



CITY OF PORTOLA

CITY COUNCIL REGULAR MEETING AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 10, 2021
6:00 P.M.

CITY HALL COUNCIL CHAMBERS
35 THIRD AVENUE
PORTOLA, CA 96122

COUNCILMEMBERS ATTENDING VIA TELECONFERENCE AS PERMITTED BY CALIFORNIA GOVERNOR NEWSOM EXECUTIVE ORDER N-29-20

COUNCILMEMBERS

Mayor Bill Powers
Mayor Pro Tem Pat Morton
Councilmember Tom Cooley
Councilmember Phil Oels
Councilmember Stan Peiler

CITY STAFF

City Manager Lauren Knox
Public Works Director Todd Roberts
Finance Officer Susan Scarlett
City Attorney Steve Gross
Deputy City Clerk Tara Kindall

The City Council welcomes you to its meetings which are regularly held the second and fourth Wednesday of each month at 6:00 p.m. Your interest and participation is encouraged and welcome.

As permitted by Executive Order N-29-20, proclaiming a State of Emergency in the State of California, the City Council Chamber at City Hall will not be accessible to the public for the City of Portola's November 10, 2021 Regular City Council meeting.

The City Council meeting is accessible to the public via live streaming at: <https://zoom.us/j/3583067836> or by phone at: Phone Number 1.669.900.6833; Meeting ID: 358 306 7836.

Any person desiring to address the City Council on any item not on the agenda may do so during public comment. Public comments made during a regular Council meeting may be recorded. Public comment will be accepted via email or chat on any item on the agenda at any time beginning at 6:00 p.m. and ending at the close of public comment on the item. Please direct your comments to Tara Kindall, Deputy City Clerk, tkindall@cityofportola.com or access the chat function on the Zoom meeting platform during the live stream. Members of the public may submit their comments in writing to be included in the public record.

Any person with a disability may submit a request for reasonable modification or accommodation to the above-described means for accessing and offering comment at the meeting to Tara Kindall at tkindall@cityofportola.com who will swiftly resolve such request.

CONSENT CALENDAR: These items include routine financial and administrative actions. All items on the consent calendar will be voted on at the same time during the meeting under “Consent Calendar”. If you wish to have an item removed from the Consent Calendar, you may do so by addressing the presiding officer.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are on file in the Office of the City Clerk and are available for public inspection. If you have any questions on any agenda items, contact the City at 530.832.6801.

Meeting facilities are accessible to persons with disabilities. Reasonable efforts will be made to accommodate participation of the disabled in the City’s public meetings. If special accommodation for the disabled is needed, please notify the City at 530.832.6801 at least 48 hours prior to the meeting.

For additional information visit the City of Portola Web Page: www.cityofportola.com.

**CITY COUNCIL AGENDA
REGULAR MEETING
NOVEMBER 10, 2021
6:00 P.M.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PUBLIC COMMENT**

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Please note that California law prohibits the City Council from taking action on any matter which is not on the posted agenda, unless it is determined to be an urgency item by the City Council. Any member of the public wishing to address the City Council during "PUBLIC COMMENT" shall first secure permission of the presiding officer, stand; may give his/her name and address to the Clerk for the record. Each person addressing the City Council shall be limited to three minutes ordinarily, unless the presiding officer indicates a different amount will be allotted.

5. CITY COMMUNICATIONS

A. City Council Communications/Committee Reports

B. Staff Communications/Fire Report/Sheriff's Report/Air Quality Report

C. City Manager Report

6. CONSENT CALENDAR

These items are expected to be routine and non-controversial. The City Council will act upon them at one time without discussion. Any Councilmembers, staff member or interested party may request that an item be removed from the consent agenda for discussion. Additional budget appropriations will require a four/fifths roll call vote.

- A. Claims** – Adopt Resolution No. 2488 authorizing payment of claims for the period of October 22, 2021 through November 1, 2021. [pages 1-4]

Accounts Payable:	\$ 47,946.54
Payroll:	\$ 29,898.46
Total:	\$ 77,845.00

7. ORDER OF BUSINESS

A. Resolution No. 2489 Concerning COVID Remote Meetings.

Review Resolution No. 2489 which re-ratifies the proclamation of a state of emergency and re-authorize remote teleconference meetings of the legislative bodies of the City of Portola. Discussion and possible action. [pages 5-8]

A Resolution of the City Council of the City of Portola proclaiming a local emergency persists, re-ratifying the Proclamation of a State of Emergency by Governor of California March 4, 2020, and re-authorizing remote teleconference meetings of the legislative bodies of the City of Portola for the period of November 13, 2021 to December 13, 2021 pursuant to Brown Act provisions.

