to inform the general public of this issue and crack down on the irresponsible polluters who violate the law."

DMV Information

PWA Litter Enforcement staff has received training from the Oakland Police Department and have been cleared to run vehicle license plates to identify registered owners. The training involved a review of laws around the confidentiality of the information, and who is entitled to have this information. There was a review of various computer databases, CLETS, FBI, and the DMV, and what information can be accessed by utilizing them. This training will afford us the

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opportunity to rely less on OPD for this service, and expedite identifying perpetrators involved in illegal dumping.

Citizen Declarations

Another tool that is being developed in partnership with the Oakland Police Department is the utilization of a "Witness Declaration Form" designed to help the community assist us in following up on and identifying perpetrators observed in the act of dumping. Declarations will be used to have a person attest to what they observed or have knowledge of, such as a truck seen illegally dumping. These declarations will be made available to the community through various methods including the City website, community functions, cleanups, fairs, monthly NCPC meetings, etc. The declarations will provide the PWA LEOs with pertinent information that will strengthen their case against the illegal dumper. It is anticipated that the forms will be completed by the end of January, and that implementation will begin in February 2008.

State of California Integrated Waste Management Board

On October 4, 2007, PWA staff attended the Illegal Dumping Enforcement Task Force Committee (IDETF) meeting in Sacramento, where plans to develop statewide coordination, leadership and assistance to local illegal dumping enforcement programs were discussed, along with the need for abatement and prevention programs. Legislation that would administer effective programs and additional funding sources to support the increasing costs of illegal dumping were also discussed. Recommendations also call for the development of guidelines to help local government standardize operational procedures and standards and to establish a consistent state-level illegal dumping outreach program. The outreach program would also include the development of an Illegal Dumping Enforcement Manual that would "enhance local and regional capabilities to prevent and redress illegal dumping". It will also provide guidelines for the standardization of operational procedures of illegal dumping enforcement programs and identified statewide enforcement standards. The Enforcement Manual will result in providing more consistent and effective enforcement of illegal dumping codes and statutes. PWA staff will continue to actively participate in on-going IDETF committees to create these statewide initiatives that will benefit Oakland.

Enforcement

PWA staff continues to perform ongoing forensic investigation, although with the shift of staff resources to implement the measures described above, more selective investigations will occur. PWA is collaborating with the Oakland Police Department on several types of field operations. Details of operations include enforcement and citing of illegal dumping violators.

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SUSTAINABLE OPPORTUNITIES

Economic: The continued 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.

Environmental: A decrease in the amount of dumped materials and litter will lessen the amount of debris that enters the storm drain systems, polluting our creeks and waterways.

Social Equity: The enhanced efforts of collaboration and partnering with the citizenry and the business community and the Public Works Agency will enhance the quality of life and safety of the people.

DISABLED AND SENIOR CITIZEN ACCESS

The decreased amount of litter and increased beautification will enhance the overall living conditions and safety for the disabled and senior citizens.

ACTION REQUESTED OF THE CITY COUNCIL

No action is requested, since this is an informational report.

Respectfully submitted,

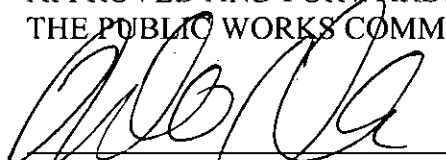


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APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:


Office of the City Administrator

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