

RESOLUTION NO. 2021- 70

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE MAYOR TO EXECUTE A MODIFIED MEMORANDUM OF UNDERSTANDING BETWEEN INTEGRATED WASTE REGIONAL AGENCY MEMBERS IMPLEMENTING SB1383- EDIBLE FOOD RECOVERY PROGRAM

WHEREAS, the County has been assisting the jurisdictions within the County with compliance and any applicable exemptions concerning AB 939, AB 341 and AB 1826 and is planning on assisting with SB 1383 applicable exemptions and compliance;

WHEREAS, the County of San Benito and its cities have a rural exemption from AB 1826 requirements to establish an organics waste collection program for businesses, due to the rural composition of the County and its cities.

WHEREAS, the County and its cities are applying for a rural exemption from SB 1383 requirements that include the establishment of an organic waste collection program for businesses and residents and other related activities, due to its rural composition and the associated difficulty and expense of establishing an organics waste collection system.

WHEREAS, the SB 1383 rural exemption does not exempt the County and its cities from establishing an edible food recovery program to recover leftover edible food from large commercial generators for human consumption, and to require specified generators to donate such food, and to adopt a mechanism for enforcing such requirements.

WHEREAS, the County's Board of Supervisors will enact a Mandatory Edible Food Reduction Ordinance as required by the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, to comply with such requirements.

WHEREAS, to promote consistency within jurisdictions throughout San Benito County and help its low population, low density jurisdictions, the County has offered to lead the creation of a County-wide Edible Food Recovery Program on behalf of the unincorporated areas of the county and the two cities in the county governed by a Memorandum of Understanding (MOU) that was approved by the City on November 16, 2021; and

WHEREAS, the MOU approved by the City was modified by Agency Member Hollister adding clarification to the two cities' role in implementing SB1383, approved the original MOU, in Section 4.E

"E. Be responsible for other applicable SB 1383 regulatory requirements not expressly designated to the County as set forth heron, including compliance with CalGreen, MWELo and recycled content paper procurement requirements."

WHEREAS, the City Council at its special meeting December 14, 2021, considered and approves Hollister's modification to the MOU that adds clarification to the two cities' role in implementing SB1383, approved the original MOU Section 4.E.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution by reference.
2. It agrees to the modified proposed by the City of Hollister to the MOU for Edible Food Recovery, adding clarification of the two cities' role in implementing SB1383 as provided in Section 4E of the MOU.
3. Authorize the Mayor to execute the revised MOU attached hereto by reference.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 14th day of December 2021, by the following vote:

AYES: Jordan, Edge, Flores, Freeman

NOES: None


ABSENT: Freels

ABSTAIN: None

ATTEST:



Trish Paetz, Deputy City Clerk


Leslie Q. Jordan, Mayor