



BOARD PACKAGE

April 6, 2022

Regular Board Meeting – 6:00 p.m.

REGULAR BOARD MEETING AGENDA

April 6, 2022 – 6:00 P.M.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Via Conference Call (see below)

THIS MEETING WILL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF ASSEMBLY BILL 361, WHICH EFFECTIVE OCTOBER 1, 2021, MODIFIED CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT WITH RESPECT TO REMOTE TELECONFERENCE BOARD MEETINGS DURING PERIODS OF STATE-DECLARED EMERGENCIES.

Pursuant to AB361, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, the Phelan Piñon Hills Community Services District will hold this meeting of its Board of Directors both in-person at the above location and via teleconference or video conference. Members of the public may watch and participate in the meeting by physical attendance or by Zoom or telephone conference via the remote instructions below.

REMOTE PARTICIPATION INFORMATION:

Dial-in

1-720-707-2699
Meeting ID: 873 1076 9189
Passcode: 626230

Zoom

<https://us06web.zoom.us/j/87310769189?pwd=Z0dYRW8vNzY0ZWVRc0hHVkdaMmNIUT09>
Meeting ID: 873 1076 9189
Passcode: 626230

One-Tap Mobile

+17207072699,,87310769189#

Remote Comment Procedure:

- You will be muted until you are called on during the public comment period.
- You will be recognized by the last 4 digits of your phone number or Zoom ID and asked if you have a comment.
 - If you do not have a comment, state “no comment.”
 - If you do have a comment, please state your name, where you live, and limit your comment to 5 minutes. After 5 minutes you may be muted so that others can comment.
- You may also email your public comment to the Board Secretary at kward@pphcsd.org by 6:00 p.m. on April 6, 2022. Your comment will be added to the record by the Board Secretary.

Please check the District website for updates on this meeting. We encourage you to sign up for our email notifications by emailing kward@pphcsd.org or by visiting our website and completing the signup form at www.pphcsd.org under the “Agendas and Minutes” tab.



Mission Statement:

The Mission of the Phelan Piñon Hills Community Services District is to efficiently provide authorized services and maximize resources for the benefit of the community.

Authorized Services:

- Water
- Parks & Recreation
- Street Lighting
- Solid Waste & Recycling

REGULAR BOARD MEETING – 6:00 P.M.

Call to Order – Pledge of Allegiance

Roll Call1) **Approval of Agenda**

2) **Public Comment** – Under this item, any member of the public wishing to directly address the Board on any item of interest that may or may not be within the subject matter jurisdiction of the Board, but not listed on the agenda, may do so at this time. However, the Board is prohibited by law from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act. Any member of the public wishing to directly address the Board on any item listed on the agenda may do so when the item is being considered by the Board. *If you wish to address the Board, please do so by the method listed on the first page of this agenda.* Speakers are requested to be brief in their remarks. The Chair may limit each speaker to a comment period of five (5) minutes.

a) **General Public**b) **Community Reports**

- C.E.R.T.
- County Supervisor
- Fire
- Mojave Water Agency
- School District
- Sheriff

3) **Consent Items**

- a) Approval of Board Minutes
- b) Approval of Board Stipends/Reimbursements
- c) Approval of Contractor Payments
- d) Acceptance of Annual Solid Waste Report

4) **Matters Removed from Consent Items**5) **Presentations/Appointments**6) **Continued/New Agenda Items**

- a) Presentation, Discussion & Possible Action Regarding Phase 3 of the Phelan Park Expansion Project
- b) Second Reading of Ordinance No. 2022-02; Establishing Uniform Solid Waste, Recycling, and Organic Waste Disposal Requirements
- c) Public Hearing on Ordinance No. 2022-02; Establishing Uniform Solid Waste, Recycling, and Organic Waste Disposal Requirements
 1. Secretary's Report
 2. Attorney's Report on Action Taken Prior to this Hearing
 3. Staff's Report
 4. Public Comment, Protests, and Objections
 - a. Any person may address the Board on the Ordinance
 - b. Staff responses to comments, protests, and objection

- d) Discussion & Possible Adoption of Ordinance No. 2022-02; Establishing Uniform Solid Waste, Recycling, and Organic Waste Disposal Requirements
 - e) Discussion & Possible Action Regarding Materials Purchase for Well No. 15
 - f) Update on the Proposed Civic Center & Phelan Park Expansion Projects
 - g) Update on the Status of Negotiations for the Consolidation of Sheep Creek Mutual Water Company into the District
 - h) Discussion & Possible Action Regarding Increasing Purchase Order for Fuel for an Additional \$25,000
- 7) **Committee Reports/Comments**
- a) Antelope Valley Adjudication Committee (Ad Hoc)
 - b) Engineering Committee (Standing)
 - c) Finance Committee (Standing)
 - d) Legislative Committee (Standing)
 - e) Parks, Recreation & Street Lighting Committee (Standing)
 - f) Waste & Recycling Committee (Standing)
- 8) **Staff and General Manager's Report**
- 9) **Reports**
- a) Director's Report
 - b) President's Report
- 10) **Correspondence/Information**
- 11) **Review of Action Items**
- a) Prior Meeting Action Items
 - b) Current Meeting Action Items
- 12) **Set Agenda for Next Meeting**
- Regular Board Meeting – April 20, 2022
- 13) **Recess to Closed Session**
- Closed Session:** Conference with Legal Counsel
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case
- 14) **Return to Open Session** – Announcement of Reportable Action
- 15) **Adjournment**
- Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the District's General Manager at (760) 868-1212 at least 24 hours prior to said meeting.*

Agenda materials can be viewed online at <http://www.pphcsd.org>

Agenda Item 3a

Approval of Board Minutes

REGULAR BOARD MEETING MINUTES

March 16, 2022
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Rebecca Kujawa, President
Deborah Philips, Vice President
Kathy Hoffman, Director
Charlie Johnson, Director
Mark Roberts, Director

Board Members Absent: None

Staff Present: Don Bartz, General Manager
George Cardenas, Engineering Manager
Kim Ward, HR Manager/Executive Secretary
Sean Wright, Water Operations Manager
Jennifer Oakes, Executive Management Analyst

District Counsel: Steve Kennedy, General Counsel (Zoom)

Public: None

Call to Order

Director Kujawa called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was conducted.

Roll Call

All Directors were present at roll call.

1) **Approval of Agenda**

Mr. Bartz requested to move Item 6g to be right after Item 6a. Director Hoffman moved to approve the Agenda as amended. Director Roberts seconded the motion. Motion carried 5-0.

2) **Public Comment**

a) **General Public**

None

b) **Community Reports**

- **Congress** – Hayden Bartz, Field Representative for Congressman Obernolte’s office, gave a legislative update. Congressman Obernolte’s office sent a letter to Governor Newsom requesting a temporary suspension on the California gas tax

and it failed on party line votes. Mr. Bartz also read comments from Congressman Obernolte regarding the Ukraine crisis.

3) **Consent Items**

Vice President Philips moved to approve the Consent Items. Director Hoffman seconded the motion. Motion carried 5-0.

4) **Matters Removed from Consent Items**

None

5) **Presentations/Appointments**

A presentation of the District's Strategic Plan was given by Brent Ives, BHI Management Consulting.

Note: The presentation is available on the District's website.

6) **Continued/New Agenda Items**

a) **Discussion & Possible Adoption of the District's Strategic Plan**

Staff Recommendation: For the Board to adopt Resolution No. 2022-09; Establishing a Conflict of Interest Code.

Mr. Bartz presented this item.

Vice President Philips moved to approve the staff recommendation as amended. Director Johnson seconded the motion. Motion carried 4-1.

b) **Review of Draft Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements**

Staff Recommendation: For the Board to review Draft Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements.

Ms. Ward presented this item.

No action taken; not an action item.

c) **Discussion & Possible Action Regarding Distribution System Dead-End Elimination**

Staff Recommendation: Due to budgetary considerations, for staff to continue flushing dead-end lines as necessary, and as scheduled, and to monitor dead-end lines for future looped connection as development occurs.

Mr. Bartz presented this item.

Board consensus was to continue flushing dead-end lines; no action was taken.

d) **Discussion & Possible Adoption of Resolution No. 2022-10; Placing in Nomination Don Bartz, General Manager, as a Director of the California Special Districts Association's Southern Network Seat B**

Staff Recommendation: For the Board to adopt Resolution No. 2022-10; Placing in Nomination Don Bartz, General Manager, as a Director of the California Special Districts Association's Southern Network Seat B.

Mr. Bartz presented this item.

Director Johnson moved to approve the staff recommendation. Vice President Philips seconded the motion. Motion carried 5-0.

e) **Discussion & Possible Action Regarding Wilson Ranch Road Pipeline Protection Project**

Staff Recommendation: Staff recommends for the Board to approve the Wilson Ranch Road Pipeline Protection Project in the amount not to exceed \$74,898.36.

Mr. Wright presented this item.

Vice President Philips moved to approve the staff recommendation. President Kujawa seconded the motion. Motion carried 5-0.

f) **Discussion & Possible Approval of Purchase of Materials for the Well No. 15 Pipeline Project**

Staff Recommendation: Staff recommends that the board approve the purchase of 5,820 linear feet of 12" DI350 Ductile Iron Pipe from Inland Water Works in the amount of \$258,990 + 10% material volatility contingency, plus tax and delivery.

Mr. Bartz presented this item.

Director Johnson moved to approve the staff recommendation. Director Roberts seconded the motion. Motion carried 5-0.

g) **Discussion and Possible Action Regarding Election for Regular Special District Member & Alternate Special District Member of the Local Agency Formation Commission**

Staff Recommendation: For the Board to elect individuals for the positions of Regular Special District Member and Alternate Special District Member of the Local Agency Formation Commission (LAFCO).

Mr. Bartz presented this item.

Kevin Kenley, Cucamonga Valley Water District Board member, introduced himself as one of the nominees for the alternate position and answered questions.

Consensus of the Board was to vote for Steven Farrell for the Regular Special District Member position.

Director Johnson moved to vote for Kevin Kenley for the Alternate Special District Member position. Director Johnson seconded the motion. Motion carried 5-0.

h) Update on the Proposed Civic Center & Phelan Park Expansion Projects

Staff Recommendation: None

Mr. Cardenas reported that the percolation test was completed today on the 14-acre parcel and the study report will be completed in the next couple of weeks. Work will also be completed on the permit for Joshua tree removal in the next few weeks. KTUA will provide a presentation at the next meeting on the proposed revision of the site.

No action taken; not an action item.

i) Update on the Status of Negotiations for the Consolidation of Sheep Creek Mutual Water Company into the District

Staff Recommendation: None

Mr. Bartz stated that there are no new updates at this time.

No action taken; not an action item.

7) Committee Reports/Comments

- a) **Antelope Valley Adjudication Committee (Ad Hoc)** – None.
- b) **Engineering Committee (Standing)** – Met last week. The pipe purchase that was voted on in tonight's meeting was discussed at the meeting.
- c) **Finance Committee (Standing)** – Meeting on March 23rd.
- d) **Legislative Committee (Standing)** – Meets in May.
- e) **Parks, Recreation & Street Lighting Committee (Standing)** – Meets on April 12th.
- f) **Waste & Recycling Committee (Standing)** – Met last week. The committee discussed upcoming changes with solid waste and reviewed information on Helendale's recycling center. CR&R let the committee know they offer mattress recycling.

8) Staff and General Manager's Report

None

9) Reports

- a) **Director's Report**
 - Hoffman** – Nothing further to report.
 - Philips** – Will be attending ASBCSD meeting next week and will be up for election for the Director position.
 - Roberts** – Nothing further to report.
 - Johnson** – Commented on the Legislative meeting only being nine minutes long.
- b) **President's Report** – Nothing further to report.

10) Correspondence/Information – The items in the packet were noted.**11) Review of Action Items**

- a) **Prior Meeting Action Items**
 - None
- b) **Current Meeting Action Items**
 - Updates to Solid Waste Ordinance

12) **Set Agenda for Next Meeting**

- Special Board Meeting – March 30, 2022
- Regular Board Meeting – April 6, 2022

13) **Recess to Closed Session**

With no further business before the Board, the Board recessed to closed session at 7:51 p.m.

Closed Session: Conference with Legal Counsel
 Real Property Negotiations
 Pursuant to Government Code Section 54956.8
 Property: Water Rights
 District Negotiator: Don Bartz, General Manager
 Negotiating Parties: Sheep Creek Mutual Water Company
 Negotiation: Consolidation

14) **Return to Open Session** – Announcement of Reportable Action

The Board returned to open session at 8:37 p.m.

Director Roberts recused himself from the closed session.

There was no reportable action.

15) **Adjournment**

With no further business before the Board, the meeting was adjourned at 8:37 p.m.

Agenda materials can be viewed online at <https://www.pphcsd.org>

Rebecca Kujawa, President of the Board

Date

Kim Ward, HR Manager/Executive Secretary

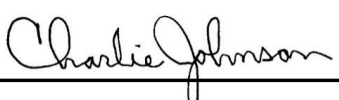
Date



Agenda Item 3b

Approval of Board
Stipends/Reimbursements

Phelan Piñon Hills Community Services District BOARD STIPEND & EXPENSE VOUCHER/REPORT

2022					AB1234 Compliant					Report of items paid for with District Credit Card***		
					*MAXIMUM PAID @ \$120 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH							
Name: Charlie Johnson					Date: March 31, 2022							
Reimbursed @ 0.585					REIMBURSEMENT REQUESTED					CREDIT CARD EXPENSES		
Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	Mileage**	Meals	Lodging	Other	Meals	Lodging	Other	
03/02/22		Regular Board Meeting	120.00	13.80	8.07							
03/09/22		Engineering Committee	NC	0.00	-							
03/16/22		Regular Board Meeting	120.00	13.80	8.07							
03/22/22		Special Finance Committee Meeting	120.00	13.80	8.07							
03/30/22		Board Meeting Budget Workshop	120.00	13.80	8.07							
					-							
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					-							
					-							
Totals			480.00	55.20	32.29	-	-	-	-	-	-	
A: Board Approved? (section 2.4) <div style="border: 1px solid black; background-color: yellow; padding: 5px; margin: 5px 0;"> I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies. </div> <p style="margin: 5px 0;"><i>Board member's signature below</i></p> <p style="margin: 5px 0; text-align: center;">  _____ Signature </p>					Totals:							
					Acct #		Meetings	480.00	Payroll		Date	
		Mileage	32.29	Board Mtg				Other	-		-	
		Meals	-					Grand Total	512.29		-	
		Lodging	-								-	
		Other	-								-	

**Mileage is automatically calculated based on the number of miles entered.

***Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Phelan Piñon Hills Community Services District

BOARD STIPEND & EXPENSE VOUCHER/REPORT

2022					AB1234 Compliant						
*MAXIMUM PAID @ \$120 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH					Report of items paid for with District Credit Card***						
Name: Mark Roberts					Date: April 1, 2022						
Reimbursed @ 0.585					REIMBURSEMENT REQUESTED			CREDIT CARD EXPENSES			
Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	Mileage**	Meals	Lodging	Other	Meals	Lodging	Other
02/02/22		Board Meeting	120.00		-						
02/16/22		Board Meeting	120.00		-						
02/23/22		Board Workshop	120.00		-						
					-						
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Totals			360.00	-	-	-	-	-	-	-	-

<p>A: Board Approved? (section 2.4)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies.</p> </div> <p style="text-align: center;"><i>Board member's signature below</i></p> <p style="text-align: center; font-family: cursive; font-size: 1.2em;">Mark Roberts</p> <p>_____ Signature</p>	<p>Acct # _____</p>	<p>Totals:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Meetings</td><td style="text-align: right;">360.00</td></tr> <tr><td>Mileage</td><td style="text-align: right;">-</td></tr> <tr><td>Meals</td><td style="text-align: right;">-</td></tr> <tr><td>Lodging</td><td style="text-align: right;">-</td></tr> <tr><td>Other</td><td style="text-align: right;">-</td></tr> <tr><td>Grand Total</td><td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">360.00</td></tr> </table>	Meetings	360.00	Mileage	-	Meals	-	Lodging	-	Other	-	Grand Total	360.00	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: right;">Date</td> </tr> <tr> <td>Payroll</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Board Mtg</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Meals</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Lodging</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Other</td> <td style="text-align: right;">_____</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">-</td> </tr> </table>		Date	Payroll	_____	Board Mtg	_____	Meals	_____	Lodging	_____	Other	_____		-
Meetings	360.00																												
Mileage	-																												
Meals	-																												
Lodging	-																												
Other	-																												
Grand Total	360.00																												
	Date																												
Payroll	_____																												
Board Mtg	_____																												
Meals	_____																												
Lodging	_____																												
Other	_____																												
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Mileage is automatically calculated based on the number of miles entered. *Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Phelan Piñon Hills Community Services District

BOARD STIPEND & EXPENSE VOUCHER/REPORT

2022		AB1234 Compliant							Report of items paid for with District Credit Card***		
*MAXIMUM PAID @ \$120 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH		Name: Mark Roberts									
Reimbursed @ 0.585		REIMBURSEMENT REQUESTED					CREDIT CARD EXPENSES				
Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	Mileage**	Meals	Lodging	Other	Meals	Lodging	Other
03/02/22		Board Meeting	120.00		-						
03/09/22		Engineering Committee Meeting	120.00		-						
03/16/22		Board Meeting	120.00		-						
03/22/22		Special Finance Committee Meeting	120.00		-						
03/30/22		Special Board Meeting	120.00		-						
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					-						
		Totals	600.00	-	-	-	-	-	-	-	-

A: Board Approved? (section 2.4)		Totals:			Date
I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies.	Acct #	Meetings	600.00	Payroll	
		Mileage	-	Board Mtg	
		Meals	-		
		Lodging	-		
		Other	-		
	Grand Total		600.00		
Meals - Lodging - Other -					
-					

<p style="text-align: center;"><i>Board member's signature below</i></p> <p style="text-align: center; font-style: italic; font-size: 1.2em;">Mark Roberts</p> <p style="text-align: center;">_____</p> <p style="text-align: center; font-size: 0.8em;">Signature</p>	
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**Mileage is automatically calculated based on the number of miles entered.

***Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Phelan Piñon Hills Community Services District

BOARD STIPEND & EXPENSE VOUCHER/REPORT

2022		AB1234 Compliant									
		*MAXIMUM PAID @ \$120 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH							Report of items paid for with District Credit Card***		
Name: Deborah Philips		Date: March 1, 2022									
		Reimbursed @ 0.585			REIMBURSEMENT REQUESTED				CREDIT CARD EXPENSES		
Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	Mileage**	Meals	Lodging	Other	Meals	Lodging	Other
03/02/22		Board meeting	120.00	10.00	5.85						
03/10/22		Waste and Recycling Committee	120.00	10.00	5.85						
03/16/22		Board meeting	120.00	10.00	5.85						
03/21/22		ASBCSD monthly meeting	120.00	10.00	5.85						
03/24/22		Meeting with GM (Budget)	120.00	25.00	14.63						
03/28/22		CSDA Webinar The Great Board Chair	120.00		-						
03/30/22		Board Workshop	120.00	10.00	5.85						
					-						
					-						
					-						
					-						
					-						
					-						
					-						
					-						
					-						
					-						
Totals			840.00	75.00	43.88	-	-	-	-	-	-
A: Board Approved? (section 2.4)				Totals:							
I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies.		Board member's signature below <i>Deborah Philips</i> _____ Signature		Acct #		Meetings	840.00	Payroll		Date	
						Mileage	43.88	Board Mtg			
						Meals	-				
						Lodging	-				
						Other	-				
				Grand Total		883.88					
						Meals	-				
						Lodging	-				
						Other	-				
							-				

**Mileage is automatically calculated based on the number of miles entered.

***Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Phelan Piñon Hills Community Services District

BOARD STIPEND & EXPENSE VOUCHER/REPORT

AB1234 Compliant

2021

*MAXIMUM PAID @ \$110 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH

Report of items paid for with District Credit Card***

Name: **Rebecca Kujawa**

Date: **March 31, 2022**

Reimbursed @ 0.560

REIMBURSEMENT REQUESTED

CREDIT CARD EXPENSES

Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	Mileage**	Meals	Lodging	Other	Meals	Lodging	Other
03/02/22		Regular Board Meeting	120.00	10.20	5.71						
03/10/22		Solid Waste & Recycling Committee Meeting	120.00	0.00	-						
03/16/22		Regular Board Meeting	120.00	10.20	5.71						
03/21/22		ASBCSD	120.00	96.80	54.21						
03/30/22		Special Board Meeting	120.00	0.00	-						
Totals			600.00	117.20	65.63	-	-	-	-	-	-

A: Board Approved? (section 2.4)

I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies.

Board member's signature below

Rebecca A Kujawa

Signature

Acct #	Totals:	Meetings	600.00	Payroll	Date		
		Mileage	65.63	Board Mtg			
		Meals	-			Meals	-
		Lodging	-			Lodging	-
		Other	-			Other	-
	Grand Total		665.63				-

**Mileage is automatically calculated based on the number of miles entered.

***Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Phelan Piñon Hills Community Services District

BOARD STIPEND & EXPENSE VOUCHER/REPORT

AB1234 Compliant

2022		*MAXIMUM PAID @ \$120 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH							Report of items paid for with District Credit Card***				
Name: <u>Kathy Hoffman</u>		Reimbursed @ 0.585		Date: <u>1-22</u>				REIMBURSEMENT REQUESTED			CREDIT CARD EXPENSES		
Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	Mileage**	Meals	Lodging	Other	Meals	Lodging	Other		
<u>1-5-22</u>		<u>Board meeting</u>	<u>120</u>	<u>N/C</u>	-								
<u>1-18-22</u>		<u>Legislative committee</u>	<u>120</u>	<u>N/C</u>	-								
<u>1-19-22</u>		<u>Board Meeting</u>	<u>120</u>	<u>N/C</u>	-								
<u>1-26-22</u>		<u>Board Workshop Parks</u>	<u>120</u>	<u>N/C</u>	-								
<u>1-27-22</u>		<u>Engineering committee</u>	<u>120</u>	<u>N/C</u>	-								
Totals			-	-	-	-	-	-	-	-	-		

A: Board Approved? (section 2.4)

I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies.

Board member's signature below

[Signature]

Signature

Acct # 600.00

Totals:

Meetings -

Mileage -

Meals -

Lodging -

Other -

Grand Total 600.00

	Date
Payroll	
Board Mtg	

Meals -

Lodging -

Other -

**Mileage is automatically calculated based on the number of miles entered.

***Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Phelan Piñon Hills Community Services District

BOARD STIPEND & EXPENSE VOUCHER/REPORT

AB1234 Compliant

2022	*MAXIMUM PAID @ \$120 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH							Report of items paid for with District Credit Card***			
Name: <u>Kathy Hoffman</u>		Reimbursed @ 0.585		Date: <u>2-22</u>			CREDIT CARD EXPENSES				
Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	Mileage**	Meals	Lodging	Other	Meals	Lodging	Other
<u>2-2-22</u>		<u>Board Meeting</u>	<u>120</u>	<u>N/C</u>	-	-	-	-	-	-	-
<u>2-11-22</u>		<u>Board Meeting</u>	<u>120</u>	<u>N/C</u>	-	-	-	-	-	-	-
<u>2-17-22</u>		<u>Special legislative meeting</u>	<u>120</u>	<u>N/C</u>	-	-	-	-	-	-	-
<u>2-23-22</u>		<u>Board workshop</u>	<u>120</u>	<u>N/C</u>	-	-	-	-	-	-	-
Totals			-	-	-	-	-	-	-	-	-

A: Board Approved? (section 2.4)

I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies.

Board member's signature below

Signature

Acct # 480.00

Totals:

Meetings	-			
Mileage	-			
Meals	-			
Lodging	-			
Other	-			
Grand Total	<u>480.00</u>			

Date	Date
Payroll	
Board Mtg	

Meals	-		
Lodging	-		
Other	-		
Totals	<u>-</u>		

**Mileage is automatically calculated based on the number of miles entered.

***Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Phelan Piñon Hills Community Services District

BOARD STIPEND & EXPENSE VOUCHER/REPORT

AB1234 Compliant

2022		*MAXIMUM PAID @ \$120 PER MEETING DAY AND LIMITED TO 10 MEETINGS PER MONTH								Report of items paid for with District Credit Card***				
Name: <u>Kathy Hoffman</u>		Reimbursed @ 0.585		Date: <u>3-22</u>								CREDIT CARD EXPENSES		
Date of mtg. or event	A	Expense Description / Business Purpose	*Meeting (\$120 or N/C)	Miles	REIMBURSEMENT REQUESTED				CREDIT CARD EXPENSES					
					Mileage**	Meals	Lodging	Other	Meals	Lodging	Other			
<u>3-2-22</u>		<u>Board Meeting</u>	<u>120</u>	<u>N/C</u>	-	-	-	-	-	-	-	-		
<u>3-16-22</u>		<u>Board Meeting</u>	<u>120</u>	<u>N/C</u>	-	-	-	-	-	-	-	-		
<u>3-30-22</u>		<u>Board Workshop</u>	<u>120</u>	<u>N/C</u>	-	-	-	-	-	-	-	-		
Totals			-	-	-	-	-	-	-	-	-	-		

A: Board Approved? (section 2.4)

I certify the expenses listed above are related to my authorized travel according to the Phelan Piñon Hills Community Services District Policies.

Board member's signature below

Kathy Hoffman
Signature

Acct # 3160.00

Totals:

Meetings	-
Mileage	-
Meals	-
Lodging	-
Other	-
Grand Total	<u>3160.00</u>

	Data
Payroll	-
Board Mtg	-
Meals	-
Lodging	-
Other	-

**Mileage is automatically calculated based on the number of miles entered.

***Credit card receipts must be turned in to the office within 24 hours of the charge or return to the District.

Agenda Item 3c

Approval of Contractor
Payments

Date: 03/29/2022

Name of Vendor: KTUA

Description of work: Phelan Community Park Project

Purchase Order # PO-04200

Date of Board Approval August 12, 2020

Original Approved Amount: \$ 287,925.00

Amount Approved C/O #1

Amount Approved C/O #2

Total Contract Amount \$ 287,925.00

% Completed to Date 89%

Total Invoiced to Date \$ 255,055.00

Amount Paid to Date 247,287.50

Total Due this Invoice \$7,767.50

Total Contract Amount After Invoice: \$ 32,870.00

Certification that the above work is completed as reflected on the invoice.

[Signature]
Engineering Manager 3/29/22
Date

[Signature]
General Manager 3/29/22
Date

Approved by Board of Directors: _____
Date



3916 Normal Street
 San Diego, CA 92103
 619.294.4477
 www.ktua.com
 PLA 2342 • 2386 • 2500

George Cardenas
 Phelan Pinon Hills Community Services District
 Mr. George Cardenas
 4176 Warbler Road
 Phelan, CA 92371

March 29, 2022
 Project No: 020-023.02
 Invoice No: 33779

Project 020-023.02 Phelan Park - Phase 1A/2A 1B/2B

For professional services for the period February 1, 2022 to February 28, 2022
Fee Charges

Description	Contract Amount	% Work To Date	Amount Billed	Previous Billed	This Inv Billed
Park Site - Kick Off Meeting					
KTUA	1,200.00	100.00	1,200.00	1,200.00	0.00
TRLS	810.00	100.00	810.00	810.00	0.00
Total Park Site - Kick Off Meeting	2,010.00		2,010.00	2,010.00	0.00
Group 1A- Community Meeting 1 & 2					
KTUA	7,720.00	100.00	7,720.00	7,720.00	0.00
TRLS	900.00	100.00	900.00	900.00	0.00
Total Group 1A- Community Meeting 1 & 2	8,620.00		8,620.00	8,620.00	0.00
Group 1A - Stakeholders Meeting					
KTUA	4,665.00	100.00	4,665.00	4,665.00	0.00
Total Group 1A - Stakeholders Meeting	4,665.00		4,665.00	4,665.00	0.00
Group 1A - Final Programming					
KTUA	2,345.00	100.00	2,345.00	2,345.00	0.00
TRLS	1,170.00	100.00	1,170.00	1,170.00	0.00
ARC	600.00	100.00	600.00	600.00	0.00
Total Group 1A - Final Programming	4,115.00		4,115.00	4,115.00	0.00
Group 1A - CUP Package Draft					
KTUA	2,830.00	100.00	2,830.00	2,830.00	0.00
TRLS	4,050.00	100.00	4,050.00	4,050.00	0.00
EDI	2,520.00	100.00	2,520.00	2,520.00	0.00

PO 4200
 APPROVED FOR
 PAYMENT
 3/29/22

ARC	2,400.00	100.00	2,400.00	2,400.00	0.00
Total Group 1A - CUP Package Draft	11,800.00		11,800.00	11,800.00	0.00
Group 1A - Draft Schematic Park Site (15%)					
KTUA	48,890.00	100.00	48,890.00	48,890.00	0.00
TRLS	37,350.00	100.00	37,350.00	37,350.00	0.00
EDI	8,100.00	100.00	8,100.00	8,100.00	0.00
ARC	7,200.00	100.00	7,200.00	7,200.00	0.00
Total Group 1A - Draft Schematic Park Site (15%)	101,540.00		101,540.00	101,540.00	0.00
Group 1A - Expense					
KTUA	600.00	0.00	0.00	0.00	0.00
TRLS	200.00	0.00	0.00	0.00	0.00
EDI	200.00	0.00	0.00	0.00	0.00
Total Group 1A - Expense	1,000.00		0.00	0.00	0.00
Group 2A - Refined Site Plan Park Site					
KTUA	3,645.00	100.00	3,645.00	3,645.00	0.00
Total Group 2A - Refined Site Plan Park Site	3,645.00		3,645.00	3,645.00	0.00
Group 2A - Community Meetings 3 & 4					
KTUA	6,180.00	100.00	6,180.00	6,180.00	0.00
Total Group 2A - Community Meetings 3 & 4	6,180.00		6,180.00	6,180.00	0.00
Group 2A - CUP Package					
KTUA	13,760.00	100.00	13,760.00	13,760.00	0.00
TRLS	2,340.00	100.00	2,340.00	2,340.00	0.00
EDI	930.00	100.00	930.00	930.00	0.00
Total Group 2A - CUP Package	17,030.00		17,030.00	17,030.00	0.00
Group 2A - Final Schematic Plan Park Site (35%)					
KTUA	32,105.00	60.00	19,263.00	16,052.50	3,210.50
TRLS	25,830.00	60.00	15,498.00	12,915.00	2,583.00
EDI	10,740.00	60.00	6,444.00	5,370.00	1,074.00
ARC	9,000.00	60.00	5,400.00	4,500.00	900.00
Total Group 2A - Final Schematic Plan Park Site (35%)	77,675.00		46,605.00	38,837.50	7,767.50

Group 1A/2A - Expense

KTUA	600.00	0.00	0.00	0.00	0.00
TRLS	200.00	0.00	0.00	0.00	0.00
Total Group 1A/2A - Expense	800.00		0.00	0.00	0.00

Group 1B - Draft Schematic for Civic Site (15%)

KTUA	23,935.00	100.00	23,935.00	23,935.00	0.00
Total Group 1B - Draft Schematic for Civic Site (15%)	23,935.00		23,935.00	23,935.00	0.00

Group 2B - Final Schematics for Civic Site (35%)

KTUA	24,910.00	100.00	24,910.00	24,910.00	0.00
Total Group 2B - Final Schematics for Civic Site (35%)	24,910.00		24,910.00	24,910.00	0.00

Total Fee	287,925.00		255,055.00	247,287.50	7,767.50
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Total Fixed Fee

7,767.50

Total this Invoice \$7,767.50

Billings to Date

	Current	Prior	Total	Received
Fee	7,767.50	247,287.50	255,055.00	
Totals	7,767.50	247,287.50	255,055.00	247,287.50



PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
 P.O. Box 294049
 Phelan, CA 92329-4049
 (760) 868-1212

PURCHASE ORDER

PO Number: PO-04200

Date: 08/12/2020

Request #: PO-04200

Vendor #: KTUA

ISSUED TO: KTUA
 3916 Normal Street
 San Diego, CA 92103-

SHIP TO: Phelan Pinon Hills Community Services Distric
 4176 Warbler Road
 Phelan, CA 92371

ITEM	UNITS	DESCRIPTION	PROJECT	PRICE	GL ACCOUNT #	GL ACCOUNT NAM	AMOUNT
1		Phelan Community Park Project - KTUA Phase 1 - 15% level design and Phase 2 35% (CUP submittal) Design includes: Civic Center Plaza (Area "A") and Phelan Community Park (Area "B")\ Phase 1: Stakeholder meetings 15% Draft and Final Schematics Design, hardlines Phase 2: Community Workshops 35% Draft and Fianl Schematics Design, hardlines Prop. 68 Grant Application	C0078		22-2-0-17000	CIP - Parks & Rec	287,925.00

Requested By: George Cardenas

Date: 8/12/2020

SUBTOTAL:	287,925.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	287,925.00

PPHCSD (760) 868-1212 Fax (760) 868-2323

Date: 03/23/2022

Name of Vendor: Tom Dodson & Associates

Description of work: CEQA Services for Well 15 & 16

Purchase Order # PO-04735

Date of Board Approval September 8, 2021

Original Approved Amount: \$33,530.00

Total Contract Amount \$33,530.00

% Completed to Date 52%

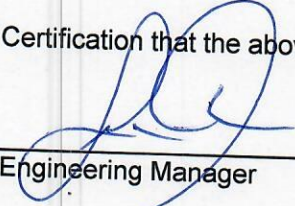
Total Invoiced to Date \$ 17,522.58

Amount Paid to Date 9,550.00

Total Due this Invoice \$7,972.58

Total Contract Amount After Invoice: \$ 16,007.42

Certification that the above work is completed as reflected on the invoice.



