



Board of Directors:

SEAN DEBLEY, President
JARED BOUCHARD, Vice President
KRISTINA BREWER, Director
MARCIA MARCUS, Director
BOB NAST, Director

PETER MARTINEZ
General Manager

353 Santa Monica Drive · Channel Islands Beach, CA · 93035-4473 · (805) 985-6021 · FAX (805) 985-7156
A PUBLIC ENTITY SERVING CHANNEL ISLANDS BEACHES AND HARBOR · CIBCSO.COM

BOARD OF DIRECTORS REGULAR BOARD MEETING NOTICE & AGENDA

NOTICE IS HEREBY GIVEN that the Board of Directors of the Channel Islands Beach Community Services District will hold a Regular Board Meeting beginning at 5:00 P.M. on Tuesday, November 9, 2021. In accordance with the Governor's Executive Order N-29-20 and the Ventura County Stay Well at Home Order resulting from the novel Coronavirus the Meeting will be held virtually using the Microsoft Teams platform.

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 213-282-9788](tel:+12132829788), [125117061#](tel:+12132829788) United States, Los Angeles

Phone Conference ID: 125 117 061#

The agenda is as follows:

A. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:

B. PUBLIC COMMENTS:

1. Opportunity for members of the public to address the Board on matters under the purview of the District and which are not on the agenda. (Time limit 3 minutes per speaker)

C. CONSENT CALENDAR:

1. Approve the Agenda Order
2. Financial Reports:
 - a. Cash Disbursal & Receipt Report – October 2021

3. Minutes:
 - a. October 12, 2021, Regular Board Meeting

4. Authorize customer request for relief from water charges due to leaks on the property consistent with Resolution 16-06:

	Account Number	Water Relief	Sewer Relief	Total Relief
a.	09150-04	\$146.07	\$355.79	\$501.86
				\$501.86

D. CLOSED SESSION:

**Public Employee Performance Evaluation (Gov. Code § 54957)
Title: General Manager**

E. ACTION CALENDAR:

1. Annual Performance and Salary Review of District General Manager. The Board will review and consider the General Manager's performance and compensation following closed session performance evaluation.

Recommendation:

- 1) Board Discretion

2. Review and Adoption of Resolution 21-03: ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEE'S MEDICAL AND HOSPITAL CARE ACT AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS

Recommendation:

- 1) Approve Resolution 21-03

3. Overview and Discussion: Senate Bill 1383 – Organic Waste Reduction Requirements

Recommendation:

- 1) Board Discussion

F. INFORMATION CALENDAR:

1. Report from Board Members of any meeting or conference where compensation for attendance was received.

G. BOARD MEMBER COMMENTS:


H. GENERAL COUNSEL & GENERAL MANAGER COMMENTS:

AGENDA POSTING CERTIFICATION

This agenda was posted Thursday, November 4, 2021, by 5:00 PM. The agenda is posted at the District Office and two public notice bulletin boards, which are accessible 24 hours per day. The locations include:

- Hollywood Beach School, 4000 Sunset
- Corner Store, 2425 Roosevelt Blvd.
- District Office, 353 Santa Monica Drive

Agendas are also posted on the District's website at www.cibcsd.com.


Peter Martinez
General Manager

REQUESTS FOR DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, IN ORDER TO ATTEND OR PARTICIPATE IN A MEETING, SHOULD BE MADE TO THE SECRETARY OF THE BOARD IN ADVANCE OF THE MEETING TO ENSURE THE AVAILABILITY OF REQUESTED SERVICE OR ACCOMODATION. NOTICES, AGENDAS AND PUBLIC DOCUMENTS RELATED TO THE BOARD MEETINGS CAN BE MADE AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

