



Agenda Report

21-1679

Agenda Date: 12/7/2021

REPORT TO COUNCIL

SUBJECT

Action to Waive Second Reading and Adopt Ordinance No. 2035 to add Chapter 8.26, Entitled Edible Food Recovery, to Implement Edible Food Recovery Programs and Require Certain Businesses to Arrange for the Donation of Edible Food That Would Otherwise Go to Waste

COUNCIL PILLAR

Promote Sustainability and Environmental Protection

BACKGROUND

At the November 16, 2021 Council meeting, proposed Ordinance No. 2035 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 2035 was published on December 1, 2021, and copies were posted in three public places. The Ordinance now comes to Council for final adoption.

DISCUSSION

The proposed ordinance would implement Senate Bill 1383, the Short-Lived Climate Pollutant Reduction Act of 2016 by establishing requirements for commercial edible food generators and food recovery organizations and services and authorizing inspections and investigations to confirm compliance with those requirements; and providing enforcement mechanisms for violations of the same.

The proposed ordinance was developed through coordination between the Santa Clara County Recycling and Waste Reduction Commission, the Santa Clara County Departments of Environmental Health, Recycling and Waste Reduction, Social Services, and various other stakeholders. Every jurisdiction in the county will adopt the ordinance to better facilitate operations and compliance among businesses and food recovery organizations.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(2) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There was no fiscal impact associated with the development of this report. As discussed above, each jurisdiction will be responsible for the commercial edible food generator inspection and enforcement component of the program. An inspection and enforcement plan has not yet been developed, but the cost will likely need to be incorporated into future solid waste rate increases.

COORDINATION

This report was coordinated with the City Attorney's Office, and City Clerk's Office.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2035 was published to the Santa Clara Weekly on December 1, 2021, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

Waive Second Reading and Adopt Ordinance No. 2035 to add Chapter 8.26, entitled Edible Food Recovery, to Implement Edible Food Recovery Programs and Require Certain Businesses to Arrange for the Donation of Edible Food That Would Otherwise Go to Waste.

Reviewed by: Caio Arellano, Assistant City Attorney

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance No. 2035 (Introduction)