Engineering Manager

3/24/2022
Date



General Manager

3/24/22
Date

Approved by Board of Directors: _____
Date



PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
 P.O. Box 294049
 Phelan, CA 92329-4049
 (760) 868-1212

PURCHASE ORDER

PO Number: PO-04735

Date: 09/03/2021

Request #: PO-04735

Vendor #: TOMDOD

ISSUED TO: Tom Dodson & Associates
 P.O. Box 2307
 San Bernardino, CA 92405-

SHIP TO: Phelan Pinon Hills Community Services Distric
 4176 Warbler Road
 Phelan, CA 92371

ITEM	UNITS	DESCRIPTION	PROJECT	PRICE	GL ACCOUNT #	GL ACCOUNT NAM	AMOUNT
1		Prop. well 15 / pipeline & prop. w Initial Study / Mitigated Negative Declaration for proposed well 15 with transmission pipeline (APN 3101-031-01) east 5ac portion of the 40 acres and proposed well 16 (APN 3098-071-05) Total: \$31,000 excludes CDFW filing fee (\$2,500) <i>3/24/22 C/O processed to include filing fee, paid by vendor.</i>	C0095		01-0-0-17000	CIP Enterprise Fun	33,530.00

Requested By: George Cardenas

Date: 9/3/2021

SUBTOTAL:	33,530.00
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	33,530.00

PPHCSD (760) 868-1212 Fax (760) 868-2323

TOM DODSON & ASSOCIATES

PO Box 2307
 San Bernardino, CA 92406
 Tel: (909) 882-3612
 Email: tda@tdaenv.com

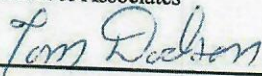


Invoice

DATE	INVOICE NO.
3/16/22	PPH-116-5

BILL TO

Phelan Pinon Hills CSD
 Attn: George Cardenas
 PO Box 294049
 Phelan, CA 92329

PROJECT TITLE			DUE DATE
CEQA for Technical Services for Proposed Wells 15 & 16 PO#4735			4/15/22
DESCRIPTION	HOURS	RATE	AMOUNT
Env. Specialist II			
2/22 - CEQA support	1	105.00	105.00
2/23 - CEQA support	2	105.00	210.00
2/25 - CEQA support	4	105.00	420.00
2/28 - CEQA support	2	105.00	210.00
Admin / WP / Graphics			
2/23 - nitial Study	1.5	50.00	75.00
2/24 - Initial Study	0.5	50.00	25.00
Subconsultants			
CRM TECH - Cultural Resources Assessment	1	5,980.00	5,980.00
Feb: JACOBS - BRR	1	852.30	852.30
ODCs			
USPS - certified/return receipt	10	65.28	65.28
CD Supplies		3.00	30.00
SUMMARY AS OF FEB 28, 2022 (PPH-116) Contract Amount \$33,530.00 Previously Invoiced \$9,550.00 This Invoice \$7,972.58 Total Invoiced To Date \$17,522.58 Amount Paid \$7,184.50 Invoiced Amount Outstanding \$10,338.08 Balance on Contract \$16,007.42			
Make check payable to Tom Dodson & Associates Please remit within 30 days 			Total \$7,972.58

[Handwritten Signature]
 APPROVED FOR
 PAYMENT
 PO 4735
 3/21/22



CRM TECH

1016 E. Cooley Drive, Suite A/B
Colton, CA 92324

Final Invoice

DATE	INVOICE #
2/22/2022	5382

BILL TO
Tom Dodson & Associates Attn: Kaitlyn Dodson 2150 N. Arrowhead Avenue San Bernardino, CA 92405

PROJECT DESCRIPTION
PPH-116 Project; 2 Wells and Pipeline In the Community of Phelan San Bernardino County, California CRM TECH Project No. 3770

P.O #	TERMS

DESCRIPTION	RATE	AMOUNT
Cultural Resource Assessment	5,980.00	5,980.00
All work completed. Thank you for this opportunity to be of service.		Total
		\$5,980.00

March 7, 2022

Corman Leigh Projects

Date	Project	Hours	Rate	Total
1/31/2022	Elsinore - Constriants		\$	0.00
2/2/2022	Elsinore - Constriants	0.5	\$ 254.80	\$ 127.40
2/14/2022	Elsinore - Constriants	0.5	\$ 254.80	\$ 127.40
2/23/2022	Lee Lane - Highland - PJDs	1	\$ 254.80	\$ 254.80
2/24/2022	Lee Lane PJDs	2	\$ 254.80	\$ 509.60
2/25/2022	Lee Lane PJDs	2	\$ 254.80	\$ 509.60
		1	\$ 254.80	\$ 254.80
Subtotal	\$	1,783.60		
Total	ODCs - Mileage	0	\$ 0.560	\$ 0.00
			\$	1,783.60

PPH116

Date	Project	Hours	Rate	Total
2/2/2022	BRR	2	\$ 94.70	\$ 189.40
2/3/2022	BRR	2	\$ 94.70	\$ 189.40
2/4/2022	BRR	5	\$ 94.70	\$ 473.50
Subtotal	\$	852.30		
Total	ODCs - Mileage	0	\$ 0.560	\$ 0.00
			\$	852.30

IEUA Montclair Basin (IE-305)

Date	Project	Hours	Rate	Total
	Permitting Basins 2 and 3			
2/2/2022	401 Permitting Basins 2 and 3	1	\$ 94.70	\$ 0.00
2/7/2022	401 Permitting Basins 2 and 3	1	\$ 254.80	\$ 254.80
2/11/2022	401 Permitting Basins 2 and 3	1	\$ 254.80	\$ 254.80
2/15/2022	401 Permitting Basins 2 and 3	1	\$ 254.80	\$ 254.80
2/16/2022	401 Permitting Basins 2 and 3	1	\$ 254.80	\$ 254.80
2/24/2022	401 Permitting Basins 2 and 3	1	\$ 254.80	\$ 254.80
2/25/2022	401 Permitting Basins 2 and 3	0.5	\$ 254.80	\$ 127.40
		0.5	\$ 254.80	\$ 127.40
Subtotal	\$	1,528.80		
Total	ODCs - Mileage	0	\$ 0.560	\$ 0.00
			\$	1,528.80

SHE Lamont (SHE-476)

Date	Project	Hours	Rate	Total
1/28/2022	BRA	2	\$ 254.80	\$ 509.60
Subtotal	\$	509.60		
Total	ODCs - Mileage	2	\$ 0.560	\$ 0.00
			\$	509.60

Agenda Item 3d

Acceptance of Annual Franchise
Hauler's Report

Annual Report

PPHCSD – CR&R INCORPORATED

Year: 2021

Section 12.4(a)

Summary Report:

<u>Actual Disposal</u>	Residential	Commercial	Total for the year
Total Route tons of solid waste for the year	11433.70	1770.31	13204.01
Total roll-off tons of solid waste for the year	0.00	1460.17	1460.17
Total residual solid waste for the year In County	0.00	0.00	0.00
Total solid waste disposal for the year (tons)	11433.70	3230.48	14664.18
Diversions			
Total Regular Diversion for the year (tons)	40.80	400.16	440.96
Total Green Waste Diversion for the year (tons)	0.00	0.00	0.00
Total Waste Generation for the year (tons)	11474.50	3630.64	15105.14
Diversion Rate for the year (%)	0.36%	11.02%	2.92%

Section 12.4(b)

Equipment Inventory: (A complete inventory of collection equipment in your operations.)

57389	1995	AUTOCAR	4V2ECFHD9SN695282	88223G2	DIESEL
57440	2006	AUTOCAR	5VCDC6MF86H202933	5W57819	DIESEL
53303	1998	AUTOCAR	4VMHCMHE6XN766771	71566P1	DIESEL
53308	2000	VOLVO	4V2HC2HEOYN252848	70219P1	DIESEL
53301	1994	VOLVO	4V2HCFH08RN685995	378552	DIESEL
55280	1998	VOLVO	4VMDCMPE6WN747507	21647N2	DIESEL
55148	2006	AUTOCAR	5VCDC6ME66H203540	8E41807	DIESEL
57400	2006	AUTOCAR	5VCDC6PE26H203613	1240252	DIESEL
6757	1998	VOLVO	4VMDAKHE4WN744756	999197	DIESEL
57389	1995	AUTOCAR	4V2ECFHD9SN695282	88223G2	DIESEL
6778	2001	PACCR	1NPZHD8X51D712399	44454X2	DIESEL
57376	2001	PTRBL	1NPZL00X71D712911	96138X1	DIESEL

Section 12.4(c)

Future Programs Report: (This report identifies all future programs and facilities that may be needed but have not been planned for.)

Nothing at this time.

Section 12.4(d)

Litigation Information Report: (Declaration of any current status of all pending criminal or civil litigation.)

None to report.

Section 13.1(a) Amendment No. 4

Compensation Letter: (A written statement signed by an officer in regards to the service rates billed the prior calendar year to subscribers at the Total Rate.)

I, Brent Speers, General Manager of CR&R Inc. have reviewed and attest that the service rates billed the calendar year of 2021 to subscribers were billed at Total Rate.

Brent Speers

March 16, 2022

Agenda Item 4

Matters Removed from
Consent Items

Agenda Item 5

Presentations/Appointments

Agenda Item 6a

Presentation, Discussion & Possible
Action Regarding Phase 3 of the
Phelan Park Expansion Project

MEMORANDUM

DATE: April 6, 2022

TO: Board of Directors

FROM: Don Bartz, General Manager
By: Kim Ward, HR Manager/Executive Secretary

SUBJECT: Presentation, Discussion & Possible Action Regarding Phase 3 of the Phelan Park Expansion Project

STAFF RECOMMENDATION

For the Board to provide direction on which elements of Phase 3 of the Phelan Park Expansion to proceed with.

BACKGROUND

KTUA will provide a presentation on this item and will be seeking direction on which elements of Phase 3 to proceed with.

FISCAL IMPACT

None

ATTACHMENT(S)

Concept Plan
Site Diagrams – Joshua Tree Avoidance

NOVEMBER VERSION OF THE SITE PLAN

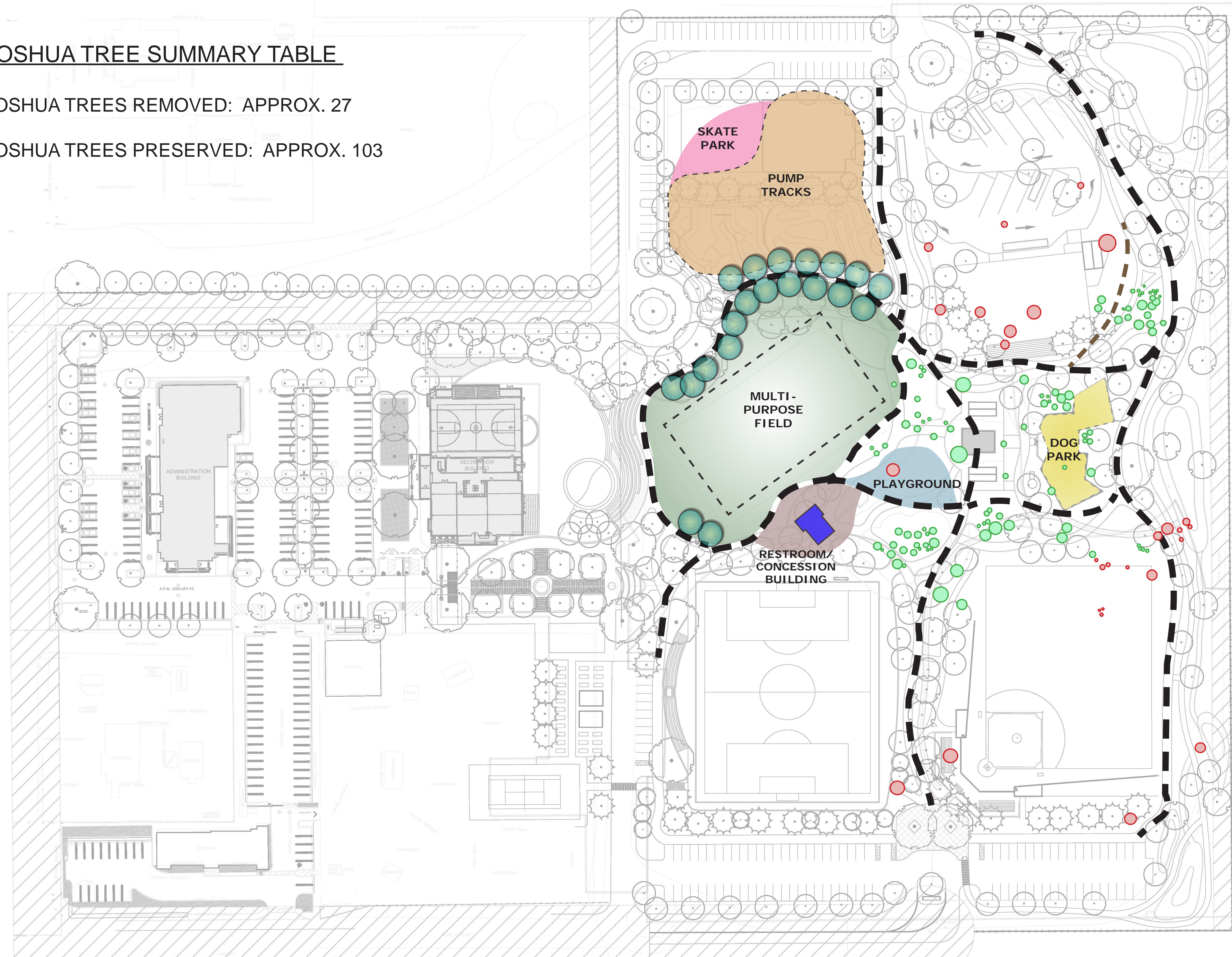
BRAWLEY ROAD



JOSHUA TREE SUMMARY TABLE

JOSHUA TREES REMOVED: APPROX. 27

JOSHUA TREES PRESERVED: APPROX. 103



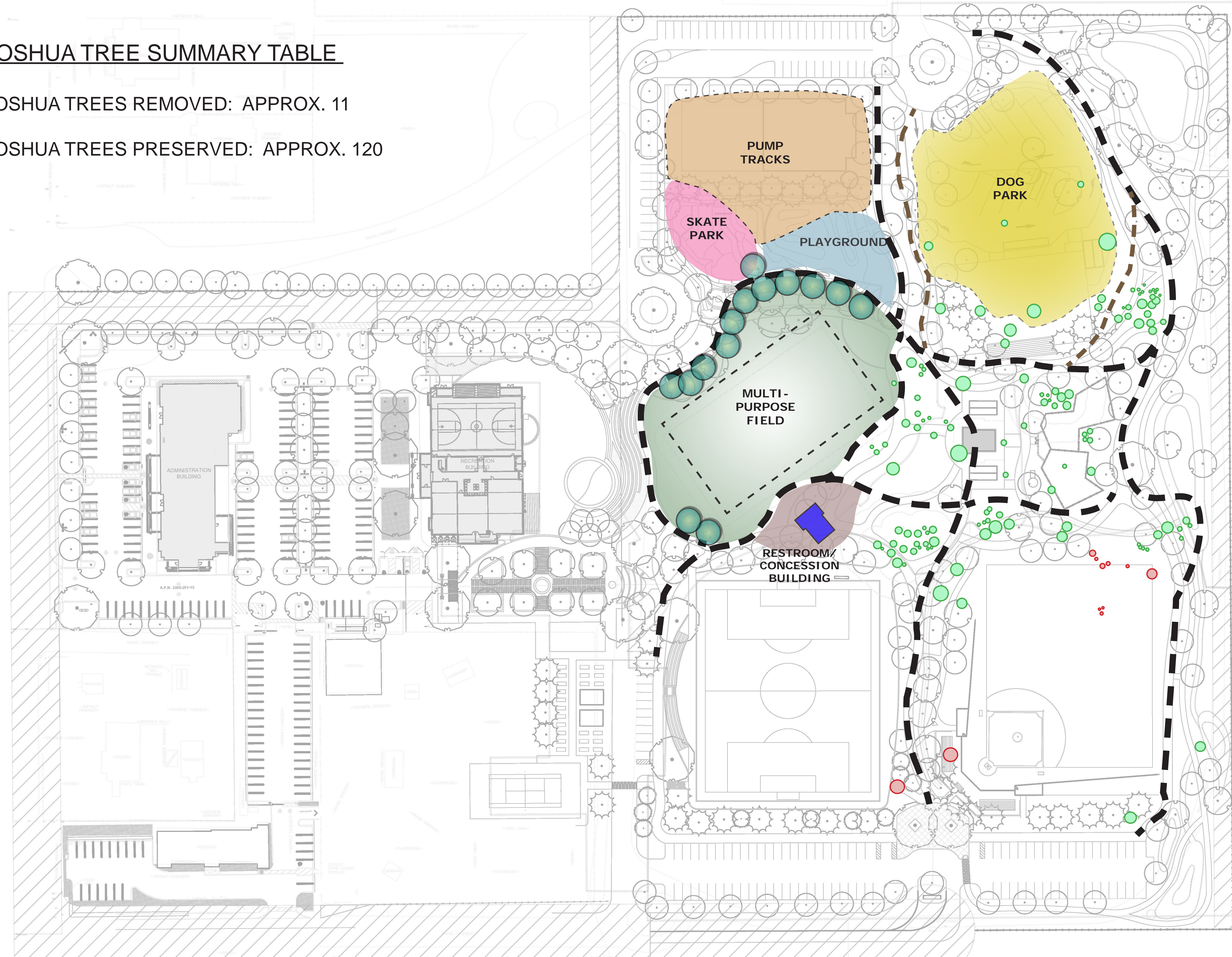
PHELAN COMMUNITY PARK SITE DIAGRAM - OPT A

MARCH 2022

JOSHUA TREE SUMMARY TABLE

JOSHUA TREES REMOVED: APPROX. 11

JOSHUA TREES PRESERVED: APPROX. 120



PHELAN COMMUNITY PARK SITE DIAGRAM - OPT B

MARCH 2022

Agenda Item 6b

Second Reading of Ordinance No. 2022-02; Establishing Uniform Solid Waste, Recycling, and Organic Waste Disposal Requirements



A. 4176 Warbler Road
P.O. Box 294049
Phelan, CA 92329
P. (760) 868-1212
F. (760) 868-2323
W. www.pphcsd.org

MEMORANDUM

DATE: March 30, 2022

TO: Board of Directors

FROM: Don Bartz, General Manager
By: Kim Ward, HR Manager/Executive Secretary

SUBJECT: Second Reading of Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements

STAFF RECOMMENDATION

For the Board to waive the second reading of Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements.

