



## CITY OF ATASCADERO CITY COUNCIL AMENDED AGENDA

In accordance with City Council Resolution No. 2022-003 and the requirements of AB 361, the City Council Meeting will not be physically open to the public and City Council Members will be teleconferencing into the meeting.

### **HOW TO OBSERVE THE MEETING:**

To maximize public safety while still maintaining transparency and public access, the meeting will be live-streamed on SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website or by visiting [https://us02web.zoom.us/webinar/register/WN\\_ZwJ7a031S3KXauEym9ehaA](https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA).

### **HOW TO SUBMIT PUBLIC COMMENT:**

Members of the public are highly encouraged to participate in live public comment through the Zoom platform using the link above or by calling **805-538-2888** to listen and provide public comment via phone.

If you wish to comment but not via a live platform, please email public comments to [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) by 12:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the City Council and made a part of the administrative record. If a comment is received after the deadline for submission but before the close of the meeting, the comment will still be included as a part of the administrative record of the meeting but will be forwarded to the City Council the next business day. ***Please note, email comments will not be read into the record.***

### **AMERICAN DISABILITY ACT ACCOMMODATIONS:**

Any member of the public who needs accommodations should contact the City Clerk's Office at [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

City Council agendas and minutes may be viewed on the City's website: [www.atascadero.org](http://www.atascadero.org).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, [www.atascadero.org](http://www.atascadero.org). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are made a part of the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection by appointment during City Hall business hours.



# **CITY OF ATASCADERO CITY COUNCIL**

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## **AMENDED AGENDA**

**Tuesday, February 22, 2022**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California**

**City Council Regular Session:**

**6:00 P.M.**

**REGULAR SESSION – CALL TO ORDER: 6:00 P.M.**

**PLEDGE OF ALLEGIANCE:** Council Member Funk

**ROLL CALL:**  
Mayor Moreno  
Mayor Pro Tem Newsom  
Council Member Bourbeau  
Council Member Dariz  
Council Member Funk

**APPROVAL OF AGENDA:** Roll Call

**Recommendation:** Council:

1. Approve this agenda; and
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

**CLOSED SESSION – REPORT (IF ANY)**

- a. February 8, 2022
- b. February 16, 2022

**PRESENTATIONS:**

1. Employee Recognition
2. Proclamation recognizing the 100 year anniversary of Fire & Emergency Services in Atascadero

**A. CONSENT CALENDAR:** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)

**1. City Council Draft Action Minutes – January 28, 2022 & February 8, 2022**

- Recommendation: Council approve the January 28, 2022 Draft City Council Special Meeting Minutes, the January 28, 2022 Draft City Council Joint Special Meeting Minutes & the February 8, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

**2. January 2022 Accounts Payable and Payroll**

- Fiscal Impact: \$2,691,925.33
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for January 2022. [Administrative Services]

**3. Community Choice Aggregation**

- Fiscal Impact: There is a \$6,000 fee for the administrative filing. Any potential rate savings provided by 3CE would apply to the City as well as residential and commercial customers. Actual cost savings are unknown at this time.
- Recommendation: Council adopt, on second reading, a Draft Ordinance authorizing the implementation of a community choice aggregation program in the City of Atascadero through participation in 3CE's community choice aggregation program. [City Manager]

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30 minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30 minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was commenced. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org).)

**B. PUBLIC HEARINGS:**

**1. Ratification of Approval of Hazardous Tree Removal**

- Fiscal Impact: Costs to the City to assist with the replanting of a replacement native oak tree will be a maximum of \$3,500.
- Recommendations: Council:
  1. Adopt Draft Resolution ratifying staff's approval of the removal of one, 55-inch DBH, hazardous Heritage Coast Live Oak previously located at 5955 East Mall, subject to conditions of approval and mitigation, including replanting on site; and
  2. Authorize the Director of Administrative Services to use Tree Plant Funds to reimburse the property owner up for select costs incurred towards the stump removal and replanting of one Coast Live Oak in accordance with Condition #6. [Community Development]

**C. MANAGEMENT REPORTS:**

**1. SB 1383 – New Solid Waste Requirements**

- Fiscal Impact: None. SB 1383 Regulations call for multiple changes to collection, monitoring, education, purchasing, and reporting that will lead to an increase to the City's solid waste rates.
- Recommendations: Council:
  1. Introduce for first reading, by title only, a Draft Ordinance amending Title 6, Chapter 4 (Solid Waste Collection) in its entirety in conformity with Assembly Bills 939, 341, 1826, and Senate Bill 1383.
  2. Adopt a Draft Resolution authorizing the submittal, to CalRecycle, of a notification of intent to comply with the requirements of Senate Bill 1383 and to secure administrative civil penalty relief under the provisions of Senate Bill 619. [City Manager]

**D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:** (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Regional Economic Action Coalition (REACH)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Newsom

1. City / Schools Committee
2. Design Review Committee
3. League of California Cities – Council Liaison
4. Visit SLO CAL Advisory Committee

Council Member Bourbeau

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. City of Atascadero Finance Committee

Council Member Funk

1. Atascadero Basin Ground Water Sustainability Agency (GSA)
2. Design Review Committee
3. Homeless Services Oversight Council

**E. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

**ADJOURN**

**Please note:** Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.

# SPECIAL MEETING ATASCADERO CITY COUNCIL

Friday, January 28, 2022, 1:00 P.M.

City Hall – Council Chambers  
6500 Palma Avenue, Atascadero  
(TELECONFERENCE)

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## Economic Development Workshop MINUTES

Mayor Moreno called the meeting to order at 1:00 p.m.

### ROLL CALL:

Present: **By Teleconference** - Council Members Bourbeau, Dariz, Funk, Mayor Pro Tem Newsom, and Mayor Moreno

Also Present: **By Teleconference** - Planning Commissioner Victoria Carranza

Absent: None

Staff Present: **By Teleconference** - City Manager Rachele Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Public Works Director Nick DeBar, Police Chief Bob Masterson, Fire Chief Casey Bryson, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Deputy Director of Community and Economic Development Loreli Cappel and IT Manager Luke Knight

### DISCUSSION:

#### Economic Development Study Session

Discuss the current state of Economic Development in the City including review of challenges, constraints, opportunities, and programs.

- Downtown Infrastructure Enhancement Program
- Broadband
- Grants or loan programs
- Potential areas for use of ARPA funds

Deputy Director of Community and Economic Development Loreli Cappel led the Council through an exercise on the current state of Economic Development in the City, brainstorming successes, challenges, constraints, opportunities, and potential programs.

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: Victoria Carranza and Zach Jackson

***Mayor Moreno closed the PUBLIC COMMENT period.***

Following the exercise, Deputy Director of Community and Economic Development Loreli Cappel led the Council through a study session on the following potential Economic Development Programs:

1. Investment in Broadband Internet/Technology

Maria Kelly, on behalf of the Broadband Consortium Pacific Coast, spoke on broadband constraints and opportunities in the City and the region.

2. Downtown Infrastructure Enhancement Project

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: Victoria Carranza

***Mayor Moreno closed the PUBLIC COMMENT period.***

3. Grant/Loan program for eating & drinking places

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: None

***Mayor Moreno closed the PUBLIC COMMENT period.***

4. Grant/Loan program for vacant/blighted properties

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: None

***Mayor Moreno closed the PUBLIC COMMENT period.***

5. Grant/Loan program for other businesses

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: None

***Mayor Moreno closed the PUBLIC COMMENT period.***

- 6. Economic Development Activity Fund

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: None

***Mayor Moreno closed the PUBLIC COMMENT period.***

Deputy Director of Community and Economic Development Loreli Cappel led the Council through a discussion on the following funding opportunities for the City's allocation of American Rescue Plan Act of 2021 funds and ended the workshop with open discussion on Economic Development in the City.

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: Vy Pierce

***Mayor Moreno closed the PUBLIC COMMENT period.***

**ADJOURNMENT:**

Mayor Moreno adjourned the meeting at 4:58 p.m. to the Special Joint Meeting with the Planning Commission on January 28, 2022 at 6:00 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager / City Clerk

# SPECIAL JOINT MEETING

## Atascadero City Council

## Atascadero Planning Commission

Friday, January 28, 2022  
6:00 P.M.

City Hall – Council Chambers  
6500 Palma Avenue, Atascadero  
(TELECONFERENCE)

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## General Plan 2045 Study Session

# DRAFT MINUTES

Mayor Moreno called the meeting to order at 6:00 p.m.

### ROLL CALL:

Present: **By Teleconference** - Planning Commissioners Carranza, Heath, Hughes, Schmidt, and Chair van den Eikhof; Council Members Bourbeau, Dariz, Funk, Mayor Pro Tem Newsom, and Mayor Moreno

Absent: Commissioners Anderson and Vice Chair Keen

Staff Present: **By Teleconference** - City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Public Works Director Nick DeBar, Police Chief Bob Masterson, Fire Chief Casey Bryson, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Deputy Director of Community and Economic Development Loreli Cappel and IT Manager Luke Knight

### DISCUSSION:

#### General Plan Update - Project Scoping

Council and Planning Commission will discuss, and Council provide initial feedback to staff regarding, the General Plan Update process.

Mayor Moreno gave a brief overview of the meeting and Community Development Director Dunsmore and Deputy Director of Community and Economic Development Loreli Cappel briefed the City Council and Planning Commission on the General Plan Update and turned the presentation over to the Consultant.

Laura Stetson, Dan Amsden, Sasha Ragland, Noé Noyola with MIG, and Ashleigh Kanat with EPS gave brief presentations and led the City Council and Planning Commission through an exercise to provide feedback and direction to staff and the consultants for development of the final scope of work for the General Plan Update 2045 project.

*Planning Commission Vice Chair Keen arrived at 7:28 p.m.*

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: Eric Cleveland and Sean Knoph

***Mayor Moreno closed the PUBLIC COMMENT period.***

**The City Council and Planning Commissioners discussed and provided feedback to staff and the Consultant for development of the final scope of work for the General Plan Update 2045 project.**

**ADJOURNMENT:**

Mayor Moreno adjourned the meeting at 9:12 p.m. to the next Regular Session of the City Council on February 8, 2022 and the Planning Commission to its next Regular Session on February 1, 2022.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager / City Clerk



# CITY OF ATASCADERO CITY COUNCIL

## DRAFT MINUTES

Tuesday, February 8, 2022

City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California

**City Council Regular Session:**

**6:00 P.M.**

**City Council Closed Session:**

**Immediately following  
Regular Session**

### REGULAR SESSION – CALL TO ORDER: 6:00 P.M.

Mayor Moreno called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

### ROLL CALL:

Present: **By Teleconference** - Council Members Bourbeau, Dariz, and Funk, Mayor Pro Tem Newsom, and Mayor Moreno

Absent: None

Others Present: **By Teleconference** - Treasurer Gere Sibbach

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Police Chief Bob Masterson, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Deputy Administrative Services Director Cindy Chavez, and IT Manager Luke Knight

### APPROVAL OF AGENDA:

**MOTION:** **By Mayor Pro Tem Newsom and seconded by Council Member Dariz to:**  
**1. Approve this agenda; and,**

2. **Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.**

***Motion passed 5:0 by a roll-call vote.***

## **CLOSED SESSION – REPORT (IF ANY)**

### **a. January 25, 2022**

City Attorney Pierik reported there was no reportable action.

**PRESENTATIONS: None.**

## **A. CONSENT CALENDAR:**

### **1. City Council Draft Action Minutes – January 25, 2022**

- **Recommendation:** Council approve the January 25, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

### **2. Virtual Meetings – AB 361 Requirements**

- **Fiscal Impact:** None.
- **Recommendation:** Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings. [City Manager]

### **3. City Website Redesign**

- **Fiscal Impact:** \$108,250.00
- **Recommendation:** Council authorize the City Manager to execute a contract with Planeteria Media in the amount of \$108,250 for design, implementation, training, hosting and support for a new website for www.atascadero.org for a five-year initial contract. [Information Technology]

**MOTION: By Council Member Funk and seconded by Council Member Bourbeau to approve the Consent Calendar. (#A-2: Resolution No. 2022-003)(#A-3: Contract No. 2022-003)**

***Motion passed 5:0 by a roll-call vote.***

## **UPDATES FROM THE CITY MANAGER:**

City Manager Rickard gave an update on projects and events within the City.

## **COMMUNITY FORUM:**

The following citizens spoke by telephone or through the webinar on this item: Lee Perkins and Misty Epperson

Atascadero City Council

February 8, 2022

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***Mayor Moreno closed the COMMUNITY FORUM period.***

**B. PUBLIC HEARINGS:**

**1. Community Choice Aggregation**

- Fiscal Impact: There is a \$6,000 fee for the administrative filing. Any potential rate savings provided by 3CE would apply to the City as well as residential and commercial customers. Actual cost savings are unknown at this time.
- Recommendation: Council hold a public hearing, take public input, and determine whether or not to begin the process of joining the Central Coast Community Energy's (3CE) community choice aggregation program by:
  1. Introducing for first reading, by title only, a Draft Ordinance authorizing the implementation of a community choice aggregation program in the City of Atascadero through participation in 3CE's community choice aggregation program.
  2. Adopting a Draft Resolution requesting membership in 3CE's Joint Powers Authority and authorizing the City Manager to execute the Joint Powers Authority Agreement as amended with 3CE. [City Manager]

**Ex-Parte Communications**

Council Member Funk reported speaking with Executives and Board Members of 3CE and other stakeholders.

Council Member Dariz reported receiving the public comment emails that were forwarded to the City Council and speaking with a 3CE Board Member.

Mayor Pro Tem Newsom reported also receiving the emailed public comment.

Council Member Bourbeau reported speaking with Marty Brown, 3CE staff, a 3CE Board Member, the CEO of WRCOG and Josh Cross.

Mayor Moreno reported speaking with members of the public, receiving the emailed public comment, speaking on the item on KPRL, receiving and responding to an email from a Policy Board Member including the CEO of 3CE in her response.

Deputy City Manager Christensen gave the staff report and answered questions from the Council.

Lina Williams and Robert Shaw of 3CE also answered questions of the Council.

*Mayor Moreno recessed the meeting at 8:32 p.m.*

*Mayor Moreno reconvened the meeting with all present at 8:42 pm.*

**PUBLIC COMMENT:**

The following citizens spoke by telephone or through the webinar on this item: Elizabeth Helgerson, Gary Kirkland, Ellen Beraud, Marty Brown, Josh Cross, Al Clark, Eric Fleck, Jeff

Riley, Deborah McKrell, Alfred Vossler, Carol De Lisle, Brenda May, Lee Perkins, Daniel Cook, Alisa Becerra, Sherry Martinez, Rey Weymann and Dave Walters.

**Mayor Moreno closed the Public Comment period.**

**MOTION: By Council Member Funk and seconded by Council Member Bourbeau to:**

1. Introducing for first reading, by title only, a Draft Ordinance authorizing the implementation of a community choice aggregation program in the City of Atascadero through participation in 3CE's community choice aggregation program.
2. Adopting a Draft Resolution requesting membership in 3CE's Joint Powers Authority and authorizing the City Manager to execute the Joint Powers Authority Agreement as amended with 3CE.

Deputy City Manager/City Clerk Christensen read the title of the Ordinance:

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA AUTHORIZING THE  
IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATIONS  
PROGRAM BY PARTICIPATION IN CENTRAL COAST COMMUNITY  
ENERGY'S COMMUNITY CHOICE AGGREGATION PROGRAM**

*Motion passed 5:0 by a roll-call vote.*

**C. MANAGEMENT REPORTS: None.**

**D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:**

The following Council Members gave brief update reports on their committees since their last Council meeting:

Mayor Moreno

1. SLO Council of Governments (SLOCOG)

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)
2. League of California Cities Revenue and Taxation Policy Committee

Council Member Dariz

1. Air Pollution Control District

Council Member Funk

1. Homeless Services Oversight Council

**E. INDIVIDUAL DETERMINATION AND / OR ACTION: None.**

**F. RECESS REGULAR MEETING TO CLOSED SESSION**

Mayor Moreno recessed the Regular Meeting at 9:56 p.m. and called the Closed Session Meeting to order at 10:00 p.m.

**COUNCIL CLOSED SESSION:**

1. **CLOSED SESSION -- PUBLIC COMMENT – None.**
2. **COUNCIL LEAVES TO BEGIN CLOSED SESSION**
3. **CLOSED SESSION -- CALL TO ORDER**

- a. **Conference with Real Property Negotiators (Govt. Code 54956.8)**  
Real Property: 6009 Del Rio Road (APN 049141038 – City Property), 2000 Ramona Road (APN 049141039 – City Property), 2455 El Camino Real (APN 049151056 – People Self Help Housing Property), 6105 Olmeda Avenue (APN 029091001 – State of California Property), Atascadero, California, 93422  
Agency Negotiator: Rachelle Rickard, City Manager  
Negotiating Parties: People Self Help Housing and State of California  
Subject of Negotiations: Purchase price and/or terms of payment

4. **CLOSED SESSION – ADJOURNMENT**

**G. ADJOURN**

Following Closed Session, the meeting was adjourned at 9:08 pm; no reportable action.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
City Clerk

**APPROVED:**



# Atascadero City Council

## Staff Report - Administrative Services Department

### January 2022 Accounts Payable and Payroll

**RECOMMENDATION:**

Council approve certified City accounts payable, payroll and payroll vendor checks for January 2022.

**DISCUSSION:**

Attached for City Council review and approval are the following:

**Payroll**

Dated	1/6/22	Checks # 35333 - 35347	\$	11,347.95
		Direct Deposits		313,716.43
Dated	1/20/22	Checks # 35348 - 35356		9,427.94
		Direct Deposits		351,248.26

**Accounts Payable**

Dated	1/1/22-1/31/22	Checks # 169788 - 170061 & EFTs 4275 - 4302		<u>2,006,184.75</u>
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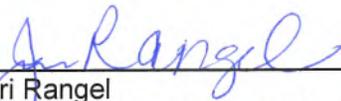
**TOTAL AMOUNT** \$ 2,691,925.33

**FISCAL IMPACT:**

Total expenditures for all funds is \$ 2,691,925.33

**CERTIFICATION:**

The undersigned certifies that the attached demands have been released for payment and that funds are available for these demands.

