



City of
Laguna Woods

24264 El Toro Road
Laguna Woods, CA 92637
Phone (949) 639-0500
TTY (949) 639-0535
Fax (949) 639-0591
www.cityoflagunawoods.org

Noel Hatch
Mayor

July 17, 2024

Shari L. Horne
Mayor Pro Tem

The Honorable Maria D. Hernandez
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Cynthia S. Conners
Councilmember

Annie McCary
Councilmember

Carol Moore
Councilmember

SUBJECT: City of Laguna Woods' Response to the 2023-2024 Orange County Grand Jury Report, "Talking Trash: Recyclables and Organic Waste"

Christopher Macon
City Manager

Dear Judge Hernandez:

Thank you for the report and for the time and effort involved in preparing it.

Per the Orange County Grand Jury's request, and in accordance with California Penal Code Section 933, please find the City of Laguna Woods' response to the subject report attached. The response was approved by the Laguna Woods City Council on July 17, 2024.

If you have any questions or would like any additional information, please contact Christopher Macon, City Manager, at (949) 639-0512 or cmacon@cityoflagunawoods.org.

Sincerely,

Noel Hatch
Mayor

Attachment: A – City of Laguna Woods' Response to the 2023-2024 Orange County Grand Jury Report, "Talking Trash: Recyclables and Organic Waste"

cc: Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701

ATTACHMENT A

City of Laguna Woods' Response to the 2023-2024 Orange County Grand Jury Report, "Talking Trash: Recyclables and Organic Waste"

FINDINGS

F1. The majority of Orange County jurisdictions have not yet required their haulers to distribute residential containers that meet the CalRecycle standardized colors, leaving legacy and often incorrect or illegible labeling and embossing in place.

Response: The City of Laguna Woods disagrees partially with this finding. Based on our understanding of the subject and experience in other cities, we believe it is correct that the distribution of residential containers that meet the CalRecycle standardized colors remains pending in a majority of Orange County jurisdictions, but disagree that the reason is solely because those jurisdictions have not yet required their haulers to do so. While that may be true in some instances, we understand that some jurisdictions are experiencing challenges procuring the required quantities of new containers while others simply intend to complete the distribution of new containers closer to the compliance deadline. The City of Laguna Woods has completed its distribution of new residential containers.

F2. While a jurisdiction may not delegate its overall responsibility for compliance with State requirements to a hauler, some jurisdictions have designated the task of imposing and collecting fines from residents to the hauler in accordance with State law. However, not all jurisdictions are clear on who ultimately receives and retains the collected fines.

Response: The City of Laguna Woods disagrees wholly with this finding, but only because we have no direct knowledge regarding the manner in which fines are imposed or collected in other cities. While the City of Laguna Woods has not yet needed to issue fines, should fines become necessary, they would be issued by code enforcement staff and collected by administrative services staff with the assistance of a third-party collection company when necessary. Revenue from fines would be retained by the City, less any fees incurred by the use of third-party collection companies. The City's agreement with its hauler provides very limited authorization for the hauler to issue fines for excessive container contamination. Such delegation is not a prohibited form of delegation under state law. While the hauler has not yet needed to issue fines, should fines become necessary, the hauler would collect and retain revenue from fines that it issues.

F3. All jurisdictions will eventually start collecting fines from residents for noncompliance, but some have not yet determined whether the revenues will go into a waste and recycling enterprise fund or into the jurisdiction's general fund.

Response: The City of Laguna Woods disagrees wholly with this finding, but only because we have no direct knowledge regarding other cities' plans relative to the collection of fines. While the City of Laguna Woods has not yet needed to issue fines, should fines become necessary, revenue collected from fines would be deposited in the General Fund, which

funds a variety of solid waste-related programs including, but not limited to, household hazardous waste collection, document shredding, and recycling outreach.

F4. In most jurisdictions, education and outreach is a joint effort between jurisdiction, hauler, and sometimes consultants, with the jurisdiction reviewing the materials before publication. The methods of dissemination vary by jurisdiction and hauler but frequently rely on a resident actively seeking the information, which requires the resident to have some awareness of the new mandates in the first place. Most efforts primarily revolve around intermittent hard-copy paper mailings.

Response: The City of Laguna Woods disagrees partially with this finding, but only because the City has limited knowledge of education and outreach undertaken in other jurisdictions. In Laguna Woods, most education and outreach is a joint effort between the City and its hauler; the hauler reviews the City's educational materials before they are finalized, and materials are distributed by the City and/or hauler during compliance inspections, in the course of correspondence with residents and businesses, and during community events. The City also disseminates materials through various online publications (City's website, online magazines, and e-blasts), at Laguna Woods City Hall, and on television message boards. Not all of the City's efforts require residents to have some awareness of the new mandates and very little of the City's efforts revolve around intermittent hard-copy paper mailings.

