



## CITY OF PORTOLA CITY COUNCIL REGULAR MEETING AGENDA

**REGULAR MEETING**  
**WEDNESDAY, FEBRUARY 9, 2022**  
**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 Pat Morton  
Mayor Pro Tem Tom Cooley  
Councilmember Phil Oels  
Councilmember Stan Peiler  
Councilmember Bill Powers

#### **CITY STAFF**

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

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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 February 9, 2022 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](mailto: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](mailto: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](http://www.cityofportola.com).

**CITY COUNCIL AGENDA  
REGULAR MEETING  
FEBRUARY 9, 2022  
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. Minutes** – Adopt the minutes of the City Council Regular meeting held on October 27, 2021. [pages 1-3]

**B. Claims** – Adopt Resolution No. 2497 authorizing payment of claims for the period of January 22, 2022 through February 4, 2022. [pages 5-10]

Accounts Payable:	\$ 94,610.38
Payroll:	<u>\$ 29,061.96</u>
Total:	\$ 123,672.34

## **7. ORDER OF BUSINESS**

### **A. Resolution No 2498 – Authorizing Submittal of a Notice of Intent to Comply with SB 1383 – Mandatory Organics Recycling Regulations.**

Review and consider Resolution No 2498 to obtain a waiver from administrative fines in 2022. This is in conjunction with the previously adopted resolutions exempting the City of Portola, as a rural jurisdiction, to waive the organic waste collection requirement for up to five years that was approved by CalRecycle on January 13, 2022. Discussion and possible action. [pages 11-19]

*A Resolution of the City Council of the City of Portola authorizing the submittal of a notice of intent to comply with SB 1383 – Mandatory Organics Recycling Regulations.*

### **B. Budget Amendment - CSG Contract.**

Review and discussion of an increase in the contract amount for CSG Consultants for Code Enforcement services. Discussion and possible action. [pages 21-23]

### **C. Budget Item.**

Discussion of goals for the fiscal year 2022-2023 budget. Discussion and possible action.

## **8. ADJOURNMENT**

**REGULAR MEETING MINUTES  
PORTOLA CITY COUNCIL  
35 THIRD AVENUE | PORTOLA, CA 96122  
OCTOBER 27, 2021 | 6:00 P.M.**

**1. CALL TO ORDER**

Councilmembers attended this meeting via teleconference as permitted by California Governor Newsom Executive Order N-29-20. Members of the public were able to join the meeting via Zoom live streaming. Mayor Powers called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

Councilmembers Tom Cooley, Phil Oels, Stan Peiler, Mayor Pro Tem Pat Morton, and Mayor Bill Powers responded to the roll call. City Manager Lauren Knox, City Attorney Steve Gross, Finance Officer Susan Scarlett, and Deputy City Clerk Tara Kindall were also present.

**3. PUBLIC COMMENT**

LouRene Fitzsimmons stated she would like to help Josh Hart with his concerns about the Riverwalk. Deputy City Clerk Kindall read a letter submitted by Josh Hart on Riverwalk Restoration. There were no other citizens who wished to make comment.

**4. CITY COMMUNICATIONS**

**A. City Council Communications/Committee Reports**

Councilmember Peiler attended the Beckwourth Fire Department meeting and the Disc Golf Grand Opening.

Councilmember Oels attended a Transportation Commission meeting, the Firewise Renewal Application needs to be done so please get Phil your timecards, he also attended the Disc Golf Course Grand Opening and met with Josh Hart at the Riverwalk this morning along with City Manager Knox, Mayor Powers and Tim Rhodes.

Councilmember Cooley attended the Plumas/LAFCo Commission meeting, the soft opening Disc Gold Course, and the Beckwourth Fire Board meeting. He has been advised by the Fire Study Group that Eastern Plumas Fire has withdrawn from the group.

Mayor Pro Tem Morton also attended the LAFCo meeting and the soft opening of the Disc Golf Course.

Mayor Powers also attended the LAFCo meeting, the Transportation Commission meeting the Disc Golf opening, he received a reply letter from the Judges, and finally he met with a reporter from Courts.org.

