



Santa Cruz County Civil Grand Jury

2014-2015 Response Packet

Composting Organic Waste in Santa Cruz County

Time for a Regional Solution

Capitola City Council

Due date: 90 Days (by Sept. 24, 2015)

When finished, email the completed response packet as a file attachment to:

grandjury@co.santa-cruz.ca.us

Instructions for Respondents

California law PC § 933.05 requires that those responding to a Grand Jury report must provide a response for each individual finding and recommendation within a report, not a generalized response to the entire report. Explanations for disagreements and timeframes for further implementation or analysis must be provided.

Please follow the format below when preparing your response.

Response Format

1. Find the Responses Required table that appears near the end of the report. Look for the row with the name of the entity you represent and then respond to the Findings and/or Recommendations listed in that row using the custom packet provided to you.
2. For Findings, indicate one of the following responses and provide the required additional information:
 - a. AGREE with the Finding,
 - b. PARTIALLY DISAGREE with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. DISAGREE with the Finding and provide an explanation of the reasons therefor.
3. For Recommendations, select one of the following actions and provide the required additional information:
 - a. HAS BEEN IMPLEMENTED, with a summary regarding the implemented action,
 - b. HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE, with a timeframe or expected date for implementation,
 - c. REQUIRES FURTHER ANALYSIS, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report,
 - d. WILL NOT BE IMPLEMENTED because it is not warranted or is not reasonable, with an explanation therefor.

If the respondent is a governing body, please provide the voted response of the body as a whole. Individual responses from members of a governing body will not be published.

If you have questions about the response report please contact the Grand Jury by calling 831-454-2099 or by sending an e-mail to grandjury@co.santa-cruz.ca.us.

How and Where to Respond

1. Please download and fill out the Response Packet provided to you for your responses. Please respond to each finding and recommendation. Be sure to save any changes you make to the packet.
2. Print and send a hard copy of the Response Packet to:
The Honorable Judge Rebecca Connelly
Santa Cruz Superior Court
701 Ocean Street
Santa Cruz, Ca 95060
3. Email the completed Response Packet, as an attachment, to the Grand Jury at grandjury@co.santa-cruz.ca.us.

Due Dates

Elected officials or administrators are required to respond within 60 days of the Grand Jury report's publication. Responses by the governing body of any public entity are required within 90 days.

Penal Code § 933.05

1. For Purposes of subdivision (b) of § 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of § 933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Findings

Finding 1: Compostable organic waste, which makes up approximately one third of municipal solid waste, must be diverted in order to extend the life of Santa Cruz County landfills and meet state mandates, specifically AB 1826.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than “Agree”):

The City of Capitola is fully committed to extending the life of the Santa Cruz County landfill. Capitola will continue to find ways to increase diversion rates of waste, including promoting greater commercial participation in the food waste and food scrap program and educating consumers on the proper use of the different waste bins.

Finding 2: Unless Santa Cruz County and the cities of Santa Cruz, Capitola, Scotts Valley and Watsonville invest politically and financially in large-scale organics recycling systems, they will be out of compliance with AB 1826 by the year 2020 or sooner.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than “Agree”):

As noted in the Grand Jury report, the City of Capitola currently sends organic material to the Marina facility operated by the Monterey Regional Waste Management District (MRWMD). MRWMD anticipates that the life span of its permitted organic processing capabilities will be at least equal to the life span of the District’s landfill disposal operations; a life span that is predicted to exceed 100 years at this time.

Finding 3: Santa Cruz County and the cities of Capitola, Scotts Valley, and Watsonville all passed resolutions in 2005 recommending a regional composting facility, but as of 2015, no facility has been constructed, nor is there a completed plan to do so.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than “Agree”):

The City of Capitola will continue to participate on the Santa Cruz County Integrated

Waste Management Local Task Force in working on finding a suitable location for a Santa Cruz County composting facility.

