



**CITY OF CORNING
CITY COUNCIL MEETING AGENDA
TUESDAY, NOVEMBER 9, 2021
CITY COUNCIL CHAMBERS
794 THIRD STREET**

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

A. **CALL TO ORDER:** 6:30 p.m.

B. **ROLL CALL:**

Council: Dave Demo
Karen Burnett
Shelly Hargens
Jose "Chuy" Valerio
Mayor: Robert Snow

C. **PLEDGE OF ALLEGIANCE:** Led by the City Manager.

D. **INVOCATION:** Led by Councilor Burnett.

E. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

F. **PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:** If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

G. **CONSENT AGENDA:** It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience request separate discussion and/or action.

1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.
2. Waive the reading and approve the Minutes of the October 26, 2021 City Council Closed Session and Regular Council Meeting with any necessary corrections:
3. November 3, 2021 Claim Warrant in the amount of \$232,642.99.
4. November 3, 2021 Business License Report.
5. October 2021 Wages & Salaries: \$371,374.28.
6. October 2021 Treasurer's Report.
7. October 2021 Building Permit Valuation Report in the amount of \$426,732.
8. October 2021 City of Corning Wastewater Operations Summary Report.

H. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

I. **PUBLIC HEARINGS AND MEETINGS:**

9. Public Hearing: Adopt Resolution 11-09-2021-01 approving the issuance of Bonds by California Statewide Communities Development Authority (CSCDA) for the Valley Terrace Apartments.

J. **REGULAR AGENDA:**

10. Adopt Ordinance No. 696, an Ordinance adopting Chapter 8.21 of the Corning Municipal Code for mandatory organic waste disposal reduction. (Introduction & 1st Reading)

11. **Adopt Resolution 11-09-2021-02, a Resolution adopting a Recovered Organic Waste Product Procurement Policy.**
12. **Accept Notice of Completion and authorize release of Retention Funds in the amount of \$16,423.45 to AIRCON ENERGY, INC. for energy related improvements to various City Facilities.**
13. **Authorize an additional donation and payment of \$6,000 to the Corning Senior Center to support operations during the COVID-19 Pandemic.**
14. **Authorize removal of approximately 15 trees from Woodson Park.**
15. **Approve required Dixie Fire Memorandum of Understanding (MOU) Agreement between the City of Corning and the County of Tehama to seek reimbursement of associated costs incurred by the City.**

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION:

M. REPORTS FROM MAYOR AND COUNCIL MEMBERS: City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

Demo:

Burnett:

Hargens:

Valerio:

Snow:

N. ADJOURNMENT!:

POSTED: FRIDAY, OCTOBER 8, 2021



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, OCTOBER 26, 2021
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

**Council: Dave Demo
Karen Burnett
Shelly Hargens
Jose "Chuy" Valerio
Mayor: Robert Snow**

All members of the City Council were present except Councilor Hargens.

C. PLEDGE OF ALLEGIANCE: Led by the City Manager

D. INVOCATION: Led by Councilor Burnett.

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

- 1. Justin Jenson, Tehama County Flood Control & Water Conservation District: Presentation and discussion on the Corning Subbasin and the Groundwater Sustainability Plan (GSP) draft Plan.**

Mr. Jenson provided a brief presentation on the Corning Subbasin and the proposed Groundwater Sustainability draft Plan (GSP). He stated that the goal is for each of the local Agencies to come together to develop and agree on plan, explaining that If we don't come together and develop a workable plan, the State will step in and that would not be good. He then responded to questions from Council and the audience. He announced that the vote to adopt the final GSP will be November 10th.

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

Diane Ramirez from Corning Disposal/Waste Management announced that she was here on two separate items:

- 1. To provide tips on greenwaste disposal and ask that no big wood be placed in greenwaste container and state that items should not be bagged. She also stated that contaminants or dead animals should not be placed containers. She announced If you need an extra cart, it is \$5.71/mo. She also announced what items could be dropped off at Disposal sight.**
- 2. Secondly on behalf of the Chamber of Commerce encourages/supports a shop local campaign. She provided information on a workshop on Wednesday, Nov. 3rd at 11:00 a.m. to learn how to use the site.**

G. CONSENT AGENDA:

- 2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 3. Waive the reading and approve the Minutes of October 12, 2021 Closed Session and Regular City Council Meeting with any necessary corrections.**
- 4. October 20, 2021 Claim Warrant in the amount of \$324,889.243.**
- 5. October 20, 2021, 2021 Business License Report.**
- 6. Authorize Letter of Support for Tehama County Transportation Commission's Sustainable Transportation Planning Grant for development of a Climate Adaptation Response Plan.**
- 7. Authorize payments for Invoices 21-216745-03 in the amount of \$69,525 under Task Order "B"; and 21-216746-02 in the amount of \$6,312.50 under Task Order "C" to Armstrong Consultants, Inc. for professional services for the Airport Master Plan.**

8. **Authorize payment of Invoice #22302 in the amount of \$9,776.13 to R.E.Y. Engineers for the West Street School Connectivity Project Engineering and Environmental Services.**
9. **Authorize payment of Invoice #22303 in the amount of \$5,521.07 to R.E.Y. Engineers for the West Street School Connectivity Project Engineering and Environmental Services.**

Councilor Valerio moved to approve Consent Items 2-9; Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, and Valerio. Absent: Hargens. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hargens absent.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA: None.

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

10. **Approve appropriation of \$10,700 from General Fund Reserves and authorize emergency purchase and installation of a new transfer switch in the amount of \$10,694.19 from Power Up Electric for the Police Department's Emergency backup generator**

Presented by Police Chief Jeremiah Fears who explained that this item is necessary so that the Departments backup generator remains operational to ensure the 24-7 operation of the City's Police Dispatch. He stated that the issue with the transfer switch was discovered during the recent monthly test.

Councilor Demo moved to approve the purchase and authorize the appropriation of \$10,700 from City General Fund Reserves to Police Capital Replacement Fund 2116 to fund this purchase. Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, and Valerio. Absent: Hargens. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hargens absent.**

11. **Approve Agreement with Chico State Enterprises for GIS related work in an amount not to exceed \$33,000 utilizing existing grant funding.**

City Manager Kristina Miller presented this item stating that the City had received a LEEP Grant and one of the designated items to be funded was the GIS update. She explained the benefit of this update and explained that with this update, the program will include streets, addresses, water/sewer, etc. This will benefit not only City Staff, but also Contractors and Developers by providing easy access to necessary information.

Councilor Burnett moved to approve the Agreement between the City of Corning and Chico State Enterprises for GIS related work as more fully described in the scope of work and authorize the City Manager to execute the Agreement. Councilor Demo seconded the motion. **Ayes: Snow, Demo, Burnett, and Valerio. Absent: Hargens. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hargens absent.**

12. **Authorization to suspend existing City Feral Cat Program and direct Staff to Explore future options.**

City Manager Kristina Miller presented this item and explained the reason Staff is seeking to suspend the existing City Feral Cat Program at this time. She stated if approved, Staff will then explore options to revise the program for future Council consideration.

Councilor Demo moved to suspend the existing City Feral Car Program and direct Staff to explore options for a revised program. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Burnett, and Valerio. Absent: Hargens. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Hargens absent.**

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None

L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION:

Council received a card from former employee and City Council Member Darlene Dickison thanking Council and Staff for the flowers sent following the recent death of her husband and former City Employee Victor Dickison.

M. REPORTS FROM MAYOR AND COUNCIL MEMBERS: City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

Demo: Reported on his attendance at the Tehama County Transportation Commission Meeting yesterday. He stated that not much is going on just asking for more funding for projects. He also announced that bottled water will be available at the Corning Fire Hall on Tuesdays and Thursdays from 3pm to 5pm.

Burnett: Reported on the Corning Senior Center events and announced that Corning Christian Assistance has been designated as a food storage site for their Emergency Food Program.

Hargens: Absent.

Valerio: Reported that Treat Street will be held on Friday, October 29th from 2pm to 5pm; Thursday, November 11th will be Corning in the Evening hosted by Cairo's Floral & Gifts from 5:30pm to 6:30pm; Saturday, and December 4th will be the Hometown Christmas parade from 5:30 pm to 6:30pm.

Snow: Nothing.

N. ADJOURNMENT!: 7:35 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING TECHNICIAN

DATE: November 4, 2021

SUBJECT: Cash Disbursement Detail Report for the
Tuesday November 9, 2021 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 10-29-21	\$	40,543.68
B.	Payroll Disbursements	Ending 10-29-21	\$	51,803.15
C.	Cash Disbursements	Ending 11-04-21	\$	99,427.25
D.	Payroll Disbursements	Ending 11-04-21	\$	80,687.06

GRAND TOTAL \$ 272,461.14

REPORT.: Oct 29 21 Friday
 RUN....: Oct 29 21 Time: 13:56
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 10-21 thru 10-21 Bank Account.: 1020

PAGE: 001
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
031936	10/22/21	AVI00	AVILA'S CHIMNEY SWEEPING	189.00	211022	BLD MAINT-AIRPORT
031937	10/26/21	GAB00	GABBARD, BRYAN	105.00	211026	REC INSTRUCTOR-REC
031938	10/27/21	BAS01	BASIC LABORATORY, INC	52.70 162.40 52.70	2110360 2110361 2110470	ProfServices Water Dept ProfServices Water Dept ProfServices Water Dept
Check Total.....:				267.80		
031939	10/27/21	BDI00	BDI	20.06	950213744	MAT & SUPPLIES-
031940	10/27/21	CHI06	CHICO POWER EQUIPMENT	33.23	335676	MAT & SUPPLIES-PARKS
031941	10/27/21	COM01	COMPUTER LOGISTICS, INC	3060.00	82830	EQUIP MAINT-
031942	10/27/21	COP02	COPY CENTER	34.40	18201	OFFICE SUPPLIES-WTR
031943	10/27/21	COR08	CORNING LUMBER CO INC	246.03	211025	BLD MAINT-
031944	10/27/21	COR11	CORNING SAFE & LOCK	11.85 221.63	9123 9126	MAT & SUPPLIES-STR MAT & SUPPLIES-SWR
Check Total.....:				233.48		
031945	10/27/21	DEP03	DEPT OF TRANS/CAL TRANS	1614.11	22003788	Equip.Maint. St&Trf Light
031946	10/27/21	DEP12	DEPT OF JUSTICE	35.00	541040	PROF SVCS-POLICE
031947	10/27/21	DHT00	DH TOOLS INC	46.07	102721355	SMALL TOOLS-
031948	10/27/21	FAI01	FAILSAFE TESTING, LLC	2098.15	11854	VEH OP/MAINT-FIRE
031949	10/27/21	GOL07	GOLDEN WEST INDUSTRIAL SU	364.52	2111015	SAFETY ITEMS-FIRE
031950	10/27/21	GRA02	GRAINGER, W.W., INC	268.83	909551955	MAT & SUPPLIES-BLD MAINT
031951	10/27/21	HOM03	HOME DEPOT	124.57	9012260	CLEANING CONTRACT-STR
031952	10/27/21	KNI00	KNIFE RIVER CONSTRUCTION	540.52	260712	A/C CITYWIDE-STR
031953	10/27/21	MIL11	MILL CREEK VETERINARY	70.00	136649	FERAL CAT PROGRAM-ACO
031954	10/27/21	PGE2B	PG&E	101.94	8050142-2	SOLAR-WWTP
031955	10/27/21	QUI02	QUILL CORPORATION	43.09	20261892	MAT & SUPPLIES-FIRE
031956	10/27/21	REV02	REVENUE & COST SPECIALIST	6105.00	9001	PROF SVCS-PW ADMIN
031957	10/27/21	RON03	RON DUPRATT FORD	414.44 334.49	254368 256002	VEH OP/MAINT-WTR VEH OP/MAINT-PARKS
Check Total.....:				748.93		
031958	10/27/21	TAN00	T AND S DVBE, INC.	467.11	21-2925	MAT & SUPPLIES-STR
031959	10/27/21	TEH38	TEHAMA COUNTY ANIMAL SERV	12716.10	211012	PROF SVCS-ACO
031960	10/27/21	WAL11	WALBERG INC.	337.50	6694	MAT & SUPPLIES-STR
031961	10/29/21	COM01	COMPUTER LOGISTICS, INC	7797.21	82825	RIMS & NETMOTION-POLICE CAP REPLAC
031962	10/29/21	FLE02	FLEMING, JOHN E.	1908.00	2021/1028	PROF SVCS-BLD & SAFETY
031963	10/29/21	INL01	INLAND BUSINESS SYSTEMS	111.66	IN2216183	COMMUNICATIONS-
031964	10/29/21	ROD10	RODRIGUEZ, JESENIA	495.50	211029	REC INSTRUCTOR-REC
031965	10/29/21	WEB02	WEBSTER, WAYNE C.	240.00	211029	REC INSTRUCTOR-REC
031966	10/29/21	\B081	MARIA BARAJAS	22.55	000C11001	MQ CUSTOMER REFUND FOR BAR0176
031967	10/29/21	\C103	CORNING CHRISTIAN ASSOC	9.00	000C11001	MQ CUSTOMER REFUND FOR COR0054
031968	10/29/21	\J089	PARKER JOHNSON	30.84	000C11001	MQ CUSTOMER REFUND FOR JOH0126
031969	10/29/21	\R092	ANGELICA RIVERA	36.37	000C11001	MQ CUSTOMER REFUND FOR RIV0016
031970	10/29/21	\S126	LINDA STIGALL	22.11	000C11001	MQ CUSTOMER REFUND FOR STI0001
Cash Account Total.....:				40543.68		
Total Disbursements.....:				40543.68		
Cash Account Total.....:				.00		

