AGENDA
REGULAR MEETING of THE HOLTVILLE CITY COUNCIL
121 WEST FIFTH STREET - HOLTVILLE, CALIFORNIA

Monday, March 14, 2022

Michael Pacheco, Mayor
Ginger Ward, Mayor Pro Tem
Murray Anderson, Council Member
Mike Goodsell, Council Member
Richard Layton, Council Member
George Morris, City Treasurer
Nick Wells, City Manager
Adriana Anguis, Finance Supervisor
Steve Walker, City Attorney
Jack Holt, City Engineer
George Galvan, City Planner
Alex Silva, Fire Chief

THIS IS A PUBLIC MEETING
The Holtville City Council values your input if there is an issue on which you wish to be heard, for both items listed on the agenda and for items of general concern. The Mayor reserves the right to place a limit on each person's comments. Any public comments must include the individual's name and address for the record. Personal attacks on individuals and/or comments which are slanderous or which may invade an individual's personal privacy are not permitted.

CITY COUNCIL
MEETING CONVENED 5:30 PM

CLOSED SESSION PUBLIC COMMENTS: This is the time for the public to address the City Council on any item appearing on the Closed Session agenda for this meeting.

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION:
(Government Code Section 54956.9(a))
Von Hermann vs. MTC, City of Holtville

PUBLIC EMPLOYMENT:
(Government Code Section 54957)
City Manager Evaluation
Evaluation Criteria

RECONVENE OPEN SESSION

PLEDGE of ALLEGIANCE:

INVOCATION:

CITY CLERK RE: Verification of Posting of the Agenda

EXECUTIVE SESSION ANNOUNCEMENTS:

GENERAL PUBLIC COMMENTS: The public may address the City Council on any item that DOES NOT appear on the agenda for this meeting within the purview of the City Council.

PROCLAMATION:

Autism Awareness in April
Gloria Brambila - Mother, Volunteer Advocate

1. CONSENT AGENDA:

The items on the Consent Agenda are to be approved without comment. Should any Council Member or member of the public wish to discuss any item, they may request that the item be removed from the Consent Agenda and placed on the NEW Business agenda.

a. Approval of the Minutes from the Special Meeting of Monday, February 28, 2022.

b. Current Demands #44013 through #44061
REPORTS of OFFICERS, COMMISSIONS, COMMITTEES and COMMUNIQUES:

2. UNFINISHED BUSINESS:
   a. **PUBLIC HEARING**  Discussion/Related Action to Adopt RESOLUTION #20-13 Codifying Ordinance #497 Pertaining to Recycling of Organic Waste to Comply with SB 1383 Requirements

Nick Wells, City Manager

3. NEW BUSINESS:
   a. **Discussion/Related Action to Adopt RESOLUTION #22-10** Repealing Resolution 20-08 and Adopting a New Cost Recovery Fee Schedule

Nick Wells, City Manager

b. **Discussion/Related Action to Adopt RESOLUTION #22-11** Approving an Application Submission to Obtain Funding Through the 2022-23 Fiscal Year Under the ICTC Surface Transportation Block Grant (STBG)

Nick Wells, City Manager

c. **Discussion/Related Action to Adopt RESOLUTION #22-12** Approving an Application Submission to Obtain Funding Through the 2022-23 Fiscal Year Under the ICTC Congestion Mitigation And Air Quality (CMAQ) Program

Nick Wells, City Manager

4. INFORMATION ONLY:  None

5. STAFF REPORTS
   a. City Manager Report - Nick Wells
   b. Finance Supervisor - Adriana Anguis
   c. Fire Chief - Alex Silva
   d. Water/Wastewater Supervisor - Frank Cornejo

6. Items for future meetings

7. ADJOURNMENT:

I, Nicholas D. Wells, Acting City Clerk of the City of Holtville, California, **DO HEREBY CERTIFY** that the foregoing agenda was duly posted at Holtville City Hall and on the City of Holtville's website (www.Holtville.ca.gov) on Friday, March 11, 2022.
WHEREAS, Autism is the result of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and

WHEREAS, symptoms and characteristics of Autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual’s ability to learn, develop healthy interactive behaviors, and understand verbal, as well as nonverbal communication; and

WHEREAS, the Autism Spectrum Disorder (ASD) is a reality that affects millions of families every day and more children are being diagnosed, resulting in rates as high as one in forty-four children nationally with four times greater prevalence among boys than girls according to the Centers for Disease Control (CDC); and

WHEREAS, the City of Holtville recognizes the impact of the COVID-19 pandemic on children and other individuals with Autism, including the disruption of healthy patterns of daily life that support and advance cognitive development; and

WHEREAS, while our nation has made progress in supporting those with ASD we beginning to understand the factors behind the challenges they face; and

WHEREAS, the effort to address Autism continues; doctors, therapists, and educators can help individuals with Autism overcome or adjust to its challenges and provide early, accurate diagnosis, appropriate education intervention, and therapy that are vital to future growth and development; and

WHEREAS, in April we recognize those with Autism achieving and breaking down barriers and recommit to helping those on the Autism Spectrum reach their full potential at all times; and

WHEREAS, the City of Holtville, California proudly supports the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the Autism Spectrum Disorder, celebrating the work of advocates, professionals and family members, and all who work to build a brighter tomorrow alongside those with Autism.

NOW, THEREFORE, BE IT RESOLVED, that I, Holtville Mayor Michael A. Pacheco and the City Council of the City of Holtville, do hereby proclaim April 2022 as Autism Awareness Month and April 2, 2022 as World Autism Awareness Day in the City of Holtville to raise public awareness, acceptance and inclusion of those with Autism and associated issues.

In witness hereof, I hereunto set my hand this 14th day of March, 2022.

Attest: Michael A. Pacheco, Mayor

Nicholas D. Wells, City Manager
The Regular Meeting of the Holtville City Council was held on Monday, February 28, 2022, at 5:30 pm in the Civic Center. Mayor Mike Pacheco was present, as were Council Members Murray Anderson, Mike Goodsell, Richard Layton, and Ginger Ward. City Attorney Steve Walker, City Manager Nick Wells, Fire Chief Alex Silva and Finance Supervisor Adriana Anguis were also present.

CITY COUNCIL CLOSED SESSION MEETING CALLED TO ORDER:
The Closed Session meeting was called to order at 5:30 p.m. by Mayor Mike Pacheco.

PUBLIC EMPLOYMENT:
(Government Code Section 54957.6)
City Manager Evaluation
Evaluation Criteria
No Reportable Action Taken

CITY COUNCIL OPEN SESSION MEETING CALLED TO ORDER:
Mayor Mike Pacheco called the Open Session meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE:  Ms. Ward led the Pledge of Allegiance.

INVOCATION:  The Invocation was given by Mr. Goodsell.

CITY CLERK RE: VERIFICATION OF POSTING OF AGENDA:
City Manager Nick Wells verified that the agenda was duly posted on Friday, February 25, 2022.

EXECUTIVE SESSION ANNOUNCEMENTS:
Mr. Walker reported that although there was no reportable action from Closed Session.

PUBLIC COMMENTS:
Jennifer Braun of 74711 Dillon Road, # 403 in Desert Hot Springs thanked the Council for any attention given to a potential lease of property for the Boys & Girls Club and voiced frustration for Mr. Wells' non-responsiveness to her last email.

Kirk Mann of the IV Housing Authority (1402 D Street, Brawley) came to introduce himself and report that they administer 30 Public Housing units and assist 73 families with vouchers in Holtville. He asked that some attention be given to replacing Joan Jencks, who left their Board a few years ago as Holtville's representative. Mr., Wells said he would post a request on the City's social media and webpages.

Ross Daniels (729 Chestnut) came representing the Little League Board. He asked that a maintenance schedule be put in place and followed to keep the fields in playing shape. He is upset that upkeep has been sporadic.

Debbie Fjelsted (721 Fig) had extensive requests regarding the area of the basketball courts that she and several people are using for pickle ball. Some of her concerns have been addressed the best they can be, some are not feasible.
1. CITY COUNCIL CONSENT AGENDA:
a. Approval of the Minutes from the Special Meeting of Tuesday, February 8, 2022.
b. Current Demands #43908 through #44012
c. RESOLUTION 22-07 Authorizing an Amendment to the City Manager's Employment Agreement to Adjust Term and Compensation
d. RESOLUTION 22-08 Authorizing a Contract with Walker & Driskill, PLC and Steven M. Walker for City Attorney Services

Mr. Anderson requested that Item C be removed from the Consent Agenda and moved to the New Business section. Having anticipated this, Mr. Wells distributed revised agendas to Council.

A motion was made by Mr. Goodsell and seconded by Mr. Layton to approve Consent Agenda Items A, B and D. The motion passed in the form of a roll call vote.

AYES: Anderson, Goodsell, Layton, Ward, Pacheco
NOES: None
ABSENT: None
ABSTAIN: None

REPORTS OF OFFICERS, COMMISSIONS, COMMITTEES, AND COMMUNIQUES:

Ms. Anguis attended the CSMFO Conference in San Diego. We will also finally be moving forward with our new accounting software training.

Mr. Silva missed the last meeting for the River Bottom Fire. HFD has been going on many mutual aid calls lately. Kudos to the Carrot Festival Parade announcers, who all did very well. Took some high achieving students to the carnival. Finally, HFD participated in the Rotary Pulled Pork Contest and got 2nd Place in Side Dishes.

Mr. Morris had nothing to report.

Mr. Layton had nothing to report.

Mr. Anderson commended Chief Silva for all of the fantastic things he does for Holtville.

Ms. Ward attended the ICTC meeting Wednesday and an Area Agency transportation meeting today.

Mr. Goodsell commended the HHS Girls Basketball team for a great year, although they lost in the CIF semi-finals. Covid seems to be slowing down, we may get the masks off in school soon!

Mr. Pacheco had nothing to report.

2. UNFINISHED BUSINESS: None

3. NEW BUSINESS:

Mr. Wells detailed the process thus far and hopes that moving forward soon will allow the Pool to open by the time school is out of session. Mr. Anderson inquired about the cost of heating the Pool, which Mr. Wells said he would research.

Nick Wells, City Manager
A motion was made by Mr. Anderson and seconded by Ms. Ward to authorize the contract as presented. The motion passed in the form of a roll call vote.

AYES: Anderson, Goodsell, Layton, Ward, Pacheco
NOES: None
ABSENT: None
ABSTAIN: None

b. RESOLUTION 22-07 Authorizing an Amendment to the City Manager's Employment Agreement to Adjust Term and Compensation

Nick Wells, City Manager

Mr. Anderson expressed his reservations about the component of compensating Mr. Wells $25,000 for past work outside of his contracted duties. Mr. Goodsell and Mr. Layton defended the decision. To clarify characterization of the payment, Mr. Goodsell asked that any reference to a "bonus" be stricken and replaced by "off-schedule compensation."

A motion was made by Mr. Layton and seconded by Mr. Goodsell to authorize the resolution as presented. The motion passed in the form of a roll call vote.

AYES: Goodsell, Layton, Ward, Pacheco
NOES: Anderson
ABSENT: None
ABSTAIN: None

3. INFORMATION ONLY: None

4. STAFF REPORTS:
   a. City Manager Report
   b. Finance Supervisor - Adriana Anguis mentioned that auditors will be in tomorrow.
   c. Fire Chief - Alex Silva
   d. Water/Wastewater Supervisor - Frank Cornejo

5. Items for Future Meetings:
   Mr. Goodsell notified staff that an item for Autism Awareness month is forthcoming
   Mr. Wells reminded the Council that an item for SB 1383 Compliance will be upcoming.