B. Holiday Schedule.

Review the upcoming City Council Regular meeting dates for the months of November and December. Discussion and possible action. [page 9]

C. SB1383 Resolution No. 2490 – CalRecycle Organic Waste.

Review and consider Resolution No. 2490 which is an exemption for the requirements of mandatory organics collection services. Discussion and possible action. [pages 11-16]

A Resolution of the City Council of the City of Portola affirming an exemption from the requirements of mandatory organics collection services.

D. Intermountain Disposal (IMD) Automated Side Loader Request.

Consideration of IMD request and provide direction to staff regarding a potential amendment to IMD Franchise Agreement. Discussion and possible action. [17-20]

E. Code Enforcement Presentation.

Receive a presentation regarding code enforcement. Discussion and possible action.

F. COVID

Review the Emergency Proclamation ratified by Council on March 20, 2020 as it relates to the COVID-19 pandemic. Discussion and possible action. [pages 21-26]

8. CLOSED SESSION – Conference with Legal Counsel – Anticipated Litigation.

Closed session pursuant to Government Code section §54956.9(d)(2), one case.

9. ADJOURNMENT

RESOLUTION NO. 2488

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA
AUTHORIZING PAYMENT OF CLAIMS FOR THE PERIOD
OCTOBER 22, 2021 THROUGH NOVEMBER 1, 2021.**

**ACCOUNTS PAYABLE
CHECK NUMBERS: 43368-43405**

**PAYROLL
CHECK NUMBERS: 16898-16915**

WHEREAS, the City Council of the City of Portola has been fully advised that all such claims and demands are legal obligations of the City; and,

WHEREAS, the City Council has fully considered the claims and money demands and payment thereof as set forth below and in "Exhibit A" attached hereto and incorporated herein.

ACCOUNTS PAYABLE:	\$ 47,946.54
PAYROLL:	\$ <u>29,898.46</u>
TOTAL:	\$ 77,845.00

NOW THEREFORE BE IT RESOLVED THAT all claims and demands represented are just and proper and legal demands or claims against the City of Portola, and the payment of any such demands is approved and authorized.

PASSED, APPROVED AND ADOPTED this 10th day of November, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Bill Powers, Mayor

ATTEST:

Tara Kindall, Deputy City Clerk

I, Tara Kindall, Deputy City Clerk of the City of Portola, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the City Council at the City of Portola Regular meeting thereof held on November 10, 2021.

Tara Kindall, Deputy City Clerk

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Check Register Report

SP AP

Date: 10/27/2021

Time: 4:34 pm

Page: 1

City Of Portola

BANK: PLUMAS BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
PLUMAS BANK Checks								
43368	10/27/21	Printed			EPRF	EASTERN PLUMAS RURAL FIRE	REFUND CHECK	1,000.00

Total Checks: 1	Checks Total (excluding void checks):	1,000.00
Total Payments: 1	Bank Total (excluding void checks):	1,000.00
Total Payments: 1	Grand Total (excluding void checks):	1,000.00

