

CITY OF OAKLAND

AGENDA REPORT

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

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: July 22, 2008

RE: **Follow-Up Report Regarding the Litter Enforcement Program of the Public Works Agency Detailing Numeric Data and Results and Effectiveness of the Program**

SUMMARY

On January 22, 2008, staff presented to the Public Works Committee an informational report regarding the Litter Enforcement Program. This report is in response to the Committee's request for staff to return every six months and provide a detailed report with the following: numerical data on: (a) number of people are cited each year; (b) fines collected; (c) repeat offenders; (d) how many haulers are cited; and (e) number of enforcement actions have taken place. The Committee also requested information in regard to results and the effectiveness of the program. The information in this report is for the period January 2008 to May 2008.

FISCAL IMPACT

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

BACKGROUND

The Litter Enforcement Program is dedicated to monitoring areas susceptible to illegal dumping, conducting forensic investigation of illegal dumping activity, enforcing relative codes, and educating the public through community outreach and education about how the city and community can work together to battle this crime.

Since 2005, the Litter Enforcement Program has consisted of six Litter Enforcement Officers (LEOs), one Public Service Representative (PSR), and one Supervisor. The LEOs are geographically deployed in the six SDS areas. They are all responsible for implementing outreach/public education, investigations, and enforcement. In December 2007, the Litter Enforcement Program experienced several staff changes beginning with the departure of two LEOs, the retirement of the PSR, and a change of LEO supervision. The PSR position was successfully filled in late March, and we expect to fill the two LEO vacancies by the end of July. In an effort to leverage beautification opportunities the program was transferred to the Clean Community Supervisor, who is responsible for our successful volunteer programs and coordination of projects such as Earth Day, Daffodil Days, and Adopt-A-Spots.

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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. 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, public education, mitigation and prevention. This shift in focus will reduce the amount of time spent investigating incidents by LEOs, which could also result in a reduction of cases filed. However, we believe that this will help us reduce the amount of illegal dumping that currently takes place in Oakland.

PROGRAM DESCRIPTIONS

This is an update to the January 2008 Report as follows:

Private Property Surveillance/Signage

Based on a canvass and survey of merchants, an additional 36 “No Dumping” bilingual signs have been ordered and we expect delivery in early July. The warning signs let the perpetrators know that there are fines for illegal dumping. Signs will also be installed near surveillance cameras in East Oakland, along the “G” Street corridor between 85th and 92nd Avenues, and in West Oakland along the Wood Street corridor between 16th and 35th Streets.

Monitoring/Surveillance

The two video cameras located in East and West Oakland were installed through a partnership with local business and merchants. When merchants observe an illegal pile, they notify the appropriate LEO. The video cameras allow the LEO to review footage in the last ten days and to also observe real time activity. The cameras are monitored daily and can be viewed from the LEO’s office desk. The camera has the capability to view day and night footage and zoom in from as far as one block away, allowing clear views of a license plate and general descriptions of individuals. Currently, there is one case pending that has resulted from video evidence for this reporting period.

Truck Notification Program

When a LEO observes a truck that is loaded with garbage or debris, a photograph is taken of the vehicle and a Truck Notification letter is completed and attached to the windshield. A warning notice is mailed to the owner of the vehicle which specifies the Oakland Municipal Code (OMC) sections with language regarding litter and illegal dumping laws and potential fines. This data is being tracked for ongoing enforcement actions. Since January 2008, fifty notices have been posted and owners notified.

Internet Notices

LEOs have been monitoring and responding to advertisements posted on the internet by haulers, by sending notices informing them of the laws relevant to illegal dumping and hauling and also includes information on how to properly dispose of materials. The internet page is monitored on a routine basis and documentation is retained for follow-up enforcement.

DMV Information

Litter Enforcement staff has received "California Law Enforcement Telecommunications System Training" (CLETS) from the Oakland Police Department. A "Government Requester Account Application" has been submitted to the State of California Department of Motor Vehicles. If approved as non sworn law enforcement personnel, this electronic method will permit LEO's to access from their desk computers the DMV database of motor vehicle and or vessel registration (VR) records in a timely manner that will identify perpetrators involved in illegal dumping.

Abandoned Vehicles

Abandoned and inoperable vehicles that are in illegal dumping hot spots are tagged and towed as part of the ongoing work to abate blight. If there are no registration tags on a vehicle or if they are expired, a citation is issued and a 72-hour courtesy warning is left on the windshield. OPD dispatch is also contacted to establish whether the vehicle has been reported as stolen. After 72 hours if the vehicle has not been moved, the LEO will have the vehicle towed. From January to May 2008, 44 vehicles were towed, of which 18 had been reported stolen.

Citizen Declarations

The LEO Citizen Declarations (Witness Statement) is a tool that allows eyewitnesses to formally go on record and document what they see in regard to illegal dumping. The form is publicized on the LEO brochure and is available through the PWA Call Center, website, the Oaklander Assistance Center, through the Neighborhood Services Coordinators and through LEOs. Once completed and submitted to the LEO it is used as evidence that facilitates the formulation of a case. This tool allows the LEO to build and strengthen community relationships by giving the community a way to document illegal dumping they have observed. To date we have five Witness Statements submitted to support cases.

