



Legislation Text

File #: 20-0285, **Version:** 1

Recommendation to authorize City Manager, or designee, to renew the Memoranda of Understanding (MOUs) with the California Department of Justice and U.S. Customs and Border Protection, to continue law enforcement incineration of controlled substances at the Southeast Resource Recovery Facility (SERRF), for a period of one year, with the option to renew for two additional one-year periods. (District 1)

City Council approval is requested to renew the MOUs with the California Department of Justice (CADOJ) and U.S. Customs and Border Protection (USCBP), for providing law enforcement incineration of controlled substances at SERRF.

Law enforcement agencies have determined that incineration is the most economical, legally feasible and, from a technological standpoint, the best method of destroying seized drugs that are no longer needed for legal proceedings. Currently, SERRF is one of two commercial incinerators within California permitted to burn controlled substances.

Due to its size, location, and adaptability to security, California's Attorney General requested the use of SERRF for the destruction of drugs seized by any law enforcement agency in California. Under an agreement last approved by the City Council on May 9, 2017, for the period July 2017 through June 2020, SERRF will have burned an estimated 1,500,000 pounds of controlled substances delivered by USCBP and State and local law enforcement agencies.

It is proposed that these two separate MOUs be extended another year, from July 1, 2020 through June 30, 2021, with an option to renew for two additional one-year periods, for the destruction of narcotics at SERRF. The City's MOU fees remain unchanged. To keep administrative costs to a minimum, the City will continue to charge CADOJ and USCBP flat rate billings of \$12,000 and \$75,000 annually, respectively.

This matter was reviewed by Deputy City Attorney Amy R. Webber on February 27, 2019 and by Revenue Management Officer Geraldine Alejo on March 7, 2020.

City Council action is requested on April 14, 2020, to ensure the MOUs are in place before the current MOUs expire.

The annual revenue generated from the MOUs will remain at \$87,000. Revenue will be deposited to the SERRF Fund Group in the Energy Resources Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this

recommendation.

Approve recommendation.

ROBERT M. DOWELL
DIRECTOR OF ENERGY RESOURCES

APPROVED:

THOMAS B. MODICA
ACTING CITY MANAGER