



CITY OF MANTECA

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August 19, 2015

The Honorable Lesley D. Holland
Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Re: Response to 2014-15 Grand Jury Report - Case No. 1410
- "Charity Begins at Home – Unattended For-Profit Donation Bins
Proliferate Across County"

Dear Judge Holland:

The City of Manteca is in receipt of the above-noted 2014-15 Grand Jury Case No. 1410. On July 21, 2015, the Manteca City Council voted to authorize me to send the City's response to the above-referenced Grand Jury report, consistent with Penal Code Sections 933 and 933.05.

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: The City of Manteca currently treats unattended donation bins as Recycling Collection Facilities in the Municipal Code (MMC 17.22.020) and regulates the placement of those facilities according to land use zones. Maintenance and monitoring is not addressed.

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

Response: Property owners are currently entitled to legally remove items left on their property without permission of those who own the items.

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 of Manteca 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: The City of Manteca has not received ample evidence of diversion from local not-for-profit charities by out-of-state for profit operators and, therefore, cannot agree to or oppose this finding.

Recommendation:

R1. By December 1, 2015, San Joaquin County and its incorporated cities should enact ordinances that regulate unattended donations 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 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: The City of Manteca agrees to enact an ordinance and permit process regulating to unattended donation bins as set forth in Recommendation R1, with the following considerations:

- *The City will not obligate the bin owner to hold property owners and their agents harmless from liability those who remove unwanted bins from their property. Property owners are currently entitled to legally remove items left on their property.*
- *In order to enact a fee for a permit, the City must perform a nexus study in order to ensure that only the actual costs of the permit (including, processing and codes enforcement efforts) are recovered by the fee. The City will work toward a fee for the permit; however, due to the analysis that must be performed to enact such a fee, the City may need additional time, past the December 1, 2015 deadline, to complete that component of the recommendation.*

Sincerely,



STEPHEN F. DEBRUM

Mayor

c: Manteca City Council
City Manager
City Attorney