


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

SEP 29 PM 3:15 RESOLUTION No. 86435 C.M.S.

Introduced by Councilmember \_\_\_\_\_

## A RESOLUTION TO MAKE PERMANENT AND RETROACTIVE TO JANUARY 1, 2016, THE REWARDS FUND FOR ILLEGAL DUMPING AND GRAFFITI WITNESSES WHO PROVIDE INFORMATION THAT LEADS TO SUCCESSFUL ENFORCEMENT ACTIONS

**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 fall of 2014 the City Council passed Resolution No. 85183, creating a witness rewards fund and appropriating civil penalties collected in enforcement actions against illegal dumping or graffiti violators into this fund; and

**WHEREAS**, Resolution No. 85183 also authorized a limited public awareness campaign regarding the rewards fund; and

**WHEREAS**, Resolution No. 85183 limited the illegal dumping and graffiti witness reward fund to a one year pilot program; and

**WHEREAS**, during the pilot period of 2015, the Office of the City Attorney received almost double the number of referrals from the Oakland Public Works Department with information about who may have been responsible for illegal dumping compared to the year prior; and

**WHEREAS**, this increased number of referrals indicates that the rewards fund and public awareness campaign has improved the quality of information the City receives regarding illegal dumping violators; and

**WHEREAS**, the more information the City has regarding who is responsible for illegal dumping and graffiti, the more likely the City will be able to hold illegal dumping and graffiti violators accountable; and

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

**RESOLVED**, the City Council hereby makes permanent the 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), Illegal Dumping & Graffiti Witness Awards Project (P481230); and be it

**FURTHER RESOLVED**, the City Administrator is authorized to distribute to illegal dumping and graffiti witnesses who provide information that leads to the successful collection of civil penalties rewards of up to half of all civil penalties collected in that enforcement action; and be it

**FURTHER RESOLVED**, the City Administrator is authorized to develop any regulations or procedures he or she deems necessary to implement the rewards program; and be it

**FURTHER RESOLVED**, that the City Administrator is authorized to take any other action necessary consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 18 2016

**PASSED BY THE FOLLOWING VOTE:**

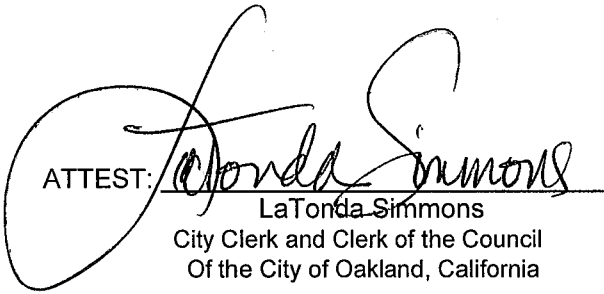
AYES - BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL-WASHINGTON, ~~\_\_\_\_\_~~  
~~PRESIDENT GIBSON MCELHANEY~~ - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - GIBSON  
MCELHANEY

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