

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Environmental Resources/Parks & Recreation *SH*

BOARD AGENDA # \*B-5

Urgent  Routine

AGENDA DATE November 1, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval for the Director of the Departments of Environmental Resources and Parks and Recreation to Enter Into and Sign Routine Grant Agreements and Contracts with Various State Agencies for Fiscal Year 2012-2013

STAFF RECOMMENDATIONS:

1. Authorize the Director of the Departments of Environmental Resources and Parks and Recreation to apply for, enter into and sign the routine Fiscal Year 2012-2013 State grant agreements and contracts outlined in the discussion section of this item.
2. Authorize the Director of the Departments of Environmental Resources and Parks and Recreation to approve and sign any amendments to the routine Fiscal Year 2012-2013 State grant agreements and contracts outlined in the discussion section of this item.

(Continued on Page 2)

FISCAL IMPACT:

If approved, the Director of the Departments of Environmental Resources and Parks and Recreation will be authorized to apply for, enter into and sign routine grant agreements and contracts with various State agencies, resulting in an efficiency cost savings in reduced weighted labor rate and supply costs through this streamlined process. There is no direct fiscal impact in authorizing the Director to sign agreements or contracts.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2011-654

On motion of Supervisor O'Brien, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

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STAFF RECOMMENDATIONS (Continued):

3. Adopt a Resolution to authorize the Director of the Department of Environmental Resources to apply for a Waste Tire Cleanup and Amnesty Event Grant from the California Department of Resources Recycling and Recovery for Fiscal Year 2012-2013 to promote the cleanup and recycling of waste tires.
4. Adopt a Resolution to authorize the Director of the Department of Environmental Resources to apply for a Waste Tire Enforcement Grant from the California Department of Resources Recycling and Recovery for Fiscal Year 2012-2013 to promote the administration of a regional waste tire enforcement program.
5. Authorize the submittal of a joint funding request to the California Department of Resources Recycling and Recovery for a Waste Tire Cleanup and Amnesty Event Grant, and for a Waste Tire Enforcement Grant on behalf of participating cities and the unincorporated areas of Stanislaus County.
6. Adopt a Resolution to authorize the Director of the Department of Parks and Recreation to apply for an Off-Highway Vehicle Grant from the California Department of Parks and Recreation for Fiscal Year 2012-2013 for development, maintenance, administration, and related activities at the Frank Raines and LaGrange Regional Parks.

FISCAL IMPACT (Continued):

State agreements and contracts detailed in this item represent approximately \$549,000 in payments and reimbursements to the Department of Environmental Resources and approximately \$400,000 for the Department of Parks and Recreation for Fiscal Year 2012-2013 program activities. Revenue estimates are included in each program discussion and if State contract amounts vary significantly from anticipated revenue, the Department(s) will request separate Board of Supervisors' approval. If approved, revenue estimates and appropriations associated with these agreements and contracts will be submitted in the Fiscal Year 2012-2013 Proposed Budget or a subsequent quarterly budget adjustment interval if necessary due to the timing of the receipt of grant funds.

DISCUSSION:

The Departments of Environmental Resources and Parks and Recreation have many routine and long-standing grant agreements and contracts with State agencies. Historically, requests to apply for and receive funds have been individually brought to the Board of Supervisors for approval. Last year, however, the Department of Environmental Resources took the opportunity to consolidate these efforts in order to increase the efficiency of government operations and expedite the processing of these State grant agreements and contracts. Consequently, staff requested approval to apply for and receive funds for various Department grants and contracts on a single agenda item, which the Board of Supervisors approved on September 21, 2010. For Fiscal Year 2012-2013 grant applications, both the Environmental Resources and Parks and

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Recreation Departments will benefit from this streamlined process. It is important to note that historically both Departments have been administered and managed by the same Director in a unique and very successful organizational structure. Specifically, staff recommends that the Director of these Departments be authorized to apply for various State grant and contract funds, enter into and sign routine agreements and contracts for those funds, and accept awards of these funds for Fiscal Year 2012-2013. It is also requested that the Director be authorized to approve and sign any amendments to these routine agreements and contracts for Fiscal Year 2012-2013.