#### **B. Staff Communications**

City Attorney Gross reported that he did follow up regarding a cease-and-desist letter from Ms. Ashlee Sims that City Council received. He reviewed her allegations and how the group conducts its business and sent a response on October 25, 2021. He determined that there have been no violations to the Brown Act as Ms. Sims had contended.

Gay Miller from Beckwourth Fire reported that they have officially started their Fire Prevention Program.

There was no Sheriff's report.

Melissa Klundby with Air Quality reported that the free green waste day scheduled for this Saturday has been cancelled. The Air District is saddened to receive Julie Ruiz's resignation.

#### **C. City Manager Report**

City Manager Knox reported that staff assisted the drive-through flu vaccine clinic on the 20<sup>th</sup>. The Disc Golf soft opening occurred on the 23<sup>rd</sup> and was well attended despite the weather. Camp Hope, the evacuee camp, at the city ballfield is closed, however one camper is still present. There was 5.75 inches of rain received from the latest storm as well as some snow from this large storm event. There were some downed tree branches, but all in all the city was not negatively impacted by this storm. She, along with Mayor Powers, Councilmember Oels and Tim Rhodes, met with Josh Hart at the Riverwalk this morning for a positive discussion. We have had some issues acquiring supplies. Some examples include it has been difficult to rent a Skid Steer; there are no gloves available for purchase right now; prices have tripled; availability fluctuates. We are trying to anticipate needs sooner to better keep up with the supply chain issues that everyone is facing right now.

### **5. CONSENT CALENDAR**

Councilmember Oels moved and Councilmember Peiler seconded a motion to approve the consent calendar as amended:

- A. Minutes** – Adopt the minutes of the City Council Regular meeting held on September 22, 2021.

- B. Claims** – Adopt Resolution No. 2486 authorizing payment of claims for the period of October 6, 2021 through October 21, 2021.

Accounts Payable:	\$109,520.19
Payroll:	<u>\$ 27,873.38</u>
Total:	\$137,393.57

Roll call vote, yes: Cooley, Oels, Peiler, Morton, and Powers. So carried.  
Roll call vote, no: none.

## 6. ORDER OF BUSINESS

**A. Enforcement of Portola Municipal Code (PMC) Section 15.10.060.**

City Manager Knox reviewed the curtailment of non-EPA certified wood burning devices during the winter months of November, December, January, and February. Last year was an educational period for the community. This item is being brought forward again to get Council’s input for how they would like to proceed. NSAQMD would like to expand the educational piece by using a more traditional approach on those that do not move toward compliance after being contacted with the educational approach. Melissa Klundby with Air Quality went over specific numbers from last year’s educational efforts. Discussion ensued. Council consensus was to move forward with beginning a process with the Code Enforcement if compliance is not happening with the educational first contact.

**B. Holiday Festivities.**

Staff has been asked about upcoming holiday festivities, specifically the tree lighting, parade, and related activities. Staff would like direction from Council to ascertain what activities they would like to have this holiday season. Discussion ensued. Council consensus was to proceed with as much of the traditional festivities as is safely possible.

## 7. ADJOURNMENT

There being no further business Mayor Powers adjourned the meeting at 7:25 p.m.

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Tara Kindall, CMC  
Deputy City Clerk

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**RESOLUTION NO. 2497**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA  
AUTHORIZING PAYMENT OF CLAIMS FOR THE PERIOD  
JANUARY 22, 2022 THROUGH FEBRUARY 4, 2022.**

**ACCOUNTS PAYABLE  
CHECK NUMBERS: 43564-43621**

**PAYROLL  
CHECK NUMBERS: 17042-17048**

**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.

<b>ACCOUNTS PAYABLE:</b>	<b>\$ 94,610.38</b>
<b>PAYROLL:</b>	<b><u>\$ 29,061.96</u></b>
<b>TOTAL:</b>	<b>\$ 123,672.34</b>

**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 9<sup>th</sup> day of February, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Pat Morton, 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 February 9, 2022.

