



CITY OF ORANGE

OFFICE OF MAYOR

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July 17, 2007

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

Re: *Orange County Grand Jury Report*
Assembly Bill 939 Waste Diversion:
Are We Finally Making Progress?

Dear Judge Wieben Stock:

The City of Orange has been requested to respond to Recommendation No. 6 of the six recommendations contained in the above reference Grand Jury Report. The following constitutes the City's response.

R-6. 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 unauthorized bins.

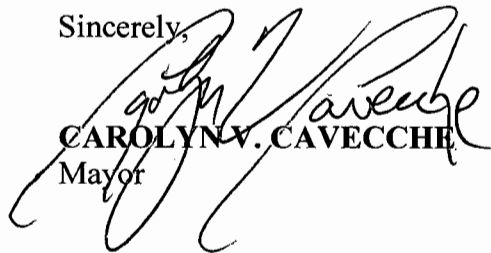
Response. The City of Orange has an active code enforcement program that "tags" unauthorized commercial bins. Rarely has the City actually imposed fines for such unauthorized bins because generally they are removed promptly upon notice. However, the City's laws permits such bins to be impounded and we charge \$365 for an impound release. In addition, the City is only required to notify a company once before impounding a bin. In other words, repeat offenders can have their bins impounded with notice the second time around. Often bins that are reported as unauthorized by the City's contract waste hauler turn out to not be owned by the business and thus, not covered by the City's franchise agreement. The City's code enforcement staff does not believe that there is an extensive problem in the City with such unauthorized bins. Code enforcement staff has been instructed by the City Attorney's office to begin forwarding to the City Attorney's office and/or citing, repeat problem offenders.

Although not on the list of recommendations by the grand jury, but discussed in the Grand Jury's report, the County should continue to review whether or not it should

accept self-hauled construction and demolition waste at its landfills. The City recognizes that there are several considerations, one of which is that self-haulers need to have competitive options and convenient locations and the siting of an MRF in South Orange County is one possible consideration. If a policy of not accepting self-hauled construction and demolition waste were in place, cities across the County may not need to individually adopt ordinances addressing it.

Thank you for the opportunity to respond to the Grand Jury's Report on behalf of the City of Orange.

Sincerely,



CAROLYN V. CAVECCHÉ
Mayor