



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 26-825

Board Meeting Date: 10/6/2026

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P. Callagy, County Executive

Subject: Approval of SMCS D's response to 2025-26 Civil Grand Jury Report "More Food for Thought: County Sustainability Department Has Not Implemented Required SB 1383 Edible Food Recovery Enforcement Procedures"

RECOMMENDATION:

Approve the San Mateo County Sustainability Department's response to the 2025-26 Civil Grand Jury Report: "More Food for Thought: County Sustainability Department Has Not Implemented Required SB 1383 Edible Food Recovery Enforcement Procedures."

BACKGROUND:

On August 3, 2026, the 2025-26 San Mateo County Civil Grand Jury issued a report titled "More Food for Thought: County Sustainability Department Has Not Implemented Required SB 1383 Edible Food Recovery Enforcement Procedures" (Report).

The Report requests that the Director of the San Mateo Sustainability Department ("SMCS D") respond to two Findings (Nos. 1, 2) and three Recommendations (Nos. 1, 2, 3) set forth in the Report.

SMCS D's response to the Report is due to the Honorable Rachel Holt, Judge of the Superior Court of California, County of San Mateo, within 60 days of the Report, i.e., by October 2, 2026, and must indicate that it was approved by the agency's governing body at a public meeting.

The following response to the Report was delayed and is provided for Board approval.

DISCUSSION:

Staff recommends that the Board approve the following responses to two (2) findings and three (3) recommendations, as follows.

Finding No. 1: Since January 1, 2024, 14 CCR §§ 18995.1 and 18995.4 require jurisdictions to enforce SB 1383 requirements. Under MOUs reviewed by the Grand Jury, SMCS D is responsible for enforcement for participating jurisdictions. Inspection records reviewed by the Grand Jury do not

show a consistent documented process for conducting inspections and re-inspections, setting compliance deadlines, or issuing Notices of Violation, Penalty Orders, or other enforcement when required.

Response: SMCSD **partially disagrees** with this Finding.

SMCSD agrees that participating jurisdictions delegated specific edible food recovery responsibilities to SMCSD through MOUs. SMCSD disagrees that SMCSD does not have a consistent documented enforcement process. SMCSD has maintained an internal enforcement protocol developed by HF&H Consultants since June 2024 and has conducted outreach, inspections, and follow-up with regulated generators in accordance with SB 1383 requirements to achieve voluntary compliance.

Finding No. 2: During the investigation, SMCSD's online edible food recovery complaint form was not functional when tested, and the Grand Jury could not locate publicly accessible written complaint procedures for the jurisdictions reviewed. Although a countywide form is not mandated, 14 CCR § 18995.3 requires each jurisdiction to provide a procedure for receipt and investigation of written complaints and to allow anonymous complaints.

Response: SMCSD **partially disagrees** with this Finding.

SMCSD agrees that SB 1383 requires each jurisdiction to establish a procedure for the receipt and investigation of written complaints, including anonymous complaints.

SMCSD neither agrees nor disagrees that the online complaint form was not functional, as it is unable to verify this Finding. However, SMCSD can receive and investigate complaints through other means, including the Department's edible food recovery program email and a toll-free contact number. SMCSD has since added a direct link to the complaint form on its Edible Food Recovery webpage available at <https://www.smcsustainability.org/waste-reduction/sb-1383-procurement-compliance/edible-food-recovery/>

Recommendation No. 1: By December 31, 2026, SMCSD should adopt and implement written SB 1383 edible food recovery enforcement procedures for services performed under its MOUs, including criteria for inspections, re-inspections, Notices of Violation, Penalty Orders, or other enforcement when required.

Response: **This Recommendation requires further analysis.** SMCSD is in the process of developing written edible food recovery enforcement procedures, including inspection protocols, compliance deadlines, Notices of Violation, administrative citation and appeal procedures, and related enforcement materials in partnership with local jurisdictions covered under these MOUs. Since this is an unfunded state mandate, SMCSD will need to determine how the enforcement work will be funded, which will require exploring various funding and cost recovery models. SMCSD plans to prepare this matter for discussion with County leadership and/or participating jurisdictions by February 3, 2027.

Recommendation No. 2: By June 30, 2027, SMCSD should develop and implement a standardized inspection form and publicly accessible database of inspection reports and enforcement information, subject to Public Records Act requirements and any applicable exemptions.

Response: **This Recommendation requires further analysis.** SMCSD has developed and implemented a standardized inspection form for edible food recovery inspections. However, development of a publicly accessible database of inspection reports and enforcement

information requires further evaluation of Public Records Act requirements, applicable exemptions, confidentiality considerations, administrative resources, and consistency with existing County information systems. SMCSO will complete this analysis and discuss potential implementation with the County Attorney's Office by February 3, 2027.

Recommendation No. 3: By June 30, 2027, SMCSO should develop an anonymous complaint process that can be adopted by participating jurisdictions.

Response: This Recommendation has not yet been implemented but will be implemented in the future. SMCSO agrees that a standardized anonymous complaint process would improve consistency across participating jurisdictions. SMCSO will coordinate with participating jurisdictions to develop a standardized process for receiving, routing, investigating, and documenting anonymous complaints by June 30, 2027. However, the final decision and timeline to adopt the standardized complaint process will be up to each jurisdiction. SMCSO will continue to document the jurisdictions that adopt the standardized complaint process or a process specific to the jurisdiction.

COMMUNITY IMPACT:

Providing responses to Civil Grand Jury Reports is a statutory requirement that provides transparency and accountability to the community.

FISCAL IMPACT:

There is no fiscal impact associated with the Board of Supervisors' approval of SMCSO's response to the Report.

ATTACHMENT:

Attachment A: More Food for Thought: County Sustainability Department Has Not Implemented Required SB 1383 Edible Food Recovery Enforcement Procedures