  
 \_\_\_\_\_  
 Jeri Rangel  
 Director of Administrative Services

**ATTACHMENT:**

January 2022 Eden Warrant Register in the amount of \$ 2,006,184.75

**City of Atascadero**  
**Disbursement Listing**

For the Month of January 2022

ITEM NUMBER: A-2  
DATE: 02/22/22  
ATTACHMENT: 1

Check Number	Check Date	Vendor	Description	Amount
169788	01/03/2022	WEX BANK - 76 UNIVERSL	Accounts Payable Check	12,600.75
169789	01/03/2022	WEX BANK - WEX FLEET UNIVERSAL	Accounts Payable Check	7,823.46
4275	01/06/2022	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	9,395.29
169790	01/06/2022	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	60.00
169791	01/06/2022	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	1,683.25
169792	01/06/2022	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,096.80
169793	01/06/2022	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	6,746.96
169794	01/06/2022	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	510.54
169795	01/06/2022	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,674.10
169796	01/06/2022	SEIU LOCAL 620	Payroll Vendor Payment	811.28
169797	01/06/2022	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	416.88
169798	01/06/2022	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	6,781.23
169799	01/06/2022	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	385.00
4276	01/07/2022	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	467.07
4277	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	22,018.56
4278	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	33,284.13
4279	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,098.54
4280	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,650.48
4281	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	5,651.33
4282	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	8,117.86
4283	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	9,547.77
4284	01/07/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	13,997.49
169800	01/07/2022	ANTHEM BLUE CROSS HEALTH	Payroll Vendor Payment	204,939.66
169801	01/07/2022	LINCOLN NATIONAL LIFE INS CO	Payroll Vendor Payment	2,008.57
169802	01/07/2022	MEDICAL EYE SERVICES	Payroll Vendor Payment	1,733.37
169803	01/07/2022	PREFERRED BENEFITS INSURANCE	Payroll Vendor Payment	9,196.90
4285	01/11/2022	RABOBANK, N.A.	Payroll Vendor Payment	56,543.04
4286	01/11/2022	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	17,812.25
4287	01/11/2022	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,828.42
169804	01/14/2022	13 STARS MEDIA	Accounts Payable Check	708.91
169805	01/14/2022	2 MEXICANS, LLC	Accounts Payable Check	3,525.00
169806	01/14/2022	A SUPERIOR CRANE, LLC	Accounts Payable Check	540.00
169807	01/14/2022	ADAMSKI,MOROSKI,MADDEN,	Accounts Payable Check	937.50
169808	01/14/2022	ALL ABOUT EVENTS, INC.	Accounts Payable Check	2,362.70
169809	01/14/2022	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	182.00
169810	01/14/2022	ALLSTAR FIRE EQUIPMENT, INC.	Accounts Payable Check	2,806.84
169811	01/14/2022	ALTA LANGUAGE SERVICES, INC.	Accounts Payable Check	55.00
169812	01/14/2022	ASSC. OF ZOOS & AQUARIUMS	Accounts Payable Check	4,711.00
169813	01/14/2022	AT&T	Accounts Payable Check	561.06
169814	01/14/2022	AT&T	Accounts Payable Check	33.68
169815	01/14/2022	ATASCADERO HAY & FEED	Accounts Payable Check	1,824.29
169817	01/14/2022	ATASCADERO MUTUAL WATER CO.	Accounts Payable Check	7,601.28
169818	01/14/2022	ATASCADERO PICKLEBALL CLUB,INC	Accounts Payable Check	70.50

**City of Atascadero**  
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Check Number	Check Date	Vendor	Description	Amount
169819	01/14/2022	AVILA TRAFFIC SAFETY	Accounts Payable Check	221.74
169820	01/14/2022	TERRIE BANISH	Accounts Payable Check	164.76
169821	01/14/2022	BASSETT'S CRICKET RANCH,INC.	Accounts Payable Check	655.03
169822	01/14/2022	BAY AREA DRIVING SCHOOL, INC.	Accounts Payable Check	55.99
169823	01/14/2022	KEITH R. BERGHER	Accounts Payable Check	213.75
169824	01/14/2022	BERRY MAN, INC.	Accounts Payable Check	840.90
169825	01/14/2022	BRANCH SMITH PROPERTIES	Accounts Payable Check	362.00
169826	01/14/2022	BREZDEN PEST CONTROL, INC.	Accounts Payable Check	65.00
169827	01/14/2022	BURKE,WILLIAMS, & SORENSON LLP	Accounts Payable Check	37,228.57
169828	01/14/2022	CALPORTLAND COMPANY	Accounts Payable Check	723.96
169829	01/14/2022	CARQUEST OF ATASCADERO	Accounts Payable Check	216.34
169830	01/14/2022	CASH	Accounts Payable Check	200.00
169831	01/14/2022	CHARTER COMMUNICATIONS	Accounts Payable Check	4,426.42
169832	01/14/2022	CLEAR, INC.	Accounts Payable Check	50.00
169833	01/14/2022	CLEVER CONCEPTS, INC.	Accounts Payable Check	47.95
169834	01/14/2022	CO OF SAN LUIS OBISPO SART PRG	Accounts Payable Check	1,956.00
169835	01/14/2022	COASTAL COPY, INC.	Accounts Payable Check	154.06
169836	01/14/2022	COBAN TECHNOLOGIES, INC.	Accounts Payable Check	7,564.16
169837	01/14/2022	NICHOLAS DEBAR	Accounts Payable Check	300.00
169838	01/14/2022	DESTINATION TRAVEL NETWORK	Accounts Payable Check	75.00
169839	01/14/2022	MEREDITH L. DOERR	Accounts Payable Check	54.00
169840	01/14/2022	PHILIP DUNSMORE	Accounts Payable Check	300.00
169841	01/14/2022	EARTH SYSTEMS PACIFIC	Accounts Payable Check	4,600.00
169842	01/14/2022	EMI SPORTWEAR	Accounts Payable Check	360.70
169843	01/14/2022	ESCUELA DEL RIO	Accounts Payable Check	420.00
169844	01/14/2022	FENCE FACTORY ATASCADERO	Accounts Payable Check	192.05
169845	01/14/2022	FERRELL'S AUTO REPAIR	Accounts Payable Check	455.78
169846	01/14/2022	FGL ENVIRONMENTAL	Accounts Payable Check	276.00
169847	01/14/2022	FIESTA MAHAR MANUFACTURNG CORP	Accounts Payable Check	762.60
169848	01/14/2022	FRESNO CITY COLLEGE	Accounts Payable Check	962.00
169849	01/14/2022	KATHLEEN GROGAN	Accounts Payable Check	1,275.00
169850	01/14/2022	JEREL HALEY	Accounts Payable Check	1,600.00
169851	01/14/2022	HART IMPRESSIONS PRINTING	Accounts Payable Check	38.06
169852	01/14/2022	HINDERLITER, DE LLAMAS	Accounts Payable Check	1,504.84
169854	01/14/2022	HOME DEPOT CREDIT SERVICES	Accounts Payable Check	3,967.20
169855	01/14/2022	INGLIS PET HOTEL	Accounts Payable Check	543.50
169856	01/14/2022	INTERSTELLAR COMMUNICATIONS, I	Accounts Payable Check	705.79
169857	01/14/2022	K & M INTERNATIONAL	Accounts Payable Check	2,796.53
169858	01/14/2022	STEVEN KAHN	Accounts Payable Check	207.18
169859	01/14/2022	L.A. CO SHERIFF'S DEPARTMENT	Accounts Payable Check	485.00
169860	01/14/2022	LEE WILSON ELECTRIC CO. INC	Accounts Payable Check	1,816.79
169861	01/14/2022	LIFE ASSIST, INC.	Accounts Payable Check	3,308.96
169862	01/14/2022	MADRONE LANDSCAPES, INC.	Accounts Payable Check	401.00

**City of Atascadero**  
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Check Number	Check Date	Vendor	Description	Amount
169863	01/14/2022	MEDINA LIGHT SHOW DESIGNS	Accounts Payable Check	2,650.00
169864	01/14/2022	MEDINA LIGHT SHOW DESIGNS	Accounts Payable Check	1,200.00
169865	01/14/2022	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	39,577.38
169866	01/14/2022	MID-COAST GEOTECHNICAL, INC.	Accounts Payable Check	2,090.00
169867	01/14/2022	MINER'S ACE HARDWARE	Accounts Payable Check	586.28
169868	01/14/2022	MISSION UNIFORM SERVICE	Accounts Payable Check	332.04
169869	01/14/2022	MORRO BAY BUG COMPANY	Accounts Payable Check	1,192.31
169870	01/14/2022	MV TRANSPORTATION, INC.	Accounts Payable Check	18,014.86
169871	01/14/2022	KELLYE R. NETZ	Accounts Payable Check	230.00
169872	01/14/2022	DANIELLE NUNES-HAKANSON	Accounts Payable Check	27.44
169873	01/14/2022	OFFICE DEPOT INC.	Accounts Payable Check	402.73
169876	01/14/2022	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	51,947.80
169877	01/14/2022	PERRY'S PARCEL & GIFT	Accounts Payable Check	500.00
169878	01/14/2022	PYRO SPECTACULARS, INC.	Accounts Payable Check	5,000.00
169879	01/14/2022	RADOVICH MEDIATION GROUP, LLC	Accounts Payable Check	1,200.00
169880	01/14/2022	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	7,242.00
169881	01/14/2022	JERI RANGEL	Accounts Payable Check	300.00
169882	01/14/2022	READYREFRESH BY NESTLE	Accounts Payable Check	76.10
169883	01/14/2022	RACHELLE RICKARD	Accounts Payable Check	300.00
169884	01/14/2022	MARCELES RODRIGUEZ	Accounts Payable Check	689.60
169885	01/14/2022	SHORELINE AWNING & PATIO, INC.	Accounts Payable Check	16,024.00
169886	01/14/2022	SPEAKWRITE, LLC.	Accounts Payable Check	505.53
169887	01/14/2022	CONNER M. SPEARS	Accounts Payable Check	2,520.00
169888	01/14/2022	STANLEY CONVERGENT SECURITY	Accounts Payable Check	1,042.98
169889	01/14/2022	STATE WATER RES CONTROL BOARD	Accounts Payable Check	1,452.00
169890	01/14/2022	SUNLIGHT JANITORIAL, INC.	Accounts Payable Check	1,700.00
169891	01/14/2022	KARL O. TOERGE	Accounts Payable Check	28.50
169892	01/14/2022	TYLER TECHNOLOGIES, INC.	Accounts Payable Check	19,924.57
169897	01/14/2022	U.S. BANK	Accounts Payable Check	34,151.66
169898	01/14/2022	U.S. POSTAL SERVICE	Accounts Payable Check	3,000.00
169899	01/14/2022	ULTREX LEASING	Accounts Payable Check	263.18
169900	01/14/2022	VERDIN	Accounts Payable Check	17,497.41
169901	01/14/2022	VERIZON WIRELESS	Accounts Payable Check	3,042.96
169902	01/14/2022	VINO VICE, INC.	Accounts Payable Check	583.00
169903	01/14/2022	WARM FUZZY TOYS	Accounts Payable Check	388.32
169904	01/14/2022	WCJ PROPERTY SERVICES	Accounts Payable Check	1,165.50
169905	01/14/2022	WEBB MUNICIPAL FINANCE, LLC	Accounts Payable Check	4,500.00
169906	01/14/2022	WHITLOCK & WEINBERGER TRANS.	Accounts Payable Check	1,338.75
169907	01/14/2022	ANNE G. WILSON	Accounts Payable Check	618.75
169908	01/14/2022	WOOLERY, JONATHAN	Accounts Payable Check	841.00
169909	01/14/2022	KAREN B. WYKE	Accounts Payable Check	543.60
169910	01/14/2022	YOUTH EVOLUTION SOCCER	Accounts Payable Check	427.20
4290	01/20/2022	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	15,215.29

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169911	01/20/2022	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	60.00
169912	01/20/2022	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	1,845.75
169913	01/20/2022	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,096.80
169914	01/20/2022	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	15,117.70
169915	01/20/2022	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	603.28
169916	01/20/2022	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,674.10
169917	01/20/2022	SEIU LOCAL 620	Payroll Vendor Payment	812.79
169918	01/20/2022	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	416.88
169919	01/20/2022	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	6,949.05
169920	01/20/2022	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	385.00
4291	01/21/2022	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	467.07
4292	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	22,734.18
4293	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	40,236.40
4294	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,237.56
4295	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,650.48
4296	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	9,359.11
4297	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	8,270.04
4298	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	17,013.18
4299	01/24/2022	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	16,732.20
4300	01/25/2022	RABOBANK, N.A.	Payroll Vendor Payment	69,681.88
4301	01/25/2022	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	23,065.31
4302	01/25/2022	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	3,732.32
169921	01/28/2022	13 STARS MEDIA	Accounts Payable Check	297.50
169922	01/28/2022	A SUPERIOR CRANE, LLC	Accounts Payable Check	540.00
169923	01/28/2022	ADAMSKI,MOROSKI,MADDEN,	Accounts Payable Check	1,364.00
169924	01/28/2022	ADDICTION MEDICINE CONSULTANTS	Accounts Payable Check	420.00
169925	01/28/2022	AGM CALIFORNIA, INC.	Accounts Payable Check	2,030.00
169926	01/28/2022	AGP VIDEO, INC.	Accounts Payable Check	4,002.50
169927	01/28/2022	ALL ABOUT EVENTS, INC.	Accounts Payable Check	200.00
169928	01/28/2022	ALL SIGNS AND GRAPHICS, INC.	Accounts Payable Check	40.00
169929	01/28/2022	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	148.00
169930	01/28/2022	ALTHOUSE & MEADE, INC.	Accounts Payable Check	3,076.25
169931	01/28/2022	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	1,300.24
169932	01/28/2022	ASSC. OF ZOOS & AQUARIUMS	Accounts Payable Check	100.00
169934	01/28/2022	AT&T	Accounts Payable Check	825.30
169935	01/28/2022	AT&T	Accounts Payable Check	1,087.65
169936	01/28/2022	ATASCADERO CHAMBER OF COMMERCE	Accounts Payable Check	60,000.00
169937	01/28/2022	ATASCADERO MUTUAL WATER CO.	Accounts Payable Check	1,629.38
169938	01/28/2022	ATM ADVANTAGE PLUS	Accounts Payable Check	350.00
169939	01/28/2022	AVILA TRAFFIC SAFETY	Accounts Payable Check	752.35
169940	01/28/2022	BELL'S PLUMBING REPAIR, INC.	Accounts Payable Check	185.00
169941	01/28/2022	JOSE R. BENITEZ	Accounts Payable Check	120.00
169942	01/28/2022	TOM BIRKENFELD	Accounts Payable Check	240.00

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Check Number	Check Date	Vendor	Description	Amount
169943	01/28/2022	COOPER BONECK	Accounts Payable Check	180.00
169944	01/28/2022	BRANCH SMITH PROPERTIES	Accounts Payable Check	362.00
169945	01/28/2022	BURT INDUSTRIAL SUPPLY	Accounts Payable Check	698.88
169946	01/28/2022	CA BUILDING STANDARDS COMM.	Accounts Payable Check	186.30
169947	01/28/2022	CA DEPT OF TAX AND FEE ADMIN.	Accounts Payable Check	2,712.00
169948	01/28/2022	CA DEPT OF TAX AND FEE ADMIN.	Accounts Payable Check	690.40
169949	01/28/2022	CALPORTLAND COMPANY	Accounts Payable Check	990.84
169950	01/28/2022	CARQUEST OF ATASCADERO	Accounts Payable Check	26.18
169951	01/28/2022	CHARTER COMMUNICATIONS	Accounts Payable Check	124.98
169952	01/28/2022	CITY OF ATASCADERO	Accounts Payable Check	517.00
169953	01/28/2022	KAREN A. CLANIN	Accounts Payable Check	399.00
169954	01/28/2022	COASTAL REPROGRAPHIC SERVICES	Accounts Payable Check	674.25
169955	01/28/2022	THE COUNSELING TEAM INTERNATIONAL	Accounts Payable Check	1,593.00
169956	01/28/2022	CRYSTAL CREAMERY, INC.	Accounts Payable Check	315.04
169957	01/28/2022	CRYSTAL SPRINGS WATER	Accounts Payable Check	20.00
169958	01/28/2022	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	405.00
169959	01/28/2022	DELTA LIQUID ENERGY	Accounts Payable Check	1,369.68
169960	01/28/2022	DEPARTMENT OF CONSERVATION	Accounts Payable Check	846.19
169961	01/28/2022	DEPARTMENT OF JUSTICE	Accounts Payable Check	545.00
169962	01/28/2022	DFM ASSOCIATES	Accounts Payable Check	65.25
169963	01/28/2022	DIVISION OF STATE ARCHITECT	Accounts Payable Check	500.80
169964	01/28/2022	DOOLEY ENTERPRISES INC	Accounts Payable Check	4,183.50
169965	01/28/2022	EARTH SYSTEMS PACIFIC	Accounts Payable Check	805.00
169966	01/28/2022	ECONOMIC & PLANNING SYSTEM INC	Accounts Payable Check	5,482.50
169967	01/28/2022	FEDEX	Accounts Payable Check	14.73
169968	01/28/2022	FERRELL'S AUTO REPAIR	Accounts Payable Check	587.70
169969	01/28/2022	CODY FERRIS	Accounts Payable Check	240.00
169970	01/28/2022	FGL ENVIRONMENTAL	Accounts Payable Check	120.00
169971	01/28/2022	FILIPPIN ENGINEERING, INC.	Accounts Payable Check	48,050.43
169972	01/28/2022	FRESNO POLICE DEPARTMENT	Accounts Payable Check	144.00
169973	01/28/2022	GAS COMPANY	Accounts Payable Check	4,651.27
169974	01/28/2022	ALEX GENTILLY	Accounts Payable Check	240.00
169975	01/28/2022	KELLY GLEASON	Accounts Payable Check	55.10
169976	01/28/2022	SCOTT GROOMER	Accounts Payable Check	240.00
169977	01/28/2022	HAMNER, JEWELL & ASSOCIATES	Accounts Payable Check	3,258.80
169978	01/28/2022	HART IMPRESSIONS PRINTING	Accounts Payable Check	254.97
169979	01/28/2022	ANDREW HAWKINS	Accounts Payable Check	240.00
169980	01/28/2022	HERC RENTALS, INC.	Accounts Payable Check	1,013.50
169981	01/28/2022	BRETT HILDEBRAND	Accounts Payable Check	220.00
169982	01/28/2022	INFORMATION TECHNOLOGY	Accounts Payable Check	1,567.02
169983	01/28/2022	INTL ASSC. OF CHIEFS OF POLICE	Accounts Payable Check	190.00
169984	01/28/2022	J. CARROLL CORPORATION	Accounts Payable Check	5,147.31
169985	01/28/2022	ZACHARIAH JACKSON	Accounts Payable Check	240.00

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169986	01/28/2022	JK'S UNLIMITED, INC.	Accounts Payable Check	340.00
169987	01/28/2022	JOANN HEAD LAND SURVEYING	Accounts Payable Check	3,698.50
169988	01/28/2022	JOE A. GONSALVES & SON	Accounts Payable Check	3,000.00
169989	01/28/2022	KNECHT'S PLUMBING & HEATING	Accounts Payable Check	209.90
169990	01/28/2022	KPRL 1230 AM	Accounts Payable Check	1,070.00
169991	01/28/2022	LAYNE LABORATORIES, INC.	Accounts Payable Check	1,631.25
169992	01/28/2022	COLETTE LAYTON	Accounts Payable Check	240.00
169993	01/28/2022	LEAGUE OF CALIFORNIA CITIES	Accounts Payable Check	11,002.00
169994	01/28/2022	LEAGUE OF CALIFORNIA CITIES	Accounts Payable Check	200.00
169995	01/28/2022	LENOVO (UNITED STATES) INC.	Accounts Payable Check	1,608.06
169996	01/28/2022	JACKSON LIGHT	Accounts Payable Check	240.00
169997	01/28/2022	LINDE GAS & EQUIPMENT INC.	Accounts Payable Check	124.62
169998	01/28/2022	THOMAS LITTLE	Accounts Payable Check	240.00
169999	01/28/2022	ANDREW LUERA	Accounts Payable Check	240.00
170000	01/28/2022	MATTHEW MADRIGAL	Accounts Payable Check	240.00
170001	01/28/2022	MARBORG INDUSTRIES	Accounts Payable Check	62.28
170002	01/28/2022	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	175.44
170003	01/28/2022	MIG	Accounts Payable Check	2,138.75
170004	01/28/2022	MINER'S ACE HARDWARE	Accounts Payable Check	248.26
170005	01/28/2022	MATTHEW J. MIRANDA	Accounts Payable Check	10.00
170006	01/28/2022	MISSION UNIFORM SERVICE	Accounts Payable Check	711.28
170007	01/28/2022	MNS ENGINEERS, INC.	Accounts Payable Check	2,303.34
170008	01/28/2022	MOSS, LEVY, & HARTZHEIM LLP	Accounts Payable Check	7,000.00
170009	01/28/2022	DAVE MUEHLHAUSEN	Accounts Payable Check	46.91
170010	01/28/2022	KYLE NAKAZAWA	Accounts Payable Check	240.00
170011	01/28/2022	PAUL NETZ	Accounts Payable Check	240.00
170012	01/28/2022	NEW TIMES	Accounts Payable Check	833.00
170013	01/28/2022	NIELSEN,MERKSAMER,PARRINELLO,	Accounts Payable Check	250.00
170014	01/28/2022	NORTH COAST ENGINEERING INC.	Accounts Payable Check	715.00
170015	01/28/2022	OASIS EQUIPMENT RENTAL	Accounts Payable Check	629.79
170016	01/28/2022	OFFICE DEPOT INC.	Accounts Payable Check	709.67
170017	01/28/2022	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	136.00
170018	01/28/2022	PAPICH CONSTRUCTION CO., INC.	Accounts Payable Check	148,954.08
170019	01/28/2022	PC MECHANICAL, INC.	Accounts Payable Check	1,610.00
170020	01/28/2022	DEAN PERICIC	Accounts Payable Check	240.00
170021	01/28/2022	PERRY'S PARCEL & GIFT	Accounts Payable Check	313.17
170022	01/28/2022	PETERSON U-CART	Accounts Payable Check	174.41
170023	01/28/2022	PHILLIPS INTERNATIONAL, INC.	Accounts Payable Check	625.80
170024	01/28/2022	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	1,183.26
170025	01/28/2022	PRW STEEL SUPPLY, INC.	Accounts Payable Check	1,692.31
170026	01/28/2022	PVP COMMUNICATIONS, INC.	Accounts Payable Check	843.76
170027	01/28/2022	QUINCY ENGINEERING, INC.	Accounts Payable Check	2,302.01
170028	01/28/2022	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	1,206.17

