

August 30, 2007

The Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, California 92701

Re: City of La Palma Response to 2006-2007 Orange County Grand Jury Report
"Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?"

Dear Judge Stock:

The City is in receipt of the 2006-2007 Orange County Grand Jury Report, *"Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?"* which was made public on June 5, 2007. All Orange County cities are required by Penal Code §933 and §933.05 to provide a response to Finding F-6 and Recommendation R-6 of the report.

Finding F-6:

Finding F-6 states, *"The presence of non-franchise haulers and so-called "Ghost Haulers" bins, in cities which bypass the recycling system, needs to be corrected in order to establish the waste haulers' confidence that their municipalities are looking out for their best interests."*

City of La Palma Response to Finding F-6:

The City of La Palma **agrees** with this finding from the Orange County Grand Jury. However, after discussing the matter with its franchise hauler (Park Disposal), the City has determined that the presence of non-franchise haulers is not a significant problem in this City. The occasional non-franchise hauler is contacted either by the City's Code Enforcement Officer or by the City's franchise hauler and informed that they are in violation of an exclusive franchise. In most instances, the matter is resolved within days of the City or the franchise hauler becoming aware of a violation.

Recommendation R-6:

Recommendation R-6 states, *"Municipalities need to solve their unauthorized waste bin problems by enacting city ordinances forbidding these practices, imposing fines, including stepped-up fines for additional violations, and impounding bins."*

The Honorable Nancy Wieben Stock

August 30, 2007

Page 2

City of La Palma Response to Finding F-6:

The recommendation requires further analysis. While the City's Municipal Code already prohibits non-franchised waste haulers from providing service and the City Code authorizes administrative fines that increase with each successive violation, these controls are general in nature and the City's waste program may benefit from additional specificity in the City Code. After consultation with the City's franchised hauler, the City has concluded that the presence of non-franchise haulers is not a significant problem in this City. The City's current practice of contacting non-franchise haulers through phone calls or letters from the City's Code Enforcement Officer and/or the franchised hauler has been sufficient to date. However, the recommendation of an unauthorized waste bin ordinance that includes imposing fines, including stepped-up fines for additional violations, and the impounding of unauthorized bins will be discussed at a future City Council meeting, and progress will be reported on this issue by November 29, 2007.

The City would like to thank the Orange County Grand Jury for its efforts in researching these issues and for giving the City an opportunity to respond to its findings and recommendations. Should you have any questions regarding the City's responses, please contact Laurie Murray, Administrative Services Manager, at (714) 690-3338.

Sincerely,



Mark I. Waldman
Mayor

c: City Council
City Manager
City Attorney
Orange County Grand Jury