



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

STAFF REPORT

TO: CITY COUNCIL

FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR

CC: MAYOR SETH FLEETWOOD

SUBJECT: FUNDING AND STAFF REQUEST TO CREATE A SANITATION AND SOLID WASTE DIVISION WITHIN THE PUBLIC WORKS DEPARTMENT

DATE: February 28, 2022

Over the last several months Mayor Seth Fleetwood has taken several actions to support businesses and residents in Downtown and surrounding areas. This includes private security, creation of the Ambassador program and addition PW staff for cleaning all of which were funded by the City Council. In addition to these efforts, Mayor Fleetwood directed City staff to propose solutions to address the growing concerns raised by community members regarding litter, solid waste, and encampment cleanups on public property throughout the City. Mayor Fleetwood asked that proposals maximize the efficiencies of City operations by combining resources where appropriate.

Information in this memo is based on input from the Department Head team and staff from the Bellingham Police, Finance and Human Resources departments.

BACKGROUND:

Local Government is assigned the responsibility for solid waste handling by state law in RCW 70A.205.010. Responsibility for solid waste includes the collection and disposal of all waste including household waste, commercial waste and litter control. The primary purpose of controlling solid waste is the preservation of public health and the reduction of disease and other harmful elements associated with uncontrolled solid waste and litter. The City follows the [Washington State Solid Waste Plan](#) and [Whatcom County Solid Waste Comprehensive Plan](#) in meeting our obligations for solid waste management.

The City of Bellingham utilizes a contract with Sanitary Service Company for the collection of residential waste and relies on the solid waste franchise issued by the Utilities and Transportation Commission for commercial waste. Litter control has been historically jointly managed by the Public Works Department and the Bellingham Police Department (BPD). Litter control includes illegal dumping, roadside litter, and abandoned vehicles.

BPD has two (2) full time equivalent (FTE) employees assigned to litter control. These BPD positions are granted a limited commission authority to issue non-criminal citations for code compliance. The Public Works Department assigns litter control and cleanup work to Utility Workers. Management of contracts for service, education and outreach, coordination with state and county regulators, and tracking of

information is left to management staff. Staff in BPD and PW coordinate regularly and there is a great deal overlap in the day-to-day operations and cleanup work.

The 2021-2022 mid-biennium budget adjustment authorized a new Solid Waste manager position intended to largely focus on the SSC service contract, recycling, education and outreach and landfill site remediation support and monitoring. However, priorities have changed to reflect concerns related to litter and solid waste in public rights-of-way, parks and public property.

CURRENT STATUS:

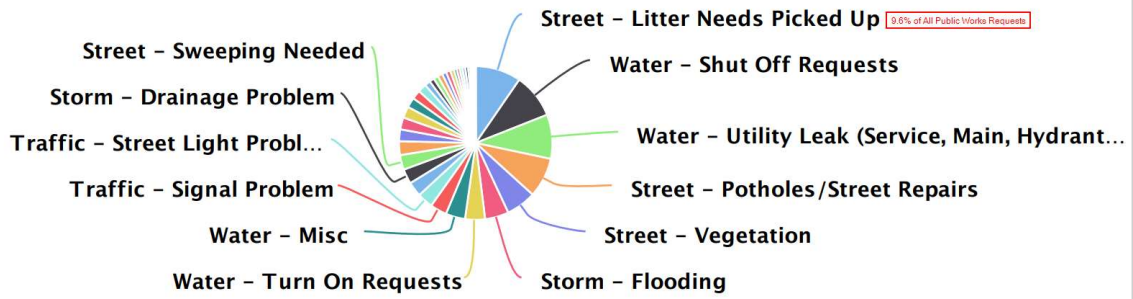
In 2021, the Washington State Legislature revised the law regarding how law enforcement can interact in non-criminal situations. The changes have effects on the Neighborhood Code Compliance Officer, who is responsible for litter control, and the Cleanup Coordinator position. The Bellingham Police Department as a law enforcement agency is focused on criminal enforcement. The Public Works Department focuses on daily operations and civil code compliance. To maximize operational efficiencies, the logical centralized location for solid waste and litter control operations is in the Public Works Department.

Adding the workload and two (2) existing FTE to the PW department allows BPD to refocus commissioned officers to criminal enforcement and patrol. However, there is not existing staff or supervisory support in PW for the cleanup coordinator or litter code compliance officer. The two positions will be temporarily supervised by the Street Division supervisor. The long-term solution is to re-purpose the approved Solid Waste Manager position to function as a supervisor and support for the Cleanup Coordinators. This will reduce the capacity of this new position in some areas and changes the focus to less of a program coordinator and more of an operations supervisor.

