



Legislation Details (With Board Report)

<b>File #:</b>	RES 19-186	<b>Name:</b>	Litter Mou SVSWA & MRWMD
<b>Type:</b>	BoS Resolution	<b>Status:</b>	Passed - RMA Administration
<b>File created:</b>	1/2/2019	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	1/29/2019	<b>Final action:</b>	1/29/2019

**Title:** Adopt a Resolution to:

- a. Approve Memorandum of Understanding by and between Monterey Regional Waste Management District and the County of Monterey regarding the Litter Abatement Program for a period concluding June 30, 2019 for an amount not to exceed \$75,000;
- b. Approve Memorandum of Understanding by and between Salinas Valley Solid Waste Authority and the County of Monterey regarding the Litter Abatement Program for a period concluding December 31, 2019 for an amount not to exceed \$100,000;
- c. Authorize the Resource Management Agency Director or Director’s designee to execute Memorandums of Understanding in a form substantially similar to the draft MOUs and future amendments where the amendments do not significantly alter the scope of work or change the approved not to exceed amounts; and
- d. Authorize the Auditor-Controller to amend the Fiscal Year 2018-19 Adopted Budget, Fund 001, Appropriation Unit RMA002, increasing appropriations and estimated revenue by \$125,000 with \$75,000 funded by the Memorandum of Understanding with Monterey Regional Waste Management District and \$50,000 funded by the Memorandum of Understanding with Salinas Valley Solid Waste Authority. (4/5th vote required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Resolution, 3. Attachment B - MOU MRWMD, 4. Attachment C - MOU - SVSWA, 5. 54. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
1/29/2019	1	Board of Supervisors	adopted - rma administration	Pass

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**RECOMMENDATION:**

It is recommended that the Board of Supervisors adopt a Resolution to:

- a. Approve Memorandum of Understanding by and between Monterey Regional Waste Management District and the County of Monterey regarding the Litter Abatement Program for a period concluding June 30, 2019 for an amount not to exceed \$75,000;
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- c. Authorize the Resource Management Agency Director or Director's designee to execute Memorandums of Understanding in a form substantially similar to the draft MOUs and future amendments where the amendments do not significantly alter the scope of work or change the approved not to exceed amounts; and
- d. Authorize the Auditor-Controller to amend the Fiscal Year 2018-19 Adopted Budget, Fund 001, Appropriation Unit RMA002, increasing appropriations and estimated revenue by \$125,000 with \$75,000 funded by the Memorandum of Understanding with Monterey Regional Waste Management District and \$50,000 funded by the Memorandum of Understanding with Salinas Valley Solid Waste Authority. (4/5<sup>th</sup> vote required)

#### SUMMARY:

Monterey County has a Litter Abatement Program (Program) that is intended to mitigate litter and illegal dumping. This Program has experienced increases in requests for service coupled with a significant drop in available labor for litter abatement. The drop in available labor is due to a variety of reasons including changes in state legislation and competition for labor resources from other agencies and institutions, thereby limiting the program's ability to mitigate litter and illegal dumping.

The Resource Management Agency (RMA) collects waste along the public right of way throughout unincorporated areas of the County. In addition, RMA staff provides training and supplies for volunteers to participate in our "Adopt a Road" program. Also, the Monterey County Sheriff's Office (MCSO) assists with removal of abandoned vehicles.

Monterey Regional Waste Management District (MRWMD) and Salinas Valley Solid Waste Authority (SVSWA) have agreed to enter into Memorandums of Understanding that would provide funding to supplement the County's Litter Abatement Program. MRWMD agreed to \$75,000 through June 30, 2019 and SVSWA agreed to \$100,000 through December 31, 2019. Both agree that extension of the term and funding may be possible after reviewing the results of the program.

#### DISCUSSION:

In Monterey County, pervasive litter results in significant economic, social, and environmental costs. Beyond aesthetically displeasing, it presents a range of threats to human and ecologic health (including food safety along farms fields) and affects the quality of life for Monterey County residents. Litter increases the risk of fire, personal injury, and spread of disease; pollutes waterways, and threatens wildlife. The largest impact of litter is along county roadways resulting from trash and debris blowing from improperly covered or uncovered vehicles, articles thrown from passing vehicles, and illegal dumping. Dumping, associated with roadside camping, has increased. In addition, there is a significant increase of debris dumped alongside roads each year when migrant workers leave for Arizona (in the Fall).

The RMA Litter Abatement Program provides for the collection and disposal of litter, debris, and hazardous materials that have been illegally dumped along County roads and public rights-of-way. Annually, the Litter

Abatement Program removes 150-200 tons of household and industrial materials from County roadways and operates seven (7) days a week with County RMA Litter Abatement Program staff, MCSO Work Alternative Program workers and non-profit agency workers.