Check Register Report

Date: 11/02/2021

Time: 1:22 pm

Page: 1

City Of Portola

BANK: PLUMAS BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
PLUMAS BANK Checks								
43369	11/04/21	Printed			CT	ALWAYS ANSWER	CALL CENTER SERVICES	46.50
43370	11/04/21	Printed			ACS	AMAZON CAPITOL SERVICES	SUPPLIES	2,329.29
43371	11/04/21	Printed			AMGAS	AMERIGAS	PROPANE	147.15
43372	11/04/21	Printed			AMGAS	AMERIGAS	PROPANE	16.26
43373	11/04/21	Printed			AMPS	AMERIGEN POWER SOLUTIONS	PROFESIONAL SERVICES	2,642.20
43374	11/04/21	Printed			1011	AT&T	LONG DISTANCE CALLS	81.21
43375	11/02/21	Void	11/02/21				Void Check	0.00
43376	11/04/21	Printed			COP	CITY OF PORTOLA	WATER/SEWER BILLS	2,963.93
43377	11/04/21	Printed			CTC	COATES TIRE CENTER	VEHICLE/EQUIPMENT REPAIR	998.34
43378	11/04/21	Printed			CATRANS	DEPARTMENT OF TRANSPORTATION	SIGNALS AND LIGHTING	962.55
43379	11/04/21	Printed			ENCM	ENCOMPASS	XEROX COPIES	105.48
43380	11/04/21	Printed			EVER	EVEREST INFRASTRUCTURE PARTNER	BECKWOURTH RENT	185.00
43381	11/04/21	Printed			GLOBALS	GLOBALSTAR USA	SATALIE PHONE FOR TODD	955.63
43382	11/04/21	Printed			HFT	HARBOR FREIGHT TOOLS	MATERIALS/SUPPLIES	516.06
43383	11/04/21	Printed			HOLS	HOLIDAY SIGNS	HOLIDAY SIGN	20.55
43384	11/04/21	Printed			IEDA	IEDA	LABOR RELATIONS CONSULTING	237.00
43385	11/04/21	Printed			KANLIF	KANSAS LIFE INSURANCE CO	LIFE INSURANCE	105.53
43386	11/04/21	Printed			LIBENER	LIBERTY UTILITIES	UTILITIES	5,645.84
43387	11/04/21	Printed			MANH	MANHARD CONSULTING	PROFESSIONAL SERVICES	660.00
43388	11/04/21	Printed			MCICOMM	MCI COMM SERVICE	1-800 NUMBERS	44.56
43389	11/04/21	Printed			NAPA	NAPA SIERRA	MATERIALS/SUPPLIES	443.82
43390	11/04/21	Printed			OD	OFFICE DEPOT	SUPPLIES	400.09
43391	11/04/21	Printed			OE	OPERATING ENGINEERS	HEALTH INS.	10,944.00
43392	11/04/21	Printed			PAH	PLUMAS ACE HARDWARE	MATERIALS/SUPPLIES	411.41
43393	11/02/21	Void	11/02/21				Void Check	0.00
43394	11/04/21	Printed			PST	PLUMAS SIERRA TELECOMMUNICAT	INTERNET SEVICES	382.00
43395	11/04/21	Printed			PW	POLLARDWATER	LINE REPAIR	726.73
43396	11/04/21	Printed			SSALI	SILVER STATE ANALYTICAL	WATER/WASTEWATER TEST	175.00
43397	11/04/21	Printed			SUCCEED	SUCCEED.NET	WEB HOSTING	67.85
43398	11/04/21	Printed			TCOC	THATCHER COMPANY	LDWTP CHEMICALS	9,813.55
43399	11/04/21	Printed			TGV	THOMAS G. VALENTINO	PROFESSIONAL SERVICES	1,440.00
43400	11/04/21	Printed			TYLERTECH	TYLER TECHNOLOGIES, INC	SB2 GRANT	1,980.00
43401	11/04/21	Printed			VW	VERIZON WIRELESS	LDTWP DATA PLAN	108.05
43402	11/02/21	Void	11/02/21				Void Check	0.00
43403	11/04/21	Printed			VW	VERIZON WIRELESS	LANDLINES	487.69
43404	11/04/21	Printed			VW	VERIZON WIRELESS	CELL PHONES	367.04
43405	11/04/21	Printed			XC	XEROX FINANCIAL SERVICES	LEASE 2 MONTHS	536.26

Total Checks: 37

Checks Total (excluding void checks):

46,946.57

Total Payments: 37

Bank Total (excluding void checks):

46,946.57

Total Payments: 37

Grand Total (excluding void checks):

46,946.57

CITY COUNCIL AGENDA STAFF REPORT

DATE: November 5, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Tara Kindall, Deputy City Clerk

MEETING: November 10, 2021

SUBJECT: Resolution No. 2489, re-ratifying the proclamation of a state of emergency and re-authoring remote teleconference meeting of the legislative bodies of the City of Portola.

At the September 22, 2021, City Attorney Steve Gross updated council concerning Assembly Bill 361, signed by Governor Gavin Newsom on September 16, 2021, which extends the Brown Act modifications that have been in effect since March of 2020. This bill allows the following:

- While maintain transparency and public access, local agencies would be able to meet remotely during a declared state of emergency
- While agencies would still be required to post agendas and meeting information, agencies would not be required to post meeting notices and/or agendas at all teleconference locations when remotely meeting during an emergency
- While the public must continue to have access to the remote meeting and provided the ability to make public comment, agencies would not be required to make all remote meeting sites accessible to the public, nor include the remote location details in the meeting notice or agenda during a declared state of emergency
- Additionally, agency board members would not be required to be a remote sites within the territorial bounds of the agency during a declared state of emergency.

Resolution No. 2486 was adopted by Council on October 13, 2021 for the period of 2021.10.13 to 2021.11.13 at which time City Attorney Gross explained that this resolution would be coming before Council approximately every 30 days for review and reconsideration by Council.

Recommendation:

Adopt Resolution No. 2489: A Resolution of the City Council of the City of Portola proclaiming a local emergency persists, re-ratifying the proclamation of a state of emergency by Governor of California Executive Order N-29-20, and re-authorize remote teleconference meetings of the legislative bodies of the City of Portola for the period of November 13, 2021 to December 13, 2021 pursuant to Brown Act provisions.