\_\_\_\_\_  
Tara Kindall, Deputy City Clerk

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
000004 I-67996737	LINDE GAS & EQUIPMENT LINDE GAS & EQUIPMENT	R	2/09/2022	133.83		043564		133.83
000005 I-202201280032	K & B TRANSPORTATION, LLC K & B TRANSPORTATION, LLC	R	2/09/2022	546.00		043565		546.00
000006 I-2201004	BACKGROUND PARTNERS BACKGROUND PARTNERS	R	2/09/2022	105.00		043566		105.00
0004 I-4315	AERATORS, INC AERATORS, INC	R	2/09/2022	858.54		043567		858.54
0005 I-9885489430	AIRGAS, INC. AIRGAS, INC.	R	2/09/2022	215.02		043568		215.02
0007 I-18322	ALPINE FIRE SERVICES, INC ALPINE FIRE SERVICES, INC	R	2/09/2022	1,752.02		043569		1,752.02
0008 I-202201280026	ALWAYS ANSWER ALWAYS ANSWER	R	2/09/2022	56.40		043570		56.40
0010 I-1JC9-DVFC-KFGG	AMAZON CAPITOL SERVICES AMAZON CAPITOL SERVICES	R	2/09/2022	723.15		043571		723.15
0023 I-202201280027	AT&T CALNET 3 AT&T CALNET 3	R	2/09/2022	130.54		043572		130.54
0027 I-22-01-2072 I-22-02-2078	BASTIAN ENGINEERING BASTIAN ENGINEERING BASTIAN ENGINEERING	R R	2/09/2022 2/09/2022	115.50 404.25		043573 043573		519.75
0031 I-22-001	BECKWOURTH FIRE DISTRICT BECKWOURTH FIRE DISTRICT	R	2/09/2022	1,156.88		043574		1,156.88
0035 I-7131268	BRADY INDUSTRIES BRADY INDUSTRIES	R	2/09/2022	45.16		043575		45.16
0039 I-20220026	BULLET INFORMATION TECHNOLOGY BULLET INFORMATION TECHNOLOGY	R	2/09/2022	1,275.00		043576		1,275.00
0048 I-2572683	CBC COMPANIES-FACTUAL DATA CBC COMPANIES-FACTUAL DATA	R	2/09/2022	24.10		043577		24.10

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0055 I-202201280024	COATES TIRE CENTER COATES TIRE CENTER	R	2/09/2022	2,310.26		043578		2,310.26
0064 I-349 TAYLOR 349 TAYLOR DEPOSIT	CUSTOMER REFUND UB DEPOSIT REFUND	R	2/09/2022	1,239.18		043579		1,239.18
0065 I-7625	D & D SEEDS AND FARM EQUIPMENT D & D SEEDS AND FARM EQUIPMENT	R	2/09/2022	1,077.79		043580		1,077.79
0071 I-202201280025	DIV OF THE STATE ARCHITECT DIV OF THE STATE ARCHITECT	R	2/09/2022	6.80		043581		6.80
0072 I-202201280028	DOBROS PARTS-LLC DOBROS PARTS-LLC	R	2/09/2022	443.67		043582		443.67
0078 I-262322	ENCOMPASS ENCOMPASS	R	2/09/2022	54.85		043583		54.85
0090 I-202201280029	GRAINGER GRAINGER	R	2/09/2022	1,063.85		043584		1,063.85
0091 I-2166395 2151068	GRANITE GRANITE	R	2/09/2022	6,193.62		043585		6,193.62
0096 I-970984	HARBOR FREIGHT TOOLS HARBOR FREIGHT TOOLS	R	2/09/2022	161.25		043586		161.25
0101 I-202201280030	HUNT & SONS, INC. HUNT & SONS, INC.	R	2/09/2022	954.16		043587		954.16
0103 I-202201280031	IEDA IEDA	R	2/09/2022	237.00		043588		237.00
0105 I-202201280033	INTERMOUNTAIN DISPOSAL INTERMOUNTAIN DISPOSAL	R	2/09/2022	427.06		043589		427.06
0111 I-46235 46395	JEFFERSON SUPPLY COMPANY JEFFERSON SUPPLY COMPANY	R	2/09/2022	962.48		043590		962.48
0118 I-202201280034	KANSAS LIFE INSURANCE CO LIFE INSURANCE	R	2/09/2022	58.15		043591		58.15