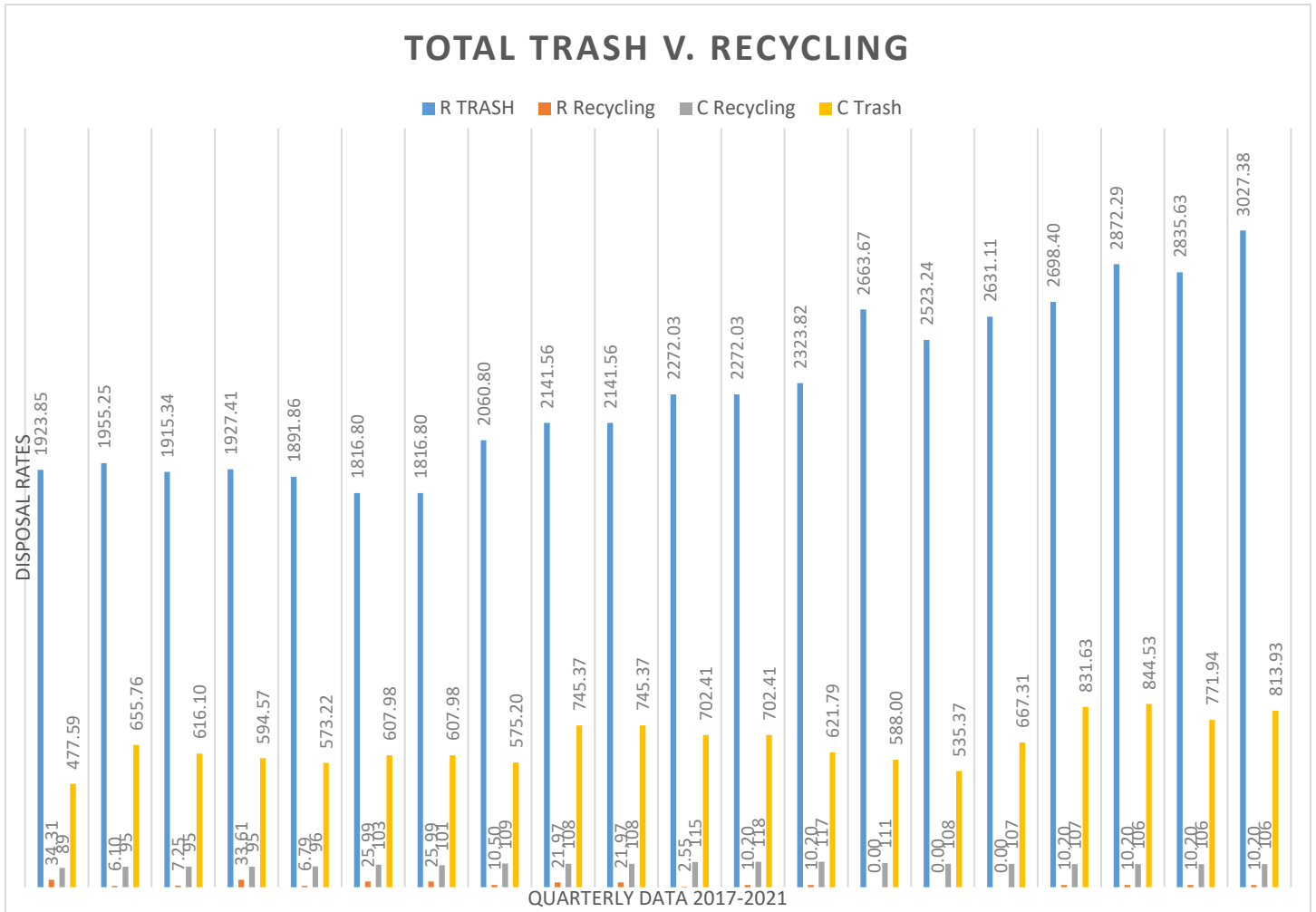
BACKGROUND

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

The regulations created to reduce organic waste consist of various components including providing an organic recycling service to all residential and commercial properties, establishing an edible food recovery program, meeting procurement requirements, tracking third-party organic waste haulers, creating education and outreach material, and conducting inspection and enforcement activities.

Beginning January 1, 2022, jurisdictions that were not in full compliance risked facing enforcement measures including financial penalties of up to \$10,000 per day. The District adopted and submitted a Notice of Intent to Comply with CalRecycle in accordance with Senate Bill 619 (SB 619) which creates a mechanism to delay penalties for local agencies.

Additionally, the District is currently failing to meet the state diversion (recycling) requirements of AB 341 and AB 939 and is subject to punitive action. The District must come into compliance, or at least show reasonable attempts to come into compliance, in order to stop future punitive action, especially now that it is likely the District will be reporting all diversion activity to the state. This Ordinance is necessary to aid the District in meeting SB 1383 requirements and also the state recycling requirements. Below is a graph showing residential (R) trash-v-recycling and commercial (C) trash-v-recycling:

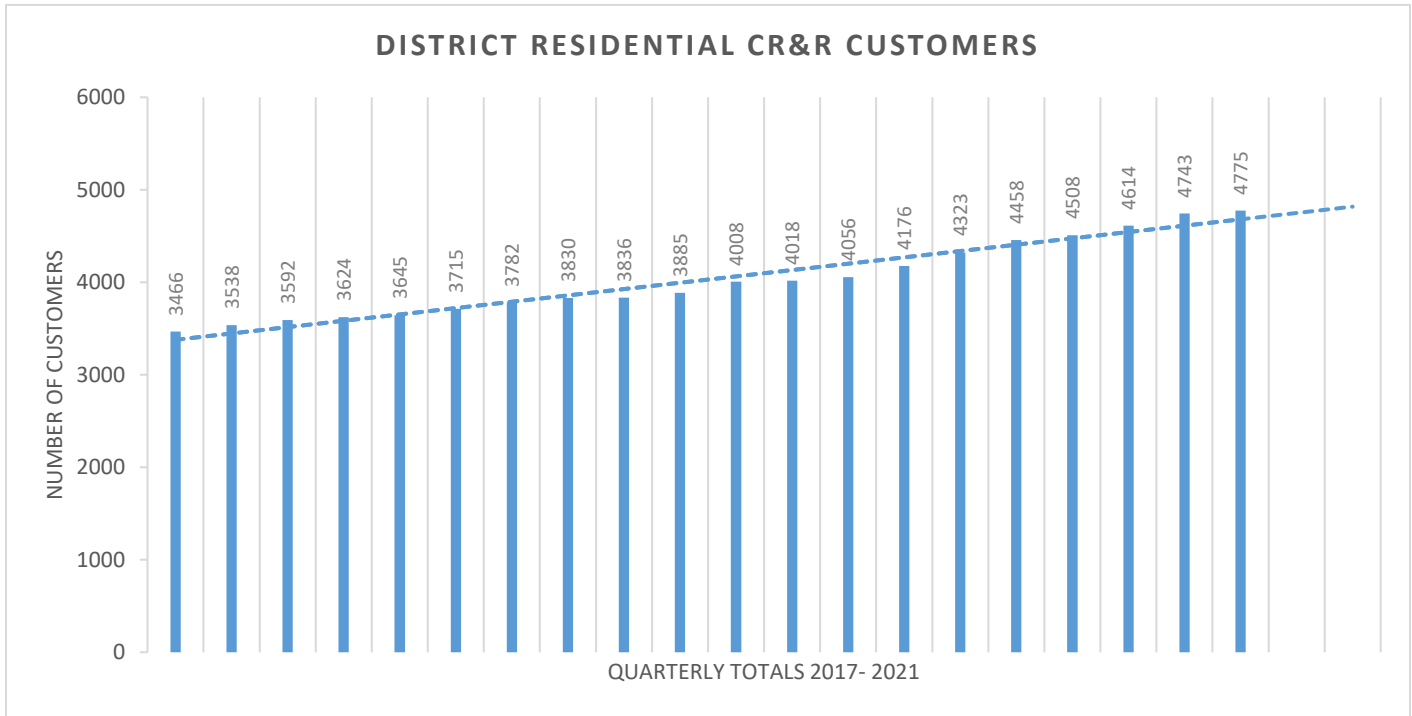


For commercial customers, this Ordinance implements a 3 container, uniform service requirement beginning July 1, 2022. Commercial customers are already required to have trash and recycling service as adopted by Ordinances 2017-02 & 2017-03. This Ordinance would require a third container for organics and green waste, where applicable.

At this time, the District does not require residential customers to have collection service. There are approximately 7,130 households in Phelan and Pinon Hills. Of those households, approximately 4,800 subscribe to voluntary trash service with CR&R. This means roughly 67% of District residents have collection service for solid waste through the District’s hauler. This service does not include a separate recycling bin with the exception of a very small area located in downtown Phelan which includes the District office. This is due to the need of having separate truck routes for solid waste and recycling. In order to make it cost effective to have three separate collection routes, the District needs to require residential collection service. This Ordinance implements a 3 container, uniform service requirement for residential customers beginning July 1, 2023.

Over the past 5 years, the District focused on increasing voluntary participation in solid waste collection service through the District’s hauler by distributing flyers in welcome kits, at events, in

the office, and through the District’s website. The goal of staff was to increase voluntary participation in order to make this Ordinance less impactful on District residents.



Additionally, the District needs to require that containers are used appropriately so that trash is not placed in a green waste/organic container, recycling in the trash containers, and so on. In the absence of an ordinance with fines associated, containers may not be used properly and the District has no enforcement mechanism through which to encourage source separation and disposal of waste per state law.

District staff will endeavor to educate all District customers on how to use the containers appropriately and the reason for needing to implement uniform service District-wide. CR&R is in the process of developing the cost of service rates which will be adopted after completing the proposition 218 process, currently scheduled to begin in April of this year.

The adoption process in order to meet CalRecycle’s requirement to enact an ordinance or enforceable mechanism consistent with SB 1383 is as follows:

- March 16, 2022 Review of Draft Ordinance
- March 23 & 30, 2022 Notice of Hearing Published
- March 30, 2022 1st Reading of Ordinance
- March 31, 2022 Summary of Ordinance Published
- April 6, 2022 2nd Reading, Adoption of Ordinance

FISCAL IMPACT

None

ATTACHMENT(S)

Ordinance No. 2022-02

SB 1383 Uniform Collection Timeline
3-Container Collection Service Graphic

ORDINANCE NO. 2022-02
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT
ESTABLISHING UNIFORM SOLID WASTE, RECYCLING
AND ORGANIC WASTE DISPOSAL REQUIREMENTS

WHEREAS, the Phelan Piñon Hills Community Services District (“District”) is a Community Services District located within the County of San Bernardino and is organized and operates pursuant to California Government Code 61000 et seq.; and

WHEREAS, pursuant to the California Integrated Waste Management Act of 1989 (public Resources Code Sections 40000 et seq.), the state has mandated that local agencies make adequate provisions for Solid Waste handling within their jurisdictions; and

WHEREAS, pursuant to the Local Agency Formation Commission County for San Bernardino County Resolution No. 3153, the District is authorized to collect, transfer, and dispose of solid waste and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code; and

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, *et seq.*, as amended, supplemented, superseded, and replaced from time to time), requires local agencies to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires the District to implement a Mandatory Commercial Recycling program; and

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the

District to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the District to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the District, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the District to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Phelan Piñon Hills Community Services District, after conducting a public hearing duly noticed, as follows:

SECTION 1. CEQA ENVIRONMENTAL DETERMINATION

The Board of Directors exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15308, which exempts "actions by regulatory agencies for protection of the environment." This Ordinance is consistent with the goals of California State Assembly Bills 939, 341, and 1826, and Senate Bill 1383.

SECTION 2. PURPOSE, INTENT, AND FINDINGS

A. Purpose. The management and proper disposal of Solid Waste is a matter of great importance to the District, its citizens, visitors, property owners and businesses. The District finds that the public health, safety, and well-being require the generation, accumulation, handling, collection, transportation, conversion and disposal of Solid Waste be controlled and regulated by the District through the comprehensive system provided in this Ordinance. This Ordinance is intended to ensure Solid Waste Handling Services are readily available, adhere to uniform standards, and are reliable, clean, and efficient. The District has a strong interest in reducing the harboring and breeding of rodents and insects, reducing the spread of disease, and preventing pollution and other unsightly degradation of the environment, which can occur with the improper handling of Solid Waste and the excess accumulation of Solid Waste.

B. Findings. The District finds and declares:

1. The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, ("AB 939" or the "Act") (codified at

Public Resources Code §§ 4000 et seq.) established a solid waste management process that requires cities and other local jurisdictions to adopt and implement plans to reduce the amount of solid waste generated within their jurisdiction and to maximize reuse and recycling.

2. AB 939 states that the frequency of solid waste collection, the means of solid waste collection and transportation, levels of services, charges and fees for services, and the nature, location and extent of providing solid waste services, are matters of local concern.

3. AB 939 expressly allows local agencies to provide solid waste services to its residents by its own forces or by authorizing a private entity to provide those services.

4. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, which is codified at Public Resources Code §§42652-42654 and Health & Safety Code §§39730.5 – 39730.8, places requirements on multiple entities including local agencies, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

5. The Final Regulation Text of SB 1383 Regulations implementing SB 1383 was adopted by CalRecycle in November 2020.

SECTION 3. DEFINITIONS

AB 939 or Act – The California Integrated Waste Management Act of 1989, codified in part at Public Resources Code, §§ 40000 et seq. as it may be amended, and as implemented by the regulations of CalRecycle or its successor agency.

Account Holder – The persons or entities whose name(s) are on a Solid Waste Franchisee’s account for a Premises.

Bin – A receptacle, typically between one and six cubic yards, provided by a Solid Waste Franchisee for the collection of Solid Waste.

Blue Container – Has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

Green “Bulky Waste” – Solid Waste that would not typically fit within a Container, including, but not limited to, furniture, carpets, mattresses, automobile tires, and oversized green material such as tree trunks and large branches if no larger than two feet in diameter and four feet in length, and similar large items discarded from a single family dwelling. “Bulky Waste” does not include Covered Electronic Devices, such as televisions, radios, computers, monitors, and the like, which are regarded as Universal Waste, the disposal of which is governed by regulation of the Department of Toxic Substances Control.

CalRecycle – California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).

California Code of Regulations or CCR – The State of California Code of Regulations. CCR references are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

Commercial Business or Commercial – A firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Ordinance.

Commercial Edible Food Generator – Includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

Compliance Review – A review of records by the District to determine compliance with this Ordinance.

Community Composting – Any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

Compost – Has the same meaning as in 14 CCR Section 17896.2(a)(4), as may be amended from time to time.

Compost Facility – A Solid Waste facility that processes Organic Waste to produce Compost or mulch.

Construction and Demolition Material or C&D Material – Discarded building materials, "inert wastes" as defined in Public Resources Code § 41821.3(a)(1) (e.g., rock, concrete, brick, sand, soil ceramics and cured asphalt), recyclable construction and demolition materials, packaging, plaster, drywall, rubble resulting from construction, remodeling, repair and demolition operations, but does not include asbestos-containing materials or Hazardous Waste.

Container – Any container, regardless of color.

Container Contamination or Contaminated Container – A container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

Debris Box – A Container, typically ten to forty cubic yards, provided by a Solid Waste Franchisee for the collection of Solid Waste that is normally tipped loaded onto a motor vehicle and transported to an appropriate facility.

Designee – An entity that the District contracts with or otherwise arranges to carry out any of the District’s responsibilities of this Ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

District – The Phelan Piñon Hills Community Services District, California, and all of the territory lying within the boundaries of the District as presently existing and all geographic areas which may be added or annexed to the District.

District Premises – District-owned or operated Premises where Solid Waste is generated or accumulated.

Edible Food – Food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

Enforcement Action – An action by the District to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

Enforcement Official – The general manager or their authorized designee(s) who is/are partially or wholly responsible for enforcing this Ordinance.

Excluded Waste – Hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the District, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

Food Distributor – A company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

Food Facility – Has the same meaning as in Section 113789 of the Health and Safety Code.

Food Recovery – Actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

Food Recovery Organization – An entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;
2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

Food Recovery Service – A person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

Food Service Provider – An entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

Food Waste – All food and food scraps such as but not limited to fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, eggshells, tea bags and coffee grounds. Food waste excludes fats, oils, liquids, and grease when such materials are source separated.

General Manager – A person having that title in the employ of the Phelan Piñon Hills Community Services District, or the General Manager’s designated representative.

Gray Container – Has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste. The lid or body of a container may be black and shall have the same meaning as Gray Container.

Gray Container Waste – Solid Waste that is collected in a Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5). Gray Container Waste may specifically include carpet, Non-Compostable Paper and textiles.

Green Container – Has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste, and also has the same meaning as in 14 CCR Section

18982(a)(5.5) and shall be used for the purpose and collection of Source Separated food waste pursuant to 14 CCR Section 18984.1(6)(A).

Green Material and Yard Waste – Means leaves, grass clippings, brush, branches and other forms of organic materials generated from maintenance or alteration of landscapes or gardens including, but not limited to, tree trimmings, prunings, brush and weeds and incidental pieces of scrap lumber. “Green Material” includes holiday trees (except such trees which are frosted, flocked or which contain tinsel or metal).

Grocery Store – A store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

Hauler Route – The designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

Hazardous Waste – Any waste materials or mixture of wastes defined as a “hazardous substance” or “hazardous waste” pursuant to the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 *et seq.*, the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 *et seq.*, the Carpenter-Presley-Tanner Hazardous Substance Account Act (“HSAA”), codified at California Health & Safety Code §§ 25300 *et seq.*; the Electronic Waste Recycling Act of 2003, codified at California Health & Safety Code §§ 25214.9 *et seq.* and California Public Resources Code §§ 41516 *et seq.*, laws governing Universal Waste, all future amendments to any of them, or as defined by CalRecycle or the Department of Toxic Substances Control, or by their respective successor agencies. If there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or Solid Waste, the term “Hazardous Waste” shall be construed to have the broader, more encompassing definition.

High Diversion Organic Waste Processing Facility – Has the same meaning as defined in 14 CCR Section 18982(a)(33).

Household Hazardous Waste – Hazardous Waste, including Universal Waste or Covered Electronic Devices, generated at a Single-Family or Multifamily Residential Premises, including but not limited to dry cell household batteries; cell phones and PDAs; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products; pesticides; herbicides; insecticides; painting supplies; automotive products; solvents; stripes; and adhesives; auto batteries; and Universal Waste generated at a Single-Family or Multifamily Residential Premises.

Inspection – A site visit where the District, or its Designee, reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

Large Event – An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply.

Large Venue – A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply.

Local Education Agency – A school district, charter school, or county office of education that is not subject to the control of District or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

Multi-Family Residential Dwelling or Multi-Family – Of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

MWELo – Refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

Non-Compostable Paper – Includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

Non-Organic Recyclables – Non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

Notice of Violation (NOV) – A notice that a violation of this Ordinance has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

Organic Waste – Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

Organic Waste Generator – A person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

Owner – The persons or entities listed on the last equalized assessment roll as the owner of a lot or parcel of real property within the District.

Paper Products – Include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

Person in Charge – An Owner, tenant, occupant or other person or persons responsible for the day-to-day operation of a Premises.

Premises – Place where any person resides, or any business is carried on or conducted, or any other place upon which Solid Waste is generated or accumulated.