Attachments:

Attachment 1: Resolution No. 2489

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RESOLUTION NO. 2489

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA
PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE
PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR OF
CALIFORNIA MARCH 4, 2020, AND RE-AUTHORIZING REMOTE
TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF
PORTOLA FOR THE PERIOD OF NOVEMBER 13, 2021 TO DECEMBER 13, 2021
PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the City of Portola is committed to preserving and nurturing public access and participation in meetings of the City Council; and

WHEREAS, all meetings of the City of Portola's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Governor of California issued a proclamation of emergency March 4, 2020 and the City Council of the City of Portola previously proclaimed by Official Proclamation on March 19, 2020, finding that the requisite conditions exist for the legislative bodies of the City of Portola to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the City Council must reconsider the circumstances of the state of emergency that exists in the City of Portola, and the City Council has done so; and

WHEREAS, emergency conditions persist in the City of Portola specifically, a novel coronavirus, COVID-19, which symptoms include fever, cough, and shortness of breath with outcomes ranging from mild to severe illness, and in some cases death; and

WHEREAS, Plumas County, where the residents of the City of Portola reside, reports that many cases of COVID-19 and its variants continue to be contracted regularly within the county; and

WHEREAS, the City of Portola does hereby find that the Existence of a Local Emergency due to the COVID-19 Pandemic has caused, and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City of Portola and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the City Council does hereby find that the legislative bodies of the City of Portola shall continue to conduct their meetings

without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the City Council of the City of Portola has been conducting meeting via live streaming at: <https://zoom.us/j/3583067836> or by phone at: 1.669.900.6833, meeting ID 358 306 7836 so that the public may participate in the City Council meetings;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTOLA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The City Council hereby considers the conditions of the state of emergency in the City of Portola and proclaims that a local emergency persists throughout the City, and the novel coronavirus, COVID-19, continues to persist within the City as well as throughout Plumas County at a rate that poses significant risk to the health of all citizens.

Section 3. Re-ratification of Governor’s Proclamation of a State of Emergency. The City Council hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 19, 2020 .

Section 4. Remote Teleconference Meetings. The City Manager and legislative bodies of the City of Portola are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 13, 2021, or such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Portola may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Portola , this 10th day of November 2021, by the following vote:

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

Bill Powers, Mayor

ATTEST:

Tara Kindall, Deputy City Clerk

I, Tara Kindall, Deputy City Clerk of the City of Portola, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the City Council at the City of Portola Regular meeting thereof held on November 10, 2021.

Tara Kindall, Deputy City Clerk

CITY COUNCIL AGENDA STAFF REPORT

DATE: November 5, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Tara Kindall, Deputy City Clerk
MEETING: November 10, 2021
SUBJECT: Holiday Meeting Schedule

Background:

Each year the second meetings in November and December are cancelled due to the Thanksgiving and Christmas holidays.

This year the second meeting in December: December 22, 2021, needs to be kept on Council's calendar to allow for a public hearing. However, the second meeting in November directly before Thanksgiving may be cancelled if Council so chooses.

Staff is recommending that Council consider cancelling the second meeting in November, which is November 24, 2021.

Recommendation:

Take formal action to cancel the second meeting of the month of November 2021.

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CITY COUNCIL AGENDA STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Tom Valentino, Solid Waste Consultant

MEETING: November 10, 2021

SUBJECT: Resolution No. 2490 – Exemption from the Requirements of Mandatory Organics Collection Services

BACKGROUND

In 2016, the California legislature approved and Governor Brown signed Senate Bill 1383 – Short-lived Climate Pollutants. The legislation seeks to reduce emissions of methane from dairy and livestock operations and solid waste landfills as a means of combating climate change. SB 1383 tasked the California Department of Resources Recycling and Recovery (CalRecycle) to write and enforce regulations to reduce the amount of organic waste disposed of in landfills by 50% by 2020 and 75% by 2025 (from a 2014 disposal baseline). It also set a goal to retrieve at least 20% of currently disposed edible food by 2025 and redirect that food to people in need.

Commencing January 1, 2022, SB 1383 regulations requires cities and counties to collect organic wastes from all residential and commercial generators in California and delivery those wastes to a composting facility, thus avoiding landfill disposal. The regulations specify curbside collection of organics which includes food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Failure to implement organic waste collection programs could subject cities and counties with fines up to \$10,000 per day.

For small, rural cities such as Portola, it was acknowledged by CalRecycle that it could be financially burdensome to establish organic waste collection programs due to small volumes of materials and distances to regional composting facilities. The state also recognized that some communities are located in bear country; where our local co-habitants may also be interested in unsealed containers of food wastes placed on the street for collection. Accordingly, temporary exemptions from organics collection were carved-out in the regulations for rural (counties with less than 70,000 residents) and/or high-elevation (greater than 4,500 feet) jurisdictions.

RESOLUTION NO. 2490

To obtain a temporary exemption from organic waste collection, the City Council needs to approve a resolution establishing Portola's qualifications from those SB 1383 requirements. Attached Resolution No. 2490 states the city's qualifying criteria and authorizes an exemption until December 31, 2026 (the maximum allowable exemption period). An application for the exemption will also be submitted to CalRecycle with the exemption resolution (also attached).