The following is a listing of long-standing and anticipated grant agreements and contracts for Fiscal Year 2012-2013:

California Department of Resources Recycling and Recovery

*Beverage Container Recycling Funds*

In the 1980s, Assembly Bill (AB) 2020, more commonly known as the "Bottle Bill," was enacted. It was this legislation that created the point-of-purchase surcharge on most bottled beverages, such as soda pop, wine coolers, beer, etc.

Changes to AB 2020 were made in 1999 prior to the sunset of the legislation. The most significant change for local government was the return of some of the surcharge monies to the local level for the enhancement of beverage container recycling efforts. Specifically, Section 14581(a)(5)(A) of the Beverage Container Recycling and Litter Reduction Act states that \$10.5 million will be returned annually to cities and counties of the State, on a per capita basis. Stanislaus County applies for these funds annually.

Funds are used to supplement existing recycling efforts as follows:

1. Staff costs associated with the Recycling Poster Contest in elementary and middle schools throughout the unincorporated areas of the County;
2. Updating and redesign of recycling pages on the County website;
3. Equipment and supplies such as recycling containers and signs for schools throughout the unincorporated areas of the County and public areas;
4. Public outreach and education materials including advertising, which is tailored to support local programs;
5. Purchase of end-use items, such as park benches/tables containing recycled content; and
6. Staffing costs associated with the administration of recycling activities.

Recycling programs such as these assist Stanislaus County jurisdictions in meeting the 50% diversion rate mandate, specified by AB 939, otherwise known as the California Integrated Waste Management Act of 1989. For Fiscal Year 2011-2012, the Department was awarded \$30,710 and it is anticipated that the funds awarded for Fiscal Year 2012-2013 will be between \$5,000 and \$35,000.

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For the following programs discussed below, the Department intends to continue a regional approach as it has historically: the Tire Amnesty portion of the Waste Tire Cleanup and Amnesty Event Grant, the local Waste Tire Enforcement program portion of the Waste Tire Enforcement Grant, and the Used Oil Payment Program. For the Fiscal Year 2012-2013 applications, the region will include participating cities and the unincorporated areas of Stanislaus County. Letters of support from these cities will be included in the grant applications. Stanislaus County has historically taken the lead role in the application for and administration of regional grant applications.

*Waste Tire Cleanup and Amnesty Events*

The State of California generates almost 39 million waste tires annually. Although nearly three-quarters of all discarded tires are recycled in the State, the remainder poses an annual 10.5 million tire disposal concern for cities and counties. The illegal disposal or stockpiling of tires in the State is a problem that ranks in the top tier in the nation.

The illegal dumping of tires is an ongoing problem in the County. In many areas, tires are dumped in large quantities. These occurrences not only present blight and health concerns, they also obstruct emergency vehicles from driving through alleys, present fire hazards, and can attract mosquitoes and other vectors that can spread disease.

The California Department of Resources Recycling and Recovery (CalRecycle) Waste Tire Cleanup and Amnesty Event Grant was established to address this growing problem of unlawful disposal of waste tires. In 1989, the California Legislature passed the California Tire Recycling Act, AB 1843, authorizing the creation of the California Tire Recycling Management Fund. This fund comes from a fee of \$1.75 collected on the retail sale of every new tire sold in California. CalRecycle allocates approximately \$2 million for competitive grants each fiscal year for waste tire cleanup events.

On September 21, 2010, the Board of Supervisors approved the Department's request to apply for the CalRecycle Waste Tire Cleanup and Amnesty Event Grant and the Department was successful in obtaining a grant of \$45,494. To date, this source of grant funds has successfully recycled over 20,000 waste tires from Stanislaus County residents and roadways.

The grant application for the upcoming fiscal year will focus on two critical areas: 1) the disposal costs for cleaning up illegally dumped tires in the unincorporated areas through the County's roadside cleanup program; and 2) conducting waste tire amnesty collection events within the participating cities and the County.

The cleanup and disposal portion of this grant will be used to reimburse the Fink Road Landfill for its cost to recycle the over 2,500 waste tires collected on the County's roadways each year. The tire amnesty portion will reimburse each participating jurisdiction for advertising, labor, and recycling costs associated with holding tire amnesty events. Events will be held in each participating city and four events will be

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held in various locations throughout the unincorporated area of the County. Cities are reimbursed for allowable costs after their events are held following the receipt of grant funds.

