



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER: OFFICE OF SUSTAINABILITY

File #: 23-391

Board Meeting Date: 5/23/2023

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Carolyn Bloede, Director, Office of Sustainability
Subject: Edible Food Recovery Program Contract Amendments

RECOMMENDATION:

Recommendation to:

- A) Adopt a resolution authorizing an amendment to the agreement with Pacifica Resource Center to provide services related to edible food recovery and redistribution in their service area as part of the Edible Food Recovery Program as required under California Senate Bill 1383, extending the agreement term through June 30, 2024 and increasing the amount by \$160,000 to an amount not to exceed \$602,823; and
- B) Adopt a resolution authorizing an amendment to the agreement with Nuestra Casa of East Palo Alto to provide services related to edible food recovery and redistribution in their service area as part of the Edible Food Recovery Program as required under California Senate Bill 1383, extending the agreement term through June 30, 2024 and increasing the amount by \$172,896 to an amount not to exceed \$838,032.

BACKGROUND:

In September 2016, California Senate Bill (SB) 1383 (Lara, Chapter 395, Statutes of 2016) established statewide emissions reduction targets for short-lived climate pollutants such as methane, a powerful greenhouse gas, which results from the landfilling of organic waste. SB 1383 requires the State to reduce the amount of organic waste disposed of in landfills by 75 percent from 2014 levels by 2025. Given that SB 1383 includes statewide targets, the California Department of Resources Recycling and Recovery (CalRecycle) proposed regulations that require a more prescriptive approach for local jurisdictions to achieve specific requirements for reducing the amount of organic waste, such as food waste, that goes to landfill. This includes a requirement that local jurisdictions establish edible food recovery (EFR) programs.

On January 28, 2020, the Board approved an EFR program pilot proposed by the Office of

Sustainability (OOS). The scope of the pilot included partnering with the local food bank, Second Harvest of Silicon Valley (Resolution No. 077216) for \$624,998, core service agency Pacifica Resource Center (PRC) (Resolution No. 077217) for \$219,163 and Nuestra Casa of East Palo Alto (NCEPA) (Resolution No. 077218) for \$492,240 to recover surplus edible food from supermarkets and wholesalers and to redistribute this surplus food to community members in need. The term of each agreement was from January 28, 2022 through June 30, 2022.

On January 5, 2021, the Board adopted an additional resolution to further support the County's EFR program pilot. The resolution authorized an agreement with Samaritan House (Resolution No. 077919) for \$978,952 to establish their organization as a member of the EFR program pilot, providing food recovery and distribution services throughout their service area. The agreement term was from January 5, 2021 through June 30, 2023.

On December 7, 2021, the Board adopted Ordinance No. 4857 codified at Chapter 4.106 to the San Mateo County Ordinance Code, establishing an Edible Food Recovery Program. This ordinance requires local food generators to contract with food recovery organizations to collect and distribute their excess edible food.

On June 14, 2022, the Board adopted two additional resolutions authorizing amendments with NCEPA (Resolution No. 078947) to increase the agreement by \$172,896 and PRC (Resolution No.078946) to increase the agreement by \$223,660. The amendments extended the term of both agreements through June 30, 2023. These amendments emphasized that both organizations work to seek revenue for the edible food recovery services they provide.

DISCUSSION:

To comply with the EFR requirements of SB 1383, the County has transitioned the successful EFR program pilot to a large-scale countywide EFR Program in partnership with all the cities, towns, and solid waste special districts in the county. Through the EFR Program, the County has contracted with PRC, NCEPA, and other core service agencies, providing them funding to purchase refrigerated vehicles, hire drivers, pick up surplus edible food from businesses, and distribute collected foods to community members in need throughout the county as required by Ordinance No. 4857. Since its beginning in 2020, the EFR Program has supported the recovery and distribution of over 15 million pounds of edible food to residents throughout the County, supplying important supplemental food during the COVID-19 pandemic and during the recent period of high inflation.

Up to this point, the County has funded EFR pilot and Program operations through one-time Assembly Bill (AB) 939 funds. This support has been necessary for our partner organizations to scale and sustain their EFR offerings to additional businesses throughout the county. However, to ensure long-term sustainability, new means of funding EFR Program operations will be required. OOS proposes to extend the County's agreements with PRC and NCEPA to support the organizations as they transition their EFR offerings to fee-for-service models where businesses are charged for the EFR services they receive. During the new term of this agreement, OOS will work with PRC and NCEPA and a waste management consulting firm to develop and implement fee-for-service business models.

The County Attorney's Office has reviewed and approved the amendments and resolutions as to form.

FISCAL IMPACT:

These amendments extend the term of the agreements to June 30, 2024. The PRC agreement will be increased by \$160,000 to an amount not to exceed \$602,823. The NCEPA agreement will be increased by \$172,896 to an amount not to exceed \$838,032. These amendments will be funded by monies from the AB 939 Fund Account and have been included in the 2023-24 Recommended Budget. This account is funded by fees levied on all waste disposed of at the Ox Mountain Landfill and is specifically designated for waste reduction and diversion programs across the county. There will be no increase to Net County Cost.

ATTACHMENTS:

- Resolution authorizing an Amendment to the Agreement with Nuestra Casa
- Amendment to the Agreement with Nuestra Casa
- Resolution authorizing an Amendment to the Agreement with Pacifica Resource Center
- Amendment to the Agreement with Pacifica Resource Center