6. ADJOURNMENT:
   There being no further business to come before the Council, Mr. Pacheco adjourned the meeting at 7:41 PM.

______________________________
Michael A. Pacheco, Mayor

Nicholas D. Wells, Acting City Clerk
## CITY OF HOLTVILLE
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## CITY OF HOLTVILLE
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**User Name:** Gilbert

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City of Holtville

REPORT TO COUNCIL

DATE ISSUED: March 11, 2022
FROM: Nick Wells, City Manager
SUBJECT: Resolution No. 22-13 Adopting Ordinance #497 Pertaining to Recycling of Organic Waste to Comply with SB 1383 Requirements

ISSUES:
Shall the City Council approve Resolution No. 22-13, waiving the SECOND READING of and adopting Ordinance #497 "Mandatory Organic Waste Disposal Reduction?"

DISCUSSION:
In recent years, several measures by the state legislature have increased the regulation and forced compliance with various facets of waste recycling, particularly with organic waste.

AB 341 (Chapter 476, Statutes of 2011) requires the City to implement mandatory recycling for all businesses that generate four cubic yards or more of solid waste per week, and multi-family complexes of five or more units.

AB 1826 (Chapter 727, Statutes of 2014), requires businesses and multi-family properties that generate two or more cubic yards of solid waste to subscribe to organics collection service to divert food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

On January 24, 2020, the City Council adopted Ordinance No. 495 Mandating Green Waste Recycling for Commercial Entities & Some Multi-Family Residential Units which updated the Holtville Municipal Code to comply with AB 341 and AB 1826, ostensibly to increase the amount of recyclable material diverted from landfills.

In September 2016, Governor Edmund Brown Jr. set methane emissions reduction targets for California (SB 1383 Lara, Chapter 395, Statutes of 2016) in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The targets must:

Reduce (from 2014 levels) organic waste disposal 50% by 2020 and 75% by 2025.

Rescue at least 20% of currently disposed surplus food for people to eat by 2025.

The claimed benefit is that methane emissions resulting from the decomposition of organic waste in landfills are a significant source of greenhouse gas (GHG) emissions contributing to global climate change. Organic materials - including waste that can be readily prevented, recycled, or composted - account for a significant portion of California's overall waste stream. Food waste alone accounts for approximately 17-18 percent of total landfill disposal. Increasing food waste prevention, encouraging edible food rescue, and expanding the composting and in-vessel digestion of organic waste throughout the state will help reduce methane emissions from organic waste disposed of in California's landfills. On January 1, 2022, SB 1383 went fully into effect allowing CalRecycle to begin full enforcement and levy fines - potentially $10,000/day to non-compliant jurisdictions. All prior AB 1826 exemptions were rescinded and are superseded by SB 1383.
This law expands upon the goals of AB 341 and AB 1826. However, SB 1383 is unique in that it can impact residents in addition to businesses, and it requires some businesses to donate excess edible food to feed people in addition to composting organic materials. Unlike previous laws, there are significant penalties for non-compliance. Staff applied for a waiver from residential requirements in February, 2022. The waiver was granted as of March 1, 2022, alleviating the need for these onerous requirements to be placed on individual residents.

Functionally, adherence to SB 1383 requires adoption of an ordinance to force compliance and establish consequences for non-compliance. Unlike past recycling measures, this law comes with substantial fines to the City for non-compliance, so a mechanism for "enticing" commercial entities to comply is crucial.

_A model ordinance was provided by CalRecycle with various options and multiple spots wherein language was suggested but not required. In most all of those spots, staff opted for the lesser of listed evils and/or outright omission of optional caveats. The proposed ordinance is attached for your review. (Note: It is the intent of staff to append this language to Section 8.33 of the Holtville Municipal Code. Numbering conforming to that section and the Code in general will be added/amended after passage.)_

Due to the compliance timeline, the ordinance was introduced in a fairly incomplete and raw form last month and edited in the time since. This was to allow for any public and/or Council input prior to its return at this session for a second reading and passage.

Though the amount of unfunded compliance work that this will cause will be substantial to the City over the next few years of implementation and establishing procedures, there is a $20,000 grant available this year to cover implementation costs. That grant application was submitted with the understanding that the attached Resolution would be adopted.

**FISCAL IMPACT:**

Ongoing costs of administration of the resulting programs is unknown. In the immediate fiscal year, a $20,000 grant to offset some costs is available.

**CITY MANAGER RECOMMENDED ACTION:**

It is recommended that the resolution codifying the ordinance be adopted to comply with state requirements.

**ALTERNATIVES:**

Not to adopt, giving staff alternate direction.
Exhibit A

Proposed Organic Recycling Ordinance
MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE

SECTION 1. PURPOSE AND FINDINGS

The City Council of the City of Holtville, California 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.

FINDING: The City Council finds that California Law requires adoption of the following program.

SECTION 2. TITLE OF ORDINANCE

This chapter shall be entitled “Mandatory Organic Waste Disposal Reduction Ordinance”.

SECTION 3. 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) “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).

(c) “California Code of Regulations” or “CCR” is the State of California Code of Regulations. CCR references in this ordinance are preceded by a number referring to the relevant Title of the CCR (e.g. “14 CCR” refers to Title 14 of CCR).

(d) “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.
(e) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

(f) “Compliance Review” means a review of records by a City to determine compliance with this ordinance.

(g) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetarian 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).

(h) “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.

(i) “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).

(j) “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).

(k) “C&D” means construction and demolition debris.

(l) “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.
   a. If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), 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.” For the purposes of this ordinance, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).

(m) “Designee” means an entity that a City contracts with or otherwise arranges to carry out any of the City’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.

(n) “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.

(o) “Enforcement Action” means an action of the City to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
“Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or 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 City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City or its Designee for collection services.

(p) “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).

(q) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

(r) “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).

(s) “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.

(u) “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).

(v) “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.

(w) “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).

(x) “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.

(y) “Food Waste” means Food Scraps and Food-Soiled Paper.

(z) “Black Container” or “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 Black or Gray Container Waste.
(aa) “Gray (or Black) Container Waste” means Solid Waste that is collected in a Gray or Black Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray or Black Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

(bb) “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.

(cc) “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).

(dd) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

(ee) “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).

(ff) “Inspection” means a site visit where a City 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).

(gg) Section Reserved

(hh) “City Enforcement Official” means the City Manager or their authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance. See also “Regional or County Agency Enforcement Official”.

(ii) “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.

(jj) “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 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.

(kk) “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).

(ll) “Mixed Waste Organic Collection Stream" or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

(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.
“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).

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“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).

“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.

“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).

“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).

“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).

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

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’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 City’s Green Container; (iii) discarded materials placed in the Black or Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

“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).

“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).

“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).

“Regional Agency” means regional agency as defined in Public Resources Code Section 40181.

“Regional or County Agency Enforcement Official” means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with City Enforcement Official.

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

“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).

“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).
"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).

"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.

"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.

"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).

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

"Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191, 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.

"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 Black or Gray Container Waste or other Solid Waste for the purposes of collection and processing.

"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).


"State" means the State of California.
"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).

"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.

"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.

"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 189852(a)(75).

"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 189852(a)(76).

SECTIONS 4 & 5. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS (NOT APPLICABLE)

SECTION 6. REQUIREMENTS FOR COMMERCIAL BUSINESSES (STANDARD-COMPLIANCE APPROACH)

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

(a) Subscribe to City’s three-container collection services and comply with requirements of those services as described below in Section 6(b), except Commercial Businesses that meet the Self-Hauler requirements in Section 12 of this ordinance. City 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 City.

(b) Except Commercial Businesses that meet the Self-Hauler requirements in Section 12 of this ordinance, participate in the City’s Organic Waste collection service(s) by placing designated materials in designated containers as described below.

Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container, Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Black or Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
(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 City’s Blue Container, Green Container, and Black or Gray Container collection service or, if self-hauling, per the Commercial Businesses’ instructions to support its compliance with its self-haul program, in accordance with Section 12.

(d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of 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 City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. 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, 2022.

(e) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 6(d) pursuant to 14 CCR Section 18984.9(b).

(f) To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City’s Blue Container, Green Container, and Black or Gray Container collection service or, if self-hauling, per the Commercial Businesses’ instructions to support its compliance with its self-haul program, in accordance with Section 12.

(g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Black or Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

(h) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.

(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 Green Container Organic Waste and Source Separated Recyclable Materials separate from Black or 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 City or its agent to their properties during all Inspections conducted in accordance with Section 16 of this ordinance to confirm compliance with the requirements of this ordinance.

(k) Accommodate and cooperate with City’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 Section 6(b). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Black or Gray Containers.

(l) At Commercial Business’s option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, and Black or 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, Green Containers, and Black or Gray Containers subject to written notification to or approval by the City or its Designee.

(m) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 12 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 Section 9.

SECTION 7. REQUIREMENTS FOR COMMERCIAL BUSINESSES (PERFORMANCE-BASED APPROACH) [NOT APPLICABLE]

SECTION 8. WAIVERS FOR GENERATORS

(a) De Minimis Waivers (Optional for Three-, Three-Plus, and Two-Container Systems per 14 CCR Section 18984.11). A City 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 Section 8(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 Section 8(a)(2) below.

2. Provide documentation that either:
   - The Commercial Business’ total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business’ total waste; or,
   - The Commercial Business’ total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business’ total waste.

3. Notify City 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 City has approved de minimis waiver.

(b) Physical Space Waivers (Optional for Three-, Three-Plus, and Two-Container Systems) City 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 City 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 Section 6 or 7.

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

1. Submit an application specifying the type(s) of collection services for which a compliance waiver is requested.

2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.

3. Provide written verification to City that it is still eligible for physical space waiver every five years, if City has approved application for a physical space waiver.

(c) Section Reserved

(d) Review and Approval of Waivers by City shall be at the discretion of the City Manager.

SECTION 9. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

(a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 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 City’s designated enforcement entity or designated third party enforcement entity to access the premises and
    review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to
        a contract or written agreement established under 14 CCR Section 18991.3(b).
    (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
    (C) A record of the following information for each of those Food Recovery Services or Food Recovery
        Organizations:
           (i) The name, address and contact information of the Food Recovery Service or Food Recovery
               Organization.
           (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food
               Recovery Organization.
           (iii) The established frequency that food will be collected or self-hauled.
           (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a
                Food Recovery Service or Food Recovery Organization for Food Recovery.

(6) Generators are required to provide an annual Food Recovery Report to the City that includes the information
    delineated in Section C above no later than March 1st of each year, commencing on January 1, 2022, for Tier One
    Commercial Edible Food Generators and on January 1, 2023, for Tier Two Commercial Edible Food Generators.

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).

SECTION 10. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

(a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract
    or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise
    specified by 14 CCR Section 18991.5(a)(1):
    (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service
        collects Edible Food.
    (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
    (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
    (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service
        transports Edible Food to for Food Recovery.

(b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract
    or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise
    specified by 14 CCR Section 18991.5(a)(2):
    (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
(2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

(3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

(c) (Section Reserved)

(d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City it is located in 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 February 1, annually.