Channel Islands Beach 2013

11/4/2021 10:56 AM

Register: 1002 - Checking Pacific Western

From 10/01/2021 through 10/31/2021

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
10/01/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/1		700.00	494,266.03
10/01/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		187.45	494,453.48
10/01/2021		QB:DEPOSIT	1200 - Accounts Recei...	Dep Correction	5.00		494,448.48
10/04/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		454.62	494,903.10
10/04/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		896.16	495,799.26
10/05/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		1,345.65	497,144.91
10/05/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		1,993.71	499,138.62
10/05/2021	7094	ACWA	2000 - Accounts Payable	2022 Dues	10,810.00		488,328.62
10/05/2021	7095	Badger Meter	2000 - Accounts Payable		1,682.99		486,645.63
10/05/2021	7096	County of Ventura - ...	2000 - Accounts Payable		1,110.00		485,535.63
10/05/2021	7097	Elite General Engine...	2000 - Accounts Payable		6,834.61		478,701.02
10/05/2021	7098	FGL Environmental I...	2000 - Accounts Payable		391.00		478,310.02
10/05/2021	7099	ImageSource	2000 - Accounts Payable		80.41		478,229.61
10/05/2021	7100	IVR Technology Gro...	2000 - Accounts Payable		100.82		478,128.79
10/05/2021	7101	Jarrod Lawrence	2000 - Accounts Payable		320.00		477,808.79
10/05/2021	7102	Miguel Zavalza	2000 - Accounts Payable		225.00		477,583.79
10/05/2021	7103	Pacific Couriers	2000 - Accounts Payable		248.92		477,334.87
10/05/2021	7104	Prime Masonry Mate...	2000 - Accounts Payable		522.71		476,812.16
10/05/2021	7105	Sam Hill & Sons, Inc.	2000 - Accounts Payable	Replacement of...	9,070.84		467,741.32
10/05/2021	7106	Traffic Technologies ...	2000 - Accounts Payable		162.78		467,578.54
10/05/2021	7107	Trench Plate Rentals ...	2000 - Accounts Payable		401.50		467,177.04
10/05/2021	7108	Underground Service...	2000 - Accounts Payable		23.20		467,153.84
10/05/2021	7109	Wilmington Trust, N...	2000 - Accounts Payable	2016 Wastewat...	147,015.63		320,138.21
10/06/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		10,935.56	331,073.77
10/06/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		1,459.23	332,533.00
10/06/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		582.56	333,115.56
10/06/2021	ACH	Cardmember Service	8000 - Suspense	September 2021	3,141.47		329,974.09
10/06/2021	ACH	ACWA/JPIA Health ...	5 - Salaries & Benefits:...	0675088	1,101.55		328,872.54
10/06/2021	ACH	Mission Linen & Uni...	5 - Salaries & Benefits:...	September 30 2...	280.75		328,591.79
10/06/2021	ACH	Pitney Bowes Inc.	6 - Administrative Exp...	1019114528 9-...	300.79		328,291.00
10/06/2021	ACH	Spectrum	6 - Administrative Exp...	September 16, ...	58.13		328,232.87
10/06/2021	ACH	Arco	4 - Maintenance Expen...	NP60838752	1,054.65		327,178.22
10/06/2021	ACH	Tampa Hardware 2	2 - Sewer System Expe...	9-30-21	28.26		327,149.96
10/06/2021	7110	Michael K. Nunley ...	2000 - Accounts Payable		39,282.10		287,867.86
10/06/2021	7111	Nationwide Retirement	2000 - Accounts Payable	pr pd 9-18-21 t...	2,428.43		285,439.43
10/06/2021	7112	ACWA/Joint Powers ...	2000 - Accounts Payable	7-1-21 to 9-30-...	2,876.86		282,562.57
10/06/2021		QuickBooks Payroll ...	-split-	Created by Pay...	26,207.64		256,354.93
10/06/2021	To Print	Carol J Dillon	-split-	Direct Deposit		X	256,354.93
10/06/2021	To Print	Casey D Johnson	-split-	Direct Deposit		X	256,354.93
10/06/2021	To Print	E.D. Brock	-split-	Direct Deposit		X	256,354.93

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Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
10/06/2021	To Print	Erika F Davis	-split-	Direct Deposit		X		256,354.93
10/06/2021	To Print	Jesus Navarro	-split-	Direct Deposit		X		256,354.93
10/06/2021	To Print	Keila E Wilson	-split-	Direct Deposit		X		256,354.93
10/06/2021	To Print	Mark A Espinosa	-split-	Direct Deposit		X		256,354.93
10/06/2021	To Print	Peter A. Martinez	-split-	Direct Deposit		X		256,354.93
10/07/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco			5,586.73	261,941.66
10/07/2021	7113	A to Z Law, LLP	2000 - Accounts Payable		176.00			261,765.66
10/08/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/4			7,323.94	269,089.60
10/08/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/6			9,416.51	278,506.11
10/08/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/5			755.84	279,261.95
10/08/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/8			9,314.78	288,576.73
10/08/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco			1,052.17	289,628.90
10/08/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco			3,319.67	292,948.57
10/08/2021	7114	Badger Meter	2000 - Accounts Payable		2,742.02			290,206.55
10/12/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI			907.03	291,113.58
10/12/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco			2,395.06	293,508.64
10/12/2021	7115	ACWA/Joint Powers ...	2000 - Accounts Payable	Liability Progr...	22,774.00			270,734.64
10/12/2021	7116	Famcon Pipe and Su...	2000 - Accounts Payable		332.48			270,402.16
10/12/2021	7117	PHWA	2000 - Accounts Payable		62,946.69			207,455.47
10/13/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI			818.30	208,273.77
10/13/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco			2,804.67	211,078.44
10/14/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI			1,899.42	212,977.86
10/14/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco			3,270.03	216,247.89
10/15/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/15			29,654.09	245,901.98
10/15/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/12			11,281.14	257,183.12
10/15/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/14			14,656.68	271,839.80
10/15/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/13			7,455.98	279,295.78
10/15/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI			325.53	279,621.31
10/15/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco			2,571.90	282,193.21
10/15/2021	ACH	CalPers	-split-	pr pd 10-2-21 t...	3,849.38			278,343.83
10/15/2021	ACH	CalPers	-split-	10/14/21 State...	11,206.05			267,137.78
10/15/2021	ACH	CalPers	5 - Salaries & Benefits:...	8-21-21 to 9-3-...	7.37			267,130.41
10/15/2021	ACH	AT & T	6 - Administrative Exp...	10-1-21	810.23			266,320.18
10/15/2021	ACH	Frontier-Office	6 - Administrative Exp...	10-1-21	160.51			266,159.67
10/15/2021	ACH	Pitney Bowes Inc.	6 - Administrative Exp...	1019153419 1...	403.81			265,755.86
10/15/2021	ACH	SCE- Office	-split-	9-20-21 2274	254.54			265,501.32
10/15/2021	ACH	So. California Edison...	2 - Sewer System Expe...	10-14-21 1451	641.83			264,859.49
10/15/2021	ACH	So. California Edison...	2 - Sewer System Expe...	10-14-21 7567	984.71			263,874.78
10/15/2021	7118	AWA	2000 - Accounts Payable	Dues	75.00			263,799.78
10/15/2021	7119	JEM TECH PROS	2000 - Accounts Payable		391.85			263,407.93

