



REPORT TO COUNCIL

City of Sacramento

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STAFF REPORT
November 9, 2010

**Honorable Mayor and
Members of the City Council**

Title: Recycling Monitoring Program

Location/Council District: Citywide

Recommendation: Adopt a **Resolution:** 1) reinstating the Recycling Monitoring Program within the Community Development Department (CDD); 2) amending the Fiscal Year (FY)2010/11 Operating Budget re-funding 1.0 FTE in the Community Development Department, and adjust the labor budgets for these changes, and; 3) appropriating \$50,000 in ongoing Citywide Landscaping and Lighting funds (Fund 2232) from the Department of Transportation Street Services operating budget to the Community Development Department, and appropriate \$50,000 in Gas Tax (Fund 2002) to the Department of Transportation Street Services operating budget.

Contact: Max Fernandez, Director of Community Development, 808-7940; Jerry Way, Director of Transportation, 808-6381

Presenters: Max Fernandez, Director of Community Development, 808-7940

Department: Community Development/Transportation

Division: Code Compliance/Street Services

Organization No: 21001313/15001671

Description/Analysis

Issue: In June 2007, the Mayor and the Council amended Sections 17.16.010 and 17.24.050 of the Sacramento City Code (Zoning Code) related to recycling facilities. Specifically, these amendments required new or expanded small recyclable collection container facilities to comply with new standards for "Convenience Recycling Facilities." To enforce this ordinance, the Solid Waste Division (SWD) of the Department of Utilities (DOU) provided funding for 1.0 FTE Code Officer Position in Code Enforcement to monitor these facilities. However, after the City Attorney's Office (CAO) advised that under Proposition 218, solid waste ratepayer revenues may not be used to fund Citywide code enforcement activities of this nature, DOU funding was eliminated. Without this funding, CDD could no longer support this position which was eliminated in its FY 2010/11 operating budget.

Currently, there are over 125 convenience recycling facilities in the City. Due to continued problems related to recycling facilities including the ease of exchanging stolen scrap metal and copper wiring for cash, noise generated by these facilities, and undesirable facility appearance, the Mayor and the City Council directed staff to provide recommendations to reinstate the Recycling Monitoring Program. CDD has collaborated with the Department of Transportation (DOT) to re-establish this program both in the interest of the public and DOT. DOT occasionally experiences theft of copper wiring and other recyclable materials from DOT street light and streetscape assets in the public right-of-way. The Code Compliance Division (CCD) of CDD will monitor and regulate recycling facilities in the City with partial funding from DOT.

Policy Considerations: Reinstating the Recycling Monitoring Program will help to address problems associated with the operation of over 125 convenience recycling facilities in the City. Because this program can no longer be funded by utility rate revenues, it is necessary to identify an alternate funding source or sources if the program is to continue.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under the CEQA guidelines, continuing administrative activities do not constitute a "project" as defined in Section 15378 of the CEQA Guidelines and are therefore exempt from review.

Sustainability Considerations: It is important that the recycling monitoring program be restored to ensure the continuation of this critical function and to further promote the City's sustainability and livability goals.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Problems related to recycling including the ease of exchanging stolen scrap metal and wiring for cash have continue to be a challenge in all areas of the City. The CAO has advised that under Proposition 218, solid waste ratepayer revenues may not be used to fund Citywide code enforcement activities of this nature. Restoring the recycling monitoring program in CCD ensures the continuation of this critical City program and will assist in reducing the theft of copper wiring and other recyclable materials from DOT street light and streetscapes assets in the public right-of-way.

Financial Considerations: Re-establishing the recycling monitoring program requires re-funding a 1.0 FTE Zoning Investigator to monitor recycling facilities and to address complaints citywide. The annual cost for the position, including salary/benefits (\$97,119) and related services and supplies (\$19,741), is \$116,860. DOT will provide \$50,000 annually from its Citywide Landscaping & Lighting District (Fund 2232) funds from the Street Services operating budget (15001671) to assist with the prevention of the theft of copper wiring and other recyclable materials from DOT street light and streetscapes assets in the public right-of-way. Gas Tax (Fund 2002) in the amount of \$50,000 annually will be appropriated to DOT's Street Services Division operating budget

(15001671) to offset the decrease in Citywide Landscaping & Lighting District (Fund 2232) funds. The remaining balance of \$56,860 will be supported by the existing CDD FY2010/11 operating budget.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: *Dennis Kubo*
Dennis Kubo
Code Enforcement Manager