(e) 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 County, City, special district that provides solid waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

(2) Jurisdictions and Regional Agencies. Cities that provide solid waste collection services, and regional agencies located within the county shall conduct Edible Food Recovery capacity planning, in coordination with the county.

(A) If the county identifies that new or expanded capacity to recover Edible Food is needed, then each City within the county that lacks capacity shall:

(i) Submit an implementation schedule to CalRecycle and the county that demonstrates how it will ensure there is enough new or expanded capacity to recover the Edible Food currently disposed by Commercial Edible Food Generators within its City by the end of the reporting period set forth in 14 CCR Section 18992.3. The implementation schedule shall include the information specified in 14 CCR Section 18992.2(c)(1)(A).

(ii) Consult with Food Recovery Organizations and Food Recovery Services regarding existing, or proposed new and expanded capacity that could be accessed by the City and its Commercial Edible Food Generators.

(B) If the county finds that new or expanded capacity is needed, the county shall notify the City(s) that lack sufficient capacity.

(C) A City that provides solid waste collection services, or Regional Agency contacted by the county pursuant to this Section shall respond to the county’s request for information within 120 days of receiving the request from the county, unless a shorter timeframe is otherwise specified by the county.

SECTION 11. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS

(a) Requirements for Haulers

(1) Exclusive franchised hauler providing residential, Commercial, and/or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

(A) Through written notice to the City annually on or before July 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

(B) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
(C) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 13 of this ordinance, and City’s C&D ordinance.

(2) Exclusive franchised hauler 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, permit, license, or other agreement entered into with City.

(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 City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

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

SECTION 12. SELF-HAULER REQUIREMENTS

(a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City’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 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 City. 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 12(c) to City if requested.

(e) A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in Section 12(c) and (d).

SECTION 13. COMPLIANCE WITH CALGREEN RECYLING REQUIREMENTS

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

Project applicants shall refer to City’s building and/or planning code for complete CALGreen requirements.

(b) For projects covered by CALGreen or more stringent requirements of the City, the applicants must, as a condition of the City’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 and Green Container materials, consistent with the three-container collection program offered by the City, 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 and Green Container materials, consistent with the three-container collection program offered by the City, 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 all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

SECTION 14. 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 City, 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 14.

(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 14(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 14(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 MWWLEO 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.
SECTION 15. PROCUREMENT REQUIREMENTS FOR CITY DEPARTMENTS, DIRECT SERVICE PROVIDERS, & VENDORS

(a) City departments, and direct service providers to the City, as applicable, must comply with the City’s Recovered Organic Waste Product procurement policy and Recycled-Content Paper procurement policy.

(b) All vendors providing Paper Products and Printing and Writing Paper 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.


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 City. 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.

4. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).

5. Provide records to the City’s Recovered Organic Waste Product procurement recordkeeping Designee, in accordance with the City’s Recovered-Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within sixty (60) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Sections 15(b)(3) and 15(b)(4) of this ordinance for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

SECTION 16. INSPECTIONS AND INVESTIGATIONS BY CITY

(a) City 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 City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section 6(b) or 7(b) of this ordinance, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 6(k) or 7(k) of this ordinance.

(b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City’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; (ii) installation and operation of Remote Monitoring equipment (optional); 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 City during its Inspections, Remote Monitoring, if applicable, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(d) City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, if applicable, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

(e) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.
SECTION 17. 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 City Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The City’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 civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

(c) Responsible Entity for Enforcement

(1) Enforcement pursuant to this ordinance may be undertaken by the City Enforcement Official, which may be the City Manager or their designated entity, legal counsel, or combination thereof.

(2) Enforcement may also be undertaken by a County Agency Enforcement Official, designated by the City, in consultation with City Enforcement Official.

(A) City Enforcement Official(s) will interpret ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.

(B) City Enforcement Official(s) and City-designated County Agency Enforcement Official may issue Notices of Violation(s).

(d) Process for Enforcement

(1) City Enforcement Official and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (which may include Remote Monitoring). Section 16 establishes City’s right to conduct Inspections and investigations.

(2) City may issue an official notification to notify regulated entities of its obligations under the ordinance.

(3) For incidences of Prohibited Container Contaminants found in containers, City will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within 10 days after determining that a violation has occurred. If the City observes Prohibited Container Contaminants in a generator’s containers on more than 2 (two) consecutive occasion(s), the City may assess contamination processing fees or contamination penalties on the generator.

(4) With the exception of violations of generator contamination of container contents addressed under Section 17(d)(3), City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

(5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine.

Notices shall be sent to “owner” at the official address of the owner maintained by the tax collector for the City 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:

(1) For a first violation, the amount of the base penalty shall be $50 per violation.

(2) For a second violation, the amount of the base penalty shall be $100 per violation.

(3) For a third or subsequent violation, the amount of the base penalty shall be $250 to $500 per violation.

(f) Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

(1) The nature, circumstances, and severity of the violation(s).
(2) The violator’s ability to pay.
(3) The willfulness of the violator’s misconduct.
(4) Whether the violator took measures to avoid or mitigate violations of this chapter.
(5) Evidence of any economic benefit resulting from the violation(s).
(6) The deterrent effect of the penalty on the violator.
(7) Whether the violation(s) were due to conditions outside the control of the violator.

(g) Compliance Deadline Extension Considerations
The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 17 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
(1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
(2) Delays in obtaining discretionary permits or other government agency approvals; or,
(3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

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

(i) Education Period for Non-Compliance
Beginning January 1, 2022 and through December 31, 2023, City will conduct Inspections, which may include Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if City 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.

(j) Civil Penalties for Non-Compliance
Beginning January 1, 2024, if the City 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 or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 17, as needed.

Section 18. Effective Date
This ordinance shall be effective This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial.
WHEREAS, the City of Holtville has long assumed the responsibility for the collection of solid waste within the City limits, either with City staff or through granting of franchise agreements with professional waste haulers; and

WHEREAS, the City desires to comply with all County, State and Federal laws in association with solid waste collection activities; and

WHEREAS, legislative action such as the Integrated Waste Management Act of 1989 (AB 939), the Solid Waste Disposal Measurement Act of 2008 (SB 1016), the Mandatory Commercial Recycling Act of 2011 (AB341), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826) and the Short-Lived Climate Pollutants Act of 2016 (SB 1383 - Chapter 395, Statutes of 2016) have placed new requirements on the Collection and Recycling of Recyclable Materials and processing of Organic Materials generated from within the City; and

WHEREAS, failure to comply with elements of these regulations my result in the potential of a $10,000 per day fine if the City fails to adopt a local ordinance to mandate compliance or follow the State Regulations in this area; and

WHEREAS, the Holtville City Council has determined that adoption of such an Ordinance will serve the health, safety and public welfare of the community; and

WHEREAS, the City Council held Public Hearings on February 8, 2022, and March 14, 2022, to review the pertinent facts and consider all arguments for and against the proposed text amendments; and

NOW, THEREFORE, THE HOLTVILLE CITY COUNCIL DOES HEREBY RESOLVE, DETERMINE AND ORDAIN AS FOLLOWS:

SECTION 1: Ordinance 497 and Section 8.33 of the Holtville Municipal Code is hereby modified to include the attached text.

SECTION 2: Conflict: All ordinances, or parts of ordinances, in conflict with the terms and provisions of this ordinance, so far as they conflict herewith, are hereby repealed.

SECTION 3: Severability: If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

SECTION 2: Effective Date: This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.
PASSED, APPROVED AND ADOPTED by Holtville City Council at a regular meeting held on this 14th day of March, 2022, by the following roll call vote:

AYES: 
NOES: 
ABSTAIN: 
ABSENT:

Attest: _________________________________
Nicholas D. Wells, City Manager  
(Acting City Clerk)

Michael A. Pacheco, Mayor
DATE ISSUED: March 9, 2022  
FROM: Nick Wells, City Manager  
SUBJECT: Resolution No. 22-10  

Adopting a New Cost Recovery Fee Schedule

ISSUE:

Shall the City Council approve Resolution No. 22-10, repealing Resolution 20-08, the most recently adopted Cost Recovery Fee Schedule, adopting a revised schedule to include proposed revisions?

DISCUSSION:

The attached Fee Schedule includes revisions previously discussed by City Council and/or staff recommendations.

FISCAL IMPACT

Additional revenue for Septage Waste receiving and Swimming Pool usage. Other items have been charged in practice without prior listing.

CITY MANAGER RECOMMENDATION

It is recommended that the City Council adopt the revised schedule.

ALTERNATIVE

Not to adopt, giving alternate direction.
HOLTVILLE CITY COUNCIL
RESOLUTION NO. 22-10

A RESOLUTION OF THE HOLTVILLE CITY COUNCIL REPEALING
RESOLUTION 20-08 AND ESTABLISHING FEES AND CHARGES FOR CITY SERVICES

WHEREAS, Article VIII (b) of the California Constitution permits the City to establish and
recover costs reasonably incurred by the City in providing regulation and services from fees and
charges; and

WHEREAS, the City Council of the City of Holtville finds that costs are incurred by the City
in providing regulation and other services; and

WHEREAS, the City Council of the City of Holtville desires to recover those costs reasonably
borne by the City in providing regulation and other services;

WHEREAS, City staff has determined that the lowest responsible bidder to perform the work
is Exquisite Pools Custom Creations of El Centro, California, with a bid of $264,000; and

NOW, THEREFORE, THE HOLTVILLE CITY COUNCIL DOES HEREBY RESOLVE,
DETERMINE AND AUTHORIZE AS FOLLOWS:

1. The amounts of fees set forth in Exhibit "A" attached hereto and incorporated herein by
reference reflect the amount of fees reasonably required to be charged in order to recover
costs incurred and borne by the City in providing the services enumerated herein.

2. The fees set forth in Exhibit "A" are hereby established and set and become effective upon
adoption.

3. The fees established and set shall not apply to any government entity.

3. That the foregoing is true, correct and adopted.

PASSED, APPROVED AND ADOPTED by Holtville City Council at a regular meeting held on
this 14th day of March, 2022, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Attest: 

Mike Pacheco, Mayor

Nicholas D. Wells, City Manager
(Acting City Clerk)
# EXHIBIT A
## CITY OF HOLTVILLE FEE SCHEDULE

### GENERAL SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copies</td>
<td>$1.00 first page</td>
</tr>
<tr>
<td></td>
<td>$0.50 each page thereafter</td>
</tr>
<tr>
<td>Recording Fee</td>
<td>$150.00</td>
</tr>
<tr>
<td>Return Check Fee</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

### UTILITY SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Deposit for New Account</td>
<td>$2.00 Two Months Flat Rate</td>
</tr>
<tr>
<td>Water - Connection Fee (Turn On/Turn Off)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Water - Backflow Inspection</td>
<td>$50.00</td>
</tr>
<tr>
<td>Water Station Connection Fee</td>
<td>$1,500.00 $1,000.00</td>
</tr>
<tr>
<td>Sewer - Septage Waste Receiving</td>
<td>$0.19 $0.11 / gallon</td>
</tr>
</tbody>
</table>

### BUSINESS LICENSES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peddler</td>
<td>$50.00 per day</td>
</tr>
<tr>
<td>Farmers Markets</td>
<td>Per Event</td>
</tr>
<tr>
<td>Craft/Product Vendors</td>
<td>$10.00</td>
</tr>
<tr>
<td>Food Vendors</td>
<td>$20.00</td>
</tr>
<tr>
<td>Street Fairs, Special Events</td>
<td>$25.00 per event</td>
</tr>
<tr>
<td>Fireworks Vendor Fee</td>
<td>$500.00 per year</td>
</tr>
<tr>
<td>ALL OTHERS</td>
<td>$100.00 per year</td>
</tr>
</tbody>
</table>

### ANIMAL CONTROL FEES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Fees:</td>
<td></td>
</tr>
<tr>
<td>Altered</td>
<td>$15.00</td>
</tr>
<tr>
<td>Unaltered</td>
<td>$20.00</td>
</tr>
<tr>
<td>Disposal</td>
<td>$25.00</td>
</tr>
<tr>
<td>Leash &amp; Control Violation</td>
<td>$30.00</td>
</tr>
<tr>
<td>Euthanasia</td>
<td>$100.00</td>
</tr>
<tr>
<td>Impound Fee</td>
<td>$15.00 per day</td>
</tr>
<tr>
<td>Release Fee</td>
<td>$15.00 (7:00 a.m. to 2:00 p.m. (NO nights and weekends)</td>
</tr>
<tr>
<td>Quarantine Fee</td>
<td></td>
</tr>
<tr>
<td>at Home</td>
<td>$10.00 per day</td>
</tr>
<tr>
<td>at Shelter</td>
<td>$15.00 per day</td>
</tr>
<tr>
<td>Trap Rental Fee</td>
<td>$25.00 deposit (Mon - Thurs)</td>
</tr>
</tbody>
</table>
**FACILITY & PARK USE FEES**

<table>
<thead>
<tr>
<th>Facility</th>
<th>Fee</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Center/Hut - City Sponsored</td>
<td>No Fee</td>
<td>Resident functions which provide a community service in the area of education, recreation, health or welfare and are free to the participants.</td>
</tr>
<tr>
<td>Civic Center/Hut - Non Profit/Civic</td>
<td>$60.00 per hour</td>
<td>Resident functions which provide a community service in the area of education, recreation, health or welfare for which the participants are charged.</td>
</tr>
<tr>
<td>Civic Center/Hut Private (Resident)</td>
<td>$40.00 per hour</td>
<td></td>
</tr>
<tr>
<td>Holt Park - Picnic/BBQ (per section)</td>
<td>$30.00</td>
<td></td>
</tr>
<tr>
<td>Gazebo (3 hour limit to comply with City Ordinance)</td>
<td>$30.00</td>
<td></td>
</tr>
<tr>
<td>Mack Park</td>
<td>$25.00</td>
<td></td>
</tr>
<tr>
<td>Ralph Samaha Field</td>
<td>$25.00</td>
<td></td>
</tr>
<tr>
<td>Basketball Courts</td>
<td>$25.00</td>
<td></td>
</tr>
<tr>
<td>Restrooms (Lock/Unlock)</td>
<td>$25.00</td>
<td></td>
</tr>
<tr>
<td>Field Lights Key Deposit</td>
<td>$125.00</td>
<td></td>
</tr>
<tr>
<td>Field Lights/Electricity</td>
<td>$20.00 per hour</td>
<td></td>
</tr>
<tr>
<td>Cleaning Deposit (Refundable)</td>
<td>$100.00</td>
<td></td>
</tr>
<tr>
<td>Block Party Fee</td>
<td>$125.00</td>
<td></td>
</tr>
</tbody>
</table>

*NO JUMPERS OR SLIDES ARE ALLOWED ON CITY PROPERTY*

**SWIMMING POOL RENTAL FEES**

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleaning Deposit</td>
<td>$100.00 refundable</td>
<td></td>
</tr>
<tr>
<td>Rental Fees</td>
<td>$30.00 per hour</td>
<td></td>
</tr>
<tr>
<td>Public Swim</td>
<td>$1.00 daily per person, $20.00 monthly per family, $50.00 summer per family</td>
<td></td>
</tr>
<tr>
<td>Swim Team Fees</td>
<td>$25.00 /day, $300.00 / month, $150.00 / meet</td>
<td></td>
</tr>
</tbody>
</table>

**GUIDELINES & REQUIREMENTS**

1. Rental rates for any City owned property not named above may be set on a one time basis by the City Manager with the concurrence of the Finance Manager.
2. Rental fees may be waived by the City Manager with the concurrence of the Finance Manager; however cleaning fees and deposits will not be waived under any circumstance.
3. Deposits will be returned to renters by 5:00 p.m. on the second business day following the return of the rented items, provided they are returned in the same condition as when rented.
4. Groups and activities sponsored by the City will not be charged for use of City facilities.
5. Conditions of Use: One rental only per day.
   Fees must be paid in advance.
   Approved Facility Use Permit must be completed.
Must provide Certificate of Insurance.
Lifeguards must be scheduled.

6. Lifeguards:
2 For Groups \( \leq 50 \)
3 For Groups of 50 Or More
Party renting pool facility is responsible for securing lifeguards.
Lifeguards must have necessary certification on file at City Hall.

7. Maximum Occupancy 75
## FIRE INSPECTION FEES

**Occupancy Permits (Specific Hazard Renewable Annually)**

- Automobile Wrecking Yard: $100.00
- Chemical Storage Locker Approval: $100.00
- Combustible Fiber Storage: $50.00
- Combustible Liquid Storage:
  - a. Inside \( \geq 25 \text{ gallons} \): $50.00
  - b. Outside \( \geq 60 \text{ gallons} \): $50.00
- Compressed Gases: $25.00
- Garages: $50.00
- Hazardous Chemicals (see list): $100.00
- High Piled Combustible Stock: $100.00
- Liquid Petroleum Gases: $100.00
- Lumber Yards: $50.00
- Medical Gas Systems: $50.00
- Places of Assembly \( \geq 50 \text{ People} \): $75.00
- Refrigeration Equipment: $50.00
- Spraying or Dipping: $100.00
- State Required Inspections: $100.00

**Life Safety Inspections**

- a. Light Hazard: $25.00
- b. Ordinary Hazard: $50.00
- c. Extra Hazard: $75.00
- d. Annual Inspection \( \leq 60 \text{ People} \): $50.00
- e. Annual Inspection \( \geq 60 \text{ People} \): $100.00

**Fees For Occurrence or Use**

- a. Christmas Tree Lots: $50.00
- b. Tents, Air Supported Structures: $100.00

**Reinspections**

- a. Second: $50.00
- b. Third and After: $50.00

### Plan Checking & Inspection

- Fire Sprinkler: $100.00
- Annual Sprinkler Test: $50.00
- Fire Alarm System:
  - a. Residential: $50.00
  - b. Commercial: $100.00
- Automatic Fire Protection System: $50.00
- Liquified Petroleum Gas: $50.00
- Medical Gas System: $25.00
- Tank Removal & Installation: $100.00
- Miscellaneous Inspection, not specified: $50.00 per hour
- Miscellaneous Plan Review, not specified: $50.00 per hour
Miscellaneous

Document Fees
   a. Fire Code Amendments (per copy) Cost + 10%  
   b. Photograph (per photo) Cost + 10%  
   c. Incident Reports $ 25.00  
   d. Investigation Reports $ 15.00  
   False Alarm (after 2nd occurrence/12 months) $ 100.00  
   $ 25.00

Failure To Obtain Permit Double Fees

Nuisance Abatement Program
   Administration Fee $ 275.00  
   Special Inspection Fee $ 75.00  
   Abatement Lien Cost + 10%

Recovery Cost of DUI  
   Emergency cost up to $ 1,250.00

MEDICAL BILLING

<table>
<thead>
<tr>
<th>Services &amp; Supplies</th>
<th></th>
<th>Medications</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Response (LALS - Advanced)</td>
<td>$110.00</td>
<td>Albuterol .83% 3ML X 25 UD</td>
<td>$10.00</td>
</tr>
<tr>
<td>Response (BLS - Basic)</td>
<td>$95.00</td>
<td>Dextrose 50% 50ML SYR</td>
<td>$10.00</td>
</tr>
<tr>
<td>Night Call</td>
<td>$20.00</td>
<td>EPI IMO IML AMP</td>
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<tr>
<td>Mileage (per mile)</td>
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<td>Glucagon lMG VL</td>
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<td>Oxygen</td>
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<td>Naloxone 2MG 2ML SYR IMS</td>
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<td>Suction Kit</td>
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<td>Aspirin 81 MG X 36 Chewable</td>
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<td>CPR/Resuscitator</td>
<td>$45.00</td>
<td>Charcoal &amp; Sorb 8 oz.</td>
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<td>Traction Splint</td>
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<td>Nitro Spray</td>
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<td>Burn Kit</td>
<td>$70.00</td>
<td>IV Set X 48 (Max)</td>
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<td>KED Sled</td>
<td>$80.00</td>
<td>IV Set X 48 (Min)</td>
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<td>Splint (Cardboard)</td>
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<td>Sod Chloride .9% 1000 OML</td>
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<td>Sponge (4 X 4 Package)</td>
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<td>Sterile Solution</td>
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</tr>
<tr>
<td>N Catheters</td>
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</tr>
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<td>N Guard Box</td>
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<td>Glucose Paste</td>
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<td>Flush Syringe</td>
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</tr>
<tr>
<td>Bag Valve Mask</td>
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<tr>
<td>Back Board</td>
<td>$50.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Collar</td>
<td>$25.00</td>
<td></td>
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<tr>
<td>Head Bed</td>
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# IMPERIAL COUNTY SHERIFF - FEE SCHEDULE

*(PROVIDED FOR INFORMATION ONLY)*

## RECORDS DIVISION

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>FINGERPRINT ROLL - Live Scan</td>
<td>$22.00</td>
</tr>
<tr>
<td>CCW- INITIAL / County Fees <em>(DOJ Fees Not Included)</em></td>
<td>$58.18</td>
</tr>
<tr>
<td>CCW - RENEW / County Fees <em>(DOJ Fees Not Included)</em></td>
<td>$58.18</td>
</tr>
<tr>
<td>CCW - CARD - HR 218 <em>(RETIRED LEO)</em></td>
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<tr>
<td>BINGO LICENSE - INITIAL <em>(valid for 6 months)</em></td>
<td>$58.00</td>
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<tr>
<td>BINGO LICENSE - RENEW</td>
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<tr>
<td>BINGO STAFF LIST</td>
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<tr>
<td>EXPLOSIVE PERMIT - <em>(valid for 1 yr)</em></td>
<td>$36.00</td>
</tr>
<tr>
<td>ALARM PERMIT <em>(valid for 2 yrs)</em></td>
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<tr>
<td>FALSE ALARM - 1st reissued within a 2 yr period</td>
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<td>2nd reissued within a 2 yr period</td>
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<td>3rd reissued within a 2 yr period</td>
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<td>4 or more false alarms reissued within a 2 yr period</td>
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<tr>
<td>LOCAL CRIMINAL HISTORY CHECK</td>
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<td>CLEARANCE LETTER</td>
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<td>BOOKING SHEET</td>
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<td>BOOKING PHOTO</td>
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<td>PURGE RECORD LETTER <em>(for purged documents)</em></td>
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<td>BACKGROUND CHECKS other than Law Enforcement</td>
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<td>VEHICLE RELEASE</td>
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<td>VEHICLE REPOSSESION</td>
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<td>PHOTOS - Evidence <em>(ID Division Laboratory)</em> 5 x 5</td>
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<tr>
<td>PHOTOS - Evidence <em>(ID Division Laboratory)</em> 8 x 10</td>
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<td>SUBPOENA <em>(for an Officer to appear - Civil Division)</em></td>
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<td>SUBPOENA <em>(regular service thru the Civil Division)</em></td>
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<tr>
<td>SUBPOENA <em>(Deposition Records Division, etc.)</em></td>
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<tr>
<td>SUBPOENA <em>(Civil Cases - Records Division)</em></td>
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<tr>
<td>SUBPOENA STD <em>(criminal)</em></td>
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<td>NOTARY PUBLIC SERVICE</td>
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<td>RETURNED CHECK FEE</td>
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## CORONERS

