

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

2007 APR 25 PM 7:22

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: April 24, 2007

RE: **An Informational 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

This is an update of the activities of the Litter Enforcement Unit since the deployment of the Litter Enforcement Officers which began in February 2002. The report includes establishment of the program, staffing, operational issues, overall accomplishments through December 2006, enforcement strategies and community outreach and education.

FISCAL IMPACT

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

BACKGROUND

The Illegal Dumping Abatement Program within the Public Works Agency's Keep Oakland Clean and Beautiful Division is responsible for the removal of all trash, debris and refuse illegally dumped in the public right of way. Since 1992, crews have been removing illegally dumped material from more than 90 hot spots, as well as other locations citywide. This operational approach was not resolving the problem of illegal dumping, so an inter-agency team was created to develop solutions.

The plan to develop the Litter Enforcement Officers (LEOs) was a direct outcome of the 1998-2000 interagency Anti-Grime Task Force. On October 28, 2000, the City Council approved an ordinance that amended the Oakland Municipal Code to authorize the LEOs to enforce the provisions of the California Penal Code related to the illegal dumping of trash and debris.

The City of Oakland was awarded grant funding from the California Integrated Waste Management Board to assist in addressing illegal dumping in Oakland. The new funding was part of the Public Works Agency Fiscal Year 2001-2003 Budget.

The position of LEO was developed to work toward permanent solutions to the systemic problem of illegal dumping and was to focus on long term solutions including enforcement, education and mitigation/prevention. Over the last five years, crews have collected and disposed of approximately 4,000 tons of trash and debris annually. In conjunction with illegal dumping,

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enforcement, citing, and towing of abandoned vehicles has been undertaken. The initial staffing included eight LEOs and a dedicated supervisor. Four of the LEOs were laid off in 2004; in 2005, two of the positions were restored. Presently there are six LEO positions funded. Each of the LEOs is assigned to cover one Service Delivery System (SDS) Area.

KEY ISSUES AND IMPACTS

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

PROGRAM DESCRIPTION

The focus of the Illegal Dumping Abatement Program has been to target and eliminate chronic illegal dumpsites through deployment of forensic investigative techniques, enforcement and fines, monitoring/surveillance, and public outreach and education. Initially the focus of the Program was on forensic investigation. Over the past year, staff has expanded its outreach and education efforts to increase enforcement that targets the illegal haulers/dumpers. The following is an overview of the major work for which the LEO unit is responsible.

Deployment

Each LEO is assigned to a specific Service Delivery District (SDS) and meets monthly with the SDS Team as well as the area Neighborhood Crime Prevention Council (NCPC) group. This connection to the SDS Teams has greatly increased outreach and communication in these various neighborhoods and provides wider exposure and support of the LEO Unit's efforts. These efforts have had a galvanizing effect on many neighborhoods, which has led to eyewitness accounts of "dumpers", license plate information, pictures and other incriminating evidence being provided to City staff in a timely manner. This has increased PWA's effectiveness.

Forensic Investigation

LEOs are dispatched to investigate illegal dumping in the public right-of-way, street litter containers, and on sidewalks. LEOs receive annual training on forensic investigation and techniques in dealing with evidence of illegal dumping. The training is provided by the Oakland Police Department (OPD) and the California Code Enforcement Officers Course. Dumped materials are thoroughly investigated in an effort to collect evidence such as billing statements, empty medicine bottles, letters, and other paperwork that lists addresses. In collaboration with the City Attorney's Office, the LEOs have developed specific criteria that meet the requirements for a potential case for invoicing and collection.

The LEOs also work with members of the community to develop eyewitness accounts of dumping, license plate information, pictures of violators and any other incriminating evidence. Once a possible perpetrator is identified, he or she is notified in writing of the violation. The notification lists the penal codes that have been violated, along with fines and

staff costs related to removal of dumped materials. The perpetrator is allowed two weeks to pay the fine. Otherwise the case is forwarded to Small Claims Court for further action. Fines are based upon the City of Oakland Master Fee Schedule and Oakland Municipal Code.

Statistics for the period 2002 thru 2006:

	2002	2003	2004	2005	2006	Totals
No. of Cases	638	635	312	291	408	2284
Cases Dismissed	129	113	77	34	36	389

Exhibit A is a breakdown of cases by SDS District.

Enforcement

Enforcement is multi-faceted. It includes the forensic investigation described above to the extent that we are charging the parties whose materials are dumped for the cost of removal and disposal.

Over the next year PWA is going to shift the focus to targeting the haulers or others who are dumping. The following are the approaches currently being implemented to target haulers/dumpers in an effort to eradicate dumping.

Stakeouts

Stakeouts are performed in the late evening or early morning hours. Staff involved are LEOs, a PWA Supervisor, and 2 OPD Officers. Stakeout locations are determined by the frequency and amount of debris dumped. Two of the fourteen stakeouts conducted in 2006 resulted in apprehending suspects who were charged by the District Attorney's Office. A stakeout typically costs approximately \$2,000 to perform and is funded from fine revenues collected as a result of litter enforcement actions.