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0122 I-202201280035	KIMBALL MIDWEST KIMBALL MIDWEST	R	2/09/2022	253.99		043592		253.99
0129 I-5026	LEAGUE OF CALIFORNIA CITIES LEAGUE OF CALIFORNIA CITIES	R	2/09/2022	100.00		043593		100.00
0133 I-202201280036	LIBERTY UTILITIES LIBERTY UTILITIES	R	2/09/2022	6,696.76		043594		6,696.76
0136 I-66148	MANHARD CONSULTING MANHARD CONSULTING	R	2/09/2022	2,550.00		043595		2,550.00
0141 I-202201280037	MCI MEGA PREFERRED MCI MEGA PREFERRED	R	2/09/2022	46.63		043596		46.63
0147 I-364272	MUNICIPAL CODE CORPORATION MUNICIPAL CODE CORPORATION	R	2/09/2022	900.00		043597		900.00
0152 I-NSP4719	NEVADA SEAL & PUMP NEVADA SEAL & PUMP	R	2/09/2022	300.00		043598		300.00
0154 I-545134	NORTHERN CALIFORNIA GLOVES NORTHERN CALIFORNIA GLOVES	R	2/09/2022	1,351.81		043599		1,351.81
0157 I-5962163858	O'REILLY AUTO PARTS O'REILLY AUTO PARTS	R	2/09/2022	105.51		043600		105.51
0159 I-202201280038	OFFICE DEPOT OFFICE DEPOT	R	2/09/2022	83.39		043601		83.39
0162 I-202201280039	OPERATING ENGINEERS OPERATING ENGINEERS	R	2/09/2022	11,016.00		043602		11,016.00
0164 I-153496	P & F DISTRIBUTORS P & F DISTRIBUTORS	R	2/09/2022	255.82		043603		255.82
0174 I-21-272-02	PLANWEST PARTNERS PLANWEST PARTNERS	R	2/09/2022	10,033.50		043604		10,033.50
0175 I-202201280040	PLUMAS ACE HARDWARE PLUMAS ACE HARDWARE	R	2/09/2022	375.90		043605		375.90
0185 I-202201280050	PLUMAS SIERRA TELECOMMUNICAT PLUMAS SIERRA TELECOMMUNICAT	R	2/09/2022	382.00		043606		382.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0187 I-202201280041	POLLARDWATER POLLARDWATER	R	2/09/2022	68.64		043607		68.64
0188 I-293 168	PORTER SIMON CORPORATION PORTER SIMON CORPORATION	R	2/09/2022	5,625.00		043608		5,625.00
0214 I-202201280043	SIERRA ENVIRONMENTAL SIERRA ENVIRONMENTAL	R	2/09/2022	2,963.50		043609		2,963.50
0218 I-202201280044	SILVER STATE ANALYTICAL SILVER STATE ANALYTICAL	R	2/09/2022	1,033.00		043610		1,033.00
0229 I-WD-0196597	STATE WATER RESOURCES STATE WATER RESOURCES	R	2/09/2022	5,928.00		043611		5,928.00
0230 I-202201280042	STATE WATER RESOURCES CONTROL STATE WATER RESOURCES CONTROL	R	2/09/2022	55.00		043612		55.00
0234 I-NV138935	SUPERIOR POOL PRODUCTS, LLC SUPERIOR POOL PRODUCTS, LLC	R	2/09/2022	577.86		043613		577.86
0235 I-202202010053	SUSAN SCARLETT SUSAN SCARLETT	R	2/09/2022	4,682.53		043614		4,682.53
0239 I-2022400101336	THATCHER COMPANY THATCHER COMPANY	R	2/09/2022	5,438.24		043615		5,438.24
0240 I-2033	THOMAS G. VALENTINO THOMAS G. VALENTINO	R	2/09/2022	1,755.00		043616		1,755.00
0246 I-202201280051	TYLER TECHNOLOGIES, INC TYLER TECHNOLOGIES, INC	R	2/09/2022	7,407.50		043617		7,407.50
0256 I-202201280045	USA BLUE BOOK USA BLUE BOOK	R	2/09/2022	934.10		043618		934.10
0260 I-202201280047	VERIZON WIRELESS VERIZON WIRELESS	R	2/09/2022	484.31		043619		484.31
0260 I-202201280048	VERIZON WIRELESS VERIZON WIRELESS	R	2/09/2022	366.79		043620		366.79
0260 I-202201280049	VERIZON WIRELESS VERIZON WIRELESS	R	2/09/2022	108.09		043621		108.09