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Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
10/15/2021	7120	Michael K. Nunley ...	2000 - Accounts Payable		1,882.33		261,525.60
10/15/2021	7121	Miguel Zavalza	2000 - Accounts Payable	Highland yard ...	300.00		261,225.60
10/15/2021	7122	Nationwide Retirement	2000 - Accounts Payable	pr pd 10-2-21 t...	2,882.47		258,343.13
10/15/2021	7123	net2phone	2000 - Accounts Payable		332.06		258,011.07
10/15/2021	7124	Port Hueneme Marin...	2000 - Accounts Payable		254.59		257,756.48
10/15/2021	7125	Wilmington Trust Fe...	2000 - Accounts Payable	Trust Fees for ...	2,500.00		255,256.48
10/18/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/18		25,354.43	280,610.91
10/18/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		3,364.58	283,975.49
10/18/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Pacific Wester...		93,161.90	377,137.39
10/19/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		3,189.91	380,327.30
10/19/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		21,129.55	401,456.85
10/19/2021	7126	AWA	2000 - Accounts Payable	AWA 29th An...	55.00		401,401.85
10/20/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		1,286.20	402,688.05
10/20/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		5,193.41	407,881.46
10/20/2021	7127	Base Auto Parts and ...	2000 - Accounts Payable		476.49		407,404.97
10/20/2021		QuickBooks Payroll ...	-split-	Created by Pay...	27,280.43		380,124.54
10/20/2021	To Print	Carol J Dillon	-split-	Direct Deposit		X	380,124.54
10/20/2021	To Print	Casey D Johnson	-split-	Direct Deposit		X	380,124.54
10/20/2021	To Print	E.D. Brock	-split-	Direct Deposit		X	380,124.54
10/20/2021	To Print	Erika F Davis	-split-	Direct Deposit		X	380,124.54
10/20/2021	To Print	Keila E Wilson	-split-	Direct Deposit		X	380,124.54
10/20/2021	To Print	Mark A Espinosa	-split-	Direct Deposit		X	380,124.54
10/20/2021	To Print	Peter A. Martinez	-split-	Direct Deposit		X	380,124.54
10/20/2021	To Print	Jesus Navarro	-split-	Direct Deposit		X	380,124.54
10/21/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		439.58	380,564.12
10/21/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		3,119.35	383,683.47
10/21/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Deposit Correc...		0.07	383,683.54
10/21/2021	EDEP	So. California Edison...	2 - Sewer System Expe...	10-15-21 7350	323.73		383,359.81
10/21/2021	EDEP	Spectrum	6 - Administrative Exp...	10-16-21 Cable	57.95		383,301.86
10/21/2021	7128	City of Oxnard	2000 - Accounts Payable	7-1-21 to 9-30-...	232,551.97		150,749.89
10/21/2021	7129	FGL Environmental I...	2000 - Accounts Payable		292.00		150,457.89
10/21/2021	7130	Walton Motors & Co...	2000 - Accounts Payable	Pump repair	9,422.20		141,035.69
10/21/2021	7133	Diener's Electric, Inc.	2000 - Accounts Payable	Repair A Station	1,386.61		139,649.08
10/22/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		835.40	140,484.48
10/22/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		1,997.62	142,482.10
10/22/2021	7134	Base Auto Parts and ...	2000 - Accounts Payable		212.11		142,269.99
10/22/2021	7135	EJ Harrison & Sons, ...	2000 - Accounts Payable	pr pd 9-1-21 to...	50,070.10		92,199.89
10/25/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		606.24	92,806.13
10/25/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		4,926.51	97,732.64
10/26/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		593.43	98,326.07

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<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment C</u>	<u>Deposit</u>	<u>Balance</u>
10/26/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		2,634.36	100,960.43
10/27/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		396.56	101,356.99
10/27/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		1,554.07	102,911.06
10/28/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		630.94	103,542.00
10/28/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		1,441.79	104,983.79
10/29/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/28		18,777.62	123,761.41
10/29/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/21		110.00	123,871.41
10/29/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/26		14,180.64	138,052.05
10/29/2021	DEP	QB:DEPOSIT	1200 - Accounts Recei...	Dep 10/21		20,989.77	159,041.82
10/29/2021	DEP	QB:DEPOSIT	2050 - Customer Depo...	Dep 10/25		150.00	159,191.82
10/29/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	CUSI		187.63	159,379.45
10/29/2021	EDEP	QB:DEPOSIT	1200 - Accounts Recei...	Vanco		613.38	159,992.83

MINUTES OF THE
CHANNEL ISLANDS BEACH COMMUNITY SERVICES DISTRICT
REGULAR BOARD MEETING, October 12, 2021

A. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:

President Debley called the virtual meeting to order at 6:04 P.M. In attendance, Vice President Bouchard, Director Marcus, Director Nast, General Manager Peter Martinez, Clerk of the Board, Erika Davis, General Counsel, John Mathews, Office Manager, CJ Dillon, and Operations Manager Jesus (Chuy) Navarro.

Director Brewer was absent.

B. PUBLIC COMMENTS:

None.

C. CONSENT CALENDAR:

Director Nast made the motion to approve the Consent Calendar. Director Marcus seconded the motion. The motion passed.