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170029	01/28/2022	RAMINHA CONSTRUCTION, INC.	Accounts Payable Check	7,993.47
170030	01/28/2022	READYREFRESH BY NESTLE	Accounts Payable Check	835.96
170031	01/28/2022	RECOGNITION WORKS	Accounts Payable Check	41.33
170032	01/28/2022	BRANDON ROBERTS	Accounts Payable Check	240.00
170033	01/28/2022	CHRISTOPHER R. ROBINSON	Accounts Payable Check	240.00
170034	01/28/2022	ROLSON MUSIC & SOUND	Accounts Payable Check	2,225.00
170035	01/28/2022	SAN LUIS POWERHOUSE, INC.	Accounts Payable Check	330.00
170036	01/28/2022	SANTA YSABEL CONSTRUCTION	Accounts Payable Check	225.04
170037	01/28/2022	SCOTT O'BRIEN FIRE & SAFETY CO	Accounts Payable Check	291.17
170038	01/28/2022	SERVICE SYSTEMS ASSC, INC.	Accounts Payable Check	2,500.00
170039	01/28/2022	SLO CO AUDITOR CONTROLLER	Accounts Payable Check	85.00
170040	01/28/2022	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	181,100.06
170041	01/28/2022	SPECIALIZED EQUIPMENT REPAIR	Accounts Payable Check	2,815.87
170042	01/28/2022	SPECIALTY CONSTRUCTION, INC.	Accounts Payable Check	275,857.20
170043	01/28/2022	BRUCE ST. JOHN	Accounts Payable Check	27.00
170044	01/28/2022	STATE WATER RES CONTROL BOARD	Accounts Payable Check	49,952.00
170045	01/28/2022	KURT W. STONE	Accounts Payable Check	1,200.00
170046	01/28/2022	SUNLIGHT JANITORIAL, INC.	Accounts Payable Check	961.00
170047	01/28/2022	TARGET SOLUTIONS LEARNING, LLC	Accounts Payable Check	93.36
170048	01/28/2022	TESCO CONTROLS, INC.	Accounts Payable Check	8,160.00
170049	01/28/2022	THOMSON REUTERS - WEST	Accounts Payable Check	175.10
170050	01/28/2022	U.S. POSTMASTER	Accounts Payable Check	2,656.88
170051	01/28/2022	ULTREX BUSINESS PRODUCTS	Accounts Payable Check	59.74
170052	01/28/2022	ULTREX LEASING	Accounts Payable Check	263.18
170053	01/28/2022	UNITED RENTALS (NORTH AM), INC	Accounts Payable Check	9,352.52
170054	01/28/2022	VERIZON WIRELESS	Accounts Payable Check	294.81
170055	01/28/2022	VINO VICE, INC.	Accounts Payable Check	1,032.00
170056	01/28/2022	VITAL RECORDS CONTROL	Accounts Payable Check	184.09
170057	01/28/2022	WALLACE GROUP	Accounts Payable Check	1,528.50
170058	01/28/2022	WATER SYSTEMS CONSULTING, INC.	Accounts Payable Check	7,815.00
170059	01/28/2022	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	90.00
170060	01/28/2022	WYSONG CONSTRUCTION CO.	Accounts Payable Check	21,615.00
170061	01/31/2022	UNITED STATES TREASURY INTERNAL REVENUE	Payroll Vendor Payment	560.49
				<u><u>\$2,006,184.75</u></u>



# ***Atascadero City Council***

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## ***Staff Report – City Manager’s Office***

### **Community Choice Aggregation**

#### **RECOMMENDATION:**

Council adopt, on second reading, by title only, a Draft Ordinance authorizing the implementation of a community choice aggregation program in the City of Atascadero through participation in 3CE’s community choice aggregation program.

#### **DISCUSSION:**

At the February 8, 2022 Council Meeting the City Council, on a 5:0 vote, adopted a resolution requesting membership in 3CE’s Joint Powers Authority and introducing a Draft Ordinance authorizing the implementation of a community choice aggregation program in the City through participation in 3CE’s community choice aggregation program. This is a second reading of the proposed Ordinance and is required to formalize implementation of the 3CE community choice aggregation program in Atascadero.

Community Choice Aggregation (CCA) is a program that enables city and county governments to pool (or aggregate) the electricity demand of their communities together for the purpose of supplying electricity. While CCAs are locally operated, they work in partnership with the region’s existing investor owned utility. In Atascadero, the existing investor owned utility is PG&E. A CCA determines the source of and buys electricity on behalf of residential, commercial, agricultural, and municipal electricity users in its jurisdiction; however, PG&E will continue delivering the energy, maintaining the grid, and providing billing services.

3CE is a public agency that sources competitively priced electricity from clean and renewable energy resources. Founded in 2017, 3CE’s community choice aggregation program serves more than 500,000 customers, in 33 communities throughout the Central Coast, including agricultural, commercial and residential customers in communities located within Monterey, San Benito, San Luis Obispo, Santa Barbara and Santa Cruz counties. To better serve customers, 3CE maintains offices in both Monterey and San Luis Obispo and has 38 full-time employees.

Following adoption of the Ordinance, documents will be forwarded to 3CE who will present it to their Policy Board for consideration in September 2022. Upon approval of Atascadero’s membership in 3CE, staff will work with representatives from Paso Robles on a Memorandum of Understanding for the shared board seat. A Revised

Implementation Plan will be reviewed and approved by 3CE's Policy Board in November 2022 and submitted to the CPUC no later than December 31, 2022. Service preparation is expected to occur between August and October 2023, with pre-enrollment beginning November 2023, and service starting in January 2024.

Atascadero customers will be automatically enrolled in 3CE's program in January 2024 and can opt-out during the enrollment period (60 days before enrollment and 60 days after enrollment) at no cost. Service opt-out after the enrollment period may have costs associated. Customers will receive a total of four mailers regarding enrollment in and opt-out of 3CE beginning in November 2023. Two mailers are sent before service begins in January 2024 and two mailers are received after the start of service. Additionally, 3CE has indicated that they will provide extensive customer outreach during this period including having customer service agents available to answer questions and provide rate comparison based on a customer's actual bill, a rate comparison tool on the 3CE website, content shared on social media platforms and webinars for those wanting to learn more about 3CE.

Joining 3CE does not eliminate the role of PG&E in delivering power and ensuring reliability and such things as safety shutoffs and unscheduled utility outages will remain the same. From a customer perspective, all billing and payments to PG&E will also remain the same. 3CE would assume the role of electric generation supplier and replaces the electricity supply charges from PG&E. Customers will see a new line item on the front page of their bill for "*3CE Electric Generation Charges.*" Customers will also see a "*Generation Credit*" on PG&E's electric delivery page which credits customers back for the cost of electricity from PG&E. There will be a new page for *3CE Electric Generation Charges* which are replacement charges, not duplicative or additional charges. Customers can contact 3CE's call center to discuss all aspects of their bill as well as learn about electrification programs. Customers may also call PG&E to discuss their bill.

## **FISCAL IMPACT:**

There is a \$6,000 fee for the administrative filing. Any potential rate savings provided by 3CE would apply to the City as well as residential and commercial customers. Actual cost savings are unknown at this time.

## **ATTACHMENT:**

Draft Ordinance

**DRAFT ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING  
THE IMPLEMENTATION OF A COMMUNITY CHOICE  
AGGREGATION PROGRAM BY PARTICIPATING IN CENTRAL  
COAST COMMUNITY ENERGY'S COMMUNITY CHOICE  
AGGREGATION PROGRAM**

**WHEREAS**, the City Council has previously directed staff to investigate the feasibility and formation of a Community Choice Aggregation (CCA) program under the provisions of the Public Utilities Code section 366.2 in order to provide electric service to customers within the City of Atascadero with the intent of achieving reduced greenhouse gas emissions, local renewable power development, competitive electric rates and the implementation of energy conservation and other energy programs; and

**WHEREAS**, Central Coast Community Energy (3CE) is an established CCA program capable of providing the desired financial and environmental benefits; and

**WHEREAS**, 3CE will enter into agreements with electric power suppliers and other service providers and, based upon those agreements, 3CE will be able to provide power to residents and businesses at rates that are competitive with those of the incumbent utility ("PG&E"). Once the California Public Utilities Commission certifies the amended Implementation Plan adopted by 3CE, 3CE will be able to provide service to customers within the City; and

**WHEREAS**, under Public Utilities Code section 366.2, customers have the right to opt- out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to receive service from the incumbent utility will be able to do so; and

**WHEREAS**, on June 25, 2019, July 9, 2019, March 9, 2021, and February 22, 2022, the City Council held public meetings on the manner in which the City will participate in a CCA program at which time interested persons had an opportunity to testify either in support of or opposition to the implementation of a CCA program serving the City through 3CE; and

**WHEREAS**, this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a)). Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308).

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and correct and material to this Ordinance.

**SECTION 2. Authorization.** Based upon the forgoing, and in order to provide businesses and residents within the City with a choice of power providers and with the benefits described above, the City Council hereby elects to implement a community choice aggregation program within the jurisdiction of the City by participating as a group in the Community Choice Aggregation Program of 3CE, as generally described in its Joint Powers Agreement.

**SECTION 3. CEQA.** The action is exempt from the California Environmental Quality Act (CEQA), because it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (CEQA Guidelines §15378(a)). Further, it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code §21065; CEQA Guidelines §§5378(b)(4), 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (CEQA Guidelines §15308).

**SECTION 4. Severability.** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

**SECTION 5. Notice.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 6. Effective Date.** This Ordinance will take effect on the 30th day following its final passage and adoption.

**INTRODUCED** at a regular meeting of the City Council held on February 8, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_, 2022.

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney



# ***Atascadero City Council***

## ***Staff Report - Community Development Department***

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### **Ratification of Approval of Hazardous Tree Removal**

#### **RECOMMENDATIONS:**

Council:

1. Adopt Draft Resolution ratifying staff's approval of the removal of one, 55-inch DBH, hazardous Heritage Coast Live Oak previously located at 5955 East Mall, subject to conditions of approval and mitigation, including replanting on site; and
2. Authorize the Director of Administrative Services to use Tree Plant Funds to reimburse the property owner up for select costs incurred towards the stump removal and replanting of one Coast Live Oak in accordance with Condition #6.

#### **REPORT-IN-BRIEF:**

An application has been submitted by the property owner to retroactively request the City Council approval for the removal of one 55-inch diameter at breast height (DBH) Coast Live Oak, which was located on the property frontage of Century 21 and Malibu Brew Coffee across from the Sunken Gardens. The tree was originally planted as part of the historic Atascadero Civic Center, and in the update of the Native Tree Ordinance in February 2018, the tree was one of multiple trees around the park declared as a heritage tree due to its significance. Recently, the tree had been subject to disease and was declared dead by a certified arborist. The consulting arborist identified the condition of the tree by labeling it with a hazard rating of 12 out of 12 possible points indicating a severe danger. The arborist recommended removal and replanting. Following the death of the tree and potential for limb failure, staff approved emergency removal of the tree to eliminate safety hazards to pedestrians, public improvements, and cars along East Mall. Because this tree is a listed heritage tree, City Council approval for removal and determination of appropriate mitigation is required.

#### **DISCUSSION:**

##### Background

The subject tree was a 55-inch DBH Coast Live Oak located along the property frontage of Century 21 and Malibu Brew on East Mall. The tree was located in front of the parking lot for this building and within a landscape planter on private property. According to the consulting arborist, Steve Alvarez from A&T Arborists, the tree was completely dead when

observed on October 20, 2021, and it was a matter of time as to when it would fail and potentially damage cars and public improvements or injure pedestrians. The risk assessment provided with the Tree Hazard Evaluation Form (Attachment 5) listed the tree as being of maximum hazard, or 12 out of 12 possible points indicating great severity. Since the tree was dead, there were no other alternatives besides removal to avoid potential and inevitable hazards.

**Coast Live Oak trees on East Mall  
Planted as part of construction of the historic Atascadero Civic Center**



Analysis

City staff consulted with the project arborist to approve the removal of the 55-inch DBH Coast Live Oak tree. Removal of this large dead tree was beneficial due to the severe hazard risk, and high potential for targets, which include pedestrians, property improvements and vehicles in the immediate area.

The tree lined streets around the Sunken Gardens are a unique character defining feature for the City. The large Coast Live Oak trees located on the property frontages of West Mall and East Mall were originally planted approximately 100 years ago during construction of the City Hall Administration building.

**Coast Live Oak trees on East Mall  
Planted as part of construction of the historic Atascadero Civic Center**



The Native Tree Ordinance labels these trees, including the removed tree, as “Heritage Trees”, which are defined as any native or non-native tree recognized by the City Council for its age, size, location, historical, and/or cultural significance. Heritage Trees are subject to the same protections as native trees and proposals for their removal must be approved by the City Council.

It is the responsibility of the property owner to maintain native trees and, if needed, process removal of the tree. Mitigation and/or installation of required replanting(s) are the responsibility of the property owner.

The Atascadero Municipal Code requires mitigation for all trees approved for removal. The Tree Ordinance allows for either replanting of new native trees, payment of mitigation fees to the tree fund, or a combination of both. Mitigation is to be assigned on a case by case basis. Given the prominent location and historical significance of the removal, staff recommends that the applicant mitigate by replanting a new tree in the same location.

Given the age of the existing trees around the Sunken Gardens, staff expects that over the next few decades we will continue to see failures and decline of the other 100-year-old Heritage Trees on these streets. In order to maintain the historic character and ambiance that defines the City core, staff is recommending replacement of these trees one at a time. By staggering the removals and giving the new trees time to grow, we can slowly replace the Coast Live Oaks around the Sunken Gardens and blend the new generation of trees in with the old established trees.

Based on the native tree replacement standards, removal of a 55-inch DBH evergreen native tree would require mitigation of either eighteen (18) new 5-gallon oak trees planted on site, or payment of \$916.67 to the tree fund. The tree ordinance allows multi-family and commercial projects to plant larger size specimens to reduce the quantity of replacements required. Given the limited planting area available on site, there will be an additional cost to the property owner to grind out the stump of the existing tree and prepare the site for replanting. Therefore, for this unique situation, staff is recommending one (1) 36-inch box Coast Live Oak be planted on the West Mall property frontage in the

area of the removed tree to fulfil mitigation requirements. Staff is also recommending a minimum height of 10-feet and minimum DBH of 4-inches at the time of planting. A 36-inch box tree is young enough to adapt to the new environment when replanted and will be large enough to look like a tree for appearance purposes in this high traffic area. Irrigation to the new tree, as well as supplemental native shrubs that will help the oak tree thrive, are conditioned to be installed in the existing planter to complete the landscape on the property frontage.

Since the cost of the removing the existing stump and replanting the new tree is likely to exceed the amount of the required mitigation, staff is recommending that the City utilize funds from the Native tree fund to assist in the tree replacement cost. Such assistance can supplement the property owner's responsibility for mitigation. Estimated costs to remove the stump and replant the new tree were not available at the time of staff report printing but are assumed to be close to \$4,000. Staff is suggesting a maximum of \$3,500 be reimbursed to the property owner upon completion of stump removal and tree replanting work, if the tree planting is done in compliance with proposed project conditions.

Given the visual importance and historic character of the Coast Live Oak trees which line West Mall and East Mall, staff believes that mitigating through strategic replanting efforts is crucial for proper mitigation of the removed tree.

In considering any tree removal request, at least one of the required findings must be made. Staff has identified the following finding as appropriate for the application request.

*The tree is dead, diseased or injured beyond reclamation, as certified by a tree condition report from an arborist.*

### Conclusion

The consulting certified arborist evaluated the subject 55-inch DBH Coast Live Oak and determined it had died and was a severe hazard risk. The emergency removal of this Heritage Tree was in the best interest of public safety and to limit risks. Since the tree was deemed an emergency removal, there was no permit required but the removal is still subject to mitigation, which staff is recommending as replanting one (1) 36-inch box size tree in place of the removed tree.

### **FISCAL IMPACT:**

Costs to the City to assist with the replanting of a replacement native oak tree will be a maximum of \$3,500.

### **ALTERNATIVES:**

1. The Council may approve the project with additional or revised project conditions.
2. The Council may continue the hearing and refer the item back to staff for additional information or analysis. Direction should be given to staff and the applicant on required information.

**ATTACHMENTS:**

1. Draft Resolution
2. Location Map
3. Aerial Photo
4. Photo of Tree Pre-Removal
5. Tree Hazard Evaluation Form

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA,  
RATIFYING STAFF'S APPROVAL OF THE REMOVAL OF ONE  
55-INCH DBH HAZARDOUS HERITAGE COAST LIVE OAK  
PREVIOUSLY LOCATED AT 5955 EAST MALL**

**WHEREAS**, an application was received from Mike Sherer, (Applicant and Owner) 5955 East Mall, Atascadero, CA 93422, to approve the removal of one hazardous Heritage Coast Live Oak totaling 55-inches diameter at breast height (DBH); and

**WHEREAS**, the site's current General Plan Land Use Designation is Downtown (D); and

**WHEREAS**, the site's current Zoning Designation is Downtown Commercial (DC); and

**WHEREAS**, Atascadero Municipal Code 9-11.105 exempts emergency tree removals from requiring a tree removal permit and this tree was deemed an immediate hazard by a certified arborist; and

**WHEREAS**, the City Council is required to make decisions regarding all tree removal application requests involving designated heritage trees and therefore, the applicant is subject to required mitigation; and

**WHEREAS**, the subject tree was a 55-inch DBH Coast Live Oak which was planted as part of the design and original construction of the historic Atascadero Civic Center during establishment of the Atascadero Colony, and has helped to create a tree lined streetscape on West Mall and East Mall which is a unique character defining feature of the City's core; and

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1. Recitals**: The above recitals are true and correct.

**SECTION 2. Public Hearing**. The City Council of the City of Atascadero, at a Public Hearing held on February 22, 2022, considered the proposed tree removal mitigation.

**SECTION 3. CEQA**. The proposed project is Categorically Exempt (Class 4) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15304, for minor alterations to land.

**SECTION 4. Facts and Findings.** The City Council makes the following findings, determinations and approvals with respect to ratifying the approval of the hazardous Heritage Coast Live Oak tree removal at 5955 East Mall.

**A. Findings for Approval of Heritage Tree Removal**

FINDING: The tree is dead, diseased or injured beyond reclamation, as certified by a tree condition report from an Arborist.

FACT: An arborist report completed by Steve Alvarez of A&T Arborists, states that the tree is dead and rated at the highest hazard risk of twelve out of twelve.