Truck Notification Program

A new targeting effort has been instituted to communicate with owners/operators of trucks hauling materials in Oakland. A notice is placed on the truck windshield, informing the owner/operator that the City has observed the truck with a load, documents the location and vehicle information, and gives the proper, legal disposal options. It also informs the owner/operator of fines and penalties for illegally dumping. (Exhibit B) A letter is also sent to the registered owner of the truck to officially put them on notice. The letter has two purposes. First, it

documents communication with the owner/operator. Second, it begins to build a case history.

Notification to Haulers Advertising on the Internet

Staff is proactively outreaching to haulers that advertise on-line by sending out a "notice/warning" (Exhibit C).

Abandoned Vehicles

Roughly 6,495 abandoned vehicles have been removed from our City streets by the efforts of Litter Enforcement Officers during the period March 1, 2002 through February 28, 2007. On average, 1,299 abandoned vehicles are removed each year. During investigation of illegal dumping sites, abandoned vehicles are tagged and towed in accordance with the City's Blight Ordinance, essentially supplementing the work of OPD's Abandoned Auto Unit.

Surveillance Cameras

In the past, we have used video surveillance cameras to monitor some of our "hotspot" dump sites. The use of videotape presented challenges, however. We had to view hours of tape, and in some instances, the images were imperceptible. We are presently planning to use a long-range wireless surveillance camera system at various locations, which will allow "real time" viewing from our computers.

Outreach and Education

Education and outreach efforts of the LEOs will include attending community, merchant/business, and Neighborhood Crime Prevention meetings and working with various groups and organizations to gather, share and distribute information pertaining to illegal dumping. Our goal is to create lasting partnerships with the community in our concentrated effort to reduce and ultimately eliminate illegal dumping in the City of Oakland. Publications and other efforts include:

- LEO brochure delineating the roles, duties and areas that each LEO is assigned.
- Staff information booths at various City events such as the Art & Soul Festival and the Temescal Street Fair.
- Garbage bill inserts to commercial and residential Waste Management of Alameda County customers informing them of the disposal options and penalties for illegally dumping.
- Bulky Brochure 2006-07 included information on proper disposal and penalties for illegal dumping.
- Notifications on PWA website.

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

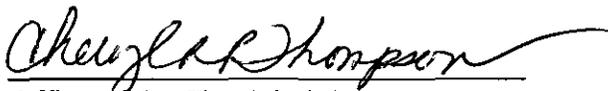
Reviewed by:

Brooke A. Levin, Assistant Director

Prepared by:

David Ferguson, Public Works Operations Manager
Keep Oakland Clean and Beautiful

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Attachments:

- Exhibit A – Litter Enforcement Unit Activity Statistics 2002-2006
- Exhibit B – Truck Owner Notification Letter
- Exhibit C – Hauling Company Owner Notification

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**Litter Enforcement Unit
Activity Statistics 2002 – 2006
(By SDS District)**

Activity	SDS 1 2002 - 2006	SDS 2 2002 - 2006	SDS 3 2002 - 2006	SDS 4 2002 - 2006	SDS 5 2002 - 2006	SDS 6 2002 - 2006	Totals 2002 - 2006
Tagged Vehicles	5,924	801	407	1,025	1,519	1,688	11,364
Towed Vehicles	2,268	389	128	282	527	664	4,258
Stolen Vehicles	175	27	12	46	40	72	372
Citations	7,096	832	418	720	563	843	10,472
Cases	598	72	56	152	408	997	2,283

- Tagged Vehicles:** Relates to vehicles that have been reported and/or observed parked on City streets for extended periods of time with or without current registration. The owner receives a courtesy notice that is placed on the windshield of the vehicle.
- Towed Vehicles:** Relates to vehicles that are illegally parked on City streets beyond 72 hours, are inoperable (missing necessary parts), and/or parked illegally in a construction zone. LEOs are trained to tow vehicles for any of these violations.
- Stolen Vehicles:** Relates to situations where LEOs respond to investigate abandoned vehicles. When the vehicle is discovered to be stolen, OPD is notified to recover the vehicle.
- Citations:** Relates to vehicles that are cited for being improperly parked on City streets. LEOs are authorized to cite vehicles for any and all violations listed in the Parking Citation book.
- Cases:** Cases are created by LEOs when they extract evidence from piles of illegally dumped materials.

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator
Deborah A. Edgerly
City Administrator

(510) 238-3301
FAX (510) 238-2223
TDD (510) 238-2007

Date

ATTENTION: Truck owner/operator:

Did you know that illegal dumping can result in fines of up to \$5,000?

A major concern voiced by members of the community and City Officials is the problem of illegal dumping. The City has an aggressive campaign aimed at eliminating crime and grime throughout Oakland.

City staff has observed your truck (license plate number (_____)) loaded with debris at address (_____).

Your vehicle description and license plate number have now been recorded in our data base for tracking of illegal dumping activities. The City will be following up with a letter to the registered owner of the vehicle informing him or her of the above information.

