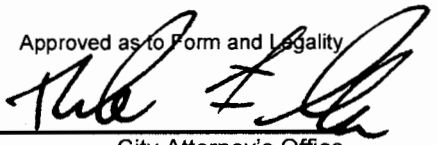


REVISED
10-2-14

Approved as to Form and Legality


City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 OCT -2 PM 3:40

OAKLAND CITY COUNCIL

RESOLUTION No. 85183 C.M.S.

Introduced by Councilmember _____

A RESOLUTION TO (1) ESTABLISH A REWARDS FUND FOR ILLEGAL DUMPING AND GRAFFITI WITNESSES WHO PROVIDE INFORMATION THAT LEADS TO SUCCESSFUL ENFORCEMENT ACTIONS AND (2) APPROPRIATE \$10,000 FOR A RELATED PUBLIC AWARENESS CAMPAIGN AS ONE YEAR PILOT PROGRAMS

WHEREAS, the City Council adopted revised graffiti and illegal dumping Ordinances in 2013, Oakland Municipal Code (OMC) 8.10 and 8.11 et seq., in order to better address illegal dumping and graffiti in the City of Oakland; and

WHEREAS, OMC 8.10.600 and OMC 8.11.710 both authorize the City Council to establish a rewards fund to encourage illegal dumping and graffiti witnesses to cooperate with the City of Oakland (the City) by supplying information that enables successful illegal dumping and graffiti enforcement; and

WHEREAS, witness cooperation is vital to the City's ability to effectively enforce the illegal dumping and graffiti ordinances; and

WHEREAS, gaining witness cooperation is one of the major obstacles to effectively pursuing illegal dumping and graffiti violators; and

WHEREAS, in the spring of 2013 the Oakland Public Works Department (OPW), the Office of the City Attorney (City Attorney) and the Office of the City Administrator (OCA) began a new collaborative illegal dumping enforcement initiative; and

WHEREAS, this collaboration has collected over \$20,000 thus far; and

WHEREAS, OPW, the City Attorney and OCA believe that their collaboration would be even more effective with a witness rewards fund to encourage witnesses to come forward and cooperate with the City in pursuing illegal dumping and graffiti violators; and

WHEREAS, in setting the amount of the reward, the City Administrator should consider making the award sufficiently high to encourage more citizens to report illegal dumping activity by making the reward equal to one-half of the civil penalties charged and finally adjudicated in the enforcement action; and

WHEREAS, the City's ability to recover its costs associated with illegal dumping and graffiti will not be impaired by a witness rewards fund as the fund will be exclusively funded by civil penalties collected in enforcement actions; and

WHEREAS, the City needs to raise public awareness of this rewards fund and the City needs the public's assistance in order for enforcement efforts to be effective; and

WHEREAS, City staff seeks initially \$10,000 to develop a public awareness campaign; now, therefore be it

RESOLVED: That the City Council hereby creates a witness rewards fund and appropriates the civil penalties collected in enforcement actions against illegal dumping or graffiti violators into this fund; and be it

FURTHER RESOLVED: the rewards funds shall be maintained in the Comprehensive Clean-up Fund (1720), City Administrator: Administration Org (02111), Project To Be Established; and be it

FURTHER RESOLVED: That the City Administrator is authorized to distribute to illegal dumping and graffiti witnesses who provide information that leads to successful enforcement actions rewards in such amount as determined appropriate by the City Administrator for an effective graffiti and illegal dumping enforcement program and is further authorized to develop any regulations or procedures he or she deem necessary to implement the rewards program; and be it

FURTHER RESOLVED: That the reward payment made by the City Administrator at the conclusion of a successful illegal dumping or graffiti enforcement action shall not exceed the amount of civil penalties collected by the City in that particular enforcement action, provided however, the City Administrator may develop regulations that permit a reward to be issued from civil penalties collected from other illegal dumping and graffiti enforcement actions in some cases when there are no civil penalties collected in a particular case, such as when a violator is assigned community service in lieu of civil penalties or the penalty is considered uncollectible; and be it

FURTHER RESOLVED: that \$2,000 shall be appropriated in the Comprehensive Clean-up Fund (1720) for initial rewards payments, and additional amounts appropriated will be contingent upon actual civil penalty revenues received; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to develop a public awareness campaign and appropriate \$6,000 in the General Purpose Fund (1010), City Administrator: Administration Org (02111), Advertising & Promotion Account (53314), Project To Be Established and \$4,000 in the Comprehensive Clean-up Fund (1720), City Administrator: Administration Org (02111), Advertising & Promotion Account (53314), Project to be established for a total appropriation of \$10,000 towards a public awareness campaign in support of the City's illegal dumping and graffiti enforcement efforts; and be it

FURTHER RESOLVED: That the illegal dumping and graffiti witness reward fund, and public awareness campaign shall be one year pilot programs.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 23 2014

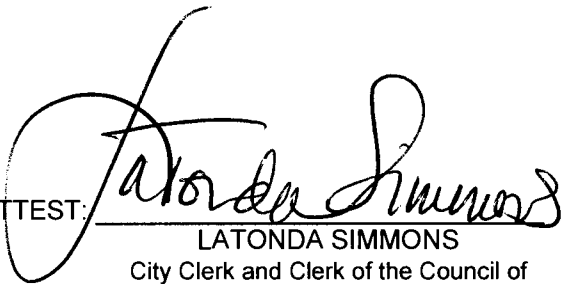
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRACKS~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES - Bracks - 1

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California