



# CITY OF ORANGE

Office of City Attorney

PHONE: (714) 744-5580 • FAX: (714) 538-7157

[www.cityoforange.org](http://www.cityoforange.org)

November 6, 2020

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

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

Dear Honorable Judge Nakamura:

The following is the City of Orange's response to the findings and recommendations contained in the Grand Jury's Report, *OC Recycling: Doing it the Right Way*.

**Finding**

F.1: 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 neither agrees nor disagrees with this finding as it does not apply to the City of Orange. The City's current franchise waste hauler, CR&R, Inc. (CR&R) was selected through a competitive bid process in 2009.

**Finding**

F.2: 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 disagrees with this finding. All of CR&R's containers are labeled with bilingual proper disposal instructions. Single use plastic bags may be placed in recycling containers.

**Finding**

F.3: 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 public.

**Response**

The City neither agrees nor disagrees with this finding. The City of Orange, however, disagrees that the contract indicates both parties are responsible for educating the public. The City's franchise agreement with CR&R directs them to educate the public. The City is mandated through CalRecycle to conduct public education. It is the City's view that public education is an essential part of public service and supports efforts to do so.

**Finding**

F.4: Cities are not in compliance with AB 341 mandates with respect to providing recycling containers for multi-family units.

**Response**

The City partially disagrees with this finding. Recycling containers are offered through CR&R to multi-family units. In some cases, properties built prior to the adoption of AB 341 have limited space infrastructure which inhibits the ability to recycle. The City plans to propose the adoption of an enforcement ordinance in 2021 per SB 1383.

**Recommendation**

R.1: All cities 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 City agrees with this finding. This recommendation has been implemented by the City of Orange. A new agreement between CR&R and the City began in 2020 that incorporated legislative changes and terms updated for relevance. The City meets with CR&R regularly to discuss performance and ensure contract compliance.

**Recommendation**

R.2: Municipalities should ensure that recycle bins be labeled with comprehensive recycle instructions to facilitate proper sorting of waste. (F2, F3)

**Response**

The City agrees with this finding. This recommendation has been implemented by the City of Orange. All recycling bins are labeled with bilingual instructions on accepted recycled contents. CR&R is planning to update their recycling labels with visual aids to convey a clearer message.

**Recommendation**


R.3: 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.

**Response**

The City agrees with this finding. This recommendation has been implemented by the City of Orange. Per AB 341, recycling services are offered to all multi-family establishments. The City and the City's solid waste consultant regularly monitor compliance with CR&R.

Thank you for the opportunity to respond to the Grand Jury's Report. Should you have any questions or need additional information, please contact Christopher Cash, Public Works Director at (714) 744-5545 or by email at [ccash@cityoforange.org](mailto:ccash@cityoforange.org).

Sincerely,



Gary A. Sheatz  
City Attorney, City of Orange

cc: Mark A. Murphy, Mayor  
Rick Otto – City Manager