

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

329



FROM: Executive Office

SUBMITTAL DATE:
October 2, 2007

SUBJECT: Findings and Recommendations from the Committee to Deter the Theft of Aluminum, Brass and Copper

RECOMMENDED MOTION: That the Board of Supervisors:

1. Support and aggressively advocate for legislation that will provide law enforcement the necessary tools to regulate the metal recycling industry and provide critical information to enhance enforcement against perpetrators of metal theft;

(Continued)

BACKGROUND: See Page 2.

Peter A. Labarre, Chief Deputy

Departmental Concurrence

Michael R. Shetler

**Michael R. Shetler
Senior Management Analyst**

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2007/2008

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

Gary M. Christmas

County Executive Office Signature

Gary M. Christmas

Policy

Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 3.13 of 07/31/07, 3.97 of 06/26/07, 3.7 of 05/08/07, 3.6 of 05/01/07, 3.9 of 02/27/07

District: ALL

Agenda Number:

3.76

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
Findings and Recommendations from the Committee to Deter the Theft of Aluminum, Brass
and Copper**

PAGE 2

RECOMMENDED MOTION: (Continued)

2. Propose that the Sheriff's Department utilize the information gained from the Committee to Deter the Theft of Aluminum Brass and Copper and report back to the Board of Supervisors within forty-five (45) days with a strategy that identifies options to enhance the enforcement of scrap metal theft in Riverside County;
3. Direct the County Executive Officer to form a project specific task group to monitor the metal theft issue in coordination with the Sheriff's Department, Code Enforcement, the District Attorney's Office, and report back to the Board in six (6) months on the status of the County of Fresno's appeal efforts, any pending legislation, and the ongoing efforts to deter metal theft within the County of Riverside;
4. Disband the Committee to Deter the Theft of Aluminum, Brass and Copper; and
5. Receive and file the report from the Committee to Deter the Theft of Aluminum, Brass and Copper.

BACKGROUND: On February 27, 2007, this Board established the Committee to Deter the Theft of Aluminum, Brass and Copper, to review the issue and consider comprehensive measures to deter and solve such thefts and increase penalties. Further, the committee was to report back to the Board with findings and recommendations within sixty (60) days.

After the first meeting, the committee realized that the scope of the issue was more complex than originally foreseen. It required additional resources and an augmented membership to effectively fulfill its purpose. On May 8, 2007, the Board approved reconstituting the committee and allowed an additional ninety (90) days to develop findings, recommendations and a proposed ordinance.

The committee has worked effectively to develop findings, recommendations, and a model ordinance for the Board's review; however, on July 10, 2007, a significant road block was encountered when the Superior Court for the County of Fresno issued a temporary restraining order against the County of Fresno's scrap metal theft ordinance. The primary reasoning was that state law has preemptory status over local ordinances on the topic of scrap metal recycling. The judge found it "more probable than not" that Fresno's ordinance is preempted because it addresses the area of payment for scrap metal and imposes additional requirements to those imposed by state statutes.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
Findings and Recommendations from the Committee to Deter the Theft of Aluminum, Brass
and Copper**

PAGE 3

BACKGROUND: (Continued)

On August 21, 2007, the temporary restraining order was modified to a preliminary injunction. Based upon the knowledge that a preliminary injunction was being issued, the County of Fresno filed an appeal before the State of California, 5th District Court of Appeals on August 23, 2007. That appeal is pending.

Concurrently, Senate Bill 691 was introduced by Senator Ron Calderon of Montebello to address metal theft with specific language to preempt local governments from adopting stricter requirements. The California State Association of Counties, the California State Sheriffs' Association, and the California Farm Bureau Federation have voiced opposition to SB 691.

Nick Warner, a representative for the California State Sheriffs' Association, stated that "SB 691 is a "step backwards" and does nothing to help law enforcement crackdown on metal theft."

