



Legislation Text

File #: 21-0307, **Version:** 1

Health and Human Services Agency recommending the Board:

- 1) In accordance with El Dorado County Ordinance Code, Chapter 3.13.030 (f), find that a contract is necessary to protect against a conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective, and oversight of the Local Enforcement Agency activities is provided by the Public Health Division, whose staff have neither the classification nor staff to provide these services;
- 2) Approve and authorize the Chair to sign Agreement for Services 5504 with the County of Placer, for the provision of solid waste permitting services and enforcement activities within the County of El Dorado's jurisdiction, for the term May 1, 2021, through April 30, 2026, with a maximum contractual obligation of \$625,000; and
- 3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 5504, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

FUNDING: State of California Department of Resources Recycling and Recovery Grant and County Service Area No. 10 Solid Waste from the Environmental Management Department.

DISCUSSION / BACKGROUND:

The County of El Dorado is mandated by the State to have a Local Enforcement Agency (LEA) oversee the enforcement of regulations related to solid waste facilities within the County. While the LEA was initially placed under the County's Environmental Management Department, its operation of the Union Mine Landfill was viewed as a potential conflict of interest by the California Integrated Waste Management Board (now known as the California's Department of Resources Recycling and Recovery [Cal Recycle]). Therefore, in 1992 CalRecycle officially designated and certified the El Dorado County Building Department (now known as the Planning and Building Department) as the Local Enforcement Agency (LEA). In 1995, the Public Health Division was assigned the responsibility for the LEA from the County's Building Department via Board Resolution 2-95. The current Public Health Division has neither the staff nor a county classification to support the specialty skills required.

State law requires the County to staff the LEA with a full time environmental health specialist. This requirement can be met by contracting with a neighboring jurisdiction possessing full-time staff with expertise in solid waste management. Placer County is a certified Local Enforcement Agency that employs full-time staff with expertise in solid waste management and has provided contracted LEA services to the County of El Dorado since 1996. This arrangement has been economical for El Dorado County and has allowed the County to continue to successfully meet State mandates.

A waiver of Board of Supervisors Procurement Policy C-17, Section 7.11, contractor selection process for service contracts in excess of \$100,000, has been requested as Placer County has been providing this service for El Dorado County since 1996.

ALTERNATIVES:

Disapproval of Agreement for Services #5504 will result in the County, through its Environmental Management Department, being unable to enforce mandated solid waste laws within the County as required under California Code of Regulations, Title 14, Division 7, Chapter 5. It would also necessitate with the County having to enter into an Agreement with another neighboring County for these services, if that County met the requirements under these laws.

PRIOR BOARD ACTION:

- 1) 05/17/2016, 10-0778 v.3, HHSA/PH - Placer County LEA Agreement
- 2) 07/23/2013, 10-0778 v.2, HHSA/PH - Placer County LEA Agreement
- 3) 07/27/2010, 10-0778 v.1, HHSA/PH - Placer County LEA Agreement

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

County of El Dorado, Environmental Management Department
Placer County Health and Human Services Department, Environmental Health Division

CAO RECOMMENDATION:

Approve as recommended.

FINANCIAL IMPACT:

There is no Net County Cost associated with this Agenda item as it is funded through a CalRecycle Grant and County Service Area No. 10 Solid Waste funds from the Environmental Management Department. Sufficient appropriations are included in the Fiscal Year 2020-2021 Budget and will be included in future budgets for the term of the Agreement

CLERK OF THE BOARD FOLLOW UP ACTIONS

1. Obtain signature of Chair on two (2) original Agreements for Services #5504.
2. Return two (2) executed original Agreements to HHSA-Contracts Unit at 3057 Briw Road for coordination of County of Placer Board of Supervisor final execution.

STRATEGIC PLAN COMPONENT:

Healthy Communities

CONTACT

Don Semon, Director