REPORT.: Oct 29 21 Friday
 RUN....: Oct 29 21 Time: 13:56
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 10-21 thru 10-21 Bank Account.: 1025

PAGE: 002
 ID #: PY-DP
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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
12812	10/29/21	AFL01	AMERICAN FAMILY LIFE	960.66 126.28	C11031 1C11031	AFLAC INS.PRE TAX AFLAC INS.AFTER TAX
Check Total.....:				1086.94		
12813	10/29/21	BLU02	BLUE SHIELD OF CALIFORNIA	20257.65	C11031	MEDICAL INSURANCE
12814	10/29/21	OEU01	OPERATING ENGINEERS #3	24905.00	C11031	MEDICAL INSURANCE
12815	10/29/21	OEU02	OPERATING ENG. (DUES)	396.00 726.00 567.00 767.00	C11031 1C11031 2C11031 3C11031	UNION DUES MGMNT UNION DUES POLICE UNION DUES DISPATCH UNION DUES-MISC
Check Total.....:				2456.00		
12816	10/29/21	PRI04	PRINCIPAL PLIC-SBD GRAND	2008.53 297.73 791.30	C11031 1C11031 2C11031	DENTAL INSURANCE VISION INSURANCE LIFE INSURANCE
Check Total.....:				3097.56		
Cash Account Total.....:				51803.15		
Total Disbursements.....:				51803.15		

REPORT.: Nov 04 21 Thursday
 RUN....: Nov 04 21 Time: 08:09
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 11-21 thru 11-21 Bank Account.: 1020

PAGE: 001
 ID #: PY-DP
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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
031971	11/01/21	ATT15	AT&T MOBILITY	708.77	211019	COMMUNICATIONS-
031972	11/01/21	BAS01	BASIC LABORATORY, INC	162.40	2110612	ProfServices Water Dept
031973	11/01/21	COR07	CORBIN WILLITS SYSTEMS, I	713.43	000C111011	EQUIP MAINT-FINANCE
031974	11/01/21	COR09	CORNING CHAMBER OF COMM.	1000.00	000C111011	CngChamberComm. Economic
031975	11/01/21	COR11	CORNING SAFE & LOCK	103.44	9127	MAT & SUPPLIES-WTR
031976	11/01/21	CRE03	CREATIVE PRODUCT SOURCE,	350.62	CPI092008	TRAINING/ED-FIRE
031977	11/01/21	DEM02	DEMO, DAVID LEWIS	104.70	000C111011	PROF SVCS-FIRE DEPT
031978	11/01/21	DEP03	DEPT OF TRANS/CAL TRANS	348.60	SL220392	Equip.Maint. St&Trf Light
031979	11/01/21	DM001	DM-TECH	119.90	202111011	COMMUNICATIONS-GEN CITY
031980	11/01/21	FAS02	FASTENAL COMPANY	10.07	CAREB1261	CLEANING CONTRACT-STR
031981	11/01/21	GRA02	GRAINGER, W.W., INC	94.88	910369772	SMALL TOOLS-
031982	11/01/21	KIN14	KINETICS ACADEMY OF DANCE	675.00	211101	REC INSTRUCTOR-REC
031983	11/01/21	MIS01	MISSION LINEN SUPPLY	129.30	515642070	MAT & SUPPLIES-PARKS
031984	11/01/21	MOO07	MOORE & BOGENER, INC.	5525.00	000C111031	CONSULTING SVCS-LGL SVCS
031985	11/01/21	OCH01	OCHOA CLEANING	4520.73	000C111011	JANITORIAL SERVICES-
031986	11/01/21	PGE04	PG&E	424.49	211029	TranspFacility-
031987	11/01/21	PGE2A	PG&E	65.31 76.93 42.36 190.24	211026 211028 211029 211028A	ELECT-CORNING COMMUNITY PARK ELECT-MARTINI PLAZA ELECT-CLELAND PROP ELECT-MCDONALD,CASSANDRA,SALADO L&L & TOOMES AVE
			Check Total.....	374.84		
031988	11/01/21	PGE2B	PG&E	9038.25	211026	ELECT-WWTP
031989	11/01/21	PIT01	PITNEY BOWES	183.80	000C111011	Rents/Leases Finance Dept
031990	11/01/21	SCH16	SCHLERETH, DAYMON WAYNE	54.70	000C111011	PROF SVCS-FIRE DEPT
031991	11/01/21	COR09	CORNING CHAMBER OF COMM.	4000.00	211101	CORNING CHAMBER OF COMMERCE-ECO DEV
031992	11/02/21	AIR00	AIRGAS USA, LLC	66.56	998402318	MAT & SUPPLIES-FIRE
031993	11/02/21	BUR08	BURNETT, KAREN S.	150.00	211102	REC INSTRUCTOR-REC
031994	11/02/21	CRO05	CROSS PETROLEUM	1919.83 603.78 81.47	CL14338 CL14731 CL14732	MAT & SUPPLIES- VEH OP/MAINT-FIRE VEH OP/MAINT-BLD & SAFETY
			Check Total.....	2605.08		
031995	11/02/21	HER05	HERNANDEZ, JUAN & MYKALA	500.00	211102	REFUND-PLANNING FEES
031996	11/02/21	MCC07	MCCOY'S HARDWARE & SUPPLY	1857.91	211027	MAT & SUPPLIES-
031997	11/02/21	PAT04	PATTON, JACQUELINE	120.00	211102	REC INSTRUCTOR-REC
031998	11/02/21	REV02	REVENUE & COST SPECIALIST	6270.00	9003	PROF SVCS-PW ADMIN
031999	11/02/21	WAR05	WARREN, DANA KARL	589.00	211102	REC INSTRUCTOR-REC
032000	11/03/21	ATT02	AT&T	120.70	17236276	COMMUNICATIONS-
032001	11/03/21	BAT01	BATTERIES PLUS	30.68	P45186922	MAT & SUPPLIES-POLICE
032002	11/03/21	CRO05	CROSS PETROLEUM	992.80	CL14339	VEH OP/MAINT-
032003	11/03/21	DRW00	DR. WELL WATER WELL SERVI	950.00 13200.00	14628 14693	WELL REPAIRS-WTR CAP IMPROV WELL REPAIRS-WTR CAP IMPROV
			Check Total.....	14150.00		
032004	11/03/21	ENG00	ENGINEERED FIRE SYSTEMS,	200.00	17991	PROF SVCS-BLD & SAFETY
032005	11/03/21	MUR02	MURRISON PH.D., KITT	425.00	CPD200	PROF SVCS-POLICE
032006	11/03/21	NAP01	NAPA AUTO PARTS	940.39	211025	VEH OP/MAINT-
032007	11/03/21	PAC29	PACE ANALYTICAL SERVICES,	52.70	2110746	PROF SVCS-WTR DEPT
032008	11/03/21	QUI02	QUILL CORPORATION	231.60	20426835	OFFICE SUPPLIES-
032009	11/03/21	SCH01	LES SCHWAB TIRE CENTER	1213.13 -307.06	00410684 00410690C	VEH OP/MAINT-POLICE VEH OP/MAINT-POLICE
			Check Total.....	906.07		
032010	11/03/21	WEB02	WEBSTER, WAYNE C.	60.00	211103	REC INSTRUCTOR-REC

REPORT.: Nov 04 21 Thursday
RUN....: Nov 04 21 Time: 08:09
Run By.: LORI SIMS

CITY OF CORNING
Cash Disbursement Detail Report
Check Listing for 11-21 thru 11-21 Bank Account.: 1020

PAGE: 002
ID #: PY-DP
CTL.: COR

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
032011	11/03/21	QUI02	QUILL CORPORATION	15.61	20463004	OFFICE SUPPLIES-FIRE
032012	11/03/21	THO01	THOMES CREEK ROCK CO	608.92	211031	MAT & SUPPLIES-STR
032013	11/03/21	XER00	XEROX CORPORATION	23.16	014757747	EQUIP MAINT-DISPATCH
032014	11/03/21	BUS01	BUSINESS CONNECTIONS	50.00	78560	PROF SVCS-PW ADMIN
032015	11/04/21	RIV04	RIVER CITIES COUNSELING,	39818.15	754	COUNSELOR-PROP 47 CYCLE 2
Cash Account Total.....:				99427.25		
Total Disbursements.....:				99427.25		
Cash Account Total.....:				.00		

REPORT.: Nov 04 21 Thursday
 RUN....: Nov 04 21 Time: 08:09
 Run By.: LORI SIMS

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 11-21 thru 11-21 Bank Account.: 1025

PAGE: 003
 ID #: PY-DP
 CTL.: COR

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
12825	11/03/21	BAN03	POLICE OFFICER ASSOC.	300.00	C11103	POLICE OFFICER ASSOC
12826	11/03/21	CAL37	CALIFORNIA STATE DISBURSE	138.46	C11103	WITHHOLDING ORDER
12827	11/03/21	EDD01	EMPLOYMENT DEVELOPMENT	5081.16 1645.76	C11103 1C11103	STATE INCOME TAX SDI
			Check Total.....	6726.92		
12828	11/03/21	FED00	FEDERAL PAYROLL TAXES (EF	14280.99 16953.16 3964.80	C11103 1C11103 2C11103	FEDERAL INCOME TAX FICA MEDICARE
			Check Total.....	35198.95		
12829	11/03/21	ICM01	ICMA RETIREMENT TRUST-457	4035.08 185.00	C11103 1C11103	ICMA DEF. COMP ICMA DEF. COMP ER PD
			Check Total.....	4220.08		
12830	11/03/21	PERS1	PUBLIC EMPLOYEES RETIRE	24334.73	C11103	PERS PAYROLL REMITTANCE
12831	11/03/21	PERS4	Cal Pers 457 Def. Comp	2670.59 497.50	C11103 1C11103	PERS DEF. COMP. PERS DEF. COMP. ER P
			Check Total.....	3168.09		
12832	11/03/21	TEH16	TEHAMA COUNTY SHERIFF'S O	110.89	C11103	WageOrder F#20000149
12833	11/03/21	VAL06	VALIC	2476.30 202.50	C11103 1C11103	AIG VALIC P TAX AIG VALIC P TAX ER P
			Check Total.....	2678.80		
12834	11/03/21	\BAN4	BANNER BANK-323371076	1050.00 590.14	C11103 1C11103	BANNER BANK-SAVINGS HSA DEDUCTIBLE
			Check Total.....	1640.14		
12835	11/03/21	\CCB1	CORNERSTONE COMMUNITY BAN	50.00 50.00 100.00	C11103 1C11103 2C11103	CORNERSTONE CMTY BNK CORNERSTONE CMTY BNK CORNERSTONE CMTY BNK
			Check Total.....	200.00		
12836	11/03/21	\OECU	OPER ENG FED CU-321176260	220.00	C11103	CREDIT UNION SAVINGS
12837	11/03/21	\WEL1	WELLS FARGO - 121042882	1750.00	C11103	WELLS FARGO
			Cash Account Total.....	80687.06		
			Total Disbursements.....	80687.06		
			=====			

