



CITY OF GARDEN GROVE

August 25, 2020

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

Steven R. Jones
Mayor

John R. O'Neill
Mayor Pro Tem - District 2

George S. Brietigam
Council Member - District 1

Diedre Thu-Ha Nguyen
Council Member - District 3

Patrick Phat Bui
Council Member - District 4

Stephanie Klopfenstein
Council Member - District 5

Kim Bernice Nguyen
Council Member - District 6

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

Dear Judge Nakamura:

The City of Garden Grove 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 is 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.

The City of Garden Grove agrees with this finding.

- 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.

The City of Garden Grove agrees with this finding.

- 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.

The City of Garden Grove disagrees partially with this finding. The City and waste hauler have shared recycling education responsibilities. The City of Garden Grove provides recycling educational outreach through the City website, public events, facebook, and at the public counters. The City has also participated in school outreach through the Discovery Cube's Eco Challenge program. The waste hauler provides recycling educational outreach through the hauler website, City related public events, school assemblies and at chamber of commerce meetings.

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

The City of Garden Grove disagrees partially with this finding. The City has an AB 341 modified plan that has been approved by CalRecycle. The City has been progressively providing recycling containers for multifamily units as a result of actively mailing each multifamily unit a survey twice a year. This survey reminds multi-family units of the need to either obtain a recycling bin or adopt a recycling program, and documents third-party, or self-recycling activities performed at the multi-family units. Next year, the City will adopt a local mandatory ordinance for multi-family units to sign up for recycling services.

Recommendations

- R1. 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)

The recommendation has been implemented. In regards to a contract review process, the City meets with the waste hauler on a monthly basis to discuss agreement terms and operational concerns. The City has also hired a solid waste consultant expert to assist the City in these monthly reviews with the waste hauler to ensure service contracts are performed and legislative changes are enacted. The recommendation for a shorter length of contract has also been implemented. Over time, the City has reduced contract lengths and currently has a 14 year agreement in place ending in June 2024. Once the current agreement has ended, the City plans to participate in competitive bidding. The City must also be mindful that residential carts and containers and the equipment to collect them varies by hauler. New contracts usually require the purchase of new equipment and distribution of new carts/containers by haulers. Shorter contract terms require haulers to amortize their costs/investments into shorter periods that yield higher costs to residential customers.

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

The recommendation has not yet been implemented because the current waste hauler has determined labeling bins is not cost effective in comparison to continuing proactive public education and outreach including posting a detailed list of eligible recycling materials on both the City and waste hauler websites. The City

will consider this type of bin labeling in the future bidding process along with providing ongoing proactive recycling education.

- 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).

The recommendation has been implemented. An AB 341 modified plan has been approved by CalRecycle. AB 341 compliance by businesses and multi-family units, that meet the threshold of AB 341, is monitored during monthly meetings by reviewing data submitted by the hauler, and data gathered from aforementioned surveys. The City and solid waste consultant expert closely monitor legislative mandates on an ongoing basis to ensure the City and waste hauler achieve compliance.

Thank you for the opportunity to respond to the Grand Jury's Report. Should you have any questions or need additional information, please contact Maria Stipe, Assistant City Manager, at (714) 741-5106 or by email at marias@ggcity.org.

Respectfully submitted,

A handwritten signature in black ink that reads "Steven R. Jones". The signature is written in a cursive, flowing style.

Steven R. Jones
Mayor

C: Orange County Grand Jury