The amnesty events will be conducted at either a central drop-off point where individuals will deliver tires, or through the use of a voucher system. The voucher system would provide residents with a coupon that would allow them to take their tires to a designated local waste transfer station. Central drop-off points are typically used when events are held in a city or within a particular segment of the unincorporated area of the County. For events that canvass a larger geographic area, a voucher system typically works best. For Fiscal Year 2011-2012, the Department was awarded \$50,580. The estimated contract amount to be received by the Department for Fiscal Year 2012-2013 is approximately \$50,000.

*Waste Tire Enforcement*

CalRecycle also provides grant funding from the Tire Recycling Management Fund for the enforcement of waste tire regulations. Specifically, the Waste Tire Enforcement Grant program allows jurisdictions to administer a comprehensive waste tire enforcement program which includes the following elements: identification, documentation, education, and inspection of businesses involved in the generation, collection, transportation, and disposal of waste tires. The funding provided by this non-competitive grant reimburses the Department for all expenses incurred from its local Waste Tire Enforcement Program, with the exception of tire amnesty collection events.

In these programs, local agencies are not responsible for prosecuting violators. Instead, noncompliant violators of the waste tire regulations are referred to CalRecycle for legal action. Currently, there are 250, down from 380 last year, waste tire businesses in Stanislaus County and in the participating cities. The grant requires inspections of each of these tire facilities, tire dealers, auto dismantlers, tire haulers, and other waste tire generators, and limits inspection frequencies to once every 1-3 years depending on the type of facility, unless compliance issues are encountered. The local enforcement of the waste tire regulations will emphasize the importance of proper disposal, reuse, and recycling of waste tires through the education and the regulation of generators, haulers, and end-user businesses.

Since the program's inception in 2006, two (2) large tire piles containing over 20,000 tires have been cleaned up. Over 1,687 inspections of tire facilities and tire haulers have been conducted, with 24 notices of violation issued along with ten (10) referrals to CalRecycle for legal action. For Fiscal Year 2010-2011, the Department conducted 287 inspections and issued 4 notices of violation. Subsequent grants have been aimed at conducting inspections and referring enforcement actions to the State, all of which have been successful.

The proposed grant budget is contingent upon approval from CalRecycle, but is estimated to be approximately \$120,000 for Fiscal Year 2012-2013. For Fiscal Year 2011-2012, the Department was awarded \$110,295. All budgeted expenses associated

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with the local Waste Tire Enforcement Program will be reimbursed to the Department including grant administration, approximately one-half of an existing full-time employee, training, and all necessary field and office equipment. This Program covers Stanislaus County's unincorporated area as well as the incorporated cities with the exception of the City of Modesto.

*Used Oil Payment Program*

The California Oil Recycling Act (Act) provides for, among other things, funding to assist local governments in developing and maintaining ongoing used oil and used oil filter collection/recycling programs for their communities. In 2009, Senate Bill 546 (Lowenthal) was enacted which made various changes to the Act, including: changing the funding from a reimbursable grant program (formerly known as the Used Oil Block Grant Program) to a payment program (now referred to as the Used Oil Payment Program, or OPP), increasing the statewide funding from \$10 million to \$11 million per year, and encouraging local governments to use approximately 10 percent of their individual funding on the collection and recycling of used oil filters.

The OPP is non-competitive and provides funds to establish and maintain used oil and used oil filter collection/recycling programs. Actual budget amounts are determined annually as part of the State budget process. Allocations are calculated on a per capita basis using the Department of Finance's population statistics. Programs paid for by this funding will help Stanislaus County and the cities within the regional group in meeting the goals and objectives of their Household Hazardous Waste (HHW) Elements such as continuing educational efforts aimed at diverting HHW from the waste stream and expanding used oil and used oil filter recycling opportunities.

By Resolution adopted on June 29, 2010, the Board of Supervisors has authorized Stanislaus County to submit an OPP regional application on behalf of itself as Lead Agency and the participating agencies/jurisdictions that include: Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford. This authorization is effective until rescinded by the Board.

For Fiscal Year 2012-2013, approximately \$85,000 will be available to the County and the participating cities to continue promotion of used oil and used oil filter recycling. For Fiscal Year 2011-2012, the Department was awarded \$84,276. OPP funds must be expended within a maximum of 24-month term.