In the early part of the 2007 legislative session, Assemblyman Tom Berryhill from Modesto introduced Assembly Bill 844 that would have provided the necessary tools for law enforcement to address metal theft. However, key elements to assist law enforcement were removed from the Bill and an amendment was added that would preempt local agencies from adopting more stringent ordinances. Advocates representing the County of Riverside, the California State Sheriffs' Association, the California Farm Bureau Federation, and the affected business community voiced concerns about AB 844 (as amended) and after several hours of testimony the Bill did not receive the necessary votes to move forward from the Senate Business, Professions and Economic Development Committee.

On September 5, 2007, SB691 did not receive the necessary votes on the Assembly floor to move forward.

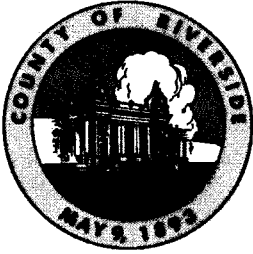
Based upon these issues, and that scrap metal theft is a statewide concern, the committee has made several recommendations as noted above to further the efforts of law enforcement to attack the metal theft problem.

Attachments:

Report to the Board of Supervisors:

Deterrence of Metal Theft – Findings and Recommendations

Letters of Support



September 18, 2007

COUNTY OF RIVERSIDE

STATE OF CALIFORNIA

Report to the Board of Supervisors: **Deterrence of Metal Theft – Findings & Recommendations**

Board of Supervisors

Bob Buster
Supervisor, First
District

John Tavaglione
Supervisor, Second
District

Jeff Stone
Supervisor, Third
District

Roy Wilson
Supervisor, Fourth
District

Marion Ashley
Supervisor, Fifth
District

Prepared by
The Committee to
Deter the Theft of Aluminum,
Brass & Copper

Subject: Deterrence of Metal Theft – Findings and Recommendations

BACKGROUND

On February 27, 2007, this Board established the Committee to Deter the Theft of Aluminum, Brass and Copper, to review the issue and consider comprehensive measures to deter and solve such thefts and increase penalties. Further, the committee was to report back to the Board with findings and recommendations within sixty (60) days.

See the Form 11 attached for further detail.

The committee has worked diligently on the metal theft issue. Attached for your consideration and approval are the findings and recommendations from the committee.

Committee Makeup

The Committee to Deter the Theft of Aluminum, Brass and Copper is an 11 member Brown Act committee comprised of representatives from Riverside County Executive Office, Sheriff's Department, District Attorney, Code Enforcement, City of Riverside Public Utilities Department, Riverside County Farm Bureau, the scrap metal recycling industry, and the affected business community. Three subcommittees were formed to address the most pressing issues which included recent and pending legislation, educational outreach to public and business community and recyclers, and drafting of a local ordinance.

What is Scrap Metal? Any scrap article or material composed of iron, steel, stainless steel, or nonferrous metals and metal alloys, including but not limited to aluminum, brass, copper, and bronze.

Existing State Law

Existing state law requires scrap metal dealers and recyclers to maintain a written record of all sales and purchases made during the course of their business. For each transaction, a scrap metal dealer is required to record the place and date of each transaction; the name, valid driver's license number or California identification card number, and vehicle license number; a description of the items purchased or sold including the type, quantity, and identification number if visible; and a statement indicating that either the seller of the junk is the owner of it, or the name of the person he or she obtained it from, as shown on a signed transfer document. These businesses are also required to allow periodic inspection of their premises and produce their records of sales and purchase transactions for inspection by the sheriff or police department. When a law enforcement agency has probable cause to believe a dealer is in possession of stolen property, they may place a hold for up to nine (90) days on the

sale of the property. In addition, the Penal Code prohibits the purchase of materials that reasonably appears to be used or owned by railroads, utilities, or local governments, without ascertaining the seller has a right to do so.

The Problem

Law enforcement personnel and businesses report that these measures are not sufficient to stem the increasing tide of thefts. The recent spike in copper and aluminum prices has made the theft of these metals and other materials attractive and thieves are getting bolder and more creative in their thefts.