Date.: Nov 3, 2021
Time.: 2:49 pm
Run by: LORI SIMS

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWB
Group: WTFMBM

Business Name	Address	CITY/STATE/ZIP	Business Desc	Bus Start Date
FLORES HVAC & CONSTR	2393 DURHAM DAYTON HWY	DURHAM, CA 95938	HEATING & AIR, CONSTRUCTION	10/27/21
NORTH VALLEY LLC	4640 NORTHGATE BLVD #115	SACRAMENTO, CA 95834	SOLAR INSTALLATION	10/29/21

CITY OF CORNING
TREASURER'S REPORT
OCTOBER 2021

<u>AGENCY</u>		<u>BALANCE</u>	<u>RATE</u>
Local Agency Investment Fund	\$	9,082,611.04	0.24%

Respectfully submitted:

Laura L. Calkins
City Treasurer



Monthly Permit Report

10/01/2021 - 10/31/2021

Permit #	Permit Date	Main Status	Parcel #	Parcel Address	Owner Name	Owner Address	Owner City	Owner Zip	Permit Type	Project Description	Project Cost
21287	10/28/2021	ISSUED	073-240-016-000	210 MARTY CT	MARLENE, JANIS TR MARLENE 2002 TRUST	210 MARTY CT	CORNING CA 96021		Building	REPLACE EXISTING TUB WITH A WALK-IN TUB, INSTALL 1 NEW 20-AMP CIRCUIT FOR THE TUB OUTLET, DRYWALL PATCH	\$9,500
21286	10/28/2021	ISSUED	071-203-012-000	2157 BLOSSOM AVE	HERNANDEZ, DANIEL	671 FRIPP AVE	Corning	96021	Solar	Ortiz Roof mounted PV solar - 8.36 kW - 22 panels - 1 inverter	\$22,000
21285	10/26/2021	ISSUED	071-271-026-000	1404 FIFTH AVE	Valencia Enrique Birrueta ETAL	1404 5th Ave.	Corning	96021	Fence	Replace existing 6' wood backyard fence	\$3,500
21284	10/26/2021	Waiting for Information/Plans	071-231-003-000	1186 LINK ST.	HERMILA OSEGUERA BARAJAS	3569 WOODSON AVE	CORNING	96021	Demo	demo of "E" SFD. OWNER PULLED REMODEL PERMIT, #21137 ALMOST 6 MONTHS AGO. NOW THAT IT HAS BEEN OPENED UP IT IS TOO MUCH FOR HIM TO DO. WANTS TO REMOVE AND BUILD NEW.	\$5,000
21283	10/26/2021	Duplicate Permit - Cancelled							Solar	revision for Permit #21203, layout change during install	\$0
21282	10/26/2021	ISSUED	071-056-006-000	1106 COLUSA ST	MARTINEZ, RICARDO	1106 COLUSA ST	Corning	96021	Mechanical	pkg unit changeout, 3 TON, 60K BTU	\$11,901
21281	10/26/2021	ISSUED	071-164-005-000	1409 MARIN ST	VIRAMONTES, JESSENIA	110 SOLANO ST	Corning	96021	Solar	14.63 kW PV ROOF MT ON RES	\$52,381
21280	10/25/2021	ISSUED	071-271-002-000	1390 FIFTH AVE	DAGORRET, JOHN PETE & DAGORRET, ROBIN K	6392 NAPA RD	Corning	96021	ReModel	REMODEL:NEW WINDOWS 7, PAINT, WALL HEATER, REAR WOODEN FENCE 6', NEW 100 AMP MSP, KITCHEN SINK AND CABNETS,FLOORING, WALL REPAIR AND DRYWALL WORK AND TEXTURE.	\$10,000
21279	10/22/2021	ISSUED	073-240-014-000	230 MARTY CT	SOLYANIK, ANATOLY	9286 SAN BENITO AVE	Gerber	96035	Electrical	Upgrade Electrical Panel from 100 amps. to 200 amps.	\$465
21278	10/21/2021	ISSUED	073-280-016-000	855 Stonefox St.	THAO, APIWAN	710 HOUGHTON AVE	Corning	96021	Solar	10.005 kW pv roof mount on residence	\$28,044
21277	10/18/2021	ISSUED	073-214-003-000	553 STANMAR DR	PENDERGRAFT, JAMES TRUSTEE A PENDERGRAFT TRUST 12/	553 STANMAR DR	CORNING CA 96021		HVAC	Changeout hvac system ground mount	\$10,000
21276	10/14/2021	Finald	071-020-024-000	1798 BLUE HERON CT	SERNA, SALOME J	1798 BLUE HERON CT	Corning	96021	Solar	INSTALL NEW ROOF MOUNT SOLAR PV 10.15KW 29 MODULES	\$46,476
21275	10/13/2021	ISSUED	071-122-003-000	1613 SOLANO ST	PELAYO, MARTIN P ETAL; DBA CORNING AUTO SALES & DETAILING	1613 Solano St.	Corning	96021	Building	INSTALL LIGHTED SIGN ABOVE BUILDING	\$500
21274	10/12/2021	Online Application	071-225-001-000	1587 KAUFMAN AVE	Mitchell Brodie C ETAL	P.O. Box 2942	Paradise	95967	Mechanical	Install 1 Ton Mitsubishi Mini split heat pump in living area.	\$3,580
21273	10/11/2021	ISSUED	071-061-008-000	2108 COLUSA ST	ENGBRETSSEN, SHIRLEY I	PO BOX 1389	Corning	96021	Roof	Complete Tear Off	\$8,550
21272	10/6/2021	ISSUED	071-204-020-000	2043 DONNOVAN AVE	GADBOIS, PAUL ETAL	2043 DONNOVAN AVE	Corning	96021	Solar	PV Solar Roof Mount 8.40 kW - 24 roof mounted modules	\$35,558
21271	10/4/2021	Finald	071-241-007-000	1290 FIFTH AVE	MOSKAL, ROBERT K &	1290 5TH AVE	Corning	96021	Solar	INSTALL 30 QCELL340 PANELS ON ROOF.	\$48,650

					MOSKAL, ERICA E						
21270	10/4/2021	Duplicate Permit - Cancelled	071-124-004- 000	1503 SOLANO ST	US BANK OF CALIFORNIA ATTN: R/E TAX DEPT	2800 EAST LAKE ST	MINNEAPOLIS	55406	Mechanical	replace 3 ,5 ton split system.with 3-new fan coll units and 2- 7.5 ton VRF condensing units.	\$43,572
21269	10/4/2021	Finaled	073-220-045- 000		MARTINEZ, LORENZO & ELIZABETH	651 FRIPP AVE	CORNING CA	96021	Roof	TEAR OFF REROOF.	\$4,200
21268	10/1/2021	Finaled	073-300-005	903 SUNNY STREET	Partida Francisco Muniz ETAL	1324 5th Ave.	Corning	96021	Solar	5.865 kW PV ROOF MOUNT ON RESIDENCE	\$19,445
21267	10/1/2021	Under Review	071-080-004- 000	674 TOOMES AVE	CORNING APTS; % PROFESSIONAL APT MGT INC	P.O. Box 1570	LODI	95241	Solar	NEW PV SYSTEM ON ROOF TOPS. two systems. 65.62 kw and 61.20 kw. for total of 126.82 kw.	\$63,410
											\$426,732

Total Records: 21

11/1/2021

Page: 1 of 1



CITY OF CORNIG WASTEWATER OPERATIONS SUMMARY REPORT OCTOBER 2021

Below is a summary of the monthly operations report that will be available for review on November 2021.

- Completed monthly reports
- Attended weekly Covid-19 awareness meeting
- Held staff meeting to discuss facility operations and issues
- Held daily safety tailgate meetings
- Inspected eyewash stations and emergency showers
- Completed testing of chemical release sensors
- Calibrated SO3 analyzer
- Inspected all fire extinguishers
- Calibrated gas detector
- Exercised emergency generator
- Submitted ESMR/DMR report to Regional Board
- Completed monthly receiving water sampling and analysis.
- Completed monthly facility inspection

- Mike Nilsen from the Regional Water Quality Control Board on site for plant inspection and to discuss possible changes to new discharge permit.
- Telstar on site for annual flow meter calibration
- Performed inspections of collection system trouble spots
- Cleaned trouble spots in sewer collection system
- Completed pretreatment inspections at Taco Bell, Burger King, McDonalds, Little Caesars and Jack in the Box.
- Inframark regional Health and Safety advisor on site to review Risk Management Program.
- Patterson Electric on site to troubleshoot hel sieve. Unit would not start found large piece of wood lodged in auger causing extensive damage to motor and gear box. Replacement parts have been ordered ETA 4 months.
- Collected annual municipal water samples and delivered to Basic Labs for analysis.
- Collected first required storm water sample
- Peterson Cat on site to perform annual generator maintenance. Inspection showed need for cooling system hose replacement, PWD approved quote.

October2021

Effluent Flow Monthly Average= 695,590 GPD

ITEM NO.: I-9
CITY COUNCIL ADOPT RESOLUTION
11-09-2021-01 APPROVING THE
ISSUANCE OF BONDS BY CSCDA
FOR THE VALLEY TERRACE
APARTMENTS

November 9, 2021

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: KRISTINA MILLER, CITY MANAGER 
JAMES HAMILL, MANAGING DIRECTOR, CSCDA

SUMMARY:

1. Conduct a Tax Equity and Fiscal Responsibility Act Hearing in consideration of the issuance of tax-exempt bond financing by the California Statewide Communities Development Authority (CSCDA) for the benefit of Highland Property Development LLC, to provide financing for the acquisition and rehabilitation of a 48-unit multifamily rental housing project known as Valley Terrace Apartments.
2. Adopt a Resolution approving the issuance of Bonds by the California Statewide Communities Development Authority not to exceed \$7,000,000, for the benefit of Highland Property Development LLC to provide financing for the acquisition and rehabilitation of a 48-unit multifamily rental housing project known as Valley Terrace Apartments.

PURPOSE:

Highland Property Development LLC (the "Borrower") has requested that the California Statewide Communities Development Authority ("CSCDA") serve as the municipal issuer of tax-exempt multi-family housing revenue bonds in an aggregate principal amount not to exceed \$7,000,000 (the "Bonds"). The proceeds of the Bonds will be used for the purpose of making a loan to the Borrower, to enable the Borrower to finance the acquisition and rehabilitation of the Valley Terrace Apartments located at 982 Toomes Avenue, Corning, California (the "Project"), which will be owned by the Borrower. CSCDA issued Bonds for the Project in 2005. The current financing will allow for upgrades to the units and extend the affordability covenants for another 55 years.

DISCUSSION:

In order for all, or a portion of the Bonds to qualify as tax-exempt Bonds, the City of Corning ("City") must conduct a public hearing (the "TEFRA Hearing") providing the members of the community an opportunity to speak in favor of, or against, the use of tax-exempt Bonds for the financing of the Project. Adoption of the Resolution is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act (TEFRA), the Internal Revenue Code, and the California Government Code Section 6500 (and following). Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an "applicable elected representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project. A public notice was published on October 27, 2021 (Attachment 1).

CSCDA is a joint powers authority founded and sponsored by the League of California Cities ("CalCities") and the California State Association of Counties ("CSAC"). CSCDA was created by the CalCities and CSAC in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public

benefit, contribute to social and economic growth, and improve the overall quality of life in local communities throughout California. CSCDA is comprised of more than 530 members, including the City of Corning who joined in 2004. CSCDA has issued more than \$65 billion through 1,600 plus financings since 1988.

BUDGET IMPACT:

There is no fiscal impact to the City. The Bonds will be issued as limited obligations of CSCDA, payable solely from revenues and receipts derived from a loan to be made by CSCDA to the Borrower with the Bond proceeds. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance and is not named in any of the disclosure documents describing the Bonds or the proposed financing.

RECOMMENDATION:

HAVING CONDUCTED THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT HEARING, ADOPT RESOLUTION 11-09-2021-01 APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY IN AN AMOUNT NOT TO EXCEED \$7,000,000 FOR THE BENEFIT OF HIGHLAND PROPERTY DEVELOPMENT LLC, FOR FINANCING THE ACQUISITION AND REHABILITATION OF VALLEY TERRACE APARTMENTS.

