



City Council Agenda Item

City Council Meeting Date: March 16, 2021

TO: Jim Throop, City Manager

FROM: Keith Quinlan, Solid Waste Superintendent
k_quinlan@ci.lompoc.ca.us

SUBJECT: Scavenging Enforcement Pilot Program Update

Recommendation:

Staff recommends the City Council:

- 1) Receive an update on the scavenging educational/enforcement pilot program utilizing the Solid Waste Division's Solid Waste Code Enforcement Officer (COE); and
- 2) Discontinue the educational and enforcement pilot program, allowing the COE to focus on the regular functions of Solid Waste enforcement.

Background:

Scavenging is the act of unauthorized persons going through recycling or refuse containers, whether the containers are located on City or private property, and removing the recycling material for personal financial gain. Scavenging is a common problem throughout many communities.

Lompoc Municipal Code (LMC) section 8.04.040(D) states it is unlawful for any person to "[r]emove any solid waste from any City provided container without prior approval of the City." The code later describes the criminal actions and penalties to those who violate the provisions of LMC Chapter 8 as follows:

- A. Any person, firm or corporation, whether as principal, agent, employee or otherwise, who violates any provision of this Chapter, shall be guilty of an infraction and upon conviction thereof, shall be punished by (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for a second violation of the same provision within one year; and (3) a fine not exceeding \$500.00 for each additional violation of the same provision within one year.
- B. Any such infraction may, at the discretion of the City Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of

the provisions of this Chapter within the 12-month period immediately preceding the commission of the offense, or has been convicted of three or more violations of any of the provisions of this Chapter within the 24-month period immediately preceding the commission of the offense.

As an alternative to criminal penalties, administrative citations may be issued in the amount of \$25.00 for a first violation; \$100.00 for a second violation in the immediately following consecutive 12-month period; and \$500.00 for each additional violation occurring within the same consecutive 12-month period. (LMC section 1.36.050.)

Discussion:

As requested by the City Council, the Solid Waste Division moved forward with a scavenging “educational/enforcement” pilot program using the COE. The COE (during normal travels) stopped and informed individuals seen scavenging that scavenging is illegal in Lompoc and provided an educational handout. The educational handout included information on littering, the LMC section related to scavenging, and possible administrative fines associated with scavenging.

The COE and Solid Waste Superintendent met with the Police Chief and Captain to discuss the pilot program. It was suggested that the COE meet with each shift commander and staff prior to program implementation for potential safety concerns. The COE met with shift commanders and staff to discuss program details and provided radio call ID number in case assistance was needed.

The COE logged more than 300 hours during the pilot program. During normal travels, the COE encountered more than a dozen scavengers. He provided educational flyers and issued one administrative warning. The interactions with scavengers was documented utilizing the Fulcrum app. During the pilot program, the COE’s hours were adjusted to potentially increase the interactions with scavengers. Solid Waste has not seen a reduction in scavenging.

Issuing administrative citations and educating individuals suspected of scavenging added to the workload of the COE, taking away from other duties or functions of the position. It also adds an increased potential liability to the City’s COE and Solid Waste Division.

As an aside, staff notes that if recyclable items are removed from the ‘normal’ trash cans, then this can actually be a benefit to the City as it does reduce the amount of trash going into the City’s landfill, thus saving valuable landfill airspace or capacity. The materials removed from those trash containers would then be taken by the scavenger to a recycling redemption center where they would be recycled for a higher use and assist in the City’s State mandated diversion programs and figures.

Records from the last two years show that the two Buy-Back Centers in the City collect an average of 947 tons per year of material. At the current recycling processing rate

charged to the City, the diversion of this material represents a cost avoidance of over \$80,000 per year to the City.

Fiscal Impact:

The fiscal impact of utilizing the current COE has been minimal to the City.

Conclusion:

Staff recommends discontinuing the educational/enforcement program. Solid Waste will continue to focus on the regular functions of the COE and littering and illegal dumping.

Respectfully submitted,

Keith Quinlan, Solid Waste Superintendent

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

CharlesJ. Berry, Utility Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager