



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Manager’s Office

**Prepared by: Cory Bytof,
Sustainability Program Manager**

City Manager Approval: _____

TOPIC: SB 1383 LOCAL ASSISTANCE GRANT

SUBJECT: RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANT AND PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS FOR WHICH THE CITY OF SAN RAFAEL IS ELIGIBLE

RECOMMENDATION

Adopt a Resolution of the City Council of the City of San Rafael authorizing submittal of an application for all CalRecycle grant and payment programs and related authorizations for which the City of San Rafael is eligible.

BACKGROUND

State Law

In 2014, recognizing the negative impacts of organic materials decomposing in landfills on climate change, the State of California enacted Assembly Bill (AB) 1826 mandating that businesses with certain thresholds of refuse disposal compost their organic materials. Beginning in 2022 [Senate Bill \(SB\) 1383](#), enacted in 2017, will require that all residents and businesses divert their organic waste and recover edible food. SB 1383 will also place new requirements on local governments to implement, monitor and enforce participation in organic waste diversion programs, and the California Department of Resources Recycling and Recovery (CalRecycle) will be authorized to levy fines upon local governments that don’t comply. The Marin Sanitary Service franchisors group have been working with R3 Consulting Group, Inc. to ensure compliance with SB 1383 and assess opportunities to create economies of scale working together to implement the law.

City Responsibilities

Under SB 1383, every local government in California must conduct the following activities:

- Collection: must provide organic waste collection to all residents and businesses
- Food Recovery: must establish an edible food recovery program
- Education and Outreach: must provide information to residents, businesses, and edible food donors in multiple languages
- Procurement: must procure recycled organic waste products from approved vendors

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

annually

- Enforcement: must conduct inspections and enforce compliance, including issuing fines
- Recordkeeping and Reporting: must maintain accurate and timely records and report to Cal Recycle annually

One of the most challenging aspects of the law is the procurement requirement. Currently the City procures less than 1% of the annual requirement of recycled organic waste products (compost or mulch) under the law. Complying with this requirement will pose significant challenges both in terms of staff time and resources. Fortunately, Cal Recycle has relaxed timelines for this requirement, acknowledging the challenges cities will face in meeting them.

Cal Recycle has released a non-competitive Local Assistance grant program to assist local jurisdictions in early implementation of the law. It was released on January 7, 2022 with a deadline of February 1, 2022. The City has applied for and intends to utilize the Local Assistance grant to conduct a procurement and use analysis to determine how we can best implement this portion of the law considering costs, efficiency, partnerships, and best uses, which may include options that can help sequester carbon in other locations in the county.

ANALYSIS

Although the City could apply solely for this Local Assistance grant, it is being recommended by Cal Recycle that each jurisdiction apply for the full suite of Cal Recycle offerings so we do not have to adopt additional Resolutions for future grant opportunities. This Resolution would allow the City Manager or his designee to apply for and receive grants for a period of five years – the maximum amount of time allowed by Cal Recycle.

City staff have worked with R3 Consulting Group, Inc. and our partner Marin Sanitary Service franchising agencies to apply for a similar grant application so we can work together to conduct a request for proposals and continue to collaborate on SB 1383 implementation. This franchisor's group includes the towns of Fairfax, Larkspur, Ross, and San Anselmo, the County of Marin, and the Las Gallinas Valley Sanitary District. Under this Local Assistance grant the City is estimated to receive \$78,425, which is set by Cal Recycle based on population. Staff has submitted the grant application and this Resolution is required as part of the application to be adopted and included by March 1, 2022.

COMMUNITY OUTREACH

This item was posted as part of our normal City Council agenda process and was sent out via the City Manager's Snapshot and other agenda posting procedures.

FISCAL IMPACT

Should the City receive the grant, we would receive up to \$78,425 to use for a procurement analysis. Any leftover funds from the analysis would go toward our annual procurement requirement but could be redirected based on the analysis upon amendment of the application and approval from Cal Recycle.

OPTIONS

1. Adopt a Resolution of the City Council of the City of San Rafael authorizing submittal of an application for all CalRecycle grant and payment programs and related authorizations for which the City of San Rafael is eligible.
2. Do not adopt a Resolution of the City Council of the City of San Rafael authorizing submittal of an application for all CalRecycle grant and payment programs and related

authorizations for which the City of San Rafael is eligible and forego the grant.

RECOMMENDED ACTION

Adopt a Resolution authorizing submittal of an application for all CalRecycle grant and payment programs and related authorizations for which the City of San Rafael is eligible.

ATTACHMENTS

Attachment A: Resolution

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANT
AND PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS FOR WHICH THE
CITY OF SAN RAFAEL IS ELIGIBLE**

WHEREAS, Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant and payment programs in furtherance of the State of California's (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and administration of the application, awarding, and management of the grant programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment and grant program;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES RESOLVE: that the City of San Rafael is authorized to submit an application to CalRecycle for any and all grant and payment programs offered; and

BE IT FURTHER RESOLVED that the City Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the City of San Rafael all documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure funds and implement the approved grant or payment project; and

BE IT FURTHER RESOLVED that these authorizations are effective from the date of adoption through February 21, 2027.

I, Lindsay Lara, City Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Tuesday, February 22, 2022, by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

LINDSAY LARA, City Clerk