ATTACHMENTS:

- 1) Public Notice
- 2) City of Corning Resolution 10-09-2021-01

**NOTICE OF PUBLIC HEARING
REGARDING ISSUANCE OF
MULTIFAMILY HOUSING REVENUE BONDS FOR
VALLEY TERRACE APARTMENTS**

NOTICE IS HEREBY GIVEN that, at 6:30 p.m., or as soon thereafter as the matter can be heard, on Tuesday, November 9, 2021, at the City Council Chambers, 794 Third Street, Corning, California, the City Council of the City of Corning (the "City") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), at which it will hear and consider information concerning a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$7,000,000 in outstanding aggregate principal amount, to finance or refinance the acquisition, rehabilitation and development of a multifamily rental housing project located at 982 Toomes Avenue, Corning, California. The facilities are to be owned by a partnership of which Highland Property Development LLC (the "Developer") or a related person to the Developer is the general partner (the "Project").

Those wishing to comment on the proposed financing or refinancing and the nature and location of the Project may either appear in person at the public hearing or submit written comments, which must be received by the City prior to the hearing. Written comments should be sent to City of Corning at 794 Third Street, Corning, California 96021 Attention: City Clerk.

CITY CLERK
CITY OF CORNING

Published: Wednesday, October 27, 2021

RESOLUTION NO.: 11-09-2021-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING APPROVING
THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT
AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE VALLEY
TERRACE APARTMENTS**

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Corning (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, a partnership of which Highland Property Development LLC (the "Developer") or a related person to the Developer is the general partner, has requested that the Authority adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$7,000,000 in outstanding aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, rehabilitation and development of a multifamily rental housing project located at 982 Toomes Avenue, Corning, California (the "Project"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORNING AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this Resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. This Resolution shall take effect immediately upon its passage.

ADOPTED by the City Council of the City of Corning at a regular meeting of said Council held on the 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

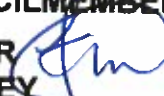
Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

ITEM NO.: J- 10
ORDINANCE NO. 696, AN ORDINANCE
ADOPTING CHAPTER 8.21 OF THE
CORNING MUNICIPAL CODE PERTAINING
TO MANDATORY ORGANIC WASTE
DISPOSAL REDUCTION. (First Reading &
Introduction)

November 9, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER, CITY MANAGER 
COLLIN BOGENER, CITY ATTORNEY

BACKGROUND:

In September of 2016, Governor Brown signed into law SB 1383 (Lara), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in some California sectors. The new law codifies the California Air Resources Board's Short-Lived Climate Pollutant Strategy to achieve reductions in statewide emissions of short-lived climate pollutants.

As it relates to solid waste, SB 1383 established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. The law provides CalRecycle with the regulatory authority required to achieve the organic waste disposal reduction targets. As such, adopted regulations place requirements on multiple entities, including jurisdictions, residential households, commercial businesses and multi-family dwellings, edible food generators, commercial haulers, self-haulers, food recovery organizations, and food recovery services in order to support the achievement of statewide organic waste disposal reduction targets. SB 1383 regulations require jurisdictions to adopt and enforce an Ordinance or other enforceable mechanism to implement relevant provisions of the regulations.

FINANCIAL IMPACT:

The recommended action would result in an as yet undetermined fiscal impact for the City and the Tehama County Solid Waste Management Agency related to staff time and resources involved in assessing compliance by organic waste generators. At this time, there is no additional fiscal impact to the City.

RECOMMENDATION:

MAYOR AND COUNCIL:

- MOVE TO WAIVE THE READING AND INTRODUCE ORDINANCE 696, AN ORDINANCE OF THE CITY OF CORNING ADOPTING CHAPTER 8.21 OF THE CORNING MUNICIPAL CODE PERTAINING TO MANDATORY ORGANIC WASTE DISPOSAL REDUCTION WITHIN THE CITY OF CORNING
- APPROVE SUMMARY ORDINANCE 696 FOR PUBLICATION PURPOSES; AND
- DIRECT THE CITY CLERK TO READ THE ORDINANCE BY TITLE ONLY.

ATTACHMENTS

Exhibit "A" Proposed Ordinance No. 696 and Summary Ordinance 696

ORDINANCE NO. 696

City of Corning Mandatory Organic Waste Disposal Reduction Ordinance

An Ordinance creating Chapter 8.21 of the City of Corning Code, relating to the requirements for the reduction of organic waste disposal.

The City Council of the City of Corning ordains as follows:

Chapter 8.21 is hereby added as follows: **Mandatory Organic Waste Disposal Reduction.**

- 8.21.010 Title
- 8.21.020 Purpose and Findings
- 8.21.030 Definitions
- 8.21.040 Requirements for Single Family Generators
- 8.21.050 Requirements for Commercial Businesses
- 8.21.060 Waivers for Generators
- 8.21.070 Requirements for Commercial Edible Food Generators
- 8.21.080 Requirements for Food Recovery Organizations and Services, Jurisdictions, and Regional Agencies
- 8.21.090 Requirements for Haulers and Facility Operators
- 8.21.100 Self-Hauler Requirements
- 8.21.110 Compliance with CalGreen Recycling Requirements
- 8.21.120 Model Water Efficient Landscaping Ordinance Requirements
- 8.21.130 Procurement Requirements for Jurisdiction Departments, Direct Service Providers, and Vendors
- 8.21.140 Inspections and Investigations by Jurisdiction
- 8.21.150 Enforcement
- 8.21.160 Effective Date
- 8.21.010 TITLE.

This Chapter may be cited as the Mandatory Organic Waste Disposal Reduction Ordinance.

8.21.020 PURPOSE AND FINDINGS

The City of Corning finds and declares:

- (a) 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 generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources

Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.

- (c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires Jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires Jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including Jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- (e) 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. This Ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

8.21.030 DEFINITIONS

- (a) "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- (b) "Brown Container" means a brown container that shall be used for the purpose of storage and collection of Source Separated Brown Container Organic Waste.
- (c) "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).
- (d) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- (e) "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Ordinance.

- (f) "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (g) "Compliance Review" means a review of records by a Jurisdiction or Regional Agency to determine compliance with this Ordinance.
- (h) "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).
- (i) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- (j) "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- (k) "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (l) "C&D" means construction and demolition debris.
- (m) "Designated Source Separated Organic Waste Facility", as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:
 - (1) The facility is a "transfer/processor," as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.
 - (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility".
 - (2) The facility is a "composting operation" or "composting facility" as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable,

complies with the digestate handling requirements specified in 14 CCR Section 17896.5.

- (n) "Designee" means an entity that a Jurisdiction contracts with or otherwise arranges to carry out any of the Jurisdiction's responsibilities of this Ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (o) "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (p) "Enforcement Action" means an action of the Jurisdiction to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (q) "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 Jurisdiction and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or Ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in Jurisdictions, 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 Jurisdiction, 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. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and latex paint when such materials are defined as allowable materials for collection through the Jurisdiction's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by Jurisdiction or its Designee for collection services
- (r) "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).
- (s) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (t) "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).
- (u) "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 Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

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

- (v) "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 Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (w) "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (x) "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).
- (y) "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- (z) "Food Waste" means Food Scraps and Food-Soiled Paper.
- (aa) "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- (bb) "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three or three-plus container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- (cc) "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- (dd) "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).

- (ee) "Hauler Route" means the designated itinerary or sequence of stops for each segment of the Jurisdiction's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (ff) "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).
- (gg) "Inspection" means a site visit where a Jurisdiction or Regional Agency reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (hh) "Jurisdiction" means City of Corning.
- (ii) "Jurisdiction Enforcement Official" means City Manager or their authorized Designee(s) who is/are partially or whole responsible for enforcing the Ordinance.
- (jj) "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 Ordinance.
- (kk) "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 Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.
- (ll) "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, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (mm) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (nn) "MWELo" refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

- (oo) "Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- (pp) "Non-Local Entity" means the following entities that are not subject to the Jurisdiction's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
- (1) Federal facilities, including federal parks, located within the boundaries of the Jurisdiction.
 - (2) Facilities operated by the State Park system located within the boundaries of the Jurisdiction.
 - (3) Public universities (including community colleges) located within the boundaries of the Jurisdiction.
 - (4) County fairgrounds located within the boundaries of the Jurisdiction.
 - (5) State agencies located within the boundaries of the Jurisdiction.
- (qq) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics, and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- (rr) "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.
- (ss) "Organic Waste" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (tt) "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (uu) "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).
- (vv) "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).
- (ww) "Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the Jurisdiction's Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Jurisdiction's Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in Jurisdiction's Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

- (xx) "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (yy) "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).
- (zz) "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).
- (aaa) "Regional Agency" means the Tehama County Solid Waste Management Agency, a regional agency as defined in Public Resources Code Section 40181.
- (bbb) "Regional Enforcement Official" means an employee of the Tehama County Solid Waste Management Agency, designated by the Jurisdiction with responsibility for enforcing the Ordinance in conjunction or consultation with Jurisdiction Enforcement Official.
- (ccc) "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Brown Containers, Green Containers and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (ddd) "Renewable Gas" means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- (eee) "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).
- (fff) "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).
- (ggg) "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.
- (hhh) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (iii) "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

- (jjj) "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (kkk) "Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible 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.
- (lll) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the Ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- (mmm) "Source Separated Blue Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).
- (nnn) "Source Separated Brown Container Organic Waste" means Source Separated Organic Waste limited to Food Waste that can be placed in a Brown Container specifically intended for the separate collection of Organic Waste by the Generator.
- (ooo) "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, Source Separated Brown Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- (ppp) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

- (qqq) "State" means the State of California.
- (rrr) "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).
- (sss) "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 Ordinance.

- (ttt) "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 Ordinance.

- (uuu) "Uncontainerized Green Waste and Yard Waste Collection Service" or "Uncontainerized Service" means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator's house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(75).
- (vvv) "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, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 18982(a)(76).

8.21.040 REQUIREMENTS FOR SINGLE-FAMILY GENERATORS

By January 1, 2027, Single-Family Generators shall comply with the following requirements:

- (a) Shall subscribe to Jurisdiction's four container collection service for all Organic Waste generated as described below in Section 4(b). Jurisdiction 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; and, Single-Family generators shall adjust its service level for its collection services as requested by the Jurisdiction. Single-Family Organic Waste Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Shall participate in the Jurisdiction's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.
 - (1) Generator shall place Source Separated Green Container Organic Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; Source Separated Brown Container Organic Waste in the Brown Container, and Gray Container Waste in the Gray Container. Single-Family Organic Waste Generator shall not place materials designated for the Brown Containers, Green Containers or Blue Containers in the Gray Containers.

8.21.050 REQUIREMENTS FOR COMMERCIAL BUSINESSES

By January 1, 2027, generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- (a) Subscribe to Jurisdiction's four container service and comply with requirements of those services as described below in 8.21.050(b). Jurisdiction shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the Jurisdiction.
- (b) Participate in the Jurisdiction's Organic Waste collection service(s) by placing designated materials in designated containers as described below.
 - (1) Generator shall place Source Separated Green Container Organic Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; Source Separated Brown Container Organic Waste in the Brown Container, and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Brown Containers, Green Containers or Blue Containers in the Gray Containers.
- (c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 6(d)(1) and 6(d)(2) below) for employees, contractors, tenants, and customers, consistent with Jurisdiction's Blue Container, Brown Container, Green Container, and Gray Container collection service.
- (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Brown Container Organic Waste, Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas

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

- (1) A body or lid that conforms with the container colors provided through the collection service provided by Jurisdiction, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2027.
- (e) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements in Section 6(d) pursuant to 14 CCR Section 18984.9(b) inside the dwelling units.
 - (f) To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees, contractors, tenants, and customers from placing materials in a container not designated for those materials per the Jurisdiction's Blue Container, Brown Container, Green Container, and Gray Container collection service.
 - (g) Excluding Multi-Family Residential Dwellings, quarterly inspect Blue Containers, Brown Containers, Green Containers, and Gray Containers for contamination and inform employees, contractors, tenants, and customers if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3). Records of inspections shall be made available upon request by the Jurisdiction or Regional Agency.
 - (h) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Brown Container Organic Waste, Source Separated Green Container Organic waste and Source Separated Recyclable Materials.
 - (i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Brown Container Organic Waste, Source Separated Green Material Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
 - (j) Provide or arrange access for Jurisdiction or its agent to their properties during all Inspections conducted in accordance with 8.21.150 of this Ordinance to confirm compliance with the requirements of this Ordinance.
 - (k) Accommodate and cooperate with Jurisdiction's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with 8.21.050(b).