While most scrap dealers conscientiously follow existing state law and industry standards, others ignore the reporting requirements and buy certain items that are stolen property. Additional regulations are necessary to discourage these thefts and to give law enforcement a better chance to identify and capture the thieves.

Findings

1. Metal theft in the region has increased 400% since 2005 due to the increased value of non-ferrous metals including but not limited to aluminum, brass, copper, and bronze.
2. The market is being driven by an increasing demand for copper and other non-ferrous metals by developing countries, such as India and China.
3. With these increases in scrap values and cash payments by junk dealers and scrap metal recyclers, theft of these metals has become rampant.
4. No one is immune from metal theft. Recent news articles detail losses by schools, cemeteries, parks, libraries and government agencies. Electrical utilities have had energized power lines stripped from power poles, agriculture has had pumps and irrigation piping stolen from the fields, and housing development projects have been the hardest hit with copper wire and copper piping being stripped from new home construction sites before the dry wall is even hung.
5. The theft is not the only loss; as there are replacement materials as well as labor costs that need to be factored into the total cost of replacing the stolen metal.
6. Due to the fact that air conditioning units were stolen from a public library meant that a regional cooling center was unavailable for several days during the summer months.
7. Senior citizens on fixed incomes have had their air conditioning units stolen from their homes. The dollar amount that thieves get for the aluminum and copper is typically less than \$100, yet the replacement and labor costs are in the thousands of dollars.

8. In Northern California, an alarming number of beer kegs were disappearing as the return deposit for a stainless steel or an aluminum keg was less than the scrap value that could be received from the scrap metal recycler.
9. Several counties throughout the state have enacted urgency ordinances to combat metal thieves. These ordinances can provide law enforcement agencies with the additional tools to aggressively pursue, apprehend and prosecute perpetrators of metal theft.
10. Several states throughout the nation have attempted to pass legislation in an attempt to stop the spiraling number of metal theft cases. However, many of these laws are ineffective because amendments to these bills strip the ability of law enforcement to aggressively attack the metal theft problem.
11. WeTip® has an established metal theft program to assist in educating the public, business community and recycling industry on the metal theft issue.
12. There is a link between drug addiction and metal theft, which may explain the irrational behavior behind some of the riskiest metal thefts and their consequences.
13. The Institute of Scrap Recycling Industries (ISRI) advocates a voluntary approach to the problem of metal theft, including its theft alert e-mail system, in which ISRI will e-mail all of its members in a given region when it gets word of a theft from law enforcement. In addition, ISRI has compiled a list of "Recommended Practices and Procedures for Minimizing the Risks of Purchasing Stolen Scrap Materials." ISRI urges recyclers to establish a "working relationship" with local law enforcement; obtain personal information from peddlers, including driver's license and license plate numbers; track the transaction by video camera or photographs; and refuse to purchase certain flagged materials unless the purchase "is made in conjunction with a contract or letter of authorization."
14. A recent metal theft scheme resulted in the electrocution death of one of the perpetrators as he was trying to steal copper grounding wire from an energized Edison power station.
15. In the early part of the 2007 legislative session, Assemblyman Tom Berryhill from Modesto introduced Assembly Bill 844 that would have provided additional tools for law enforcement to address metal theft. However, key elements to assist law enforcement were removed from the Bill and an amendment was added that would preempt local agencies from adopting more stringent ordinances. Advocates representing the County of Riverside, California State Sheriffs' Association, the California Farm Bureau Federation, and the affected business community voiced concerns about Assembly Bill 844 (as amended) and after several hours of testimony the Bill did not receive the necessary votes

to move forward from the Senate Business, Professions and Economic Development Committee.