State Water Resources Control Board

*Underground Storage Tank Local Oversight Program*

It is common practice for businesses to store substances that are hazardous to public health and safety and the environment prior to use or disposal in hundreds of underground storage tanks (UST) in the County. Underground tanks used for the storage of hazardous substances and wastes are potential sources of soil and groundwater contamination.

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Stanislaus County currently has 56 open soil and groundwater investigations associated with releases from USTs. California Health and Safety Code Section 25297.1 authorized the State Water Resources Control Board (SWRCB) to implement a Local Oversight Program for the abatement of unauthorized releases from USTs.

Stanislaus County has contracted with the SWRCB to provide a Local Oversight Program since 1988. Each contract covers a fiscal year, expiring on June 30<sup>th</sup> annually. The SWRCB submits a new contract each year for the County's review and consideration. The signed contract will allow the continued abatement of unauthorized releases from USTs for an additional year. For Fiscal Year 2011-2012, the contract amount was \$258,970. It is anticipated the contract amount for Fiscal Year 2012-2013 to be up to \$258,970.

California Department of Parks and Recreation

*Off-Highway Motor Vehicle Recreation Division Grants*

California's Off-Highway Motor Vehicle (OHV) Recreation Program was created in 1971 out of the critical need to better manage the growing demands for off-highway recreation, while at the same time fostering respect for private property rights and protecting the State's natural and cultural resources. The Program was enhanced by the OHV Motor Vehicle Recreation Act of 2003, and is currently the largest and most successful program of its type in the U.S.

The Recreation Division's Grants and Cooperative Agreements Program supports the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education. Program funding comes from fuel taxes which are attributable to the recreational use of vehicles off highway, off-highway vehicle registration fees, and fees collected at State vehicular recreation areas. This Program provides for well managed OHV recreation in the State by providing financial assistance to cities, counties, districts, federal agencies, state agencies, educational institutions, federally recognized Native American Tribes, and nonprofit entities.

Funding is used for a wide range of projects for both La Grange and Frank Raines Regional Parks. Projects include but are not limited to fencing repair and maintenance, signage, labor, purchasing office supplies and small equipment, equipment rentals, water system testing and maintenance, utilities, and administrative overhead. For Fiscal Year 2012-2013, approximately \$260,000 is anticipated to be available to the County for Frank Raines Regional Park and approximately \$140,000 is anticipated to be available for LaGrange Regional Park. For Fiscal Year 2011-2012, the Department was awarded \$232,549 for Frank Raines Regional Park and \$118,540 for LaGrange Regional Park.

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**POLICY ISSUE:**

Approval of this agenda item to authorize the Director of the Departments of Environmental Resources and Parks and Recreation to apply for, enter into and sign routine agreements and contracts with various State agencies for Fiscal Year 2012-2013 is consistent with the Board's priorities of A Safe Community, A Healthy Community, A Strong Local Economy, Effective Partnerships, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services. It provides critical funding for the administration of various programs that support the Department of Environmental Resource's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation, and to maintain and/or enhance existing service levels in the County's off-highway vehicle park areas.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item. All but two of the grants and/or contracts included herein are non-competitive and received annually; therefore, the associated work is accomplished through the use of existing staff.

**CONTACT PERSON:**

Sonya K. Harrigfeld, Director of Environmental Resources and Parks and Recreation  
Telephone: 209-525-6770



THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: November 1, 2011

No. 2011-654

On motion of Supervisor O'Brien Seconded by Supervisor De Martini  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # \*B-5

THE FOLLOWING RESOLUTION WAS ADOPTED:

**Approval to Apply for a Waste Tire Cleanup and Amnesty Event Grant from the California Department of Resources Recycling and Recovery for Fiscal Year 2012-2013**

WHEREAS, Public Resources Code (PRC) § 40400 et seq., authorize the Department of Resources Recycling and Recovery (CalRecycle), previously known as the California Integrated Waste Management Board, to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle, and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, Grant Application procedures require an Applicant's governing body to authorize by resolution its approval for submittal of the Grant Application(s) identified below, and the designation by job title of the individual authorized to execute all Grant documents on behalf of the Stanislaus County Department of Environmental Resources; and

WHEREAS, if awarded, the Stanislaus County Department of Environmental Resources will enter into a Grant Agreement with CalRecycle for implementation of said Grant(s); and