<table>
<thead>
<tr>
<th>Service Description</th>
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<tbody>
<tr>
<td>INVESTIGATION REPORT</td>
<td>$40.00</td>
</tr>
<tr>
<td>POST MORTEM -AUTOPSY</td>
<td>$25.00</td>
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<tr>
<td>TOXICOLOGY REPORT</td>
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<td>PHOTOS - 35 MM <em>(Prior to 2005)</em></td>
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<td>PHOTOS - DIGITAL</td>
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<td>AUDIO/VIDEO TAPE</td>
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<td>DECEDEDANT REMOVAL FEE</td>
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<td>Service</td>
<td>Fee</td>
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<tr>
<td>--------------------------------------------</td>
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<tr>
<td>NOT FOUND</td>
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<tr>
<td>CANCELLATION OF SERVICE</td>
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<td>LEVY</td>
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<td>EARNINGS WITHHOLDING ORDER</td>
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<tr>
<td>BANK</td>
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<td>SAFE DEPOSIT BOX (NOT INCLUDING LOCK DRILL)</td>
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<td>BOOK</td>
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<td>IMMEDIATE POSSESSION</td>
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<td>KEEPER (M-F 8A - SP)</td>
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<td>VEHICLE (CARS &amp; LIGHT TRUCKS)</td>
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<td>VEHICLE (OVER 1 TON)</td>
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<td>NON-WRIT SERVICE OF PROCESS</td>
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<tr>
<td>SUPOENA - CIVIL</td>
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<tr>
<td>SUMMONS AND COMPLAINT</td>
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<tr>
<td>UNLAWFUL DETAINER</td>
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<tr>
<td>WITH PREJUDGEMENT CLAIM</td>
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<tr>
<td>SUMMONS AND PETITION</td>
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<tr>
<td>TILL TAP (IMMEDIATE LEVY)</td>
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<td>WITNESS FEE</td>
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<td>CITIZEN (PER DAY) &amp; ($.20 PER MILE)</td>
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<td>OFFICER (PER DAY)</td>
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<td>RECORDS ONLY (NO APPEARANCE)</td>
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<td>WRITS</td>
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<td>ATTACHMENT WITHOUT SEIZURE</td>
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<tr>
<td>ATTACHMENT WITH SEIZURE (PLUS COST)</td>
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<tr>
<td>ATTACHMENT - REAL PROPERTY</td>
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<td>POSSESSION</td>
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<tr>
<td>CLAIM &amp; DELIVERY WITH SEIZURE (PLUS COSTS)</td>
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<tr>
<td>SERVICE S &amp; C WITH WRIT</td>
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<tr>
<td>POSSESSION (EVICTION)</td>
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<tr>
<td>RESCHEDULE (REPOSTING)</td>
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<tr>
<td>COPY FEE PER PAGE</td>
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FEES ESTABLISHED BY IMPERIAL COUNTY SHERIFF'S DEPARTMENT
## CITATIONS ISSUED BY HOLTVILLE POLICE DEPARTMENT FEE SCHEDULE

### Traffic Violations
- Handicap Parking: $250.00
- Driving in Designated Area: $50.00
- Timed Parking: $30.00
- No Parking Over 72 Hours: $30.00
- No Parking in Alley: $30.00
- Parking Within Markings: $30.00
- Parking at Yellow Curb: $30.00
- Parking at Bus Stop/Red Curb: $30.00
- Commercial Vehicle Not on Truck Route: $80.00
- Truck Parking Over 10,000 lbs.: $30.00
- Any Other Parking Violation: $30.00
- Ticket Sign Off: $17.00

### Alarm
- Business/Residential False Alarm (after 2nd occurrence/12 months): $100.00

### Public Nuisance
- Response to Loud Noise (after 2nd within 24 hours): $50.00

### Animal Control
- Animal Nuisance: $20.00

### Public Peace, Morals and Safety
- Prohibited Driving on Park: $20.00
- Prohibited Riding on Sidewalk: $20.00
- No Liquor in Park: $50.00
- Possession of Graffiti Implement: $50.00
To: Nicholas D. Wells, City Manager  
City of Holtville City Council

From: Jeorge Galvan, AICP, City Planner

Prepared by: Francisco Barba, Assistant Planner

Date: March 22, 2022

Project: Application for CMAQ and STBG Funding Fiscal Year 22/23 – 24/25 and  
Local Funds Commitment for the Following Roadway Projects

- **West 9th Street Pedestrian and Bicycle Improvements Project** – STBG Funding
- **East 9th Street Pedestrian Improvements Project** – CMAQ Funding

**Summary:**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>City of Holtville</th>
</tr>
</thead>
</table>
| Project Location: | West 9th Street between Olive Avenue and Melon Road  
East 9th Street between Ash Avenue and Oak Avenue |
| Pending Action: | Authorization for submittal of STBG and CMAQ Applications and commit to the required 11.47% local match via  
Resolution 2022-11 for West 9th Street STBG  
Resolution 2022-12 for East 9th Street CMAQ |
| Zoning: | Public Right-of-Way |
| General Plan: | N/A |
| Environmental: | Exempt from CEQA |

**INTRODUCTION AND BACKGROUND**

The City of Holtville has the opportunity to submit applications through the Surface Transportation Block Grant Program (STBG) and the Congestion Mitigation and Air Quality (CMAQ) Program administered through Caltrans. An overview of the programs is as follows:

**STBG** – The Surface Transportation Block Grant (STBG) is a federal funding program authorized under MAP-21 and identified in Section 133 of Title 23 of the United States Code. The purpose of this program
is to preserve and improve the conditions and performance on any federal highway, bridge, or public road of all functional classifications, including pedestrian and bicycle infrastructure.

CMAQ – The purpose of the CMAQ program is to fund transportation projects or programs that will contribute to attainment or maintenance of the national ambient air quality standards (NAAQS). Funding can be expended on projects to reduce ozone precursor emissions. These include nitrogen oxides (NOx), volatile organic compounds (VOC), carbon monoxide (CO), and particulate matter (PM10) emissions.

The purpose of this staff report is to present the City Council with local projects that can benefit from these funding opportunities, and if the review is favorable, for Council to consider these opportunities and take action on whether or not to commit local funding for the required local match.

ISSUES FOR DISCUSSION

Fund Availability

ICTC, as the Regional Transportation Planning Agency (RTPA) has begun the process to solicit and will subsequently program future federal STBG and CMAQ revenues for jurisdictions in the County of Imperial. The region has a total of $7,706,117 available in STBG funding distributed evenly among three fiscal years and a total of $5,221,306 available in CMAQ funding distributed among the 22/23 - 24/25 fiscal years, as follows:

Criterion for Funding

The applications are, rather, a somewhat competitive process under which the following scoring criterion will be applied:

<table>
<thead>
<tr>
<th>RSTP - 100 Points Maximum</th>
<th>CMAQ - 100 Points Maximum</th>
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</thead>
<tbody>
<tr>
<td>• Community Benefit (0-30 Points)</td>
<td>• Congestion Relief (0-20 Points)</td>
</tr>
<tr>
<td>• Project Readiness (0-40 Points)</td>
<td>• Emissions Reductions (0-20 Points)</td>
</tr>
<tr>
<td>• Regional Significance (0-20 Points)</td>
<td>• Cost-Effectiveness (0-20 Points)</td>
</tr>
<tr>
<td>• Continuity (0-10 Points)</td>
<td>• Project Readiness/Ability to Deliver (0-20 points)</td>
</tr>
<tr>
<td></td>
<td>• Factors of Overriding Concern (0-20 Points)</td>
</tr>
</tbody>
</table>

Applications are scored and ranked by a committee primarily composed of ICTC Technical Advisory Committee (TAC) members. Each City has a representative in the selection committee.

PROJECTS SELECTED

STBG – West 9th Street Pedestrian and Bicycle Improvements Project

An application for the West 9th Street Pedestrian and Bicycle Improvements Project was submitted from Melon Road to Olive Avenue (Attachment A – West 9th Street Project Location Map), as it has a great chance of obtaining STBG funds for the following reasons:

• Community Benefit (0-30 Points) – The proposed project will have multiple community benefits such as providing a safe and efficient method for the movement of goods and people for all users of the City’s transportation system. Holtville and the surrounding areas are home to a
multitude of agricultural operations and industrial businesses that rely on Holtville’s roadway network to support the County’s economy. Additional benefits include improved air quality, community connectivity, and aesthetics.

- **Project Readiness** (0-40 Points) – The City of Holtville has an excellent reputation for being able to deliver projects on schedule. Sidewalks furthermore are exempt from CEQA and all work will be within the City Right-of-Way.

- **Regional Significance** (0-20 Points) – 9th Street acts as an alternate road to bypass a portion of Highway 115 in the event of an emergency. Both the City of Holtville General Plan and Bicycle Master Plan classify the proposed project location as a Class II/III bicycle lane. The proposed project is the first phase of Route Number 4 which will link the northern section of the City starting on 9th Street at Olive Avenue before moving west towards Melon Road, then north to Eleventh Street, and finally east to Slaton Road where it will then link back to 9th Street. The main goal of this route is to link the northern properties with the High School. This is just one of 8 routes that will connect the entire City with schools, parks, and other amenities. Each segment was planned for implementation once funding becomes available. 9th Street is also identified as one of the top projects for the City of Holtville in the 2022 Imperial County Transportation Commission Regional Active Transportation Plan

- **Continuity** (0-10 Points) – This project would be the 5th phase of 9th Street that would be receiving STBG/CMAQ funds. As previously mentioned, this portion of 9th Street is the last remaining segment that is not consistent with City standards. As an east-west major collector, 9th Street’s primary function is to move residents out of the City to employment centers throughout the County. This inevitably leads to the high daily vehicle count experienced during the mornings and afternoon where residents traverse the area for work/school. Additionally, as a Class II/III bicycle lane the area receives a higher amount of cyclists than other streets within the City and unincorporated area. The facilities will service the surrounding incorporated and unincorporated communities by giving residents/students a safe area to walk and ride bicycles

**Project Scope**

The proposed project involves the construction of a sidewalk with a curb and gutter on the north side of a 1,130 foot segment of 9th Street between Melon Road and Olive Avenue. The proposed project also includes expanding the road width for the construction of a new bicycle lane. The area is constantly utilized by industrial vehicles from the industrial zones southwest of the project site, and has an average daily traffic volume of 856 vehicles. 9th Street is also classified as a Class II/III bicycle lane by the City of Holtville 2014 Bicycle Master Plan, however, the 33 foot wide paved road does not have the required width to accommodate a bicycle lane forcing cyclist to ride on one of the vehicle lanes. Additionally, a high density multi-family development is being planned on a vacant lot abutting the project site which will increase the amount of pedestrian and bicycle traffic in the area by a considerable amount. This planned project will cover approximately 80% of the proposed project length and is located one tenth of a mile from the Holtville High School.

