



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Jimenez  
Councilmember Peralez

**SUPPLEMENTAL**  
**SUBJECT:** Illegal Dumping Fines and Enforcement      **DATE:** May 13, 2021

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Approved

Date: *May 13, 2021*

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## RECOMMENDATIONS

Approve the memorandum from Councilmembers Jimenez and Peralez dated April 22, 2021 to the Rules and Open Government Committee with the following additions:

1. If Council chooses to adopt increased fines for illegal dumping, direct staff to evaluate equitable implementation measures to reduce the risk of disproportionate impacts on low-income, underserved communities. For example, consider delayed implementation to allow for proper noticing; payment plans and/or fee waivers for residents who demonstrate financial hardship; community service opportunities directly tied to cleanups and beautification efforts in lieu of fines; and similar measures.
2. Include in an MBA from the City Manager:
  - a. Cost estimates for a multilingual, culturally sensitive educational campaign focused on deterring illegal dumping, informing residents of services available to safely dispose of unwanted items and encouraging pride in clean neighborhoods.
  - b. Cost estimate for placing easily accessible junk collection bins across the City in underserved neighbors with chronic dumping problems for residents who are unfamiliar or unable to schedule a free large item pick-up.
  - c. Feasibility analysis of monthly or bimonthly large item pick-up days on which residents can place unwanted items curbside for collection from residential haulers without needing to schedule an appointment in advance.
  - d. Evaluation of behavioral insights to attempt to change behaviors around illegal dumping.
3. Direct the City Manager's Office to advocate for and plan for additional funding resources from the State of California to address illegal dumping and to increase coordination and collaboration with State agencies for cleanups along freeways, overpasses, and other areas not in the City's jurisdiction that impact residents.

## RULES AND OPEN GOVERNMENT COMMITTEE

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### **BACKGROUND**

On April 28, 2021, the Rules and Open Government Committee held a discussion on our recommendations for increasing illegal dumping fines and enforcement. Public comment from that conversation highlighted the fact that we must be cognizant of unintended consequences of high fines and inequitable enforcement. We do not want to disproportionately impact low-income, underserved communities. However, it is evident that these same communities are already disproportionately impacted by the negative consequences of illegal dumping. We also want to make it clear that efforts are not targeted towards our unhoused community, but rather individuals and companies that irresponsibly discard unwanted items and debris on our City streets. San José needs to take a comprehensive approach to tackling this growing problem.

Fines and enforcement are helpful tools, but we also need to do better at providing accessible alternatives to illegal dumping. The City has invested significant resources in beautification efforts, dumpster days, and free large item pick-up. These programs, though effective in certain neighborhoods, have not worked in others, and it is time to take a different approach. Placing bins for people to dump unwanted items as well as eliminating the need for scheduling large item pick-ups will make it much easier to properly dispose of junk. Language barriers, insufficient access to the internet, and lack of knowledge prevent many residents from taking advantage of the free large item pick-up program. Residents in multi-family households often do not have access to their local hauling company; these recommendations may help alleviate this gap in service. Additionally, we need to gather more information on why people choose to illegally dump and what messaging, services, and resources can help change that behavior. The argument for using behavioral insights, as mentioned by Mayor Liccardo during our conversation on illegal fireworks, also applies to illegal dumping. Lastly, Governor Newsom recently announced a \$1.5 billion plan to clean and beautify underpasses, freeway entrances and exits, and thoroughfares across California. Our City must advocate for a fair share of these funds and coordinate efforts for cleanups with the State. Though these locations fall outside our jurisdiction, their cleanliness and safety directly impact the well-being of our residents.

The recommendations outlined in this memorandum create a comprehensive approach to tackling this longstanding problem. Increased fines and enforcement coupled with education, ease of service, a better understanding of why people dump, and State funding and coordination will bring us closer to clean, safe neighborhoods Citywide.

*BROWN ACT: The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*