Debley, Bouchard, Marcus, Nast 4- Yes 0 -No

D. ACTION CALENDAR:

1. CONSIDER AND ADOPT RESOLUTION 21-02 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHANNEL ISLANDS BEACH COMMUNITY SERVICES DISTRICT AUTHORIZING THE REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CHANNEL ISLANDS BEACH COMMUNITY SERVICES DISTRICT FOR THE PERIOD OF OCTOBER 1st, 2021, UNTIL DECEMBER 31st, 2021, IN ACCORDANCE WITH ASSEMBLY BILL 361.

General Manager Martinez explained that the Resolution was a state requirement to continue to conduct virtual meetings. There was no public comment. Vice President Bouchard moved to approve staff's recommendation to adopt Resolution 21-02. Director Marcus seconded the motion. The motion passed.

ROLL CALL VOTE:

Debley: YES, Bouchard: YES, Marcus, YES, Nast: YES 4 - Yes 0 -No

2. 2021 WATER AND SEWER MASTER PLAN

General Manager Martinez gave a summary of the 2021 Water and Sewer Master Plan. Board asked questions. There was no public comment. Vice President Bouchard moved to approve staff's recommendation to adopt the Channel Islands Beach Community Services District 2021 Water and Sewer Master Plan. Director Marcus seconded the motion. The motion passed.

ROLL CALL VOTE:

Debley: YES, Bouchard: YES, Marcus, YES, Nast: YES 4 - Yes 0 -No

3. NEW BOARD MEETING START TIME DISCUSSION

General Manager Martinez said that at the August 3, 2021, Special Board Meeting the Board requested that the item to possibly change the Regular Board Meeting start time to an earlier time than 6:00 p.m. be brought to the Board at this meeting. Board discussion ensued. Vice President Bouchard made the motion to move the Regular Board Meeting start time to 5:00 p.m. providing enough notification to the public. President Debley seconded the motion. The motion passed.

ROLL CALL VOTE:

Debley: YES, Bouchard: YES, Marcus, YES, Nast: YES 4 - Yes 0 -No

E. OPERATIONS REPORT:

Using a PowerPoint presentation, Operations Manager Navarro presented the month's Operations report. The Operations report included two service installation projects on Ocean Drive, wet well entry at B Station, potholing part of the easement abandonment project, repair of a service leak on Ocean Drive, and continuation of the valve exercising project throughout the District.

F. INFORMATION CALENDAR:

1. General Manager's evaluation paperwork has been distributed to the Board and needs to be completed by the November 9, 2021, Regular Board Meeting.

The General Manager's evaluation paperwork should be returned to the President by October 26, 2021. President and Vice President of the Board will then discuss and meet in preparation for the November 9, 2021, Regular Board Meeting.

2. Report from Board Members for any meeting or conference where compensation for attendance was received.

President Debley reported at the September 20th PHWA meeting there was discussion regarding hiring a structural engineer regarding the storage tank. They also adopted the water shortage contingency plan and adopted a resolution that supports the plan.

G. BOARD MEMBER COMMENTS:

Vice President Bouchard encouraged the Board to attend the United Conservation District Water Sustainability Summit that can be attended either in person or remotely.

Director Marcus inquired about the building and site redevelopment project.

President Debley said that the County Integrated Waste Management Board did a receive and file related to SB 1383. There was an informative video presented by Cal Recycle. They are going back to the Board with their Ordinance in November with the implementation of SB 1383.

H. GENERAL COUNSEL & GENERAL MANAGER COMMENTS:

General Manager Martinez said the Ad Hoc Site Redevelopment Committee met once regarding the building project. The result was they asked the architect to go back and build a more simplified version of the two-story building. There will be a second Ad Hoc Committee meeting. After the second Ad Hoc Committee meeting, the latest information will be presented to the Board at a Regular Board Meeting.

General Manager Martinez said he will bring updated information regarding SB 1383 at the November Regular Board Meeting.

General Manager Martinez announced that the PHWA meetings will return to being held remotely.

General Counsel updated the Board on the adjudication stating the case was assigned to Judge Anderle from Santa Barbara County.

The Board Meeting adjourned at 7:16 P.M.

Sean Debley, President



Board of Directors:

SEAN DEBLEY, President
JARED BOUCHARD, Vice President
KRISTINA BREWER, Director
MARCIA MARCUS, Director
BOB NAST, Director

Peter Martinez
General Manager

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A PUBLIC ENTITY SERVING CHANNEL ISLANDS BEACHES AND HARBOR · CIBCSD.COM

Regular Board Meeting November 9, 2021

To: Board of Directors
From: CJ Dillon, Office Manager
Subject: Review and Adoption of Resolution 21-03
ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEE'S MEDICAL AND HOSPITAL CARE ACT AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS
Item: E-2

RECOMMENDATION: Approve Resolution 21-03

FINANCIAL IMPACT: Possible increase to District Medical Insurance in the future, depending on retirees use of CalPERS as supplemental insurance with their Medicare.

BACKGROUND:

Channel Islands Beach Community Services District originally contracted for health coverage as a Special District in 1987, and currently has a Non-CalPERS Health Contract. (Non-CalPERS Health Contract is for agencies that do not participate in CalPERS or CalSTRS pension but have some other qualified retirement system.) CalPERS recently became aware that the District joined CalPERS retirement in 2018 which gives our employees the CalPERS membership option.

Consequently, we need to correct our health coverage from a Non-CalPERS Health Contract to a CalPERS Health Contract. This requires the District to file and submit a new health resolution. This resolution should have been done when the District joined the retirement program but was overlooked by CalPERS.

Once the CalPERS Health Contract is created and health appointments are moved, the Non-CalPERS Health Contract will be closed. Billing wise, we will see no difference, and continue to be billed at the full premium for active employees. However, once we have a retiree, we will only be billed the employer contribution for the retiree, and the member share will be deducted directly from the retiree's CalPERS monthly retirement warrant.

