



CITY OF ESCALON

July 24, 2015

Hon. Lesley D. Holland, Presiding Judge
San Joaquin County Superior Court
PO Box 201022
Stockton CA 95201

Dear Judge Holland,

The following is in response to the Grand Jury's request for information regarding **2014 – 2015 Case No. 1410 Charity Begins at Home: Unattended For-Profit Donation Bins Proliferate Across County.**

Findings:

- **F1.1: San Joaquin County and its cities do not have regulations that specifically address the placement, maintenance, and monitoring of unattended donation bins.**

The City agrees with the finding.

- **F1.2: City and county ordinances can effectively clarify who is responsible for removing unwanted donation bins and protect property owners from liability.**

The City agrees with the finding.

- **F1.3: Local ordinances can provide cities and the county with stronger control over unattended donation bin placement and assist to enforce them efficiently.**

The City agrees with the finding.

- **F1.4: Donations to out-of-state for profit operators divert donations from local not-for-profit operators, which diminishes their ability to benefit local communities.**

The City agrees with the finding.

Recommendations:

- **R1: By December 1, 2015, San Joaquin County and its incorporated cities should enact ordinances that regulate unattended donation bins, including:**



CITY OF ESCALON

- Shall require written consent from property owners before placement of any donation bin on private property.
- Shall obligate the bin owner to maintain it
- Shall obligate the bin owner to hold property owners and their agents harmless from liability who remove unwanted bins from their property
- Shall require donation bins meet or exceed the requirements found in the California Welfare and Institutions Code, §§150 to 153
- Shall adopt sanctions for any violations of the ordinance provisions
- Shall require owners of donation bins that do not have IRS Code 501 (c)(3) status to pay a permit fee to generate income to help off-set ordinance enforcement efforts

The City will consider an ordinance with the elements identified in the Grand Jury recommendation.

Respectfully submitted,

Tammy Alcantor
City Clerk | City Manager



ITEM NO. 6

COUNCIL AGENDA ITEM FOR July 20, 2015

Prepared By: Tammy Alcantor, City Manager | Finance Director | HR Administrator ~~✓~~
Date: July 16, 2015
Subject: Consideration of Approving the Response to the Grand Jury Report 2014-2015

Recommendation:

Consideration of Approving the Response to the Grand Jury Report 2014-2015

Background and Discussion:

The 2014-2015 Grand Jury's Report #1410: *Charity Begins at Home Unattended For-Profit Donations Bins Proliferate Across County* was released to the public on June 10, 2015, stated the City of Escalon shall respond to the following:

Findings:

- **F1.1: San Joaquin County and its cities do not have regulations that specifically address the placement, maintenance, and monitoring of unattended donation bins.**
The City agrees with the finding.
- **F1.2: City and county ordinances can effectively clarify who is responsible for removing unwanted donation bins and protect property owners from liability.**
The City agrees with the finding.
- **F1.3: Local ordinances can provide cities and the county with stronger control over unattended donation bin placement and assist to enforce them efficiently.**
The City agrees with the finding.
- **F1.4: Donations to out-of-state for profit operators divert donations from local not-for-profit operators, which diminishes their ability to benefit local communities.**
The City agrees with the finding.

Recommendations:

- **R1: By December 1, 2015, San Joaquin County and its incorporated cities should enact ordinances that regulate unattended donation bins, including:**
 - Shall require written consent from property owners before placement of any donation bin on private property.
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 - Shall adopt sanctions for any violations of the ordinance provisions
 - Shall require owners of donation bins that do not have IRS Code 501 (c)(3) status to pay a permit fee to generate income to help off-set ordinance enforcement efforts

The City will consider an ordinance with the elements identified in the Grand Jury recommendation.

Attached to the staff report is the Grand Jury Report and the proposed response letter from the City of Escalon.

Therefore, staff is recommending Council approve the response to the Grand Jury Report 2014-2015