- (l) At Commercial Business's option and subject to any approval required from the Jurisdiction, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Brown Containers, Green Containers and Gray Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Brown Containers, Green Containers, and Gray Containers subject to written notification to or approval by the Jurisdiction or its Designee, or the Regional Agency.
- (m) If a Commercial Business self-hauls Solid Waste in excess of the capacity it has through the Jurisdiction's Organic Waste collection service, it must meet the Self-Hauler requirements in 8.21.100 of this Ordinance.
- (n) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (o) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to 8.21.070.

8.21.060 WAIVERS FOR GENERATORS

- (a) De Minimis Waivers: a Jurisdiction or Regional Agency may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in 8.21.060(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
 - (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in 8.21.060(a)(2) below.
 - (2) Provide documentation that either:
 - (A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container, Brown container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container, Brown Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - (3) Notify Jurisdiction if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - (4) Provide written verification of eligibility for de minimis waiver every 5 years, if Jurisdiction has approved de minimis waiver.
- (b) Physical Space Waivers: A Jurisdiction or Regional Agency may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the Jurisdiction has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for

the collection containers required for compliance with the Organic Waste collection requirements of 8.21.040 or 8.21.050.

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

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
 - (2) Provide documentation that the premises lacks adequate space for Blue Containers, Brown Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 - (3) Provide written verification to Jurisdiction that it is still eligible for physical space waiver every five years, if Jurisdiction has approved application for a physical space waiver.
- (c) Collection Frequency Waiver: Jurisdiction or Regional Agency, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the Jurisdiction's four-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both, once every fourteen days, rather than once per week. A collection frequency waiver may be requested by submitting an application to arrange for collection every fourteen days.

A Commercial Business or property owner may request a collection frequency waiver through the following process:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- (2) Provide documentation that the Blue Container, Gray Container, or both, does not contain putrescible waste.
- (3) Provide written verification to Jurisdiction that it is still eligible for collection frequency waiver every five years, if Jurisdiction has approved application for a collection frequency waiver.

8.21.070 REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 8.21.070 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery;

- or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
- (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Allow Jurisdiction's designated enforcement entity or Regional Agency 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) No later than March 1 of each year commencing no later than 2023 for Tier One Commercial Edible Food Generators and 2025 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the Regional Agency that includes all information listed above in 8.21.070(c)(5).
- (d) Nothing in this Ordinance 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).

8.21.080 REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES, JURISDICTION AND REGIONAL AGENCY

- (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) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the Jurisdiction 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 Regional Agency 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) no later than March 1.
- (d) Food Recovery Capacity Planning
- (1) Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the Jurisdiction or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the Jurisdiction shall provide information and consultation to the Jurisdiction and Regional Agency, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the Jurisdiction and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the Jurisdiction or Regional Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Jurisdiction or Regional Agency.

8.21.090 REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS

(a) Requirements for Haulers

- (1) By January 1, 2027, exclusive franchised haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the Jurisdiction's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the Jurisdiction to collect Organic Waste:
 - (A) Through written notice to the Jurisdiction annually on or before October 1 for the following calendar year, exclusive franchise haulers must identify

the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Brown Container Organic Waste and Source Separated Green Container Organic Waste. At its discretion, the Jurisdiction may direct the exclusive franchise haulers to use certain facilities. If the Jurisdiction chooses to exercise this right, the exclusive franchise haulers shall follow the Jurisdiction's direction and provide alternative facilities that may be used in the event the selected facilities are temporarily or permanently rejecting Solid Waste.

- (B) Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste and Source Separated Brown Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the Jurisdiction 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, 8.21.110 of this Ordinance.
- (2) Exclusive franchise haulers authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with Jurisdiction.
- (b) Requirements for Facility Operators and Community Composting Operations
- (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon Jurisdiction 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 Jurisdiction shall respond within 60 days.
 - (2) Community Composting operators, upon Jurisdiction request, shall provide information to the Jurisdiction 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 Jurisdiction shall respond within 60 days.

8.21.100 SELF-HAULER REQUIREMENTS

By January 1, 2027:

- (a) Self-Haulers shall source separate all Source Separated Recyclable Materials and Organic Waste (materials that Jurisdiction otherwise requires generators to separate for collection in the Jurisdiction's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Brown Container and Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

- (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the Jurisdiction. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the waste.
 - (2) The amount of material in cubic yards or tons transported by the generator 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 Organic Waste.
- (d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 8.21.100(c) to Jurisdiction or Regional Agency if requested.
- (e) A residential Organic Waste Generator that selfhauls Organic Waste is not required to record or report information in Section 8.21.100(c) and (d).

8.21.110 COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS

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

Project applicants shall refer to Jurisdiction's Building Department for complete CALGreen requirements.

- (b) For projects covered by CALGreen, the applicants must, as a condition of the Jurisdiction's permit approval, comply with the following:
 - (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container, Brown Container and Green Container materials, consistent with the four-container collection program offered by the Jurisdiction, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
 - (2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container, Brown Container and Green Container materials, consistent with the four-container collection program offered by the Jurisdiction, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended

provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

- (3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with and all written and published Jurisdiction policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

8.21.120 MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the Jurisdiction, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Compost and mulch as delineated in this Section 8.21.120.
- (b) The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this Ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.
- (c) Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 8.21.120(a) above shall:
 - (1) Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
 - (A) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (B) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - (C) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local Ordinances.
 - (2) The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 8.21.120(a) shall consult the full MWELO for all requirements.
- (d) If, after the adoption of this Ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO September 15, 2015 requirements in a manner that requires Jurisdictions to incorporate the requirements of an updated MWELO in a local

Ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

8.21.130 PROCUREMENT REQUIREMENTS FOR JURISDICTION DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS

- (a) Jurisdiction departments, and direct service providers to the Jurisdiction, as applicable, must comply with the Jurisdiction's Recovered Organic Waste Product Procurement Policy adopted on November 9, 2021.

8.21.140 INSPECTIONS AND INVESTIGATIONS BY JURISDICTION AND REGIONAL AGENCY

- (a) Jurisdiction and Regional Agency representatives, and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow Jurisdiction to enter a private residential property for inspection other than areas accessed during regular collection service.
- (b) Organic Waste Generator shall provide or arrange for access during all Inspections and shall cooperate with the Jurisdiction's or Regional Agency's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties described.
- (c) Any records obtained by a Jurisdiction or Regional Agency 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) Jurisdiction and Regional Agency representatives, its designated entity, and/or Designee are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (e) Jurisdiction or Regional Agency shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.21.150 ENFORCEMENT

- (a) Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a Jurisdiction Enforcement Official or representative. Enforcement Actions under this Ordinance include issuance of an administrative citations and assessment of a fines. The Jurisdiction's procedures on imposition of administrative fines 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 Ordinance and any rule or regulation adopted pursuant to this Ordinance, except as otherwise indicated in this Ordinance.

(b) Other remedies allowed by law may be used, including but not limited to civil action or prosecution as misdemeanor or infraction. Jurisdiction may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. Jurisdiction 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 Jurisdiction staff and resources.

(c) Responsible Entity for Enforcement

- (1) Enforcement pursuant to this Ordinance may be undertaken by the Jurisdiction Enforcement Official, or their designated entity, legal counsel, or combination thereof.
- (2) Enforcement recommendations may be made by a Regional Enforcement Official, in consultation with Jurisdiction Enforcement Official.
 - (A) Regional Enforcement Official will interpret Ordinance; determine the applicability of waivers, if violation(s) have occurred; recommend Enforcement Actions; and, determine if compliance standards are met.
 - (B) Jurisdiction Enforcement Official(s) will issue Notices of Violation(s).

(d) Process for Enforcement

- (1) Regional Enforcement Officials and/or their Designee will monitor compliance with the Ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 8.21.140 establishes Jurisdiction's and Regional Agency's right to conduct Inspections and investigations.
- (2) Jurisdiction may issue an official notification to notify regulated entities of its obligations under the Ordinance.
- (3) Jurisdiction shall issue a Notice of Violation within 60 days of the violation, requiring compliance within 60 days of issuance of the notice.
- (4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, Jurisdiction shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the Jurisdiction's requirements.

Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the Jurisdiction or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$50 for Single-Family Generators and shall be \$100 per violation for Commercial Businesses.
- (2) For a second violation, the amount of the base penalty shall be \$100 for Single-Family Generators and shall be \$200 per violation for Commercial Businesses.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250 for Single-Family Generators and shall be and shall be \$500 per violation for Commercial Businesses.

(f) Compliance Deadline Extension Considerations

The Jurisdiction may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 8.21.150 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 Jurisdiction 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 Jurisdiction's procedures in the Jurisdiction's codes for appeals of administrative citations. Evidence may be presented at the hearing. The Jurisdiction will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(h) Education Period for Non-Compliance

Except for the requirements of Sections 8.21.040 and 8.21.050, beginning January 1, 2022 and through December 31, 2023, Regional Agency will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the Regional Agency or Jurisdiction determines that Organic Waste Generator, 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 Ordinance 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. For the requirements of Sections 8.21.040 and 8.21.050, violations may be subject to administrative penalties starting on January 1, 2027.

(i) Civil Penalties for Non-Compliance

Except for the requirements of Sections 8.21.040 and 8.21.050, beginning January 1, 2024, if the Regional Agency determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Ordinance, it shall document the noncompliance and recommend a violation to Jurisdiction. Jurisdiction will issue a Notice of Violation, and take Enforcement Action pursuant to Section 8.21.150, as needed. For the requirements of Sections 8.21.040 and 8.21.050, violations will be subject Enforcement Action pursuant to Section 8.21.150 January 1, 2027.

(j) Enforcement Table

Table 1. List of Violations

Requirement	Description of Violation
Single-Family Generators, Commercial Business and Commercial Business Owner Responsibility Requirement	Single-Family Generators or Commercial Business, including Multi-Family Dwellings, fails to provide or arrange for Organic Waste collection services consistent with Jurisdiction requirements and as outlined in this Ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color by January 1, 2027.
Organic Waste Generator Requirement	Organic Waste Generator fails to comply with requirements adopted pursuant to this Ordinance for the collection and Recovery of Organic Waste by January 1, 2027.
Hauler Requirement	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this Ordinance by January 1, 2027.
Hauler Requirement	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the Jurisdiction to haul Organic Waste as prescribed by this Ordinance by January 1, 2027.
Hauler Requirement	A hauler fails to keep a record of the applicable documentation of its approval by the Jurisdiction, as prescribed by this Ordinance.
Self-Hauler Requirement	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b) by January 1, 2027.
Commercial Edible Food Generator Requirement	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.

Generator, Food Recovery Organization or Food Recovery Service	
Recordkeeping Requirements for Commercial Edible Food Generator	Tier One or Tier Two Commercial Edible Food Generator fails to keep records.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 8.21.080.

8.21.160 EFFECTIVE DATE

This Ordinance shall be effective commencing on January 1, 2022 or 30 days after adoption, whichever is later.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Corning, State of California, on this 9th day of November 2021 to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

SUMMARY ORDINANCE NO. 695

**A SUMMARY OF ORDINANCE NO. 696 ADOPTING CHAPTER 8.21 OF THE CITY OF
CORNING MUNICIPAL CODE FOR MANDATORY ORGANIC WASTE DISPOSAL
REDUCTION**

Pursuant to Government Code Section 36933(c), the following constitutes a summary of Ordinance No. 696 introduced at the Corning City Council meeting on November 9, 2021 and scheduled for consideration of adoption on November 23, 2021 at its regularly scheduled meeting held in the City Council Chambers located at 794 Third Street, Corning, CA.