ATTACHMENTS:

1. Resolution 21-03 **ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEE'S MEDICAL AND HOSPITAL CARE ACT AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS**

RESOLUTION NO. 21-03
ELECTING TO BE SUBJECT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS
000 ALL EMPLOYEES

- WHEREAS, (1) A contracting agency meeting the eligibility requirements set forth in Government Code Section 22920, may obtain health benefit plan(s), as defined under Government Code Section 22777, by submitting a resolution to the Board of Administration of the California Public Employees' Retirement System (the "Board"), and upon approval of such resolution by the Board, become subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- WHEREAS, (2) Channel Islands Beach Community Services District is a contracting agency eligible to be subject to the Act under Government Code Section 22920; and
- WHEREAS, (3) Government Code Section 22892(a) provides that a contracting agency subject to the Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (4) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- WHEREAS, (5) Channel Islands Beach Community Services District desires to obtain for its employees and annuitants the benefit of the Act and to accept the liabilities and obligations of an employer under the Act; now, therefore, be it
- RESOLVED, (a) Channel Islands Beach Community Services District elects to be subject to the provisions of the Act; and be it further
- RESOLVED, (b) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the PEMHCA Minimum per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (c) Channel Islands Beach Community Services District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (d) That the participation of the employees and annuitants of Channel Islands Beach Community Services District shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that Channel Islands Beach Community Services District would not qualify as an agency or instrumentality of the state or political subdivision of a State under

such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further

RESOLVED, (e) That the executive body appoint and direct, and it does hereby appoint and direct, CJ Dillon, Office Manager to file with the Board a verified copy of this resolution, and to perform on behalf of Channel Islands Beach Community Services District all functions required of it under the Act; and be it further

RESOLVED, (f) That coverage under the Act be effective on January 1, 2022.

Adopted at a regular meeting of the Board of Directors at Channel Islands Beach CSD, 353 Santa Monica Drive, Chnl Isl Bch, CA, this 9th day of November, 2021.

Signed: _____
Sean Debley, Board President

Attest: _____
Erika Davis, Clerk of the Board



Board of Directors:

SEAN DEBLEY, President
JARED BOUCHARD, Vice President
KRISTINA BREWER, Director
MARCIA MARCUS, Director
BOB NAST, Director

PETER MARTINEZ
General Manager

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Regular Board Meeting, November 9, 2021

To: Board of Directors
From: Peter Martinez, *General Manager*
Subject: Overview and Discussion: Senate Bill 1383 – Organic Waste Reduction Requirements
Item No. E-3

RECOMMENDATION:

Board Discussion of Senate Bill 1383.

BACKGROUND:

Senate Bill 1383 (SB 1383) was enacted on September 19, 2016, and addresses short-lived climate pollutants, namely methane emissions created by dairy and livestock as well as organic waste. Organic waste is food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed with food waste. Landfilling organic waste leads to the anaerobic breakdown of that material, which creates methane. Landfills are responsible for 21% of the state's methane emissions while organic waste comprises two-thirds of California's waste stream.

SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years. SB 1383 requires statewide organic waste (food waste, green waste, food-soiled paper products, etc.) disposal reduction of 75% by the year 2025. The mandated percentage reduction equates to 20 million tons of organic waste generated within the State. SB 1383 also sets a goal of recovering 20% of edible food for human consumption by 2025. This bill authorizes the State Department of Resources Recycling and Recovery (Cal Recycle) to adopt regulations to achieve these targets which will take effect on January 1, 2022.

DISCUSSION:

The District's responsibilities will include the following:

- Provide organic waste collection to all residents and businesses
- Establish an edible food recovery program that recovers edible food from the waste stream
- Conduct outreach and education

- Capacity Planning (evaluating the District's local readiness to manage organics and recover edible food waste)
- Maintain accurate and timely records of SB 1383 compliance
- Adopt or amend current Ordinance to comply with SB 1383

ALTERNATIVE OPTIONS

- Pursue a waiver (low population)
- File a Notice of Intent to comply pursuant to SB 619

ATTACHMENTS:

1. SENATE BILL 1383
2. SENATE BILL 619

Senate Bill No. 1383

CHAPTER 395

An act to add Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and to add Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, relating to methane emissions.

[Approved by Governor September 19, 2016. Filed with
Secretary of State September 19, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, Lara. Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills.

(1) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The state board is also required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state.

This bill would require the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also would establish specified targets for reducing organic waste in landfills.

This bill would require the state board, in consultation with the Department of Food and Agriculture, to adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, as specified. The bill would require the state board to take certain actions prior to adopting those regulations. This bill would require the regulations to take effect on or after January 1, 2024, if the state board, in consultation with the department, makes certain determinations.

This bill would require the state board, the Public Utilities Commission, and the State Energy Resources Conservation and Development Commission to undertake various actions related to reducing short-lived climate pollutants in the state. The bill would require state agencies to consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas.

(2) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program that requires each

county and city and county to prepare and submit to the department a countywide integrated waste management plan.

The bill would require the department, in consultation with the state board, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The bill would authorize local jurisdictions to charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations. The bill would require, no later than July 1, 2020, the department, in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving the specified targets for reducing organic waste in landfills. The bill would authorize the department, depending on the outcome of that analysis, to amend the regulations to include incentives or additional requirements, as specified. By adding to the duties of local governments related to organic waste in landfills, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are powerful climate forcers that have a dramatic and detrimental effect on air quality, public health, and climate change.

