

**SAN LUIS REY WATERSHED COUNCIL**  
**Meeting Minutes**  
**January 18, 2005**

**The meeting was called to order by acting facilitator Scott Murray at 1:15 p.m.**

**Introductions:** Scott Murray introduced Elisabeth Silva, San Diego District Attorney's Office, and Cliff Johnson, County of San Diego Sheriff's Department. The council was later joined by Phil Rath, Supervisor Horn's Office.

**Minutes:** Ruth Harber pointed out a spelling error on page one and voiced a question about the letter of support granted to the Avocado Commission for Proposition 50 in Item 2, page 2. The correction made and questions answered, the minutes were approved.

**Presentations and Discussion on Illegal Dumping**

- 1.) Elisabeth Silva presented the council with a handout entitled "Illegal Dumping in San Diego County." In her overview of the District Attorney and County Sheriff's roles in preventing and prosecuting illegal dumping, she emphasized the difficulty of producing useful evidence against suspected offenders. Lack of evidence makes it extremely difficult to convict anyone of illegal dumping, in fact it is almost necessary for police to catch someone in the act in order to present sufficient proof. Silva said citizen patrols that are able to witness dumping and provide license plate numbers of offenders might be a possible method of collecting evidence. Cliff Johnson and Elisabeth Silva then took questions from the council.
- 2.) Vic Smothers asked if there is a legal system in place to ensure that haulers take refuse to specified dump sites rather than illegally dumping it. Cliff Johnson responded that there is no such system; rather, the agreement between hauler and client is one of good faith only. Ruth Harber suggested that haulers be required to provide receipts from the dumpsite to their clients as proof that items were disposed of legally.
- 3.) The council discussed possible approaches to the problem of lack of evidence. Johnson and Silva stressed that it is very important that people continue to report incidents of illegal dumping, as patrolling of areas is based on volume of reported incidents. Johnson clarified that 911 is an appropriate call if someone is seen in the act of dumping and such a call would enable officers to catch the person in the act. Witnesses may also call his personal work number at (760) 451-3117.
- 4.) Silva suggested that at sheriff substations the council designate community contact people who would be acquainted with the scope of the problem and prepared to take reports of illegal dumping. If witnesses of illegal dumping could bring in a photograph of the suspect's face, a license plate number, and a report of what happened, the sheriff-contact could effectively compile these reports to prioritize the issue.
- 5.) Upon questioning from Bruce Posthumus and others, Cliff Johnson clarified that illegal dumping is classified as a misdemeanor rather than a felony, and that this distinction is made by the California legislature. The county cannot make dumping a felony because county government cannot impose a harsher penalty

that the state. One avenue, he added, might be civil litigation rather than criminal conviction, which would not require as much stringent evidence and could provide serious economic discouragement.

- 6.) Johnson and Silva stated that an easier way to deter illegal dumping might be by catching dumpers when they are trespassing on private property. Trespassing laws in California cover a wide variety of situations and may carry harsher punishment.
- 7.) Johnson recommended that the council questioned its guests on their opinion of the feasibility of placing a redemption deposit on large appliances that are often found at illegal dumpsites. Silva opined that this would be viable piece of legislation to work towards. Such legislation could be marketed to state government, she said, by pointing out that the state would be able to keep the interest gained on the deposits from the time the items are purchased until the time they are redeemed.
- 8.) Judy Mitchell presented a slideshow of photographs of illegally dumped items.
- 9.) Phil Rath expressed Supervisor Horn's interest in the dumping issue. He commented that there is a lack of information about who is dumping illegally and what is being dumped. Members of the council questioned Rath about ways to make proper dumping easier, including more curbside pickup and amnesty days. Rath's recommendations included first obtaining a copy the refuse removal contract and determining what exactly is provided for member of the district, then contacting the Department of Public Works and EdCo. and finding ways to make improvements.

#### **Updates, Reports and Announcements:**

- 1.) Margarett Morgan was not able to report the results of her survey of Council members. She will report the results at the February meeting.
- 2.) The Council discussed flood preparedness and the effect of the recent significant flood event. Vic Smothers reported significant erosion damage in some parts of North County, and he and Mo Lalsie stressed the importance of continuous surveillance and maintenance during storms to prevent the formation of plugs.
- 3.) The following issues were suggested for subsequent meetings:
  - a. Flood control
  - b. Continuing discussion of the waste issue
  - c. Making accurate, current rainfall and climate data more available (suggested by Vic Smothers)
- 4.) Next month's meeting will return to the 4<sup>th</sup> Monday, placing it on February 28<sup>th</sup>.

There being no further business, the meeting adjourned at 3:00 p.m.