



**Board of Supervisors
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: February 5, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Julieta Martinez PHONE: 559.636.5000

SUBJECT: Support for AB 215

REQUEST(S):

That the Board of Supervisors:
Approve a letter in support of AB 215, Mathis – Dumping.

SUMMARY:

AB 215 was introduced by Assembly member Devon Mathis on January 15, 2019. This bill addresses illegal dumping on private property.

The bill language states, "Existing law prohibits dumping waste matter in or upon a public or private highway or road, in or upon private property into or upon which the public is admitted by easement or license, upon private property without the consent of the owner, or in or upon a public park or other public property. A violation of these provisions is an infraction punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd or subsequent conviction."

This bill would add a 4th conviction making it a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and by a fine of not less than \$750 and nor more than \$3,000.

Assembly Member Mathis reintroduced this measure as a way to protect private lands. The original bill was proposed in 2015 under AB 144 but was vetoed by Governor Brown. The bill seeks to deter littering and the environmental damages that follow. The office of Assembly Member Mathis has asked the County to

SUBJECT: Support for AB 215

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support this measure in order to address the widespread problem of illegal dumping.

Staff recommends that the Board of Supervisors take a position of support in regards to AB 215.

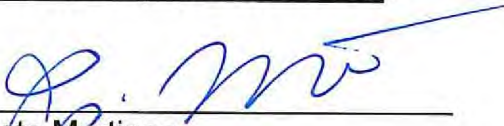
FISCAL IMPACT/FINANCING:

N/A

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The letter in support of AB 215 supports Tulare County's Strategic Initiative of Organizational Performance – Continuously improve organizational effectiveness and fiscal stability.

ADMINISTRATIVE SIGN-OFF:



Julieta Martinez
Chief of Staff

cc: County Administrative Office

Attachment(s) AB 215 – Bill Language
Draft letter of support for AB 215

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF SUPPORT FOR
AB 215

)
) Resolution No. _____
) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Approved a letter in support of AB 215, Mathis – Dumping.

Introduced by Assembly Member Mathis

January 15, 2019

An act to amend Section 374.3 of the Penal Code, relating to dumping.

LEGISLATIVE COUNSEL'S DIGEST

AB 215, as introduced, Mathis. Dumping.

Existing law prohibits dumping waste matter in or upon a public or private highway or road, in or upon private property into or upon which the public is admitted by easement or license, upon private property without the consent of the owner, or in or upon a public park or other public property. A violation of these provisions is an infraction punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd or subsequent conviction.

This bill would make dumping waste matter on private property, including on any private road or highways, without the consent of the owner punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd conviction. The bill would make a 4th or subsequent conviction a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and by a fine of not less than \$750 nor more than \$3,000.

By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 374.3 of the Penal Code is amended to
2 read:

3 374.3. (a) It is unlawful to dump or cause to be dumped waste
4 matter in or upon a public ~~or private~~ highway or road, including
5 any portion of the right-of-way thereof, or in or upon private
6 property into or upon which the public is admitted by easement or
7 license, or ~~upon private property without the consent of the owner;~~
8 ~~or~~ in or upon a public park or other public property other than
9 property designated or set aside for that purpose by the governing
10 board or body having charge of that property.

11 (b) It is unlawful to place, deposit, or dump, or cause to be
12 placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in
13 or upon a private highway or road, including any portion of the
14 right-of-way of the private highway or road, or private property,
15 without the consent of the owner or a contractor under contract
16 with the owner for the materials, or in or upon a public park or
17 other public property, without the consent of the state or local
18 agency having jurisdiction over the highway, road, or property.

19 (c) A person violating ~~this section~~ *subdivision (a) or (b)* is guilty
20 of an infraction. Each day that waste placed, deposited, or dumped
21 in violation of subdivision (a) or (b) remains *unabated* is a separate
22 violation.

23 (d) This section does not restrict a private owner in the use of
24 his or her own private property, unless the placing, depositing, or
25 dumping of the waste matter on the property creates a public health
26 and safety hazard, a public nuisance, or a fire hazard, as determined
27 by a local health department, local fire department or district
28 providing fire protection services, or the Department of Forestry
29 and Fire Protection, in which case this section applies.

1 (e) A person convicted of a violation of ~~this section~~ *subdivision*
2 *(a) or (b)* shall be punished by a mandatory fine of not less than
3 two hundred fifty dollars (\$250) nor more than one thousand dollars
4 (\$1,000) upon a first conviction, by a mandatory fine of not less
5 than five hundred dollars (\$500) nor more than one thousand five
6 hundred dollars (\$1,500) upon a second conviction, and by a
7 mandatory fine of not less than seven hundred fifty dollars (\$750)
8 nor more than three thousand dollars (\$3,000) upon a third or
9 subsequent conviction. If the court finds that the waste matter
10 placed, deposited, or dumped was used tires, the fine prescribed
11 in this subdivision shall be doubled.

12 (f) The court may require, in addition to any fine imposed upon
13 a conviction, that, as a condition of probation and in addition to
14 any other condition of probation, a person convicted under this
15 section remove, or pay the cost of removing, any waste matter
16 which the convicted person dumped or caused to be dumped upon
17 public or private property.