The purpose of Ordinance No. 696 is to create an enforcement mechanism to implement relevant provisions of Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016. The chapter will regulate all organic waste generators, including single-family generators and commercial businesses, which includes multi-family generators. Sections of the Ordinance also impose requirements on food recovery services, organic waste facility operators, and organic waste haulers, including self-haulers. The proposed Ordinance further includes a section pertaining to enforcement for violations, which outlines the notice to the violator and penalties imposed, along with an appeal process.

A certified copy of the full text of the Ordinance is posted for review in the City Clerk's Office located at 794 Third Street, Corning, CA. This Ordinance shall be in full force and effective January 1, 2022 and shall be published as required by law.

Lisa Linnet, Corning City Clerk

Posted at Corning City Hall and published on November 3, 2021

ITEM NO.: J- 11
ADOPT RESOLUTION 11-09-2021-02,
A RESOLUTION ADOPTING A
RECOVERED ORGANIC WASTE
PRODUCT PROCUREMENT POLICY.

November 9, 2021

TO: CITY COUNCIL OF THE CITY OF CORNING
FROM: KRISTINA MILLER, CITY MANAGER



BACKGROUND:

In September of 2016, Governor Brown signed into law SB 1383 (Lara), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in some California sectors. The new law codifies the California Air Resources Board's Short-Lived Climate Pollutant Strategy to achieve reductions in statewide emissions of short-lived climate pollutants.

As it relates to solid waste, SB 1383 established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. The law provides CalRecycle with the regulatory authority required to achieve the organic waste disposal reduction targets. As such, adopted regulations place requirements on multiple entities, including jurisdictions, residential households, commercial businesses and multi-family dwellings, edible food generators, commercial haulers, self-haulers, food recovery organizations, and food recovery services in order to support the achievement of statewide organic waste disposal reduction targets.

SB 1383 regulations require jurisdictions to:

1. Beginning January 1, 2027 for jurisdictions with a rural exemption, annually procure for use or giveaway a quantity of recovered organic waste products that meets or exceeds its annual target; and
2. Beginning January 1, 2022, if fitness, quality, and cost are equal, require all departments and vendors to purchase recycled content paper products that consist of at least 30% postconsumer fiber and can be recycled.

FINANCIAL IMPACT:

The recommended action would result in an as yet undetermined fiscal impact for the City and the Tehama County Solid Waste Management Agency related to staff time and resources involved in assessing compliance by departments with the Recovered Organic Waste Product Procurement Policy. At this time, there is no additional City fiscal impact.

RECOMMENDATION:

MAYOR AND COUNCIL:

- **ADOPT RESOLUTION NO. 11-09-2021-02, A RESOLUTION ADOPTING A RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY.**

RESOLUTION NO.: 11-09-2021-02

**A RESOLUTION OF THE CITY OF CORNING CITY COUNCIL AUTHORIZATION
ADOPTING A RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT
POLICY**

WHEREAS, Senate Bill 1383 was adopted by the California legislature in 2016, titled the Short-lived Climate Pollutant Reduction Act of 2016 ("SB 1383") with the purpose of developing regulations to reduce organics in landfills as a source of methane; and

WHEREAS, SB 1382 requires jurisdictions to procure a targeted amount of organic waste products in the form of compost, mulch, renewable natural gas, and/or electricity generated from biomass conversion; and

WHEREAS, SB 1383 also requires a jurisdiction to procure paper that is recyclable and contains at least 30 percent of post-consumer recycled content; and

WHEREAS, the City Council of the City of Corning would like to adopt a policy to meet the requirements of SB 1383 with said policy attached as Exhibit "A" to this resolution and titled "Recovered Organic Waste Product Procurement Policy," and

WHEREAS, the purpose of the policy, in addition to SB 1383 compliance, is to (1) protect and conserve natural resources, water and energy, (2) minimize the jurisdiction's contribution to pollution and solid waste disposal, and (3) comply with state requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase recycled content paper products and recycled-content printing and writing paper.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Corning hereby adopts the Recovered Organic Waste Product Procurement Policy as a policy of the City.

The foregoing Resolution was adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 9th day of November, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert Snow, Mayor

ATTEST:

Lisa M. Linnet, City Clerk

I, Lisa M. Linnet, City Clerk of the City of Corning, DO HEREBY CERTIFY that the foregoing Resolution (Resolution 11-09-2021-02) was duly introduced, approved and adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 9th day of November, 2021 by the votes listed above.

Lisa M. Linnet, City Clerk

CITY OF CORNING

RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY

SECTION 1. PURPOSE

It is the policy of City of Corning, applicable to all departments and divisions, to incorporate environmental considerations including recycled-content and recovered Organic Waste product use into purchasing practices and procurement. This Recovered Organic Waste Product Procurement Policy (Policy) will help the City of Corning to:

1. Protect and conserve natural resources, water, and energy;
2. Minimize the Jurisdiction's contribution to pollution and solid waste disposal; and,
3. Comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

SECTION 2. DEFINITIONS

- A. "Annual Recovered Organic Waste Product Procurement Target" means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the Jurisdiction is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, multiplied by the Jurisdiction's residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to each Jurisdiction of its Annual Recovered Organic Waste Product Procurement Target by posting such information on CalRecycle's website and providing written notice directly to the Jurisdiction.
- B. "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).
- Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division 7 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State's composting operations regulatory requirements.
- C. "Direct Service Provider" means a person, company, agency, district, or other entity that provides a service or services to Jurisdiction pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

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- D. "Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that convert recovered Organic Waste, such as wood and prunings from the municipal stream, into electricity. Electricity procured from a biomass conversion facility may only count toward the Jurisdiction's Annual Recovered Organic Waste Product Procurement Target if the facility receives feedstock directly from certain permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills, as described in 14 CCR Section 18993.1(i).
- E. "Jurisdiction" means City of Corning.
- F. "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, 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 in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.
- G. "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).
- H. "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).
- I. "Procurement of Recovered Organic Waste Products" shall mean purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the Jurisdiction or others. The Jurisdiction's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the Jurisdiction or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the Jurisdiction's behest.
- J. "Publicly-Owned Treatment Works" or "POTW" has the same meaning as in Section 403.3(q) of Title 40 of the Code of Federal Regulations.
- K. "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

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- L. "Recordkeeping Designee" means a Tehama County Solid Waste Management Agency Employee or their designee appointed to track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the Jurisdiction and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.
- M. "Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).
- N. "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.
- O. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- P. "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.
- Q. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
- R. "SB 1383 Eligible Mulch" means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):
1. Produced at one of the following facilities:
 - i. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);
 - ii. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

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- iii. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
- 2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3. In order for mulch to qualify as a Recovered Organic Waste Product toward the Jurisdiction's Annual Recovered Organic Waste Procurement Target, 14 CCR Section 18993.1 requires that the Jurisdiction adopt an ordinance or similarly enforceable mechanism to require compliance with land applications specifications.

S. "State" means the State of California.

SECTION 3. RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT

3.1 Procurement Target

- A. Beginning January 1, 2027, the Jurisdiction will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target through the implementation of Sections 3 through 5 of this Policy.
- B. To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following (provided that each product meets the criteria included in their respective definition in Section 2 of this Policy):
 - 1. SB 1383 eligible Compost (as defined in Section 2.B).
 - 2. SB 1383 Eligible Mulch (as defined in Section 2.R).
 - 3. Renewable Gas (in the form of transportation fuel, electricity, or heat) (as defined in Section 2.O).
 - 4. Electricity Procured from Biomass Conversion (as defined in Section 2.D).

SECTION 3.2. REQUIREMENTS FOR JURISDICTION DEPARTMENTS

- A. Compost and SB 1383 Eligible Mulch procurement. Beginning January 1, 2027, departments responsible for landscaping maintenance, renovation, or construction shall:
 - 1. Use Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in Section 2.B and 2.R of this Policy, for landscaping maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
 - 2. When Jurisdiction uses Compost and SB 1383 Eligible Mulch and the applications are subject to the Jurisdiction's Water Efficient Landscaping Ordinance (WELo), pursuant to Section 8.21.120, comply with one of the

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following: (i) the Jurisdiction's WELO, if more stringent than the State's Model Water Efficient Landscape Ordinance (MWELO), or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following:

- a. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - b. Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - c. Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.
 - d. For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
3. Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, within 30 days.

Records shall include:

- a. General procurement records, including:
 - (i) General description of how and where the product was used and applied, if applicable;
 - (ii) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - (iii) Type of product;
 - (iv) Quantity of each product; and,
 - (v) Invoice or other record demonstrating purchase or procurement.

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- b. For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to the Recordkeeping Designee in accordance with the requirements specified in Section 3.2.A.3 within 30 days.
 - c. For procurement of SB 1383 Eligible Mulch, maintain an updated copy of the ordinance or enforceable mechanism(s) requiring that the mulch procured by the Jurisdiction or Direct Service Provider meets the land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time.
 - 4. When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, enter into a written contract or agreement, or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for SB 1383 Eligible Mulch in accordance with this Policy; and (ii) an enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.
- B. Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications). For Renewable Gas procurement, Jurisdiction shall:
 - 1. Procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the Jurisdiction and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.
 - 2. Keep records in the same manner indicated in Section 3.2.A.3 for the amount of Renewable Gas procured and used by the Jurisdiction, including the general procurement record information specified in Section 3.2.A.3.a, and submit records to the Recordkeeping Designee on a monthly basis by the 15th of the following month. Jurisdiction shall additionally obtain the documentation and submit records specified in Section 3.2.B.3 below to the Recordkeeping Designee.
 - 3. If the Jurisdiction procures Renewable Gas from a POTW,
 - a. Annually verify that the Renewable Gas from the POTW complies with the requirements specified in 14 CCR Section 18993.1(h), including, but not limited to the exclusion in 14 CCR Section 17896.6(a)(1) and the items listed in this Section 3.2.B.3.
 - b. Annually receive a record from the POTW documenting the tons of Organic Waste received by the POTW from: (i) a compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10), that is permitted or authorized under 14 CCR Division 7; (ii) transfer/processing facility or transfer/processing

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operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or (iii) a solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

- c. Annually receive documentation from the POTW of the percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal in order to demonstrate that the POTW transported less than twenty-five percent (25%) of the biosolids it produced to activities that constitute landfill disposal. For the purposes of this Policy, landfill disposal is defined pursuant to 14 CCR Section 18983.1(a) and includes final disposition at a landfill; use of material as alternative daily cover or alternative intermediate cover at a landfill, and other dispositions not listed in 14 CCR Section 18983.1(b). Alternative daily cover or alternative intermediate cover are defined in 27 CCR Sections 20690 and 20700, respectively.
 - d. Annually receive documentation that the POTW receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW treatment plant wastewater to demonstrate that the POTW meets the requirement of 14 CCR Section 18993.1(h)(2).
 - e. Jurisdiction shall submit these records to the Recordkeeping Designee by March 15 for the proceeding calendar year.
- C. Electricity Procured from Biomass Conversion. For Electricity Procured from Biomass Conversion, Jurisdiction shall:
- 1. Procure electricity from a biomass conversion facility that receives feedstock from a composting facility, transfer/processing facility, a solid waste landfill, and/or receives feedstock from the generator or employees on behalf of the generator of the Organic Waste and to the degree that it is available and practicable for the Jurisdiction and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.
 - 2. Maintain records and conduct the following recordkeeping activities:
 - a. Keep records in the same manner indicated in Section 3.2.A.3 of this Policy for the amount of Electricity Procured from Biomass Conversion facilities, including the general procurement record information specified in Section 3.2.A.3.a.
 - b. Receive written notification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 14 CCR Section 18993.1(i).
 - c. Provide these records to the Recordkeeping Designee annually by March 1 for the previous calendar year.

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SECTION 3.3. REQUIREMENTS FOR DIRECT SERVICE PROVIDERS

- A. Direct Service Providers of landscaping maintenance, renovation, and construction shall:
 - 1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, as defined in Section 2.B and 2.R of this Policy, for all landscaping renovations, construction, or maintenance performed for the Jurisdiction, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
 - 2. If Direct Service Provider is subject to the Jurisdiction's WELO pursuant to Jurisdiction Code Section 8.21.120 comply with one of the following, whichever is more stringent: (i) the locally-adopted WELO that is more stringent than the State's MWELO, or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's MWELO, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following:
 - a. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - b. Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - c. Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.
 - d. For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
 - 3. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping

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Designee. Information to be provided shall include:

- a. General description of how and where the product was used and if applicable, applied;
- b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
- c. Type of product;
- d. Quantity of each product; and,
- e. Invoice or other record demonstrating purchase or procurement.