16. On July 10, 2007, the County of Fresno received a temporary restraining order from the Superior Court challenging that portions of their Ordinance were too restrictive and would severely harm business. The outcome of that court hearing was further adjudicated and changed to a preliminary injunction on August 21, 2007.
17. On July 11, 2007, the California Farm Bureau Federation and the California State Sheriffs' Association offered a model ordinance aimed at deterring metal theft, by toughening record-keeping and payment requirements for scrap-metal dealers and recyclers. Provisions of the model ordinance mirror many of those that were contained in Assembly Bill 844, prior to it being amended.
18. On August 21, 2007, the County of Fresno filed an appeal to the State of California, 5th District Court of Appeals to overturn the Superior Court's decision on their scrap metal theft ordinance.
19. On August 31, 2007, Senate Bill 691 was introduced by Senator Ron Calderon of Montebello to address metal theft with specific language to preempt local governments from adopting stricter requirements. The California State Association of Counties, California State Sheriffs' Association, and the California Farm Bureau Federation have voiced opposition to SB 691.
20. On September 5, 2007, Senate Bill 691 did not receive the necessary votes on the Assembly floor to move forward.

Findings and Recommendations from the Subcommittees

Legislation Subcommittee:

- a. On June 19, 2007, advocates representing the County of Riverside, California State Sheriffs' Association, the California Farm Bureau Federation, and the affected business community voiced concerns about Assembly Bill 844 (as amended) and after several hours of testimony the Bill did not receive the necessary votes to move forward from the Senate Business, Professions and Economic Development Committee.
- b. Support legislation that would incorporate language coming from the model ordinance sponsored by the California State Sheriffs' Association and the California State Farm Bureau Federation.

Education and Public Outreach Subcommittee:

- a. Provide presentations to cities through WRCOG and CVAG addressing the issue of metal theft.
- b. Garner support from each city in the county to lobby for strong state laws to thwart metal theft.
- c. Support the concept of WeTip®, which has educational resources available including the WeTip® hotline, billboard graphics and other signage. (**Approximately a \$15,000 annual cost, plus any additional advertising and printing costs**).
- d. Support the utility companies, including but not limited to City of Riverside, Sempra Energy and Southern California Edison, in their proactive effort to educate customers on the risks and consequences of metal theft and preventive measures to take to keep from being victimized.
- e. Support efforts by local law enforcement to work cooperatively with other counties and cities to develop a regional and collaborative response to metal theft.
- f. Work regionally with scrap metal recyclers to ensure that there is level competition and consistency in locally mandated requirements.

Ordinance Subcommittee:

- a. Recommend the tabling of the draft ordinance until current litigation involving the County of Fresno in appellate court is determined.
- b. Encourage cities to lobby for strict legislation and statewide consistency.
- c. Support the ongoing efforts of the Riverside County Sheriff's Department, Riverside County Code Enforcement Department, Riverside County District Attorney's Office, in regulating junk dealers and scrap metal recyclers, and the apprehension and prosecution of perpetrators of metal theft.

Final Recommendations from the Committee to Deter the Theft of Aluminum, Brass and Copper:

The committee members worked on a proposed model ordinance which they believe would have provided the right balance to achieve compliance. The proposed ordinance would have leveled the playing field for conscientious businesses by providing a mechanism to screen out and discipline problem businesses. The ordinance also provided law enforcement the additional transactional information they need to locate stolen goods and thieves without overburdening the junk and scrap metal dealers. Lastly, the proposed ordinance would have made scavenging for scrap metal less attractive. However, based upon the recent preliminary injunction filed against the County of Fresno's scrap metal theft ordinance and the uncertainty of the pre-emption status with regard to state law, the committee has opted to withhold recommending an ordinance until such time that the state pre-emption issue is resolved or until an aggressive legislative solution is enacted.