**SECTION 2. Approval.** The City Council of the City of Atascadero, in a regular session assembled on February 22, 2022, resolved to ratify staff's approval of the removal of one hazardous Heritage Coast Live Oak totaling 55 inches DBH previously located at 5955 East Mall, subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Replanting Detail

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_\_th day of \_\_\_\_\_, 2022.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

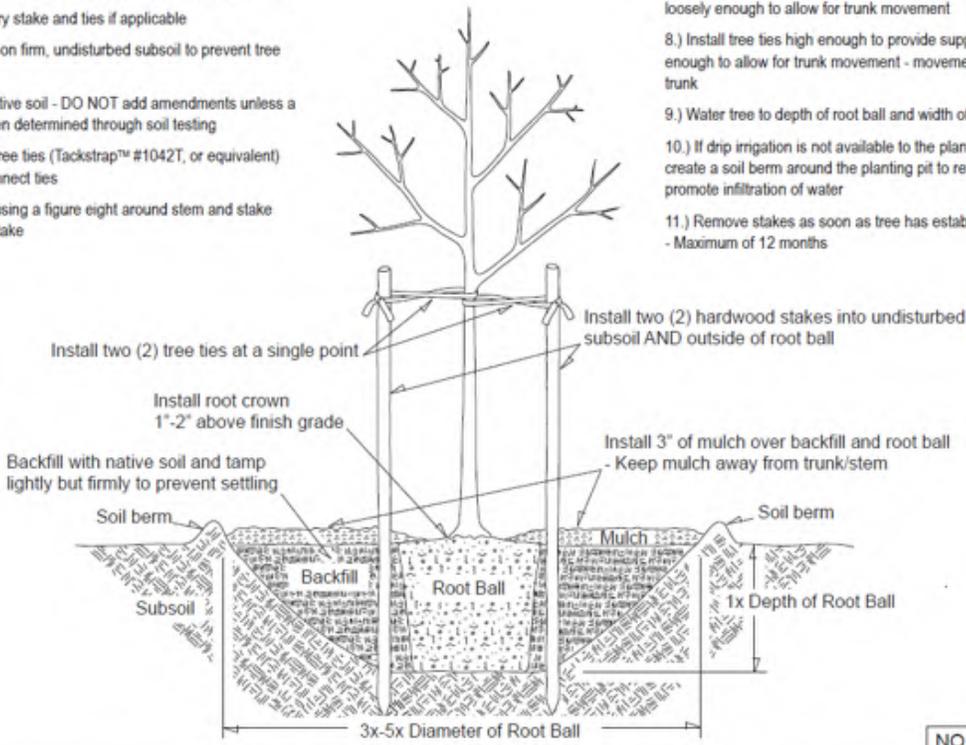
APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Pierik, City Attorney

<p><b>Conditions of Approval</b></p> <p><b>TRP21-0098</b></p>	<p><b>Timing</b></p> <p>FM: Final Map BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</p>	<p><b>Responsibility /Monitoring</b></p> <p>PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney</p>
<p><b>Century 21 Tree Removal; 5955 East Mall</b></p>		
<p>1. The approval of this application shall become final, subject to the completion of the conditions of approval, fourteen (14) days following the City Council approval unless prior to the time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.</p>	<p><b>Tree Removal</b></p>	<p><b>PS</b></p>
<p>2. The applicant and/or subsequent owners shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning the proposed project.</p>	<p><b>Ongoing</b></p>	<p><b>PS</b></p>
<p>3. The applicant shall mitigate the tree removal by replanting on site. The applicant shall replant one (1) new 36-inch box size Coast Live Oak that is a minimum of 10-feet tall and has a minimum 4-in DBH along with supportive native shrubs.</p> <p>The existing stump shall be ground out to provide adequate area for planting the new tree. To improve tree survival, planting shall be done according to the planting detail in Exhibit B, and verified on site by the consulting arborist.</p> <p>Irrigation shall be provided to the new tree and native shrubs.</p>	<p><b>Tree Removal</b></p>	<p><b>PS</b></p>
<p>4. The new tree replanted on site shall be monitored by site inspections by the City during a four (4) year establishment period. The applicant shall replant if the original replacement tree does not survive.</p>	<p><b>Ongoing</b></p>	<p><b>PS</b></p>
<p>5. Additional landscape plantings, including native shrubs, ground cover and mulch shall be installed in the planter area of the removed tree to complete the frontage landscape and help the new oak tree thrive. Supplemental plant location and species shall be approved by the project arborist to ensure compatibility with the new Coast Live Oak tree.</p>	<p><b>Tree Removal</b></p>	<p><b>PS</b></p>
<p>6. Applicant is eligible to apply to the City for reimbursement of select expense as follows:</p> <ol style="list-style-type: none"> <li>a. Applicant shall pay for and perform all work as outlined in these conditions.</li> <li>b. To apply for reimbursement of select expenses, applicant shall submit request for reimbursement documentation including: <ul style="list-style-type: none"> <li>• A written request to be reimbursed including the name, address and any required tax forms for the party to be reimbursed</li> <li>• The total expense incurred by the applicant for tree stump grinding, the replacement tree, and planting of the tree in accordance with these conditions; and</li> <li>• Copies on invoices, receipts and/or other proof of payment of the costs</li> </ul> </li> <li>c. All costs must be reasonable and customary for the work performed</li> <li>d. The City shall reimburse the applicant for actual and documented amounts incurred by the owner over and above the normal City tree mitigation fee for a 55" dbh Coast Live Oak.</li> <li>e. In no instance will the City reimburse more than \$3,500.00.</li> </ol>	<p><b>Tree Removal</b></p>	<p><b>PS</b></p>

- 1.) Gently loosen soil around root ball - Prune roots if necessary
- 2.) Remove nursery stake and ties if applicable
- 3.) Install root ball on firm, undisturbed subsoil to prevent tree from settling.
- 4.) Backfill with native soil - DO NOT add amendments unless a deficiency has been determined through soil testing
- 5.) Install two (2) tree ties (Tackstrap™ #1042T, or equivalent) - DO NOT interconnect ties
- 6.) Install tree tie using a figure eight around stem and stake - Tack tree tie to stake

- 7.) Install ties tightly enough to support tree vertically, but loosely enough to allow for trunk movement
- 8.) Install tree ties high enough to provide support, but low enough to allow for trunk movement - movement strengthens trunk
- 9.) Water tree to depth of root ball and width of planting pit
- 10.) If drip irrigation is not available to the planting site, create a soil berm around the planting pit to retain and promote infiltration of water
- 11.) Remove stakes as soon as tree has established stability - Maximum of 12 months



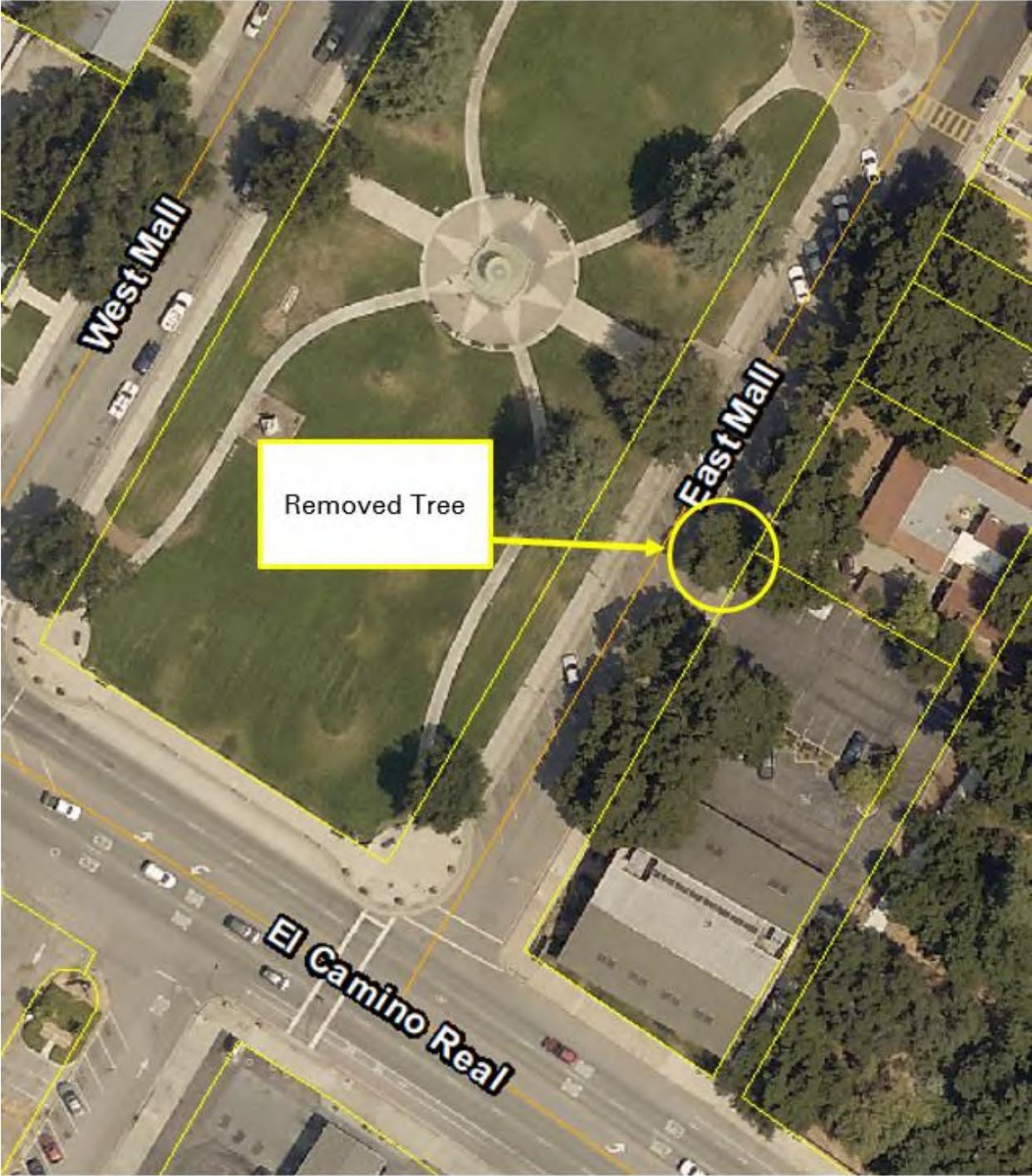
NO SCALE

### TREE PLANTING & STAKING DETAIL

6/29/2011









Laurie Lazenby  
470-3462



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas  
**TREE HAZARD EVALUATION FORM** 2nd Edition

Site/Address: Emall  
Map/Location: 5955 East Mall  
Owner: public  private  unknown  other   
Date: 10/20/21 Inspector: STEVEN ALVARO  
Date of last inspection: ?

HAZARD RATING:						
Failure Potential	+	Size of part	+	Target Rating	=	Hazard Rating
_____ Immediate action needed						
_____ Needs further inspection						
<input checked="" type="checkbox"/> Dead tree						

**TREE CHARACTERISTICS**

Tree #: 1 Species: Coast Live Oak  
DBH: 55" # of trunks: 1 Height: 40 Spread: 55'  
Form:  generally symmetric  minor asymmetry  major asymmetry  stump sprout  stag-headed  
Crown class:  dominant  co-dominant  intermediate  suppressed  
Live crown ratio: 70% Age class:  young  semi-mature  mature  over-mature/senescent  
Pruning history:  crown cleared  excessively thinned  topped  crown raised  pollarded  crown reduced  flush cuts  cabled/braced  
 none  multiple pruning events Approx. dates: \_\_\_\_\_  
Special Value:  specimen  heritage/historic  wildlife  unusual  street tree  screen  shade  indigenous  protected by gov. agency

OCT 20 2021  
COMMUNITY DEVELOPMENT

**TREE HEALTH**

Foliage color:  normal  chlorotic  necrotic Epicormics? Y N Growth obstructions:  
Foliage density:  normal  sparse Leaf size:  normal  small  stakes  wire/ties  signs  cables  
Annual shoot growth:  excellent  average  poor Twig Dieback? Y N  curb/pavement  guards  
Woundwood development:  excellent  average  poor  none  other \_\_\_\_\_  
Vigor class:  excellent  average  fair  poor  
Major pests/diseases: \_\_\_\_\_

**SITE CONDITIONS**

Site Character:  residence  commercial  industrial  park  open space  natural  woodland/forest  
Landscape type:  parkway  raised bed  container  mound  lawn  shrub border  wind break  
Irrigation:  none  adequate  inadequate  excessive  trunk wetted  
Recent site disturbance? Y N  construction  soil disturbance  grade change  line clearing  site clearing  
% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N  
% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%  
% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%  
Soil problems:  drainage  shallow  compacted  droughty  saline  alkaline  acidic  small volume  disease center  history of fail  
 clay  expansive  slope \_\_\_\_\_ aspect: \_\_\_\_\_  
Obstructions:  lights  signage  line-of-sight  view  overhead lines  underground utilities  traffic  adjacent veg.  \_\_\_\_\_  
Exposure to wind:  single tree  below canopy  above canopy  recently exposed  windward, canopy edge  area prone to windthrow  
Prevailing wind direction: \_\_\_\_\_ Occurrence of snow/ice storms  never  seldom  regularly

**TARGET**

Use Under Tree:  building  parking  traffic  pedestrian  recreation  landscape  hardscape  small features  utility lines  
Can target be moved? Y N Can use be restricted? Y N  
Occupancy:  occasional use  intermittent use  frequent use  constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

**TREE DEFECTS**

**ROOT DEFECTS:**

Suspect root rot: Y N Mushroom/conk/bracket present: Y N IG: \_\_\_\_\_  
 Exposed roots:  severe  moderate  low Undermined:  severe  moderate  low  
 Root pruned: \_\_\_\_\_ distance from trunk Root area affected: \_\_\_\_\_% Stresses wounded: Y N When: \_\_\_\_\_  
 Restricted root area:  severe  moderate  low Potential for root failure:  severe  moderate  low  
 LEAN: \_\_\_\_\_ deg. from vertical  natural  unnatural  self-corrected Soil heaving: Y N  
 Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N  
 Compounding factors: \_\_\_\_\_ Lean severity:  severe  moderate  low

**CROWN DEFECTS:** Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure				

Dead

**HAZARD RATING**

Tree part most likely to fail: \_\_\_\_\_ Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe  
 Inspection period: \_\_\_\_\_ annual \_\_\_\_\_ biannual \_\_\_\_\_ other \_\_\_\_\_ Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);  
 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)  
 Failure Potential + Size of Part + Target Rating = Hazard Rating  
 Target rating: 1 - occasional use; 2 - intermittent use;  
 3 - frequent use; 4 - constant use

4 + 4 + 4 = 12

**HAZARD ABATEMENT**

Prune:  remove defective part  reduce end weight  crown clean  thin  raise canopy  crown reduce  restructure  shape  
 Cable/Brace: \_\_\_\_\_ Inspect further:  root crown  decay  aerial  monitor  
 Remove tree:  Y  N Replace?  Y  N Move target: Y N Other: \_\_\_\_\_  
 Effect on adjacent trees:  none  evaluate  
 Notification:  owner  manager  governing agency Date: 10-20-21

**COMMENTS**



# ***Atascadero City Council***

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## ***Staff Report – City Manager’s Office***

### **SB 1383 – New Solid Waste Requirements**

#### **RECOMMENDATIONS:**

Council:

1. Introduce for first reading, by title only, a Draft Ordinance amending Title 6, Chapter 4 (Solid Waste Collection) in its entirety in conformity with Assembly Bills 939, 341, 1826, and Senate Bill 1383.
2. Adopt a Draft Resolution authorizing the submittal, to CalRecycle, of a notification of intent to comply with the requirements of Senate Bill 1383 and to secure administrative civil penalty relief under the provisions of Senate Bill 619.

#### **DISCUSSION:**

In September 2016, Governor Brown signed into law Senate Bill 1383 (SB 1383) establishing methane reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The State’s SLCP strategy includes managing the presence of methane emissions caused by organic waste. Food scraps, green waste, paper, and cardboard are organic materials that account for a significant portion of California’s overall waste stream. Since landfills are the third largest producer of methane, increasing food waste prevention, encouraging edible food rescue, and expanding the composting and in-vessel digestion of organic waste is expected to reduce methane from landfill operations. SB 1383 establishes statewide targets to reduce the amount of organic waste disposed of in landfills with a 50% reduction by 2020 and a 75% reduction by 2025, based on 2014 levels. Additionally, SB 1383 requires 20% of disposed edible food to be recovered and directed to people in need by 2025.

SB 1383 directs the Department of Resources Recycling & Recovery (CalRecycle) to adopt regulations and requirements to achieve state-wide goals. These regulations were finalized by CalRecycle in November 2020 and became effective on January 1, 2022, giving local jurisdictions just 14 months to comply with the requirements of the regulations.

SB 1383 is the most significant change to solid waste regulations in California in 30 years and requires cities, counties, and special districts to implement organic waste diversion programs to reduce emissions of methane gas. These programs must include providing organic waste collection services to businesses and residences, edible food recovery,

public education and outreach, contamination monitoring and sampling activities, recordkeeping and reporting, infrastructure capacity planning, procurement of recovered organic waste products, and enforcement.

As part of SB 1383 compliance, the City is required to update the municipal code to align with the legislative mandates of SB 1383. The attached Draft Ordinance was prepared using a model document prepared by CalRecycle, with assistance from San Luis Obispo County Integrated Waste Management Authority (IWMA). The proposed ordinance is consistent with all other cities in San Luis Obispo County. CalRecycle expects all cities to provide copies of their adopted ordinances by April 1, 2022. Some of the changes to the Municipal Code include: an updated list of definitions, collection and processing requirements for organics and recyclables, contamination monitoring provisions, facility standards, approval of collection waivers, edible food generator and food recovery organization compliance, and enforcement provisions.

SB 1383 mandates included in the ordinance are:

- Requiring all waste generators to source separate each waste stream – solid waste in the black container, recyclable materials in the blue container, and organic materials (green waste and food scraps) in the green containers.
- Requiring any single-family residence, multi-family premises, or commercial customer who does not have recycling (blue) and/or organics (green) containers to obtain them.
- Requiring waste generators to obtain permits from the City to self-haul source separated recyclable materials, organic materials, and solid waste to facilities that process, recover, or dispose of such materials and waste.
- Allowing waivers for vacation rentals, multi-family premises and commercial premises who meet eligibility criteria.
- Requiring commercial businesses to annually, and as needed, educate employees, contractors, tenants, and customers regarding how to properly sort organic material into the correct containers.
- Adopting minimum enforcement provisions necessary to monitor compliance and to conduct enforcement beginning January 1, 2024.
  - SB 1383 allows an educational and non-punitive approach to enforcement for the first two years of the ordinance’s implementation and the City will exhaust all forms of education, through efforts by Waste Management and IWMA, before instituting enforcement action in 2024.
- Conducting, at random or otherwise, inspections and investigations of collection containers, collection vehicle loads, facilities, or source separated materials to confirm compliance with SB 1383 regulations.
- Establishing an edible food recovery program to recover edible food from the waste stream.
- Providing outreach and education for generators, haulers, facilities, edible food recovery organizations, and municipal departments.
- Planning and securing access for recycling and edible food recovery capacity.
- Maintaining accurate compliance records for annual reporting requirements.

Additionally, the City must take the following actions to comply with SB 1383:

1. Update Title 8 of the AMC to establish a water efficient landscape and irrigation ordinance.
2. Adopt a policy to purchase recycled content paper and recycled organic waste products (e.g., compost, mulch, and renewable natural gas) at a volume of 0.08 tons/resident.
3. Execute a new Franchise Agreement with Waste Management, the City's exclusive solid waste hauler to conform with SB 1383 regulations and Draft Ordinance A.