Outreach

The LEO Team has re-examined the Outreach and Public Education component as an opportunity to implement an integrated approach for government and stakeholders to work together in addressing and developing an illegal dumping prevention strategy.

A new LEO brochure is in design. It will feature contact numbers for City services that encourage clean and beautiful neighborhoods, key outside agencies and options for proper disposal of household debris. It will be distributed at Street Fairs, Neighborhood Crime

Prevention Council (NCPC) meetings, Service Delivery Systems (SDS) Canvass Action Days and at community meetings.

Below are some examples of recent and upcoming outreach efforts:

- Continue to have a LEO assigned to each SDS Team to assume full participation in the SDS Action Days and other related activities.
- Attended and participated in nine NCPC meetings
- Revised the Litter Container Warning Letter with translations into Spanish and Chinese. These letters target businesses who may be misusing street litter containers (More than 80 have been distributed and/or posted primarily in downtown and in Chinatown)
- LEOs have participated/distributed material at Earth Expo, display at Public Works Week, Oakland's Housing Fair, Temescal Street Fair, Oakland Housing Authority's Tenant/Owner Orientation Earth Day and other community events
- Presented at a workshop in March sponsored by CEDA's Building Services Department's "Litter Free Jobsites"; 30 contractors attended
- In May 2008, presented a PowerPoint presentation at the 17th Annual Alameda Countywide Clean Water Program, Municipal Maintenance Storm Water Workshop; 85 people attended
- Presented at the San Mateo County Water Pollution Prevention Program in June 2008 (70 people attended)
- Scheduled in fall 2008 to make a presentation at the Environmental Lecture Series lunchtime workshops that are open to City employees and the general public.
- Developed "The Promise Kit, a gift box of coloring books and crayons, planting seeds, pencils, erasers, sticker badge, classroom commitment and a Proclamation to be launched and presented at elementary schools in fall 2008.
- Invited to participate and present in October 2008 at the Oakland Housing Authority's Tenant/Owner Orientation

Litter Enforcement Case Activity for Illegal Dumping

Calendar Year	2002 (8 LEOs)	2003 (8 LEOs)	2004 (4 LEOs)	2005 (6 LEOs)	2006 (6 LEOs)	2007 (6 LEOs)	Jan-May 2008 (5 LEOs)	Totals
No. of Cases	638	635	312	291	408	272	125	2681
Value of Cases Billed	\$615,208	\$810,927	\$280,316	\$209,127	\$252,893	\$221,758	\$122,536	\$2,512,765
Cases Dismissed	129	113	77	34	36	18	2	409
Value of Dismissed Cases	\$152,994	\$134,018	\$91,322	\$40,324	\$42,696	\$14,400	\$1,772	\$477,526
Amt Billed by PWA	\$462,214	\$676,909	\$188,994	\$168,803	\$210,197	\$207,358	\$120,764	\$2,035,239
Collected by PWA	\$54,559	\$68,007	\$23,385	\$28,114	\$34,441	\$20,417	\$9,607	\$238,530
Promissory Notes	\$25,625	\$29,343	\$15,267	\$32,329	\$21,282	\$353	\$510	\$124,709

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The chart below depicts the case activity for each year. A LEO establishes an administrative case when he or she finds at least three pieces of evidence that will tie the debris to an individual or an entity, such as a business or an organization.

Administrative fines are based on the City's Master Fee Schedule 2007-2008. Fines assessed are based on cubic yardage of debris dumped in the public right-of-way. This fine includes reimbursements for labor and expenses such as equipment and disposal. From the 125 cases developed, 33 requests for appeal hearings have been filed, and 29 appeals were heard in May. There were two repeat offenders, both of whom are Oakland residents.

Measurement of Illegal Dumping Tonnage

YEAR	TONS	NUMBER OF LEOs
2002	4006	8
2003	3826	8
2004	4100	4
2005	3726	6
2006	3791	6
2007	2608	6

Tonnage amounts are based on a tonnage tracking software system that is operated and maintained by Waste Management of Alameda County, and reported to the City of Oakland monthly. The weight and contents of each vehicle are recorded using a coding system, before entering the Davis Street Transfer Station.

The last full year of data is for 2007 and it shows a decrease of nearly 31% in tonnage over 2006. The next follow up report to the Public Works Committee will include the full year of 2008, and we expect the trend will demonstrate a continued decrease in illegal dumping tonnage. This will be accomplished by a full complement of staff (LEO's) who will concentrate their efforts on education and outreach, and implementation of our new CityWorks work management system that will provide greater accountability. A pilot test on an Illegal Dumping Index will assist in building a partnership with residents who will participate in beautification projects that will deter illegal dumping activity in selected areas.

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.

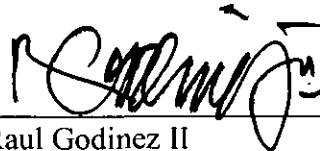
DISABLED AND SENIOR CITIZEN ACCESS

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,



Raul Godinez II
Director, Public Works Agency

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Keep Oakland Clean and Beautiful Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:


Office of the City Administrator