(2) These pollutants create a warming influence on the climate that is many times more potent than that of carbon dioxide.

(3) Short-lived climate pollutants that are toxic air contaminants also are a significant environmental risk factor for premature death.

(4) Reducing emissions of these pollutants can have an immediate beneficial impact on climate change and on public health.

(5) To the extent possible, efforts to reduce emissions of short-lived climate pollutants should focus on areas of the state that are disproportionately affected by poor air quality.

(b) It is the intent of the Legislature to support the adoption of policies that improve organics recycling and innovative, cost effective, and environmentally beneficial uses of biomethane derived from solid waste facilities.

(c) It is intent of the Legislature that the disposal reduction targets established pursuant to Section 39730.6 of the Health and Safety Code shall serve as a statewide average target and not as a minimum requirement for each jurisdiction.

SEC. 2. Section 39730.5 is added to the Health and Safety Code, to read:

39730.5. (a) No later than January 1, 2018, the state board shall approve and begin implementing the comprehensive short-lived climate pollutant strategy developed pursuant to Section 39730 to achieve a reduction in the statewide emissions of methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030.

(b) Prior to approving the short-lived climate pollutant strategy pursuant to subdivision (a), the state board shall do all of the following:

(1) Coordinate with other state and local agencies and districts to develop measures identified as part of the strategy.

(2) Provide a forum for public engagement by holding at least three public hearings in geographically diverse locations throughout the state.

(3) Evaluate the best-available scientific, technological, and economic information to ensure that the strategy is cost effective and technologically feasible.

(4) Incorporate and prioritize, as appropriate, measures and actions that provide the following cobenefits:

(A) Job growth and local economic benefits in the state.

(B) Public health benefits.

(C) Potential for new innovation in technology, energy, and resource management practices.

(c) The state board shall publicly notice the strategy described in subdivision (a) and post a copy of that strategy on the state board’s Internet Web site at least one month prior to the state board approving the strategy pursuant to subdivision (a).

SEC. 3. Section 39730.6 is added to the Health and Safety Code, to read:

39730.6. (a) Consistent with Section 39730.5, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

(1) A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.

(2) A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(b) Except as provided in this section and Section 42652.5 of the Public Resources Code, the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.

SEC. 4. Section 39730.7 is added to the Health and Safety Code, to read:

39730.7. (a) For purposes of this section, the following terms have the following meanings:

(1) “Department” means the Department of Food and Agriculture.

(2) “Commission” means the Public Utilities Commission.

(3) “Energy commission” means the State Energy Resources Conservation and Development Commission.

(4) “Strategy” means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) (1) The state board, in consultation with the department, shall adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, consistent with this section and the strategy, by up to 40 percent below the dairy sector's and livestock sector's 2013 levels by 2030.

(2) Prior to adopting regulations pursuant to paragraph (1), the state board shall do all of the following:

(A) Work with stakeholders to identify and address technical, market, regulatory, and other challenges and barriers to the development of dairy methane emissions reduction projects. The group of stakeholders shall include a broad range of stakeholders involved in the development of dairy methane reduction projects, including, but not limited to, project developers, dairy and livestock industry representatives, state and local permitting agencies, energy agency representatives, compost producers with experience composting dairy manure, environmental and conservation stakeholders, public health experts, and others with demonstrated expertise relevant to the success of dairy methane emissions reduction efforts.

(B) Provide a forum for public engagement by holding at least three public meetings in geographically diverse locations throughout the state where dairy operations and livestock operations are present.

(C) In consultation with the department, do both of the following:

(i) Conduct or consider livestock and dairy operation research on dairy methane emissions reduction projects, including, but not limited to, scrape manure management systems, solids separation systems, and enteric fermentation.

(ii) Consider developing and adopting methane emissions reduction protocols.

(3) The state board shall make available to the public by posting on its Internet Web site a report on the progress made in implementing paragraph (2). Pursuant to Section 9795 of the Government Code, the state board shall notify the Legislature of the report.

(4) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the regulations adopted pursuant to paragraph (1) shall be implemented on or after January 1, 2024, if the state board, in consultation with the department, determines all of the following:

(A) The regulations are technologically feasible.

(B) The regulations are economically feasible considering milk and live cattle prices and the commitment of state, federal, and private funding, among other things, and that markets exist for the products generated by dairy manure management and livestock manure management methane emissions reduction projects, including composting, biomethane, and other products. The analysis shall include consideration of both of the following:

(i) Electrical interconnection of onsite electrical generation facilities using biomethane.

(ii) Access to common carrier pipelines available for the injection of digester biomethane.

(C) The regulations are cost effective.

(D) The regulations include provisions to minimize and mitigate potential leakage to other states or countries, as appropriate.

(E) The regulations include an evaluation of the achievements made by incentive-based programs.

(c) No later than July 1, 2020, the state board, in consultation with the department, shall analyze the progress the dairy and livestock sector has made in achieving the goals identified in the strategy and specified in paragraph (1) of subdivision (b). The analysis shall determine if sufficient progress has been made to overcome technical and market barriers, as identified in the strategy. If the analysis determines that progress has not been made in meeting the targets due to insufficient funding or technical or market barriers, the state board, in consultation with the department and upon consultation with stakeholders, may reduce the goal in the strategy for the dairy and livestock sectors, as identified pursuant to paragraph (1).

(d) (1) (A) No later than January 1, 2018, the state board, in consultation with the commission and the energy commission, shall establish energy infrastructure development and procurement policies needed to encourage dairy biomethane projects to meet the goal identified pursuant to paragraph (1) of subdivision (b).

