



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: June 11, 2019

Subject: Funding recommendations from interdepartmental team regarding illegal dumping in Contra Costa County

RECOMMENDATION(S):

1. RECEIVE update report from the interdepartmental Illegal Dumping Think Tank team regarding outreach, legislative efforts, and updates to recommendations originally presented in October 2018.
2. APPROVE final recommendations from interdepartmental team on strategies to better address illegal dumping.
3. DIRECT staff to return to the Board with a proposal to authorize the expenditure of \$378,000 to fund implementation of the recommended new or expanded strategies that cannot be covered within existing approved budgets.

FISCAL IMPACT:

Staff costs to prepare these recommendations and coordinate with neighboring jurisdictions and franchise haulers have been accommodated using existing, budgeted staff resources. Some of the potential actions discussed in the recommendations would involve additional costs that cannot be accommodated within existing budgets. Estimated costs of existing and new/expanded actions are included in Table 1 (Exhibit B). The total estimated annual cost of

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **06/11/2019** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes: see addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 11, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Jami Napier, Deputy

Contact: Deidra Dingman,
925-674-7825

cc:

existing efforts is approximately \$1,827,000 and recommended new/expanded actions would cost \$378,000.

BACKGROUND:

The recommendations and background materials pertaining to illegal dumping in Contra Costa County were prepared by a team of experienced professionals from five different County departments ("interdepartmental Think Tank team" or "interdepartmental team"). The five participating Departments are the Sheriff's Office, the District Attorney's Office, the Department of Public Works, the Environmental Health Division of the Health Services Department and the Department of Conservation of Development (DCD).

On October 23, 2018, the Illegal Dumping Think Tank team presented the County Board of Supervisors with background about the County's illegal dumping problem and existing efforts as well as preliminary recommendations. That report summarized the work of the interdepartmental team to examine the extent of the problem, prior efforts to address it, strategies commonly employed throughout the United States and unique approaches employed by others. The report summarized major lessons learned and outlined a proposed approach for addressing the issue that consisted of 56 existing, expanded and new strategies. These strategies are grouped into four categories: Educate, Prevent, Clean-Up and Enforce. The report included a table detailing the 56 strategies and their estimated cost (an updated version of this table is attached as Exhibit B). The report also included a detailed slide presentation that contained most of the background and rationale for the recommendations (attached as Exhibit D).

At the October 23, 2018 meeting, the Board accepted the report from the interdepartmental team and requested that it:

1. Reach out to neighboring jurisdictions and franchise haulers to solicit additional input to refine the preliminary presentation and recommendations
(UPDATE: See Cities & Franchise Haulers sections below)
2. Collaborate with Alameda County on shared legislative priorities related to illegal dumping
(UPDATE: See Collaborative Legislative Efforts section below)
3. Explore opportunities for increasing effectiveness of the waste hauler ordinance
(UPDATE: See sections below on Cities and Collaborative Legislative Efforts)
4. Pursue opportunities to have franchise hauling companies offer the public additional, more frequent pick-up options
(UPDATE: Conversations are on-going, see Franchise Haulers section below)

CITIES: On February 25, 2019, the interdepartmental team hosted a countywide meeting about "Collaborative Strategies for Reducing Illegal Dumping in Contra Costa County" to share information and facilitate coordination among local jurisdictions in the County. Representatives from a range of different Departments in all nineteen cities were invited and encouraged to attend. Approximately 35 people attended, including representatives from the following ten cities: Antioch, Clayton, Concord, El Cerrito, Hercules, Oakley, Pittsburg, Richmond, San Pablo, and Walnut Creek.

This meeting provided an opportunity to learn from one another to identify community

initiatives and actions that are known or believed to be most effective at reducing illegal dumping. County staff shared copies of Table 1 (Exhibit B) with the 56 preliminary recommended strategies designed to help address the on-going problem of illegal dumping by helping Educate, Prevent, Clean-up or Enforce. Special attention was provided to the recommended strategies that would be most effective if implemented cooperatively, which covered the full spectrum from Educate (Public Outreach Campaign) to Prevent (Mandatory Garbage Service, Free Mattress Drop-Off) to Cleanup (Right-of-way Debris Removal) to Enforce (Law Enforcement Investigation, Surveillance Cameras, Legislative Action). Staff provided a detailed explanation of the County's Hauler's Ordinance, explained the value of consistency, and offered assistance with enforcement if the cities were to adopt similar ordinances and delegated the associated enforcement authority.

City representatives were generally in favor of the presented strategies and participated in the discussion, asked questions, and shared similar strategies that their respective jurisdictions have implemented. Participants came up with a number of ideas for effectively working together to address the challenging illegal dumping issue. City representatives expressed interest in staying connected, and County staff agreed to create an email distribution list for participants to share updates with each other. County staff also agreed to notify the group of when the illegal dumping issue would go back to the Board, and offered to convene future meetings as needed. A full meeting summary with information shared by those in attendance is attached as Exhibit A.