F5. Most jurisdictions currently have no way to accurately determine the effectiveness of their respective education and outreach efforts other than the eventual inspections or audits that will take place.

Response: The City of Laguna Woods agrees with this finding. While the City has limited knowledge of education and outreach efforts in other jurisdictions, as is the case with our education and outreach efforts, it is likely that waste audits and compliance inspections are the primary tools used to assess the effectiveness thereof.

F6. There is some concern that there are not enough composting facilities in Orange County to process all organic waste, forcing some jurisdictions/haulers to transport it long distances for processing.

Response: The City of Laguna Woods agrees with this finding. The City's organic waste is transported to Perris, California (Riverside County) for processing.

F7. There is currently no infrastructure in the county that is a State-approved source of Renewable Natural Gas (RNG) and energy from organic waste. Jurisdictions that use vehicles running on RNG procured from non-approved sources cannot count that RNG towards fulfillment of their procurement requirement.

Response: The City of Laguna Woods disagrees partially with this finding, but only because the City has limited knowledge of available RNG infrastructure. The City obtains its State-approved RNG from an anaerobic digestion facility in Riverside County and is able to count that RNG towards fulfillment of its procurement requirement. The City agrees

that jurisdictions that use vehicles running on RNG procured from non-approved sources cannot count that RNG towards fulfillment of their procurement requirement.

F8. The formula used by the State to calculate a jurisdiction's procurement target does not account for a jurisdiction's population density or geographic size (square miles). As such, meeting the annual procurement target presents a significant challenge for most jurisdictions.

Response: The City of Laguna Woods agrees with this finding.

F9. Many Orange County jurisdictions were unable to meet the requirement in SB 1383 to reduce organic waste sent to landfills by the 2020 deadline. It is unlikely the required seventy-five percent reduction will be achieved by the 2025 deadline.

Response: The City of Laguna Woods disagrees partially with this finding, but only because the referenced deadlines were/are for statewide diversion, rather than jurisdiction-specific diversion. The City agrees that it is unlikely that the statewide goal of reducing total organic waste disposal by 75% by 2025 will be met.

F10. The current procurement requirements mandated by SB 1383 are unrealistic and likely unachievable by most jurisdictions.

Response: The City of Laguna Woods disagrees partially with this finding, but only because the City has limited knowledge of the extent to which other jurisdictions are able to comply with current procurement requirements. The City agrees that meeting the annual procurement target presents a significant challenge for most jurisdictions. The City is currently meeting 100% of its annual procurement target by procuring mulch and RNG.

RECOMMENDATIONS

R1. All jurisdictions should expedite the acquisition and distribution of residential containers that meet the CalRecycle standardized colors. Additionally, until the compliant containers can be distributed, all jurisdictions should ensure the distribution of labeling for non-compliant containers that explain the current SB 1383 requirements applicable to their jurisdiction by June 30, 2025.

Response: This recommendation was implemented prior to the date of this Grand Jury Report. The City of Laguna Woods completed its distribution of new residential containers in January 2022.

R2. By December 31, 2024, all jurisdictions should ensure their waste hauling agreements are in compliance with State statute so that haulers may be designated to perform certain required tasks but are not improperly delegated overall responsibility for compliance. Additionally, all jurisdictions should ensure that any fines collected by a hauler are forwarded to the jurisdiction.

Response: The first portion of this recommendation (the first sentence) was implemented prior to the date of this Grand Jury Report. The City of Laguna Woods incorporated applicable state statutes into its solid waste handling services franchise agreement, which

took effect on January 1, 2022. The second portion of this recommendation (the second sentence) will not be implemented because it is not warranted. While the City's hauler is not generally allowed to issue fines – and cannot issue fines for most instances of non-compliance with SB 1383 – the hauler does have very limited authorization to issue fines and retain related fine revenue for excessive container contamination. This very limited authorization was negotiated during the award of the solid waste handling services franchise agreement (prior to the effective date of SB 1383).

R3. The OCGJ recommends that all jurisdictions utilize a dedicated waste and recycling enterprise fund for collection of fines for non-compliance with SB 1383 by December 31, 2024.