Next month, staff will be bringing back to Council an update to Title 8 of the AMC and a policy for procurement of recovered organic waste products. However, negotiating a new Franchise Agreement will take longer. While staff has been in discussions with Waste Management for some time and is hopeful that negotiations with the hauler can be expedited, CalRecycle requires that the agreement be approved and signed no later than June 30, 2022. Given the time necessary to fully negotiate a new Franchise Agreement the includes the requirement that the agreement conform to SB 1383 regulations as well as the Draft Ordinance, negotiations may exceed this deadline. Failure to meet the June 30 deadline would subject the City to continuing violations and administrative civil penalties unless the City adopts the draft resolution and submits the Notice of Intent to Comply (NOIC) to CalRecycle by March 1, 2022. Submission of the NOIC, and approval by CalRecycle, will make the City eligible for administrative civil penalty relief for the 2022 calendar year and give the City additional time to finalize, approve and sign a new franchise agreement.

### **FISCAL IMPACT:**

None. SB 1383 Regulations call for multiple changes to collection, monitoring, education, purchasing, and reporting that will lead to an increase to the City's solid waste rates. While the factors contributing to a rate increase are known, the amount of such an increase is unknown at this time and will be determined upon implementation of the new IWMA fee and the finalized contract with Waste Management. Even with heavy reliance on both the IWMA and Waste Management for SB 1383 compliance, additional staff time will be required. The compliance workload requirements for staff are currently being assessed.

### **ATTACHMENTS:**

1. Draft Ordinance
2. Draft Resolution
3. IWMA Educational Brochure
4. CalRecycle SB 1383 PowerPoint Presentation

**DRAFT ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING IN ITS ENTIRETY TITLE 6, CHAPTER 4 (SOLID WASTE COLLECTION), OF THE ATASCADERO MUNICIPAL CODE IN COMFORMITY WITH ASSEMBLY BILLS 939, 341, 1826 AND SENATE BILL 1383**

**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 cities and counties to reduce, reuse, and recycle (including composting) solid waste, recyclable materials, and organic materials generated in their City 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 Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a mandatory Commercial recycling program; and

**WHEREAS**, State Organics Materials 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 Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste, Recyclable Materials, and Organic Materials per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Materials from Commercial Businesses and Multi-Family Premises subject to the law, and requires jurisdictions to implement a mandatory Commercial Organic Materials recycling program; and

**WHEREAS**, In September 2016, Governor Brown signed into law Senate Bill 1383 (SB 1383) establishing methane reduction targets in an effort to curb the presence of methane emissions caused by organic waste; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce Organic Waste in landfills as a source of methane. The regulations place requirements on multiple entities including local governments, residential households, Multi-Family Premises, Commercial Businesses, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of the SB 1383 statewide Organic Waste disposal reduction targets; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations; and

**WHEREAS**, adoption of an ordinance as required by SB 1383 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; and

**WHEREAS**, CalRecycle finalized regulations to achieve goals set forth by SB 1383 in November 2020; and

**WHEREAS**, SB 1383 became effective on January 1, 2022, and local jurisdictions are required to amend their Municipal Code to enact regulations set forth in SB 1383 and provide a copy of the adopted ordinance to CalRecycle by April 1, 2022.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Recitals:** The above recitals are true and correct.

**SECTION 2. Determination.** The City Council has determined that Title 6, Chapter 4 be amended in its entirety, as set forth in Exhibit “A” of this Ordinance, attached hereto and incorporated herein by reference.

**SECTION 3. CEQA.** The proposed Title 6 amendment is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

**SECTION 4. Interpretation.** This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

**SECTION 5. Preservation.** Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

**SECTION 6. Effect of Invalidation.** If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

**SECTION 7. Severability.** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

**SECTION 8. Notice.** The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 9. Effective Date.** This Ordinance will take effect on the 30th day following its final passage and adoption.

**INTRODUCED** at a regular meeting of the City Council held on \_\_\_\_\_, 2022, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_, 2022.

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

## **Title 6 PUBLIC SAFETY**

### **Chapter 4 SOLID WASTE, RECYCLING, AND MANDATORY ORGANIC WASTE DISPOSAL REDUCTION**

#### **6-4.101 Title**

#### **6-4.102 Definitions**

#### **6-4.103 Solid Waste, Recyclables, and Organic Waste Storage**

#### **6-4.104 Requirements for Single-Family Premises**

#### **6-4.105 Requirements for Multi-Family Residential Dwellings**

#### **6-4.106 Requirements for Commercial Businesses**

#### **6-4.107 Agricultural Byproducts and Exemptions**

#### **6-4.108 Waivers for Vacation Rentals, Multi-Family Premises, and Commercial Premises**

#### **6-4.109 Requirements for Commercial Edible Food Generators**

#### **6-4.110 Requirements for Food Recovery Organizations and Services**

#### **6-4.111 Requirements for Haulers and Facility Operators**

#### **6-4.112 Self-Hauler Requirements**

#### **6-4.113 Scavenging, Unlawful Dumping, and Public Nuisances Prohibited**

#### **6-4.114 Inspections and Investigations**

#### **6-4.115 Enforcement**

#### **6-4.101 Title.**

This chapter shall be entitled “Solid Waste, Recycling, and Mandatory Organic Waste Disposal Reduction”.

#### **6-4.102 Definitions.**

As used in this chapter, the following words and phrases shall have the meaning ascribed to them in Government Code, commencing with Sections 66710 and 68010, or Health and Safety Code, commencing with Section 25110, or Title 14 California Administrative Code, commencing with Section 17725 unless from the context a different meaning is clearly apparent:

- (a) “Alternative Daily Cover (ADC)” has the same meaning as in Section 20690 of Title 27 of the California Code of Regulations.
- (b) “Alternative Intermediate Cover (AIC)” has the same meaning as in Section 20700 of Title 27 of the California Code of Regulations.
- (c) “Bulky Items” means discarded appliances (including refrigerators), furniture, tires, carpets, mattresses, Yard Trimmings and/or wood waste, and similar large items which can be handled by two (2) people, weigh no more than two hundred (200) pounds, and require special collection due to their size or nature, but can be collected without the assistance of special loading equipment (such as forklifts or cranes) and without violating vehicle load limits. Bulky Items must be generated by the customer and at the service address wherein the Bulky Items are collected. Bulky Items do not include abandoned automobiles, large auto parts, trees, construction and demolition debris, or items herein defined as Excluded Waste.

- (d) “CalRecycle” means 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).
- (e) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (f) “City” means the City of Atascadero, a municipal corporation acting through its City Council, and all the territory lying within the municipal boundaries of the City.
- (g) “City Enforcement Official” means the City Manager or other executive in charge, or their designee who is/are partially or fully responsible for enforcing this chapter.
- (h) “Council” means the City of Atascadero City Council.
- (i) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, or industrial facility.
- (j) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this Section 6-4.102 or as otherwise 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 pursuant to 14 CCR Section 18982(a)(7).
- (k) “Community Composting” means 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).
- (l) “Compliance Review” means a review of records by a City to determine compliance with this chapter.
- (m) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), (or any variation thereof) includes a controlled biological decomposition of Organic Materials yielding a safe and nuisance free Compost product.
- (n) “Contractor” includes and means a person or entity to whom the City has granted the privilege of collecting and disposing of solid waste, recyclable materials, and organic materials produced within the limits of the City under the terms set out in this chapter, and under the provisions of the contract agreement, organized and operating under the laws of the State and its officers, directors, employees, agents, companies, related-parties, affiliates, subsidiaries, and subcontractors.
- (o) “Customer” means the Person whom Contractor submits its billing invoice to and collects payment from for Collection services provided to a Premises. The Customer may be either the Occupant or Owner of the Premises.

- (p) “C&D” means construction and demolition debris.
- (q) “Debris box” or “roll-off container” means any ten (10) to forty (40) cubic yard container, or any compactor provided by a solid waste generator, placed in the public right-of-way, on city property, private property, or elsewhere in the service area, which is procured by a solid waste generator for their use in the collection of their solid waste. Debris boxes/roll-off containers are serviced by means of lifting the entire container, including all contents, onto a designated collection vehicle.
- (r) “Designated Waste” means non-Hazardous Waste which may pose special Disposal problems because of its potential to contaminate the environment, and which may be Disposed of only in Class II Disposal sites or Class III Disposal sites pursuant to a variance issued by the California Department of Health Services. Designated Waste consists of those substances classified as Designated Waste by the State, in California Code of Regulations Title 23, Section 2522 as may be amended from time to time.
- (s) “Designee” means an entity that a City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this chapter 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.
- (t) “Discarded Materials” means Recyclable Materials, Organic Materials, and Solid Waste placed by a Generator in a collection container and/or at a location for the purposes of collection excluding Excluded Waste.
- (u) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter 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 chapter 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 Health and Safety Code, including the California Retail Food Code.
- (v) “Enforcement Action” means an action of the City to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (w) “Excluded Waste” means 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 City 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 this chapter, 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 City, 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 City, 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.

- (x) “Food Distributor” means 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).
- (y) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (z) “Food Recovery” means 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).
- (aa) “Food Recovery Organization” means 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 chapter 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 chapter.

- (bb) “Food Recovery Service” means 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 chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (cc) “Food Scraps” means those Discarded Materials that will decompose and/or putrefy including: (i) all kitchen and table Food Waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) fruit waste, grain waste, dairy waste, meat, and fish waste; and, (iv) vegetable trimmings, houseplant trimmings and other Compostable Organic Waste common to the occupancy of Residential dwellings. Food Scraps are a subset of Food Waste. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

- (dd) “Food Service Provider” means 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).
- (ee) “Food-Soiled Paper” is compostable paper material that has come in contact with Food Scraps or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes.
- (ff) “Food Waste” means Source Separated Food Scraps and Food-Soiled Paper.
- (gg) “Generator” means a person or entity that is responsible for the initial creation of one or more types of Discarded Materials.
- (hh) “Grocery Store” means 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).
- (ii) “Hauler” means any person engaged in the collection, transportation or consolidation for transportation of Solid Waste, Recyclable Materials, or Organic Materials in the City, including those authorized collectors who engage in any such activities pursuant to an agreement, permit or license issued by the City, known herein as the Contractor, as well as self-haulers and the providers of temporary rental services of debris boxes or roll-off containers who operate in compliance with this Chapter.
- (jj) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (kk) “Hazardous Substance” means any of the following: (a) any substances defined, regulated or listed (directly or by reference) as "Hazardous Substances", "hazardous materials", "Hazardous Wastes", "toxic waste", "pollutant", or "toxic substances", or similarly identified as hazardous to human health or the environment, in or pursuant to: (i) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 et seq. (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, et seq.; (iii) the Resource Conservation and Recovery Act, 42 USC §6901 et seq.; (iv) the Clean Water Act, 33 USC §1251 et seq.; (v) California Health and Safety Code §§25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC §7901 et seq.; and, (vii) California Water Code §13050; (b) any amendments, rules or regulations promulgated thereunder to such enumerated statutes or acts currently existing or hereafter enacted; and, (c) any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated under any other Applicable Law currently existing or hereinafter enacted, including, without limitation, friable asbestos, polychlorinated biphenyl’s (PCBs), petroleum, natural gas, and synthetic fuel products, and by-products.

- (ll) “Hazardous Waste” means all substances defined as Hazardous Waste, acutely Hazardous Waste, or extremely Hazardous Waste by the State in Health and Safety Code §25110.02, §25115, and §25117 or in the future amendments to or recodifications of such statutes or identified and listed as solar panels from residential premises, and Hazardous Waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.
- (mm) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (nn) “Infectious Waste” means (a) equipment, instruments, utensils and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; and/or (c) surgical operating room pathologic specimens - including recognizable anatomical parts, human tissue, anatomical human remains and disposable materials from hospitals, clinics, outpatient areas, and emergency rooms, as defined in 14 CCR Section 17225.36.
- (oo) “Inspection” means a site visit where a City reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Recyclable Materials, Organic Waste, Solid Waste, or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (pp) “Large Event” means 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 to this chapter.
- (qq) “Large Venue” means 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 chapter 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 chapter 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 to this chapter.

- (rr) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, recyclable materials, and organic materials, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (ss) “Multi-Family Residential Dwelling” or “Multi-Family” or “MFD” means of, from, or pertaining to residential Premises with five (5) or more dwelling units including such Premises when combined in the same building with Commercial establishments, that receive centralized, shared, Collection service for all units on the Premises which are billed to one (1) Customer at one (1) address. Customers residing in Townhouses, mobile homes, condominiums, or other structures with five (5) or more dwelling units who receive individual service and are billed separately shall not be considered Multi-Family. Multi-Family Premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (tt) “Notice of Violation (NOV)” means a notice that a violation 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.
- (uu) “Occupant” means the Person who occupies a Premises.
- (vv) “Organic Materials” means Yard Trimmings and Food Waste, individually or collectively that are set aside, handled, packaged, or offered for collection in a manner different from Solid Waste for the purpose of processing. No Discarded Material shall be considered to be Organic Materials, however, unless it is separated from Recyclable Material and Solid Waste. Organic Materials are a subset of Organic Waste.
- (ww) “Organic Materials Container” shall be used for the purpose of storage and collection of Source Separated Organic Materials.
- (xx) “Organic Waste” means 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).
- (yy) “Owner” means the Person(s) holding legal title to real property and/or any improvements thereon and shall include the Person(s) listed on the latest equalized assessment roll of the County Assessor.
- (zz) “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).

- (aaa) “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).
- (bbb) “Premises” means and includes any land, building and/or structure, or portion thereof, in the City where Discarded Materials are produced, generated, or accumulated. All structures on the same legal parcel, which are owned by the same person shall be considered as one Premises.
- (ccc) “Prohibited Container Contaminants” means the following: (i) Discarded Materials placed in the Recyclable Materials Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Recyclable Materials Container; (ii) Discarded Materials placed in the Organic Materials Container that are not identified as acceptable Source Separated Organic Materials for the City’s Organic Materials Container; (iii) Discarded Materials placed in the Solid Waste Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Materials to be placed in City’s Organic Materials Container and/or Recyclable Materials Container; and, (iv) Excluded Waste placed in any container.
- (ddd) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (eee) “Recyclable Materials” means those Discarded Materials that the Generators set out in Recyclables Containers for Collection for the purpose of Recycling by the Service Provider and that exclude Excluded Waste. No Discarded Materials shall be considered Recyclable Materials unless such material is separated from Organic Materials and Solid Waste. Recyclable Materials shall include, but not be limited to, newspaper, aluminum, tin and bi-metal cans, clear and colored glass containers, plastic containers, corrugated cardboard, mixed paper (including white and colored ledger paper, chipboard, junk mail, magazines and phone books), and motor oil and filters (which shall be collected separate from the Recycling Container). For the purpose of collection of Recyclable Materials through contractor’s collection services, recyclable materials shall be limited to those materials identified by the collection contractor as acceptable recyclable materials.
- (fff) “Recyclable Materials Container” shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
- (ggg) “Recycled-Content Paper” means 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).
- (hhh) “Residential” shall mean of, from, or pertaining to Single-Family Premises or Multi-Family Premises including Single-Family homes, apartments, condominiums, Townhouse complexes, mobile home parks, and cooperative apartments.
- (iii) “Responsible Party” means the Owner, property manager, tenant, lessee, Occupant, or other designee that subscribes to and pays for Recyclable Materials, Organic Materials,

and/or Solid Waste collection services for a Premises in the City, or, if there is no such subscriber, the Owner or property manager of a Single-Family Premises, Multi-Family Premises, or Commercial Premises. In instances of dispute or uncertainty regarding who is the Responsible Party for a Premises, Responsible Party shall mean the Owner of a Single-Family Premises, Multi-Family Premises, or Commercial Premises.

- (jjj) “Restaurant” means 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).
- (kkk) “Route Review” means 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).
- (lll) “Rubble” includes and means all waste substances including garbage as well as combustible and noncombustible wastes. (Ord. 56 § 6-4.01, 1982)
- (mmm) “SB 1383” means 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.(mmm)“SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this chapter, 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.
- (nnn) “Self-Haul” means to act as a Self-Hauler.
- (ooo) “Self-Hauler” means a person who hauls Solid Waste, Organic Waste, or Recyclable Material they have generated to another person. Self-hauler also includes a landscaper, or a person who back-hauls waste. Back-haul means generating and transporting Recyclable Materials or Organic Waste to a destination owned and operated by the Generator or Responsible Party using the Generator’s or Responsible Party’s own employees and equipment.
- (ppp) “Service Level” refers to the size of a Customer’s Container and the frequency of Collection service.
- (qqq) “Single-Family” or “SFD” refers to any detached or attached house or residence of four (4) units or less designed or used for occupancy by one (1) family, provided that Collection service feasibly can be provided to such Premises as an independent unit, and the Owner or Occupant of such independent unit is billed directly for the Collection service. Single-Family includes Townhouses, and each independent unit of duplex, tri-plex, or four-plex Residential structures, regardless of whether each unit is separately billed for their specific Service Level.

(rrr) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191 (and in Ord. 56 § 6-4.01, 1982), which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that 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.
- (4) Recyclable Materials, Organic Materials, and Construction and Demolition Debris when such materials are Source Separated.

Notwithstanding any provision to the contrary, Solid Waste may include de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, Recycling, treatment, and disposal of household hazardous waste in compliance with Section 41500 and 41802 of the California Public Resources Code as may be amended from time to time. Solid Waste includes salvageable materials only when such materials are included for Collection in a Solid Waste Container, not Source Separated from Solid Waste at the site of generation.

(sss) “Solid Waste Container” shall be used for the purpose of storage and collection of Solid Waste, excluding Prohibited Container Contaminants.

(ttt) “Source Separated” or “Source-Separated (materials)” means materials, including commingled Recyclable Materials and Organic 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 of 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 the chapter, Source Separated shall include separation of materials by the Generator, Responsible Party, or Responsible Party’s employee, into different containers for the purpose of collection such that Source-Separated materials are separated from Solid Waste for the purposes of collection and processing.

- (uuu) “Source Separated Organic Materials” means Organic Materials that are Source Separated and placed in an Organic Materials Container.
- (vvv) “Source Separated Recyclable Materials” means Recyclable Materials that are Source Separated and placed in a Recyclable Materials Container.
- (www) “State” means the State of California.
- (xxx) “Supermarket” means 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).
- (yyy) “Tier One Commercial Edible Food Generator” means 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 to this chapter.

- (zzz) “Tier Two Commercial Edible Food Generator” means 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 to this chapter.

- (aaaa) “Ton” or “Tonnage” means a unit of measure for weight equivalent to two thousand (2,000) standard pounds where each pound contains sixteen (16) ounces.
- (bbbb) “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, and prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

#### **6-4.103 Solid Waste, Recyclables, and Organic Waste Storage and Collection**

- (a) The owner, occupant, or operator of any premises, business establishment, or other property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste, recyclable materials, and organic materials accumulated on the property. The property shall be free of excessive amounts of solid waste, recyclable materials, and organic materials, and litter except that manure, wood, leaves, soil, or gravel may be accumulated, providing that no public or private nuisance is created.
- (b) To protect public health, safety, and well-being and to prevent the contamination of solid waste, recyclable materials, and organic materials, no person shall place waste in or otherwise use the solid waste, recyclable materials, and organic materials container of another, without the prior written permission of such other person.
- (c) No person maintaining any premises where any type of solid waste, recyclable material, or organic material is created, accumulated, or produced shall fail or neglect to procure and utilize a container or containers (in required numbers) as specified in subdivisions (1)-(5) of this subsection:
- (1) The Contractor shall maintain its solid waste, recyclable materials, and organic materials containers within the City in a manner to protect public health and safety and prevent the spread of vectors. No person shall place for collection any solid waste, recyclable materials, or organic materials container not in conformance with the container(s) designated by the Contractor providing collection services.
  - (2) All solid waste, recyclable materials, and organic materials created, accumulated, or produced on the premises are to be stored in watertight, impervious containers having close-fitting lids and shall be constructed of substantial, nonabsorbent materials.
  - (3) All solid waste, recyclable materials, and organic materials are to be stored in containers which are sufficient in size and number to hold all such waste without spilling or causing litter or a nuisance, all the waste that a household or other establishment generates within the designated removal period.
  - (4) The Contractor shall maintain its solid waste, recyclable materials, and organic materials containers in the City free from any exterior paint or markings commonly referred to as “graffiti” or “tagging.”

