



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works

SUBJECT: Apply for, Accept, and Appropriate
Funds from CalRecycle Payment
Programs and Grants

DATE: February 12, 2024

City Administrator Approval


Jestin Johnson (Feb 29, 2024 15:25 PST)

Date: Feb 29, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:

- 1. A Resolution Amending Resolution No. 82899 C.M.S. To Authorize The City Administrator Or Their Designee To Apply For, Accept, And Appropriate Funds From The California Department Of Resources Recycling And Recovery Regional Payment Programs, Including The Used Oil Payment Program, And To Act As The Regional Lead Jurisdiction Applicant, For Execution Of Related Authorizations And Identification Of Participating Alameda County Jurisdictions Beginning With Fiscal Year 2023/2024 And Effective Until Rescinded By The City Council;**
- 2. A Resolution Amending Resolution No. 89416 C.M.S. To Authorize The City Administrator Or Their Designee To Apply For, Accept, And Appropriate Funds From California Department Of Resources Recycling And Recovery Individual Payment Programs Beginning With Fiscal Year 2023/2024 And Effective Until Rescinded By The City Council; And**
- 3. A Resolution Amending Resolution No. 89417 C.M.S. To Authorize The City Administrator Or Their Designee To Apply For, Accept, And Appropriate Funds From California Department Of Resources Recycling And Recovery Competitive And Noncompetitive Grants Beginning With Fiscal Year 2023/2024 And Effective For Five (5) Years.**

EXECUTIVE SUMMARY

Adopting these three resolutions will authorize the City of Oakland (City) to continue to apply for, accept, and appropriate funds from California Department of Resources Recycling and Recovery (CalRecycle) regional and individual jurisdiction payment programs, and CalRecycle competitive and noncompetitive grants. These resolutions also authorize the City Administrator or their designee to execute all required documents (e.g., applications and expenditure reports) to secure funding from CalRecycle payment programs and grants for which the City is eligible.

Over the past decade, the City has accepted CalRecycle funding annually from its various payment programs and grants to enhance recycling activities in the community. Funds have been used to:

- Participate in a countywide education campaign and contract with consultants who provide used-oil recycling assistance to automotive businesses and community-based organizations.
- Promote beverage-container recycling, reduce the use of single-use plastic beverage containers, and provide recycling-focused technical assistance to Oakland residents and businesses.
- Assist with compliance with Senate Bill 1383 (SB 1383), the state's Short-Lived Climate Pollutants Reduction Act.

Adopting the first resolution will allow the City to continue to submit regional Used Oil Payment Program (OPP) applications to CalRecycle and establish the City as the Regional Lead Jurisdiction applicant on behalf of the Cities of Albany, Emeryville, and Piedmont. While the City has a history of partnering with these jurisdictions to submit regional OPP applications, this resolution explicitly identifies the participating non-lead jurisdictions while also authorizing City applications for additional regional payment programs that may become available.

CalRecycle requires the City Administrator's designee to be duly authorized by resolution in order to exercise the signature authority on required documents. As such, the second and third proposed resolutions amend previously adopted resolutions to explicitly authorize the City Administrator or their designee to apply for, accept, and appropriate funds from CalRecycle individual payment programs (i.e., non-regional payment programs) and grants.

Staff recommends adopting these amendments to ensure the City can efficiently pursue external funding to sustain critical recycling programs, comply with regulatory mandates to reduce waste and greenhouse gas emissions, and help protect the City from possible noncompliance fines.

BACKGROUND / LEGISLATIVE HISTORY

The California Oil Recycling Enhancement Act (Public Resources Code Division 30, Part 7, Chapter 4, Statutes of 1991) discourages the illegal disposal of used oil. The law requires oil manufacturers to pay to CalRecycle a \$0.24/gallon fee. The funds are then distributed to eligible applicants, like the City, to promote the proper disposal of used motor oil and filters. CalRecycle promotes these efforts by administering the OPP, a regional payment program that allows for regional applications and expenditures.

