



Board Agenda Item 58

DATE: November 5, 2024

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 2024-25 Local Enforcement Agency Grant Program funding, effective July 1, 2024 through October 31, 2025 (\$28,675).

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 (\$28,675) 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 solely supports the solid waste permit and inspection program. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, the Department would not be able to accept the grant 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 in the solid waste program. If the grant funds are not accepted, this position would be reallocated and the Department would not be able to perform facility inspections at the frequency required by the State pursuant to California Public Resources Code Chapter 2, Section 43209 and California Code of Regulations, Title 14.

RETROACTIVE AGREEMENT:

CalRecycle provided the recommended revenue agreement on September 17, 2024, which is retroactive to July 1, 2024. 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 2024-25 LEA revenue agreement (\$28,675) represents a decrease of \$1 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 2024-25 indirect cost recovery rate is 24.426% and its share of indirect costs (\$1,435) are covered with 1991 Health Realignment funds.

Sufficient appropriations and estimated revenues are included in the Department's Org 1156 FY 2024-25 Adopted Budget.

DISCUSSION:

The Department has received LEA Grant Program funds since 2000. On June 18, 2024, your Board passed Resolution 24-236, which authorized the submission of up to five years of grant applications to CalRecycle for LEA Grant Program funds from FY 2024-25 through FY 2028-29. In accordance with this Resolution, the Department submitted its grant application on May 9, 2024, which resulted in the recommended FY 2024-25 revenue agreement before your Board.

The recommended revenue agreement would provide grant revenue (\$28,675) to support FY 2024-25 solid waste program activities. Program personnel are responsible for the inspection of landfills, solid waste collection vehicles, transfer stations, compost facilities, contraction/demolition activities and inert processing facilities. Department staff also inspect 50 closed landfill sites to ensure State compliance and 77 Post-Closure Land Use Lots (CalCot) for methane sensor testing. The Department proposes to continue utilizing the grant funds to support program enforcement activities, mandatory training, memberships, equipment, and costs associated with maintenance and calibration of such 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 reviewed and accepts the non-standard language in the agreement as there is minimal risk and CalRecycle is not amenable to revising the terms and conditions.

REFERENCE MATERIAL:

BAI #60, June 18, 2024
BAI #47, December 12, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CalRecycle

CAO ANALYST:

Ronald W. Alexander, Jr.