FRANCHISE HAULERS: DCD staff has solicited and received some input about the recommended strategies from each of the County's franchise haulers. Franchise haulers expressed general support for the recommendations. There are six strategies in Table 1 (Exhibit B) which would require increases in the rates charged to customers in the applicable franchise area(s) in order to fund strategy implementation, three of which are identified for a 'Future Phase'. Franchise haulers and staff agree that it would be best to implement strategies in phases in conjunction with established rate setting cycles to ensure the services are affordable and so the impact to rates is spread over time. Staff intends to continue working with each franchise hauler to prioritize strategies based on franchise-specific needs and circumstances in order to maximize potential effectiveness of the initial phases. Although rates are usually adjusted annually, the best time to implement new or expanded services that require rate increases is during the more comprehensive "Base Year" rate cycles which are only every 3-4 years. Currently, one of the County's three franchises is going through a "Base Year" rate setting process and we are actively discussing potential implementation of the strategies identified as highest priority for that service area.

COLLABORATIVE LEGISLATIVE EFFORTS: Representatives from Alameda and Contra Costa counties are working together to pursue legislation to address shared needs to more effectively address illegal dumping in our respective jurisdictions. The County's adopted 2019 State Platform includes the following sponsored-legislation proposal

related to illegal dumping, which resulted in AB 1216 specific to our two counties:

Seek legislation, in conjunction with Alameda County and other partners, and support legislation that specifically establishes statewide hauler permitting requirements and associated penalties as well as increases penalties allowed by State law for illegal dumping.

The 2019 State Platform also includes the following related policy which pertain to AB 215 and SB 409:

SUPPORT efforts that will help counties more effectively combat illegal dumping, including but not limited to establishing a more reasonable burden of proof standard, changing any remaining infractions to misdemeanors and increasing penalty amounts or options (e.g. vehicle seizure).

At the County's Legislation Committee meeting on May 15, 2019, the Committee members approved the recommendation by the interdepartmental Illegal Dumping Think Tank team that they consider recommending to the Board of Supervisors a position of "Support" on three bills related to illegal dumping: AB 215 (Mathis), SB 409 (Wilk), and AB 1216 (Bauer-Kahan). Two of these bills are no longer moving forward (AB 215 and AB 1216). The Board will consider the Legislation Committee's recommendation related to the third illegal dumping bill, SB 409, at the meeting on June 11, 2019. All three bills are summarized below.

AB 1216 Summary: (this bill is no longer moving forward) Would have authorized the counties of Alameda and Contra Costa to establish a pilot program to employ 2 law enforcement officers, one from each county, solely for the purpose of enforcing dumping laws in those counties. Potential state general fund revenue to support AB 1216, pending Legislative action on the State Budget.

SB 409 Summary: Increases the allowable fines for illegal dumping, expand the crime of illegal dumping to include the transporting of waste matter, rocks, concrete, asphalt or dirt for the purpose of dumping, makes it illegal to transport commercial quantities to dump in specified locations, and makes it a crime to dump, deposit or receive waste matter on private property with owner consent without any required permit/license.

AB 215 Summary: (this bill is no longer moving forward) Would have made dumping waste matter on private property, including on any private road or highway, without consent of the owner, punishable with specified fines. Requires the fine to be doubled for a fourth or subsequent violation if the prosecuting attorney pleads and proves, or, in an infraction case, if the court finds, that the waste placed, deposited, or dumped includes used tires.

County staff will continue to work through our state legislative advocate to pursue new

legislation to implement the Board's adopted legislative goals related to illegal dumping. In addition, staff is evaluating options for increasing the severity of consequences for violations of the Hauler Ordinance.

FINAL RECOMMENDED STRATEGIES

The list of Final Recommended Strategies reflected in Table 1 (Exhibit B) have been updated from the preliminary recommended strategies presented in October 2018, to reflect input received from the Board and during outreach. The amount of funding recommended to be allocated in order to implement the strategies not covered within existing budgets or expected to be funded in future garbage rate reviews has been reduced from \$944,000 to \$378,000. The reduction of \$566,000 is a result of two changes:

1. Net reduction of \$416,000 due to Sheriff's Office cost-saving suggestion to fund four per-diem deputies (maximum of 900 hours/year per deputy, for a combined total of 3,600 hours per year) for a total cost of \$150,000 rather than dedicating two full-time deputy positions at a cost of \$566,000 (Strategy # 45 in Table 1, Exhibit B), and
2. Net reduction of \$150,000 due to the Board's approval of an appropriations adjustment of an equivalent dollar amount on January 22, 2019 to fund the removal and disposal of inoperable RVs throughout the County on an as needed basis (Strategy #40 in Table 1, Exhibit B).

The recommendations have also been revised to stress the need to increase the effectiveness of the Hauler Ordinance (largely by seeking cooperation from neighboring jurisdictions and/or the state) and to reflect the input of cities on the desirability of ongoing coordination (Strategies 41 and 56).

A copy of the slide presentation for the June 11th meeting is included as Exhibit C.

CONSEQUENCE OF NEGATIVE ACTION:

The Board would not receive the illegal dumping update report nor approve allocation of \$378,000 to fund implementation of the final recommended strategies.

CLERK'S ADDENDUM

Approved all staff recommendations, referred implementation of the recommendations to a new Ad Hoc Committee composed of Supervisors Burgis and Glover and directed staff to report back by Sep 30 with a proposal to authorize the expenditure of funds to implement the recommendations and with status of enforcing mandatory subscription ordinance and other recommendations.

ATTACHMENTS

Exhibit A: Meeting Summary Collaborative Strategies for Reducing Illegal Dumping

Exhibit B: Table 1 - Recommended Illegal Dumping Strategies and Funding Allocations

Exhibit C: 6-11-2019 Illegal Dumping Slide Presentation

Exhibit D: 10-23-2018 Illegal Dumping Slide Presentation