



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: June 4, 2024

Subject

Three-year agreement between the City of Cupertino and the County of Santa Clara (County) for the City's participation in the Countywide Household Hazardous Waste (HHW) Collection Program for Fiscal Years (FY) 2024/25 – 2026/2027 using earmarked funds within the Resource Recovery Fund 520.

Recommended Action

Adopt Resolution No. 24-XXXX authorizing the City Manager to sign a three-year agreement between the City of Cupertino and the County of Santa Clara (County) for the City's participation in the Countywide Household Hazardous Waste (HHW) Collection Program for Fiscal Years (FY) 2024/2025 – 2026/2027 using earmarked funds within the Resource Recovery Fund 520.

Reasons for Recommendation

The City, along with the other cities in the County, has two recurring agreements with the County of Santa Clara for the collection and management of household hazardous waste (HHW) materials:

- 1) One allows for the collection and use of Assembly Bill (AB) 939 fees, which are collected on tons of material delivered to landfills in the County. (Attachment A - Agreement for Countywide Assembly Bill (AB) 939 Implementation Fee).
- 2) The other allows for the City's participation in the County's collection program for the safe drop-off and disposal of HHW, which is partially funded by the AB939 fees. (Attachment B - Agreement for Countywide Household Hazardous Waste Collection Program).

Both agreements come up for renewal every three years, and the County requires signatures on the (FY) 2024/25 – 2026/2027 agreements by June 10, 2024.

If the AB 939 fees are unchanged, the City Manager is authorized to sign the Agreement for Countywide AB 939 Implementation Fee.¹ The fees charged on tons sent to landfill in the County are unchanged.

¹ Authorization was granted at the May 1, 2018, City Council meeting.

This arrangement provides operational efficiency to jurisdictions as they do not each have to run their own HHW collection programs. The County HHW Program includes two permanent drop-off facilities for HHW as well as temporary events at various locations in the County periodically throughout the year. Cupertino residents (1,081 in FY 2022-23) use this drop-off service for responsible disposal of unwanted HHW materials.

To pay for the HHW program, the County keeps track of the tonnage originating from the participating jurisdictions and the AB939 fees collected on that tonnage and keeps records on the jurisdiction of residence of each person who drops materials off at a HHW Program event. The County also tracks and reports on all the associated expenses for the Program. If the cost to serve Cupertino's participating residents exceeds the funds collected via the per ton disposal fee, Cupertino is invoiced for the difference.

To assure payment of any shortfall from Cupertino's participation, the Countywide Household Hazardous Waste (HHW) Collection Program agreement includes a section describing augmentation amounts (Section 16 - Additional Services Under This Agreement). This new 3-year agreement is substantially the same as agreements from past years. The one notable difference from the City's perspective is that new in this agreement is a provision to allow the County to invoice jurisdictions twice per year instead of only once. This modification will help to reduce the cost impacts the County must cover before jurisdictions are invoiced for any costs that exceed the AB 939 fee revenue. After the end of each fiscal year, the County will tally up actual attendance and issue an invoice (or refund) as appropriate.

Sustainability Impact

The countywide HHW program is designed to reduce and eventually eliminate the residential hazardous waste that is still sent to landfill countywide and to capture some hazardous waste that might otherwise be illegally dumped. As such, it supports the waste reduction goals presented in the Climate Action Plan.

Fiscal Impact

The City has accrued funds earmarked for the handling of HHW primarily as a result of past years when the City did not fully participate in the County program and would receive AB939 fee refunds. Funds also accrued after the abrupt end of a door-to-door pickup program subcontracted by Recology under the former Franchise Agreement. Those funds are in Fund 520 303-312 "Restricted AB939 HHW," which currently has a balance of \$425,249. The expected augmentation amount of \$300,243 for the period covering the next three fiscal years of participation under the County HHW program agreement will be funded from that source.

California Environmental Quality Act (CEQA)

Not applicable.

Prepared by: Ursula Syrova, Environmental Programs and Sustainability Manager

Reviewed by: Chad Mosley, Director of Public Works

Reviewed by: Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – AB 939 Implementation Fee Agreement FY 2025-2027

B – Countywide HHW Program Agreement FY 2025-2027

C – Draft Resolution