

STAFF REPORT

City Council Business Agenda Item

DATE: February 22, 2022

TO: Honorable Mayor and Council Members

FROM: Merritt Perry, City Manager

SUBJECT: **Approve Submittal of Notice of Intent to Comply Under SB 619, *Resolution 2022-03***

STAFF RECOMMENDATION:

Staff is recommending the Council authorize the City Manager to submit a Notice of Intent to Comply under SB 619 by adopting *Resolution 2022-03*.

EXECUTIVE SUMMARY:

Each year of the past five years has been one of the top ten warmest years on record in recorded human history. The urgency Climate Change has led the state of California to adopt SB 1383, a bill aimed to reducing methane-producing organic waste from landfills. SB 1383 went into effect this year, and jurisdictions that do not meet the requirements of the 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 aspects of the City's programs, which have not yet fully matured. The primary obstacle is that currently there is no viable option composting of food waste, and therefore collection and recycling of that waste is not possible at this time. Additionally, it will take a significant amount of time to develop the programs, policies, ordinances, update of the City's franchise agreement for solid waste collection, which are all currently in progress. The City is currently working with the other jurisdictions in the county on all of these items.

SB 619 was passed in 2021 to allow for one year's relief from administrative penalties for jurisdictions that were affected by the COVID-19 pandemic. A condition of this relief is that jurisdictions must submit a "Notice of Intent to Comply" to CalRecycle by March 1, 2022, along with a schedule for compliance, and a resolution of the City Council approving of the Notice of Intent to Comply. This recommendation is for the City Council to approve a resolution that does so.

Attached are the draft Notice of Intent to Comply form completed by staff, and the Resolution to be approved. It is the intent of the City to develop SB 1383 programs during 2022 with implementation by January 1, 2023. Humboldt Waste Management Authority (HWMA) is preparing the SB 1383 Road Map to offer regional compatibility and guidance with discussions throughout February and March. The City needs to file the Initial Jurisdiction Compliance Report by April 1, 2022, on the status of SB 1383 with a copy of the proposed SB 1383 Enforcement Ordinance at that time.

FISCAL IMPACT

Not approving the proposed resolution may result in the City being subject in tens of thousands of dollars in fines. The City is already committed to a pathway toward compliance and the costs associated with this effort. It is expected that solid waste franchise fees will pay for much of the work currently being contemplated.

RECOMMENDED ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open Public Comment
3. Close Public Comment
4. Motion to approve *Resolution 2022-03*, and read by title only. Roll Call vote.

ATTACHMENTS:

- Notice of Intent to Comply
- *Resolution 2022-03, A Resolution of the City Council of the City of Fortuna Authorizing the City Manager to Submit A Notice of Intent to Comply under SB 619 to CalRecycle*