B. Direct Service Provider of Organic Waste collection services shall:

1. Keep and provide records to the Jurisdiction by March 1 for the previous calendar year including the following:
 - a. Dates provided;
 - b. Source of product including name, physical location and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - b. Type of product;
 - c. Quantity provided; and,
 - d. Invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location.

C. Renewable Gas procurement by Direct Service Providers:

- 1.. If Renewable Gas made from recovered Organic Waste is used by Direct Service Providers, Direct Service Providers shall submit information listed in Section 3.3.B.2.a-e on a schedule to be determined by Jurisdiction, but not less than annually to the Recordkeeping Designee.
2. Renewable Gas used by Direct Service Providers under Sections 3.3.A and 3.3.B shall comply with criteria specified in 14 CCR Section 18993.1.

SECTION 4. RECYCLED-CONTENT PAPER PROCUREMENT

4.1 Requirements for Jurisdiction Departments

- A. Effective January 1, 2022, if fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

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- B. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
- C. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided, including supporting documentation.

4.2 Requirements for Vendors

- A. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to Jurisdiction shall:
 - 1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items.
 - 2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
 - 3. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
 - 4. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, purchaser name, quantity

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purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided, including supporting documentation.

- B.** All vendors providing printing services to the Jurisdiction via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

SECTION 5. RECORDKEEPING RESPONSIBILITIES

- A.** The Tehama County Solid Waste Management Agency, a regional agency, will be responsible and will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.
- B.** The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:
 - 1.** Collect and collate copies of invoices or receipts (electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of Jurisdiction's documentation of its compliance with 14 CCR Section 18993.3.
 - 2.** Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the Jurisdiction to develop evidence of Jurisdiction meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the Jurisdiction's documentation of its compliance with 14 CCR Section 18993.1.
 - 3.** Collect, collate, and maintain documentation submitted by the Jurisdiction, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with Sections 3.2.A.3, 3.2.B.2, 3.2.C.2, 3.3.A.3, 3.3.B.2, 3.3.C.3, 4.1.C, and 4.2.A.5.
 - 4.** Compile an annual report on the Jurisdiction's direct procurement, and vendor/other procurement on behalf of the Jurisdiction, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-

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Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the Tehama County Solid Waste Management Agency, as the entity responsible for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the Corning City Council annually as evidence of implementing this Policy.

SECTION 6. EFFECTIVE DATE OF POLICY

This Policy shall go into effect no later than January 1, 2022, with the following exceptions:

- A. All departments shall obtain compliance with the procurement requirements in 14 CCR Section 18993.1 by January 1, 2027.

ITEM NO.: J- 12
ACCEPT NOTICE OF COMPLETION AND
AUTHORIZE RELEASE OF RETENTION
FUNDS IN THE AMOUNT OF \$16,423.45
TO AIRCON ENERGY, INC. FOR ENERGY
RELATED IMPROVEMENTS TO VARIOUS
CITY FACILITIES

November 9, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER, CITY MANAGER
ROBIN KAMPMANN, PE; PUBLIC WORKS/ENGINEER CONSULTANT



SUMMARY:

The energy related improvements to various City facilities have been completed, inspected, and approved by City Staff. As such, Staff now requests the following City Council accept the Notice of Completion for the project and authorize Staff to file and record a Notice of Completion with the Tehama County Clerk and Recorder. and authorize the immediate release of the reduced Retention Funds in the amount of \$16,423.45 to Aircon Energy, Inc.

Staff is also seeking City Council authorization to release the remaining retention funds of \$17,733.45 minus the \$1,310 system repair fees paid by the City for a total amount of \$16,423.45 in retention fees to be paid.

Notice of Completion, Construction Pay Request Retention Release and repair invoices are attached for Council review.

FINANCIAL:

Costs and financing terms associated with the proposed Energy Service Contract consist of the following:

- \$354,669 for implementation and installation of all 15 energy efficiency measures to City facilities stated above, this amount includes Energy Audit costs, Engineering/Project Management and Bonding;
- The City has been reimbursed the \$354,669 project cost by PG&E.

RECOMMENDATION:

THAT MAYOR AND COUNCIL:

1. ACCEPT AND DIRECT THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZE CITY CLERK TO FILE NOTICE WITH THE TEHAMA COUNTY FOR RECORDING; and,
2. AUTHORIZE THE RELEASE OF RETENTION FUNDS TO AIRCON ENERGY, INC. IN THE AMOUNT OF \$16,423.45 FROM THE SAME BUDGET LINE.

PROGRESS PAYMENT ESTIMATE:					
				Construction Progress Payment	
Energy Efficiency Services Contract				Progress Payment Request: Retention	
OWNER:		CONTRACTOR:		PERIOD OF ESTIMATE:	
City of Corning		Aircon Energy, Inc.		From: December 1, 2018 - September 14, 2021	
CONTRACT CHANGE ORDER SUMMARY				ESTIMATE	
No.	Approval Date	Amount		1. Original Contract	\$354,669.00
		Additions	Deductions	2. Change Orders	\$0.00
				3. Revised Contract (1+2)	\$354,669.00
				4. Work Completed	\$354,669.00
				5. Stored Materials	\$0.00
				6. Subtotal (4+5)	\$354,669.00
				7. Retainage.....5%	\$17,733.45
				8. Previous Payments	\$336,935.55
				9. Amount Due (6-7-8)	\$17,733.45
TOTALS		\$0.00	\$0.00		
NET CHANGE		System repairs paid by City:		(\$1,310.00)	\$16,423.45
CONTRACT TIME					
Original (days)		On Schedule	<input checked="" type="checkbox"/> Yes	Starting Date:	12/1/2018
Revised:			<input type="checkbox"/> No	Projected Completion:	9/14/2018
Remaining:					
				Contract Date	9/11/2018
CONTRACTOR'S CERTIFICATION:				ENGINEER'S CERTIFICATION;	
The undersigned Contractor certifies that to the best of their knowledge, information and belief, the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which pervious payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.				The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in the estimate are correct and the work has been performed in accordance with the contract documents.	
Contractor:				Public Works/Engineer Consultant	
By	Aircon Energy, Inc.			By:	Robin Kampmann
Date:				Date:	
APPROVED BY OWNER:					
Owner:				Date:	
By:	Kristina Miller, City Manager				

AIRCON ENERGY, INC.

830 W. STADIUM LANE
 SACRAMENTO, CA 95834
 Phone: (916) 922-2004
 Fax: (916) 922-6481
 CSLB #962305

INVOICE

Invoice #: 1708-08
 Invoice Date: 10/31/21
 Cust #: 100685
 PO #:

Bill to:
 CITY OF CORNING
 794 THIRD STREET
 CORNING, CA 96021
 ATTN: KRISTINA MILLER

Description:
 PAYMENT APPLICATION #8
 RETENTION

Work Location:
 VARIOUS LOCATIONS

ITEM/DESCRIPTION	QUANTITY	UNIT PRICE	AMT
PAYMENT APPLICATION #8			\$ 353,359.00
LESS RETENTION			\$ -
LESS PREVIOUS PAYMENT APPLICATIONS			\$ (336,935.55)
Subtotal			\$ 16,423.45
Sales Tax			
NET 30 DAYS		Total	\$16,423.45

THANK YOU FOR YOUR BUSINESS

APPLICATION AND CERTIFICATE FOR PAYMENT

TO: OWNER
CITY OF CORNING
ATTN: KRISTINA MILLER
794 THIRD STREET
CORNING, CA 96021

PROJECT:
CITY OF CORNING

FROM: CONTRACTOR
AIRCON ENERGY, INC.
830 W. STADIUM LN.
SACRAMENTO, CA 95834

Contractor Job No. 1708-00

APPLICATION #: 8
PERIOD FROM: 7/1/2019
PERIOD TO: 7/31/2019

CONTRACTOR'S APPLICATION FOR PAYMENT DETAIL

Application is made for Payment, as shown below, in connection with the Contract. Schedule of Values (SOV) and progress report are also attached.

1. ORIGINAL CONTRACT AMOUNT	\$ 353,359.00
2. Net change by Change Orders	\$ -
3. New Contract Amount	\$ 353,359.00
4. Total Completed & Store to Date (in accordance with SOV)	\$ 353,359.00
5. Retention - 5% of Total Amount Billed	\$ -
6. Total Earned less retention	\$ 353,359.00
7. Previous Certificates for Payment (Line 6 from prior certificate)	\$ 336,935.55
8. Current Amount Due	\$ 16,423.45
9. Balance to Finish	\$ -
10. Balance to Finish, plus Retention	\$ -

CHANGE OF ORDER (CO) SUMMARY	Date approved	Addition	Deletion
Totals		\$ -	\$ -
Net Change by Change Orders		\$ -	\$ -

ENERGY SERVICE COMPANY'S (ESCO) CERTIFICATE FOR PAYMENT

The ESCO representative certifies that all its corresponding subcontractors have been paid by the ESCO for Work for which previous Certificates for Payment were issued and payments received from Owner. The ESCO also certifies that in accordance with the Contract Documents, based on on-site observations and the data comprising the above application, Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ **16,423.45**

(Attached explanation if the amount differs from the amount applied for)

CONTRACTOR REP: July 13/21 Office Mgr. Date
 (Signature, Name and Title)

CITY OF CORNING REP: _____ Date
APPROVED BY: _____ Date

SCHEDULE OF VALUES

CONTRACTOR: AIRCON ENERGY

PROGRESS PAYMENT NO. 8
 PERIOD: 7/1/2019
 TO: 7/31/2019

PROJECT NAME: CITY OF CORNING - VARIOUS LOCATIONS

CONTRACT AMOUNT 353,359.00

Item #	ITEM DESCRIPTION	SCHEDULED VALUE	WORK COMPLETED		TOTAL COMPLETED TO DATE		BALANCE TO FINISH	RETENTION
			PREVIOUS APPLICATIONS	THIS APPLICATION	AMOUNT	% COMPLETE		
CITY HALL/POLICE STATION/MUSEUM COMPLEX								
1	City Hall/Police Station/Museum Complex	19,485.00	\$ 19,485.00	0.00	\$ 19,485.00	100%	\$ -	\$ 974.25
2	Police Dept Comprehensive Lighting Retrofit	9,174.00	\$ 9,174.00	0.00	\$ 9,174.00	100%	\$ -	\$ 458.70
3	Museum Comprehensive Lighting Retrofit	6,074.00	\$ 6,074.00	0.00	\$ 6,074.00	100%	\$ -	\$ 303.70
4	HVAC Equipment Replacement	64,973.00	\$ 64,973.00	0.00	\$ 64,973.00	100%	\$ -	\$ 3,248.65
LIBRARY								
5	Library Comprehensive Lighting Retrofit	40,736.00	\$ 40,736.00	0.00	\$ 40,736.00	100%	\$ -	\$ 2,038.80
TRANSPORTATION CENTER								
6	Transportation Center Comprehensive Lighting Retrofit	27,424.00	\$ 27,424.00	0.00	\$ 27,424.00	100%	\$ -	\$ 1,371.20
CORP YARD								
8	Corp Yard Comprehensive Lighting Retrofit	14,775.00	\$ 14,775.00	0.00	\$ 14,775.00	100%	\$ -	\$ 738.75
9	Corp Yard Unit Heater Replacement	18,525.00	\$ 18,525.00	0.00	\$ 18,525.00	100%	\$ -	\$ 826.25
FIRE DEPARTMENT								
11	Fire Dept Comprehensive Lighting Retrofit (Building 1)	21,500.00	\$ 21,500.00	0.00	\$ 21,500.00	100%	\$ -	\$ 1,075.00
12	Fire Dept Comprehensive Lighting Retrofit (Building 2)	9,978.00	\$ 9,978.00	0.00	\$ 9,978.00	100%	\$ -	\$ 498.80
13	Replaces (2) Unit Heaters in Old Fire Dept Garage	16,987.00	\$ 16,987.00	0.00	\$ 16,987.00	100%	\$ -	\$ 849.35
WASTEWATER TREATMENT PLANT								
14	Wastewater Treatment Plant Comprehensive Lighting Retrofit	17,735.00	\$ 17,735.00	0.00	\$ 17,735.00	100%	\$ -	\$ 896.75
CITY POOL								
16	Pool Comprehensive Lighting Retrofit	12,363.00	\$ 12,363.00	0.00	\$ 12,363.00	100%	\$ -	\$ 618.15
CITY-WIDE WELL PUMP LOCATIONS								
19	Well Pump Site Comprehensive Lighting Retrofit	7,374.00	\$ 7,374.00	0.00	\$ 7,374.00	100%	\$ -	\$ 368.70
20	Replaces (3) Well Pump Motors	43,395.00	\$ 43,395.00	0.00	\$ 43,395.00	100%	\$ -	\$ 2,189.75
MISCELLANEOUS								
21	Energy Audit	7,500.00	\$ 7,500.00	0.00	\$ 7,500.00	100%	\$ -	\$ 375.00
22	Engineering/Project Management	10,724.00	\$ 10,724.00	0.00	\$ 10,724.00	100%	\$ -	\$ 536.20
23	Bonding	5,949.00	\$ 5,949.00	0.00	\$ 5,949.00	100%	\$ -	\$ 297.45
24	CREDITS FOR SERVICES PROVIDED BY	-760.00	\$ -	-760.00	\$ (760.00)	100%	\$ -	\$ -
25	GREG'S HEATING & A/C	-550.00	\$ -	-550.00	\$ (550.00)	100%	\$ -	\$ -
TOTAL		353,359.00	\$ 353,359.00	-1,310.00	\$ 353,359.00	100%	0.00	17,733.45

I CERTIFY THAT ALL WORK FOR WHICH PAYMENT IS TO BE MADE ON THIS CONTRACT HAS BEEN DONE IN ACCORDANCE WITH THE CONTRACT PLANS, SPECIFICATIONS AND AGREEMENTS.