Finding 5: Unless the Monterey Regional Waste Management District decides to expand its current organic composting facility, Santa Cruz County jurisdictions cannot rely on it as a long-term solution for their organic waste recycling needs.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than “Agree”):

MRWMD anticipates that the life span of its permitted organic processing capabilities will be at least equal to the life span of the District’s landfill disposal operations; a life span that is predicted to exceed 100 years at this time.

Finding 7: Rules about what can be put in the “green cart” are inconsistent and not well understood by the general public.

AGREE

PARTIALLY DISAGREE - explain disputed portion below

DISAGREE - explain below

Response explanation (required for responses other than “Agree”):

In order to help Capitola businesses and residents better understand the rules regarding rules associated with green carts, Capitola communicates this information in a number of ways. The City and GreenWaste issue bi-annual newsletters to all Capitola addresses, the City advertises the requirements in the local phone book and the City will continue to keep its website up to date with all the cart requirements and rules.

Recommendations

Recommendation 1: In order to comply with AB 1826 mandates, the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville should join with Santa Cruz County to form a regional agency to develop a large-scale organics recycling system located in Santa Cruz County.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

- indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

As noted in the Grand Jury report, organic material from the City of Capitola currently is taken to the MRWMD organic composting facility pursuant to a long term agreement. MRWMD anticipates that the life span of its permitted organic processing capabilities will be at least equal to the life span of the District's landfill disposal operations; a life span that is predicted to exceed 100 years at this time. Capitola will continue to participate in the evaluation process for developing a large-scale organics recycling system located in Santa Cruz County.

When the current contract with GreenWaste and the MRWMD expires, or final funding decisions regarding a regional large-scale organics recycling system located in Santa Cruz County are required, the City of Capitola will evaluate its options and determine the best option for the City and its residents.

Recommendation 2: The current pilot program for composting food waste from restaurants and other large institutions in Capitola and Santa Cruz County should be expanded to serve other businesses in the AB 1826 first and second tiers throughout Santa Cruz County, including Scotts Valley and Watsonville, until a regional facility can be developed.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

- indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City of Capitola uses the MRWMD Marina facility for organics recycling. Over the past 3 years, Capitola has averaged approximately 40-tons of food waste per month, the current contract allows for up to 10,000 tons of organic material per year.

Capitola implemented a program designed to serve businesses in the AB 1826 first and second tiers in 2010. Capitola will continue to reach out to the business community to increase overall participation in organics recycling. The City of Capitola will continue to participate in the pilot food composting program and work with businesses to expand participation in the program.

Recommendation 3: After selection of a composting contractor and technology by the Local Task Force, Santa Cruz County and the cities of Capitola, Santa Cruz, Scotts Valley and Watsonville should create a coordinated outreach program to inform businesses and the public about the benefits and requirements of the new organics recycling program.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE

- indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

The City of Capitola works locally with its hauling franchisee, GreenWaste, to increase participation in the organics recycling program. Public outreach and communication with local businesses and residents will continue.

The City of Capitola is committed to participating with the Santa Cruz County Integrated Waste Management Local Task Force in developing coordinated outreach to the business and residential communities to improve participation in organic recycling programs. A coordinated approach can be beneficial, however it will have to be determined if the specifics of such effort will be in the best interest of the City of Capitola and its citizens.

Recommendation 4: Curbside “green carts” and bins should be clearly labeled to instruct residential and commercial customers specifying what materials are acceptable.

HAS BEEN IMPLEMENTED

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE - indicate timeframe below

REQUIRES FURTHER ANALYSIS - explain scope and timeframe below (not to exceed six months)

WILL NOT BE IMPLEMENTED - explain below

Response summary, timeframe or explanation:

Capitola will work with GreenWaste to improve labeling in order to facilitate better understanding of the “green carts.” Capitola will work with the other jurisdictions through the Santa Cruz County Integrated Waste Management Local Task Force to promote consistency in the instruction and labeling of the “green carts.”