(B) The state board shall develop a pilot financial mechanism to reduce the economic uncertainty associated with the value of environmental credits, including credits pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) from dairy-related projects producing low-carbon transportation fuels. The state board shall make recommendations to the Legislature for expanding this mechanism to other sources of biogas.

(2) No later than January 1, 2018, the commission, in consultation with the state board and the department, shall direct gas corporations to implement not less than five dairy biomethane pilot projects to demonstrate interconnection to the common carrier pipeline system. For the purposes of these pilot projects, gas corporations may recover in rates the reasonable cost of pipeline infrastructure developed pursuant to the pilot projects.

(e) No later than January 1, 2018, the state board shall provide guidance on credits generated pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) and the market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5 from the methane reduction protocols described in the strategy and shall ensure that projects developed before the implementation of regulations adopted pursuant to subdivision (b) receive credit for at least 10 years. Projects shall be eligible for an extension of credits after the first 10 years to the extent allowed by regulations adopted pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(f) Enteric emissions reductions shall be achieved only through incentive-based mechanisms until the state board, in consultation with the

department, determines that a cost-effective, considering the impact on animal productivity, and scientifically proven method of reducing enteric emissions is available and that adoption of the enteric emissions reduction method would not damage animal health, public health, or consumer acceptance. Voluntary enteric emissions reductions may be used toward satisfying the goals of this chapter.

(g) Except as provided in this section, the state board shall not adopt methane emissions reduction regulations controlling the emissions of methane from dairy operations or livestock operations to achieve the 2020 and 2030 greenhouse gas emissions reduction goals established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(h) Nothing in this section shall limit the authority of the state board to acquire planning and baseline information, including requiring the monitoring and reporting of emissions.

(i) This section does not in any way affect the state board's or districts' authority to regulate emissions of criteria pollutants, toxic air contaminants, or other pollutants pursuant to other provisions of this division.

SEC. 5. Section 39730.8 is added to the Health and Safety Code, to read:
39730.8. (a) For purposes of this section, the following terms have the following meanings:

(1) "Commission" means the Public Utilities Commission.

(2) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(3) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) The energy commission, in consultation with the state board and the commission, shall develop recommendations for the development and use of renewable gas, including biomethane and biogas, as a part of its 2017 Integrated Energy Policy Report prepared pursuant to Section 25302 of the Public Resources Code. In developing the recommendations, the energy commission shall identify cost-effective strategies that are consistent with existing state policies and climate change goals by considering priority end uses of renewable gas, including biomethane and biogas, and their interactions with state policies, including biomethane and all of the following:

(1) The Renewables Portfolio Standard program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).

(2) The Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations).

(3) Waste diversion goals established pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(4) The market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5.

(5) The strategy.

(c) Based on the recommendations developed pursuant to subdivision (b), and to meet the state’s climate change, renewable energy, low-carbon fuel, and short-lived climate pollutants goals, including black carbon, landfill diversion, and dairy methane targets identified in the strategy, state agencies shall consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas, including biomethane and biogas.

(d) Based on the recommendations developed pursuant to subdivision (b), the commission, in consultation with the energy commission and the state board, shall consider additional policies to support the development and use in the state of renewable gas, including biomethane and biogas, that reduce short-lived climate pollutants in the state.

(e) In implementing this section, priority shall be given to fuels with the greatest greenhouse gas emissions benefits, including the consideration of carbon intensity and reduction in short-lived climate pollutants, as appropriate.

SEC. 6. Chapter 13.1 (commencing with Section 42652) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 13.1. SHORT-LIVED CLIMATE POLLUTANTS

42652. The Legislature finds and declares all of the following:

(a) The organic disposal reduction targets are essential to achieving the statewide recycling goal identified in Section 41780.01.

(b) Achieving organic waste disposal reduction targets requires significant investment to develop organics recycling capacity.

(c) More robust state and local funding mechanisms are needed to support the expansion of organics recycling capacity.

42652.5. (a) The department, in consultation with the State Air Resources Board, shall adopt regulations to achieve the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The regulations shall comply with all of the following:

(1) May require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.

(2) Shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

(3) Shall not establish a numeric organic waste disposal limit for individual landfills.

(4) May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted

pursuant to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction.

(5) May include penalties to be imposed by the department for noncompliance. If penalties are included, they shall not exceed the amount authorized pursuant to Section 41850.

(6) Shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations.

(b) A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations adopted pursuant to this section.

42653. (a) No later than July 1, 2020, the department, in consultation with the State Air Resources Board, shall analyze the progress that the waste sector, state government, and local governments have made in achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The analysis shall include all of the following:

(1) The status of new organics recycling infrastructure development, including the commitment of state funding and appropriate rate increases for solid waste and recycling services to support infrastructure expansion.

(2) The progress in reducing regulatory barriers to the siting of organics recycling facilities and the timing and effectiveness of policies that will facilitate the permitting of organics recycling infrastructure.

(3) The status of markets for the products generated by organics recycling facilities, including cost-effective electrical interconnection and common carrier pipeline injection of digester biomethane and the status of markets for compost, biomethane, and other products from the recycling of organic waste.

(b) If the department determines that significant progress has not been made on the items analyzed pursuant to subdivision (a), the department may include incentives or additional requirements in the regulations described in Section 42652 to facilitate progress towards achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department may, upon consultation with stakeholders, recommend to the Legislature revisions to those organic waste reduction goals.