Therefore, based on the reasons stated in this report, and that the theft of metal from the county's streets, parks, businesses, government infrastructure, farms, and residents' homes is increasing at an alarming rate, causing substantial damage and costs to victims of such thefts, and is an immediate threat to the health, safety and welfare of county residents, the committee recommends the following:

That the Board of Supervisors:

1. Support and aggressively advocate for legislation that will provide law enforcement the necessary tools to regulate the metal recycling industry and provide critical information to enhance enforcement against perpetrators of metal theft;
2. Propose that the Sheriff's Department utilize the information gained from the Committee to Deter the Theft of Aluminum Brass and Copper and report back to the Board of Supervisors within forty-five (45) days with a strategy that identifies options to enhance the enforcement of scrap metal theft in Riverside County;
3. Direct the County Executive Officer to form a project specific task group to monitor the metal theft issue in coordination with the Sheriff's Department, Code Enforcement, the District Attorney's Office, and report back to the Board in six (6) months on the status of the County of Fresno's appeal efforts, any pending legislation, and the ongoing efforts to deter metal theft within the County of Riverside;
4. Disband the Committee to Deter the Theft of Aluminum, Brass and Copper; and
5. Receive and file the report from the Committee to Deter the Theft of Aluminum, Brass and Copper.

Committee Members and Support Staff

- * Kelly Hansen, Riverside County District Attorney's Office
- * Daniel Workman, Riverside County District Attorney's Office (Bureau of Investigation)
- * Pete LaBahn, Chief Deputy, Riverside County Sheriff's Department
- * Craig Kilday, Chief Deputy, Riverside County Sheriff's Department
- * Boris Robinson, Lieutenant, Riverside County Sheriff's Department
- * Jay Orr, Director, Riverside County TLMA-Code Enforcement Department
- * Steve Bloomquist, Div. Manager, Riverside County TLMA-Code Enforcement Department
- * Brian Black, Supervisor, Riverside County TLMA-Code Enforcement Department
- * Ed Nicholls, Riverside County TLMA-Department of Building and Safety (Business Licensing)
- * Jackie Fogh, Riverside County TLMA-Department of Building and Safety (Business Licensing)
- * Steven Pastor, Riverside County Farm Bureau
- * Steve Badgett, City of Riverside Public Utilities Department
- * Elizabeth Sanchez, City of Riverside Public Utilities Department
- * Rocio Mull, Duralum Products-affected business member
- * Rick Wold, "T" McGee Electric-affected business member
- * Danny Frankel, Riverside Recycling
- * Omar Valenzuela, Six-Pac Recycling Center
- * Gilbert Valenzuela, Six-Pac Recycling Center
- * Roger Valenzuela, Six-Pac Recycling Center
- * Alex Gann, Riverside County Executive Office
- * Mike Shetler, Chairman, Riverside County Executive Office
- ** Joe Contaoi, Riverside County Waste Management Department
- ** Jana Roush, Riverside County Executive Office
- + Patty Smith, Deputy County Counsel, County of Riverside County Counsel
- *** Robert Caliva, Representing Supervisor Buster, First District
- *** Vern Lauritzen, Representing Supervisor Stone, Third District

- * Voting Member
- ** Support Staff
- *** Board of Supervisors Representatives
- + County Counsel



Riverside County Farm Bureau, Inc.

21160 Box Springs Road, Suite 102, Moreno Valley, California 92557-8706
Telephone 951.684.6732 FAX 951.782.0621 E-mail President@RiversideCFB.com
www.RiversideCFB.com Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

September 4, 2007

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Stephanie R Bell

Serving
Riverside
County
Agriculture
Since
1917

Supervisor John F. Tavaglione, Chairman
Riverside County Board of Supervisors
4080 Lemon Street
Riverside, CA 92501

Dear Chairman Tavaglione,

Metal thefts in Riverside County have reached epidemic proportions costing farmers and ranchers in Riverside County millions of dollars annually. Something must be done immediately to avoid economic disaster to our county farmers and ranchers.

Metal thefts from agriculture operations in Riverside County cost farmers and ranchers money, time, and a lot of aggravation. Brass valves, for instance, stolen from citrus orchards may bring a thief .75 cents per pound or roughly \$1.50 to \$3.75 from a metal recycler. That same stolen valve will cost a farmer between \$150 to \$200 for parts and labor to replace the valve. Stolen copper wire from irrigation pumps may give the thief and extra \$20 to \$30, however, it will cost the farmer thousands of dollars to replace the copper wire plus the cost of lost crops due to the lack of irrigation for a week or two. Add in the cost of individuals who temporarily or permanently lose their jobs because they employee cannot irrigate a field and the money adds up very fast.

