



City of Brea

November 5, 2020

The Honorable Kirk H. Nakamura
Presiding Judge
Superior Court of California, Orange County
700 Civic Center Drive West
Santa Ana, CA 92701

RE: Response to the Orange County Grand Jury Report, *OC Recycling: Doing it the Right Way*

Dear Judge Nakamura:

The City of Brea (City) has reviewed the Orange County Grand Jury Report, *OC Recycling: Doing it the Right Way*. In compliance with California Penal Code sections 933 and 933.05, the City has responded to each of the findings and recommendations included in the report. Each finding and recommendation are listed below, followed by the City's response.

Findings

- F1. In nine of the ten cities investigated, the waste hauler has been the sole source provider to their respective city(s) anywhere from 39 to 72 years. Where there is an opportunity for service providers to compete, there is an opportunity for competitive bidding, which may result in improvements in cost and performance.**

Response:

The City of Brea agrees with this finding and, on 12/11/2018, notified its waste hauler of the determination to end the automatic extension of the evergreen contract; thus, expiration of the contract is on 12/31/2038.

- F2. The labeling on residential bins are not always legible or have *comprehensive enough* instructions laminated or otherwise made a part of the lid, especially with regards to single use plastic shopping bags. Education and outreach efforts need to be reinforced as often as possible and a visual reminder on the recycle container will help alleviate confusion.**

Response:

The City of Brea agrees with this finding. The City has been enhancing their modes of education and outreach via social media and updated website postings.

City Council

Marty Simonoff
Mayor

Steven Vargas
Mayor Pro Tem

Cecilia Hupp
Council Member

Christine Marick
Council Member

Glenn Parker
Council Member

- F3. Orange County Waste and Recycling as well as the waste haulers provide helpful recycling education to the public where contractually required to do so. It is the Grand Jury's view that most cities delegate much of the customers/public education efforts to the waste haulers. Contracts indicate both parties are responsible for educating the public.**

Response:

The City of Brea disagrees partially with this finding. The City has been active in working with the waste hauler to develop targeted outreach (approved by CalRecycle) aimed at increasing participation in recycling and adjusting as needed to increase participation. This outreach included multiple targeted mailings, phone calls, emails, and site visits. In early 2020, the City invested in hiring an in-house Recycling Coordinator position, partnering with Orange County Waste & Recycling to offset funds for the position. The City of Brea's Recycling Coordinator partners with the City's waste hauler and has been able to increase the level of direct education/outreach, conduct monitoring, and assist with reporting requirements. Besides direct outreach through letters, calls, and emails, the City provides educational outreach through the City's website, community publications, public events, and social media. The waste hauler provides recycling educational outreach through the hauler website, City-related public events, school events, and at Brea Chamber of Commerce meetings.

- F4. Cities are not in compliance with AB 341 mandates with respect to providing recycling containers for multi-family units.**

Response:

The City of Brea disagrees partially with this finding. The City and its waste hauler have made continual good faith efforts to provide educational outreach to multi-family units (MFU's), and other businesses, subject to AB 341; such outreach includes letters, articles in the waste hauler's annual newsletter, a link to the AB 341 brochure on a City-specific hauler webpage, and the City's website. As a result, recycling containers are available at numerous MFU's within the City of Brea, and the City/hauler are continually working toward increasing participation and compliance by businesses. The City worked with its waste hauler to develop an AB 341 action plan that has been approved by CalRecycle. Most recently, in September 2020, the City and the waste hauler sent a joint letter to businesses and multi-family units subject to AB 341, providing educational outreach on compliance with AB 341, AB 1826, and AB 827, including self-certification forms for compliance.

Recommendations

- R1. All City and county entities that do not have a contract review process in place should establish one to ensure regular reviews of service contracts are performed and that contract terms are still relevant as legislative changes are enacted. Serious consideration should be given to shortening the length of contracts to facilitate opportunities for competitive bidding where feasible (F1).**

Response:

The recommendation is being considered and/or being implemented by the City of Brea. Under Sections 17 and 18 of the current waste hauling agreement, the City Manager may hold an administrative hearing each year to review performance, refuse collection, and recycling systems and services. This provides for technological, economic, and regulatory changes in refuse collection, composting, and recycling. The City holds quarterly meetings with the waste hauler to discuss the most significant items and strategically plan for legislative changes, changes in service, etc. As noted in the response to F1, the City has terminated the evergreen contract provisions and supports shortening the length of the contract. However, this would require concurrence from the hauler who is not in support of such an amendment.

- R2. Municipalities should ensure that recycle bins be labeled with comprehensive recycling instructions to facilitate proper sorting of waste (F2 and F3).**

Response:

This recommendation has been partially implemented. In a joint effort, the City of Brea and its waste hauler sent out a mailing in September 2020 to inform businesses subject to AB 827 on recycling and signage. The City has included information regarding AB 827 on its website to inform businesses about recycling requirements, signage, and labeling. The City will also consider bin labeling during the SB 1383 gap analysis mentioned in the R1 response above.

- R3. Cities, that have not already do so, should implement the requirements of AB 341 as they pertain to multi-family recycling programs. Additionally, such programs need to be closely monitored by city contract administrators rather than relying solely on waste haulers to fulfill the mandates (F4).**

Response:

The recommendation has been implemented. The City of Brea worked with its waste hauler to develop an AB 341 action plan that has been approved by CalRecycle. Educational outreach to businesses and multi-family units subject to AB 341 is mainly conducted by the waste hauler but is supported and monitored by the City as with the latest September 2020 joint mailing (noted in F4 response above). The City works closely

with stakeholders and CalRecycle to adjust activities as necessary to assist businesses and multi-family units in achieving compliance.

In summary, we appreciate this opportunity to provide feedback on the OC Grand Jury Report, *OC Recycling: Doing it the Right Way*. The City of Brea has demonstrated an ongoing commitment to comply with all waste collection, diversion, and recycling legislation both for the benefit our community and our environment.

Should you have any further questions about the information provided herein, please contact Public Works Director, Tony Olmos, at (714) 990-7698, or by e-mail at tonyo@cityofbrea.net; alternatively, please do not hesitate to contact me at (714) 990-7711, or by e-mail at billga@cityofbrea.net.

Respectfully submitted,



Bill Gallardo
City Manager

cc: Orange County Grand Jury
Brea City Council
Tony Olmos, P.E., Public Works Director