OTHER SB 1383 REQUIREMENTS

There are other requirements in the SB 1383 regulations which the city (and Plumas County) are not temporarily exempt from. The state mandates under SB 1383 which are required to be implemented in 2022 include:

- Education and outreach to residents and businesses on the legislation and it's requirements.
- Establishment of an edible food recovery program.
- Procurement of recycled paper products for all City Hall operations.
- Establishment of CalGreen Building standards and a Model Water Efficient Landscape Ordinance.
- Inspections and enforcement of the edible food recovery program.
- Recordkeeping and reporting for each of the program requirements.

The state also requires the city to establish an enforcement mechanism for the above regulations, such as an ordinance. Staff is working through the requirements and will be providing the City Council with more information in 2022.

It's important to note the County of Plumas is likely responsible for the edible food recovery program. Staff is seeking to work cooperatively with the county on several of the non-exempt SB 1383 requirements.

RECOMMENDATION

Staff recommends that the City Council approve Resolution No. 2490 to obtain an exemption from organic waste collection requirements until December 31, 2026.

Attachment 1
RESOLUTION NO. 2490

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA
AFFIRMING AN EXEMPTION FROM THE REQUIREMENTS OF MANDATORY
ORGANICS COLLECTION SERVICES**

WHEREAS, the City of Portola is committed to meeting its solid waste diversion requirements through program implementation of its Source Reduction and Recycling Element of its Integrated Waste Management Plan; and

WHEREAS, the City of Portola is committed to meeting its mandatory commercial recycling requirements, pursuant to PRC, Section 42649.3, through program implementation; and

WHEREAS, Senate Bill (SB) 1383 (Lara, 2016) was signed into law and establishes methane emissions reduction goals of 50 percent in the level of the statewide landfill disposal of organic waste from the 2014 level by 2020 and 75 percent by 2025 and increase edible food recovery by 20 percent by 2025; and

WHEREAS, the Department of Resources Recycling and Recovery (CalRecycle) developed regulations in Title 14 Natural Resources, Division 7, Chapter 12: Short-lived Climate Pollutants in the California Code of Regulations to implement the goals in SB 1383; and

WHEREAS, Chapter 12 Article 3 (commencing with Section 18984) Organic Waste Collection Services requires jurisdictions implement an organic waste diversion program that provides organic waste collection services to all businesses and residences; and

WHEREAS, Section 18984.12 (c) allows the City Council of the City of Portola (incorporated within the rural County of Plumas) to adopt a resolution exempting the City from the requirements Article 3 based upon findings as to the purpose of and need for the exemption; and

WHEREAS, Section 42649.8 of the Public Resources Code defines a rural county as a county that has a total population of less than 70,000 persons; and

WHEREAS, there are 19 counties in California with populations of less than 70,000 persons, which collectively represent only 2.0% of the statewide waste stream; and

WHEREAS, organic waste generators within rural jurisdictions that meet the definition of “Rural Jurisdiction” in Section 42649.8 of the Public Resources Code that are exempted pursuant to paragraph (1) of subdivision (c) of Section 18984.12 are not required to comply with the organic waste collection requirements specified in Article 3; and

WHEREAS, the County of Plumas has a population of 18,116 persons and the City of Portola has a population of 1,928 persons, according to the January 1, 2021 California Department of Finance’s population estimates; and

WHEREAS, the City of Portola does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the county; and

WHEREAS, with the amounts of organic waste generated in the City of Portola it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the City; and

WHEREAS, with the amounts of organic waste generated in the City of Portola and the distance to accessible processing facilities, it is not economically feasible for the City to require organics diversion at this time; and

WHEREAS, the City of Portola is committed to continue to pursue economically feasible alternatives for organics management; and

WHEREAS, the City of Portola is committed to encourage businesses and residences to reduce and recycle organics materials; and

WHEREAS, on December 31, 2026, this exemption shall become inoperative, unless subsequent legislation or department regulations or approvals extends the rural exemptions beyond that date, at which time the City of Portola may qualify for the low population waiver.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Portola hereby chooses to exempt the City from the requirements of Article 3 of Title 14, Division 7, Chapter 12 of the California Code of Regulations (commencing with Section 18984) Organic Waste Collection Services.

BE IT FURTHER RESOLVED that the City Council reserves the right to rescind this resolution at any time prior to the sunset date of December 31, 2026.

PASSED, APPROVED AND ADOPTED this 10th day of November 2021, by the following vote:

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

Bill Powers, Mayor

ATTEST:

Tara Kindall, Deputy City Clerk

I, Tara Kindall, Deputy City Clerk of the City of Portola, do hereby certify that the above and foregoing Resolution was duly passes and adopted by the City Council at the City of Portola regular meeting thereof held on November 10, 2021.

