



Board Agenda Item 47

DATE: December 12, 2023

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

SUBJECT: Retroactive Revenue Agreement with the California Department of Resources, Recycling and Recovery

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive revenue agreement with the California Department of Resources, Recycling and Recovery for FY 2023-24 Local Enforcement Agency Grant Program funding, effective July 1, 2023 through October 29, 2024 (\$28,676).

There is no additional Net County Cost associated with the recommended action, which will allow the Department of Public Health (Department), the County's Local Enforcement Agency (LEA), to receive non-competitive grant funds (\$28,676) from the California Department of Resources, Recycling and Recovery (CalRecycle). The funds support solid waste enforcement activities, including inspecting and monitoring regulated waste facilities, attending mandatory training, and equipment purchases and maintenance. Pursuant to California Public Resources Code, Section 43230, this grant award is solely for the support of the solid waste permit and inspections programs. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, the Department would not be able to accept these funds that currently offset operational and direct facility inspection activities, which could ultimately affect the rate structure for these services. Additionally, the grant funds are utilized to offset a portion of the cost of a position to perform these inspections. If the grant funds are not accepted, this position would be utilized to perform other functions, negatively impacting productivity in the number of inspections conducted, and the Department would not be able to perform waste facility inspections at the frequency level required by the State pursuant to California Public Resources Code Chapter 2, Section 43209 and California Code of Regulations, Title 14.

RETROACTIVE AGREEMENT:

The recommended revenue agreement was received from CalRecycle on September 20, 2023, and is retroactive to July 1, 2023, which is the start of the grant term. This item is being brought to your Board in accordance with the agenda item processing deadlines.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The FY 2023-24 LEA revenue agreement (\$28,676) represents a decrease of \$153 from the prior year. The grant allocation is non-competitive and does not require matching funds. The grant allows for full reimbursement of direct costs but does not allow for indirect cost recovery. The Department's FY 2023-24 indirect cost recovery rate

is 18.314%. The Department's share of indirect costs (\$1,076) for FY 2023-24 are covered with 1991 Health Realignment funds. Sufficient appropriations and estimated revenues are included in the Department's Org 5620 FY 2023-24 Adopted Budget.

DISCUSSION:

The Department has received LEA Grant Program funds since 2000. On May 7, 2019, your Board passed Resolution 19-184, which authorized the submission of up to five years of grant applications to CalRecycle for LEA Grant Program funds from FY 2019-20 through FY 2023-24. In accordance with this Resolution, the Department submitted its grant application on May 9, 2023, which resulted in the recommended FY 2023-24 revenue agreement before your Board.

The recommended revenue agreement would provide grant revenue (\$28,676) to support FY 2023-24 Solid Waste Management Enforcement Program activities. Program personnel are responsible for the inspection of landfills, transfer stations, compost facilities, contraction/demolition activities, and inert processing facilities. Department staff also inspect 53 closed landfill sites to ensure State compliance. The Department proposes to utilize the grant funds to support program enforcement activities, mandatory training, and memberships. The grant would also fund the acquisition of equipment and costs associated with maintenance and calibration of detection equipment.

The recommended revenue agreement varies from County standard language in that the County agrees to indemnify, defend, and save harmless the State; the County agrees to waive all claims and recourse against the State for matters in any way connected with or incident to this recommended agreement. The recommended agreement also contains non-standard termination language as it allows the State to terminate with or without cause upon giving the County at least 30 days advance written notice of termination. County Risk Management has reviewed and accepts the non-standard language in the agreement and that the State is not amenable to revision of their terms and conditions.

REFERENCE MATERIAL:

BAI #34, November 8, 2022

BAI #58, May 7, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CalRecycle

CAO ANALYST:

Ron Alexander