The project consists of the removal of native soil and replacing it with a new PCC sidewalk, curb, and gutter. The road width will also be expanded and a new bicycle lane will be constructed. These improvements are necessary in order to accommodate the current and future needs of non-motorized travelers (including pedestrians, bicyclists, and persons with disabilities). The project will encourage residents to walk and ride bicycles to school while reducing the number of vehicle trips created by current and future developments in the area. Additional benefits include the provision of safe and efficient transportation for all users of the
City’s transportation system, provide alternatives for non-motorized travel, minimize adverse effects of the environment, improve aesthetic features, and furthering the fulfillment of the City of Holtville General Plan.

Project Budget

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Total Cost</th>
<th>Funding Sources and Amounts</th>
<th>FFY of Obligation</th>
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</thead>
<tbody>
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<td>STBG enter source #1</td>
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<td>Design (PS&amp;E)</td>
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<td>Right-of-Way</td>
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<td>22/23</td>
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<tr>
<td>Construction</td>
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<td>$534,053.50</td>
<td>22/23</td>
</tr>
<tr>
<td>Contingencies (10%)</td>
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<td>$53,405</td>
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<tr>
<td>Total</td>
<td>$714,370.5</td>
<td>$640,863.5</td>
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CMAQ – East 9th Street Pedestrian Improvements Project

An application for East 9th Street Pedestrian Improvements Project was submitted between Ash Avenue and Oak Avenue (Attachment B – East 9th Street Project Location Map), as it has a great chance of obtaining CMAQ funds for the following reasons:

- **Congestion Relief** (0-20 Points) - Due to the lack or poor condition of sidewalks, vehicle use is prominent in this segment, even for short distance travel. The sidewalk would create an alternative to vehicle use from residential neighborhoods to eliminating congestion.

- **Air Pollutant Emissions Reductions** (0-20 Points) – The shoulder is currently a dirt shoulder and a combination of both vehicle reduction and PM10 reduction would result in a significant air pollution reduction of 13595.99 pounds per year.

- **Cost-Effectiveness** (0-20 Points) – The Sidewalk costs are cost effective since curb and gutter is proposed to be completed this the project will address air pollution high enough to have a reasonable cost-benefit ratio.

- **Project Readiness/Ability to Deliver** (0-20 points) – The City of Holtville has an excellent reputation for being able to deliver projects on schedule. Sidewalks furthermore are exempt from CEQA and requires minor design with coordination from Caltrans for encroachment permit.

- **Factors of Overriding Concern** (0-20 Points) – This project further promotes physical activity for good health and improves the overall quality of life by creating a safe environment and improving the visual aesthetics of the community.
**Project Scope**

The road section of 9th Street proposed for this project will be the 5th phase of 9th Street that would be receiving CMAQ/STBG funding. This segment of 9th Street is one of the few segments in the City of Holtville that fails to meet City standards. The project location currently lacks pedestrian facilities along the northern boundary between Ash Avenue and Oak Avenue. The City has previously attempted to construct a sidewalk in the area, however, the lack of funds forced the City to reduce the project scope and stop at Ash Avenue. The proposed project will continue where the previous project left off and connect the sidewalk (on 9th Street) ending at Ash Avenue with the sidewalk on Oak Avenue. The project is located two blocks from the nearby Holtville Middle School and experiences large amounts of pedestrian and motorized traffic during the mornings and afternoons. Coupled with the daily traffic volume of 856 vehicles, the location becomes a significant safety concern for residents. The installation of a new sidewalk is necessary not only for safety but to accommodate the current and future needs of nonmotorized travelers (including pedestrians, bicyclists, and persons with disabilities).

The project includes the construction of a pcc sidewalk along the north side of Ninth Street from a point east of Ash Avenue to a point east of Oak Avenue. 6 inch pcc curb and gutter will be installed along the new interior sidewalk edge and new asphalt rubber hot mix (ARHM) pavement within the native earth area between the existing north A.C. pavement edge and the new pcc curb and gutter. The new pcc curb and gutter will maintain the same flow direction and approximate slopes as the existing curb and gutter along the south side of Ninth Street. Native earth “backing” material will be placed along the exterior edge of the new sidewalk to transition from the new sidewalk grade to the existing native earth grade. Both a traffic and erosion control plan will also be prepared for this project.

**Project Budget**

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Total Cost</th>
<th>Funding Sources and Amounts</th>
<th>FFY of Obligation</th>
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<td>Construction</td>
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<td>$345,865</td>
</tr>
<tr>
<td></td>
<td>Contingency (10%)</td>
<td>$34,586.5</td>
<td>$34,586.5</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$462,643</td>
<td>415,038</td>
</tr>
</tbody>
</table>

**FISCAL IMPACT**

Funding received under STBG and CMAQ requires a minimum local match of 11.47% total of local funds over the next three fiscal years and specified by project below.

- **West 9th Street** – If the Orchard Avenue Roadway Improvements is selected and full funding requested is received, then an estimated local match in the amount of **$73,507** is required.
- **East 9th Street** – If the Cedar Avenue Project is selected and full funding requested is received, then an estimated local match in the amount of **$47,605** is required.

The total local match required is **$109,000**
RECOMMENDATION AND PENDING ACTION

One of the requirements under STBG and CMAQ is for the public to be afforded an opportunity to comment on the proposed project. It is recommended that Council solicit public comment. Once all comments are received and considered, it is recommended that City Council consider the following options:

Regarding the West 9th Street STBG Application:

1. Approval of Resolution 2022-11 (Attachment C) authorizing the STBG application and committing local funds from the City’s streets fund for the required local match as presented.

Regarding the East 9th Street CMAQ Application:

2. Approval of Resolution 2022-12 (Attachment D) authorizing the cmaq application and committing local funds from the City’s streets fund for the required local match as presented.

Alternative

Attachments:
Attachment A – West 9th Street Project Location Map
Attachment B – East 9th Street Project Location Map
Attachment C – STBG Resolution 2022-11
Attachment D – CMAQ Resolution 2022-12
ATTACHMENT A – W. 9TH STREET PROJECT LOCATION MAP
ATTACHMENT B – E. 9TH STREET PROJECT LOCATION MAP
ATTACHMENT C- RESOLUTION 22-11
RESOLUTION NO. CC 22-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE APPROVING AN APPLICATION SUBMISSION TO OBTAIN FUNDING THROUGH THE FY 22/23 UNDER ICTC’S SURFACE TRANSPORTATION BLOCK GRANT (STBG)

WHEREAS, AB 1012 has been enacted into State Law in part to provide for the timely use of State and Federal funds; and

WHEREAS, the City of Holtville is able to apply for and receive Federal and State funding including Surface Transportation Block Grant (STBG) funds; and

WHEREAS, the City of Holtville desires to ensure that its projects are delivered in a timely manner to preclude losing funds for non-delivery; and

WHEREAS, it is understood by the City of Holtville that failure for not meeting project delivery dates for any phase of a project may jeopardize federal or state funding in the Region; and

WHEREAS, the City of Holtville will submit an application for West 9th Street between Melon Road and Olive Avenue inside City Limits with an estimated cost of $640,863.5; and

WHEREAS, an 11.47% of local matching funds is required for STBG participation and this, the City of Holtville commits a total local match of $73,507 from the City of Holtville’s streets funds; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Holtville hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded, and:

A) The opportunity for public comment was provided at a public meeting; and

B) Local funds in the amount of $73,507 from the City of Holtville’s streets funds (Source and type of funds) will be used to leverage the federal funds for the project; and

C) Project(s) is consistent with the Circulation Element of the City of Holtville; and

D) Project(s) is consistent with the adopted pavement management plan (for rehabilitation projects only).

BE IT FURTHER RESOLVED, that failure to meet project delivery deadlines may be deemed as sufficient cause for the Imperial County Transportation Commission Policy Board to terminate an agency’s project and reprogram Federal/State funds as deemed necessary.

BE IT FURTHER RESOLVED, that the City of Holtville City Council does direct its management and engineering staffs to ensure all federal and state-funded projects are carried out in a timely manner as per the requirements of AB 1012 and the directive of the City of Holtville City Council.
PASSED, ADOPTED AND APPROVED by the City Council of the City of Holtville, this 14th day of March 2022.

Michael A. Pacheco, Mayor

I, Nicholas D. Wells, City Manager (Acting City Clerk) of the City of Holtville, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Holtville at a meeting thereof held on the 14th day of March 2022 based on the following vote:

AYES: 
NOES: 
ABSTAIN: 
ABSENT: 
ATTEST:

Nicholas D. Wells, City Manager (Acting City Clerk)
ATTACHMENT D - RESOLUTION 22-12
RESOLUTION NO. CC 22-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE APPROVING AN APPLICATION SUBMISSION TO OBTAIN FUNDING THROUGH THE FY 22/23 UNDER ICTC’S CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM

WHEREAS, AB 1012 has been enacted into State Law in part to provide for the timely use of State and Federal funds; and

WHEREAS, the City of Holtville is able to apply for and receive Federal and State funding including Congestion Mitigation and Air Quality (CMAQ) funds; and

WHEREAS, the City of Holtville desires to ensure that its projects are delivered in a timely manner to preclude losing funds for non-delivery; and

WHEREAS, it is understood by the City of Holtville that failure for not meeting project delivery dates for any phase of a project may jeopardize federal or state funding in the Region; and

WHEREAS, the City of Holtville will submit an application for West 9th Street between Ash Avenue and Oak Avenue inside City Limits and an estimated cost of $415,038; and

WHEREAS, an 11.47% of local matching funds is required for CMAQ participation and this, the City of Holtville commits a total local match of $47,605 from the City of Holtville’s streets fund; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Holtville hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded, and:

A) The opportunity for public comment was provided at a public meeting; and
B) Local funds in the amount of $47,605 from the City of Holtville streets fund (Source and type of funds) will be used to leverage the federal funds for the project; and
C) Project(s) is consistent with the Circulation Element of the City of Holtville; and
D) Project(s) is consistent with the adopted pavement management plan (for rehabilitation projects only).

BE IT FURTHER RESOLVED, that failure to meet project delivery deadlines may be deemed as sufficient cause for the Imperial County Transportation Commission Policy Board to terminate an agency’s project and reprogram Federal/State funds as deemed necessary.

BE IT FURTHER RESOLVED, that the City of Holtville City Council does direct its management and engineering staffs to ensure all federal and state-funded projects are carried out in a timely manner as per the requirements of AB 1012 and the directive of the City of Holtville City Council.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Holtville, this 14th day of March 2022.
I, Nicholas D. Wells, City Manager (Acting City Clerk) of the City of Holtville, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Holtville at a meeting thereof held on the 14th day of March 2022 based on the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
ATTEST:

Nicholas D. Wells, City Manager
(Acting City Clerk)
City of Holtville

REPORT TO COUNCIL

DATE ISSUED: March 11, 2022
FROM: Nick Wells, City Manager
SUBJECT: City Manager Update

INFORMATION ONLY – NO ACTION REQUIRED AT THIS TIME

WATER ENTERPRISE

Water Treatment Plant Rehab – Upgrades to our Water Treatment Plant became necessary to deal with past TTHM issues in our finished water supply. Additionally, it was long recognized that replacing the aged system controls was necessary. Finally, corrosion developed inside the 2.4-million gallon water storage tank that was completed in 2010.

