



City Attorney's Department

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August 5, 2015

**VIA E-MAIL AND REGULAR US MAIL TO:**

[grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

Mail to:  
Honorable Lesley D. Holland, Presiding Judge  
San Joaquin County Grand Jury  
PO Box 201022  
Stockton, CA 95202

Re: Grand Jury Request Re: Final Report Case No. 1410

Honorable David P. Warner:

Pursuant to Penal Code Section 933.05, this letter is to inform you that the City Council of the City of Lathrop reviewed and discussed the above referenced Grand Jury Report and directed me to write this letter on their behalf at their regular meeting of August 3, 2015.

**FINDINGS AND RESPONSE:**

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

Response: The City agrees with the Finding to the degree the Finding relates to the City of Lathrop.

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

Response: The City agrees with the Finding to the extent of the City's police powers. The City disagrees with the Finding to the degree it relates to rights between private citizens because the City cannot dictate private property rights among private citizens.

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.

Response: The City agrees with the Finding to the extent of the City's police power. Placement of the bins on private property without the private property owner's consent is a matter regulated by state law.

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.

Response: City disagrees with the Finding to the degree that donations are not necessarily mutually exclusive and the City has not conducted research on the topic sufficient to reach a conclusion.

RECOMMENDATION AND RESPONSE TO RECOMMENDATION R1:

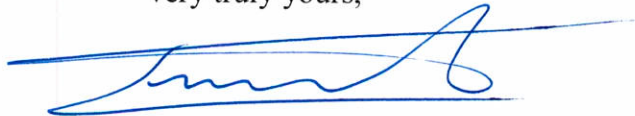
Recommendation R1: By December 1, 2015, San Joaquin County and its incorporated cities should enact ordinances that regulate unattended donation bins; including:

- Shall require written consent from property owners before placement of any donation bin on private property
- 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 California Welfare and Institutions Code, §§150 to 153
- Shall adopt sanctions for any violations of the ordinance provisions
- Shall require owners of donations 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.

Response to Recommendation R1:

On or before December 1, 2015, the City of Lathrop will consider an Ordinance adding Chapter 15.60 REGULATION OF UNATTENDED DONATION BINS to Lathrop Municipal Code Title 15 BUILDINGS AND CONSTRUCTION.

Very truly yours,



Salvador V. Navarrete  
City Attorney