- (5) Nothing in this chapter shall prevent an owner and/or occupant of a premises from self-hauling to a solid waste facility, in conformance with Section 6-4.112 of this chapter, or from utilizing a temporary debris box or roll-off container service. The exclusive rights of the Contractor shall not mean that debris box or roll-off container service for construction and temporary cleanup purposes cannot be provided by persons other than the designated authorized collector.
- (d) Collection of Solid Waste, Recyclable Materials, or Organic Materials without Waste Management Franchise or Continuation Rights Prohibited.
- (1) To protect public health, safety, and well-being, no person except a City employee or the Contractor with a waste management franchise or continuation rights recognized by the City, or a person authorized under Section 6-4.112 of this chapter (Self-Haulers), or a licensed contractor performing work within the scope of that contractor's license, or a provider of temporary debris box or roll-off container rental services, shall collect or remove any solid waste, recyclable materials, or organic materials from any premises within the City.
- (2) No person other than a Contractor which has a waste management franchise issued by the City or a Contractor with continuation rights recognized by the City, or a licensed contractor performing work within the scope of that contractor's license, or a provider of temporary debris box or roll-off container rental services, shall place a container for the accumulation of solid waste, recyclable materials, or organic materials at any premises within the City or collect any waste from any premises or permit or suffer a solid waste, recyclable materials, and organic materials container to remain in any place within the City.
- (e) Location of Solid Waste, Recyclable Materials, and Organic Materials Containers.
- (1) During the hours for collection designated in subsection (2) of this Section, residential solid waste, recyclable materials, and organic materials containers shall be placed at the collection location designated by the Contractor holding the residential waste management franchise and shall be placed in a manner accessible for automated pickup. Except during the time a container is placed for collection, residential containers shall not be visible from the public right-of-way. Commercial bins shall be accessible to the Contractor providing collection services at that location.
- (2) Solid waste, recyclable materials, and organic materials containers, such as residential containers, that are moved to a collection point to facilitate collection shall not be placed adjacent to the street for pickup more than twenty-four (24) hours prior to pickup time, and such containers shall be removed within the twelve (12) hour period following pickup.
- (3) Each solid waste, recyclable materials, and organic materials container provided by the owner, manager, or person in possession, charge, or control of any residential, commercial, or industrial buildings, complexes, developments, and projects, and every person occupying a dwelling within the City, shall be kept or placed entirely above ground level at a location which is convenient for access by collection

personnel during the time for collection, as set forth in subdivisions (1) and (2) of this subsection.

- (4) To minimize interference with public rights-of-way, no person shall place a container or any Bulky Items adjacent to a street or public right-of-way for collection service before the day preceding the regularly scheduled collection day. Bulky Items may not be set out for collection unless the person in charge of day-to-day operations of the premises has made prior arrangements with a Contractor approved by the City for pickup of the Bulky Items.
- (5) No container may be placed in any public right-of-way unless an encroachment permit authorizing the placement has been issued by the City, except during service/collection times in subsection (2) above. A bin, construction and demolition material bin, debris box or roll-off container may be placed on private property, visible to the public for temporary periods.
- (6) Containers shall be placed on the premises as follows:
  - (A) Where pickup is by human labor approaching from the street, the container(s) shall be placed adjacent to the street from where the collector enters the property. Provisions shall be made for easy access, with no obstacles. Where walk-ins are required, proportionately higher rates may be set.
  - (B) Where pickup is by collection vehicle, the container(s) shall be located in a waste storage area.
- (f) Requirements for Waste Storage Area.
  - (1) Property owners must provide each individual dwelling unit or occupancy with an individual or centralized waste storage area where solid waste, recyclable materials, and organic materials can be deposited and stored for later removal from the premises.
- (g) Commercial requirements
  - (1) No Contractor shall place a commercial bin, construction and demolition material bin, roll-off or debris box, or any container other than residential solid waste, recyclable materials, and organic materials containers, at any location within the City unless the container is clearly marked with the name, address, and telephone number of the owner of the container and a unique container number. The identification shall be waterproof and legible.
  - (2) The City may require that commercial bins be stored in a bin enclosure with adequate space to accommodate containers for solid waste, recyclable materials, and organic materials containers. All new enclosures are subject to inspection by the City. Enclosures must be located in places convenient for the removal of the containers for collection. Enclosures, including gates and gate hardware, must be maintained in good working condition and readily accessible by the Contractor.

- (h) Use of Civic Litter Containers. To protect public health, safety, and well-being, no person shall place or deposit residential, institutional, commercial, industrial, special, sharps, e-waste, universal, or other hazardous waste in any civic litter container.
- (i) Burning of Organic Waste Materials. To protect public health, safety, and well-being, no person shall burn any waste within the City, except organic waste materials on approved burn days using controlled burn piles, in compliance 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.

**6-4.104 Requirements for Single-Family Premises**

- (a) Responsible Parties of Single-Family Premises shall provide or arrange for Recyclable Materials, Organic Materials, and Solid Waste collection services consistent with this chapter. Responsible Parties of Single-Family Premises may receive waivers pursuant to Section 6-4.108 for some requirements of this Section.
- (b) Except Responsible Parties of Single-Family Premises that meet the Self-Hauler requirements in Section 6-4.112 of this chapter, Responsible Parties of Single-Family Premises shall comply with the following requirements:
  - (1) Subscribe to and pay for City’s three or more-container collection services for weekly collection of Recyclable Materials, Organic Materials, and Solid Waste generated by the Single-Family Premises and comply with requirements of those services as described below in subsection 2(A). City and its Designee(s) shall have the right to review the number and size 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. The Responsible Parties for Single-Family Premises shall adjust their Service Level for their collection services as requested by the City.
  - (2) Participate in the City’s three or more-container collection service(s) in the manner described below.
    - (A) Place, or, if Responsible Party is not an occupant of the Single-Family Premises, direct its Generators to place, Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
    - (B) Not place, or, if Responsible Party is not an occupant of the Single-Family Premises, direct its Generators to not place Prohibited Container Contaminants in collection containers and not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
- (c) Nothing in this Section prohibits a Responsible Party or Generator of a Single-Family Premises from preventing or reducing Discarded Materials generation, managing Organic

Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

**6-4.105 Requirements for Multi-Family Residential Dwellings**

- (a) Responsible Parties of Multi-Family Premises shall provide or arrange for Recyclable Materials, Organic Materials, and Solid Waste collection services consistent with this chapter and for employees, contractors, and tenants. Responsible Parties of Multi-Family Premises may receive waivers pursuant to Section 6-4.108 for some requirements of this Section.
- (b) Except for Responsible Parties of Multi-Family Premises that meet the Self-Hauler requirements in Section 6-4.112 of this chapter, including hauling services arranged through a landscaper, Responsible Parties of Multi-Family Premises shall:
  - (1) Subscribe to and pay for City’s three or more-container collection services and comply with requirements of those services for all Recyclable Materials, Organic Materials, and Solid Waste generated at the Multi-Family Premises as further described below in this Section. City and its Designee(s) shall have the right to review the number and size of the Multi-Family Premises’ collection 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. The Responsible Party of a Multi-Family Premises shall adjust their Service Level for their collection services as requested by the City or its Designee.
  - (2) Participate in the City’s three or more-container collection service(s) for at least weekly collection of Recyclable Materials, Organic Materials, and Solid Waste in the manner described below.
    - (A) Place and/or direct its Generators to place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
    - (B) Not place and/or direct its Generators to not place Prohibited Container Contaminants in collection containers and to not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
  - (3) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with City’s Recyclable Materials Container, Organic Materials Container, and Solid Waste Container collection service or, if Self-Hauling, consistent with the Multi-Family Premises’ approach to complying with Self-Hauler requirements in Section 6-4.112 of this chapter.
  - (4) Annually provide information to employees, contractors, tenants, and customers about Recyclable Materials and Organic Waste Recovery requirements and about proper sorting of Recyclable Materials, Organic Materials, and Solid Waste.

- (5) Provide education information before or within fourteen (14) days of occupation of the Premises to new tenants that describes requirements to Source Separate Recyclable Materials and Organic Materials and to keep Source Separated Organic Materials and Source Separated Recyclable Materials separate from each other and from Solid Waste (when applicable) and the location of containers and the rules governing their use at each property.
- (6) Provide or arrange access for City and/or its Designee(s) to their properties during all Inspections conducted in accordance with this chapter to confirm compliance with the requirements of this chapter.
- (c) If the Responsible Party of a Multi-Family Premises wants to Self-Haul, they must meet the Self-Hauler requirements in Section 6-4.112 of this chapter.
- (d) Multi-family Premises that generate two (2) cubic yards or more of total Solid Waste, Recyclable Materials, and Organic Materials per week (or other threshold defined by the State) that arrange for gardening or landscaping services shall require that the contract or work agreement between the Owner, Occupant, or operator of a Multi-Family Premises and a gardening or landscaping service specifies that the designated organic materials generated by those services be managed in compliance with this chapter.
- (e) Nothing in this Section prohibits a Responsible Party or Generator of a Multi-Family Premises from preventing or reducing Discarded Materials generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

**6-4.106 Requirements for Commercial Businesses**

- (a) Responsible Parties of Commercial Businesses shall provide or arrange for Recyclable Materials, Organic Materials, and Solid Waste collection services consistent with this chapter and for employees, contractors, tenants, and customers. Responsible Parties of Commercial Premises may receive waivers pursuant to Section 6-4.108 for some requirements of this Section.
- (b) Except Responsible Parties of Commercial Businesses that meet the Self-Hauler requirements in Section 6-4.112 of this chapter, including hauling services arranged through a landscaper, Responsible Parties of Commercial Premises shall:
  - (1) Subscribe to and pay for City’s three or more-container collection services and comply with requirements of those services for all Recyclable Materials, Organic Materials, and Solid Waste generated at the Commercial Premises as further described below in this Section. City and its Designee(s) shall have the right to review the number and size of a Commercial Premises’ 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. The Responsible Party of the Commercial Business shall adjust their Service Level for their collection services as requested by the City or its Designee.

- (2) Participate in the City’s three or more-container collection service(s) for at least weekly collection of Recyclable Materials, Organic Materials, and Solid Waste in the manner described below.
- (A) Place and/or direct its Generators to place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container.
  - (B) Not place and/or direct its Generators to not place Prohibited Container Contaminants in collection containers and to not place materials designated for the Organic Materials Containers or Recyclable Materials Containers in the Solid Waste Containers.
- (3) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with Sections 7(b)(4)(A)) and 7(b)(4)(B) below) for employees, contractors, tenants, and customers, consistent with City’s Recyclable Materials Container, Organic Materials Container, and Solid Waste Container collection service or, if Self-Hauling, consistent with the Commercial Premises’ approach to complying with Self-Hauler requirements in Section 6-4.112 of this chapter.
- (4) Provide containers for customers for the collection of Source Separated Recyclable Materials and Source Separated Organic Materials in all indoor and outdoor areas where Solid Waste containers are provided for customers, for materials generated by that Commercial Business. Such containers shall be visible and easily accessible. 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, as demonstrated through an approved de minimis waiver per Section 6-4.108(a), then the Responsible Party of the Commercial Business does not have to provide that particular container in all areas where Solid Waste containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Responsible Party of the Commercial Business shall have either:
- (A) A body or lid that conforms with the container colors provided through the collection service provided by City, with either lids conforming to the color requirements or bodies conforming to the color requirements, or both lids and bodies conforming to color requirements. The Responsible Party of the Commercial Business is not required to replace functional containers that do not comply with the requirements of this subsection prior to whichever of the following comes first: (i) the end of the useful life of those containers, or (ii) January 1, 2036; or
  - (B) 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 labeling requirements are required on new containers commencing January 1, 2022.

- (5) To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the City's Recyclable Materials Container, Organic Materials Container, and Solid Waste collection service or, if Self-Hauling, per the instructions of the Commercial Business's Responsible Party to support its compliance with Self-Hauler requirements in Section 6-4.112 of this chapter.
  - (6) Periodically inspect Recyclable Materials Containers, Organic Materials Containers, and Solid Waste 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).
  - (7) Annually provide information to employees, contractors, tenants, and customers about Recyclable Materials and Organic Waste Recovery requirements and about proper sorting of Recyclable Materials, Organic Materials, and Solid Waste.
  - (8) Provide education information before or within fourteen (14) days of occupation of the Premises to new tenants that describes requirements to Source Separate Recyclable Materials and Organic Materials and to keep Source Separated Organic Materials and Source Separated Recyclable Materials separate from each other and from other Solid Waste (when applicable) and the location of containers and the rules governing their use at each property.
  - (9) Provide or arrange access for City or its Designee to their properties during all Inspections conducted in accordance with this chapter to confirm compliance with the requirements of this chapter.
- (c) If the Responsible Party of a Commercial Business wants to Self-Haul, meet the Self-Hauler requirements in Section 6-4.112 of this chapter.
  - (d) Nothing in this Section prohibits a Responsible Party or a Generator of a Commercial Business from preventing or reducing Discarded Materials generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
  - (e) Responsible Parties of Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 6-4.110 of this chapter.

#### **6-4.107 Agricultural Byproducts and Exemptions**

- (a) Culled fruits and vegetables which cannot be used for animal feed, returned to soil, or donated shall be placed in an organic materials collection bin or container or disposed of only in an organic waste processing facility.
- (b) Organic materials may be fed to animals on the premises where such organic materials are produced, provided that the premises are always kept in a sanitary condition to the satisfaction of the City Manager or their Designee; and provided further that the keeping and feeding of such animals shall at all times conform to the applicable regulations of those

entities governing the same now in force or which thereafter may be enacted or promulgated.

- (c) Agricultural byproducts or wastes not of plant or animal origin, such as nonhazardous packaging, plastic film, or shop wastes, shall be disposed of as solid waste or recycling.
- (d) Notwithstanding the provisions of Sections 6-4.104, 6-4.105 and 6-4.106 above:
  - (1) The occupant of any private property may allow swill to be accumulated, stored, disposed of, or used for stock feeding on the premises, as long as such swill is not permitted to become a nuisance due to the breeding or attraction of flies or rodents, or from odors, or to create a hazard to the public health, safety, or welfare. Any such agricultural operations shall comply with the Agricultural Solid Waste Management Standards, Title 14, California Administrative Code, commencing with Section 17801.
  - (2) The occupant of a ranch or farm may accumulate manure, wood, leaves, soil, and gravel on the property, but he or she may not allow any other person to use his or her property for the disposal of other types of waste.
  - (3) The provisions of this chapter shall not be interpreted to prevent the maintenance of a compost pile on private property, so long as it does not become a public or private nuisance.
- (e) Nothing in this Section prohibits a Responsible Party or a Generator of a Residential premises, Multi-Family premises or Commercial Business from preventing or reducing Discarded Materials generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

**6-4.108 Waivers for Vacation Rentals, Multi-Family Premises, and Commercial Premises**

- (a) De Minimis Waivers for Vacation Rentals, Multi-Family Premises, and Commercial Premises. The City’s Designee, or the City if there is no Designee, may waive a Responsible Party’s obligation to comply with some or all Recyclable Materials and Organic Waste requirements of this chapter if the Responsible Party of the Vacation Rental, Commercial Business, or Multi-Family Premises provides documentation that the Vacation Rental, Commercial Business, or Multi-Family Premises meets one of the criteria in subsections (1) and (2) below. For the purposes of subsections (1) and (2), the total Solid Waste shall be the sum of weekly container capacity measured in cubic yards for Solid Waste, Recyclable Materials, and Organic Materials collection service. Hauling through paper shredding service providers or other incidental services may be considered in granting a de minimis waiver.
  - (1) The Vacation Rental’s, Commercial Business’s, or Multi-Family Premises’ total Solid Waste collection service is two (2) cubic yards or more per week and Recyclable Materials and Organic Materials subject to collection in Recyclable Materials Container(s) or Organic Materials Container(s) comprises less than twenty (20) gallons per week per applicable material stream of the Vacation Rental’s, Multi-family Premises’, or Commercial Business’s total waste (i.e.,

Recyclable Materials in the Recyclable Materials stream are less than twenty (20) gallons per week or Organic Materials in the Organic Materials stream are less than twenty (20) gallons per week); or,

- (2) The Vacation Rental's, Commercial Business's, or Multi-Family Premises' total Solid Waste collection service is less than two (2) cubic yards per week and Recyclable Materials and Organic Materials subject to collection in a Recyclable Materials Container(s) or Organic Materials Container(s) comprises less than ten (10) gallons per week per applicable material stream of the Vacation Rental's, Multi-family Premises', or Commercial Business's total waste (i.e., Recyclable Materials in the Recyclable Materials stream are less than ten (10) gallons per week or Organic Materials in the Organic Materials stream are less than ten (10) gallons per week).
- (b) Physical Space Waivers. The City's Designee, or the City if there is no Designee, may waive a Vacation Rental's, Commercial Business's, or Multi-Family Premises' obligation to comply with some or all of the Recyclable Materials and/or Organic Materials collection service requirements if the City or its Designee has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the Premises lacks adequate space for Recyclable Materials Containers and/or Organic Materials Containers required for compliance with the Recyclable Materials and Organic Materials collection requirements of Sections 6-4.104, 6-4.105 or 6-4.106 as applicable.
- (c) Review and Approval of Waivers. Waivers shall be granted to Responsible Parties by the City Designee, or the City if there is no Designee, according to the following process:
  - (1) Responsible Parties of Premises seeking waivers shall submit a completed application form to the City's Designee, or the City if there is no Designee, for a waiver specifying the waiver type requested, type(s) of collection services for which they are requesting a waiver, the reason(s) for such waiver, and documentation supporting such request.
  - (2) Upon waiver approval, the City Designee, or the City if there is no Designee, shall specify that the waiver is valid for the following duration:
    - (i) For Commercial Premises, five (5) years, or if property ownership changes, or if occupancy changes, whichever occurs first.
    - (ii) For Multi-Family Premises, five (5) years, or if property ownership changes, or if the property manager changes, whichever occurs first.
    - (iii) For Vacation Rentals, five (5) years, or if property ownership changes, or if property manager changes, whichever occurs first.
  - (3) Waiver holder shall notify City's Designee, or the City if there is no Designee, if circumstances change such that Vacation Rental's, Commercial Business's, or Multi-Family Premises' may no longer qualify for the waiver granted, in which case waiver will be rescinded.

- (4) Any waiver holder must cooperate with the City and/or its Designee for any on-site assessment of the appropriateness of the waiver.
- (5) Waiver holder shall reapply to the City's Designee, or the City if there is no Designee, for a waiver upon the expiration of the waiver period and shall submit any required documentation, and/or fees/payments as required by the City and/or its Designee. Failure to submit a completed application shall equate to an automatic denial of said application.
- (6) The City's Designee, or the City if there is no Designee, may revoke a waiver upon a determination that any of the circumstances justifying a waiver are no longer applicable.
- (7) If the City's Designee does not approve a waiver application or revokes a waiver, the City may appeal the decision for additional review by the Designee. The City may also, after meeting and conferring with the Designee, direct the Designee to approve the waiver application and/or repeal the revocation of the waiver.

