

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2019 MAR 28 PM 1: 25

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Public Works Director

SUBJECT: CalRecycle Food Waste Prevention
And Rescue Grant

DATE: March 18, 2019

City Administrator Approval

Date:

3/27/19

RECOMMENDATION

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

- 1) **A Resolution Authorizing The City Administrator Or Her Designee To Appropriate, Execute In The Name Of The City Of Oakland All Grant Documents, Including But Not Limited To, Applications, Agreements, Amendments, And Requests For Payment In The Amount Of Five Hundred Thousand Dollars (\$500,000) From California Department Of Resources Recycling And Recovery (CalRecycle) For The FY 2018-2019 Competitive Food Waste Prevention And Rescue Grant; And**
- 2) **A Resolution Authorizing The City Administrator Or Her Designee To Submit Application(s) For All CalRecycle Grants For Which The City Of Oakland Is Eligible.**

EXECUTIVE SUMMARY

Approval of the first resolution will authorize the City Administrator or designee to submit and execute all grant documents, including but not limited to applications, agreements, amendments and requests for payment in the amount of \$500,000 from the California Department of Resources Recycling and Recover (CalRecycle) for the Fiscal Year (FY) 2018-2019 competitive cycle of the Food Waste Prevention and Rescue Grant program, and if awarded, to authorize the City Administrator or designee to accept and appropriate \$500,000 in funding and execute all necessary agreements.

Approval of the second resolution will authorize the City Administrator or designee to submit applications to CalRecycle for all upcoming competitive grants for which the City is eligible for a period of five (5) years from the date the resolution is approved.

On October 3, 2017, City Council approved Resolution No. 86915 C.M.S. authorizing the City Administrator or designee to apply to CalRecycle for all competitive grants for which the City would be eligible, and Oakland Public Works (OPW) staff included this resolution in the initial application for the Food Waste Prevention and Rescue Grant. CalRecycle subsequently informed OPW staff that they could not accept Resolution No. 86915 C.M.S. because it did not

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include a termination date, and unlike other CalRecycle grants, a resolution with a termination date is required for the Food Waste Prevention and Rescue Grant. In order to meet CalRecycle's requirements for the current cycle and future cycles of the Food Waste Prevention and Rescue Grant, staff prepared the two (2) resolutions currently recommended for Council approval.

BACKGROUND / LEGISLATIVE HISTORY

In September 2016, Governor Brown signed into law Senate Bill (SB) 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy.

Regulations for SB 1383 are still in the formal rulemaking process at CalRecycle, however one aspect of the law and the current draft of the regulations will not change: SB 1383 sets a target for California to recover and distribute 20 percent of edible food to populations in the State that are food insecure by 2022. Jurisdictions are encouraged to begin working on developing, implementing or expanding edible food recovery systems immediately.

On October 3, 2017, Oakland City Council passed Resolution No. 86915 C.M.S. to apply to CalRecycle for all competitive grants for which the City would be eligible. Staff learned through this process that CalRecycle will not accept blanket authorizations that do not include a termination date. A new resolution is needed immediately to accept and appropriate the Food Waste Prevention and Rescue Grant and a separate resolution with a term limit is needed to replace Resolution No. 86915 C.M.S.

ANALYSIS AND POLICY ALTERNATIVES

The passage of SB 1383 creates an unfunded mandate on jurisdictions to develop, implement and/or expand edible food rescue systems among its many other requirements. The goal of SB 1383 is to reduce short-lived climate pollutants from methane-generating organic material and seeks to prioritize feeding people over sending organic material to compost or landfill. Assembly Bill (AB) 32 funding was made directly available to cities to help offset immediate costs and help jurisdictions and other entities begin their work.

Staff is proposing to utilize this grant funding to contract with food recovery and delivery organizations to reduce the burden on the City to invest in, maintain and staff City-owned fleet vehicles for food recovery and delivery. The food distribution organization Cityteam already works closely with the City of Oakland's Department of Human Services (DHS) and currently receives food donations delivered by food recovery and delivery contractors. Funding for outreach and education will be used to develop outreach assets the City will use during the grant term to meet its outreach and education requirements under SB 1383.

Two part-time, limited duration interns will contact all food-related businesses that are required to participate and will develop and distribute program materials that offer resources to help

increase their participation in reducing the amount of wasted food they create and prioritizing food donation over composting or landfilling.

To facilitate receiving food donations after normal business hours, staff propose to allocate funds to upgrade refrigeration and other equipment at Oakland's Downtown Senior Center.

Additionally, staff have proposed utilizing funds to subscribe to software that will allow edible food rescue organizations to accurately track the amount of food collected and distributed in Oakland, the amount of greenhouse gas emissions avoided by diverting edible food from the landfill or composting facility, and to estimate the amount of meals distributed to food insecure Oakland residents.

CalRecycle expects to notify applicants of their award status on or about April 15, 2019. Applicants who are receiving an award will need to provide a resolution to receive and appropriate funds no later than April 30, 2019 to obtain a grant agreement and Notice to Proceed. New resolutions are needed immediately to ensure Oakland remains eligible for the Edible Food Waste Prevention and Rescue grant and all other upcoming competitive grants.