Approved by: *Max Fernandez*
Max Fernandez
Director of Community Development

Approved by: *Jerry Way*
Jerry Way
Director of Transportation

Recommendation Approved:

Gus Viana
Gus Viana
Interim City Manager

APPROVED AS TO FORM:
Michael S. Martiney
CITY ATTORNEY

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**Attachment 1****BACKGROUND**

In June 2007, the Mayor and the Council amended Sections 17.16.010 and 17.24.050 of the Sacramento City Code (Zoning Code) related to recycling facilities. Specifically, these amendments required new or expanded small recyclable collection container facilities to comply with new standards for "Convenience Recycling Facilities." To enforce this ordinance, the Department of Utilities (DOU) provided funding for 1.0 FTE Code Officer Position in Code Enforcement to monitor these facilities. However, after the CAO advised that under Proposition 218, solid waste ratepayer revenues may not be used to fund City-wide code enforcement activities of this nature, DOU funding for the position was eliminated. Without this funding, the Code Compliance Division (CCD) of the Community Development Department (CDD) could no longer support the Recycling Monitoring Program and the related position was eliminated in the CDD FY 2010/11 operating budget.

Currently, there are over 125 convenience recycling facilities in the City. Due to continued problems related to recycling facilities including the ease of exchanging stolen scrap metal and copper wiring, including that possibly taken from DOT street light and streetscape assets in the public right-of-way, for cash; noise generated by these facilities; and undesirable facility appearance, the Mayor and the City Council directed staff to provide recommendations to reinstate the Recycling Monitoring Program. CDD has collaborated DOT to re-establish this program. CCD will monitor and regulate recycling facilities in the City with partial funding from DOT.

Staff recommends reestablishing the Recycling Monitoring Program including restoration of 1.0 FTE position to the Code Compliance Division of the Community Development Department to respond to citywide complaints. DOT will provide \$50,000 annually from its Citywide Landscaping & Lighting District (Fund 2232) funds to assist with reducing theft of copper wiring and other recyclable materials from DOT street light and streetscape assets in the public right-of-way. The remaining funding would be provided by the existing FY2010/11 CDD General Fund operating budget.



RESOLUTION NO.

Adopted by the Sacramento City Council

November 9, 2010

RESTORING THE RECYCLING MONITORING PROGRAM IN THE COMMUNITY DEVELOPMENT DEPARTMENT (CDD) AND AMENDING THE FY2010/11 OPERATING BUDGET

BACKGROUND

- A. The Sacramento City Council recognized that there were issues related to small recyclable collection container facilities.
- B. In June 2007, the Sacramento City Council adopted Ordinance 2007-057 which amended the Zoning Code related to development and operational standards for small recyclable container facilities.
- C. The Department of Utilities (DOU) provided funding for 1.0 FTE in the Code Enforcement Department to enforce this ordinance.
- D. To comply with legal limitations governing the use of utility rate revenues, it is necessary to fund these enforcement activities through a different funding source or sources.
- E. In order to maintain this critical City program, staff is recommending that the Recycling Monitoring Program be re-established in Code Compliance Division of the Community Development Department (CDD).
- F. The Department of Transportation (DOT) has agreed to provide \$50,000 from the Citywide Landscaping and Lighting Fund to offset a portion of the costs for 1.0 FTE position assigned to the Recycling Monitoring Program in an effort to reduce theft of copper wiring and other recyclable materials from DOT street light and streetscapes assets in the public right-of-way.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Recycling Monitoring Program is re-established in Code Compliance Division of the Community Development Department.
- Section 2. The Fiscal Year (FY) 2010/11 Operating Budget is amended to:

- (a) Re-fund a 1.0 FTE Zoning Investigator from 21001314 to 21001313 in CDD, funded through the General Fund (Fund 1001); and
- (b) Adjust the CDD labor budget to reflect this change.

Section 3. The City Manager is authorized to appropriate \$50,000 in Citywide Landscaping and Lighting Fund (Fund 2232) from the Department of Transportation Street Services operating budget to the Community Development Department for the purpose of funding the Recycling Monitoring Program in CDD, and appropriate \$50,000 in Gas Tax (Fund 2002) to the Department of Transportation Street Services operating budget to offset the decrease in Citywide Landscaping & Lighting District (Fund 2232) funds.