Tara Kindall, Deputy City Clerk

Resolution No. 2490

November 10, 2021

Low Population Waiver Application for Cities or Special Districts Providing Solid Waste Collection Services

CalRecycle is providing this form as a convenience to assist cities or special districts providing solid waste collection services for purposes of applying for low population waivers under 14 CCR 18984.12(a). Use of this form is optional and not a regulatory requirement.

A jurisdiction (city or special district providing solid waste collection services) may apply to CalRecycle for a waiver for some or all of its generators from some or all of the requirements of Article 3 in 14 CCR 18984 through 18984.13.

To qualify for a low population waiver, the following must apply to the jurisdiction:

- The jurisdiction disposed less than 5,000 tons of solid waste in 2014 as reported in the CalRecycle Disposal Reporting System.
- The jurisdiction has a total population of less than 7,500 people.

CalRecycle-approved waivers are valid for a period of up to five years. A jurisdiction may apply to renew a waiver at any time up to 180 days prior to the expiration of an existing approved waiver. An approved waiver does not waive a jurisdiction from its obligation to comply with the other requirements of the SB 1383 regulations including, but not limited to, promoting and providing information to generators about waste prevention, community composting, managing organic waste on site, and other means of recovering organic waste.

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

Jurisdiction Name:		County:	
Person Completing the Application			
First Name:		Last Name:	
Title:			
Mailing Address:			
City:			
Zip Code:			
E-mail Address:			
Phone Number:			

1. Did you dispose less than 5,000 tons of solid waste in 2014 as reported in the Disposal Reporting System?			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
2. What is the current total population of your jurisdiction?					
3. How many generators are included in this waiver request? (This total includes all generators, such as residential, commercial, industrial, etc.)					
4. What duration are you requesting? (Requests cannot be longer than 5 years)	<input type="checkbox"/> 1 year	<input type="checkbox"/> 2 years	<input type="checkbox"/> 3 years	<input type="checkbox"/> 4 years	<input type="checkbox"/> 5 years

CITY COUNCIL AGENDA STAFF REPORT

DATE: November 3, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Lauren Knox, City Manager
MEETING: November 10, 2021
SUBJECT: IMD – Automated Side Loader Request

Background:

The City has received a request from Intermountain Disposal (IMD) regarding the desire to utilize an “automated side loader” for garbage pickup (attachment 1). Essentially, this would require City approval to eliminate the customer supplied can rates to accommodate for the usage of an automated truck.

As determined by Tom Valentino, the City’s Solid Waste Consultant, the extra cost for customers who supply their own cans will range from \$5.52 per year for those customers switching from one can to a 32-gallon waste cart, \$8.16 per year from two cans to 64-gallon cart, and \$10.56 per year for customers going from three cans to a 96-gallon cart.” It should also be noted that per IMD, out of 788 total residential customers, 183 of them supply their own cans. Additionally, IMD has agreed to waive the waste cart delivery if this is approved.

Staff is requesting direction from Council regarding this issue. If Council would like to proceed, we will come back to the next Council meeting with a Franchise Agreement amendment for review and possible action.

Recommendation:

Provide direction to staff regarding a potential amendment to the Franchise Agreement with IMD to allow for their requested use of an automated side loader.

Attachments:

Attachment 1 – Request from IMD

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InterMountain Disposal, Inc.

Solid Waste Management and Recycling

INTERMOUNTAIN DISPOSAL, INC.
DBA: INTERMOUNTAIN DISPOSAL - COUNTY DIVISION
DBA: INTERMOUNTAIN DISPOSAL - PORTOLA DIVISION
DBA: INTERMOUNTAIN DISPOSAL - SIERRA DIVISION

Ms. Lauren Knox
City of Portola Manager
35 Third Ave
Portola, California 96122

August 27, 2021

Re: Intermountain Disposal Request for Implementation of an Automated Side Loader (ASL)

Dear Lauren:

Intermountain Disposal respectfully requests a meeting with City Staff to discuss the potential utilization of an Automated Side Loader (ASL) under our current contract with The City of Portola

The implementation of an Automated Side loader (ASL) is the most efficient way to collect residential curbside waste. Efficient trash collection is most important to the success of all waste management companies. And an efficient trash collection truck is vital to the cause. As the refuse truck is the waste haulers most expensive asset, it is fundamental to the profitability of the operation. Dating back to the early 2000's IMD has been in the process of either replacing or retiring refuse collection trucks to comply with air quality regulations. Refuse trucks and municipal busses were among the first industries that needed to come into compliance in the State of California regardless of where your operating in the State. The only cost effective way for IMD to make this happen was by recycling our own trucks. By removing our older compactor bodies from the trucks that would no longer pass Air Quality regulations and installing those bodies on newer chassis that would meet those air quality standards into the future. With this being done IMD was able to on average save \$85,000 per unit. Since IMD is now at a crossroad of having to purchase a complete new truck we had to look at all options and the most effective and efficient refuse truck for our community's needs.