42654. This chapter shall not limit the authority of a local jurisdiction to adopt, implement, or enforce requirements in addition to those set forth in the regulations adopted pursuant to this chapter.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

Senate Bill No. 619

CHAPTER 508

An act to amend Section 42652.5 of the Public Resources Code, relating to solid waste.

[Approved by Governor October 5, 2021. Filed with Secretary of State October 5, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 619, Laird. Organic waste: reduction regulations: local jurisdiction compliance.

Existing law requires the State Air Resources Board to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in the statewide emissions of methane by 40%. Existing law requires the methane emissions reduction goals to include specified targets to reduce the landfill disposal of organics. Existing law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve those targets for reducing organic waste in landfills, and authorizes those regulations to require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction, to authorize local jurisdictions to impose penalties on generators for noncompliance, and to include penalties to be imposed by the department for noncompliance.

This bill would authorize a local jurisdiction facing continuing violations that commence during the 2022 calendar year of those regulations to submit to the department no later than March 1, 2022, a notification of intent to comply, as prescribed. For violations of the regulations that are disclosed in a notification that is approved by the department, the bill would require the department to waive administrative civil penalties for the violations if the local jurisdiction implements the actions proposed in the notification to remedy the violations. The bill would authorize the department, notwithstanding those regulations, to establish any maximum compliance deadline in a corrective action plan that it determines to be necessary and appropriate under the circumstances for the correction of a violation of the regulations. The bill would authorize the department to adopt emergency regulations it determines to be necessary to implement and enforce these provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 42652.5 of the Public Resources Code is amended to read:

42652.5. (a) The department, in consultation with the State Air Resources Board, shall adopt regulations to achieve the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The regulations shall comply with all of the following:

(1) May require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.

(2) Shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

(3) Shall not establish a numeric organic waste disposal limit for individual landfills.

(4) May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted pursuant to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction.

(5) May include penalties to be imposed by the department for noncompliance. If penalties are included, they shall not exceed the amount authorized pursuant to Section 41850.

(6) Shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations.

(b) A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations adopted pursuant to this section.

(c) A local jurisdiction facing continuing violations of the regulations adopted pursuant to subdivision (a) that commence during the 2022 calendar year may submit to the department a notification of intent to comply, as described in this section. Upon approval by the department, and implementation by the local jurisdiction, of a notification of intent to comply that meets the requirements of subdivision (e), a local jurisdiction may be eligible for both of the following:

(1) Administrative civil penalty relief for the 2022 calendar year pursuant to subdivision (d).

(2) A corrective action plan pursuant to Section 18996.2 of Title 14 of the California Code of Regulations.

(d) (1) For violations of the regulations that are disclosed in a notification of intent to comply that is approved by the department as meeting the

requirements of subdivision (e), the department shall waive administrative civil penalties under paragraph (5) of subdivision (a) during the 2022 calendar year if, and administrative civil penalties shall not accrue under paragraph (5) of subdivision (a) during the 2022 calendar year if, the local jurisdiction implements the proposed actions according to the schedule proposed pursuant to paragraph (4) of subdivision (e).

(2) For violations that commence during the 2022 calendar year and continue into the 2023 calendar year, administrative civil penalties may begin accruing as of January 1, 2023. Those administrative civil penalties accruing on and after January 1, 2023, shall be waived upon complete compliance with the terms of a corrective action plan pursuant to Section 18996.2 of Title 14 of the California Code of Regulations.

(3) If a local jurisdiction fails to adhere to the proposed actions and schedule described in a notification of intent to comply pursuant to paragraph (4) of subdivision (e), the department may revoke its approval of the notification of intent to comply and impose administrative civil penalties for violations occurring during the 2022 calendar year retroactive to the date of violation.

(4) Notwithstanding any proposed actions and schedule provided by a local jurisdiction in an approved notification of intent to comply pursuant to paragraph (4) of subdivision (e), the department may instead address through a corrective action plan any violations disclosed in that notification that may take more than 180 days to correct. Under those circumstances, the proposed actions and schedule provided pursuant to an approved notification of intent to comply pursuant to paragraph (4) of subdivision (e) shall control until a corrective action plan is finalized.

(e) The department shall approve a notification of intent to comply if the department determines the notification meets the requirements of this subdivision. A notification of intent to comply shall be in writing, adopted by formal resolution by the governing body of the local jurisdiction, and filed with the department no later than March 1, 2022. The notification of intent to comply shall include, at a minimum, all of the following:

- (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 Section 18996.2 of Title 14 of the California Code of Regulations with a proposed schedule for doing so. The proposed actions shall be tailored to remedy the violations in a timely manner.

(f) The department shall respond in writing to a local jurisdiction within 45 business days of receiving a notification of intent to comply with an approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval. If the department disapproves the notification of intent to comply due to the notification not meeting the

requirements of subdivision (e), the department shall include in the response a justification for the disapproval.

(g) Notwithstanding Section 18996.2 of Title 14 of the California Code of Regulations, the department may establish any maximum compliance deadline in a corrective action plan that it determines to be necessary and appropriate under the circumstances for the correction of a violation of the regulations adopted pursuant to subdivision (a).

(h) (1) The department may adopt regulations it determines to be necessary to implement and enforce the changes made to this section by Senate Bill 619 of the 2021–22 Regular Session as emergency regulations.

(2) Emergency regulations adopted pursuant to paragraph (1) shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, emergency regulations adopted by the department pursuant to paragraph (1) shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect until January 1, 2024.

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