

CITY OF YUBA CITY
STAFF REPORT

Date: November 17, 2020

To: Honorable Mayor & Members of the City Council

From: Administration

Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Fiscal Year 2020-21 Waste Tire Enforcement Grant Application

Recommendation: Adopt a Resolution authorizing Yuba County, as the Lead Agency of the Yuba-Sutter Local Enforcement Agency, to perform Waste Tire Enforcement activities on behalf of the City of Yuba City and submit a Collaborative Application for the Waste Tire Enforcement Grant to CalRecycle for Fiscal Year 2020-21

Fiscal Impact: None directly to the City. The Yuba-Sutter LEA estimates receiving funding of \$90,000-\$110,000 for enforcement activities

Purpose:

To ensure that generators of waste tires properly handle, store, transport and dispose of waste tires as required under regulations. This is accomplished by annual facility inspections and education and by conducting surveillance for illegally disposed tires.

Background:

In 1989, CalRecycle (formerly called the California Integrated Waste Management Board) certified all County Environmental Health Departments to be the Local Enforcement Agencies (LEA) to carry out solid waste permitting, inspection and enforcement activities. Sutter County and Yuba County opted to form a joint local enforcement agency with Yuba County Environmental Health Department being the lead agency. Enforcement activities include the cities of Yuba City, Live Oak, Marysville, and Wheatland, as well as Yuba and Sutter Counties.

CalRecycle receives revenue through fees generated from each new tire sold in California to fund the Waste Tire grants.

Analysis:

The Yuba-Sutter LEA, through Yuba County, has one inspector dedicated to Waste Tire Enforcement activities for the bi-county region. The inspector performs 30 – 40 inspections and responds to one or two complaints per month. Inspections are performed every two to three years on tire shops, auto repair shops, farmers, or any business that receives, sells, or stores tires. The businesses are required to keep disposal records for up to three years. The inspector verifies that the business is in compliance with state laws regarding their disposal process and how many waste and used tires are on hand. Violators are given 30 days to become compliant; if in 30 days they are still in violation, the business is referred to CalRecycle for enforcement (see attached Flow Chart).

On behalf of the Yuba-Sutter Local Enforcement Agency, Yuba County is prepared to submit a collaborative application for the Waste Tire Enforcement Grant for FY 2020-2021. The grant pays for the cost of the inspector and inspections at \$119 per hour, which includes personnel time, a truck and other equipment, mileage, administration and overhead costs, etc.

Fiscal Impact:

None directly to the City. Jurisdictions with populations equal or less than 900,000 are eligible to receive up to \$300,000. The Yuba-Sutter LEA usually budgets for \$90,000 to \$110,000 per grant cycle and at least 80% of this money is spent. The Yuba-Sutter LEA received a grant of \$102,540 for Waste Tire Enforcement activities for FY 2019-2020.

Alternatives:

If the City Council elects not to participate in the collaborative application with the Yuba-Sutter Local Enforcement Agency, it may result in a loss of waste tire enforcement activities within the City boundaries.

Recommendation:

Adopt a Resolution authorizing Yuba County, as the Lead Agency of the Yuba-Sutter Local Enforcement Agency, to perform Waste Tire Enforcement activities on behalf of the City of Yuba City and submit a Collaborative Application for the Waste Tire Enforcement Grant to CalRecycle for Fiscal Year 2020-2021.

Attachments:

- A. Resolution
- B. Tire Enforcement Flow Chart

Prepared By:

/s/ Ciara Wakefield
Ciara Wakefield
City Clerk Administrator

Submitted By:

/s/ Diana Langley
Diana Langley
Interim City Manager

Reviewed By:

Finance
City Attorney

SM
SLC by email

ATTACHMENT A

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AUTHORIZING THE COUNTY OF YUBA TO PERFORM WASTE TIRE
ENFORCEMENT ACTIVITIES ON BEHALF OF THE CITY OF YUBA CITY AND
SUBMIT A COLLABORATIVE APPLICATION FOR THE WASTE TIRE
ENFORCEMENT GRANT, FISCAL YEAR 2020-2021**

WHEREAS, Public Resources Code sections 4000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs (Grant) in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State, thereby preserving landfill capacity and protecting public health, health and safety and the environment; and

WHEREAS, funds are allocated and available from the CalRecycle for Grants to cities, counties, and cities and counties with regulatory authority within the City and County government to perform enforcement/compliance and surveillance activities of entities and/or individuals involved with the waste tire industry; and

WHEREAS, CalRecycle has been delegated the responsibility for the administration of the Program within the State; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding and management of the Grants; and

WHEREAS, procedures established by the State and CalRecycle require each Applicant's governing body to certify by resolution its approval of the submittal of Grant Application to CalRecycle; and

WHEREAS, the County of Yuba has agreed to perform waste tire activities on behalf of the City of Yuba City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City hereby authorizes the County of Yuba to submit to the CalRecycle a Collaborative Application for the Waste Tire Enforcement Grant, Fiscal Year 2020-2021 on its behalf.