Locally, Agri-Empire, a large potato growing company located in San Jacinto, lost thousands of dollars in stolen irrigation pipe. The thieves may have received .40 to .70 cents per pound, but the loss to the farmer was in the thousands of dollars. Statewide, in 2005 there were 255 metal thefts from agriculture operations in California. The cost of the thefts cost California farmers and ranchers \$1,137,978 in stolen property.

The Riverside County Farm Bureau supports your efforts to help stop metal thefts in Riverside County. Nevertheless, this is a statewide problem and we support you working with state officials to draft legislation that helps curtail metal thefts and supports law enforcement.

We also support the Riverside County Board of Supervisors appointing a Task Force to help draft a county ordinance addressing the metal theft problem.

Thank you, Chairman Tavaglione, for your attention to this very important problem in Riverside County.

Sincerely yours,

Grant Chaffin
President

CC: RCFB Board
RC Board of Supervisors



Santa Ana Watershed Project Authority

September 13, 2007

Ron Sullivan
Commission
Chair

Honorable John F. Tavaglione
Chairman, Board of Supervisors
County of Riverside
4080 Lemon Street, 5th Floor
Riverside, CA 92501

Celeste Cantú
General
Manager

Dear Chairman Tavaglione:

Eastern
Municipal
Water
District

The Santa Ana Watershed Project Authority (SAWPA), working in conjunction with its member agencies and many other water and wastewater utility agencies throughout the Santa Ana Region, express our support for moving forward with recommendations to the Riverside County Board of Supervisors to aggressively enhance enforcement utilizing existing laws and to lobby for more strict requirements at the State level. Metal theft throughout the region has cost the utility industry millions of dollars to repair and replace equipment and materials stolen for its metal content. Though detailed cost estimates are not available at this time, the following anecdotal information was provided to us.

Inland
Empire
Utilities
Agency

City of Corona - On the evening of Monday, April 9th approximately 20,000 feet of copper electrical wire for sports field lighting was removed from our park. The plastic pull box lids were removed and the thieves pulled all the wire out of the electrical conduit. The cost to repair the damage was \$33,000. Attempts are being made to secure the electrical pull boxes by using a concrete and iron box with a bolted locking mechanism and spot welding the bolt to the lid.

Orange
County
Water
District

San
Bernardino
Valley
Municipal
Water
District

Elsinore Valley Municipal Water District (EVMWD) – Contractor construction sites have been hit hardest resulting in some firms hiring security. In the past, there were problems with theft of backflow preventers, but once the thieves were apprehended, the problem stopped. We currently have part-time security here at night.

Western
Municipal
Water
District

Western Municipal Water District – (WMWD) Metal theft has been a problem at our most remote facilities. In fact, in December, we had a serious theft of all the wiring and motor controls at one of our most remote stations (ID U2 Pump Station - south and west of Lake Mathews). No sooner had we put it back together, the next week vandals were at it again. Most of our systems have SCADA so we know when they don't work. We have not progressed to cameras, but are thinking about it. Mainly we use six-foot fencing with Constantine wire at the top. We have our guys patrol on a daily basis. Tanks are protected by having cut all ladders off. We access through lifts.

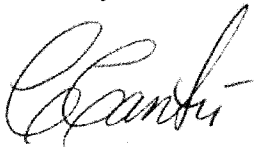


Based on verbal discussions with other agencies, the costs for metal theft repair, replacement and prevention has amounted to hundreds of thousands of dollars just within this region. As the voice of the water industry, we view metal theft as a serious problem that needs increased law enforcement. Further, with the impacts of a recent superior court issuance of a preliminary injunction to stop enforcement of a Fresno County metal theft ordinance, and likely legal challenges to any local ordinance adopted by any county in the State, a legislative bill needs to be developed that will address this issue.

