



Board Agenda Item 36

DATE: January 9, 2018

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Application for Waste Tire Enforcement Grant Program Funds

RECOMMENDED ACTION(S):

1. **Adopt Resolution authorizing the submittal of five successive and separate one-year grant applications to the California Department of Resources Recycling and Recovery for Waste Tire Enforcement Grant Program for the period of July 1, 2017 through June 30, 2022; and**
2. **Approve and authorize the Chairman to execute a retroactive application for Waste Tire Enforcement Grant for year one of the five successive and separate one-year grant applications to the California Department of Resources Recycling and Recovery for Waste Tire Enforcement Grant Program for the period of July 1, 2017 through June 30, 2018 (\$300,000); and**
3. **Approve and authorize the Director of the Department of Public Health, or designee, to execute and submit the four successive and separate one-year grant applications and related requests for payment of estimated grant funding for the period of July 1, 2018 through June 30, 2022 (\$1,200,000).**

Approval of the recommended actions will authorize the submittal of non-competitive grant applications to the California Department of Resources Recycling and Recovery (CalRecycle) to continue inspection and enforcement activities related to the handling and disposing of waste tires in the County, with no Net County Cost. The Director of the Department of Public Health would execute all necessary applications and payment requests to secure future grant funding. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative option. If your Board chooses not to adopt the Resolution, the Department may miss future application deadlines, typically open for a short period.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended revenue agreements (\$300,000) represents the same amount as the prior allocations; the five-year allocation would be \$1,500,000. The grant allocation is non-competitive and does not require matching funds. The recommended one-year applications include proposed funding for personnel expenditures (\$266,500), training (\$22,500), equipment (\$6,000), and mileage (\$5,000).

Sufficient appropriations and estimated revenues are included in the Department's Org 5620 FY 2017-18 Adopted Budget and will be included in future budget requests through FY 2021-22. The grant allows for an annual maximum indirect cost of 20% (\$60,000) of allowable program costs. The Department's indirect cost is 26.19%; Health Realignment will cover the remaining indirect cost (\$18,570).

DISCUSSION:

The County has received Waste Tire Enforcement Grant Program funds since 2002. CalRecycle offers the grant to local enforcement agencies to operate effective waste tire inspection and compliance programs at the local level in to protect public health, safety, and the environment.

CalRecycle has \$7 million available statewide for FY 2017-18, of which the County is eligible to request up to \$300,000. The funding would allow the County's Waste Tire Enforcement Program to continue inspection and compliance programs. Activities include:

- identifying illegal waste tire piles,
- investigating and inspecting waste tire facilities and points of tire generation, and,
- examining waste tire hauler registration and manifest documents.

Program staff would be involved in determining if businesses and/or operators in the collection, transportation, and disposal of waste tires comply with all applicable laws and regulations.

The Department proposes to continue staffing the program with one District Attorney Investigator, as stated in the Inter-Departmental Agreement with the District Attorney's Office. As a peace officer, the investigator has the ability to investigate criminal and California Business and Professions Code violations in conjunction with inspection and enforcement duties under the program. The applications also include continued funding of program Department staff.

The CalRecycle requires program applications to be submitted by January 18, 2018. If your Board approves the submission of the applications, and if funding is awarded, an agreement would be brought to your Board for consideration to accept these funds.

On November 13, 2012, your Board adopted Resolution No. 12-434 authorizing submittal of the Waste Tire Enforcement Grant Program applications for FYs 2012-13 through 2016-17. The recommended resolution would authorize the submittal of one-year applications to CalRecycle for FYs 2017-18 through 2021-22. The second recommended action requests authorization for the Director of the Department of Public Health, or designee, to submit the grant applications to meet CalRecycle's requirement.

The recommended grant agreements contain an indemnification provision in which the County indemnifies CalRecycle from all claims and losses and a provision requiring the venue for any dispute be in Sacramento County. The recommended agreements have a provision that gives the CalRecycle the right to terminate the agreement for cause without providing the County with the same right of termination. The recommended agreements contain a provision whereby the County waives all claims and recourse against the CalRecycle including the right to contribution for loss or damages to persons or property.

REFERENCE MATERIAL:

BAI #17, November 13, 2012

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

On file with Clerk- Letter of Designation

On file with Clerk- Terms and Conditions

CAO ANALYST:

Sonia M. De La Rosa