Staff recommends City Council adopt a resolution authorizing the City Administrator or her designee to accept and appropriate \$500,000, and to execute all agreements necessary, if awarded the Edible Food Waste Prevention and Rescue grant and adopt a second resolution authorizing the City Administrator or her designee to submit application(s) for all CalRecycle grants for which City of Oakland is eligible.

FISCAL IMPACT

If the City is awarded \$500,000 this grant funding cycle, staff will work with the Finance Department's Budget Bureau to set up an appropriate account as funding will be distributed to the City in arrears. The budget for the project is as follows:

Budget Line Item	Amount
Education & Outreach Development	\$25,000
Management Intern (2 Part Time Employees)	\$125,000
Software/Kitchen Equipment	\$100,000
Food Collection & Delivery Contract	\$250,000
Total	\$500,000

PUBLIC OUTREACH / INTEREST

Staff engaged directly with several non-governmental organizations in Oakland conducting research and assessing what is needed to knit together a stronger and more supportive edible food recovery system. Staff met with organizations such as RePlate, Copia, Cityteam, Alameda County Community Food Bank, and City staff at DHS.

If awarded the grant, staff will engage with one or more of these food recovery agencies to collect donations from edible food generators like local grocery stores, hotels and large

restaurants to reduce wasted food and ensure maximum recovery and distribution of edible food.

COORDINATION

OPW staff will engage with Budget Bureau staff to identify appropriate fund and project codes for this grant award. Additionally, staff will coordinate with DHS staff as needed. Staff has also coordinated with the Office of the City Attorney for this report.

SUSTAINABLE OPPORTUNITIES

Economic: The many requirements of edible food recovery under SB 1383 has the potential to create additional jobs throughout the state in the food industry, in edible food recovery and distribution. The requirement for jurisdictions to support and potentially fund these initiatives means non-governmental organizations will not need to rely solely on private and corporate donations and it is likely that edible food rescue and distribution will become more sustainable in the future.

Environmental: Program activities have a direct impact on waste diversion from landfills city-wide and conserves natural resources. Edible food diverted both from compost and landfill reduces greenhouse gas emissions and preserves future capacity in both composting and landfill operations. Nutritious food donated to food insecure populations improves the health of all Oakland residents.

Social Equity: This year-long project will create two part-time positions. Additionally, City staff hope to recruit interns from within Oakland to increase the knowledge and experience needed to qualify for City jobs in the Zero Waste field and the broader field of Sustainability.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends the City Council adopt the following pieces of legislation:

- 1) A resolution authorizing the City Administrator or her designee to appropriate, execute in the name of the City of Oakland, all grant documents, including but not limited to, applications, agreements, amendments, and requests for payment in the amount of five hundred thousand dollars (\$500,000) from California Department of Resources Recycling And Recovery (CalRecycle) for the FY 2018-2019 competitive Food Waste Prevention And Rescue Grant; and
- 2) A resolution authorizing the City Administrator or her designee to submit application(s) for all CalRecycle grants for which the City of Oakland is eligible.

For questions regarding this report, please contact Wanda Redic, Acting Solid Waste and Recycling Supervisor, at (510) 238-6808.

Respectfully submitted,



for JASON MITCHELL
Director, Oakland Public Works

Reviewed by:
David Ferguson, Assistant Director

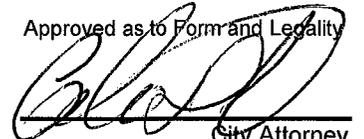
Reviewed by:
Peter Slote, Acting Environmental Services
Manager

Prepared by:
Wanda Redic, Acting Solid Waste & Recycling
Supervisor, Environmental Services Division

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2019 MAR 28 PM 1:26 RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO APPROPRIATE, EXECUTE IN THE NAME OF THE CITY OF OAKLAND ALL GRANT DOCUMENTS, INCLUDING BUT NOT LIMITED TO, APPLICATIONS, AGREEMENTS, AMENDMENTS, AND REQUESTS FOR PAYMENT IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500, 000) FROM CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR THE FY 2018-2019 COMPETITIVE FOOD WASTE PREVENTION AND RESCUE GRANT

WHEREAS, the granting agency, CalRecycle requires that application for and acceptance of CalRecycle grant funding be accompanied by an authorization from the applicant's governing body; and

WHEREAS, the State of California enacted Short-Lived Climate Pollutants Act Senate Bill (SB) 1383 which set a target to rescue 20% of edible food from composting and landfill; and

WHEREAS, CalRecycle grant programs for which City staff would apply, support the City's Zero Waste goals and the Zero Waste Strategic Plan, which rely on programs that divert organics from landfill; and

WHEREAS, the City Council adopted the City's Zero Waste goals and the Zero Waste Strategic Plan through Resolution No. 80286 C.M.S. in November 2005; now, therefore, be it

RESOLVED, the City Council hereby authorizes the City Administrator or her designee to appropriate, execute in the name of the City of Oakland all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds up to \$500,000 from California Department of Resources Recycling and Recovery (CalRecycle) for the FY 2018-2019 competitive Food Waste Prevention and Rescue grant; and be it

FURTHER RESOLVED, That the agreement shall be reviewed and approved by the Office of the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California