



Legislation Details (With Board Report)

File #: A 21-413 **Name:** SB 1383 MOU
Type: BoS Agreement **Status:** Passed - Health Department
File created: 7/15/2021 **In control:** Board of Supervisors
On agenda: 8/24/2021 **Final action:** 8/24/2021

Title: a. Approve and authorize a Fair Share Agreement Memorandum of Understanding (MOU) between the County of Monterey and the Monterey Regional Waste Management District (MRWMD) regarding technical assistance and compliance with California Senate Bill 1383; and
b. Approve and authorize the Director of Health to sign the MOU; and
c. Authorize the payment provisions as contained in the MOU.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. SB 1383 MOU Shared Costs, 3. Completed Board Order Item No. 23

Date	Ver.	Action By	Action	Result
8/24/2021	1	Board of Supervisors	approved - health department	Pass

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RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize a Fair Share Agreement Memorandum of Understanding (MOU) between the County of Monterey and the Monterey Regional Waste Management District (MRWMD) regarding technical assistance and compliance with California Senate Bill 1383; and
b. Approve and authorize the Director of Health to sign the MOU; and
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SUMMARY:

The State of California has passed legislation, known as Senate Bill 1383 (SB 1383), California’s Short-Lived Climate Pollutants regulation. The regulation has a significant impact on all agencies associated with the Monterey Regional Waste Management District (MRWMD), with the goal of reducing organic material being landfilled by 75% by 2025. The legislation mandates that Member Agencies undertake certain activities associated with the handling of organic waste materials collected within their jurisdictions. The regulation also requires 20% recovery of edible food by 2025 to be directed to a beneficial use and thus prevent it from entering the waste stream. These regulations take effect, and local program implementation will begin, on January 1, 2022. As a Member Agency, the County of Monterey Environmental Health Bureau seeks to work collaboratively with MRWMD and other Member Agencies through a Fair Share Agreement to support the implementation of SB 1383.

DISCUSSION:

Through a cooperative effort, the MRWMD and its Member Agencies have determined that it is in the best interest of all to undertake a coordinated approach to their respective activities related to this legislation. This coordination is being facilitated by the District's Technical Advisory Committee (TAC) comprised of staff from each Member Agency, the three Haulers in the District service area (Haulers), Salinas Valley Recycles (SVR) and MRWMD. SB 1383 TAC meetings have been held monthly as well as subcommittee TAC meetings to evaluate requirements and identify processes towards compliance and implementation. MRWMD has negotiated an Agreement with a vendor with the experience and technical expertise to undertake the project scope to ensure that the District and all Member Agencies implement a cohesive approach to comply with the many facets of SB 1383. The activities related to the implementation of SB 1383 may include contracting and policy development; public education; materials purchasing and distribution; reporting; contamination monitoring; edible food waste recovery; enforcement; procurement; organics processing; rate setting; cost monitoring; and any other related activities.

Given that time is of the essence to prepare for SB 1383, as a Member Agency it is in the County's interest to enter into a Fair Share Agreement with MRWMD.

Allocation of proportionate shares of costs is assigned to each Member Agency as determined by the population of that Agency; the County's portion is \$40,704 per year. These activities and the allocation of costs are attached to the MOU as Exhibit A and Exhibit B. As outlined in the MOU, section 5 of the MOU, no later than March 1 of each year, and at such other times as directed by the Parties, TAC shall meet to consider, and, if deemed necessary, modify Exhibits A and B, subject to direction from the governing bodies of each Member Agency to its TAC representative. Total overall cost of the Agreement is \$304,425 with the one-time reduction offset of \$140,000 for a total of \$230,472, as per section 6 (d) of the MOU: In year one only, in recognition of expected continuation of improved recycling revenues for the District from recyclable material sales, the District will off-set \$140,000 of the costs identified in Exhibit A. This off-set is reflected in the cost allocations set out in Exhibit B for FY 2021-22. The initial first year is the most critical and the estimated term is a minimum of one year for implementation and one year to ensure compliance, after which time the MOU will be evaluated for ongoing needs.

While this work is not directly in support of a Health Department Strategic Plan Initiative, it is in support of one or more of the ten essential public health services, specifically: 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

Other agencies included in this MOU are the Cities of Carmel-By-The-Sea, Del Rey Oaks, Marina, Monterey, Pacific Grove, Sand City, Seaside, and the Pebble Beach Community Services District.

FINANCING:

This action is fully funded in the Health Department-Environmental Health Bureau FY2021-22 Adopted budgeted. The funding source to offset the expenditures will come from the Unified Franchise revenue (Revenue 4270, Unit 8113), which is declared in the Adopted Budget for FY 2021-22. In coming Fiscal Years, it will be declared and accounted for accordingly.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services, promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst II, 796-1297

Approved by:

Date: _____

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachment:

SB 1383 Shared Costs MOU