Financing was secured through the Clean Water State Revolving Fund (SRF) in July 2019, to address these issues, with a fully executed agreement received in late September. The Holt Group was selected to work along with Delta Systems to oversee the design and bidding process. Multiple delays by the funding agency significantly slowed the start of the project. THG was engaged to serve as the RE/CM and Canyon Springs Enterprises (dba RSH Construction) as the construction contractor for the project in late 2020. Additional funding was required, however, so augmentation was requested and eventually granted by SRF.

A Notice to Proceed was issued in mid-April, 2021, starting the clock on the allotted time for construction. The contractor began work in June, 2021. The smaller 1.5 million gallon (mg) tank was drained, recoated and baffle curtains were installed to force water to travel a predetermined path through the tank, giving it more theoretical contact time with disinfecting chlorine. Work has consistently moved along as scheduled, with only minor procurement delays. Repairs to that tank were completed in October, after which it underwent required curing and testing. Once again, the State slowed the project, as it took well over a week for final approval to put the tank back into service after all testing came back clear to do so.

Work began on the 2.4 mg tank the week after Thanksgiving, which includes recoating the internal walls and the addition of an agitator to “stir” the water within the tank, coupled with multiple one-way vents. This process is used to aerate the volatile TTHMs from the stored water, then venting them from the tank. It was discovered that the internal damage to the bigger tank was/is not as extensive as was feared, helping to keep the project on schedule. Work on the larger tank is currently progressing, but essentially in a phase wherein long-term tasks are being performed and little reportable variation occurs. Several change Orders have been proposed to perform work beyond the scope of the contract and it is assumed that most of the Contingency fund will be expended by the end of the project.

A tour of the Plant with attention paid to the current project took place recently with multiple Council members, staff and the Construction Manager in attendance. The group was given the rare opportunity to enter the empty 2.5 mg tank and see some of the apparatus being installed to help alleviate the City’s past TTHM issues and improve the overall functionality of the plant. Thanks to Frank, Josh and Adrian for their patience and informative tour!

Several staff training sessions have already taken place for the new electronic controls system. Work on that phase has proceeded steadily throughout, though much of it will occur when the repairs are completed.
**Rate Study** – The profitability of the Water Enterprise has been problematic in recent years. Coupled with the issues listed above and the debt covenant to budget a net revenue of 120% of the annual debt service, a rate adjustment has been explored. Although California Rural Water completed some preliminary analysis in a no-cost Water Rate Study for the purposes of the SRF grant application, it is now necessary that another rate study be completed, with fresh analysis. We will be bringing this back for discussion soon.

**TRASH ENTERPRISE**
Considerable work has been put in by staff to handle changing regulation regarding food waste recovery mandated by the state. A new ordinance with regulations and a fine structure was introduced last month, *has been fine-tuned and presented in final form for this meeting. In conjunction with that issue, I have spent many hours the past few weeks on editing the resolution, attending meetings, and a (birthday) tour of a green waste receiving/processing facility in Arizona. This legislation is just beginning to take effect. In the coming months, we will be taking further action, including revisiting the contract with CR&R, as our current contract is out of compliance with SB 1383 requirements.*

**PUBLIC WORKS**

**TRANSPORTATION PROJECTS**

**Cedar Avenue Sidewalk Improvements Project (Fourth to Fifth Street)** – The Holt Group completed design engineering in mid-2020. Designs were approved by Caltrans and Council authorized staff to proceed with procurement in early April, 2021. A site visit with staff and the City Engineer resulted in a couple of minor design “tweaks” to be completed prior to bidding, but the project was advertised for construction contractors the first week of May. Dynamic Consulting was selected as the RE/CM and Rove Engineering for construction. A pre-construction meeting was held in early August to discuss project commencement.

An area of contaminated soil was discovered which has required remediation prior to the start of construction. This was not unexpected, given that the old railroad bed runs through the project area. Environmental clearance on the removal of all contaminated soil was sought, but that process took some time. Caltrans was contacted and a change in scope to cover the soil removal was approved. Clearance on the remediation was finally received and work on this project began in mid-December. Demolition was completed the first week of January and much of the curb and gutter were poured earlier this month. Concrete forms are currently still being installed for some of the ramps and driveways. The remainder of the concrete was poured a few weeks ago, asphalt was poured the following week. *Striping will take a few weeks, then the project will be complete.*

**Pear Canal Undergrounding/Ninth Street Improvements (Olive to Melon)** – this project has been discussed for some time. Initial action to proceed was taken in early 2021. A deposit was forwarded to IID to begin design and a site visit with staff, the IID and City Engineer took place recently to discuss any issues that need to be addressed in design. A subsequent meeting was held at the project site in October with staff, THG and IID to discuss further design details. Undergrounding work was scheduled to take place in December 2021, however, delays were discussed at that meeting from the IID side which eventually led to construction work being pushed to early 2022. This is not an issue from the City’s standpoint, as we will be applying for funding through ICTC for the resulting necessary sidewalk/roadway improvements, however that funding will not be available until at least October, 2022.

Another site meeting was held in early January to further fleshing out some anticipated design and construction challenges. Several nearby residences served by surface water were discussed at length and it
was determined that incentivizing these properties to convert to City water would be in the best interest of the project. This will be discussed further in the future. **Staff and IID personnel touched base last week. We are still trying to ascertain whether the outside properties can be converted to City service.**

**Congestion Mitigation Air Quality (CMAQ) & Surface Transportation ACTION Block Grant (STBG) 2022 Call for Projects** – the decision was made to advocate the Ninth Street and sidewalk from Olive to Melon to follow the above-mentioned canal undergrounding and for closing the gap between Webb and Oak on Ninth Street with curb, gutter and sidewalk. The ICTC Technical Advisory Committee recently published guidelines for applications, which will be due this month. **Staff is submitting these projects to ICTC this week. Judging and slotting of the projects will take place in mid-March.**

**PARKS**

**Holtville Wetlands Project** – An approximately $3 million grant through the US Bureau of Reclamation was awarded the City in late 2016. THG was selected for Grant Administration tasks and George Cairo Engineering for design services. The design team was significantly behind schedule from the outset. GCE finally produced a Record of Survey that was first filed with the County in 2018. The County processed multiple plans checks and returned them to GCE with comments to be addressed. Cairo responded to the comments and resubmitted, however, very slowly. THG and staff applied pressure throughout the process.

Representatives from BoR expressed concern about the progress in late 2020, but conversations with staff calmed the waters a bit on their end. We began monthly status conferences with BoR in March 2021. Due to difficulties had with the design firm, we were unofficially given an 18-month extension on the grant agreement that was set to expire on July 30, 2021. The time lag has been exacerbated in the last year trying to get plans approved through the County, which has been short-staffed due to COVID. The extension was approved by BoR in April, 2021.

A geotechnical report was prepared to finalize the permitting process with the County. Landmark was engaged to produce a Geotechnical report, and authorization was given to release a construction RFP in August. Final bid specifications were finally received, reviewed by the City Engineer, and incorporated for release in the RFP for construction. The RFP for construction was advertised on 1/21 for a 2/22 bid opening. **The bid opening was pushed to 3/1, but only one bid was received, which was significantly over (+/- $1.4 million) the construction budget. We have contacted BoR and will be setting up a meeting to discuss options.**

**Railroad Trestle Repair** – A grant was secured from the California Natural Resources Agency to repair the railroad trestle burned in a river bottom fire several years ago. This is necessary to connect the Trail to east side of the river and eventually the future Wetlands area. After over a decade and a half of being somewhat unsightly and unusable, the trestle will soon be fixed cosmetically and usable for pedestrian and non-motorized traffic. Documentation was finally signed for this grant in late October, 2021, so an RFP for design will be coming soon. Staff is currently awaiting technical specifications to finalize an RFP for this project, which should go out in March.

**Mellinger Alamo River Trail** We were approached by River Partners, a non-profit that deals in habitat restoration, about a project that would be a good complement to our Wetlands trail spur. Action was taken in early May, 2021, to support their proposed project. A site meeting between River Partners, IID officials and staff was held and the project is moving forward to seek funding.

**Gene Layton Pool** – Significant degradation to the City Pool has occurred in the 60+ years since its construction. Necessary refurbishment and upgrades have been discussed and an application for funding under the state’s Prop 65 Parks Bond Per Capita program was submitted. The City will also receive funding
through the IID to assist in the project, so the scope was revised to include other desired items. The revised scope was incorporated and resubmitted for grant funding. Due to some staff turnover and a glut of applications at State Parks, processing the document took an inordinate amount of time, however, the fully executed grant agreement was finally received on 2/18 and a contractor engaged shortly thereafter. **Demolition work has begun. We will meet with the contractor periodically to check progress.**

**ADMINISTRATION**

**BUILDING PERMITS** - The City has issued **11** building permits thus far in 2022. A list of permits pulled by month is available on the City’s website at [http://holtville.ca.gov/section.php?id=73](http://holtville.ca.gov/section.php?id=73).

**Melon, LLC Housing Project (± 50)** – A project has been in the works for some time at the northeast corner of Ninth and Melon, just outside the City limits. After years of confusion regarding the process, the project’s ownership group, led by John Hawk, engaged Development Design & Engineering in 2016 to assist in shepherding the project along. DD&E completed CEQA compliance and a Mitigated Negative Declaration was adopted by the Planning Commission and City Council in late 2020.

The project was presented at Planning Commission in October 2020 and drew a good deal of public opposition. PC action pushed the project forward with a designation of allowing R-1 or R-2 development, with Council accepting the PC recommendation in November, 2020. Staff had additional meetings with the project proponent, and they currently intend to adhere to the R-2 zoning designation, which would allow up to 8 units per acre or approximately 65 units. The annexation was approved by LAFCo in February. We await further submission from the project proponent. Mr. Hawk has stated their current plan contains only detached single family homes. Staff even made some suggestions to a recent rough site plan that will potentially allow for a few additional lots on the site, which made Mr. Hawk ecstatic. *As he mentions it frequently, I believe Mr. Hawk is awaiting the completion of the Pear Canal undergrounding project to proceed.*

**AMG Sunset Rose Senior Apartments (± 33)** – A second apartment project by AMG has been proposed in the area of Third and Grape. The City was asked to apply for HOME grant funding for the project. That application was completed and submitted. Word was recently received that plan submittal is imminent on this project. In July, the City received word that the HOME Program loan has been awarded for this project. This will create some long-term oversight by the City, but it does continue to add housing. A subdivision map has been submitted for the property, which is under review. AMG continues to move forward with this project. *An RFP was issued last week to engage a consultant to administer this grant.*

**Website Redesign** – Quotations from multiple Information Technology firms have been procured to redesign and revamp the City’s website. In addition to a “fresh” look, compatibility with mobile devices (phones, tablets, etc.) will be considered, as well as compliance with new laws for ADA access to content. Conveyor Group was selected to complete this function. Staff is currently working to schedule a kickoff meeting for the project in the next few weeks.

