

**From:** C. Dave G <cdg55@earthlink.net>

**Sent:** Tuesday, January 18, 2022 4:11 PM

**To:** City Clerk Group <cityclerkgroup@cityofgoleta.org>

**Cc:** Deborah Lopez <dlopez@cityofgoleta.org>; Liana Campos <lcampos@cityofgoleta.org>; David Cutaia <dcutaia@cityofgoleta.org>; Dave G <cdg55@earthlink.net>

**Subject:** Agenda Item B.3 22-003 SB 1383 Organics Ordinance – 2nd Reading, meeting date 1/18/22.

Dear City Clerk Group – I respectfully request the distribution of my attached written response regarding Agenda Item “B.3 22-003 SB 1383 Organics Ordinance – 2nd Reading,” meeting date 1/18/22.

My name is C. Dave Gaughen, email address of [cdg55@earthlink.net](mailto:cdg55@earthlink.net), and phone number of (805) 275-6457.

Since this is a consent item, I am unsure as to whether I will be allowed to speak on Agenda Item “B.3 22-003 SB 1383 Organics Ordinance – 2nd Reading.” If allowed and if I am available, I respectfully request to reserve the right to speak on this agenda item.

Thank you,

C. Dave Gaughen

C. DAVE GAUGHEN  
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January 18, 2022

To: The Mayor and Council Members  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Subj: Please Reject the Approval of Agenda Item “B.3 22-003 SB 1383 Organics Ordinance – 2nd Reading.”

- Ref. (1) Agenda Item D.1 21-512, Meeting Date: December 21, 2021, “SUBJECT: SB 1383 Organics Ordinance (37 pages).”  
(2) C. Dave Gaughen’s written Public Comment, dated December 21, 2021, Subj: “Please Delay the Adoption of a Comprehensive SB 1383 Organics Ordinance: Instead Please Focus on a Short Term, Bare-Minimum Compliance Program. Agenda Item “D.1 21-512 SB 1383 Organics Ordinance (172 pages).”  
(3) Agenda Item B.3 22-003, Meeting Date: January 18, 2022 “SUBJECT: SB 1383 Organics Ordinance – 2nd Reading (37 pages).”

Dear Madam Mayor and Council Members:

## **RECOMMENDATION**

I respectfully request that the Mayor and Council Members reject the approval of the Ordinance identified in Reference (3) until after the public has time to compare the draft County of Santa Barbara documents regarding SB 1383 Organics Ordinance (received today 1/18/22) against the City’s per Ref. (3). If permissible, this Agenda Item should be placed back on the Public Hearing calendar or rescheduled for a 3rd reading.

## **Background and Discussion**

Earlier today I received my first notification from the County of Santa Barbara (the “County”) with respect to their draft documents regarding compliance with Senate Bill (SB) 1383 Organics Ordinance. The County will hear the first reading of their ordinance on February 1 and the second reading on February 15. The County’s draft ordinance and all supporting documents can be accessed at the following link:

<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=5373640&GUID=954D9982-383A-4988-BCAA-AD2F74AF0D65>

Due to time constraints, I was unable to review the County’s draft documents (approximately 136 pages) and compare them against the City’s document identified per Reference 3.

However, when briefly comparing Ref. (3) page 1 against the document entitled “Board of Supervisors Agenda Letter” subject “Amend Chapter 17 of the County Code to Comply with State Law SB 1383 regarding the Diversion and Recycling of Organic Waste” from the link above, it most certainly appears

that the City's version contains errors (or a misinterpretation of SB 1383) when compared to the County's. For example, immediately starting on Page 1, Ref. (3) begins and incorrectly states, "The purpose of the proposed ordinance is to ensure the City is in compliance with Senate Bill (SB) 1383 that mandated public agencies to reduce organic waste disposal by 75% and increase edible food recovery by 25% by 2025."

The County's aforementioned document reads in relevant part as:

**Background:**

State law SB 1383 established statewide emissions reduction targets for short-lived climate pollutants, including methane generated in landfills. These targets are primarily achieved by requiring local jurisdictions to implement diversion and recycling programs that keep organics out of landfills.

Specifically, SB 1383 requires:

1. A 50% statewide reduction in organic waste disposal from 2014 levels by 2020 and a 75% reduction by 2025.
2. A 20% increase in the recovery of edible food for human consumption by 2025.
3. The provision of organic waste collection services for all residents and businesses, beginning in 2022.
4. The adoption of an ordinance or amendment to existing County or municipal code to establish and enforce key aspects of the new law.

In short, the City failed to correctly identify statewide target reduction levels of 50% and 75% are based upon levels from 2014 with compliance by 2020 and 2025, respectively, and further incorrectly states "increase edible food recovery by 25% by 2025" in lieu of the correct percentage of 20% by 2025.

Additionally, as I recommended in Ref. (2) (i.e., a Bare-Minimum Compliance Program), the County's proposed ordinance may in fact present a balanced approach to SB 1383 as compared to the City's proposed ordinance with its exorbitant fines for non-compliance instead of a voluntary compliance perspective first.

Furthermore, Key components of the County's SB 1383 Model Ordinance, from the aforementioned document, include:

1. The County is required to provide organics diversion programs to residents and businesses.
2. Residents and businesses are required to participate in these programs or divert organics themselves.
3. Enforcement of this ordinance may take place only after two years of education and outreach (January 1, 2024).

Through this Ordinance the County will be required to:

1. Provide organics collection services to all residents and businesses;
2. Conduct education and outreach;
3. Procure products made from recycled organics;
4. Establish food recovery programs;
5. Secure access to and track organics recycling and food recovery capacity;
6. Monitor compliance; and
7. Conduct enforcement.

Unfortunately, I am out of time. Nevertheless, thank you for your time and continued hard work.

Respectfully, C. Dave Gaughen