



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: June 4, 2024

Subject

Memorandum of Understanding (MOU) between the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee (TAC) member jurisdictions establishing ongoing management and operation of the edible food recovery program to comply with the requirements of Senate Bill (SB) 1383 (California's Short-Lived Climate Pollutant Reduction Strategy).

Recommended Action

Authorize the City Manager to sign a MOU between the Santa Clara County Recycling and Waste Reduction Technical Advisory Committee (TAC) member jurisdictions establishing ongoing management and operation of the edible food recovery program to comply with the requirements of SB 1383 (California's Short-Lived Climate Pollutant Reduction Strategy).

Reasons for Recommendation

In 2016, California SB 1383 was chaptered, setting goals to reduce disposal of organic waste in landfills to reduce greenhouse gas emissions and address food insecurity. California sends 11.2 billion pounds of food to landfills annually, some of which is still fresh enough to have been recovered to feed people in need, while 9.2 million Californians experienced food insecurity in 2020. To avoid the disposal of edible food, in November 2020 the Department of Resources Recycling and Recovery (CalRecycle) developed regulations requiring jurisdictions to establish edible food recovery programs to recover (from large food generators that trigger a certain threshold) the maximum amount of edible food that would otherwise be sent to landfills to feed people in need. The State goal is to reduce edible food going to landfill by 20%.

To take advantage of economies of scale and due to the cross-jurisdictional nature of food recovery operations, the Santa Clara County Recycling and Waste Reduction Commission Technical Advisory Committee (TAC) entered into an agreement with Joint Venture Silicon Valley (JVSV) to develop and manage the Santa Clara County Food Recovery Program.¹ That countywide program conducts the necessary outreach to the

¹ reducewaste.santaclaracounty.gov/food-recovery

food generators, provides assistance, connects businesses with food recovery organizations, and gathers the required data for reporting back to CalRecycle. The program is very successful and has been showcased by CalRecycle as an example of how other regions in California might want to organize. In October 2021, the City adopted Ordinance 21-2231 which established municipal code section 6.24.038 entitled Mandatory Edible Food Recovery. Other jurisdictions in Santa Clara County adopted similar ordinances.

In 2023 the “Memorandum of Understanding Among Local Public Agencies in Santa Clara County for Food Recovery Program Costs” was developed to fund the cost of a countywide edible food recovery program to satisfy SB 1383 requirements for a period of one year. The County of Santa Clara, as well as each city and town within the County, were responsible for paying a share of the program under the MOU. Cupertino, along with many other jurisdictions, used CalRecycle grant funding specifically for SB 1383 compliance to fund this single-year MOU, which was effective from July 1, 2023, to June 30, 2024. The cost to participate in the program was calculated at \$133 per generator applied to the number of generators within the jurisdiction. Cupertino had 90 generators, so the City’s base program contract cost was \$11,970. The base program services performed by JVSF included the following deliverables:

- Review and update the list of generators
- Provide requirements for large events within each jurisdiction
- Provide information and data for inclusion in reports to CalRecycle
- Provide education and outreach to generators
- Coordinate with food recovery organizations to compile reports
- Conduct inspections and monitor generators and food recovery organizations
- Maintain a list of food recovery organizations and services
- Prepare an annual report on program activities

The City also contributed \$2,841 toward Program enhancements. The optional contribution services included:

- Small capacity grants administered by JVSF to increase the recovery capacity of food recovery organizations that serve contributing jurisdictions.
- Food waste prevention classes via webinar/in-person series for different sectors regulated under SB 1383 (e.g., restaurants, hospitals, schools, large events) to promote food waste prevention measures specific to each regulated sector, provide food recovery tips and best practices.

The TAC has drafted a long-term MOU, anticipated to be effective July 1st, 2024 (Attachment A). The document and its terms shall remain in effect until the TAC terminates the agreement. The long-term MOU extends the commitment of participating jurisdictions to fund the mandated base program based on the number of generators in each jurisdiction and includes sharing the cost of staff time at the County of Santa Clara as the TAC Fiscal Agent. The overall Program budget will not increase by more than ten percent (10%) of the prior year’s Program budget without prior approval by the County

of Santa Clara Recycling and Waste Reduction Commission during its annual budget approval process. The City has the option to withdraw from the MOU after providing no less than 11 months' written notice with an effective date of July 1 of each successive year.

Signatures on the final MOU document will be obtained electronically to enable each participating jurisdiction to execute the same document.

Sustainability Impact

Cupertino's Climate Action Plan Measure W 1.1 aligns precisely with this MOU, calling for the City to partner with local community organizations and businesses to implement all required activities under SB 1383. Organic materials, including food, generate methane when disposed of in a landfill.

Fiscal Impact

The City will again be receiving allotted non-competitive grant funding from CalRecycle for SB 1383 compliance activities and will use these funds for the next two fiscal years to fund the Santa Clara County Food Recovery Program. Per the MOU, the TAC Administrator will prepare a two-year budget. For FY 2024-2025, Cupertino's contribution will be \$20,383, and for FY 2025-2026 it will be \$24,438. For fiscal years 2026-2027 and beyond, unless additional grant funding is made available by CalRecycle, funding will come from the Resource Recovery Fund (Fund 520).

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 - Draft MOU for Countywide Edible Food Recovery