Investing in equipment to better manage trash collection is a critical part of effective waste management. An automated garbage truck can help increase efficiency.

Automated side loaders (ASL) are becoming more and more popular. They are well suited for residential areas as they are very maneuverable and tough enough to handle most garbage routes. They are fast, efficient and they are one of the safest trucks in the industry.

An ASL is truly a “one man” operation. The entire collection process can be done from the safety of the cab. By keeping the driver in the truck, they lessen the risk of getting hit by another vehicle. Over the past few years it has been increasingly harder and more expensive to get insurance companies to cover rear load residential collection. The ASL is safe and only requires one operator. This keeps the worker physically safe and promotes isolated work since the driver does not have to get out of the truck to collect the trash. Not only is this especially important in today’s COVID environment, but it also helps reduce the number of injuries. The US department of labor’s bureau of labor statistics for 2019 shows refuses and recycling material collection had the 6th deadliest occupation in the United States. Municipal trash collection is a job more essential than most and comes with additional health risks for those who do it. We at IMD take safety as a number one priority and make great strides in making sure our employees work in the safest environment possible.

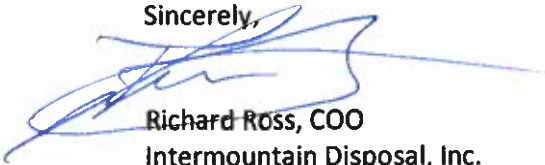
In the current City of Portola contract for Solid Waste it allows for a resident to utilize a customer supplied container for curbside collection service. IMD would propose to eliminate the use of customer supplied cans from IMD’s contract for curbside collection service and only Service Company supplied carts for curbside collection routes.

Under IMD’s current contract the company has the right to charge a Waste cart delivery charge. IMD would propose to waive that delivery fee of \$12.93 for the customers which would require a new container for the use of a new ASL system. However, the additional monthly fee for utilizing a company supplied cart would not be eliminated. This fee is in the rate schedule and is used to ultimately replace the cart. The additional fee for a 32 gallon waste cart equates to \$0.10 per week. By waiving the delivery fee it will offset the monthly replacement fee for approximately 2 ½ years.

The possibility of laying workers off due to the time savings an ASL would create has been brought to our attention on multiple occasions. We at IMD have prided ourselves on the fact of keeping workers boots on the ground even through the toughest times. IMD has no intention of laying any workers off due to this automated piece of equipment. IMD utilizes driver’s assistants on residential and commercial routes. Commercial collection routes require a more skilled operator then residential collection due to the operation procedures associated with dumping containers. IMD would utilize that extra time and more experienced workers to operate equipment such as front end loaders, skid steer loaders and forklifts at the County’s Transfer Stations and throughout IMD’s general operations.

We at IMD look forward to the chance to discuss this new operating procedure with the City of Portola.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Ross", is written over a blue horizontal line.

Richard Ross, COO
Intermountain Disposal, Inc.

CITY COUNCIL AGENDA STAFF REPORT

DATE: November 3, 2021
TO: Honorable Mayor and Members of the City Council
FROM: Lauren Knox, City Manager
MEETING: November 10, 2021
SUBJECT: COVID-19 Update

Background

The City Council must review the Emergency Proclamation related to COVID-19 for its' continuance.

Emergency Proclamation

The emergency proclamation was ratified by the Council on March 20th, 2020. As part of the proclamation, the Council reviewed regularly for the need for its continuance.

A verbal update will be provided for Council's consideration and discussion. Council should discuss these matters and provide any necessary direction to staff.

Recommendation:

Discuss the COVID-19 situation and provide direction regarding the City's response. Discussion and possible action.

Attachments:

Attachment 1 – COVID-19 Emergency Proclamation

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Proclamation of the City of Portola, County of Plumas, State of California, Proclaiming Existence of a Local Emergency by the Director of Emergency Services, Appointing an Assistant Director of Emergency Services, Delegating Certain Powers and Duties to the Assistant Director of Emergency Services and Authorizing the Assistant Director of Emergency Services to Exercise such Powers and Duties to Address COVID-19

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and in some cases death.

WHEREAS, Chinese health officials have reported tens of thousands of cases of COVID-19 in China, with the virus reportedly spreading from person-to-person. COVID-19 illnesses, most of them associated with travel from Wuhan, are also being reported in a growing number of international locations, including the United States.

WHEREAS, the number of reported cases of COVID-19 has escalated dramatically over a short period of time, and on January 30, 2020, the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern" followed by a declaration on March 11, 2020, characterizing the outbreak as a "pandemic."

WHEREAS, WHO officials now report that sustained human-to-human transmission of the virus is occurring. Transmission from asymptomatic individuals has been documented. Suspected community transmission of the virus is occurring in the United States. Although the majority of individuals infected with COVID-19 recover from the disease without special treatment, there is significant potential for serious infection and death.