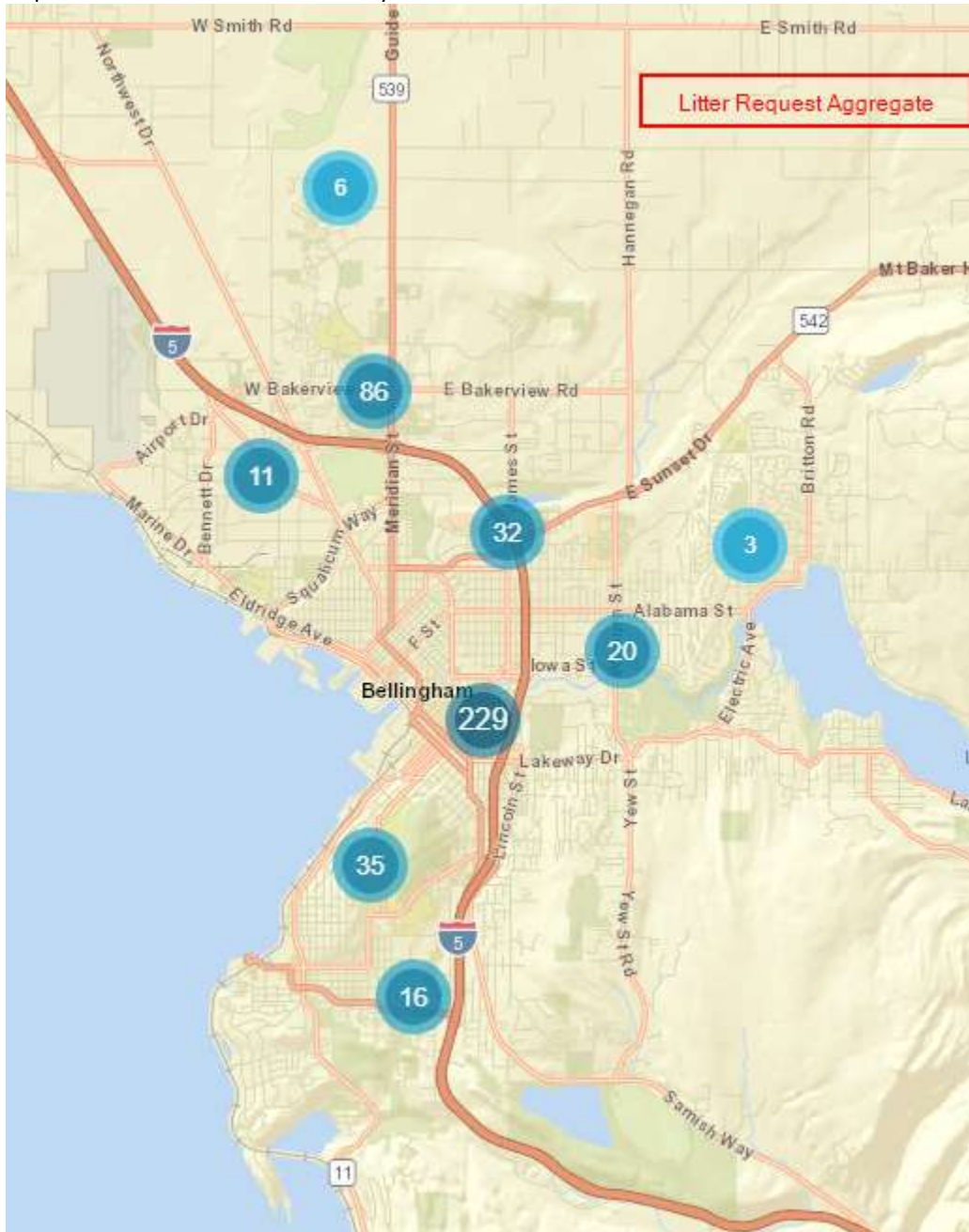
In addition, the City is experiencing a significant increase in service requests for litter control, graffiti, illegal camping, illegal dumping and similar requests. The figure below shows the increase from 2020 to 2021, and we expect the trend to remain high if not increase in 2022 and beyond.



Currently, litter along city streets comprises 10% of all service requests to the PW Department and is the highest requested service.



The majority of the litter related service requests are located in the Downtown area but there are requests across the entire community.



In addition to the growing need to manage litter, the number of reports of illegal camping, both occupied and abandoned, is increasing. As of February 2022, there are over 1,400 reports of illegal camps, abandoned camps and dump sites at locations across this city. The unsanitary conditions and litter associated with illegal camping is a public health threat to both the individuals living in the camp and the general public. These sites are located in public rights-of-way, in parks, and along other public properties. The illegal dumping associated with these types of sites presents a threat to critical areas along streams, wooded areas, and wetlands.

City resources are needed to clean up and restore these sites for the protection of public health. In years past the City utilized a contractor to clean up litter and illegal dumping associated with these illegal camps. The impacts and number of this type of cleanup is increasing which is requiring the assistance of Public Works field personnel on an increasingly frequent basis.

The photos below show a typical cleanup. The photos were taken during cleanups between January 11-13, 2022 near Whatcom Creek and Downtown. The clean-up contractor and city crews removed more than 17,000 pounds of solid waste from this priority site.



These types of cleanups are occurring almost weekly. Many sites require a joint effort with both the contractor and City staff on site at the same time. As City crews focus on this work, they are not able to complete other tasks. This is particularly true for our street division staff who are most often tasked for this work. As the Street division focuses on litter and solid waste cleanups, we are seeing an increased backlog in service requests for potholes, street repairs and preventative maintenance.