Printing and Writing Papers – Include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

Prohibited Container Contaminants – The following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District's Blue Container; (ii) discarded materials placed in the Green Container that are not identified as Source Separated Food Waste for the District's Green Container (iii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District's Green Container; (iv) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials, Source Separated Food Waste, and/or Source Separated Green Container Organic Wastes to be placed in the District's Green Container, Green Container, and/or Blue Container; and, (v) Excluded Waste placed in any container.

Recovered Organic Waste Products – Products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

Recovery – Any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

Recycled-Content Paper – Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

Remote Monitoring - The use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

Restaurant – An establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

Route Review – A visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

SB 1383 – Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

SB 1383 Regulations or SB 1383 Regulatory – Refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

SB 619 – Senate Bill 619 of 2021 amending Section 42652.5 of the Public Resources Code.

Single-Family – Of, from, or pertaining to any residential premises with fewer than five (5) units.

Solid Waste – Has the same meaning as defined in State Public Resources Code Section 40191. Solid Waste and includes all discarded putrescible and non- putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, rubbish, Construction and Demolition Debris, and any other discarded solid, semisolid, and liquid waste permitted to be disposed of at a Class III landfill and which are included within the definition of “Nonhazardous Solid Waste” set forth in the California Code of Regulations. Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

Solid Waste Enterprise – Any individual, partnership, joint venture, unincorporated private organization, or private corporation, which is regularly engaged in the business of providing Solid Waste Handling Services.

Solid Waste Franchisee – A Solid Waste Enterprise that has been granted the right and privilege by the District, or by operation of law, to perform one or more Solid Waste Handling Services within the District or a portion thereof.

Solid Waste Handling Services – The collection, transportation, processing, recycling, composting, conversion, retention and disposal of solid waste, construction and demolition materials, bulky waste, Household Hazardous Waste, and/or Universal Waste.

Source Separated – Materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.

Source Separated Blue Container Organic Waste – Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

Source Separated Green Container Organic Waste – Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

Source Separated Recyclable Materials – Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

Spilled – Deposited, released, spilled, leaked, pumped, poured, emitted, emptied, discharged, injected, dumped or disposed into the environment, or which otherwise has come to be located outside an authorized container. The term “disposed into the environment” shall include, but is not limited to, the abandonment or discarding of barrels, bags, cans and other closed receptacles containing solid waste.

State – The State of California.

Supermarket – A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

Tier One Commercial Edible Food Generator – A Commercial Edible Food Generator that is one of the following:

1. Supermarket.
2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
3. Food Service Provider.
4. Food Distributor.
5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply.

Tier Two Commercial Edible Food Generator – A Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply.

Universal Waste – Includes, but is not limited to, Universal Waste Electronic Devices” or “UWEDs,” (i.e., electronic devices subject to the regulation of the Department of Toxic Substances Control, 23 CCR §§ 66273.1, *et seq.*), and other Universal Wastes, including, but not limited to non-empty aerosol cans, fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and any other lamp exhibiting a characteristic of a hazardous waste, batteries (rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, small sealed lead acid batteries [burglar alarm and emergency light batteries] alkaline batteries, carbon-zinc batteries and any other batteries which exhibit the characteristic of a hazardous waste), mercury thermometers, and mercury-containing switches.

Wholesale Food Vendor – A business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received,

shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

SECTION 4. COLLECTION ARRANGEMENTS REQUIRED

In order to protect the public health, safety, and well-being, and to prevent the spread of vectors, the Person in Charge of a Premises in the District shall make arrangements with a Solid Waste Franchisee for Solid Waste Handling services, and keep such arrangement in good standing. A violation of this Section is a misdemeanor and punishable as provided in Section 36 of this ordinance.

SECTION 5. CONTAINERS - USE, PLACEMENT FOR COLLECTION, STORAGE

A. Use. Every Person in Charge of a Premises shall:

1. Keep on the Premises a sufficient number of Containers to hold all Solid Waste, including Gray Container Waste, Non-Organic Recyclables, and Organic Waste that accumulates on the Premises each week without spilling, leaking, or emitting odors.
2. Deposit or cause to be deposited all Solid Waste, including Gray Container Waste, Non-Organic Recyclables, and Organic Waste generated or accumulated on the Premises into the proper Containers in accordance with the provisions of this Ordinance.

B. Placement for Collection.

1. Curbside: Container shall be placed at the curbside, or equivalent, or adjacent to the alley before five-thirty a.m. on collection days. Sidewalks shall not be blocked.
2. Driveway: Container shall be placed adjacent to the driveway before five-thirty a.m. on collection days. Driveway clearance must be sufficient to accommodate collection equipment.
3. Enclosure: Container located in a permanent enclosure shall be made accessible to the hauler at the designated collection time. This includes removing locks and clearing obstructions so collection vehicle can easily access Container.

SECTION 6. CLEAN UP

A. Until Solid Waste has been picked up by the appropriate Solid Waste Franchisee, each Person in Charge of a Premises shall be responsible for the cleanup of any and all Solid Waste generated, accumulated, or Spilled on the Premises. This cleanup responsibility includes the cleanup of Solid Waste Spilled for any reason, including but not limited to human or animal interference with a Container, wind or other natural forces, at any time during storage, collection, removal, or transfer of the materials.

B. The District's Solid Waste Franchisee(s) shall clean up any Solid Waste Spilled during its collection, removal, or transfer, as soon as the Spill occurs.

SECTION 7. DISPOSAL FREQUENCY

All Solid Waste accumulating upon a Premises must be disposed of as frequently as required to avoid an accumulation of Solid Waste in violation of this Ordinance, but in no case shall disposal occur less frequently than one (1) time per week, except that less than weekly disposal may be permitted during any period of time the Premises is temporarily unoccupied and Solid Waste is not accumulating on the Premises due to out-of-town travel or other similar situations.

SECTION 8. MANNER, TIME, AND FREQUENCY OF COLLECTION

A. Regular Collection. The District's Solid Waste Franchisee shall make arrangements with its Account Holders specifying the manner in which Solid Waste Handling Services are to be regularly provided, subject to the terms of its franchise.

B. Special Collections. The District's Solid Waste Franchisee may provide on-call collection of Bulky Waste and Household Hazardous Waste to its Account Holders, and shall provide its Account Holders with Debris Boxes when requested and collect the Debris Box when the Account Holder no longer requires the Debris Box. The terms and conditions upon which such special collections are provided to Account Holders shall be arranged between the Solid Waste Franchisee and the Account Holder, subject to the terms of the Solid Waste Franchisee's franchise from the District.

SECTION 9. LIABILITY FOR SOLID WASTE COLLECTION FEES

A. Joint and Several Liability. The Owner of a Premises and the Account Holder for a Premises are jointly and severally liable for Solid Waste Handling Services provided to the Premises by a Solid Waste Franchisee, including any related fees, charges, and penalties.

B. Billing Cycle and Penalty for Delinquent Payments. Solid waste collection fees may be billed and paid in advance on a monthly basis. Payment shall be due upon, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

C. Discontinuation of Services. The District or hauler may discontinue service for any customer whose account remains unpaid for sixty (60) days after the date of billing as long as the customer has received a notice on a form approved by the General Manager or designee stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

D. Fee a Civil Debt. The fees levied for service for solid waste collection shall constitute a civil debt and liability owing to the District and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

E. Lien for Ninety (90) Day Delinquencies.

1. Mandatory collection fees authorized pursuant to this Section which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by the District as provided herein.

2. Procedure.

a. Once a year, the District's Board of Directors shall cause to be prepared a report of delinquent fees. The District's Board of Directors shall fix a time, date and place for hearing the report and any objections or protests thereto.

b. The District's Board of Directors shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

c. At the hearing, the District's Board of Directors shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

d. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bonafide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SECTION 10. AB 939 FEES

Pursuant to Division 30, Part 2, Chapter 8 of the Public Resources Code, Section 41900 *et seq.*, the District may impose fees on Solid Waste Franchisees and/or Premises in amounts sufficient to pay the costs of preparing, adopting, and implementing an

integrated waste management plan, including the costs of preparing, adopting and implementing the District's required Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element, and the costs of setting and collecting the fees. Any new or increased AB 939 fees imposed on a Solid Waste Franchisee shall be cause for a corresponding rate adjustment to the franchisee's then current rate structure.

SECTION 11. RECYCLABLE MATERIALS – OWNERSHIP, RIGHT TO DISPOSE

A. Upon placement by the owner of Non-Organic Recyclables at a designated recycling collection location, or placement of Non-Organic Recyclables in a Container provided by the appropriate Solid Waste Franchisee, the Non-Organic Recyclables becomes the property of the recycler or Solid Waste Franchisee, by operation of state law.

B. Nothing in this Ordinance shall limit the right of any person, organization or other entity to donate, sell or otherwise dispose of any Non-Organic Recyclables segregated from the Solid Waste stream owned by that person, organization or other entity, provided that the person, organization or other entity does not pay the buyer or donee any consideration for collecting, processing or transporting such Non-Organic Recyclables, or a consulting or broker's fee for recycling services.

SECTION 12. LANDSCAPERS – DISPOSAL OF GREEN WASTE

Landscapers may collect, transport and compost or dispose of Green Waste, provided that any such Green Waste is generated by their own specific work site and is sent to a facility or operation that is deemed to be a reduction in landfill disposal as required in 14 CCR, Division 7, Chapter 12, Article 2 Section 18983.1(b).

Landscapers shall not contract with a Solid Waste Enterprise to collect, transport and compost or dispose of Green Waste unless that Solid Waste Enterprise has a franchise from the District to perform said services.

SECTION 13. LICENSED CONTRACTORS – DISPOSAL OF C&D MATERIALS

Licensed contractors performing work within the scope of their licenses/permits within the District may collect, transport and dispose or recycle of Construction and Demolition Materials generated within their own specific work sites, using their own equipment and employees, provided that the licensed contractor adheres to the standards for disposal of Construction and Demolition Material provided in the California Green Building Standards Code (California Code of Regulations Title 24, Part 11). Construction and Demolition Materials must be transported to a recycling facility permitted by CalRecycle whenever possible. Landfilling of Construction and Demolition Materials shall be a last resort.

Licensed contractors shall not contract with a Solid Waste Enterprise or Construction and Demolition Clean-Up Enterprise to collect, transport and dispose or recycle of Construction and Demolition Materials unless that Solid Waste Enterprise has a franchise from the District to perform said services.

SECTION 14. MANDATORY COMMERCIAL/MULTIFAMILY RECYCLING

A. A Commercial Premises that generates four cubic yards or more of Solid Waste per week shall arrange for recycling services for Non-Organic Recyclables by subscribing to a Solid Waste Franchisee for the pick-up of Non-Organic Recyclables.

B. A business subject to subsection (A) and that provides customers access to the business shall provide, customers with a Non-Organic Recyclables Container to collect material purchased on the premises and that fulfills all of the requirements in Section 17 (D through N).

1. Full-service restaurants are exempt from the requirements of this subdivision if the full-service restaurant, provides its employees a Non-Organic Recyclables Container to collect material purchased on the premises and implements a program to collect Non-Organic Recyclables.

2. For a park that is subject to subsection (A), this subsection shall apply on and after January 1, 2022.

SECTION 15. COMPLIANCE WITH AB 341, AB 1826 and SB 1383

Single-Family Premises and Commercial Premises shall comply with the Organic Waste recycling provisions of AB341, AB 1826 and SB 1383, and all regulations associated therewith.

SECTION 16. REQUIREMENTS FOR SINGLE FAMILY GENERATORS

Single-Family Organic Waste Generators:

A. Shall subscribe to the District's three-container Organic Waste collection services. The District shall have the right to review the number, size, and location of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, generator shall adjust its service level for its collection services as requested by the District.

B. Shall participate in the District's three-container system for Source Separated Recyclable Materials, Source Separated Green Container organic materials, and Gray Container Waste collection services. Generator participation in the collection programs requires that generators place only approved materials in the appropriate colored containers. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

C. Notwithstanding the above, and in accordance with the SB 1383 Regulations, the District or its Solid Waste Franchisee are not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Ordinance and the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the new containers indicating the primary materials accepted and the primary materials prohibited in the containers. Until SB 1383 compliant containers are provided (Blue Container, Green Container, and Gray

Container), Single-Family Waste Generators shall comply with the container requirements.

D. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

E. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying requirements for single family generators and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

SECTION 17. REQUIREMENTS FOR COMMERCIAL BUSINESSES

Commercial Businesses, which includes Multi-Family Residential Dwellings, shall:

A. Subscribe to the District's Organic Waste collection services. The District shall have the right to review the number, size, and location of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Business shall adjust its service level for its collection services as requested by the District.

B. Participate in and comply with the District's collection service by placing designated materials in designated containers. Generator shall place only approved materials in the appropriate colored containers. Generators shall not place materials designated for the Gray Container into the Green Container, or Blue Container.

C. Notwithstanding the above, and in accordance with the SB 1383 Regulations, the District or Solid Waste Franchisee are not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Ordinance and the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the new containers indicating the primary materials accepted and the primary materials prohibited in the containers. Until SB 1383 compliant containers are provided (Blue Container, Green Container, and Gray Container), Commercial Businesses shall comply with the container requirements.

D. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with subsections (d)(1) and (d)(2) below), for employees, contractors, tenants and customers, consistent with the District's Blue Container, Green Container, and Gray Container collection service.

E. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Organic Waste, and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are

provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 2. Container labels that include language or graphic images or both indicating the primary material accepted and the primary materials prohibited in that container or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labels are required on new containers commencing January 1, 2022.
- F. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement pursuant to 14 CCR Section 18984.9(b).
- G. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service.
- H. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Container, Green Container, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- I. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- J. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- K. Provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with this Ordinance to confirm compliance with the requirements of this Ordinance.
- L. If implemented, accommodate and cooperate with the District's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance with this Ordinance. The

Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and/or Gray Containers.

M. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

N. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements of this Ordinance.

O. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying requirements for commercial business generators operating within the District and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

SECTION 18. WAIVERS FOR GENERATORS

A. De Minimis Waivers: The District may, at its discretion or in concert with its Solid Waste Franchisee, waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Ordinance if the Commercial Business:

1. Submits an application specifying the services that they are requesting a waiver from; and
2. Provides documentation that either:
 - a. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - b. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste; and
3. Notifies the District if circumstances change such that Commercial Business's Organic Waste exceeds the threshold required for waiver, in which case waiver will be rescinded; and
4. Provides written verification of eligibility for de minimis waiver every 5 years, if the District has approved de minimis waiver.

B. Physical Space Waivers: The District may, at its discretion or in concert with its Solid Waste Franchisee, waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed

engineer demonstrating that the premises lack adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this Ordinance.

A Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lack adequate space for Blue Containers, and/or Green Containers, including documentation from its hauler, licensed architect, or licensed engineer.
3. Provide written verification to the District that it is still eligible for physical space waiver every five years, if the District has approved application for a physical space waiver.

C. Collection Frequency Waiver: The District, at its discretion or in concert with its Solid Waste Franchisee, and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's four-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

D. If the District chooses to issue any waivers in accordance with this section, the Enforcement Official shall create an application and establish policies for the issuance of such waivers. The Board of Directors may establish an application fee for any such waivers by resolution.

SECTION 19. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

A. Tier One Commercial Edible Food Generators must comply with the below requirements commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial

Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

4. Allow the District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

iii. The established frequency that food will be collected or self-hauled.

iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

6. Commencing no later than January 1, 2022, for Tier One Commercial Edible Food Generators and January 1, 2024, for Tier Two Commercial Edible Food Generators, Commercial Edible Food Generators shall provide a quarterly Food Recovery report to the District which includes the information required in 14 CCR Section 18991.4 "Record Keeping Requirements for Commercial Edible Food Generators."

D. Nothing in this Section shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

SECTION 20. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Commencing January 1, 2022, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the District the total pounds of Edible Food from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b), as applicable.

D. Food Recovery Capacity Planning

Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.

E. Commencing no later than January 1, 2022, Food Recovery Services and Organization shall provide a quarterly report to the District which includes the information required in 14 CCR Section 18991.5 "Food Recovery Services and Organizations."

SECTION 21. REQUIREMENTS FOR SOLID WASTE FRANCHISEE, SELF – HAULERS, FACILITY OPERATORS, AND COMMUNITY COMPOSTING OPERATIONS

A. Requirements for Haulers.

1. Solid Waste Franchisee providing residential, Commercial or Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

a. Through written notice to the District annually on or before July 1, identify the facilities to which they will transport Organic Waste including the facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste, as applicable.

b. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as defined in 14 CCR, Division 7, Chapter 12, Article 2.

c. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D Material in a manner that complies with 14 CCR Section 18989.1.

d. Solid Waste Franchisee shall comply with education, equipment, signage, container labelling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, as may be amended from time to time.

e. Notwithstanding any the foregoing, nothing in this Ordinance shall restrict or otherwise prohibit Solid Waste Franchisee from meeting its compliance requirements by any alternative methods or procedures, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time or being relieved of, or delaying compliance with such requirement pursuant to SB 619

f. A Hauler is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this ordinance prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first

B. Requirements for Self-Haulers

1. Self-Haulers shall apply for a self-hauler permit annually with the District and pay a nonrefundable fee as set forth by separate resolution.
 2. Self-Haulers shall Source Separate all Recyclable Materials and Organic Waste (materials that the District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
 3. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
 4. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:
 - a. Delivery receipts and weight tickets from the entity accepting the waste.
 - b. The amount of material in cubic yards or tons transported by the generator to each entity.
 - c. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
 5. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 21 (B)(3) to District quarterly.
 6. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 21 (B)(3) and (4).
- C. Requirements for Facility Operators and Community Composting Operations.
1. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the District's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the District shall respond within 60 days.

2. Community composting operators, upon District request, shall provide information to the District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the District shall respond within 60 days.

