

August 12, 2015

**Via U.S. Mail and Email**

Honorable Lesley D. Holland, Presiding Judge  
San Joaquin County Superior Court  
Post Office Box 201022  
Stockton, California 95201  
Email: [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

*Re: San Joaquin County Grand Jury 2014-2015 Report – Case No. 1410*

Dear Judge Holland:

In response to San Joaquin County Grand Jury Case No. 1410, the City Council of the City of Ripon responds as follows:

**RESPONSE TO GRAND JURY 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.

**Response to F1.1:** The City of Ripon is not aware of the status of regulations within other San Joaquin County cities, other than as was described in the findings set forth in Grand Jury Case No. 1410 and is therefore unable to opine one way or the other regarding the Grand Jury's finding. The City of Ripon currently treats donation bins as a business and regulates the placement, maintenance and monitoring of unattended donation bins by requiring the entity to obtain a minor site plan permit (Ripon Municipal Code Chapter 16.72). In addition, the City of Ripon enforces City standards through its Code Enforcement provisions (Ripon Municipal Code Chapter 1.10).

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

**Response to F1.2:** The City of Ripon agrees with the Grand Jury's 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 to F1.3: The City of Ripon agrees with the Grand Jury's 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 to F1.4: The City of Ripon agrees with the Grand Jury's finding.

**RECOMMENDATIONS:**

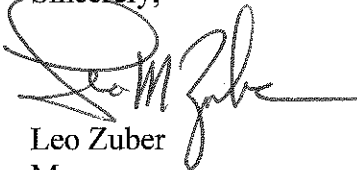
R1: By December 1, 2015, San Joaquin County and its incorporated cities should enact ordinances that regulate unattended donation bins, including:

- Shall require written consent from property owners before placement of any donation bin on private property
- Shall obligate the bin owner to maintain it
- Shall obligate the bin owner to hold property owner and their agents harmless from liability who remove unwanted bin 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

Response to R1: The City of Ripon agrees to enact an ordinance that regulates unattended donation bins as set forth in Recommendation R1.

If there are questions or concerns regarding any aspect of this Response, please feel free to contact City Attorney Thomas H. Terpstra, or send correspondence to the City Council at 259 N. Wilma Avenue, Ripon, California, 95366.

Sincerely,



Leo Zuber  
Mayor