#### **6-4.109 Requirements for Commercial Edible Food Generators**

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 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. Food that is donated shall be free from adulteration, spoilage, and meet the food safety standards of the California Health and Safety Code. Food cannot be donated if it is not in compliance with the food safety standards of the California Health and Safety Code, including food that is returned by a customer, has been served or sold and in the possession of a consumer, or is the subject of a recall.
  - (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) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - (4) Allow City'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) Maintain records required by this Section for five (5) years.
- (7) No later than January 31 of each year commencing no later than January 31, 2023 for Tier One Commercial Edible Food Generators and January 31, 2025 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City or its Designee that includes the following information:
  - (i) The amount, in pounds, of edible food donated to a Food Recovery Service or Food Recovery Organization annually;
  - (ii) The amount, in pounds of edible food rejected by a Food Recovery Service or Food Recovery Organization annually; and
  - (iii) Any additional information required by the City Manager or their Designee.
- (d) Nothing in this chapter 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).

**6-4.110 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) Maintain records required by this Section for five (5) years.
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City 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 City it is located in and the City's Designee, if applicable, the total pounds of Edible Food recovered in the previous calendar year 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). The annual report shall be submitted to the City, County, and/or the City's Designee, if applicable, no later than January 31 of each year.
- (e) In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City that provides solid waste, recyclable materials, and organic materials collection services, or its designated entity, Food Recovery Services and Food Recovery

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

- (f) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators shall include language in all agreements with Tier 1 and Tier 2 edible food generators located in the City identifying and describing the California Good Samaritan Act of 2017.
- (g) Nothing in this chapter prohibits a Food Recovery Organization or Food Recovery Service from refusing to accept Edible Food from a Commercial Edible Food Generator.

**6-4.111 Requirements for Haulers and Facility Operators**

- (a) Requirements for Haulers
  - (1) Franchise hauler(s) providing Recyclable Materials, Organic Waste, and/or Solid Waste collection services to Generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of its contract, agreement, permit, or other authorization with the City to collect Recyclable Materials, Organic Materials, and/or Solid Waste:
    - (A) Through written notice to the City annually on or before October 1 of each year for the following calendar year, identify the facilities to which they will transport Discarded Materials, including facilities for Source Separated Recyclable Materials, Source Separated Organic Materials, and Solid Waste unless otherwise stated in the franchise agreement, contract, permit, or license, or other authorization with the City.
    - (B) Transport Source Separated Recyclable Materials to a facility that recovers those materials; transport Source Separated Organic Materials to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2; transport Solid Waste to a disposal facility or transfer facility or operation that processes or disposes of Solid Waste; and transport manure to a facility that manages manure in conformance with 14 CCR Article 12 and such that the manure is not landfilled, used as Alternative Daily Cover (ADC), or used as Alternative Intermediate Cover (AIC).
    - (C) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and Section 6-4.112 of this Chapter.

- (2) Franchise hauler(s) authorized to collect Recyclable Materials, Organic Materials, and/or Solid Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, or other agreement entered into with City.
- (3) To preserve peace and quiet, no solid waste, recyclable materials, or organic waste of any kind shall be collected from or within two hundred (200) feet of residential premises between 5:00 P.M. and 6:00 A.M. on any day. All collections shall be made as quietly as possible, without unnecessary noise, disturbance, or commotion.
- (4) All waste materials collected shall be transported in collection equipment, so constructed and so loaded that there will not be any leakage or dropping of waste materials therefrom. Such materials, when placed in any collection equipment and during its passage to its destination, shall be suitably enclosed so as to prevent spillage. Collection equipment shall be uniformly painted and numbered, and temporary debris boxes or roll-off containers shall be clearly marked with the rental company's name and phone number.
- (5) Haulers shall be responsible for ensuring all containers are covered or enclosed during transportation to a recycling or disposal facility, and that materials are loaded such that none shall fall, drop, or spill upon the ground. Hauler shall be responsible for ensuring that all waste in collection vehicles is not littered during transport and is required to pick up litter generated from all collection and hauling operations.
- (6) Haulers shall be responsible for the general repair and upkeep of any containers that it furnishes to customers and shall maintain such containers in a sanitary non-leaking condition. Containers shall be labeled with the type(s) of material(s) to be placed therein, and labels shall be placed on each container or lid provided to customers and must specify which materials are acceptable and unacceptable in the container in written or graphic form. Haulers and customers shall be responsible for furnishing containers of sufficient size to adequately contain all of the material generated between collection periods.
- (7) All waste materials collected by a Hauler shall become the property of the Hauler immediately upon the collection thereof and shall immediately be removed and conveyed to a legally permitted facility for disposal of solid waste or for processing of recyclable materials or organic materials.
- (8) Haulers shall provide adequate number of vehicles and equipment for performing collection services which shall be kept clean on the inside and out, be in good repair, free of damage, and shall be in compliance with all safety standards. Haulers shall provide suitable operational and safety training for any employees who utilize or operate vehicles or equipment for collection of solid waste, recyclable materials, or organic waste, or who are otherwise directly involved in such collection.
- (9) It is unlawful for any person to collect, haul, or transport for hire Solid Waste, Recyclable Materials, and Organic Materials on any roadway within the City unless

there is in force, with respect to such person, a contract with the City to engage in such occupation, as provided in this chapter, with the exception of providers of temporary rental services for debris boxes or roll-off containers, who shall comply with the other provisions of this Section and all other requirements for collection and transportation of Solid Waste, Recyclable Materials, and Organic Materials.

- (10) The provisions of this Section shall not apply to persons or business establishments self-hauling household, industrial, or commercial waste or residue from their own premises; however, those exempt from the requirements of this Section shall not create a public or private nuisance and shall comply with all other requirements for collection and transportation of solid waste, recyclable materials, and organic materials, including self-hauler requirements noted in Section 6-4.112.
  - (11) Haulers shall perform all collection, transportation, and processing/disposal operations in accordance with applicable federal, state, and local laws, and in accordance with all regulations promulgated under such laws, and in accordance with the terms and conditions of this Chapter.
- (b) Requirements for Facility Operators and Community Composting Operations
- (1) Owners of facilities, operations, and activities located in the City’s boundaries that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon City 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 City shall respond within 60 days.
  - (2) Community Composting operators with operations located in the City’s boundaries, upon City request, shall provide information to the City 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 City shall respond within 60 days.
  - (3) Owners of facilities, operations, and activities located in the City’s boundaries that receive Recyclable Materials, Organic Materials, and/or Solid Waste shall provide to the City, on a quarterly basis, copies of all reports they are required to report to CalRecycle under 14 CCR.

**6-4.112 Self-Hauler Requirements**

- (a) A Single-Family Generator or Single-Family Responsible Party that Self-Hauls Recyclable Materials, Organic Materials, or Solid Waste is not required to record or report information in Section 6.4112(f) through (h).
- (b) Every Self-Hauler shall Source Separate its Recyclable Materials and Organic Materials (materials that City otherwise requires Generators or Responsible Parties to separate for collection in the City’s Recyclable Materials and Organic Materials collection program)

generated on-site from Solid Waste in a manner consistent with 14 CCR Section 18984.1 and the City's collection program. Self-Haulers shall store their materials as described in subsection (c) below. Self-Haulers shall deliver their materials to facilities described in subsection (d) below. Alternatively, Self-Haulers may choose not to Source Separate Recyclable Materials and Organic Materials and shall haul its Solid Waste (that includes Recyclable Materials and Organic Materials) to a High Diversion Organic Waste Processing Facility subject to advance written approval by the City.

- (c) Self-Haulers shall store their solid waste, recyclable materials, and organic materials in watertight, impervious containers having close-fitting lids and shall be constructed of substantial, nonabsorbent materials. All solid waste, recyclable materials, and organic materials are to be stored in containers which are sufficient in size to hold all such waste without spilling or causing litter or a nuisance. Paper or plastic bags may be used if they are of sufficient strength to resist puncture or attack by animals. Containers for refuse should be of an adequate size and in sufficient number to contain, without overflowing, all the refuse that the Self-Hauler generates within the designated removal period.
- (d) Self-Haulers that Source Separate their Recyclable Materials and Organic Materials shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; haul their Source Separated Organic Waste to a facility, operation, activity, or property that processes or recovers Source Separated Organic Waste; and haul their Solid Waste to a disposal facility or transfer facility or operation that processes or disposes of Solid Waste.
- (e) No Solid Waste, Recyclable Materials, Organic Materials, or C&D Materials shall be removed and carried on and along the streets and alleys of the City except that the same is carried, conveyed, or hauled in conveyances so constructed as to be absolutely dustproof and waterproof, and so arranged as not to permit dust or liquids or other matter to shift through or fall upon the streets and alleys. The contents of such conveyances must be further protected so as to prevent the same from being blown upon the streets, alleys, and adjacent lands. Any materials that do permit dust or liquids or other matter to land upon or be blown upon for any reason shall be cleaned up immediately.
- (f) Self-Haulers that are Responsible Parties of Commercial Businesses or Multi-Family Premises shall keep records of the amount of Recyclable Materials, Organic Materials, and Solid Waste delivered to each facility, operation, activity, or property that processes or recovers Recyclable Materials and Organic Materials and processes or disposes of Solid Waste or shall keep records of Solid Waste delivered to High Diversion Organic Waste Processing Facilities. These records shall be subject to review by the City and/or its Designee(s). The records shall include the following information:
  - (1) Delivery receipts and weight tickets from the entity accepting the Recyclable Materials, Organic Materials, and Solid Waste.
  - (2) The amount of material in cubic yards or Tons transported by the Generator or Responsible Party to each entity.
  - (3) 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 Recyclable Materials, Organic Materials, and Solid Waste.

- (g) Self-Haulers shall retain all records and data required to be maintained by this Section for no less than five (5) years after the Recyclable Materials, Organic Materials, and/or Solid Waste was first delivered to the facility accepting the material.
- (h) Self-Haulers that are Commercial Businesses or Multi-Family Premises shall provide copies of records required by this Section to City if requested by the City Manager or Designee and shall provide the records at the frequency requested by the City Manager or Designee(s).
- (i) Self-Haulers shall obtain permits from the City prior to commencing self-haul operations, which may be reviewed by the City or its Designee(s) or the Contractor at least once annually. In order to receive a Self-Haul Permit from the City, Self-Haulers must:
  - (1) Apply for a Self-Haul Permit by submitting a Self-Haul Application, available from the City online or in person at City Hall, which states that they understand the requirements for Self-Haulers and agree to follow the requirements of this Section and Chapter.
  - (2) Receive approval notice and permit from the City, which certifies that the applicant understands the requirements for Self-Haulers and agrees to follow the requirements of this Section and Chapter. Self-Haulers shall not commence Self-Haul operations prior to receiving a Self-Haul Permit from the City or its Designee(s).

**6-4.113 Scavenging, Unlawful Dumping, and Public Nuisances Prohibited**

- (a) Scavenging is prohibited; it is unlawful for any person to engage in the act of scavenging. For purposes of this Section, “scavenging” means engaging in any of the following activities:
  - (1) Tampering or meddling with a container for Solid Waste, Recyclable Materials, or Organic Materials;
  - (2) Tampering or meddling with the contents of any container for Solid Waste, Recyclable Materials, or Organic Materials;
  - (3) Removing the contents of any container for Solid Waste, Recyclable Materials, or Organic Materials;
  - (4) Removing any container for Solid Waste, Recyclable Materials, or Organic Materials from the location where the container has been placed by the owner of the container or owner’s agent or employee; or
  - (5) Removing, tampering, or meddling with any Solid Waste, Recyclable Materials, or Organic Materials set out for collection, pursuant to the provisions of this chapter, on private property or on any sidewalk, street, or public right-of-way.

- (6) The provisions of this Section do not apply to:
  - (A) A contractor or its agents or employees performing under the authority of its contract;
  - (B) A City agent performing within the authority of the City; or
  - (C) The owner of the waste or of the container, including the owner's authorized agents and employees.
- (7) It is declared to be an infraction for any person, other than those individuals listed in subsection (6) above, to violate any provision of this Section.
- (b) **Unlawful Dumping Prohibited.** No person shall dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury, or dispose into the environment (including by abandonment or discarding of barrels, containers and other closed receptacles of solid, hazardous, or liquid waste of any kind whatsoever) any solid or liquid waste upon any premises within the City, or to cause, suffer, or permit any solid or liquid waste to come to be located upon any premises in the City, except in an authorized or permitted solid waste, recyclable materials, and organic materials container or at an authorized or permitted waste facility approved for that type of waste.
- (c) **Public Nuisance.** To protect public health, safety, and well-being and to prevent the spread of vectors, it is unlawful and a public nuisance for any person or entity to violate any term of this chapter. For these same reasons, it is a public nuisance for any person or entity to occupy, inhabit, maintain, or to be in day-to-day control of any premises within the City which generates waste for which arrangements have not been made with a franchised Contractor, a Contractor with continuation rights recognized by the City, or without obtaining a self-haul permit from the City; for regular collection and removal of solid waste, recyclable materials, and organic materials.
- (d) **Careless disposal of solid waste, Recyclable Materials, and Organic Materials.**
  - (1) No person shall place or dump, or hire any person to place or dump, any Solid Waste, Recyclable Materials, or Organic Materials upon the right-of-way of any public highway, street, or thoroughfare, or upon the banks of any stream or dry watercourse, or upon the private property of any person, inhabited or uninhabited, within the City except with the permission of the Health Officer.
  - (2) Disposal of hazardous wastes shall be governed by Health and Safety Code Sections 25190 and 25191 and Title 23 California Administrative Code, commencing with Section 2500, Waste Disposal to Land.

#### **6-4.114 Inspections and Investigations**

- (a) City representatives or its Designee(s) 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 chapter by Generators,

Responsible Parties of Single-Family Premises, Responsible Parties of Commercial Businesses, Responsible Parties of Multi-Family Premises, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City or its Designee to enter the interior of a private Single-Family Dwelling residential property for Inspection.

- (b) Entities regulated by this chapter shall provide or arrange for access during all Inspections (with the exception of Single-Family Dwelling residential property interiors) and shall cooperate with the City's representative or its Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this chapter. Failure of a Responsible Party to provide or arrange for: (i) access to an entity's Premises; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described in Section 6-4.115.
- (c) Any records obtained by a City or its Designee during its Inspections 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) City representatives or their Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
- (e) City or its Designee shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.
- (f) City representatives and/or their Designee are authorized to provide informational notices to entities regulated by this chapter regarding compliance with this chapter.

#### **6-4.115 Enforcement**

- (a) Violation of any provision of this chapter shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or designee. Enforcement Actions under this chapter are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines as specified in Title 12 Code Enforcement of the City's code are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City may choose to delay court action until

such time as a sufficiently large number of violations or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

(c) Responsible Entity for Enforcement

- (1) Enforcement pursuant to this chapter may be undertaken by the City or County Enforcement Official, which may be the City Manager or their designated entity, legal counsel, or combination thereof.
- (2) Enforcement may also be undertaken by a County Enforcement Official, designated by the County, in consultation with City Enforcement Official / District.
- (3) City Enforcement Official(s) may issue Notices of Violation(s).

(d) Process for Enforcement

- (1) City Enforcement Officials and/or their Designee will monitor compliance with the Chapter through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. City Enforcement Officials and/or their designee may also monitor compliance with the chapter randomly. Section 6-4.114 and Title 12 of the Atascadero Municipal Code establishes City's right to conduct Inspections and investigations.
- (2) City may issue an official notification to notify regulated entities of its obligations under the chapter.
- (3) For incidences of Prohibited Container Contaminants found in containers, City or its designee will issue an informational notice of contamination to any Generator or Responsible Party found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within 60 days after determining that a violation has occurred. If the City or its Designee observes Prohibited Container Contaminants in a Responsible Party's containers on more than three (3) consecutive occasion(s), the City or its Designee, or the Contractor, may assess contamination processing fees or contamination penalties on the Generator.
- (4) With the exception of violations of contamination of container contents, City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
- (5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine.
- (6) Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the County Assessor or if no such address is available, to the owner at the address of the Multi-Family Premises or Commercial Premises or to the Responsible Party for the collection services, depending upon available information.

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows, as prescribed by Section 12-1.04 and Section 12-2.02 of the Atascadero Municipal Code and any other applicable code or regulation:

- (1) For a first violation, the amount of the base penalty shall be \$100 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.

(f) Compliance Deadline Extension Considerations

City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(g) Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in the City's codes for appeals of administrative citations. Evidence may be presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(h) Education Period for Non-Compliance. Beginning January 1, 2022 and through December 31, 2023, City or its Designee will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if City or its Designee determines that Generator, Responsible Party, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(i) Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the City determines that a Generator, Responsible Party, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other

**ITEM NUMBER:** C-1  
**DATE:** 02/22/22  
**ATTACHMENT:** 1A

entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed.

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA,  
AUTHORIZING THE SUBMITTAL, TO CALRECYCLE, OF A  
NOTIFICATION OF INTENT TO COMPLY WITH THE  
REQUIREMENTS OF SENATE BILL 1383 AND TO SECURE  
ADMINISTRATIVE CIVIL PENALTY RELIEF UNDER THE  
PROVISIONS OF SENATE BILL 619**

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

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1. Recitals**. The above recitals are true and correct and are incorporated into this Resolution by this reference.

**SECTION 2. Adoption**. The City Council of the City of Atascadero by and through its City Manager hereby formally adopts the Notification of Intent to Comply attached hereto and incorporated herein as Exhibit "A."

**SECTION 3. Submittal.** The City Council of the City of Atascadero hereby authorizes directs the City Manager, on its behalf, to submit the Notification of Intent to Comply attached as Exhibit “A” to CalRecycle for approval pursuant to Statute.

**SECTION 4. Certification.** By submitting the Notification of Intent to Comply pursuant to and subject to the above referenced requirements, the City of Atascadero represents and certifies that it will implement the proposed actions to remedy the violations according to the proposed schedule as approved by CalRecycle and in accordance with the Statute and Regulations.

**SECTION 5. Acknowledgement.** The City of Atascadero by and through its City Manager also acknowledges and agrees to comply with any maximum compliance deadline in any corrective action plan that CalRecycle, in its sole discretion, determines to be necessary and appropriate under the circumstances for the correction of any violation(s) of the Statute and Regulations identified in its Notification of Intent to Comply.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:  
\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:  
\_\_\_\_\_  
Brian A. Pierik, City Attorney

## Notification of Intent to Comply

CalRecycle is providing this optional form as a convenience to assist jurisdictions (counties, cities, a county and city, or special districts providing solid waste collection services) for purposes of submitting a notification of intent to comply to CalRecycle [see Public Resources Code (PRC) section 42652.5(c)].

A jurisdiction may submit a notification of intent to comply if it is facing continuing violations of the Short-lived Climate Pollutants: Organic Waste Reductions requirements in Title 14 California Code of Regulations (14 CCR). The written notification of intent to comply, adopted by resolution of the jurisdiction's governing body, shall be sent to CalRecycle no later than **March 1, 2022**, to [NOIC@CalRecycle.ca.gov](mailto:NOIC@CalRecycle.ca.gov).

A jurisdiction shall, at minimum, include the following in its notification:

1. A description, with specificity, of the continuing violations.
2. A detailed explanation of the reasons, supported by documentation, why the local jurisdiction is unable to comply.
3. A description of the impacts of the COVID-19 pandemic on compliance.
4. A description of the proposed actions the local jurisdiction will take to remedy the violations within the timelines established in 14 CCR section 18996.2 with a proposed schedule for doing so. The proposed actions shall be tailored to remedy the violations in a timely manner.

Upon approval by CalRecycle of a jurisdiction's notification and implementation of the intent to comply, a jurisdiction may be eligible for both of the following:

1. Administrative civil penalty relief for the 2022 calendar year pursuant to PRC section 42652.5(d).
2. A corrective action plan pursuant to 14 CCR section 18996.2.
  - a. CalRecycle may address through a corrective action plan any violations disclosed in a jurisdiction's notification that will take more than 180 days to correct. In this situation, the proposed actions and schedule in the jurisdiction's approved notification will be in effect until a corrective action plan is issued.

CalRecycle will respond in writing to a jurisdiction within 45 business days of receiving its notification with an approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval. CalRecycle will include details about why a jurisdiction did not meet the requirements for a Notification of Intent to Comply when disapproving the jurisdiction's notification.

