

RESOLUTION NO. ____-2022

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AUTHORIZING SUBMITTAL OF NOTIFICATION OF INTENT TO COMPLY
WITH SB 1383 REGULATIONS**

WHEREAS, CalRecycle, in consultation with the California Air Resources Board, has adopted regulatory requirements (Regulations) consistent with the mandate of Senate Bill 1383 (Lara, 2016), that are designed to achieve the organic waste reduction goals established in Section 39730.6 of the Health and Safety Code through a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025; and

WHEREAS, the City of Fort Bragg is a local jurisdiction required to comply with the Regulations; and

WHEREAS, the City of Fort Bragg is or expects to be facing continuing violations of the Regulations commencing during the 2022 calendar year; and

WHEREAS, Senate Bill 619 (Laird, 2021), through amendments to Section 42652.5 of the Public Resources Code (Statute), created a mechanism called a Notification of Intent to Comply (NOIC) through which a local jurisdiction may secure administrative civil penalty relief from any continuing violations of the Regulations for the 2022 calendar year and may be eligible for a broader and longer-term regulatory compliance path, including suspended administrative civil penalties, through a corrective action plan; and

WHEREAS, the City of Fort Bragg is a local jurisdiction authorized by the Statute to submit a Notification of Intent to Comply for CalRecycle approval; and

WHEREAS, CalRecycle shall approve a Notification of Intent to Comply that is duly adopted by the jurisdiction by formal written resolution and meets the requirements of the Statute;

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council by and through its Engineering Department hereby formally adopts the Notification of Intent to Comply attached as Exhibit "A"; and

BE IT FURTHER RESOLVED that the Fort Bragg City Council hereby authorizes and directs its Assistant City Engineer, on its behalf, to submit the Notification of Intent to Comply attached as Exhibit "A" to CalRecycle for approval pursuant to the Statute; and

BE IT FURTHER RESOLVED that by submitting the Notification of Intent to Comply pursuant to and subject to the above referenced requirements, the City of Fort Bragg represents and certifies that it will implement the proposed actions to remedy the

violations according to the proposed schedule as approved by CalRecycle and in accordance with the Statute and Regulations; and

BE IT FURTHER RESOLVED that the City of Fort Bragg by and through its Engineering Department also acknowledges and agrees to comply with any maximum compliance deadline in any corrective action plan that CalRecycle, in its sole discretion, determines to be necessary and appropriate under the circumstances for the correction of any violation(s) of the Statute and Regulations identified in its Notification of Intent to Comply.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28th day of February, 2022, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, MMC
City Clerk