## CITY COUNCIL AGENDA STAFF REPORT

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Tom Valentino, Solid Waste Consultant

**MEETING:** February 9, 2022

**SUBJECT:** Resolution No 2498 – Authorizing Submittal of a Notice of Intent to Comply with SB 1383 – Mandatory Organics Recycling Regulations

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### 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. However there is a carve-out for rural jurisdictions to waive the organic waste collection requirement for up to five years. On November 10, 2021 the City Council approved Resolution No. 2490, which exempting the City from the organic waste collection requirement through December 31, 2026. The exemption was approved by CalRecycle on January 13, 2022.

There are other requirements of the SB 1383 legislation from which the City is not exempt. This year, the City needs to establish an edible food recovery program, amend building code and outdoor water use ordinances, purchase post-consumer content recycled paper, establish an education and outreach program and routinely document all of the above to the satisfaction of the state. We also need to amend our Solid Waste Ordinance and prepare a report of our progress implementing the above by April 1, 2022.

There is a grant fund program available from CalRecycle to subsidize the City to help meet the regulatory requirements. Staff has applied for \$20,000 in grant funds. If approved, the City may receive the funds in April.

The SB 1383 regulations are complex and burdensome on most California jurisdictions to implement. Failure to meet the requirements can result in substantial administrative fines. Through lobbying from cities and counties both large and small, Senate Bill 619 was passed. That legislation allows jurisdictions to apply for a waiver of administrative fines in 2022 for failure to meet SB 1383 regulatory deadlines.

## **RESOLUTION NO 2498**

To obtain a waiver from administrative fines in 2022, the City Council needs to approve a resolution establishing the City's intent to comply with the SB 1383 regulations. Attached Resolution No 2498 and the accompanying application provides the necessary documentation for CalRecycle to approve the waiver request. Note that staff is comfortable with the proposed deadlines for compliance with the regulatory requirements specified in the application.

## **RECOMMENDATION**

Staff recommends that the City Council approve Resolution No 2498 and authorize Interim City Manager Kennedy to sign the application to obtain the waiver from administrative fines. The approved resolution and application needs to be submitted to CalRecycle by March 1, 2022.



**RESOLUTION NO 2498**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA  
AUTHORIZING THE SUBMITTAL OF A NOTICE OF INTENT TO COMPLY WITH  
SB 1383 – MANDATORY ORGANICS RECYCLING REGULATIONS**

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

**WHEREAS**, the City of Portola ("City") is a local jurisdiction required to comply with the Regulations; and

**WHEREAS**, the City approved Resolution No. 2490 on November 10, 2021 exempting the City from the requirements of Article 3 of Title 14, Division 7, Chapter 12 (Organic Waste Collection Services) through December 31, 2026 and the exemption was approved by CalRecycle on January 13, 2022; and

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Portola as follows:

1. City Council authorizes and directs the City Manager to submit the Notification of Intent to Comply, attached as Exhibit "A," to CalRecycle by March 1, 2022, for approval pursuant to the Statute; and
2. The City Council certifies the City will implement the proposed actions to remedy the violations according to the proposed schedule as approved by CalRecycle and in accordance with the Statute and Regulations; and
3. The City Council acknowledges and agrees to comply with any maximum compliance deadline in any corrective action plan that CalRecycle, in its sole discretion, determines to be necessary and appropriate under the circumstances for the correction of any violation(s) of the Statute and Regulations identified in its Notification of Intent to Comply.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of February 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

Pat Morton, Mayor

ATTEST:

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Tara Kindal, 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 February 9, 2022.