City Council Resolution No. 82899 C.M.S. (**Attachment A**), adopted in July 2010, authorized the City Administrator or their designee to apply for, accept, and appropriate CalRecycle OPP funds starting in 2010 and effective until rescinded by City Council. At CalRecycle's direction, the proposed CalRecycle regional payment program/OPP resolution under consideration will amend Resolution No. 82899 C.M.S. to include a list of participating jurisdictions for which the City will act as the lead applicant on regional payment program applications, and authorize the submittal of applications for other regional payment programs, in addition to the OPP.

The California Beverage Container Recycling and Litter Reduction Act (Public Resources Code Division 12.1, Chapter 1290, Statutes of 1986, amended January 2010) established a beverage container redemption and recycling program to reduce litter and support the goal of recycling at least 80% of beverage containers sold in California. CalRecycle promotes these efforts by administering the City/County Payment Program (CCPP), an individual jurisdiction payment program.

City Council adopted Resolution No. 89416 C.M.S. (**Attachment B**) in October 2022 authorizing the City Administrator to apply for, accept, and appropriate CalRecycle individual payment program funds without explicitly stating that a City Administrator's designee would also be authorized to perform such tasks. At CalRecycle's recommendation, the proposed CalRecycle payment program resolution under consideration explicitly authorizes the City Administrator to select a designee to execute required documents to secure payment. The proposed resolution will remain effective until rescinded by City Council and applies to any future CalRecycle individual jurisdiction payment program funds for which the City may become eligible.

In addition to payment program funding, CalRecycle opens grant cycles periodically throughout the year for competitive and non-competitive grants. CalRecycle currently administers a non-competitive Local Assistance Grant Program (LAGP) that provides funding to local jurisdictions to assist with the implementation of regulations associated with Senate Bill 1383 (SB 1383), the state's Short-Lived Climate Pollutants Reduction Act.

City Council adopted Resolution No. 89417 C.M.S. (**Attachment C**) in October 2022 authorizing the City Administrator to apply for, accept, and appropriate CalRecycle competitive and non-competitive grants without explicitly stating that a City Administrator's designee would also be authorized to perform such tasks. At CalRecycle's recommendation, the proposed CalRecycle competitive and noncompetitive grants resolution under consideration will authorize the City Administrator to select a designee to execute required documents to secure funding. The proposed resolution will remain effective for five (5) years and meets CalRecycle grant application requirements.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of the proposed resolutions will support the City's goal of building **vibrant, sustainable infrastructure**. CalRecycle's payment programs and grants provide funding to sustain existing critical recycling programs and support SB 1383's goal to reduce climate pollutants, as well as waste reduction initiatives outlined in the City's Equitable Climate Action Plan (ECAP).

OPP funds have enabled the City to promote used motor oil and filter recycling in Oakland. Consultants engaged by the City have performed outreach to community-based organizations, conducted visits to certified collection centers that collect used motor oil and filters from the public, and created digital outreach campaigns focused on proper disposal of used motor oil and filters.

CCPP funds have allowed the City to purchase street litter cans with recycling tops, providing recycling opportunities for the public along City streets and in City parks. Funds were also used

to purchase "recycling stations" used at community events, allowing event promoters to comply with SB 1383 requirements for recycling at large events and venues. Most recently, CCPP funds were used to install touchless water dispensers at Oakland libraries and recreation centers to reduce the use of single-use plastic water bottles. These annually disbursed CCPP funds support the City's ECAP waste reduction goals and help provide recycling opportunities in City parks and public spaces. Without these funds, this work will not continue.

LAGP funds have allowed the City to stay in compliance with SB 1383 requirements and administer SB 1383-required route audits for contamination monitoring, inspect compliance with edible food recovery requirements, procure compost, and purchase software to track SB 1383 compliance.

