

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

January 10, 2023

FROM

JOSHUA DUGAS, Director, Department of Public Health

SUBJECT

Non-Financial Memorandum of Understanding Template for Environmental Health Services and Incorporated Cities Providing Food Recovery

RECOMMENDATION(S)

1. Approve a non-financial Memorandum of Understanding template for the Department of Public Health, Environmental Health Services, to partner with cities in incorporated areas on food recovery efforts that meet the requirements of Senate Bill 1383, effective from the date of execution through December 31, 2025.
2. Authorize the Assistant Executive Officer of Department Operations, the Deputy Executive Officer of Human Services, or the Director of the Department of Public Health to execute the non-financial Memorandum of Understanding with the individual cities to provide environmental health services in the city's incorporated areas, on behalf of the County.

(Presenter: Joshua Dugas, Director, 387-9146)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost). The Department of Public Health (DPH), Environmental Health Services' (EHS) costs to enforce Senate Bill (SB) 1383 in San Bernardino County (County) will be offset by associated permit fees and grant funds provided by the California Department of Resources Recycling and Recovery (CalRecycle), which is the regulatory authority required to achieve these statewide reduction targets. On June 14, 2022 (Item No. 101), Ordinance No. 4434 was adopted for County Implementation of SB 1383.

BACKGROUND INFORMATION

SB 1383 required the County to have an ordinance in place to reduce the amount of solid waste sent to landfills and promote organic waste recycling in California. Title 3, Division 3, Chapter 15, which addresses organic waste disposal reduction and food recovery, and section 14.0117, which addresses mulch procurement, were added to the County Code to comply with SB 1383 requirements and were approved by the Board of Supervisors on May 24, 2022 (Item No. 112) and adopted on June 14, 2022 (Item No. 101).

Ordinance No. 4434 designates EHS as the program responsible for implementation of SB 1383-related regulatory requirements on Edible Food generators, Food Recovery

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Organizations, and Food Recovery Services within the unincorporated areas of the County. EHS' responsibilities include establishing an edible food recovery program, education and community outreach, record keeping, compliance monitoring, and enforcement.

Individual cities are responsible for implementation of the SB 1383 requirements in incorporated areas of San Bernardino County. Because EHS regulates all food facilities within San Bernardino County, EHS is offering to assist the cities with these responsibilities. EHS is not required to provide this assistance but doing so enhances rapport with our partners and helps meet the goals of SB 1383. If EHS assumes these responsibilities for a city within San Bernardino County, Section 18981.2 of the California Code of Regulations requires that a written agreement such as a Memorandum of Understanding (MOU) be used to delineate roles.

The recommended non-financial MOU template will allow EHS to delineate the roles and responsibilities of enforcing state law and County ordinances within each contracted city and establish a fixed MOU term.

Due to the volume of anticipated cities participating in the food recovery program, it is recommended to authorize the Assistant Executive Officer of Department Operations, the Deputy Executive Officer of Human Services, or the Director of the Department of Public Health to execute the individual MOUs with the cities on behalf of the County.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on December 6, 2022; County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on December 8, 2022; Finance (Paul Garcia, Administrative Analyst, 386-8392) on December 9, 2022; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on December 20, 2022.

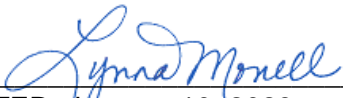
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: January 10, 2023



cc: File - Public Health w/attach
CCM 01/18/2023