Judy
 CONTRACTOR

11/3/21

DATE

SUMMARY

TOTAL AMOUNT TO DATE 353,359.00
 LESS 5% RETENTION 0.00
 NET AMOUNT 353,359.00
 LESS AMOUNT PREVIOUSLY INVOICED 338,935.55
 TOTAL AMOUNT PAYABLE 16,423.45

Greg's Heating & A/C

g.lorenzo@sbcglobal.net
740 E. Walker St.
Orland, CA 95963

Invoice

Date	Invoice #
1/14/2021	23104

Bill To
City of Corning 794 Third Street Corning, Ca. 96021

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
Dispatch/Server	Due on receipt		1/14/2021	e mail		
Quantity	Item Code	Description			Price Each	Amount
	A/C Service	Repaired Refrigerant Leak & added 6 #'s R410, checked operation			760.00	760.00
		Tax			8.25%	0.00
					Total	\$760.00

 **COPY**

Greg's Heating & A/C
 740 E. Walker St.
 Orland, CA 95963
 g.lorenzo@sbcglobal.net

Invoice

Date	Invoice #
2/11/2021	23132

Bill To
City of Corning 794 Third Street Corning, Ca. 96021

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
Server Rm	Due on receipt		2/11/2021	e mail		
Quantity	Item Code	Description			Price Each	Amount
	A/C Service	Installed Condensor Fan Control Tax			550.00 8.25%	550.00 0.00
					Total	\$550.00

 **COPY**

ITEM NO.: J- 13

**AUTHORIZE AN ADDITIONAL DONATION
TO THE SENIOR CENTER IN THE
AMOUNT OF \$6,000 TO SUPPPOR
THEIR OPERATIONS DURING THE
COVID-19 PANDEMIC**

November 9, 2021

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: KRISTINA MILLER, CITY MANAGER 

SUMMARY:

The City currently budgets \$4,000 to support the Senior Center, of which \$2,700 is a donation to support operations and the remaining is for building maintenance. Due to the COVID-19 pandemic the Senior Center has not been able to fundraise at normal levels and are depleting their reserves. Staff reviewed the finances of the Senior Center. Due to the vital public service the Senior Center provides to the seniors in the Corning community, staff recommend an additional contribution to the Senior Center in the amount of \$6,000 for Fiscal Year 2021-2022. Staff will reassess the need for an additional contribution in FY 2022-2023 as part of the budget process. Hopefully by then fundraising operations will return closer to normal.

FINANCIAL:

\$6,000 is proposed to be transferred from General Fund Reserves to Fund Account 001-6313-1600 to support Senior Center operations.

RECOMMENDATION:

THAT MAYOR AND COUNCIL:

- 1. APPROVE A BUDGET MODIFICATION IN THE AMOUNT OF \$6,000 FROM GENERAL FUND RESERVES TO FUND ACCOUNT 001-6313-1600 TO SUPPORT THE SENIOR CENTER AS AN OPERATION THAT PROVIDES A PUBLIC BENEFIT; and,**
- 2. AUTHORIZE PAYMENT IN THE AMOUNT OF \$6,000 TO THE SENIOR CENTER.**

**ITEM NO: J-14
AUTHORIZE REMOVAL OF
APROXIMATELY 15 TREES
FROM WOODSON PARK.**

November 9, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER, CITY MANAGER 
ROBIN KAMPMANN, PE; PUBLIC WORKS/ENGINEER CONSULTANT

SUMMARY:

Staff requests authorization to remove a total of 15 trees from Woodson Park; 9 trees to accommodate security measures, and 6 for safety reasons.

BACKGROUND:

As a result of reoccurring vandalism and damage to City facilities at Woodson Park resulting in increased equipment costs / staff time for repairs, Staff was directed to explore possible resources/actions to deter future such occurrences.

In response, Staff engaged GAYNOR TELESYSTEMS to provide expert advise on the use and possible placement of security cameras to aid in deterring future vandalism/damage at City facilities. Police Chief Fears and Public Works Assistant Director Steve Lindeman met with a Gaynor Representative onsite to review the area and discuss possible options for viable deterrents to future vandalism. During the tour of the Park, the Gaynor Representative suggested removal of 9 (marked in red on attached picture) trees at Woodson Park as they would be an obstruction to the successful use of security cameras. The City is awaiting a price estimate from Gaynor to provide and install Security Cameras and associated support equipment.

During the onsite assessment, an additional 6 (marked in blue on attached picture) trees were determined a hazard due to disease and/or dying and will also need to be removed for safety reasons.

FINANCIAL:

Staff anticipates equipment and installation costs to be funded utilizing COPS (California Citizen's Options for Public Safety) grant funds. Authorization for the purchase and installation of the previously mentioned equipment will be presented at a future meeting upon receipt of the quote from Gaynor.

RECOMMENDATION:

MAYOR AND COUNCIL AUTHORIZE THE REMOVAL OF 15 TREES FROM WOODSON PARK.

TREES TO BE REMOVED AT WOODSON PARK

X: Site obstruction trees

X: Diseased/Dying Trees



**ITEM NO: J-15
APPROVE REQUIRED DIXIE FIRE
MEMORANDUM (MOU) AGREEMENT
BETWEEN THE CITY OF CORNING
AND THE COUNTY OF TEHAMA
SEEKING REIMBURSEMENT OF
COSTS INCURRED BY THE CITY.**

November 9, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER, CITY MANAGER 
LISA LINNET, CITY CLERK

SUMMARY:

From August 6, 2021 through August 10, 2021, City of Corning Police Department personnel assisted the Tehama County Sheriff's Office with law enforcement services during the Dixie Fire. The attached Memorandum of Understanding (MOU) is necessary for the City to seek reimbursement for the expenses incurred during that assist.

BACKGROUND:

During the time the Corning Police Department assisted Tehama County on the Dixie Fire incident, the City of Corning incurred expenses associated with police assistance, evacuations, and road closures. The attached MOU is necessary for the City to seek reimbursement for the costs incurred, which includes 110 staff hours and mileage reimbursement.

FINANCIAL:

While there is no fiscal impact for signing the MOU, this will allow the City of Corning to seek reimbursement for Dixie Fire related expenditures incurred by the City Police Department.

RECOMMENDATION:

MAYOR AND COUNCIL:

- **APPROVE THE REQUIRED DIXIE FIRE MOU AGREEMENT BETWEEN THE CITY OF CORNING AND THE COUNTY OF TEHAMA TO SEEK REIMBURSEMENT OF DIXIE FIRE COSTS INCURRED BY THE CITY; AND**
- **AUTHORIZE THE CITY MANAGER TO SIGN THE MOU ON BEHALF OF THE CITY OF CORNING.**

**MEMORANDUM OF AGREEMENT BETWEEN COUNTY OF TEHAMA AND THE
CITY OF CORNING PERTAINING TO ASSISTANCE PROVIDED UNDER THE LAW
ENFORCEMENT MUTUAL AID PLAN**

WHEREAS, on July 13, 2021, an extreme wildfire, fueled by heavy brush, gusty winds, and low humidity swept through Northern California (“Dixie Fire”); and

WHEREAS, on July 27, 2021, the Dixie Fire entered Tehama County and pursuant to the foregoing provisions, the Tehama County Sheriff acting as the Tehama County Director of Emergency Services proclaimed the existence of a local emergency by proclamation on August 8, 2021, which the Shasta County Board of Supervisors ratified on August 17, 2021; and

WHEREAS, on August 10, 2021, the Governor of the State of California proclaimed a State of Emergency to include Tehama County and declared eligibility for Fire Management Assistance Grant and other relief programs; and

WHEREAS, on August 24, 2021, President Joseph R. Biden, Jr. declared the existence of a major disaster, FEMA-4610-DR-CA, in the State of California in connection with the Dixie Fire and ordered Federal aid to supplement State and local recovery efforts in the areas affected by the Dixie Fire beginning on July 14, 2021, and continuing; and

WHEREAS, the Law Enforcement Mutual Aid Plan delineates the current state policy concerning Emergency Management Mutual Aid; and

WHEREAS, the Emergency Management Mutual Aid Plan is issued and revised under the authority of Sections 8550, 8569, 8615 through 8619, and 8668 of the California Government Code, the California Emergency Plan, and the Master Mutual Aid Agreement; and

WHEREAS, the Law Enforcement Mutual Aid Plan describes the standard procedures used to acquire law enforcement mutual aid resources and the method to ensure coordination of law enforcement mutual aid planning and readiness; and

WHEREAS, the Sheriff of the County of Tehama is the Operational Area Law Enforcement and Mutual Aid Coordinator; and

WHEREAS, the Law Enforcement Mutual Aid Plan provides, in pertinent part, "When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within an Operational Area, it is the responsibility of the Operational Area Mutual Aid Coordinator to provide assistance and coordination to control the problem;" and

WHEREAS, the Law Enforcement Mutual Aid Plan provides, in pertinent part, "A request for law enforcement mutual aid requires the approval of the chief law enforcement officer of the requesting jurisdiction"; and

WHEREAS, the Sheriff of the County of Tehama requested the mutual aid assistance of the City of Corning, pursuant to the Law Enforcement Mutual Aid Plan to support law enforcement services in connection with the July 2021 Dixie Fire; and

WHEREAS, City of Corning provided mutual aid assistance consisting of law enforcement personnel, equipment, and materials from August 6, 2021 through August 10, 2021 to assist with law enforcement services in connection with the Dixie Fire; and

WHEREAS, City of Corning agrees to document all of its mutual aid assistance costs related to the Dixie Fire as attachments to this Memorandum of Agreement (“MOA”) and submit to the County of Tehama as soon as practicable.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the County of Tehama and the City of Corning that the County of Tehama may reimburse all reasonable costs associated with City of Corning mutual aid assistance provided under this MOA during the Dixie Fire.

IT IS FURTHER AGREED that this MOA constitutes the entire agreement between the County of Tehama and the City of Corning the purpose of providing law enforcement personnel, related equipment, and/or related materials and supersedes all prior negotiations, representations, or agreements, whether written or oral. In the event of a dispute between the parties as to the language of this MOA or its construction or meaning of any term, this MOA shall be deemed to have been drafted by the parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any party to this MOA.

TEHAMA COUNTY

CITY OF CORNING

By: _____
Dave Hencratt
Sheriff, County of Tehama

By: _____
Kristina Miller, City Manager
City of Corning

Date: _____

Date : _____

**Approved as to form:
County Counsel**

By: _____