**Professional Services Procurement** – An RFP for Audit services is being prepared to be released in March. Additional RFPs for Grant Writing, Planning and Engineering are forthcoming in the second quarter of this year.
MEETINGS & EVENTS RECENTLY ATTENDED:

- 02/28/22 Department Head Meeting
  City Hall
- 03/01/22 Wetlands Project Bid Opening
  City Hall
- 03/01/22 Holtville Athletic Club re: Pool Project
  HAC Clubhouse
- 03/04/22 Republic Landfill Tours
  El Centro/Yuma
- 03/05/22 CA Midwinter Fair
  IV Fairgrounds
- 03/07/22 Department Head Meeting
  City Hall
- 03/09/22 ICTC Management/CCMA Meetings
  Zoom Conference
- 03/09/22 SB 1383/IVRMA Interaction Discussion
  Zoom Conference
- 03/09/22 Conference w/ CR&R Reps re: AB 1383 Compliance
  Zoom Conference
- 03/10/22 WTP Project Status Meeting
  Teleconference
- 03/10/22 Imperial-Mexicali Bi-National Alliance Meeting
  Zoom Conference
- 03/10/22 IV Service Club Luncheon
  IV Fairgrounds
- 03/11/22 Imperial County Cities MCR & MORe Plan Strategies
  Teleconference
- 03/11/22 Gafcon Hotel Groundbreaking
  Hwy 86 & Neckel Road (Imperial)

UPCOMING EVENTS:

- 03/12/22 NAF Air Show
  NAF El Centro
- 03/14/22 Department Head Meeting
  City Hall
- 03/14/22 Meet w/ County Elections Official re: Fixed Ballot Box Installation
  City Hall
- 03/16/22 IV Foreign Trade Zone Meeting
  Web Conference
- 03/17/22 Holtville Farmers Market & Street Fair
  Holt Park
- 03/21 - 03/25/22 Caselle Software Training (Admin/Finance Staff)
  Caselle Offices (Provo, UT)
- 03/21/22 Department Head Meeting
  City Hall
- 03/21/22 Holtville Planning Commission Meeting
  City Hall
- 03/24/22 WTP Project Status Meeting
  Teleconference
- 03/28/22 Holtville City Council Meeting
  City Hall
- 03/29/22 IRDF Community Relations Council
  Aquatics Center (El Centro)
- 04/13/22 ICTC Management/CCMA Meetings
  ICTC Offices (EC)
- 04/15/22 Good Friday Observed (City Hall Closed)
- 04/17/22 Easter Sunday
- 04/22/22 NW Vacation Day (Out of Office)
- 05/12/22 Imperial-Mexicali Bi-National Alliance Meeting
  Zoom Conference
- 05/05 - 05/06/22 SCAG Regional Conference & Assembly
  Desert Springs Resort

If you have any questions about any of the information presented, please feel free to contact me directly.

Respectfully submitted,

Nicholas D. Wells
(760) 356-2831
March 11, 2022

From: Adriana Anguis, Finance Supervisor

Subject: Bimonthly Report

THIS INFORMATION PROVIDED TO THE CITY COUNCIL. NO ACTION IS REQUIRED OF THE CITY COUNCIL.

The purpose of this report is to inform Council of City of Holtville Finance activities and updates since the last council meeting.

- Auditors performed final audit March 1-4th. They are collecting data and reports to complete the audit.

- We have the Caselle (new accounting software) training scheduled March 21-25th, 2022. Myself and staff will be traveling to Provo, Utah for the live training.

- We are preparing for the annual Senior Garden Apartments inspections as a requirement of the State Home Program. Inspection is scheduled for April 1st, 2022.

Respectfully Submitted,

Adriana Anguis
Adriana Anguis
Finance Supervisor
City of Holtville
City of Holtville

Report to Council

Date Issued: March 14th, 2022

From: Sergeant Roy Patterson, Chief of Police

Subject: Holtville Sheriff’s Monthly Report – February 2022

THIS IS INFORMATION PROVIDED TO THE CITY COUNCIL. NO ACTION IS REQUIRED OF THE CITY COUNCIL.

The following is a summary of statistics for the Holtville Sheriff’s Deputies for the month of February 2022.

Calls for Service:

- 250 total incident reports, which were entered into Spillman Computer Database by the Imperial County Sheriff’s Dispatch Center. These calls consisted of requests for Sheriff’s services.

- The highest volume of calls for service occurred on Saturday’s with 48 total calls for service. The lowest volume of calls for service occurred on Wednesday’s. The highest volume of calls occurred from 9:00 pm to 10:00 pm.

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The following is a brief summary of incidents and events that the Holtville Police Department has been involved in during the month of **February 2022**.

**2202H-027 - Suicidal Subject on Olive Ave.** Negative suicidal. Juvenile wanted to report that she has been sexually assaulted by her cousin. Report taken and submitted to Investigations. CPS notified.

**2202H-040 - Theft on Figueroa Ave Apt’s.** RP called to report theft of her rear license plate from her blue 2008 Ford Focus. Report Taken.

**2202H-054 - Fraud at 525 E. 5th St. (Shell Gas Station) Store cashier called to advise he had received a fraudulent call that resulted in property damage to the facility. RP stated he got a call from the “regional director” to break open the safe and he attempted to causing damage to the safe. RP stated he realized it was fraud and called the police.

**2202H-076 - Traffic Accident at Holt and 5th St - Vehicle vs. pedestrian, 2016 Honda Civic struck a pedestrian as she was crossing 5th Street northbound. Pedestrian was transported to ECRMC.**

**2202H-078 - Vandalism on Wooldridge Ave.** RP called to advise 2 teenage juveniles broke her front living room window, and ran into another house on Wooldridge Ave. RP said she did not want to press charges, and just want the repair costs covered. Report taken.

**2202H-090 - Fight on Cedar Ave.** RP called to advise of a family fight and said multiple subjects were involved in it. On arrival multiple subjects were contacted, all advised it was verbal only.

**2202-0805 - Traffic Stop at Evan Hewes Hwy. and Meloland Rd.** Driver was stopped for driving without taillights. The driver was arrested by CHP for DUI.

**2202H-095- Burglary at 402 W. 5th St. (Dollar General) - RP called to advise an unknown subject had broken a rear side window, and stolen a purse from their vehicle in the Dollar General parking lot. Neither subjects were able to provide any suspect description. Report taken.**

**2202H-098 - Traffic Accident on Walnut Ave./4th St.** RP called to advise she heard a TC at Walnut Ave and 4th St. but she did not see any cars at the intersection. Deputies arrived and checked the area and found no signs of any TC, or hit & run. Contacted a male subject walking away who claimed he was in a DV in Mexicali earlier in the day.

**2202-0858 - Medical call at Evan Hewes Hwy./Hwy 111.** CHP advised they were on a medical call for a pregnant female at the intersection of Evan Hewes Hwy. and Hwy. 111, and the female stated she had just been involved in a DV. Deputies arrived and later arrested the boyfriend for Domestic Violence.

**2202H-105 - Hit & Run on Pine Ave., (7-11).** RP called to report unknown subject in a silver Chevrolet Silverado had hit her parked vehicle.

**2202H-116 - Counter Traffic at 585 Fern Ave.** R/P wanted to report theft of his work bag from his unlocked vehicle on Ash Ave. Report taken.
2202H-081 - Assault reported over telephone. RP contacted the Holtville Substation reference past occurred assault at his work. Report taken.


2202H-157 - Disturbance at 5th St./Fern Ave. RP advised of a WMA causing a disturbance and lying in the roadway at 5th St. and Fern Ave. Subject was detained for 5150 and turned over to CMH.

2202H-171 - Disturbance at 708 E 5th St. Sonrisa Villa. Male tenant assaulted a female tenant. Male was cited and released for battery and went back to his room.

2202-1541 - Suspicious on E Thiesen Road. RP called in reference to a male subject in a white Dodge Ram dumping two trash bags at R/P’s property. R/P said a second white truck (Ford) arrive at his mother’s house inquiring about the trash bags. Deputies checked the bags and they contained an approximate amount of 48lbs of Marijuana. Bags were taken and submitted to evidence for destruction.

2202H-178 - Theft at 625 E 5th St. RP requesting a report for theft of bicycles.

2202H-179 - Battery at Holt Ave APT’s. RP advised a male subject pushed and punched him in the face. Suspect was gone upon arrival and had left the area. Report taken.

2202H-188 - Battery - 708 E. 5th St. (Sonrisa Villa). Male tenant struck another male tenant with a ceramic coffee cup along the left side of his head. Suspect was booked into jail for assault with a deadly weapon.

2202H-204 – Disturbance on Fern Ave. RP called to report his brother had punched him several times and threatened to kill him. Brother was arrested for brandishing a weapon and criminal threats.

COMMUNITY EVENTS:

2/12: Carrot Parade

Respectfully submitted,

Sergeant Roy Patterson
City of Holtville

REPORT TO CITY COUNCIL

DATE ISSUED: March 9th, 2022

FROM: Frank Cornejo
Water/Wastewater Operations Supervisor

SUBJECT: Water / Wastewater Plant Operations & Maintenance Summary

THIS IS INFORMATION PROVIDED TO THE CITY COUNCIL. NO ACTION IS REQUIRED OF THE CITY COUNCIL.

The purpose of this report is to inform council of the most current Water/Wastewater Treatment Plant performance data.

WATER TREATMENT PLANT:

I am pleased to inform council that since the 4th Quarter 2016, the City of Holtville has maintained continued compliance with current Disinfection Byproduct (Total Trihalomethane) limits.

Water Treatment Plant staff have continued dosing raw water at the pond reservoirs with controlled dosages of Sodium Permanganate (NaMnO4) with the intent of pre-oxidizing TTHM precursors, thus mitigating TTHM formation at the treatment plant.

Summarized below for your review is an updated spreadsheet including data for the 1st Quarter 2022.
WASTEWATER TREATMENT PLANT:

As noted in the spreadsheet below, effluent ammonia levels have continued to remain in compliance during the fourth quarter of 2022.

As council is already aware, during the month of January 2021, the WWTP reported a monthly average ammonia concentration of 8.1 ppm, which exceeded the monthly average ammonia effluent limit (1.9 ppm). This exceedance resulted from insufficient dissolved oxygen levels in the Biolac aeration basin, partly due to a faulty blower unit, coupled with unusually large volumes of hauled septage waste received during that month.

Consequently, WWTP staff immediately suspended all hauled septage waste to reduce influent ammonia loading to the facility, until ammonia effluent limits were once again in compliance with NPDES Permit limits. Thereafter, staff contacted all septage waste companies, informing them that hauled waste would only be received at the facility three days a week (on Mon-Wed-Fri).

Respectfully Submitted,

[Signature]

Frank Cornejo.
Water/Wastewater Operations Supervisor
City of Holtville
DATE ISSUED: March 9, 2022

FROM: Alex Chavez, Public Works Foreman

SUBJECT: Bi Monthly Report - Public Works

THIS IS INFORMATION PROVIDED TO THE CITY COUNCIL. NO ACTION IS REQUIRED OF THE CITY COUNCIL.

The purpose of this report is to inform Council of Public Works activities since the last council meeting. Public Works has been actively working on or completed the following:

- Cleared sewer plugs at various locations in town.
- Repaired water service line leaks.
- Worked with the Sheriff’s Department to clean up graffiti at park and around town.
- Patch potholes in various locations in town.
- Replaced 3 1-inch meters.
- Replaced 6-inch meter.
- Tested 5 backflows.
- Replace street signs along 6 St.
- Caught seven dogs and zero cats.

Respectfully Submitted,

Alejandro Chavez
Public Works Foreman