Strict deadlines established by CalRecycle do not always afford staff enough time to obtain City Council approval prior to applying for, accepting, or appropriating payment program/grant funding. Advanced authorization, via these resolutions, for the City Administrator or their designee to perform these functions allows staff more time to prepare robust applications, gives the City the ability to immediately deploy the awarded funds for critical activities, and avoids lost funding opportunities.

Staff recommends adoption of these proposed resolutions to ensure the City has enough funding to sustain existing recycling programs while also providing staff with the ability to secure external resources in a timely manner to meet challenges posed by SB 1383 and the climate crisis.

FISCAL IMPACT

CalRecycle regional payment program funds, including OPP funds, and competitive and non-competitive grant funds will be appropriated to the California Integrated Waste Management Fund (2154), Environmental Services: Recycling Solid Waste Organization (30682), Recycling and Solid Waste Program (SC17), Services: Miscellaneous Contract Account (54919), and a Project Number to be determined.

CalRecycle individual payment program funds, including CCPP funds, will be appropriated to the California Department of Conservation Fund (2139), Environmental Services: Recycling Solid Waste Organization (30682), Recycling and Solid Waste Program (SC17), Services: Miscellaneous Contract Account (54919), and a Project Number to be determined.

There is no impact on the General Purpose Fund and no additional funding is requested.

PUBLIC OUTREACH / INTEREST

No public outreach was deemed necessary for the proposed CalRecycle-related payment program and grant funding resolutions.

COORDINATION

Recycling Program staff coordinate with various City work units to promote recycling opportunities using CalRecycle payment program funds and to implement waste-reduction programs that support compliance with SB 1383 and the ECAP. In addition, this report and resolutions have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: External funding opportunities alleviate demands on limited City resources and make it possible for the City to support programs in recycling and waste reduction that can provide jobs in the community. For example, OPP funds are used to contract with Civicorps, a non-profit organization that provides job training and green-collar employment for at-risk youth. LAGP funds are used to provide support to food-generating businesses that are required to donate surplus edible food to food-recovery organizations; this, in turn, helps support food-recovery organizations engaged in feeding Oakland residents in need.

Environmental: Activities supported by CalRecycle funds have a direct impact on waste diversion and recycling programs citywide. CalRecycle OPP funds support used oil and filter recycling outreach and tools to ensure these hazardous materials are properly disposed. CCPP funds supports beverage container recycling programs, including the installation of water dispensers that support the use of reusable water bottles and reduce the use of single-use water bottles. LAGP funds support overall compliance with SB 1383 – enhancing recycling and composting citywide which reduces greenhouse gas emissions and supports Oakland’s ECAP goals.

Race and Equity: External funding can increase recycling and composting opportunities throughout the city while abating nuisance conditions in traditionally underserved communities. Programs that support SB 1383 compliance and ECAP implementation can mitigate the adverse effects of short-lived climate pollutants on frontline communities and reduce food insecurity in the same neighborhoods.

ACTION REQUESTED OF THE CITY COUNCIL

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For questions regarding this report, please contact Monaliza Noormohammadi, Recycling Program Specialist II, at (510) 238-7433 or mnoormohammadi@oaklandca.gov.

Respectfully submitted,


Harold Duffey (Feb 29, 2024 04:56 PST)

G. HAROLD DUFFEY
Director, Oakland Public Works

Reviewed by:
Kristin Hathaway, Assistant Director
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Reviewed by:
Derek Lee, Manager
Environmental Services Division

Public Works and Transportation Committee
March 12, 2024

Jestin D. Johnson, City Administrator

Subject: Apply for, Accept, and Appropriate Funds from CalRecycle Payment Programs and Grants

Date: February 12, 2024

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Prepared by:
Monaliza Noormohammadi, Recycling Program
Specialist II
Environmental Services Division

Attachments (3):

A: Resolution No. 82899 C.M.S.

B: Resolution No. 89416 C.M.S.

C: Resolution No. 89417 C.M.S.