SECTION 22. COMPLIANCE WITH CALGREEN BUILDING CODE STANDARDS

A. Persons applying for a permit from the District for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen or more stringent requirements of the District. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

B. For projects covered by CALGreen or more stringent requirements of the District, the applicants must, as a condition of the District's permit approval, comply with the following:

1. Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container, Green Container, and Green Container materials, consistent with the collection program offered by the District, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

2. New Commercial 1. construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container, Green Container, and Green Container materials, consistent with the collection program offered by the District, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

3. Comply with Title 24 Building Standards Code, CALGreen requirements, and applicable law related to management of C&D Material, including diversion of Organic Waste in C&D Material from disposal. Comply with all written and published District policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D Material.

SECTION 23. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the County, who are constructing a new project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the State Model Water Efficient Landscape Ordinance, as amended September 15, 2015, and as it may be amended in the future.”

B. The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.

C. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 23(A) above shall:

1. Comply Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:

a. For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

b. For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

c. Organic mulch materials made from recycled or post-consumer materials meeting procurement requirements under 14 CCR, Division 7, Chapter 12, Article 12 shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

2. The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 23(A) shall consult the full MWELO found in Title 23 Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance for all requirements.

SECTION 24. REMOVAL OF SOLID WASTE

No person other than the Person in Charge of any Premises or a District Solid Waste Franchisee shall:

- A. Remove any Container from the location where the Container was placed for storage or collection by the Person in Charge of the Premises; or
- B. Remove any Solid Waste from any Container; or
- C. Move a Container from the location in which it was placed for storage or collection without the prior written approval of the Person in Charge of the Premises.

SECTION 25. BULKY WASTE

No person shall place Bulky Waste adjacent to or in a street or public right-of-way for collection or removal purposes without first making arrangements with the appropriate Solid Waste Franchisee for the collection or removal of such Bulky Waste.

SECTION 26. HAZARDOUS WASTE

No person shall place or deposit Hazardous Waste, Household Hazardous Waste, or Universal Waste in any Container provided by a Solid Waste Franchisee, or deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, dump or dispose into the environment any Hazardous Waste, Household Hazardous Waste or Universal Waste.

SECTION 27. SOLID WASTE BURNING AND BURIAL

- A. No person shall burn any Solid Waste within the District, except in an approved incinerator or transformation facility or other device for which a permit has been issued, and which complies with all applicable permit and other regulations of air pollution control authorities, and provided any such act of burning in all respects complies with all other laws, rules and regulations.
- B. Solid Waste is prohibited from being buried within District boundaries. This prohibition shall not be interpreted to prohibit the composting of yard waste.

SECTION 28. FRANCHISE REQUIRED

No person except a Solid Waste Franchisee, a landscaper hauling green waste, or a licensed contractor performing work within the scope of that license, shall collect or remove any Solid Waste from any Premises within the District.

SECTION 29. PUBLIC NUISANCE

It is unlawful and a public nuisance if any one of the following conditions exists at a Premises:

- A. The Person in Charge of the Premises has not made arrangements with the appropriate Solid Waste Franchisee for Solid Waste Handling Services;

B. The Person in Charge of the Premises has made arrangements with the appropriate Solid Waste Franchisee for Solid Waste Handling Services, but the Solid Waste Franchisee has terminated services to the Premises due to the Account Holder's failure to pay for such services.

SECTION 30. UNAUTHORIZED DISPOSAL

No person shall place anything in another person's Containers without the permission of such other person.

SECTION 31. SPILLS

It is unlawful for any person transporting Solid Waste not to clean up, or arrange for the cleanup, of any Solid Waste during removal or transport within the District by such person. If any person transporting Solid Waste Spills any such materials and does not clean up or arrange for the cleanup of the Spill, the District may clean up the Spill and charge the person responsible for the Spill 100 percent of the costs the District incurred in cleaning up the Spill.

SECTION 32. UNLAWFUL DUMPING

It is unlawful for any person to negligently or intentionally Spill upon any property within the District any Solid Waste, or to cause, suffer, or permit Solid Waste to be located upon any property in the District, except as authorized by law.

SECTION 33. UNLAWFUL SCAVENGING

It shall be unlawful for any person other than the owner or agent or employee of the owner of a solid waste or recyclable material container, a solid waste hauler or the person or agent or employee of the person for whom a solid waste or recyclable material container is contracted or placed to collect refuse or recyclable material to rummage in, disturb, interfere, scavenge, or remove refuse or recyclable material from officially designated refuse and recyclable containers.

SECTION 34. RESTRAINT OF ANIMALS

Any occupant owning or possessing an animal on the premises which may bite or attempt to bite a solid waste hauler while engaged in collecting refuse shall be required to secure the animal(s) or place the container in such manner that such animal shall not constitute a hazard or to endanger a solid waste hauler. In addition to any criminal penalties specified in this code, failure to adhere to the requirements of this section shall be cause for suspension of collection service during such time as there exists any such danger or hazard. Suspension of service pursuant to this section shall not relieve any person or firm of the duty to pay solid waste collection charges during such period of suspension.

SECTION 35. SOLID WASTE FACILITIES

No person shall construct or operate a Solid Waste management facility, including but not limited to a materials recovery facility, Solid Waste transfer or processing station, composting facility, a buy-back or drop-off center, disposal facility or a

recycling center without first satisfying all District requirements for land use, environmental and other approvals.

SECTION 36. INSPECTIONS AND INVESTIGATIONS BY THE DISTRICT

A. District employees, Designee, and/or its Solid Waste Franchisee are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Ordinance, subject to applicable laws. This Section does not allow the District to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with this Ordinance, the District may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring, where applicable.

B. Persons in Charge shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with District employees, Designee, and/or its Solid Waste Franchisee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment, where required; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties described.

C. Any records obtained by a District during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 *et seq.*

D. District employees, Designee, and/or its Solid Waste Franchisee are authorized to conduct any Inspections, Remote Monitoring or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.

E. The District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance, including receipt of anonymous complaints.

SECTION 37. ENFORCEMENT

A. The General Manager is hereby declared and appointed as the enforcement officer of this Ordinance, and shall be empowered to take such other actions as authorized herein, or as may otherwise be authorized by the District's Board of Directors or be reasonably necessary, for enforcement of the Ordinance.

B. Any violation of this Ordinance may be enforced in any manner authorized by law, including but not limited to an administrative citation, criminal citation, nuisance abatement action, or civil action.

C. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying enforcement and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

SECTION 38. APPEALS

A. A business who desires to appeal the notice set forth in this Ordinance may appeal to the District's Board of Directors within the twenty (20) calendar days of the post-mark of the Warning Notice by filing a timely written appeal with the General Manager. Timely appeal shall not stay any further solid waste collection or responsibility to pay therefore. The General Manager shall set the matter for hearing before the District's Board of Directors and shall notify the Appellant by mail of the date set for such hearing, at least fifteen (15) days prior to said date. If the Appellant resides outside the District, the above period of notice by mail before the hearing shall be at least twenty-five (25) days. The Appellant shall have the right to appear in person or by an agent, designated in writing, at the hearing, and present oral, and/or written, evidence. The District's Board of Directors shall decide the appeal and shall issue its decision, which shall be in writing and be legally binding.

B. The District's Board of Directors shall have authority to make reasonable adjustments in the amount billed or to excuse payment altogether as well as authority to grant ancillary relief. The District's Board of Directors shall have authority to determine that the Hauler shall not be entitled to any payment from the business owner affected. The District's Board of Directors shall have no authority to award monetary damages, costs or attorney's fees.

SECTION 39. LIABILITY FOR VIOLATION

Any person violating any of the provisions of this Ordinance, or permitting or maintaining any property in violation of any of this Ordinance, shall be liable to the District for any expense, loss or damage, occasioned by the District by reason of such violation. Such liability shall be in addition to any other civil or criminal penalties imposed under this Ordinance or under any other provision of law.

SECTION 40. PENALTIES AND FINES

A. Pursuant to Government Code Section 61064(c), the General Manager is hereby authorized to issue citations for violations of this Ordinance. Any person violating any provision of this Ordinance, as determined by the Board, may be prosecuted, by the applicable law enforcement agency or the General Manager in the name of the people of the State of California, as committing either a misdemeanor or an infraction, or may be the subject of redress by civil action.

B. Pursuant to Government Code Section 61064(a), a person violating any provision of this Ordinance shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the County jail for not more than thirty (30) days, or by a fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment as may be allowed by law. Each and every violation of this Ordinance and each day

during which such violation is committed or continued shall constitute a separate offense.

C. It shall constitute an infraction for an owner as defined above to fail to sign up for or to timely pay for solid waste and recycling collection service or to otherwise violate any provision of this ordinance and upon conviction of such violation shall be subject to a fine of \$250.00 for the first offense; \$500.00 for a second violation within a one (1) year period and \$1,000.00 for a third or subsequent violation within a one (1) year period. The additional remedies, penalties and procedures for violations and for recovery of costs related to enforcement provided for in this Ordinance are incorporated herein by this reference. The owner shall also be subject to court action to pay for solid waste collection service furnished to the business located thereon.

SECTION 41. INJUNCTION

In addition to the remedies set forth in this Ordinance, the District may file a civil action to compel compliance with this Ordinance, including but expressly not limited to, an action to enjoin any pending or future violations of the Ordinance, or for the issuance of an order stopping or disconnecting a service if the charges for that service are delinquent or unpaid.

SECTION 42. RESERVATION OF RIGHTS

All remedies set forth in this Ordinance are herein declared to be cumulative and non-exclusive, and shall not preclude the District from enforcing any other rights or remedies available under the law or any other rules and regulations of the District.

SECTION 43. ATTORNEYS' FEES

In any action or proceeding brought to enforce a violation of this Ordinance, including but not limited to a nuisance abatement action and an action to foreclose on a special assessment, the prevailing party shall recover its reasonable attorney's fees and costs.

SECTION 44. SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The District's Board of Directors hereby declares that it would have adopted this Ordinance, and each Section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 45. PUBLICATION AND POSTING

The General Manager is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation within the District Boundaries and a copy of the full text of this Ordinance must be posted at the District office at least five (5) days prior to the meeting. Within fifteen (15) days after adoption, the General Manager is hereby

directed to cause said summary of this Ordinance to be published in a newspaper of general circulation within the District Boundaries and a copy of the full text of this Ordinance must be posted at the District office.

SECTION 46. EFFECTIVE DATE

This ordinance supercedes any prior ordinance or resolution expressly inconsistent with the provisions set for herein and shall take effect thirty (30) days after adopted by the Board of Directors of the Phelan Piñon Hills Community Services District.

INTRODUCED FOR FIRST READING March 30, 2022.

INTRODUCED FOR THE SECOND READING this April 6, 2022

Rebecca Kujawa, President, Board of Directors

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I, Kimberly Ward, Secretary of the Board of Directors of the Phelan Piñon Hills Community Services District, California, do hereby certify that the foregoing ordinance, being Ordinance No. 2022-02, was adopted by the Board of Directors of said District, at a regular meeting of said Board held on April 6, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Secretary of the Phelan Piñon Hills Community Services
District and of the Board of Directors thereof

SEAL

SB 1383 Jurisdiction Responsibilities

Jurisdictions should create an action plan that lays out a path to complying with the law. Implementing the law may require:

- Updating hauling contracts to reflect SB 1383 collection requirements
- Adopting an enforceable mechanism/ordinance for collection, recycling, and food recovery requirements
- Planning for rate increases to support new collection and recycling requirements and to fund a food recovery network
- Determining staff and funding needed to implement the law, including
 - Health inspections that could be addressed through a partnership with the county department of public health
 - Model ordinance implementation, which may require staff to modify the model ordinance for the jurisdiction, legal staff to review the ordinance, and presentations to city/county meetings for approval

SB 1383 specifically directs jurisdictions to conduct the following activities.

Collection

Jurisdictions are required to provide organic waste collection to all residents and businesses, which means providing service automatically and not relying on the generator to subscribe.

- Beginning in 2022, SB 1383 requires every jurisdiction to provide organic waste collection services to all residents and businesses. This is what we refer to as automatically providing service, mandatory service, or universal service, in which the resident or business is automatically provided the service.
- The regulations standardize container colors across the state (to be fully implemented by January 1, 2036), and require a jurisdiction to place a label on each new container or lid provided to generators consistent with the container collection requirements (starting January 1, 2022).
- The regulations require contamination monitoring in curbside collection containers. Jurisdictions will typically delegate this task to their hauler.
- Jurisdictions can issue three types of waivers to generators:
 - De minimis
 - Physical space
 - Collection frequency
- CalRecycle can issue three types of waivers to jurisdictions that are eligible, which delay or exclude implementation of some of the requirements:

Additional Information

[Collection](#)

[Collection Systems](#)

[Collection Contamination](#)

[Collection Contamination](#)

- Low population
- Rural exemption
- Elevation waivers

Note: the regulations also place requirements on residents and commercial businesses.

Food Recovery

Jurisdictions are required to establish an edible food recovery program that recovers edible food from the waste stream. This includes:

- Assessing capacity of existing edible food recovery
- Establishing an edible food recovery program (and expanding existing infrastructure if necessary)
- Conducting inspections of:
 - Tier one commercial edible food generators and food recovery organizations and services beginning January 1, 2022
 - Tier two commercial edible food generators beginning January 1, 2024.
- Providing education and outreach

Additional Information

[Food Recovery](#)

[Jurisdictions](#)

[Donors](#)

[Food Recovery Organizations](#)

Education and Outreach

Jurisdictions are required to conduct education and outreach to all affected parties, including generators, edible food recovery organizations, and city/county department staff. This includes:

- Providing information on methods for the prevention of organic waste generation, recycling organic waste onsite, and sending organic waste to community composting
- Providing information to food donors regarding programs for the donation of edible food
- Providing materials in non-English languages so they are linguistically accessible to residents and businesses

Additional Information

[Education](#)

Procurement of Recycled Organic Products

Jurisdictions are responsible for procuring recycled organic waste products like compost, mulch, renewable natural gas (RNG), electricity, and recycled-content paper and paper products.

Procuring does not necessarily mean purchasing.

Additional Information

[Procurement Web Page](#)

[Procurement Calculator](#)

Organic Waste Product Requirements

Each jurisdiction will have a minimum procurement target for recycled organic waste products that is calculated based on its population.

CalRecycle will provide a calculator for a jurisdiction to use to calculate progress towards meeting their target.

CalRecycle will notify jurisdictions of their target Prior to January 1, 2022.

Jurisdictions may procure any combination of the following products to meet their target:

- Compost
- Renewable gas used for transportation fuels, electricity, heating applications, or pipeline injection
- Electricity from biomass conversion produced from organic waste

Recycled-Content Paper and Paper Product Requirements

All departments in a jurisdiction that make paper purchases will be required to purchase and keep purchase records for paper products that:

- Contain postconsumer recycled content
- Are recyclable

Capacity Planning

Jurisdictions are required to evaluate the jurisdiction's readiness and capacity to implement SB 1383, including organics collection and recycling and edible food recovery capacity.

Each county will lead this effort by coordinating with cities, special districts that provide solid waste collection services, and regional agencies located within the county.

Additional Information

[Capacity Planning](#)

[Capacity Planning for Organic Waste Recycling](#)

[Capacity Planning for Food Recovery](#)

Enforcement

Starting January 1, 2022, jurisdictions are required to conduct inspections and enforce compliance with SB 1383. Jurisdictions are required to adopt an ordinance or enforceable mechanism consistent with SB 1383 requirements by January 1, 2022.

Additional Information

[Model Ordinance](#)

Jurisdictions must do an annual compliance review of commercial businesses to ensure they are subscribed to collection service. This requirement was previously established by California's Mandatory Commercial Organics Recycling law (AB 1826, Chesbro, Chapter 727, Statutes of 2014).

Jurisdictions may choose to combine edible food generator with existing health inspections, which may consolidate resources.

Jurisdictions using a 3- or 2-container organic waste collection service are required to monitor contamination.

Recordkeeping and Reporting

Jurisdictions are required to maintaining accurate and timely records of SB 1383 compliance and reporting.

To reduce reporting, jurisdictions are required to maintain records and keep information in an Implementation Record.

Each jurisdiction is required to report to the Department annually on its implementation and compliance with the requirements of 1383.

WHAT GOES WHERE?



ORGANICS

Food Soiled Paper • Eggs & Dairy Scraps • Coffee Grinds & Teabags • Meat, Bones & Seafood • Fruit & Vegetable • Yard Trimmings

RECYCLABLES

Metal Cans • Aluminum Foil • Paper • Glass Bottles & Jars • Plastics # 1, 2 & 5 • Food Boxes • Paper Packaging • Phone Books

LANDFILL

Garbage • Styrofoam • Ceramic Dishes • Chip Bags • Dirty Takeout Containers • Cigarette Butts • Dirty Diapers • Packing Peanuts

- **Green Container:** Limited to food waste, yard waste, green waste, other organic materials.
- **Blue Container:** Allows for traditional recyclables, such as bottles, cans, and plastic, and organic waste such as paper and cardboard.
- **Gray Container:** Limited to waste that is not organic or recyclable.



Agenda Item 6c

Public Hearing on Ordinance No. 2022-02;
Establishing Uniform Solid Waste,
Recycling, and Organic Waste Disposal
Requirements

1. Secretary's Report
2. Attorney's Report on Action Taken Prior to this Hearing
3. Staff's Report
4. Public Comment, Protests, and Objections
 - a. Any person may address the Board on the Ordinance
 - b. Staff responses to comments, protests, and objection

Agenda Item 6d

Discussion & Possible Adoption of
Ordinance No. 2022-02;
Establishing Uniform Solid Waste,
Recycling, and Organic Waste
Disposal Requirements

MEMORANDUM

DATE: April 6, 2022

TO: Board of Directors

FROM: Don Bartz, General Manager
By: Kim Ward, HR Manager/Executive Secretary

SUBJECT: Discussion & Possible Adoption of Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements

STAFF RECOMMENDATION

For the Board to adopt Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements.