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Tara Kindall, Deputy City Clerk

## Notification of Intent to Comply

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

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

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

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

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

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

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

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

Jurisdiction Name:

County:

Person Completing the Form:

First Name:

Last Name:

Title:

Mailing Address:

City:

Zip Code:

Email Address:

Phone Number:

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

**Example:**

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

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

- (A) 14 CCR section 18984 Combined Organic Waste Collection Services. *This requirement is not included since the requirements are further specified in sections 18984.1-18984.11.*
- (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- (C) 14 CCR section 18984.2 Two-Container Organic Waste Collection Services
- (D) 14 CCR section 18984.3 Unsegregated Single Container Collection Services
- (E) 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services
- (F) 14 CCR section 18984.5 Container Contamination Minimization
- (G) 14 CCR section 18984.6 Recordkeeping Requirements for Container Contamination Minimization
- (H) 14 CCR section 18984.7 Container Color Requirements
- (I) 14 CCR section 18984.8 Container Labeling Requirements
- (J) 14 CCR section 18984.11 Waivers Granted by a Jurisdiction
- (K) 14 CCR section 18985.1. Organic Waste Recovery Education and Outreach.
- (L) 14 CCR section 18985.2. Edible Food Recovery Education and Outreach
- (M) 14 CCR section 18985.3. Recordkeeping Requirements for a Jurisdiction's Compliance with Education and Outreach Requirements
- (N) 14 CCR section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers
- (O) 14 CCR section 18988.3. Self-haulers of Organic Waste
- (P) 14 CCR section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program
- (Q) 14 CCR section 18989.1. CALGreen Building Codes
- (R) 14 CCR section 18989.2 Model Water Efficient Landscape Ordinance

- (S) 14 CCR section 18991.1. Jurisdiction Edible Food Recovery Program
- (T) 14 CCR section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program
- (U) 14 CCR section 18992.1. Organic Waste Recycling Capacity Planning
- (V) 14 CCR section 18992.2. Edible Food Recovery Capacity
- (W) 14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target
- (X) 14 CCR section 18993.2. Recordkeeping Requirements for Recovered Organic Waste Procurement Target
- (Y) 14 CCR section 18993.3. Recycled Content Paper Procurement Requirements
- (Z) 14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement
- (AA) 14 CCR section 18994.2. Jurisdiction Annual Reporting  
*Note: This requirement is not included since jurisdictions are still expected to report to CalRecycle.*
- (BB) 14 CCR section 18995.1. Jurisdiction Inspection Requirements  
*Note: Section 18995.1(a)(1) should not be included because a jurisdiction should already be completing this action due to the requirements of PRC Chapter 12.9 (commencing with Section 42649.8)*
- (CC) 14 CCR section 18995.2. Implementation Record and Recordkeeping Requirements
- (DD) 14 CCR section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations  
*Note: This requirement is not included since jurisdictions are still expected to investigate complaints.*
- (EE) 14 CCR section 18995.4. Enforcement by a Jurisdiction

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

**Example:**

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

(1)

(2)

(3)

(4)

(5)

2. A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation, if applicable.

3. A description of the impacts of the COVID-19 pandemic on compliance.

4. Provide a description of the proposed actions the jurisdiction will take to remedy the violations with a proposed schedule for completing each action. The proposed actions shall be tailored to remedy the violations in a timely manner. See optional format below.

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

-----  
Signature

-----  
Printed Name

-----  
Title

-----  
Date

Description of the proposed actions with proposed schedules the jurisdiction will take to remedy the violations. The proposed actions shall be tailored to remedy the violations in a timely manner.

<b>Regulatory Requirement and Description</b>	
<b>Action</b>	<b>Proposed Schedule</b>
TASK 1:	Date to be completed:
TASK 2:	Date to be completed:
TASK 3:	Date to be completed:

<b>Regulatory Requirement and Description</b>	
<b>Action</b>	<b>Proposed Schedule</b>
TASK 1:	Date to be completed:
TASK 2:	Date to be completed:

**EXAMPLE**

<b>Regulatory Requirement: (B.i.) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services</b>	
<b>Description:</b> Not implementing mandatory residential foodwaste collection for all residents. Note: City already provides mandatory greenwaste collection to all residents	
<b>Action</b>	<b>Proposed Schedule</b>
TASK 1: <i>Purchase two additional collection trucks and modify collection routes</i>	Date to be completed: <i>4/7/2022</i>
TASK 2: <i>The city will work with its hauler to find a facility to accept mixed organic waste.</i>	Date to be completed: <i>4/14/2022</i>