WHEREAS, on January 31, 2020, United States Health and Human Service Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.

WHEREAS, on February 27, 2020, the CDC issued new guidelines to screen individuals suffering from a fever and/or signs/symptoms of lower respiratory illness (e.g. cough or shortness of breath) for COVID-19 for a history of travel from China, Iran, Italy, Japan, and South Korea as well as patients suffering from a fever with severe acute lower respiratory illness (e.g., pneumonia, ARDS) requiring hospitalization and without alternative explanatory diagnosis (e.g., influenza).

WHEREAS, this is a rapidly evolving situation and as of March 18, 2020 there are seven hundred and fifty-one (751) confirmed cases of COVID-19 in California and thirteen (13) confirmed fatalities in California, seven thousand seven hundred and fifteen (7,715) confirmed cases of COVID-19 in the United States and one hundred and twenty-five (125) confirmed fatalities in the United States, as well as two hundred and eighteen thousand six hundred and twenty-nine (218,629) confirmed cases of COVID-19 and eight thousand nine hundred and forty (8,940) fatalities worldwide.

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to respond to COVID-19.

WHEREAS, on March 13, 2020, there are eight confirmed cases of COVID-19 in Placer County and one case in Shasta County, and on March 17, 2020 there are 12 confirmed cases in Washoe County, Nevada.

WHEREAS, there will be more confirmed cases in California from non-travel, community transmission due to the increase of these cases in the country, combined with the worldwide uncontrolled spread of COVID-19.

WHEREAS, approximately 28% of Plumas County's population is age 65 years or over, and older adults and individuals with underlying health conditions are particularly vulnerable to COVID-19.

WHEREAS, the Plumas County Public Health Officer declared a local health emergency on March 16, 2020 because the potential introduction of COVID-19 in Plumas County is a threat to the public health within the meaning of Health & Safety Code section 101080.

WHEREAS, the potential introduction of COVID-19 in the City of Portola is a threat to the public health and individual and community responses could put stresses and strains on the City's infrastructure and ability to provide critical services.

WHEREAS, these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City.

WHEREAS, the City Council of the City of Portola is not in session and cannot immediately be called into session.

WHEREAS, the aforesaid conditions are of extreme peril and warrant and necessitate the proclamation of the existence of a local emergency in accordance with and as authorized by Portola Municipal Code Section 2.32; and

WHEREAS, it would be prudent to appoint a person to the office of Assistant Director of Emergency Services and delegate certain powers and duties to that office.

WHEREAS, the City may proclaim a local emergency pursuant to California Government Code Sections 8630 -8634 and during periods of local emergency, the City has full power to provide

mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements therefor, and state agencies may provide mutual aid to the City, and the City may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Portola Municipal Code Section 2.32 and California Government Code Sections 8630-8634 and in my capacity as the Director of Emergency Services, I hereby declare a local emergency due to conditions of extreme peril that COVID-19 and responses thereto pose to the safety of persons and property within the City of Portola.

IT IS FURTHER PROCLAIMED AND ORDERED that in accordance with Portola Municipal Code Section 2.32, the City's Director of Emergency Services is authorized to use and employ any of the property, services, personnel, and resources of the City, to command the aid of as many citizens as may be necessary to help mitigate this emergency and that County and State agencies may provide mutual aid, including personnel, equipment, and other available resources as needed to assist the City of Portola during this emergency.

IT IS FURTHER PROCLAIMED AND ORDERED that in accordance with Portola Municipal Code Section 2.32 and in my capacity as the Director of Emergency Services, I hereby appoint the City Manager to the office of Assistant Director of Emergency Services.

IT IS FURTHER PROCLAIMED AND ORDERED that in accordance with Portola Municipal Code Section 2.32 and in my capacity as the Director of Emergency Services, I hereby delegate to the Assistant Director of Emergency Services all the powers and duties of the Director of Emergency Services set forth in Portola Municipal Code Section 2.32 during the existence of the local emergency proclaimed herein and authorize the Assistant Director of Emergency Services to exercise all such powers and duties during the existence of the local emergency proclaimed herein.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of the City of Portola shall be those prescribed by state law, by ordinances, and resolutions of the City of Portola; and that this emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council of the City of Portola.

IT IS FURTHER PROCLAIMED AND ORDERED that the local emergency proclaimed herein shall be reviewed by the City Council for the need to continue it at least once every sixty (60) days until the City Council terminates the local emergency and the City Council shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

PROCLAIMED this 19th day of March, 2020



Mayor, City of Portola, Phil Oels

ATTEST:



Tara Kindall, City Clerk

I, Tara Kindall, City Clerk of the City of Portola, do hereby certify that the above and foregoing Proclamation was duly proclaimed by the Mayor of the City of Portola in his capacity as the Director of Emergency Services on March 19, 2020.



Tara Kindall, City Clerk

