

STAFF REPORT

City Council Consent Item

DATE: January 3, 2023

TO: Honorable Mayor and City Council

FROM: Merritt Perry, City Manager

SUBJECT: **Letter of Commitment to Humboldt County for Participation in Regional Edible Food Recovery Effort for Compliance with SB 1383**

STAFF RECOMMENDATION:

Authorize the City Manager to sign the attached letter to notify the Humboldt County of the City's intent to participate in the regional effort of Edible Food Recovery Program to comply with SB 1383.

EXECUTIVE SUMMARY:

On February 22, 2022, the City of Fortuna passed Resolution 2022-03 authorizing the City Manager to submit a Notification of Intent to Comply with the requirements of California Senate Bill 1383 (SB 1383) to the California Department of Resources Recycling and Recovery, in accordance with California Senate Bill 619 (SB619). Resolution 2022-03 provided assurances to the State of California that the City of Fortuna will implement proposed actions to remedy violations and comply with required deadlines through a Corrective Action Plan.

In order to stay compliant, the city needs to develop an Edible Food Recovery Program, which Humboldt County Public Works has agreed to lead if they receive the assurances from the city that it will participate in the costs and development of the program.

It is anticipated that the County will seek a consultant to complete the effort and will include the following tasks:

1. Develop an Edible Food Recovery Capacity and Compliance Assessment Plan
2. Develop a Public Outreach and Education Plan
3. Develop a food recovery communication and tracking system for edible food generators and recovery organizations
4. Compile record keeping and inspection reports and prepare them for submission to CalRecycle (the regulatory agency for solid waste)
5. Identifying budget and long-term funding strategies for edible food recovery

SB 1383 went into effect this year and jurisdictions that do not meet the requirements of this state law are subject to fines of \$10,000 per day. Although, the City of Fortuna is continuing to

make progress towards full compliance with SB 1383, there are several challenging aspects of the city's programs, which have not yet been fulfilled.

Implementation originally planned for Jan. 1, 2023, is anticipated to take up to one year longer. City Staff are working with regional partners and internally to develop the programs necessary to comply with SB 1383. This is just one area that the City is currently working on. Other areas the city will be focusing on in the coming months are the following:

- Participating with Humboldt Waste Management Authority to develop and operate a tipping floor to collect organic food waste
- Updating City purchasing policies to incorporate use of recycled organic products
- Updating the Solid Waste Franchise Agreement with Recology to include universal collection and other SB 1383 compliance tasks
- Developing record keeping and tracking mechanisms for organic waste

Signing this letter of support is the next step for the county to initiate the project for edible food recovery and avoid fines. The attached letter indicates the City's commitment and participate in a cost share of approximately \$11,000 that is based on the proportional share of the county's population.

FINANCIAL IMPACT

There is no financial impact involved with the approval of this letter of support, however the City would be committing to approximately \$11,000 toward the development of the Edible Food Recovery Program costs. The Fiscal Year 2022-2023 budget includes \$45,000 identified for special projects in Fund 210, Solid Waste and Recycling that will be used to fund the City's share for this project. There is potential for fines of \$10,000 per day if the city does not meet the requirements of SB 1383. Specific expenditures for compliance with SB 1383 programs will come to the council in the future if additional funding is required.

RECOMMENDED COUNCIL ACTION:

Motion to authorize the City Manager to sign the attached letter to notify Humboldt County Public Works of the city's participation in the regional Edible Food Recovery Program. Consent agenda vote.

ATTACHMENTS:

- Draft Humboldt County Edible Food Recovery Program Commitment Letter