<b>Regulatory Requirement: (B.ii.) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services</b>	
<b>Description:</b> Not implementing mandatory commercial organics collection for all businesses under 2 cubic yards. Note: City already provides mandatory commercial organics collection to all businesses 2 cubic yard or more.	
<b>Action:</b>	<b>Proposed Schedule</b>
TASK 1: <i>Purchase two additional collection trucks and modify collection routes</i>	Date to be completed: <i>4/21/2022</i>
TASK 2: <i>The city will work with its hauler to acquire and distribute appropriate containers to all commercial accounts. The city will obtain monthly reports from the hauler to monitor full distribution of carts.</i>	Date to be completed: <i>4/28/2022</i>

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## CITY COUNCIL AGENDA STAFF REPORT

**DATE:** February 3, 2022  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lauren Knox, City Manager  
**MEETING:** February 9, 2022  
**SUBJECT:** Budget Amendment – CSG Code Enforcement Contract

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### **Background:**

In June of 2021, Council approved of a contract with CSG consultants for Code Enforcement Services. Irma Gowin has been providing this service to the City with favorable results. A brief update of what Ms. Gowin has provided the City in the time she has been with us can be found as attachment 1 to this staff report.

At the time of the initial contract, we were unsure what it would take to get the Code Enforcement program reorganized. The initial figure included in the contract was for an amount not to exceed \$45,000. At the time it was discussed that the figure may be low. Staff is requesting that the figure be raised an additional \$20,000.

It is important to note that the previous Code Compliance Officer (CCO) position, which was eliminated during a restructuring of positions in exchange for a more traditional Code Enforcement role, would have needed a budgeted amount of approximately \$73,791 when you factor in administrative overhead costs and benefits. The additional amount requested for the CSG Contract brings the total to approximately \$65,000, which is still under the amount that would need to be budgeted for the previous CCO position. Another item to note is that the \$73,791 figure does not include the other expenses that would be associated with the CCO position, such as training, vehicle maintenance and repair, materials and supplies, and fuel, all of which are no longer expenses to the City when we contracted with CSG Consultants. Staff estimates that these costs would typically be around \$5,000 to \$10,000 annually, bringing the total for the previous CCO position closer to \$80,000, as a conservative figure.

### **Recommendation:**

Approve of an additional \$20,000 for the CSG Consultants contract and an associated budget amendment.

*Attachments:*

*Attachment 1 – Code Enforcement Services Brief Update*

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## CODE ENFORCEMENT SERVICES BRIEF UPDATE

- The entire CE program has been re-organized and streamlined to address all zoning, housing and building violations, as well as the AVA program.
  - A new Courtesy Card of Complaint Received was created and utilized successfully
    - This process is time effective with a softer enforcement approach
  - Cases are now handled in priority order (1, 2 & 3). Cases reported with higher threat to public life and safety concerns a priority one and cases having the least threats to public life and safety concerns a priority 3.
  - 11 out of the 54 cases reported have been priority 1 and only 2 remain open
  - 13 have been priority 2 and only 1 remains open
  - 30 have been priority 3 and 25 remain open, the numbers reflect mostly a concentration of inoperative and abandoned vehicles on private property
  - Case Statistics: July 1, 2021 thru January 31, 2022
    - Cases reported to date – 54
    - Cases that remain OPEN - 28
    - Cases that are CLOSED - 26
- In an effort to provide better customer service to the residents of the City of Portola, a **new case file system** was created with the existing City resources (i.e., Excel and Word programs).
  - Electronic Code case files became available to pertinent City staff members, following confidentiality standards
  - Code case statistics became available to pertinent City staff members
- A Code Enforcement Power Point presentation was given to City Council to provide the public a better perspective of what the Code Enforcement program and the duties of a Code Enforcement Officer entail
- A softer enforcement approach with strong educational efforts has been implemented.
  - Many citizens have expressed their gratitude for this effort and the outcome of this has been very positive. Administrative citations have not been necessary thus gaining voluntary compliance has been successful in the housing, building and zoning violations. Voluntary compliance is our primary goal.
  - Due to time constraints, with only eight hours per week, attention to the AVA program has decreased since they are the less life and safety priority of cases.

## FUTURE POTENTIAL GOALS

- A rental housing inspection program to address substandard conditions in apartment units
  - To help eliminate potential life and safety violations
  - To generate city funding to cover cost of CE Officer position
- Streamline the Administrative Citation process by improving the Notices of Violation and Administrative Citations
  - This would create an easier and solid due process