



## Legislation Text

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**File #:** 23-0015, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Erick Lee, Public Works Director

Anna Luke-Jones, Senior Management Analyst

**SUBJECT:**

Consideration of Resolution Approving an Agreement with HF&H Consultants, LLC. in the Amount of \$25,000 to Conduct a Senate Bill (SB) 1383 Grant-Funded Gap Analysis Regarding New Statewide Organic Waste Regulations and Appropriating \$50,347 in Grant-Reimbursable Funds for the Analysis and Other Reimbursable Expenditures (Public Works Director Lee).

**A) ADOPT RESOLUTION NO. 23-0009**

**B) APPROPRIATE FUNDS**

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**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 23-0009 approving an agreement with HF&H Consultants, LLC to conduct a Senate Bill (SB) 1383 grant-funded gap analysis regarding new statewide organic waste regulations and appropriating \$50,347 in grant-reimbursable funds for the analysis and other reimbursable expenditures.

**FISCAL IMPLICATIONS:**

The City received \$50,347 from CalRecycle in June 2022 as part of a Local Assistance Grant in order to implement SB 1383 requirements. Since this grant award was not included in the FY 2022-2023 Adopted Budget due to its timing, an appropriation of \$50,347 from the unreserved General Fund balance is required along with an offsetting adjustment to revenues.

The cost for HF&H Consultants, LLC to perform the recommended gap analysis is \$25,000.

**BACKGROUND:**

SB 1383, the Short-Term Climate Pollutants legislation, was adopted in 2016 and is the most significant waste reduction law to be adopted in California in the last 30 years. Its goal is to reduce organics waste landfill disposal by 75% (from 2014 levels) by 2025. This means diverting more than 20 million tons from landfills. The legislation aims to slow climate change by diverting organic materials from landfills, recovering 20% of edible food, and redirecting it to food-insecure Californians. On the local level, it is also considered an “unfunded mandate.” Among other regulations, the law includes several areas where local agencies must adjust solid waste collection programs, outreach, procurement requirements, route, and material audits.

The City has been engaged with SB 1383 compliance efforts since the bill was first envisioned and prior to its adoption. For example, the City began providing citywide food waste recycling in 2015 years before the law's 2022 implementation deadline. In 2018, Manhattan Beach was amongst only 15% of cities statewide that were preliminarily compliant with this part of SB 1383. In November 2021, the City Council also adopted a Mandatory Organic Waste Disposal Reduction ordinance for initial compliance with SB 1383.

The Department of Resources Recycling and Recovery (Cal Recycle), the State of California's solid waste agency, created the SB 1383 Local Assistance Grant to begin helping agencies with the implementation of SB1383 requirements. The City applied for the grant and was awarded \$50,437. The current expenditure plan for the grant includes \$25,000 for the Gap Analysis, \$10,000 for Education, \$10,000 for Materials (to assist with the Procurement section of SB 1383), and \$5,000 for Marketing/Promotion/Outreach.

#### **DISCUSSION:**

The SB 1383 Local Assistance Grant is designed to begin helping cities financially with elements of this unfunded mandate. The City has identified the need for a gap analysis to provide a remaining roadmap of SB 1383 compliance.

Pursuant to Manhattan Beach Municipal Code (MBMC) Section 2.36.130, contracts for services of specially-trained and professional persons are exempt from bidding.

HF&H Consultants, LLC has been competitively and directly sourced as a solid waste consulting firm for the City several times over the last 20 years. They have assisted the City in the solid waste franchise negotiations and bidding processes for the 2001, 2011, and 2020 agreements, assisted the Sustainability Task Force with solid waste industry knowledge, and assisted with the ordinance establishing the food waste recycling program in 2015.

HF&H Consultants, LLC is an industry leader in solid waste consulting and has long-term established knowledge of the Manhattan Beach agreements, programs, and project-delivery expectation levels. As such, staff recommends that the City contract with HF&H to perform the gap analysis work.

#### **PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

#### **ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

#### **LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

#### **ATTACHMENTS:**

1. Resolution No. 23-0009
2. Agreement - HF&H Consultants, LLC.