18 (g) Except when the court requires the convicted person to
19 remove waste matter which he or she is responsible for dumping
20 as a condition of probation, the court may, in addition to the fine
21 imposed upon a conviction, require as a condition of probation, in
22 addition to any other condition of probation, that a person convicted
23 of a violation of this section pick up waste matter at a time and
24 place within the jurisdiction of the court for not less than 12 hours.

25 (h) (1) A person who places, deposits, or dumps, or causes to
26 be placed, deposited, or dumped, waste matter in violation of this
27 section in commercial quantities shall be guilty of a misdemeanor
28 punishable by imprisonment in a county jail for not more than six
29 months and by a fine. The fine is mandatory and shall amount to
30 not less than one thousand dollars (\$1,000) nor more than three
31 thousand dollars (\$3,000) upon a first conviction, not less than
32 three thousand dollars (\$3,000) nor more than six thousand dollars
33 (\$6,000) upon a second conviction, and not less than six thousand
34 dollars (\$6,000) nor more than ten thousand dollars (\$10,000) upon
35 a third or subsequent conviction.

36 (2) "Commercial quantities" means an amount of waste matter
37 generated in the course of a trade, business, profession, or
38 occupation, or an amount equal to or in excess of one cubic yard.
39 This subdivision does not apply to the dumping of household waste
40 at a person's residence.

1 (i) (1) *A person who places, deposits, or dumps, or causes to*
2 *be placed, deposited, or dumped, waste matter upon private*
3 *property, including on any private highway or road, without the*
4 *consent of the owner shall be punished by a fine. The fine is*
5 *mandatory and shall amount to not less than two hundred fifty*
6 *dollars (\$250) nor more than one thousand dollars (\$1,000) upon*
7 *a first conviction, not less than five hundred dollars (\$500) nor*
8 *more than one thousand five hundred dollars (\$1,500) upon a*
9 *second conviction, and not less than seven hundred fifty dollars*
10 *(\$750) nor more than three thousand dollars (\$3,000) upon a third*
11 *conviction. Upon a fourth or subsequent conviction, the person is*
12 *guilty of a misdemeanor punishable by imprisonment in a county*
13 *jail for not more than 30 days and by a fine of not less than seven*
14 *hundred fifty dollars (\$750) nor more than three thousand dollars*
15 *(\$3,000).*

16 (2) *If the court finds that the waste matter placed, deposited,*
17 *or dumped includes used tires, the fine prescribed in this*
18 *subdivision shall be doubled. A separate fine in the same amount*
19 *as initially imposed shall accrue for each day that waste placed,*
20 *deposited, or dumped remains unabated, but no additional*
21 *conviction for the purposes of punishments in paragraph (1) shall*
22 *arise for the same act. For the fourth or subsequent violation, each*
23 *day that waste placed, deposited, or dumped remains shall not*
24 *result in the accrual of a separate fine or violation for the purposes*
25 *of punishments in paragraph (1).*

26 (†)

27 (j) For purposes of this section, “person” means an individual,
28 trust, firm, partnership, joint stock company, joint venture, or
29 corporation.

30 (†)

31 (k) Except in unusual cases where the interests of justice would
32 be best served by waiving or reducing a fine, the minimum fines
33 provided by this section shall not be waived or reduced.

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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February 5, 2019

The Honorable Devon Mathis
Member, California State Assembly
State Capitol, Suite #2111
Sacramento, CA 94249

RE: Assembly Bill 215 – SUPPORT

Dear Assembly Member Mathis:

On behalf of the County of Tulare, we write to offer our support for your Assembly Bill 215 which addresses illegal dumping on private property. This is a widespread problem facing both the County of Tulare and the State of California.

AB 215 would allow increased protection of private lands by giving law enforcement the tools they need to help put a stop to this widespread community issue. AB 215 enhances current law by discouraging individuals from dumping trash onto private property and public roadways.

The County of Tulare has been facing this issue for several years. Due to increased concern from residents, we developed a hotline for members of the public to report illegal dumping. Calls are handled by our Sheriff's department. Ultimately, the cost to clean up and abate these illegal dumpsites falls to local government to address.

Illegal dumping also puts an increased burden on private property owners who oftentimes are forced to become the party responsible for cleanup of litter and other materials. Failure to clean up these materials can lead to fines or penalties due to the environmental damages left by the litter and trash.

For these reasons, the County of Tulare is in full support of AB 215. Should you have any further questions regarding this position, please contact our office at (559) 636-5000.

Sincerely,

Kuyler Crocker, Chairman
Tulare County Board of Supervisors

Pete Vander Poel, Vice-Chairman
Tulare County Board of Supervisors

Amy Shuklian, District Three
Tulare County Board of Supervisors

Eddie Valero, District Four
Tulare County Board of Supervisors

Dennis Townsend, District Five
Tulare County Board of Supervisors

cc: Paul Yoder, Yoder/Shaw/Antwih
Tulare County Delegation

DRAFT