BACKGROUND

The District has been working to comply with SB 1383 and also to increase recycling collection District-wide (see staff report for Agenda Item 6b). This Ordinance was reviewed in draft form on March 16, 2022. Notice of Public Hearing was published in the Daily Press on March 23 and March 30, 2022. A summary of the Ordinance was published in the Mountaineer Progress on March 31, 2022. The first reading of the Ordinance was waived on March 30, 2022. The second reading was waived, and the public hearing took place, preceding this agenda item.

If adopted, a summary of the Ordinance along with a record of the vote will be published in the Mountaineer Progress on 4/14/2022. The Ordinance shall take effect 30 days after adoption. Implementation of commercial service, as specified in the Ordinance, will not commence until July 1, 2022; commercial service will continue as specified in Ordinances 2017-02 & 2017-03 until that time. Residential implementation is not scheduled to begin until July 1, 2023, at the earliest.

FISCAL IMPACT

None

ATTACHMENT(S)

(see Agenda Item 6b)

Agenda Item 6e

Discussion & Possible Action
Regarding Materials Purchase for
Well No. 15

MEMORANDUM

DATE: April 6, 2022

TO: Board of Directors

FROM: Don Bartz, General Manager
By: Sean Wright, Water Operations Manager

SUBJECT: Discussion & Possible Action Regarding Valves and Fitting Materials Purchase for Well #15

STAFF RECOMMENDATION

Staff recommends for the Board to approve the materials purchase of six (6) valve & hydrant assemblies with six (6) 12" transmission mainline valves and accompanying fittings.

BACKGROUND

The District will need to install 5,820 feet of pipeline to bring water from Well #15 to the storage tanks located at Well 2-1 & Well 2-2. As part of the budget for FY 22/23, \$1,555,000 is allocated for the materials purchase, pipeline installation, electrical installation, and equipping of Well #15

Staff feels it necessary to size the pipeline 12" & in part to materials cost rising, the potential addition of future production wells situated to the north of Well #15, and expected growth along the eastern and northern corridors of the District.

Due to the unprecedented volatility in the materials market, coupled with supply chain challenges and materials shortages staff feels it necessary to purchase the valves and fittings for Well #15 as soon as possible.

FISCAL IMPACT

Budgeted: \$1,555,000
Ferguson Water Works- \$51,465.67
Inland Water Works: \$60,750.31
Western Water Works- Declined to Bid

ATTACHMENT(S)

- Inland Water Works Quotation
- Ferguson Water Works Quotation

Quotation

INLAND WATER WORKS SUPPLY CO
 2468 Miramonte Drive
 San Bernardino, CA 92405
 909-883-8941
 Fax 909-881-4041



EXPIRATION DATE	QUOTE NUMBER
03/21/2022	S1054295
WE APPRECIATE THE OPPORTUNITY TO BID	
PAGE NO. 1 of 2	

QUOTE TO:

SHIP TO:

PHELAN PINON HILLS CSD
 PO BOX 294049
 PHELAN, CA 92329

PHELAN PINON HILLS CSD
 12336 OASIS ROAD
 PHELAN, CA 92329

ORDERED BY	CUSTOMER PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
			KEN PERTEET	
WRITER	SHIP VIA	TERMS	SHIP DATE	
KEN PERTEET	OT OUR TRUCK WED	2% 15 DAYS NET30	03/14/2022	
ORDER QTY	DESCRIPTION		UNIT PRICE	EXT PRICE
	TO OUR VALUED BUSINESS PARTNERS REGARDING PRICING AND AVAILABILITY. ***** ***** ***PRICING ON PVC PIPE IS NOT GUARANTEED. *** PRICING WILL BE THE PRICE AT TIME OF SHIPMENT. IN ADDITION, AVAILABILITY OF PVC PIPE IS VERY LIMITED AND NOT ACCURATELY PREDICABLE. IT IS POSSIBLE THAT PVC PIPE AVAILABILITY WILL BE 90-180 DAYS OR LONGER ARO. ***** DUE TO EXTREMELY VOLATILE CONDITIONS IN OUR GLOBAL ECONOMY, WE CAN ONLY HOLD PRICES ON THIS QUOTATION FOR 7 DAYS. AFTER THE 7 DAY PERIOD, PRICING WILL BE EVALUATED AND UPDATED TO MARKET CONDITIONS AT TIME OF SHIPMENT. WE WILL DO EVERYTHING WE CAN TO HOLD PRICING AS LONG AS POSSIBLE, BUT WE CAN ONLY GUARANTEE THESE QUOTED PRICES FOR 7 DAYS. ***** WE STRONGLY ADVISE YOU TO PUT PROTECTIVE WORDING REGARDING MATERIAL PRICING AND LDs DUE TO LONG LEAD TIMES IN YOUR BID SUBMISSION. ***** THANK YOU AND GOOD LUCK ON THIS BID! *****			
** Continued on Next Page *			Subtotal	
			S&H Charges	
			Estimated Tax	
			Amount Due	

Quotation

INLAND WATER WORKS SUPPLY CO
 2468 Miramonte Drive
 San Bernardino, CA 92405
 909-883-8941
 Fax 909-881-4041



EXPIRATION DATE	QUOTE NUMBER
03/21/2022	S1054295
WE APPRECIATE THE OPPORTUNITY TO BID	
PAGE NO. 2 of 2	

QUOTE TO:

SHIP TO:

PHELAN PINON HILLS CSD
 PO BOX 294049
 PHELAN, CA 92329

PHELAN PINON HILLS CSD
 12336 OASIS ROAD
 PHELAN, CA 92329

ORDERED BY	CUSTOMER PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
			KEN PERTEET	
WRITER	SHIP VIA	TERMS	SHIP DATE	
KEN PERTEET	OT OUR TRUCK WED	2% 15 DAYS NET30	03/14/2022	
ORDER QTY	DESCRIPTION		UNIT PRICE	EXT PRICE
6ea	A2362-1906 6" MUELLER A-2362 MJ X FLG RW GATE VALVE DI BODY C509 E381 OPEN LEFT 2" OP NUT LACC		800.000/ea	4800.00
6ea	DIMJFSSBT1206LACC 12" X 6" DI MJ X FLG SSB TEE 422488		495.000/ea	2970.00
6ea	A423MJ60DT 423-543993 60" MJ MUELLER A423 HYD 4" PUMPER 2-2.5 NOZZLE DRAINS TAPPED LACC FEDERAL SAFETY YELLOW		4400.000/ea	26400.00
5ea	DIMJSSB9012LACC 12" DI MJ SSB 90 ELL LACC 099970		399.000/ea	1995.00
2ea	DIFCR1208 12" X 8" DI FLG CONC REDUCER 132417		545.400/ea	1090.80
6ea	A2362-1912 12" MUELLER A-2362 MJ X FLG RW GATE VALVE DI BODY C509 E381 OPEN LEFT 2" OP NUT LACC		2400.000/ea	14400.00
25ea	GUSFL12 12" FIELD LOK GASKET		189.000/ea	4725.00

THANK YOU FOR THE OPPORTUNITY TO BID!

Subtotal	56380.80
S&H Charges	0.00
Estimated Tax	4369.51
Amount Due	60750.31

Deliver To: From: Ryan Gallegos Comments:
--

FERGUSON WATERWORKS #1083
 Price Quotation
 Phone: 951-674-1323
 Fax: 951-674-1084

Bid No: B421980
Bid Date: 03/15/22
Quoted By: RG

Cust Phone: 760-868-1212
Terms: NET 10TH PROX

Customer: PHELAN PINON HILLS CSD
 PO BOX 294049
 PHELAN, CA 92329

Ship To: PHELAN PINON HILLS CSD
 PO BOX 294049
 PHELAN, CA 92329

Cust PO#:

Job Name: RFQ - MISC

Item	Description	Quantity	Net Price	UM	Total
MA236219E381UOL	6 DI MJ X FLG RW OL GATE VLV L/A	6	724.230	EA	4345.38
FT12U	12X6 DI 125# C110 FLG TEE	6	845.880	EA	5075.28
MA423LAOLMJSS	5-1/4 A423 HYD 5'0 6 MJ OL L/A	6	3869.842	EA	23219.05
MJ9LA12	12 MJ C153 90 BEND L/A	5	352.450	EA	1762.25
MJRLA12X	12X8 MJ C153 RED L/A	2	166.950	EA	333.90
MA236219E38112OL	12 DI MJ X FLG RW OL GATE VLV L/A	6	2171.350	EA	13028.10
	12" GSKTS - NO BID				

Net Total: \$47763.96
Tax: \$3701.71
Freight: \$0.00
Total: \$51465.67

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/WBE/SMALL BUSINESS REQUIREMENTS.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
 Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.
 WATER FLOW RATE NOTICE: Lavatory Faucets with flow rates over 0.5 GPM are not allowed for 'public use' in California.
 COVID-19 ORDER: ANY REFERENCE TO OR INCORPORATION OF EXECUTIVE ORDER 14042 AND/OR THE EO-IMPLEMENTING FEDERAL CLAUSES (FAR 52.223-99 AND/OR DFARS 252.223-7999) IS EXPRESSLY REJECTED BY SELLER AND SHALL NOT APPLY AS SELLER IS A MATERIALS SUPPLIER AND THEREFORE EXEMPT UNDER THE EXECUTIVE ORDER.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=1083&on=25918>

Agenda Item 6f

Update on the Proposed Civic
Center & Phelan Park Expansion
Projects



A. 4176 Warbler Road
P.O. Box 294049
Phelan, CA 92329
P. (760) 868-1212
F. (760) 868-2323
W. www.pphcsd.org

MEMORANDUM

DATE: April 6, 2022

TO: Board of Directors

FROM: Don Bartz, General Manager
By: Kim Ward, HR Manager/Executive Secretary

SUBJECT: Update on the Proposed Civic Center & Phelan Park Expansion Project

STAFF RECOMMENDATION

None

BACKGROUND

Staff will update the Board on the Proposed Civic Center and Phelan Park Expansion Project.

FISCAL IMPACT

None

ATTACHMENT(S)

None

Agenda Item 6g

Update on the Status of
Negotiations for the Consolidation
of Sheep Creek Mutual Water
Company into the District



A. 4176 Warbler Road
P.O. Box 294049
Phelan, CA 92329
P. (760) 868-1212
F. (760) 868-2323
W. www.pphcsd.org

MEMORANDUM

DATE: April 6, 2022

TO: Board of Directors

FROM: Don Bartz, General Manager
By: Kim Ward, HR Manager/Executive Secretary

SUBJECT: Update on the Status of Negotiations for the Consolidation of Sheep Creek Mutual Water Company into the District

STAFF RECOMMENDATION

None

BACKGROUND

Staff will update the Board on the status of negotiations for the consolidation of Sheep Creek Mutual Water Company.

FISCAL IMPACT

None

ATTACHMENT(S)

None

Agenda Item 6h

Discussion & Possible Action
Regarding Increasing Purchase
Order for Fuel for an Additional
\$25,000

MEMORANDUM

DATE: April 6, 2022

TO: Board of Directors

FROM: Don Bartz, General Manager
By: Sean Wright, Water Operations Manager

SUBJECT: Discussion & Possible Action Regarding Increasing Purchase Order for Fuel

STAFF RECOMMENDATION

Staff recommends for the Board to approve increasing the Purchase Order for Fuel for an additional \$25,000.

BACKGROUND

The District has experienced an unprecedented increase in fuel costs over the past fiscal year, exceeding the budgeted amount of \$85,000 for F/Y 21/22. In July 2021 gas prices were \$4.19 a gallon, as of March 2022 gas is \$5.60 a gallon making it necessary to increase the purchase order for fuel to meet the District's needs for the remainder of the fiscal year. The District receives its fuel from a third-party fuel supplier at wholesale rates, bids for fuel are obtained at the beginning of every fiscal year.

FISCAL IMPACT

Budgeted: \$85,000
Increase: \$25,000

ATTACHMENT(S)

- Purchase Order Activity Report for Fuel



Purchase Order Activity Report

Purchase Order Summary

Date	Activity Type	Payable ID	Activity Amount	Balance
Vendor Number: REBEL		Vendor Name: Rebel Oil Company, Inc.		
Purchase Order: PO-04650				
7/1/2021	Issued		80,000.00	80000.00
7/1/2021	Changed		5,000.00	85000.00
7/21/2021	Invoiced	7051456	(1,330.32)	83669.68
7/21/2021	Invoiced	7051487	(1,801.85)	81867.83
7/31/2021	Invoiced	70951545	(2,603.68)	79264.15
7/31/2021	Invoiced	7051513	(2,085.94)	77178.21
8/18/2021	Invoiced	7051576	(994.75)	76183.46
8/18/2021	Invoiced	7051772	(2,764.90)	73418.56
8/31/2021	Invoiced	7051831	(2,550.66)	70867.90
8/31/2021	Invoiced	7051800	(2,728.10)	68139.80
8/31/2021	Invoiced	705186	(1,967.93)	66171.87
9/15/2021	Invoiced	7051890	(1,749.53)	64422.34
9/29/2021	Invoiced	7051915	(1,274.64)	63147.70
9/29/2021	Invoiced	701941	(1,697.32)	61450.38
9/30/2021	Invoiced	7031965	(4,265.01)	57185.37
10/14/2021	Invoiced	7051996	(3,294.72)	53890.65
10/27/2021	Invoiced	7052028	(1,802.43)	52088.22
10/27/2021	Invoiced	0705233	(2,101.36)	49986.86
10/31/2021	Invoiced	7052264	(1,355.18)	48631.68
11/10/2021	Invoiced	7052532	(2,291.38)	46340.30
11/24/2021	Invoiced	7042329	(1,405.50)	44934.80
11/24/2021	Invoiced	7042362	(1,439.25)	43495.55
11/30/2021	Invoiced	7042393	(2,380.86)	41114.69
11/30/2021	Invoiced	7042422	(1,257.21)	39857.48
12/17/2021	Invoiced	7000637	(1,364.09)	38493.39
12/31/2021	Invoiced	7000504	(2,300.14)	36193.25
12/31/2021	Invoiced	7000531	(1,812.66)	34380.59
12/31/2021	Invoiced	7000559	(2,697.06)	31683.53
1/19/2022	Invoiced	7010581	(2,078.36)	29605.17
1/20/2022	Invoiced	7008517	(1,639.05)	27966.12
1/31/2022	Invoiced	7068562	(2,031.87)	25934.25
2/16/2022	Invoiced	7068760	(3,594.23)	22340.02
2/16/2022	Invoiced	7068630	(3,424.89)	18915.13
2/28/2022	Invoiced	7068663	(1,740.91)	17174.22
2/28/2022	Invoiced	7069049	(1,533.53)	15640.69
3/16/2022	Invoiced	7069084	(2,041.37)	13599.32
3/16/2022	Invoiced	7069117	(2,300.59)	11298.73

Agenda Item 7

Committee Reports/Comments

ENGINEERING COMMITTEE MEETING MINUTES

March 9, 2022 – 4:00 p.m.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Mark Roberts, Director (Chair)
Kathy Hoffman, Director

Board Members Absent: None

Staff Present: George Cardenas, Engineering Manager
Sean Wright, Water Operations Manager
Kim Ward, HR Manager/Executive Secretary
Jennifer Oakes, Executive Management Analyst
Tony De La Rosa, Engineering Technician
Aimee Williams, Administrative Technician II

Guests/Public: None

Call to Order

Director Roberts called the meeting to order at 4:00 p.m.

Roll Call

All Committee Members were present at Roll Call.

1) **Approval of Agenda**

Director Hoffman moved to approve the Agenda. Director Roberts seconded the motion. Motion passed unanimously.

2) **Public Comment** – None

3) **Approval of Minutes**

Director Hoffman moved to approve the Minutes. Director Roberts seconded the motion. Motion passed unanimously.

4) **Oeste Recharge Study Project**

Mr. Wright reported that MWA is moving ahead with the project. A contract for CEQA was executed by the MWA Board. Two monitoring wells have been drilled and their geologist reported that the geology looks incredible. Approximately 95 Joshua trees will need to be relocated as part of the project.

5) **Discussion Regarding Water System**

- **Pumps and Wells Services Agreement**
- **10-Year Tank Rehabilitation & Maintenance Service**

- **Water Quality**
- **Service Line Replacement Program Update**
- **Other Repairs/Replacements/Updates/Maintenance**

Mr. Wright provided an update on pump and motor rehabilitation at booster stations. The air-vac maintenance and flushing program is 21% completed. The water meter replacement program is in the second phase and the whole project is approximately 37% completed. The new generators have been field tested and are ready to use.

6) **Smithson Springs Update**

The site is clean. Flow is 3.5gpm at the upper weir and 3gpm at the lower weir.

7) **State Regulations Update**

Ms. Oakes reported that per SB 606, the Annual Water Shortage Assessment is due in July. MWA is currently completing this assessment for the whole region and the District is waiting to see if we are able to use this report to meet the requirements. A 20% water conservation mandate is anticipated in the near future.

Mr. Wright stated there is no update on Chromium-6 yet.

8) **Review of Current Projects**

- **Pressure Zone 6**

Nothing new to report.

- **New Well No. 15**

Mr. Cardenas reported that the CEQA document was submitted to the state clearinghouse and will be brought to the Board in April for adoption.

Mr. Wright discussed an analysis that was completed on current pipeline prices and sizes.

9) **Staff Reports**

Mr. Wright gave an update on some items that will go to the Board at the next meeting.

10) **Review of Action Items**

- a) **Prior Meeting** – None
- b) **Current Meeting** – A report on Oeste data was requested.

11) **Set Agenda for Next Meeting** – April 13, 2022

12) **Adjournment**

With no further business before the Committee, the meeting adjourned at 4:28 p.m.

Agenda materials can be viewed online at <https://www.pphcsd.org>

SPECIAL SOLID WASTE & RECYCLING COMMITTEE MEETING MINUTES

March 10, 2022 – 4:00 p.m.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Deborah Philips, Chair/Vice President
Rebecca Kujawa, President

Board Members Absent: None

Staff Present: Kim Ward, HR Manager/Executive Secretary
Aimee Williams, Administrative Technician II

CR&R Staff Present: Brent Speers, General Manager
Belen Cordero, Sustainability Specialist (Zoom)

Guests/Public: None

Call to Order

Vice President Philips called the meeting to order at 4:00 p.m.