NEXT STEPS:

To respond to growing demand to address the increasing litter problem, the administration recommends that a new division be created and additional staff and funding be provided to focus on sanitation and solid waste issues in the City. The proposed “Sanitation and Solid Waste” division of the Public Works Department Maintenance group would report to the PW Superintendent of Maintenance.

The Sanitation and Solid Waste Division would be responsible for the following types of activities:

- a. Cleanups (illegal camps and illegal dumping)
- b. Litter control
- c. Graffiti removal
- d. Support for Downtown and other business centered areas related to solid waste
- e. Collection, storage, and recovery of property in accordance with city policy
- f. Abandoned vehicle removal and disposal
- g. Coordinate with WWU and neighborhood associations for “Move Out Madness” and student education
- h. Respond to and manage cleanup of hoarding properties
- i. Manage solid waste/garbage and recycling collection receptacles on City streets (downtown/Fairhaven)
- j. Education and outreach efforts related to solid waste and recycling
- k. Management of contract with SSC, including review and recommendation related to rates charged by SSC
- l. Monitor and report on solid waste produced and disposed of in City Bellingham
- m. Coordinate with permit center on solid waste/dumpster provisions for new development or redevelopment.
- n. Serve on and support the Whatcom County solid waste advisory committee
- o. Participate in and support (lead) post construction monitoring activities at waterfront landfill remediation sites
- p. Provide resources and coordination with Department of Ecology and Whatcom Health Department related to solid waste

In addition, staff in other divisions of Public Works and Parks would retain responsibilities to support and assist with litter control as needed. The Bellingham Police Department will retain criminal law enforcement and public safety responsibilities.

The primary purpose of the division would be for City owned and other public properties. The Sanitation and Solid Waste Division would be available as a resource for information to the public but would not be able to assist private property owners with cleanup work since the City is not generally allowed to use public funds to the benefit of a single property.

The new Sanitation and Solid Waste division would consist of 3 currently authorized positions and 3 new positions as shown in the table below.

Solid Waste Division Staffing		
Title	Status	Annual Expense
Solid Waste Manager	Added in mid-biennium adjustment	140,000
Cleanup Coordinator	Moved from Police with 2/8 budget ordinance	127,000
Cleanup Coordinator	Proposed new position	127,000
Neighborhood Code Compliance Officer	Proposed to move from Police	100,000

Utility Worker 6	Proposed new position	100,000
Utility Worker 6	Proposed new position	100,000
Total		694,000

In addition to the new FTE's, additional funding to expand the use of the cleanup contractor is recommended. Current budget authorization is for up to \$300,000 annually. It is recommended to add \$200,000 to this authorization annually.

This new activity would be funded by the Street Fund and the Environmental Remediation Fund for the remainder of 2022.

NEXT STEPS:

An amendment to the 2021-2022 Biennial Budget is attached. If approved, the ordinance will add 3.0 FTE and \$420,000 to the budget. This includes funding for the new positions for three quarters of the year and \$200,000 for expanded contractual services, as shown below.

Fund/Department	Expense Type	Expense Amount	Reserve Contribution/ (Use)
001 - General Fund		(98,000)	98,000
<i>Police</i>		<i>(98,000)</i>	
Move Code Compliance Officer	Salary & Benefits	(98,000)	
111 - Street Fund		328,000	(328,000)
<i>Public Works</i>		<i>328,000</i>	
Move Code Compliance Officer	Salary & Benefits	98,000	
Cleanup Coordinator	Salary & Benefits	90,000	
Utility Worker 6	Salary & Benefits	70,000	
Utility Worker 6	Salary & Benefits	70,000	
136- Environmental Remediation Fund		200,000	(200,000)
<i>Public Works</i>		<i>200,000</i>	
Increase Contractual Cleanup Svcs.	Prof. Services	200,000	(200,000)
Total		430,000	(430,000)

Once the budget authorization occurs, PW department staff will coordinate with the Human Resources department to finalize the job descriptions, classifications, and salary placement. Coordination with labor groups on impacts would also occur.

Recruitment for the vacant cleanup coordinator position and for the new positions will occur after action on the proposed budget and completion of all civil service and union negotiations. City wide priority is being placed on filling the vacancies in the cleanup coordinator positions. Staff in the new Sanitation and Solid Waste division will report to the Street Division supervisor until such time as the Sanitation and Solid Waste Manager can be hired.

Training and establishment of policies and procedures will need to be developed and implemented for the unique elements of this division. In particular, the procedure for limited commission authority for non-criminal citations will need to be established between Public Works, BPD and the City Attorney. Additional procedures and policies will need to be established for personal property storage and recovery. Both of these elements will require careful consideration and training of Public Works staff.

RECOMMENDATION COUNCIL ACTION:

Authorize the attached budget amendment to add and fund 3.0 FTE and additional funds for contractors for a Solid Waste Division in the Public Works Department.