Response: This recommendation will not be implemented because it is not warranted. The City of Laguna Woods has not yet needed to issue fines and expects that any future fines would be sporadic and minimal in terms of total revenue. Should fines become necessary, revenue collected from fines would be deposited in the General Fund, which funds a variety of solid waste-related programs including, but not limited to, household hazardous waste collection, document shredding, and recycling outreach.

R4. By December 31, 2024, all jurisdictions should diversify the methods and media used for education and outreach to include, among others, various social media platforms, emails to residents, newspaper, television, flyer mailings, community events, and appearances at other public gatherings.

Response: This recommendation will not be implemented because it is not warranted. While the City of Laguna Woods' methods for education and outreach do not include all of the recommended methods and media, the City has a diversified education and outreach program that includes distributing materials during compliance inspections, in the course of correspondence with residents and businesses, and during community events. The City also disseminates materials through various online publications (City's website, online magazines, and e-blasts), at Laguna Woods City Hall, and on television message boards.

R5. By December 31, 2024, and in order to gauge the effectiveness of their education and outreach efforts, all jurisdictions should develop new methods to engage residents directly to help determine their awareness of the requirements associated with SB 1383, such as surveys, online quizzes, and door-to-door polling.

Response: This recommendation has not yet been implemented but will be implemented by December 31, 2024. The City of Laguna Woods is in the process of preparing new interactive education and outreach methods that will be used to assess residential and commercial customers' awareness of the requirements associated with SB 1383.

R6. By June 30, 2025, the OCGJ recommends that all jurisdictions participate in the OCW&R-led efforts to develop a coordinated county-wide approach to the organics recycling infrastructure and programs as well as procurement requirements associated with SB 1383, working towards creating circular economy as a long-term goal.

Response: This recommendation will not be implemented because it is not warranted. While the City of Laguna Woods would anticipate being supportive of countywide efforts to support SB 1383 compliance and create a circular economy, the City does not have a need for additional infrastructure or programs because it is already in full compliance with applicable organics recycling and procurement requirements.

R7. By December 31, 2024, the Orange County Board of Supervisors and all Orange County cities should lobby appropriate members of the State Legislature and/or CalRecycle to revise the organic waste diversion targets to better reflect Orange County's waste amounts, revise the jurisdictions' procurement requirements to better represent the limited options currently available for procurement, the jurisdictions' varying populations, population densities, and geographic size, and to delay associated enforcement actions by the State.

Response: This recommendation will not be implemented because it is not warranted. While the City of Laguna Woods would anticipate being supportive of some of the lobbying efforts recommended, the City does not have a need for legislative relief because:

- The City does not have a jurisdiction-specific organic waste diversion target; cities are only required to implement an organics recycling program, which the City has done;
- The City is already in full compliance with applicable organics recycling and procurement requirements; and
- AB 1985 was signed into law on September 16, 2022 and provides cities with the ability to phase in procurement efforts until 2025.

ATTACHMENT A

City of Laguna Woods' Response to the 2023-2024 Orange County Grand Jury Report, "E-bikes Friend or Foe"

FINDINGS

F1. The majority of Orange County's 34 cities do not have ordinances or policies in place, which makes it difficult to address the safe operation and regulation of E-bikes leading to confusion.

Response: The City of Laguna Woods agrees with this finding.

F2. Due to the increasing incidence of E-bike injuries and deaths, there is a need for consistent and accurate tracking by law enforcement and first responders, which does not exist now.

Response: The City of Laguna Woods agrees with this finding.

F3. Training and education on E-bike use and safety varies from city to city causing confusion amongst bike riders.

Response: The City of Laguna Woods agrees with this finding.

RECOMMENDATIONS

R1. Each Orange County city should have specific policies that define the rules of the road for use of E-bikes in their communities by December 1, 2024.

Response: This recommendation has not yet been implemented, but will be implemented in the future, although not by December 1, 2024. The City plans to adopt an ordinance that defines the rules of the road for the use of e-bikes on public streets and on public property in Laguna Woods by June 30, 2025.

R2. Each Orange County city should have a mechanism in place to report accidents, injuries and deaths involving E-bikes by December 1, 2024.

Response: This recommendation will not be implemented because it is not warranted. Accidents, injuries, and deaths involving e-bikes should be reported to the Orange County Sheriff's Department.

R3. Each Orange County city should research and develop outreach and education programs regarding the safe operation of E-bikes for their residents by December 1, 2024.

Response: This recommendation has not yet been implemented, but will be implemented in the future, although not by December 1, 2024. The City plans to research and develop outreach and education programs regarding the safe operation of e-bikes for Laguna Woods residents by June 30, 2025.