Roll Call

All Committee Members were present at Roll Call.

- 1) **Approval of Agenda**
President Kujawa moved to approve the Agenda. Vice President Philips seconded the motion. Motion passed unanimously.
- 2) **Public Comment** – None
- 3) **Approval of Minutes**
Vice President Philips moved to approve the Minutes. President Kujawa seconded the motion. Motion passed unanimously.
- 4) **Review of Program Events**
Staff provided an overview of the 2022 program events.
- 5) **SB 1383 Compliance**
Ms. Ward reported that the Uniform Collection Ordinance is in development. It is currently being reviewed by legal counsel and will go to the Board for the 1st reading on March 30, 2022. The Implementation Timeline was reviewed.
- 6) **Review Helendale CSD Thrift Store & Recycling Program**

The Committee reviewed the information that was included in the packet and discussed the program.

7) **Staff Reports**

The CR&R quarterly report has an error in it and will be corrected before it goes to the Board. A discussion took place on what items can go in the different color containers.

8) **Review of Action Items**

a) **Prior Meeting** – None

b) **Current Meeting** – None

9) **Set Agenda for Next Meeting** – June 9, 2022

- Remove Agenda Item 6

10) **Adjournment**

With no further business before the Committee, the meeting adjourned at 4:34 p.m.

Agenda materials can be viewed online at <https://www.pphcsd.org>

Agenda Item 8

Staff & General Manager's Report

Engineering Manager's Report

April 6, 2022

Alternative Energy - 1.16 MW Solar Photovoltaic

The generation report from November to December has been disconnected. A customer ticket was issued to resolve the SunPower Portal reporting with their customer service team. Reporting during this period will be included in the February Manager's report. Monthly generation reports are issued the second week of the following month.

The District is scheduled to register its solar generation, Renewable Energy Credits (REC's), with the U.S. Department of Energy, Energy Information Administration (EIA) no later than March 21, 2022 for 2021 generation. Due to missing SunPower monthly generation reporting data since October 2021, credit registration has been delayed until this is remedied. For 2020, the District has registered 2,658 MWh (2,657,613 kWh).

Scheduled services are part of 10-year SunPower Operations and Maintenance contract. The O&M contract includes two (2) module cleanings each year through October 2025. The District is into its 7th year of the contract, beginning early November each year, and expires in 2026. Included are two solar module cleaning, in early Spring and Summer for maximize generation. Annual preventative maintenance work was performed on February 25. Maintenance includes, IR imaging, IV curve tracing, torque checks, inverter cleaning, and tracker greasing.

Geographic Information System (GIS)

Mobile access to the GIS data is secured using Single Sign-on (SSO) and virtual private network (VPN) connections. This is possible through ESRI small utility enterprise license agreement (SUELA) with access to ESRI software and tools. SEDARU is another component to mobile application with continue to provide system logging, system maintenance, service and work orders processes integrated with Tyler, hydraulic model, and positive response DigAlert.

Water system and facilities as-built plans are now mobile accessible, by staff, through Portal providing immediate access to infrastructure information. Wells, booster stations and reservoir sites will be included concluding updated imagery and photos. A Capital Improvement Project (CIP) and mainline extension dashboards is now in-place. As of April 1st, field staff now log daily/weekly/monthly vehicle safety check and fuel/milage through a custom mobile application. Mobile system backflow management application is in design and beta-tested by end of fiscal year.

Reservoir 6A, Pressure Zone 7 Expansion (nothing new to report)

Staff recommends expanding Pressure Zone 7 with the installation of water pipeline at two locations: Mescalero Road, between Quail Road and Snowline Road, with 740 LF of proposed 6-inch water pipeline; and Piñon Hills Road, between Nielson Road and Maria Road, with 1,300 LF of proposed 8-inch water pipeline. Design plans were prepared in-house. The installation is proposed

to be constructed by field staff. The hydraulic model validated the Pinon Hills Road water pipeline project will improvement system pressure performance west of Mountain Road on Maria Road. This project is listed under the priority table of the Water Master Plan CIP table and proposed budgeted for FY 2022-2023. The Water Master Plan has proposed capacity at Reservoir site 6A with an additional 2.2 MG. Preliminary layout proposes a tank between Sheep Creek's tank and the existing District's 0.42 MG.

Civic Center / Community Center and Future Phelan Park expansion

Second County plan check comments for grading/utility plans for the Civic Center and the Sheep Creek Road Street Improvements have been addressed. Following the results from the geotechnical investigation report, percolation and infiltration testing of the proposed Phelan Park site (borrow), to updating to the WQMP and hydrology study for the Civic Center project. County is currently reviewing the CEQA report and anticipate having their review completed in the next week.

Permission was granted by the benefiteres of Sahara Road, SJUSD and Gary Van Dam (property owner of APN 3066-251-05 and -06). Written permission was conditioned to proceed with the abandonment process. The ingress and egress easement, for APN's 3066-251-05 and -06. District legal is reviewing the documents prior to signatures.

Future Well No. 15 and 16

The purchase of the east 5.0-acre portion of the 40-acre parcel has closed escrow in early October. Dodson and Associates is preparing the Environment Report (CEQA) for future well no. 15. The District anticipates delivery for review in the next week. This project includes approximately 5,900 LF of 12-inch water pipeline from well 15 to reservoir Site 2-2 on Sheep Creek Road.

The CEQA is in the 30-day public review and ends on April 6th. Currently we received comments from Mojave Desert Air Quality Management District (MDAQMD). Dodson will prepare response to comments soon after. Board adoption is scheduled for April 20th. Staff will begin design of Well 15 and the transmission pipeline.

Water Mainline Extension Projects

Joshua St. Water Pipeline extension to serve APN 3038-131-08 (nothing new to report)

Proposed 665 Linear Feet of 8-inch PVC water pipeline, located on Joshua Street east of Caughlin Road. First plan check was completed on March 3, 2021, for Donovan Development. Second plan check completed on April 27th. Pending County Fire Department approval. The owner has misplaced the corrections and requested a copy of the plan check. The owner is moving forward with County Fire approval.

Salerno Rd. Water Pipeline extension to serve APN 3101-431-08 (nothing new to report)

Proposed 950 Linear Feet of 8-inch PVC water pipeline, located on Salerno Road from Bambi Court west to 350 west of Johnson Road. Plans were prepared by Merrell Johnson Companies. First plan check was returned on March 30, 2021.

Acanthus St. Water Pipeline extension to serve APN 3066-681-13 (nothing new to report)

Proposed 300 Linear Feet of 8-inch PVC water pipeline, located on Acanthus Street south from McAllister Road for Arturo Mata. Plans were prepared by Ludwig Engineering and approved in July of 2018. 2nd plan check completed on April 14, 2021.

Sequoia Rd. Water Pipeline extension to serve APN 3069-331-10 (nothing new to report)

Proposed 340 Linear Feet of 8-inch PVC water pipeline, located on Sequoia Road east of Johnson Road. Plans were prepared by Capstone Engineering Incorporated. Approved design plans are pending pre-construction meeting.

Lager Rd. Water Pipeline extension to serve APN 3066-471-22, -23, -24, & -25

Proposed 939 Linear Feet of 8-inch PVC water pipeline, located on Lager Road between White Fox Trail and Yucca Terrace Drive. Design plans are approved, and a pre-construction was held on the 21st of December. Installation completed in mid-March.

Beekley Rd. Water Pipeline extension to serve APN 3100-551-13 (nothing new to report)

Proposed 300 Linear Feet of 8-inch PVC water pipeline, located on Beekley Road north from Begonia Road. Plans prepared by TRLS Engineering. Final check complete on June 6, 2018. Pending County Fire Department approval.

Solano Rd. Water Pipeline extension to serve APN 3068-171-19 & -20

Proposed 660 Linear Feet of 8-inch PVC water pipeline, located on Solano Road, west of Crystal Aire Road. Plans prepared by TRLS Engineering for Rashidian. Second plan check completed and approved. Final plans received March 31st. Pending pre-construction meeting.

***San Bernardino County Public Works Projects
(nothing new to report)***

Phelan Road Intersection Improvements

The San Bernardino County Public Works Department is set to begin work on early October 2021. The intersection widening for left and right turn lanes along Phelan Road areas are as listed:

Sonora Road
Tumbleweed Road
Sunny Vista Road
& Arrowhead Road

Potholing was completed. No District facilities were impacted. Frontier Communications are set to relocate concrete encased conduits at Sonora Road in the next few months. Southwest Gas unable to confirm depth of lines along Phelan Road.

Baldy Mesa Road and Caughlin Road guardrail replacements

Guardrail replacement at the California Aqueduct.
Work begins in early 2022.

Phelan Road Intersection Improvements

The County awarded an environmental clearance and design services consultant contract to EXP in June 2021. The scope of the project includes widening to five lanes with one center continuous left turn lane; pavement rehab or reconstruction; drainage improvements at Sheep Creek and Horse Canyon Channel, along with 25+/- other drainage structures; and, install traffic signal at Clovis Road.

The tentative schedule is as follows:

- Project Approval/Environmental Document: Spring 2024
- Final Plans & Right of Ways Acquisitions: Fall 2025
- Construction: Spring 2026

The consultant, EXP, has requested as-builts, from the District, for the project in late August.

Agenda Item 9

Director Reports

**President Rebecca Kujawa Report
ASBCSD March**

Speaker: General Manager Jeff Mosher : SAWPA

Topic: Santa Ana Watershed Weather Modification Pilot Program

(Cloud Seeding)

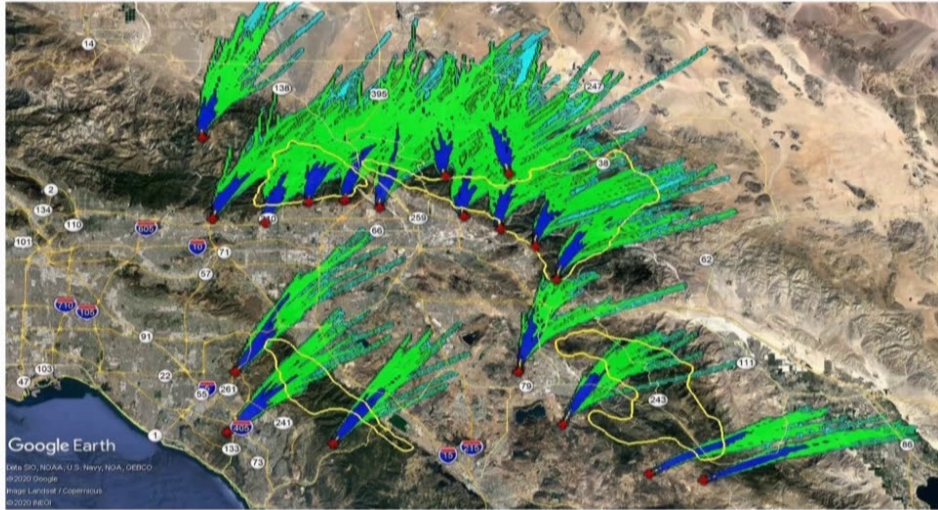
Cloud seeding is a type of weather modification used to increase the amount of precipitation, including snow or rain, during the storm season. This process works through releasing particles of silver iodide into clouds, which increase the chances of droplet condensation.

(Benefit)

Increase of 5% to 15% in precipitation, increasing runoff/streamflow in the Santa Ana River, mitigating the negative effects of climate change.

(Youtube video for more information)

Ground Based Seeding Dispersion Model



Agenda Item 10

Correspondence/Information

BILLING SCHEDULE



APRIL 2022

April 1

- Bills mailed for **March 2022** charges

April 18

- Payment must be received by 5:00 p.m. to avoid disconnection for **February 2022** bill

April 19

Disconnection date for **February 2022** bill

April 21

-Payment must be received by 5:00 p.m. to avoid penalty for **April 2022** bill



MAY 2022

May 1

- Bills mailed for **April 2022** charges

May 16

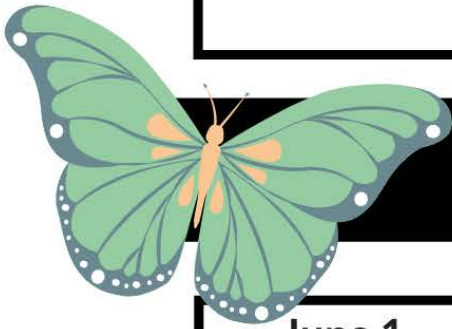
- Payment must be received by 5:00 p.m. to avoid disconnection for **March 2022** bill

May 17

Disconnection date for **March 2022** bill

May 23

- Payment must be received by 5:00 p.m. to avoid penalty for **May 2022** bill



JUNE 2022

June 1

- Bills mailed for **May 2022** charges

June 14

- Payment must be received by 5:00 p.m. to avoid disconnection for **April 2022** bill

June 15

-Disconnection date for **April 2022** bill

June 22

- Payment must be received by 5:00 p.m. to avoid penalty for **June 2022** bill

Holiday Closure
Memorial Day- Monday, May 30, 2022



KIDS



SPRING BAKING CLASS

**Join us in
making spring-
themed
cupcakes in a jar!**

**Saturday, April 23
10:30 am - 12:00 pm
Phelan Community
Center
Ages 6 -17
RSVP Required
760-868-1212**

 **Go Play
at the Park**
Phelan Piñon Hills CSD Parks and Recreation



2022
APR

PHELAN PIÑON HILLS CSD PRESENTS

EARTH DAY

ART CONTEST

Prizes (Per Category)

1st Place: \$100

2nd Place: \$75

3rd Place: \$50

Full contest rules are located on the
back of this flyer.



PHELAN PIÑON HILLS CSD
SOLID WASTE
SERVICES

CONSERVATION
IT'S OUR WAY OF LIFE

4176 Warbler Road
Phelan, CA 92371
www.pphcsd.org
760-868-1212



Contest Rules and How to Enter

How to Enter

1. Create a piece of artwork reminding everyone to recycle or conserve water.
2. Attach the form at the bottom of this sheet to your artwork. The entry form at the bottom of this paper must be included with your artwork. You may be disqualified if the form is not included.
3. Mail or drop off your artwork by April 29, 2022 to the PPHCSD office at: 4176 Warbler Road, Phelan, CA 92371.
4. Winners will be awarded in May and will be featured in our 2023 District calendar, as well as on our website and social media.

Eligibility

Participating students must attend a school located in Phelan or Piñon Hills. All entries must be delivered to the Phelan Piñon Hills Community Services District (District) office before 5 PM on April 29, 2022. Any entries submitted after this date and time may not be accepted or considered. Only one artwork entry may be submitted per student. ALL ENTRIES MUST INCLUDE THE BELOW ENTRY FORM. Entries not containing this information may be disqualified. Artwork must be submitted on 8.5"x11" paper. Larger or smaller artwork will not be considered for the contest. The purpose of this contest is to help students understand the importance of recycling and conserving water and the positive effect it has on the environment and our community.

Judging Procedure

The artwork will be grouped into one of the following categories:

- Kindergarten through 2nd grade
- 3rd grade through 5th grade
- 6th grade through 12th grade

The top three (3) works of art in each grade category will be selected based on the Judging Criteria listed. Three winners will be selected in each grade category. Only winners will be notified.

- First place: \$100.00
- Second place: \$75.00
- Third place: \$50.00

Judging Criteria

- Conveys clear messages through text and artwork.
- Exhibits creativity, originality, and artistic quality.
- Displays visual clarity and correct spelling - easy to read and understand.
- Accurately represents the contest theme.

Please Note:

- All artwork submitted becomes the property of the District and may be reproduced.
- The District has the exclusive right to use the artwork for promotional materials in various collateral formats. Artwork may also be displayed on the District website, as an exhibit, or displayed in any and all formats for promotional purposes and purposes of community recycling, community water conservation, and environmental education. Non-winning entries used for other promotional material will not be compensated or receive any prizes.
- Once the prizes are distributed, no further compensation will be given. All entries will be evaluated by a panel of judges selected by District management. The District is not responsible for any lost or damaged contest entry submissions. Contest artwork entries will not be returned to students. The contest artwork entry winners will be notified by May 16, 2022 and invited to attend an award presentation at an upcoming board meeting.

For further information call 760-868-1212.

**Artwork can be submitted by mail or in-person to:
4176 Warbler Road
Phelan, CA 92371**

Entry Form - All entries must include this form.

Student's Name

Guardian Name

School

Grade

Guardian Contact Email Address

Guardian Contact Mailing Address:

Guardian Contact Phone Number

CR&R SOLID WASTE SERVICES

**TIRED OF
WAITING IN
LINE AT THE
DUMP?**

**RESIDENTIAL
PICKUP SERVICE**

**FREE
RECYCLING
DROP-OFF**

WHAT CAN I RECYCLE?

- Paper
- Clean Metal Cans
- Aluminum Cans
- Plastic Containers
- Clean Cardboard
- Glass Bottles & Jars
- Green Waste
- Catalogs
- Junk Mail
- Plastic #1- #7
- Cereal Boxes
- Clean Aluminum Foil

**CALL TODAY
760-868-6353**

PHELAN PIÑON HILLS CSD
**SOLID WASTE
SERVICES**

CR&R
INCORPORATED
environmental services
the face of a greener generation



EARTH DAY COMMUNITY CLEANUP AND TIRE DAY

**SATURDAY, APRIL 16
8AM - 12 PM**

**Drop Off Location:
CR&R Service Yard
9828 Buckwheat Rd
Phelan, CA 92371**

- Free Residential Trash & Yard Waste Collection
- Free Tire Collection
- Free Recyclable Material Collection
- No Hazardous Materials or E-Waste
- No Commercial Waste or Tires

**District residents only. Must show proof of residency. Limit of 9 tires per residence. Must be off rim. NO COMMERCIAL.*

Agenda Item 11

Review of Action Items

Agenda Item 12

Set Agenda for Next Meeting