BE IT FURTHER RESOLVED that the County of Yuba is hereby authorized and empowered to execute all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement and carry out the purposed specified in the Grant Application.

BE IT FURTHER RESOLVED that the County of Yuba is hereby authorized to conduct waste tire enforcement activities within the jurisdictional boundaries of the City of Yuba City during the term of Fiscal Year 2020-2021 Local Government Waste Tire Enforcement Grant.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 17th day of November 2020.

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AYES:

NOES:

ABSENT:

ATTEST:

Shon Harris, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

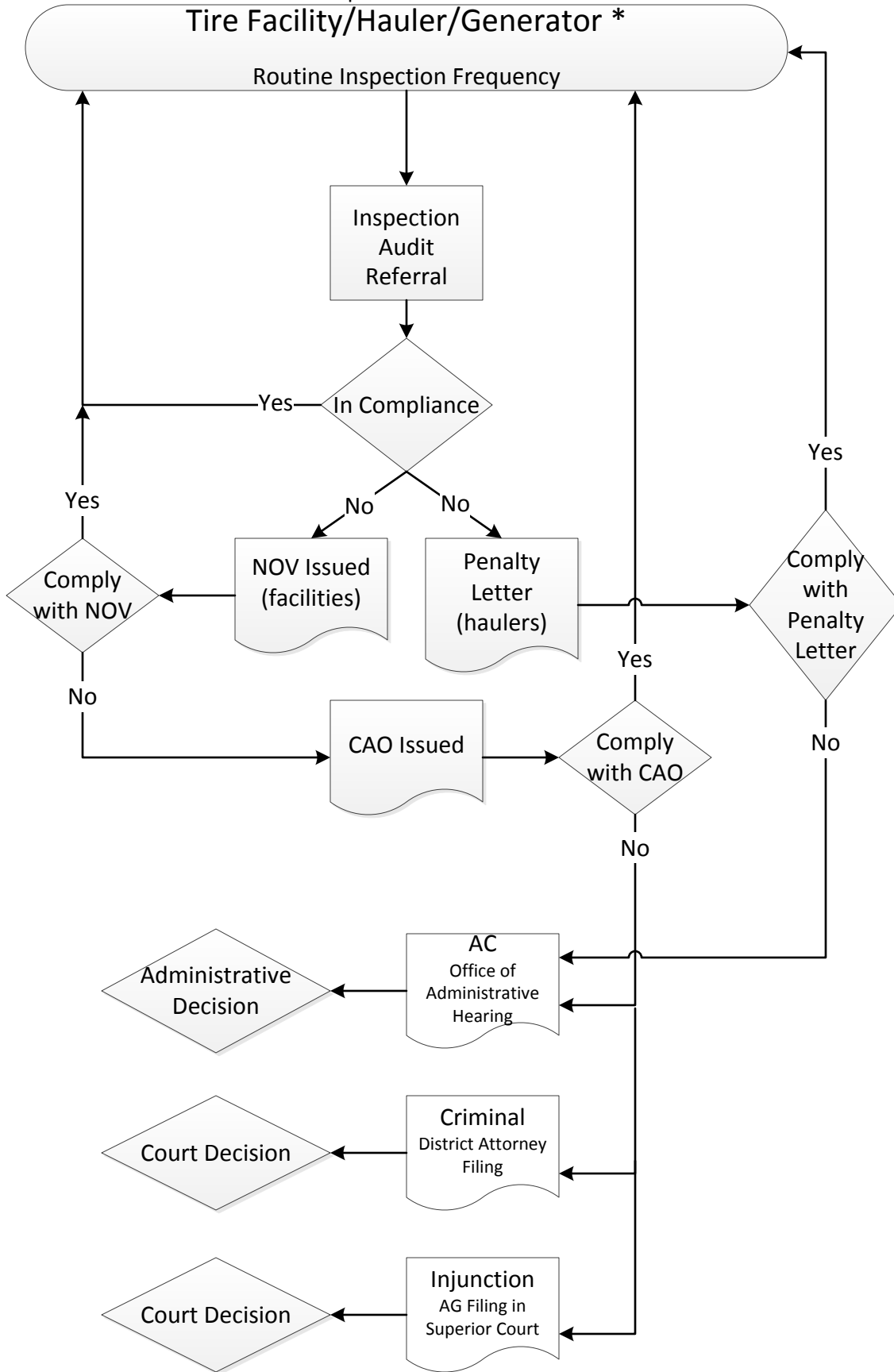
Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT B

TIRE ENFORCEMENT FLOW CHART

Text Description of Flow Chart

Tire Facility/Hauler/Generator *



*Standard Tire Enforcement Flow Chart- some enforcement actions may vary.

CAO=Cleanup & Abatement Order
NOV=Notice Of Violation
AC=Administrative Complaint