In review of current legislation and recognizing the need for strong metal theft prevention legislation, we also wish to express our opposition to SB 691, which is also opposed by the California State Sheriffs' Association, the California Farm Bureau Federation, and Assemblyman Berryhill from Modesto who support strong metal theft legislation. We believe that although SB 691 has elements that are important to law enforcement including enhanced identification of the seller, a three-day hold on payment by check only, and a photo or video image of the vehicle and the contents being offered for sale, the bill falls short by pre-empting local governments from being more strict.

In conclusion, the water industry joins with other agencies throughout Riverside County and adjoining counties in expressing a desire to enhance enforcement of metal theft utilizing existing laws and to lobby for more strict requirements at the State level. We appreciate your attention to this matter.

Sincerely,



Celeste Cantú
General Manager

cc: Michael R. Shetler, Senior Management Analyst, Riverside County Executive Office



AUG 27 2007

August 24, 2007

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Vice President

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Randy A. Record

Philip E. Paule

Board Secretary

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General Manager

Anthony J. Pack

**Director of the
Metropolitan Water
District of So. Calif.**

Randy A. Record

Legal Counsel

Redwine and Sherrill

Supervisor Bob Buster
District 1
County Administrative Center
4080 Lemon Street, 5th Floor
Riverside CA 92501

Subject: Ordinance No. 872 – Junk Dealers and Scrap Metal Recyclers

Dear Supervisor Bob Buster:

Eastern Municipal Water District (EMWD) supports the County of Riverside's proposed Ordinance No. 872, *Junk Dealers and Scrap Metal Recyclers*. This measure is a critical step toward curbing metal theft in Riverside County. EMWD also supported Assembly Bill 844 (Berryhill) which would have made strides towards preventing metal theft statewide, but when that bill failed, EMWD was pleased to learn of and support the County's parallel measure.

EMWD supports this proposal because, like numerous public and private organizations, businesses and home owners, EMWD and its customers have been victims of costly metal theft. Within EMWD's service area thieves have stolen essential equipment including backflow assemblies, plumbing fixtures, wire and cables, fire hydrants, and aluminum road signs to name a few. The loss of metal equipment not only places financial strain on the District and its customers, but the sudden shut down of vital water services could endanger the health and well being of our community.

Theft of backflow assemblies presents the largest threat. EMWD requires certain customers to own and maintain these devices to prevent contamination from flowing back into the potable water distribution system. Most backflow assemblies are stolen at night which can leave the distribution system vulnerable and open to contamination until a new device can be purchased and installed. Backflow prevention assemblies have a scrap metal value of about \$200 and EMWD customers spend \$1,000 to \$4,000 to replace the stolen devices and purchase additional security and locks.

Across the state the California Farm Bureau estimates that nearly \$6 million worth of metal was stolen in 2006 alone. Law enforcement indicates that the majority of those stealing metal do so to resell it for quick cash, therefore the requirements proposed by Ordinance No. 872 would help curb this criminal act. For this metal theft prevention effort to be most effective, EMWD also encourages cities within Riverside County to adopt similar ordinances.

Metal theft is a detestable practice that threatens the safety and security of homes and businesses in Riverside County. For these reasons EMWD respectfully urges the passage of Ordinance No. 872, *Junk Dealers and Scrap Metal Recycler*. Thank you for your consideration.

Sincerely,



David J. Slawson
President, Board of Directors



Anthony J. Pack
General Manager

cc: Assemblyman Tom Berryhill



August 27, 2007

Mr. Mike Shetler
County Executive Office
4080 Lemon Street, 4th Floor
Riverside, CA 92501

Dear Mr. Shetler,

I want to thank you for your attention to this important matter which has a direct effect on the Riverside County farming business. We have experienced theft of both aluminum irrigation pipe and copper electrical cable at multiple locations of our ranches in Riverside County.

In addition to the loss of these precious commodities, the theft interrupts our operations and can cause distress on crops during critical times when they need irrigation. The criminals have become so brazen that they have stolen from the same location within a couple of days of a prior theft.

