



# Helendale Community Services District

26540 Vista Road, Suite C, Helendale, CA 92342

## REGULAR BOARD MEETING Thursday, April 7, 2022 at 6:30 PM

### SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Assembly Bill 361 which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, Helendale Community Services District will hold this meeting of its Board of Directors both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference. This meeting is open to the public in person or via virtual interface and can be accessed by clicking on the link below:

**[www.zoom.com](https://www.zoom.com) Meeting ID 463 173 8547 Passcode: HCSD**

(Dial-in instructions will be provided after registering at the link above)

Call to Order - Pledge of Allegiance

#### 1. Approval of Agenda

#### 2. Public Participation

*Anyone wishing to address any matter pertaining to District business listed on the agenda or not, may do so at this time. However, the Board of Directors may not take action on items that are not on the agenda. The public comment period may be limited to three (3) minutes per person. Any member **wishing to make comments may do so by filling out the speaker's card in person or using the "raise the hand" or "chat" feature. If viewing remotely a speaker's card may be filled out at the following link: <https://www.surveymonkey.com/r/HKGNLL8>** or use the features referenced above. The District requests that all speaker cards be submitted at any time prior to the close of public participation.*

#### 3. Consent Items

- a. Approval of Minutes: March 17 Regular Board Meeting and March 31 Special Board Meeting
- b. Bills Paid Report
- c. Directors Compensation and Expenses
- d. Resolution 2022-01E: Re-Authorizing Remote Teleconference Meetings for the Period April 17 to May 17, 2022

#### 4. Reports

- a. **Directors' Reports**
- b. **General Manager's Report**

Regular Business:

5. Public Hearing to Receive Comments and Possible Adoption of Ordinance 2022-01: An Ordinance of the Board of Directors of the Helendale Community Services District Establishing Mandatory Organic Waste Disposal Reductions
6. Public Hearing to Receive Comments and Possible Adoption of Ordinance 2022-02: An Ordinance of the Helendale Community Services District Setting Compensation for its Board of Directors
7. Discussion and Possible Action Regarding Adoption of Resolution 2022-07: A Resolution of the Board of Director of the Helendale Community Services District Awarding a Sole Source Contract to Insituform for Emergency Sewer Living
8. Discussion and Possible Action Regarding Approval of Professional Services Contract for Financial Support Services
9. Discussion and Possible Action Regarding Selection of LAFCO Special District Representatives

Other Business

10. Requested items for next or future agendas (Directors and Staff only)

11. Conference with Real Property Negotiator

(Government Code Section 54956.8)

Property: 15302 Smithson

District Negotiator: Kimberly Cox

Negotiating Parties: Various

Under negotiation: Price and terms of payment

12. Report of Closed Session Items

13. Adjournment

*Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above agenda'd public meeting should be directed to the **District's General Manager's office at (760) 951-0006** at least 24 hours prior to said meeting. The regular session of the Board meeting will be recorded. Recordings of the Board meetings are kept for the Clerk of the Board's convenience. These recordings are not the official minutes of the Board meetings.*



# Helendale Community Services District

---

Date: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #3  
Consent Items

---

## CONSENT ITEMS

- a. Approval of Minutes: Regular Board Meeting of March 17 and Special Meeting of March 31, 2022
- b. Bills Paid Report
- c. Directors Expenses
- d. Resolution 2022-1D: A Resolution of the Helendale Community Services District Ratifying the Proclamation of a State of Emergency by Governor Newsome, Declaring the Existence of Local Emergency Conditions, and Authorizing Remote Teleconference Meetings of the Board of Directors and Its Standing Committee for the Period March 17, 2022, to April 17, 2022, