



## MEMORANDUM

**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Joe DeVries  
Director, Interdepartmental  
Operations

**SUBJECT:** Excess Litter and Related Programs

**DATE:** February 5, 2021

City Administrator   
Approval

Date Feb 24, 2021

### INFORMATION

#### Executive Summary

On November 10, 2020, the City Council adopted Resolution No. 88381 C.M.S. authorizing the City Administrator to enter a contract to implement the Excess Litter Fee Program (ELF). The City of Oakland currently contracts with Oakland Venue Management (OVM) to implement the Excess Litter Fee Program (ELF) in an amount not to exceed \$750,000 per year which allows for a team to target and remove litter along commercial corridors throughout Oakland. The prior contract was expanded from \$400,000 per year due to carryforward funds available that are required to be spent on litter removal. This expansion of the contract allows OVM to partner with local service providers that support the unsheltered community to expand the number of work hours and provide valuable job training and paid employment opportunities to homeless Oakland residents.

#### Background

The Excess Litter Fee Program was established and implemented in 2006 with the adoption of Ordinance No. 12727 C.M.S. to raise revenue to abate litter created by fast food businesses, liquor stores, convenience markets and gasoline stations. These types of establishments pay an Excess Litter Fee based on the size of their business. Revenue generated from the fee is used to defray the cost of litter and trash clean-up resulting from the operation of these businesses. The City has contracted with different service providers, selected through competitive bidding processes since that time to provide crews to conduct litter removal with those funds.

During the Council deliberations on November 10, 2021, several questions were raised about coordination with other City efforts to address litter on City streets. Some of these questions were specific to the ELF program while others were more generally related to the Public Works

Department (OPW) and the Waste Management contract. This memo is designed to address those questions listed below.

**1. How will the City ensure that the ELF reaches all council districts equitably?**

After receiving Council authorization, the contractor and staff reached agreement that the contractor will perform services and deploy the crew on a rotating basis each month as follows:

Week one of each month: Council Districts 1 and 2  
Week two of each month: Council Districts 3 and 4  
Week three of each month: Council Districts 5 and 6  
Week four of each month: Council District 7 and areas identified by the At-Large Office

In January, staff contacted each Council Office requesting a meeting and asked that a point-of-contact be assigned for the ELF Operations Manager to send monthly reminders and ask if there are areas of particular interest that the crew can target with basic litter abatement projects. Several initial meetings have taken place and the efforts is already showing positive results. If the contractor does not receive any guidance from a Council Office, it will direct its crew to areas in the district that have historically shown a high litter index. Each month the contractor has agreed to send its monthly progress reports to the Council Offices to review the work and those reports began to circulate in the first week of February.

**2. Is Waste Management still providing 25 illegal dumping removals per day as the contract requires and can we get an understanding of where those are occurring?**

The contract states that Waste Management (WM) shall provide collection services at up to thirty (30) locations per workday of up to three (3) cubic yards of illegally dumped materials per location provided, however, WM shall not be required to collect materials not safely accessible by Collection vehicles and/or personnel. OPW has been providing WM with thirty (30) locations per workday that meets these criteria. Below is a graph depicting all WM pick-ups completed in 2020 by City Council District.



3. **Can the ELF and OPW/WM coordinate to see that commercial corridors are addressed on weekends, particularly Sundays to ensure businesses can arrive to a clean street on Mondays.**

WM does not operate on Sundays and OPW has limited staff that focuses on emptying litter containers and removing illegal dumping citywide on Sundays. Currently the ELF crew is deployed Monday-Friday 8-4pm, and with the implementation of the new rotation is maintaining that schedule. However, after the first three months of operation, and with the expansion this spring that will rely on service providers employing unsheltered persons, it may be possible to switch some operations to a weekend shift.

4. **What is the schedule for WM to empty the public garbage receptacles on city streets?**

The contract requires WM to empty all 1300+ street litter containers (SLC) Monday – Friday. On Saturdays WM services 650+ SLC and OPW empties the remaining SLCs. WM does not operate on Sundays, so OPW provides the service with limited staff. Due to the concerns raised at the Council meeting, the ELF Crews have been directed to track and report incidents of overflowing containers to assist OPW in holding WM accountable for the contract requirement. The ELF Crews will also pick-up litter surrounding any serviced container on their daily route.

5. **How can the City increase the number of receptacles, especially near schools and bus stops, can ELF dollars be used, will these be serviced if we add them?**

Exhibit 4 in the WM Contract identifies the SLCs that WM is required to service. The City may modify Exhibit 4 as needed, by providing written notice to WM, *but such modification shall not increase the number of street litter containers by more than ten (10) per Contract Year.* Revenue

from the ELF fund may be used to purchase additional SLCs but only ten new ones can be added to be serviced by WM.

**6. How does OPW/ELF/WM coordinate with the Business Improvement Districts (BIDs) and with each other in general?**

As stated in the November Council Report, the ELF deployment was originally designed to target the areas around each fee-paying business. The scope of service required that staff clean on either side of the designated business's front door. This had built in inefficiencies as drivers would spend too much time driving instead of removing litter in higher concentration areas. The approach implemented in 2018 changed from a fixed route deployment to a new pro-active response that focused on known locations that suffer from very high litter and illegal dumping volumes. Because most BIDs have their own litter removal program in place, these areas typically do not rank high on the litter index and therefore the ELF crews focus elsewhere.

OPW has attended monthly BID Alliance meetings to listen to concerns from all of the BID Directors and to coordinate efforts. Due to COVID-19 the majority of those meetings have been cancelled. OPW still receives request for service in BIDs from Oak311 and from direct contact from BID Directors and staff. OPW meets with WM twice a month. The first meeting is held to discuss the Franchise Contract and the second meeting is convened to address operational concerns and to coordinate strategies.

Respectfully submitted,



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Joe DeVries  
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of the City Administrator

For questions, please contact Joe DeVries, Director, Interdepartmental Operations, at (510) 238-3083.