**Please clearly print or type responses. Attach additional pages as necessary.**

Jurisdiction Name:		County:	
Person Completing the Form:			
First Name:		Last Name:	
Title:			
Mailing Address:			
City:		Zip Code:	
Email Address:			
Phone Number:			

1. Select using the check boxes below or write in the continuing violations for each applicable regulatory section. For each selection, please describe the specific violations related to the regulatory section.

**Example:**

- (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
  - i. Not implementing mandatory residential foodwaste collection for all residents. Note: City already provides mandatory greenwaste collection to all residents*
  - ii. Not implementing mandatory commercial organics collection for all businesses under 2 cubic yards. Note: City already provides mandatory commercial organics collection to all businesses 2 cubic yard or more.*

**Disclaimer: The list of possible continuing violations below is not inclusive of all potential violations of the regulations.**

(A) 14 CCR section 18984 Combined Organic Waste Collection Services. *This requirement is not included since the requirements are further specified in sections 18984.1-18984.11.*

- (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- (C) 14 CCR section 18984.2 Two-Container Organic Waste Collection Services
- (D) 14 CCR section 18984.3 Unsegregated Single Container Collection Services
- (E) 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services
- (F) 14 CCR section 18984.5 Container Contamination Minimization
- (G) 14 CCR section 18984.6 Recordkeeping Requirements for Container Contamination Minimization
- (H) 14 CCR section 18984.7 Container Color Requirements
- (I) 14 CCR section 18984.8 Container Labeling Requirements
- (J) 14 CCR section 18984.11 Waivers Granted by a Jurisdiction
- (K) 14 CCR section 18985.1. Organic Waste Recovery Education and Outreach.
- (L) 14 CCR section 18985.2. Edible Food Recovery Education and Outreach
- (M) 14 CCR section 18985.3. Recordkeeping Requirements for a Jurisdiction's Compliance with Education and Outreach Requirements
- (N) 14 CCR section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers
- (O) 14 CCR section 18988.3. Self-haulers of Organic Waste
- (P) 14 CCR section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program
- (Q) 14 CCR section 18989.1. CALGreen Building Codes
- (R) 14 CCR section 18989.2 Model Water Efficient Landscape Ordinance

- (S) 14 CCR section 18991.1. Jurisdiction Edible Food Recovery Program
- (T) 14 CCR section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program
- (U) 14 CCR section 18992.1. Organic Waste Recycling Capacity Planning
- (V) 14 CCR section 18992.2. Edible Food Recovery Capacity
- (W) 14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target
- (X) 14 CCR section 18993.2. Recordkeeping Requirements for Recovered Organic Waste Procurement Target
- (Y) 14 CCR section 18993.3. Recycled Content Paper Procurement Requirements
- (Z) 14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement

(AA) 14 CCR section 18994.2. Jurisdiction Annual Reporting

*Note: This requirement is not included since jurisdictions are still expected to report to CalRecycle.*

- (BB) 14 CCR section 18995.1. Jurisdiction Inspection Requirements  
*Note: Section 18995.1(a)(1) should not be included because a jurisdiction should already be completing this action due to the requirements of PRC Chapter 12.9 (commencing with Section 42649.8)*
- (CC) 14 CCR section 18995.2. Implementation Record and Recordkeeping Requirements
- (DD) 14 CCR section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations  
*Note: This requirement is not included since jurisdictions are still expected to investigate complaints.*
- (EE) 14 CCR section 18995.4. Enforcement by a Jurisdiction

Use the check box(es) below to write in the continuing violations for any regulatory section(s) not reflected above and describe the specific violations related to the regulatory section.

**Example:**

- (1) (Type regulatory section number) (Type regulatory section title)
  - i. Describe the specific violations related to the regulatory section

(1)

(2)

(3)

(4)

(5)

<p>2. A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation, if applicable.</p>
<p>3. A description of the impacts of the COVID-19 pandemic on compliance.</p>
<p>4. Provide a description of the proposed actions the jurisdiction will take to remedy the violations with a proposed schedule for completing each action. The proposed actions shall be tailored to remedy the violations in a timely manner. See optional format below.</p>

I hereby certify under penalty of perjury that the information provided herein is true and correct to the best of my knowledge.

-----  
Signature                      Printed Name                      Title                      Date

# GUIDE TO CALIFORNIA SB 1383

## Short-lived Climate Pollutants



### NEW REGULATION TOOK EFFECT ON **JANUARY 1, 2022** AND ESTABLISH STATEWIDE GREENHOUSE GAS EMISSION REDUCTION GOALS:

By 2025, reduce the amount of organic material disposed in landfills by 75% from the 2014 level.

By 2025, no less than 20% of edible food currently disposed in landfills must also be recovered for human consumption

SB 1383 is the most aggressive waste reduction law to be adopted in California for the past 30 years. The law will affect almost everyone, and unlike previous laws, jurisdictions may issue penalties for non-compliance. A summary of requirements is provided in this guide, and free educational resources and assistance are available to help you achieve compliance.



SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY  
*Connecting the Community to Waste Solutions*

For more information call (805) 782-8530



## SOLVING THE CLIMATE CRISIS

California is experiencing a climate crisis: record-breaking temperatures, longer fire seasons, extreme droughts, and rising sea levels. These extreme weather events are partly caused by too much greenhouse gas in the atmosphere, so named because they trap the sun's heat and warm the planet.

When organic materials such as food and yard debris end up in the landfill, they decompose anaerobically (without oxygen) and produce greenhouse gases. Composting organic materials significantly reduces greenhouse gas production. Furthermore, when finished compost is applied on land, greenhouse gases are pulled from the atmosphere and into the soil. By composting organic materials and recovering edible food for hungry people, we can all do our part to slow climate change.

### Franchised Hauling Companies

In San Luis Obispo County, food scraps and yard debris are collected in green carts which are then sent to composting facilities. Each jurisdiction has a contract with one of the following franchised hauling companies to provide collection service for garbage, recycling, and organic materials (food scraps and plant trimmings):

**Mission Country Disposal**  
**(805)543-0875**

**Morro Bay Garbage**  
**(805)543-0875**

**San Luis Garbage**  
**(805)543-0875**

**South County Sanitary Svcs**  
**(805)543-0875**

**Mid State Solid Waste & Recycling**  
**(805)434-9112**

**San Miguel Garbage**  
**(805)467-9283**

**Paso Robles Waste & Recycle**  
**(805)238-2381**

**Waste Management**  
**(805)466-3636**

# WHO IS IMPACTED?

The SB 1383 regulations apply to all persons and entities that generate organic materials, such as food scraps and plant trimmings. Everyone is required to divert their organic materials from the garbage. In addition, certain entities that provide food will be required to donate their excess food to feed people.

**RESIDENTS** including those living in single-family homes or multi-family buildings

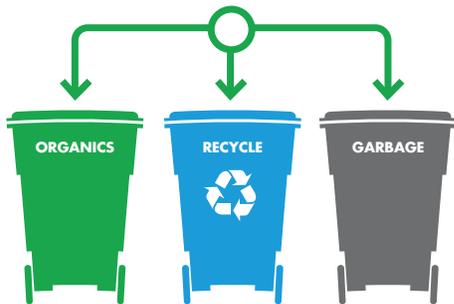


**COMMERCIAL ENTITIES** such as for-profit and non-profit organizations, government offices and agencies, and industrial facilities

**NON-LOCAL ENTITIES** such as state/federal facilities, and prisons



**EDUCATION AGENCIES** such as schools, community colleges, and universities



Both single-family and multi-family residents are required to have regular collection service for garbage, recycling, and organic materials (food scraps and plant trimmings). Residents will have to properly separate their recycling and organics from the garbage. Don't know what goes where?

**Visit [www.iwma.com](http://www.iwma.com)**

**NOTE:** Managers and owners of multifamily buildings have additional responsibilities. Please see page 6 on Requirements for Commercial Entities.



## REQUIREMENTS FOR NON-LOCAL ENTITIES AND EDUCATION AGENCIES

Examples of non-local entities are, state agencies, and federal facilities. Examples of education agencies include universities, school districts, charter schools, and community colleges.

- Subscribe to organics collection service in addition to garbage and recycling through a franchised hauling company. Alternatively, self-haul is permissible as long as organics and recyclables are not landfilled, and records of receipts and weight tickets are kept for 5 years.
- Provide recycling and organics collection containers in all areas where a garbage container is located, except for restrooms. The collection containers must conform to the color scheme: green for organics, blue for recycling, gray for garbage. \*
- Prohibit employees from placing organics in the garbage.
- Periodically inspect the recycling and organics containers for contamination and if any is found, provide information/education to correct behavior.
- Provide education to employees on how to prevent generation of organic materials (source reduction).





## REQUIREMENTS FOR COMMERCIAL ENTITIES

These requirements apply to for-profit and non-profit businesses, including multifamily residential properties, government offices, and industrial facilities.

- Subscribe to organics collection service in addition to garbage and recycling through a franchised hauling company. Alternatively, self-haul is permissible as long as organics and recyclables are not landfilled and records of receipts and weight tickets are kept for 5 years.
- Provide organics and recycling containers to employees, contractors, tenants, and customers.

There must be access to an adequate number, size, and location of containers. Containers for organics and recycling must be provided in all areas where garbage containers are present, except for restrooms or inside multifamily dwelling units.

Container bodies or lids shall conform to the following color scheme: gray for garbage, blue for recycling, and green for organics. In addition, containers shall have labels with graphic images to indicate primary materials accepted and prohibited.\*

- Annually provide educational information to tenants and staff about the requirements to separate organics and recycling from the garbage. In addition, education must be provided on how to properly sort the three waste streams into correct containers. Please note, for new tenants, this information must be provided before or within 14 days of move-in.
- Periodically inspect recycling and organics containers and inform employees if contamination is found.

\* Visit [www.iwma.com](http://www.iwma.com) website to download free labels and posters.

# FOOD RECOVERY AND DONATION REQUIREMENTS

Tier one and tier two commercial edible food generators are required to donate the maximum amount of excess edible food to feed people.

A contract or written agreement must be maintained with food recovery service(s) or organization(s) to pick up or receive edible food.

A record must also be kept indicating the types of food being donated, pounds donated per month, frequency of donations, and the contact information of the contracted food recovery service(s) and/ or organization(s).

Generators shall not intentionally spoil food that can be recovered.

Large venues or large event operators that do not provide food services, but allow for food to be provided, shall require food facilities operating on site to comply with the above organics diversion and food recovery requirements.

## TIER ONE COMMERCIAL ENTITIES

REQUIRED TO COMPLY STARTING JANUARY 1, 2022

- Supermarkets
- Grocery stores with facilities >10,000 sq. ft
- Food service providers (contracted)
- Food distributors
- Wholesale food vendors

## TIER TWO COMMERCIAL ENTITIES

REQUIRED TO COMPLY STARTING JANUARY 1, 2024

- Restaurants with 250 or more seats, or a total facility size >5,000 sq. ft.
- Hotels with an on-site food facility and >200 rooms
- Health facilities with an on-site food facility and >100 beds
- Large venues that annually seat or serve an average of >2,000 individuals per day of operation
- Large events that serves an average of >2,000 individuals per day of operation
- State agencies with a cafeteria with >250 seats, or a total cafeteria facility size >5,000 sq. ft.
- Local education agencies with an on-site food facility



The SLO Food Bank can help commercial entities gain compliance with SB 1383 by collecting donations, or by connecting entities to their 80+ partner agencies who serve those in need through SLO County.  
<https://www.slocounty.ca.gov/Departments/Health-Agency/Public-Health/Environmental-Health/Forms-Documents/Reference-Materials/Food-Program-Reference-Documents/General-Food-Program-Reference-Materials/Safe-Surplus-Food-Donation-Guide-in-8-Steps.pdf>

## WAIVERS FOR BUSINESSES

Commercial entities, non-local entities, and education agencies may be exempted from some or all of the requirements if they can provide documentation or evidence to support one of the following reasons. Please note that “solid waste” is defined as the entire waste stream, including garbage, recycling, and organics.

- **De Minimis:** minimal organic material is generated.

If an entity produces more than 2 cubic yards of total solid waste per week, minimal organic material means less than 20 gallons.

If an entity produces less than 2 cubic yards of total waste per week, minimal organic material means less than 10 gallons.

- **Physical Space Constraints:** the premises lack adequate space to fit all three containers (garbage, recycling, and organics).



**WE'RE HERE TO HELP.**

Give us a call at **(805)782-8530** or

Email questions to **[iwma@iwma.com](mailto:iwma@iwma.com)**

Free resources and more information can be found at

**<https://iwma.com/sb-1383/>**

# SB 1383

## Reducing Short-Lived Climate Pollutants in California

An Overview of SB 1383's Organic Waste Reduction Requirements



# Organic Waste Is the Largest Waste Stream in California

CALIFORNIA DISPOSED OF APPROXIMATELY 27 MILLION TONS OF ORGANIC WASTE IN 2017



California's Waste Stream

IN CALIFORNIA, MILLIONS ARE  
**FOOD INSECURE**

1 IN 8 CALIFORNIANS  
1 IN 5 CHILDREN



CALIFORNIA THROWS AWAY  
**MORE THAN 6 MILLION TONS**  
OF FOOD WASTE EVERY YEAR!



# CLIMATE CHANGE NEGATIVELY IMPACTS CALIFORNIA

Landfilled Organic Waste Emits  
**Methane Gas—**  
**A Super Pollutant**  
More Powerful than CO<sub>2</sub>

Methane Gas Contributes to  
Climate Change in California



**CALIFORNIA**  
is already experiencing  
the impacts of  
**CLIMATE CHANGE**

IN 2015 THE DROUGHT COST THE AGRICULTURE INDUSTRY IN THE CENTRAL VALLEY AN ESTIMATED \$2.7 BILLION & 20,000 JOBS



# SB 1383 Requirements

**2020**

**50 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE**  
(11.5 Million Tons Allowed Organic Waste Disposal)

**2022**

**REGULATIONS TAKE EFFECT**

**2025**

**75 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE**  
(5.7 Million Tons Allowed Organic Waste Disposal)

**2025**

**20 PERCENT INCREASE IN RECOVERY OF CURRENTLY  
DISPOSED EDIBLE FOOD**

# SB 1383 Key Implementation Dates



# SB 1383 Key Jurisdiction Dates

## 2022



Provide Organics Collection Service to All Residents and Businesses



Establish Edible Food Recovery Program



Conduct Education and Outreach



Procurement



Capacity Planning

## 2024



Starting January 1, 2024 Jurisdictions must take action against non compliant entities

# Jurisdiction Responsibilities

**Provide Organics  
Collection Services to All  
Residents and Businesses**



**Conduct Education and  
Outreach to Community**



**Secure Access to  
Recycling and Edible  
Food Recovery Capacity**



**Establish Edible Food  
Recovery Program**



**Procure Recyclable and  
Recovered Organic  
Products**



**Monitor Compliance  
and Conduct  
Enforcement**

# SB 1383 IN ACTION

## LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

SB 1383 doesn't just apply to waste management and recycling departments.

Every local department plays a role in SB 1383 implementation.



## SB 1383 IN ACTION

### JURISDICTION REQUIREMENTS



**Provide organics collection service to all residents and businesses**

## Organic Waste Collection Services



### Three-Container “source separated” Collection Service

- Organics prohibited from black container
- All organic waste segregated for collection and recycling



### Two-Container Collection Service

- One container for collection of segregated organic waste
- One container for collection of mixed waste (subject to 75% organic content recovery standard)



### One-Container Collection Service

- One container for collection of mixed waste (subject to 75% organic content recovery standard)

- Minimum contamination monitoring and reduction requirements
- Collection waivers authorized for certain documented circumstances

# SB 1383 IN ACTION

## EDIBLE FOOD RECOVERY PROGRAM



Establish Edible Food Recovery Program

# JURISDICTION REQUIREMENTS

Identify Existing Food Recovery Capacity

Expand Existing Food Recovery Capacity (if needed)

Monitor Commercial Edible Food Generators for Compliance

Ensure Commercial Edible Food Generators Have Access to Food Recovery Services



## SB 1383 IN ACTION

### EDUCATION REQUIREMENTS



**Conduct Education and Outreach to Community**

## JURISDICTION REQUIREMENTS

Annually educate all organic waste generators, commercial edible food generators, and self-haulers about relevant requirements

Jurisdictions must provide print or electronic communication.



Jurisdictions May Supplement with Direct Communication.



**Appropriate educational material must be provided to linguistically isolated households**

## SB 1383 IN ACTION

### PROCUREMENT REQUIREMENTS



**Procure Recycled and Recovered Organic Products**

## JURISDICTION REQUIREMENTS

### COMPOST, RNG & ELECTRICITY

- Minimum Procurement

### PAPER PROCUREMENT REQUIREMENTS

- Recycled Content
- Recyclability



# Construction & Landscaping Requirements



Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects

Model Water Efficient Landscape Ordinance (MWELo) requirements for compost and mulch application.



# ORGANIC WASTE RECYCLING INFRASTRUCTURE



SB 1383 Requires 50-100  
New or Expanded  
Organic Waste Recycling Facilities

# SB 1383 IN ACTION

## INFRASTRUCTURE REQUIREMENTS



**Evaluating Current Infrastructure and Planning New Compost and AD Facilities and Edible Food Recovery**



# SB 1383 IN ACTION

## INSPECTION AND ENFORCEMENT REQUIREMENTS



**Monitor Compliance and Conduct Enforcement**

## JURISDICTION REQUIREMENTS

### Ordinance 2022



Adopt an Ordinance  
(Enforceable Mechanism)  
Including Enforcement

### Compliance Monitoring & Education 2022-2024



Annual Compliance Reviews, Route Reviews, Inspections  
  
Educate Violators

### Compliance Monitoring & Enforcement 2024



Annual Compliance Reviews  
Route Reviews, Inspections, Notice of Violations, Penalties for Violators



# JURISDICTION ENFORCEMENT REQUIREMENTS



## Must Have Enforcement and Inspection Program that Includes:

- Annual Compliance Review
  - Commercial Businesses that Generate  $\geq 2$  Cubic Yards/week
  - Verify Businesses are:
    - Subscribed to Service or Self-hauling
- 2 or 3 Container Collection Service: Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination
- Single Unsegregated Collection Service: Verify Businesses are subscribed to a service that is Transporting Contents to a High Diversion Organic Waste Processing Facility

Requirements Harmonize with AB 1826 and Don't Establish a Minimum Quantity of Physical Inspections

## JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL FOOD GENERATORS



## Must Have Enforcement and Inspection Program that Includes:

- Inspections to verify:
  - Edible food Recovery arrangements
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections

# SB 1383 IN ACTION

## JURISDICTION REQUIREMENTS



**Maintain Records and Report to CalRecycle**

### Recordkeeping Requirements:



Organic Collection Services



Hauler Program



Contamination Minimization



Waivers



Education & Outreach



Edible Food Recovery Program



Recycled Organic Waste Procurement



Recycled Paper Procurement



Commercial Edible Food Generators



Jurisdiction Inspection & Enforcement



# STATE ENFORCEMENT



## CALRECYCLE OVERSIGHT (BEGINS IN 2022)



### Authorize Waivers

- Low Population
- Rural Areas

### Emergency Circumstances

### Oversee and Monitor

- State Agencies and Facilities
- Local Education Agencies



### Oversee and Monitor for Compliance

### Jurisdiction Review

- Conduct joint inspections with jurisdictions
- Review Implementation Record



### If Violations

- Issue Notices of Violation
- May Authorize Corrective Action Plan
- Allows up to 24 months to address barriers outside of a jurisdiction's control





<https://www2.calrecycle.ca.gov/Listservs/Subscribe/152>



<https://www.calrecycle.ca.gov/organics/slcp>



**Presenter's  
Contact Info**