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OFFICE OF THE CITY CLERK
OAKLAND

2016 SEP 29 PM 3: 15

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Greg Minor
Assistant to the City
Administrator

SUBJECT: Make Permanent the Illegal Dumping
and Graffiti Witness Rewards Fund

DATE: September 19, 2016

City Administrator Approval

Date:

9/29/16

RECOMMENDATION

Staff Recommends That The City Council Adopt 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.

EXECUTIVE SUMMARY

The illegal dumping and graffiti witness rewards program helps the City of Oakland (the City) combat two major quality of life issues by encouraging witness cooperation in illegal dumping and graffiti enforcement actions. Specifically, the rewards program allows the City to reward a reporting witness up to half of all the civil penalties collected from the illegal dumping or graffiti violator in a given enforcement action. While this program does not resolve illegal dumping and graffiti in the City, the rewards program provides the City with an additional tool to address these problems and it does not require any funding from the City.

In order to continue the rewards program, the City Council must re-authorize the rewards fund as the resolution that authorized the program limited it to a one year pilot program. Accordingly, staff has drafted the attached resolution to make the rewards fund permanent and retroactive to the expiration of the pilot program.

BACKGROUND / LEGISLATIVE HISTORY

In 2013 the City Council passed Oakland Municipal Code (OMC) 8.11 and 8.10 to address illegal dumping and graffiti, which allow the City Council by resolution to establish a rewards fund for those that provide information that leads to the identification and apprehension of illegal dumping and graffiti violators:

8.11.710 - Establishment of illegal dumping reward fund.

A. The City Council may by resolution establish an illegal dumping reward fund. The fund is to provide for rewards for the identification and apprehension of dumping violators.

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Public Works Committee
October 11, 2016

B. The City Council may fund the illegal dumping reward fund from general purpose funds and/or funds recovered from administrative citations, civil penalties, or treble or punitive damages recovered from dumping violators, or other sources.¹

In the fall of 2014 the City Council enacted Resolution No. 85183 C.M.S. and established such a fund. More specifically, Resolution No. 85183 C.M.S. authorized the depositing of the civil penalties collected in successful illegal dumping and graffiti enforcement actions and the distribution of rewards from this fund for each witness who enables successful enforcement to take place. City council limited the rewards fund to a one year pilot program. The pilot program expired on December 31, 2015.

Illegal dumping and graffiti continue to challenge the City, its residents and its businesses. For instance, service requests for illegal dumping have climbed from 18,674 in 2014 to 19,192 in 2015 (3% increase) and graffiti from 3,093 in 2014 to 3,442 in 2015 (11% increase). More significantly, illegal dumping and graffiti contribute to blight, depressing neighborhoods and often encouraging additional illegal dumping and graffiti.

ANALYSIS AND POLICY ALTERNATIVES

The City's illegal dumping and graffiti enforcement efforts rely heavily on community members as they are often in the best position to supply the photographs and descriptions of those responsible for illegal dumping and graffiti. While many citizens find reporting information about illegal activity as part of their civic duty and holding illegal dumping and graffiti violators accountable as a reward in itself, others are more reluctant to get involved. Since the City can only pursue enforcement against graffiti or illegal dumping violators when there is sufficient evidence against a suspected violator, encouraging citizens to report information and cooperate with the City through the enforcement process is key.

Data from the year the pilot program was in effect suggests that the rewards program both increased reporting and the quality of information received. Specifically, the number of service requests for illegal dumping in 2014 compared to 2015 increased from 18,410 to 21,383 (16%), while the number of service requests with information on the suspected illegal dumper increased from 252 to 502 (99%). Similarly, the number of illegal dumping citations increased from 64 to 81 (27%) and warning letters increased from 131 to 231 (76%) during that same time period. The rewards pilot program thus appears to have successfully encouraged citizens to report information about who may be responsible for illegal dumping in the City.²

Ultimately, the illegal dumping and graffiti rewards program is but one tool in one approach towards reducing illegal dumping and graffiti. For example, community engagement programs such as Adopt-a-Spot and removal of illegal dumping and graffiti are equally if not more

¹ OMC 8.10.600 contains a parallel provision authorizing the creation of a graffiti rewards fund by resolution.

² The same conclusion cannot be said for graffiti, likely because graffiti violators are much more difficult for citizens to identify and report than illegal dumping violators, as illegal dumpers tend to use vehicles with identifiable license plate numbers much more than graffiti violators. The small number of graffiti enforcement cases that the City processes are typically documented by law enforcement who can stop and arrest the suspected graffiti violator. We have not issued any rewards in graffiti cases.

important than enforcement programs as community engagement and blight removal can shape the visual cues that signal whether illegal dumping and graffiti are acceptable in a given area. Since the rewards program is self-funded via the payments of illegal dumping and graffiti violators, though, the City can pursue all of these approaches.