The Oakland Police Department and the Public Works Agency will be conducting citywide enforcement activities. This serves as your warning that we will prosecute violators to the fullest extent of the law.

To properly dispose of the materials in your vehicle, see the reverse side of this letter for a list of options. Your cooperation in complying with the law and properly covering and disposing of the load is critical to Oakland achieving its goal of becoming a cleaner and safer city.

Sincerely,

Deborah Edgerly
City Administrator

EXHIBIT B

Oakland needs your help to prevent illegal dumping and keep our city beautiful. *An ounce of prevention is worth a pound of cure.*

All phone numbers 510 area code except where noted.

REPORT

REPORT ILLEGAL DUMPING

Email: pwacallcenter@oaklandnet.com

Public Property 615-5566

Private Property 238-3381

REPORT SPILLS & DUMPING IN CREEKS, STORM DRAINS, OR OTHER WATERWAYS

Immediate Hazard 911

All Others 238-6544

REPORT SEWER PROBLEMS

Leaks and Maintenance 615-5566

REPORT BLIGHT

Graffiti 238-4703

Blighted conditions, private property 238-3381

SUPPORT

REUSE AND RECYCLING

The Builder's Guide to Reuse and Recycling and other recycling information 238-SAVE (7283)
www.oaklandrecycles.com

HOUSEHOLD HAZARDOUS WASTE

Proper disposal of automotive fluids, paints, batteries, chemicals (800) 606-6606

DUMPSTER RENTAL/BULKY WASTE PICKUP

Waste Management of Alameda County 613-8710

ELECTRONIC WASTE HAULING/DISPOSAL

E-waste hauling and disposal, including computers, monitors, batteries, appliances, etc.
www.stopwaste.org (877) STOPWASTE

STORM DRAIN VOLUNTEERS

Stenciling 238-6600

Maintain-a-Drain Hotline 434-5131

COMMUNITY CLEANUPS

Assistance and support 434-5113

"Sure, I'll haul that stuff for \$20..."



If you must hire a hauler:

- require a hauling receipt and pay *after* service is rendered
- require proof of where your items were discarded
- ask to see the hauler's business and driver's licenses and write down the hauler's vehicle license plate number

Please note: You can be liable for removal costs and associated fines and penalties if your materials are illegally dumped by a hauler you hire.

SELF HAUL

- Davis Street Transfer Station
2615 Davis Street, San Leandro, (510) 638-2303
- City of Berkeley Transfer Station
1199 2nd Street, Berkeley, (510) 981-7270



\$5,000 FACT

ILLEGAL DUMPING RESULTS IN FINES OF UP TO \$5,000

Si desea obtener información adicional, llame al (510) 444-2489.

Để biết thêm thông tin, xin gọi (510) 444-2489.

欲知詳情，請致電 (510) 444-2489。

City of Oakland, Public Works Agency

250 Frank H. Ogawa Plaza, Suite 4314

Oakland, CA 94612-2034



Public Works Agency
Department of Facilities & Environment
Keep Oakland Clean & Beautiful Division

ATTENTION
HAULING COMPANY OWNER

THE CITY OF OAKLAND HAS AN AGGRESSIVE CAMPAIGN AIMED AT ELIMINATING CRIME AND GRIME THROUGHOUT OAKLAND. A MAJOR CONCERN VOICED BY MEMBERS OF THE COMMUNITY AND CITY OFFICIALS IS THE PROBLEM OF ILLEGAL DUMPING. IT IS CRITICAL THAT YOU KNOW THE LEGAL WAY TO HANDLE YOUR HAULED MATERIALS.

EXHIBIT C

8.28.070 Transportation of solid waste on city streets restricted to collector.

It is unlawful for any person other than the collector or those persons employed by the collector to transport over or upon the streets of the city any solid waste, or source separated yard waste from single-family dwellings, produced in the city, except in those cases described in Section 8.28.060. (Ord. 11819 § 1 (part), 1995: prior code § 6-4.07)

Oakland Municipal Code 8.38.170 Dumping garbage.

It is unlawful for any person to dump or place on any land or in any water or waterways within the city, any dead animal, butcher offal, fish or parts of fish, or any waste vegetable or animal matter whatever. (Prior code § 4-5.12)

Oakland Municipal Code 8.38.040 Cost of cleanup.

Any person who dumps or causes to be dumped any waste matter in or upon any public road, including any portion of the right-of-way thereof, or in or upon any public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property is liable to the city for the costs of cleaning up such dumping if that person fails to perform such cleanup or pay to have such cleanup performed.

Further, any person who places, deposits, or dumps or causes to be placed, deposited, or dumped, any rocks or dirt in or upon any road, including any portion of the right-of-way thereof, or in or upon any public park or other public property, without consent of the state or city agency having jurisdiction over road or property shall be liable to the city for the costs of cleanup except as otherwise stated above. (Prior code § 4-5.01)

ANY PERSON WHO VIOLATES ANY OF THE OAKLAND MUNICIPAL CODES IS SUBJECT TO FINES UP TO \$5,000, INCLUDING PROSECUTION.

ILLEGAL DUMPERS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.