The Salinas Valley Solid Waste Authority (SVSWA) and the Monterey Regional Waste Management District (MRWMD) have similar missions committed to promoting sustainable, environmentally sound, cost-effective practices through systems of waste reduction, reuse, recycling, innovative technology, and education. These two (2) agencies wish to collaborate with the County to increase litter abatement efforts by MRWMD contributing \$75,000 through June 30, 2019 and SVSWA contributing \$100,000 through December 31, 2019.

County RMA Litter Abatement Program crews are beyond capacity with the current workloads. Per the attached MOUs, labor costs associated with litter pickup conducted by County using third party labor from nonprofit agencies during the remainder of fiscal year 2018-19 will be reimbursed fifty percent (50%) by SVSWA and fifty percent (50%) by MRWMD, up to \$100,000 and the remaining \$25,000 will be reimbursed solely by MRWMD, for a total not to exceed amount of \$125,000. Therefore, staff has investigated contracting with agencies such as HOPE and Rancho Cielo to provide resources (labor) as a supplement to the County's existing program. Such contracts would be pursued should the agencies and Board of Supervisors approve these MOUs.

#### California Environmental Quality Act (CEQA)

Staff finds that action to enter into these MOUs would be exempt from environmental review in accordance with the California Environmental Quality Act (CEQA). The proposed MOUs will provide funding to supplement the existing County Litter Program, which helps to maintain public (County) rights of way. Maintenance of existing facilities is Categorically Exempt per CEQA Guidelines Section 15301 (Class 1). Such actions by private citizens within the right of way can be granted through an encroachment permit, which is a ministerial permit that is Statutorily Exempt per Section 15268 of CEQA Guidelines. Actions by regulatory agencies to assure maintenance, restoration, protection, or enhancement of the environment are Categorically Exempt per CEQA Guidelines Section 15308 (Class 8). Finally, minor actions to prevent or minimize release of hazardous waste or substances are Categorically Exempt per CEQA Guidelines Section 15330 (Class 30).

#### OTHER AGENCY INVOLVEMENT:

The proposed MOUs emerged from discussions with representatives of the MRWMD, SVSWA, the County Health Department, Grower-Shipper Association, Farm Bureau, the County Administrative Office, and several community members to explore options to mitigate illegal dumping and littering. It was determined that contracting with non-profit organizations to enhance litter removal activities was the most feasible and cost effective solution.

The Offices of the County Counsel-Risk Management and Auditor-Controller have reviewed the MOUs as to form and legality and fiscal provisions, respectively. SVSWA will bring their respective draft MOU to their Board for consideration on January 24, 2019, prior to consideration by the Board of Supervisors. MRWMD will bring their respective draft MOU to their Board for consideration on January 18, 2019 prior to consideration by the Board of Supervisors. If staff's recommendation is approved, the Resource Management Agency Director or Director's designee will execute the proposed MOUs in a form substantially similar to the attached draft MOUs.

#### FINANCING:

Under the terms of the MOUs, third party labor costs associated with the Litter Abatement Program are reimbursed by SVSWA and MRWMD. For the remainder of FY2018-19, SVSWA and MRWMD will be billed

equally up to \$50,000 each for a total of \$100,000. Any remaining costs in FY2018-19, not to exceed \$25,000, will be reimbursed by MRWMD, for a total increase in appropriations and estimated revenue of \$125,000 (\$50,000 from SVSWA and \$75,000 for MRWMD) in the Fiscal Year (FY) 2018-19 Adopted Budget, Fund 001, Appropriation Unit RMA002. The remaining funds will be incorporated into FY 2019-20 during the budget process. Quarterly, the County will submit invoices to MRWMD and SVSWA for reimbursement per the proposed MOUs, resulting in a temporary impact to the RMA Litter Control Budget Unit, Fund 001-3000-8194-RMA002 having to cash flow abatement costs until reimbursement is received.

Monterey County continues to use RMA Litter Abatement Program staff for this Program. RMA has budgeted \$100,000 from the Road Fund for Litter Control as part of our ongoing litter abatement efforts. MCSO budgeted \$251,862 for vehicle abatement. These funds/costs are in addition to the funding provided through these MOUs.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action complies with multiple Board of Supervisors' Strategic Initiatives by providing funds for a more robust Litter Abatement Program promoting a clean, safe, and healthy environment for County residents and visitors.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure:
- Public Safety

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Reviewed by: Melanie Beretti, RMA Special Programs Manager  
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:  
Attachment A - Resolution  
Attachment B - MOU MRWMD  
Attachment C - MOU SVSWA  
(Attachments on file with the Clerk of the Board)