



COUNCIL AGENDA: 02-28-12  
ITEM: 5.2

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Dennis Hawkins, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** 2-15-12

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**SUBJECT: GRAFFITI ENFORCEMENT AND ABATEMENT RESTITUTION RATES**

**RECOMMENDATION**

As recommended by the Neighborhood Services and Education Committee on February 9, 2012 and outlined in the attached memo previously submitted to the Neighborhood Services and Education Committee, accept the Anti-Graffiti and Litter Program Semi-Annual Report.

- (a) Adopt a resolution to establish restitution rates for graffiti abatement program costs and expenses; and
- (b) Direct the City Clerk to cause a certified copy of the resolution to be forwarded to the Clerk of Santa Clara County Juvenile Court and to the Santa Clara County Chief Probation Officer.



# Memorandum

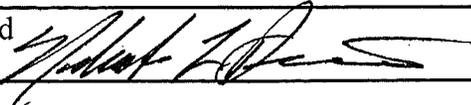
**TO:** NEIGHBORHOOD SERVICES AND  
EDUCATION COMMITTEE

**FROM:** Julie Edmonds-Mares

**SUBJECT:** GRAFFITI ENFORCEMENT AND  
ABATEMENT RESTITUTION RATES

**DATE:** 01-23-12

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Approved  Date 2-1-12

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**COUNCIL DISTRICT:** Citywide

## RECOMMENDATION

1. Adopt a resolution to establish restitution rates for graffiti abatement program costs and expenses;
2. Direct the City Clerk to cause a certified copy of the resolution to be forwarded to the Clerk of Santa Clara County Juvenile Court and to the Santa Clara County Chief Probation Officer; and
3. Recommend this item for full Council consideration at the February 28th Council meeting.

## OUTCOME

The City will be enabled to recover a portion of graffiti abatement and enforcement costs based on the revised restitution rates, and to provide direction to law enforcement agencies and the juvenile court system relating to graffiti abatement costs.

## BACKGROUND

Pursuant to State law and Section 9.58.270 of the San Jose Municipal Code, cities and counties may recover their full costs for removal, repair and replacement of public and private properties that have been defaced by minors through graffiti or other inscribed material. Law enforcement costs of identifying and apprehending minors who deface the property of others with graffiti or other inscribed material also can be recovered. Cities and Counties may authorize the Chief Probation Officer of the County to recoup these costs through juvenile court proceedings. Such cost findings must be reviewed at least once every three years, at which time the City and/or County may adopt updated cost findings by Council resolution.

**ANALYSIS**

The proposed restitution amount for abatement costs are discussed below.

**Law Enforcement**

The City of San Jose average law enforcement cost, based on the percentage of time spent on identifying and apprehending a graffiti vandalism suspect, is one hundred-eight dollars and two cents (\$108.02) per hour. Law enforcement costs include personnel (2 officers) and the cost of one vehicle assigned to the graffiti enforcement team. Only costs associated with the identification and apprehension of graffiti vandals, which is estimated at 90% of the total hours spent, may be included. A breakdown of the cost is given below:

Labor Cost	-	\$489,300 (including city overhead)
Cost of vehicle	-	\$10,000
Total Cost	-	\$499,300
Cost of identification and Apprehension of Graffiti vandals (90%)	-	\$449,370
Hours assigned	-	4160
Cost per hour	-	\$108.02

**Graffiti Abatement**

The City's average cost in removing graffiti, based on labor and materials, is a base rate of \$33.04 per incident plus \$0.86 per square feet abated. Due to the budget shortfall during the last several years, the City of San Jose Anti-Graffiti and Litter program has experienced changes in staff and other resources to operate the program. In addition, on June 21, 2011, City Council adopted a new service delivery model for graffiti abatement. Consequently, an agreement was executed with an outside contractor for the purpose of abating graffiti and has been in operation since June 29, 2011. The actual cost of providing graffiti abatement under the new service model has yet to be determined. Therefore, the proposed cost estimates are based on the actual costs incurred during FY 2010-2011. Please note that these cost estimates will be reviewed and adjusted, based on actual costs incurred using the new model, during fall 2012. Staff will bring forth recommendations for City Council approval and certification at that time.

In determining the graffiti abatement costs, program non-eradication and eradication costs are calculated separately in order to avoid augmentation or duplication in the costs estimates. Non-eradication costs are based on incidents, and eradication costs are based on per square feet abated. The final restitution cost for abatement is a combination of a base non-eradication cost per incident and eradication cost per square feet abated.

The program non-eradication cost per incident is estimated at \$33.04 and, for the purposes of this cost estimate, an incident is defined as a reported occurrence of graffiti vandalism, at a specific location, which generates an abatement work order. This includes labor and non-personal costs associated with the receiving and recording of the complaints, review and generation of work

orders, ordering of supplies, manager review of the incident, as well as volunteer coordination and management including recruiting and training, and prevention education.

Labor and Materials Cost	-	\$553,564 (including City overhead)
Number of incidents	-	16,755
Cost per incident	-	\$33.04

The Eradication Cost is estimated at \$0.86 per square foot. This cost was determined by dividing the specific eradication costs associated with labor and materials, by the total square feet eradicated by the program staff. The eradication costs and square feet are as follows:

Labor and Materials Cost	-	\$1,584,983 (including city overhead)
Square Feet abated	-	1,851,961
Cost per square foot	-	\$0.86 per square foot

This category includes the actual total labor costs associated with the eradication of graffiti and the materials used to perform this task. Materials include, but may not be limited to, paint, solvents, brushes, spray rig, power washers and vehicles.

**PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memo does not fall into any of the criteria listed above.

**COORDINATION**

This memo has been coordinated with the City Attorney's Office and the San Jose Police Department.

**COST SUMMARY/IMPLICATIONS**

The City of San Jose will be able to recover a portion of the total costs associated with graffiti enforcement and abatement using the approved restitution rate. Funds will be collected by the Santa Clara County Chief Probation Officer's office and will be sent to the City. Funds received are collected in the PRNS Departmental charges object detail for Anti-Graffiti. No additional cost will be incurred by the General Fund as a result of this approval. Cost estimates are compiled by existing program staff.

**CEQA**

Not a Project

/s/

JULIE EDMONDS-MARES  
Acting Director of Parks, Recreation and  
Neighborhood Services

For questions please contact Mike Will, Parks Manager, at 408-535-3582.