Agriculture has always been an important part of Riverside County's economy. Please help us fight serious disruption to our business.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Minor", is written over a horizontal line.

Larry Minor
President

LM/pt





September 4, 2007

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

The Honorable Ronald S. Calderon
Member of the Senate
State Capitol, Room 4088
Sacramento CA 95814

**RE: SB 691 (Calderon) – Junk dealers and recyclers: metal theft
As amended August 31, 2007 – Oppose
In Assembly Third Reading**

Dear Senator Calderon:

The California State Association of Counties (CSAC) regrets to inform you of its opposition to SB 691, your measure relating to metal theft. This measure is in its Assembly Third Reading.

As your measure certainly acknowledges, communities across the state have suffered extensively from crimes connected to metal theft. Increases in metal theft crimes — especially related to copper and aluminum — have been experienced in urban, suburban, and rural counties alike. Metal stripped from a range of sources — including farm equipment, sprinkler systems, telephone wires and gutters — is being sold to scrap metal dealers for a quick profit. While we appreciate efforts in SB 691 that attempt to control metal theft by imposing certain restrictions on recyclers in terms of payment and frequency of transactions, we have identified a number of concerns in the bill.

Counties' primary concern with this measure relates to Section 2 of the bill, which would enact Business and Professions Code Section 21610 that effectively would prohibit local governments from enacting local ordinances or resolutions that are in any way inconsistent with the provisions of SB 691. *We view this provision as too inflexible in that it would prevent a local government from adopting an ordinance that is in furtherance of the objectives of your measure.* Many communities across the state have adopted or are in the process of evaluating the terms of an ordinance that would best address the needs, criminal activity, and circumstances facing their respective community. As an example, one of our member counties convened a broad-based multi-jurisdictional task force to examine the frequency and impact of metal theft in its communities. It is in the process of finalizing its work product, but if SB 691 were to be enacted their entire policy development process and efforts to enact a local ordinance that meets its community and stakeholder needs will have been futile.

There are other concerns that have been raised by the law enforcement community — such as the need for a detailed description of the materials, which can greatly aid prosecution efforts — that also deserve further consideration.

For these reasons, we must regrettably oppose SB 691 until the remaining areas of opposition by key stakeholders on this issue can be resolved. Thank you for considering our position.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Howard'.

Elizabeth Howard
Legislative Representative



Office of the Mayor
Diverse • Inclusive • Committed

September 26, 2007

The Honorable John Tavaglione
Chairman of the Board, Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501

Re: Riverside County Board of Supervisors Metal Theft Task Force

Dear Chairman Tavaglione:


The City of Riverside has experienced significant loss and damage to our electric and water distribution systems caused by metal thefts. Metal thefts are not unique to the City. However, because Riverside operates a municipally owned utility- providing both water and electric services to over 165,000 residents, our city is even more vulnerable to the affects of such thefts.

Our public utility has experienced break-ins at seven electric substations and numerous smaller facilities with repair and replacement costs totaling hundreds of thousands of dollars. All incidents are reported to our police department, repairs are completed, and offensive measures are taken. Thefts and intrusions to high voltage facilities and equipment can result in power outages and even death to the persons involved in the illegal activity.

The water utility has also experienced significant damages. Costs for repairs and security improvements now total \$250,000. Alarm systems, video, and fencing measures have not been enough to protect the valuable infrastructure. Therefore, high- tech more costly systems are now being utilized. Metal thefts directly impact water conveyance in our system. Additionally, disruptions to our customers' backflow systems are becoming increasingly prevalent and could easily become a public health concern.

Despite defensive security measures already in place, the number of break-ins and thefts continue to rise. These thefts are not only costly and affect the reliability of our local infrastructure but also pose public health concerns to our residents. As the 5th largest municipally owned utility in the state, the City of Riverside cannot afford to ignore this serious issue and hope others will join in protecting the regions vital infrastructure.

Sincerely,



Ronald O. Loveridge
Mayor, City of Riverside