



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: DECEMBER 7, 2010

ITEM NUMBER: \_\_\_\_\_

**SUBJECT:** RESOLUTION ESTABLISHING ADMINISTRATIVE PENALTIES FOR NON-COMPLIANCE WITH COSTA MESA'S SOLID WASTE HAULING PERMIT REQUIREMENTS FOR CONSTRUCTION PROJECTS

**DATE:** NOVEMBER 24, 2010

**FROM:** PUBLIC SERVICES DEPARTMENT/ADMINISTRATION DIVISION

**PRESENTATION BY:** PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

**FOR FURTHER INFORMATION CONTACT:** PETER NAGHAVI AT (714) 754-5343

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## **RECOMMENDATION:**

Adopt a Resolution (Attachment 1) that establishes an administrative penalty of \$1,000, or 3% of total project value, as well as defers City issuance of the Certificate of Occupancy (C of O) for non-compliance with the City's solid waste hauling permit requirements for construction projects.

## **BACKGROUND:**

In 1993, the City of Costa Mesa established a permit system to assist in the management of solid waste hauling. Since its inception and evolution into a non-exclusive franchise, the City's hauling permit system has had difficulty incorporating all waste haulers into the fold. Historic efforts to curb non-permitted hauling, such as City-issued warning letters to identify illegal haulers and periodic sweeps from the City's solid waste consultant, have never secured complete hauler compliance.

At their August 17, 2010, meeting, the City Council approved staff's request to establish and implement a tracking system to prevent illegal hauling of construction and demolition debris waste within the City.

## **ANALYSIS:**

The recently established rules by the City will require all construction projects exceeding \$10,000 in value to provide proof documenting that they utilized a waste hauler that is franchised with the City. The Resolution will impose a fine of \$1000, or 3% of the building valuation for projects valued at \$10,000 or greater. Based on City Council's directive, the Resolution will also allow City staff to defer issuance of the C of O until such time the project applicant has provided acceptable documentation adhering with the above requirements.

**ALTERNATIVES CONSIDERED:**

No other alternatives may be considered since the City Council at their August 7, 2010, approved the establishment and implementation of the tracking system.

**FISCAL REVIEW:**

The adoption of this Resolution does not have any fiscal impact to the City.

**LEGAL REVIEW:**

The City Attorney's Office has prepared and approved the Resolution as to form.

**CONCLUSION:**

Adopting the attached Resolution will enable staff to implement the Council-approved requirements.

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PETER NAGHAVI  
Director, Department of Public Services

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KIMBERLY BRANDT  
Development Services Director

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KIMBERLY HALL BARLOW  
City Attorney

- ATTACHMENTS:
- 1 [Resolution](#)
  - 2 [City Council Agenda Report – August 17, 2010](#)
  - 3 [Construction/Demolition Project Hauling Agreement](#)
  - 4 [Costa Mesa Municipal Code Section 8-83](#)

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