FISCAL IMPACT

Any negative fiscal impacts associated with the rewards fund are minimal. The City continues to recover its costs in successful illegal dumping and graffiti enforcement actions, and the reward payments are funded exclusively through the civil penalties paid by the violator. Reward payments are limited to successful actions when the City recovers penalties from a violator. The witness may receive up to half of civil penalties collected in a successful enforcement action. The total reward payments issued during the pilot period was \$6,066. Overall, an increase in reporting and witness cooperation in illegal dumping and graffiti incidents may mitigate any loss of civil penalties, as the City will receive an increase in more revenue from penalties and cost recovery.

Civil penalties collected in enforcement actions against illegal dumping or graffiti violators will be deposited into the rewards fund and appropriated to the Comprehensive Clean-up Fund (1720), City Administrator: Administration Org (02111), Illegal Dumping & Graffiti Witness Awards Project (P481230).

PUBLIC OUTREACH / INTEREST

Resolution No. 85183, which authorized the rewards program as a pilot, also authorized the City Administrator's Office to appropriate \$10,000 of funds from successful illegal dumping and graffiti actions towards a public awareness campaign in support of the City's enforcement efforts. Consequently, the City launched the pilot program with a press conference, bus shelter advertisements and signs in areas most afflicted by illegal dumping and graffiti. Additionally, City staff distributed rewards fliers throughout the City at Neighborhood Crime Prevention Council meetings and other community meetings.

With respect to the renewal of the rewards program, no outreach was deemed necessary beyond the standard City Council agenda noticing procedures.

COORDINATION

The Office of the City Attorney, Oakland Public Works, City Administrator's Office and the Controller's Bureau were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: More effective enforcement against illegal dumping and graffiti violators will deter future illegal dumping and graffiti, improving the physical appearance of the City of Oakland, which helps attract and retain businesses and promote 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 and pollutes our creeks and waterways.

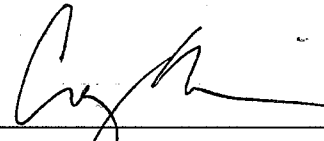
Social Equity: By providing rewards to witnesses, the City will better deter graffiti and illegal dumping, which at present disproportionately affects more impoverished areas of the City.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt 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.

For questions regarding this report, please contact Greg Minor, Assistant to the City Administrator, at (510) 238-6370.

Respectfully submitted,



GREG MINOR
Assistant to the City Administrator,
City Administrator's Office

Attachments:

- A. Administrative Regulations

REGULATIONS FOR ILLEGAL DUMPING AND GRAFFITI WITNESS REWARDS PROGRAM

I. ELIGIBILITY

- a. The following requirements must be met in order to qualify for a reward:
 - i. Witnesses must provide their first name, last name, and contact information (e.g. email and phone number) to the Public Works Call Center. Anonymous illegal dumping/graffiti reports may be made to the City of Oakland, but anonymous reports will not be eligible for a reward.
 - ii. Witnesses must provide a signed statement describing the illegal dumping/graffiti incident and offer any other available evidence, such as photos or video, when contacted by the City Attorney's Office (CAO) or another City of Oakland representative.
 - iii. If the reported illegal dumping/graffiti incident proceeds to a hearing or judicial proceeding, witnesses must appear and testify.
 - iv. The reported illegal dumping/graffiti must result in a successful enforcement action, e.g. a conviction, finding of liability, or settlement.
 - v. Current City Of Oakland employees are not eligible.

II. REWARD PROCESS


- a. Information regarding who may be responsible for illegal dumping and graffiti should be reported to the Public Works Call Center via:
 - Phone: (510) 615-5566;
 - Email: opwcallcenter@oaklandnet.com;
 - Mobile app: www.SeeClickFix.com;
 - Website: www.oaklandpw.com.
- b. After witness reports are received, the Call Center will forward information to the CAO who will contact the witness (es) to gather statements and other evidence.
- c. If enough evidence exists, the Nuisance Abatement Division (NAD) of the City Administrator's Office will issue a citation to the suspected illegal dumping/graffiti violator or refer the matter for criminal prosecution.
- d. If the enforcement action is successful, the NAD will contact the reporting witness(es) and inform them that they are eligible for a reward. The enforcement process may take several weeks or months. ***All inquiries regarding witness rewards should be made to the NAD at (510) 238-6370.***

III. AMOUNT OF REWARD

- a. If the enforcement action results in the City of Oakland collecting any monies, witnesses may receive half of all civil penalties collected.
- b. If there is not enough evidence to proceed with an enforcement action or the enforcement action is unsuccessful in collecting any funds, witnesses are not eligible for a reward.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2016 SEP 29 PM 3:15 RESOLUTION No. _____ 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL-WASHINGTON, and
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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