WHEREAS, the Applicant for itself and on behalf of the participating jurisdictions will enter into an agreement with the State of California for implementation of a regional Waste Tire Cleanup and Amnesty Event program; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the submittal of a regional application on behalf of itself and the participating Cities to CalRecycle for the Local Government Waste Tire Cleanup and Amnesty Event Grant Programs, referred to as the Fiscal Year 2011/2012 TCA Cycle.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
Stanislaus County Board of Supervisors,  
State of California



BE IT FURTHER RESOLVED that this authorization is effective on October 1, 2011, through September 30, 2013;

BE IT FURTHER RESOLVED that the Director, or her designee, is hereby authorized and empowered to execute in the name of the Stanislaus County Department of Environmental Resources all grant documents, including but not limited to, applications, agreements, amendments and requests for payment necessary to secure grant funds and implement the approved grant project.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: November 1, 2011

No. 2011-654

On motion of Supervisor O'Brien Seconded by Supervisor De Martini  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # \*B-5

THE FOLLOWING RESOLUTION WAS ADOPTED:

**Approval to Apply for a Waste Tire Enforcement Grant from the California Department of  
Resources Recycling and Recovery for Fiscal Year 2012-2013**

WHEREAS, Public Resources Code (PRC) § 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs in furtherance of the State of California's (State) efforts to reduce, recycle, and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding, and management of the Grants; and

WHEREAS, procedures established by the State and CalRecycle require each Applicant's governing body to certify by resolution its approval of the submittal of a Grant Application for the Waste Tire Enforcement Grant to CalRecycle; and

WHEREAS, if awarded a Grant, Stanislaus County Department of Environmental Resources will enter into a Grant Agreement with CalRecycle for implementation of the Waste Tire Enforcement Grant; and

WHEREAS, the Applicant for itself and on behalf of the participating jurisdictions will enter into an agreement with the State of California for implementation of a regional Waste Tire Enforcement program;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the submittal of a regional application on behalf of itself and the participating Cities to CalRecycle for the Waste Tire Enforcement Grant for the period of October 1, 2011, through September 30, 2013.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
Stanislaus County Board of Supervisors,  
State of California

  
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File No.

BE IT FURTHER RESOLVED that the Director, or her designee, is hereby authorized and empowered to execute in the name of the Stanislaus County Department of Environmental Resources all Grant-related documents, including but not limited to, Applications, Agreements, Amendments and requests for payment necessary to secure Grant funds and implement the approved Grant project.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: November 1, 2011

No. 2011-654

On motion of Supervisor O'Brien and approved by the following vote,  
Seconded by Supervisor De Martini

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # \*B-5

THE FOLLOWING RESOLUTION WAS ADOPTED:

**Approval to Apply for an Off-Highway Vehicle Grant from the California Department of Parks and Recreation for Fiscal Year 2012-2013**

WHEREAS, the people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 2003, which provides funds to the State of California and its political subdivisions for, operations and maintenance, law enforcement, education, and safety for off-highway vehicle recreation; and

WHEREAS, the Off-Highway Motor Vehicle Recreation Division with the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the applicant's governing body to certify by Resolution the approval of the application to apply for off-highway motor vehicle grant funds; and

WHEREAS, this project appears on, or is in conformance with this jurisdiction's adopted General or Master Plan and is compatible with the land use plans for those jurisdictions immediately surrounding the project;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby:

1. Approves the filing of an application(s) for an Off-Highway Vehicle Grant or Cooperative Agreement for Fiscal Year 2012-2013; and
2. Certifies that this agency understands its legal obligations to the State upon approval of the grant; and
3. Certifies that this agency understands the California Public Resources Code requirement that acquisition and development projects be maintained to specific conservation standards; and
4. Certifies that the project will be well-maintained during its useful life; and

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
Stanislaus County Board of Supervisors,  
State of California

  
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5. Certifies that this agency will implement the Project with diligence once funds are available and the applicant has reviewed, understands, and agrees with the Project Agreement; and
6. Certifies that this agency will provide the required matching requirements; and
7. Certifies that the public and adjacent property owners have been notified of this project (as applicable).

BE IT FURTHER RESOLVED that the Director, or her designee, is hereby authorized and empowered to conduct all negotiations and execute and submit in the name of the Stanislaus County Department of Parks and Recreation all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the Project.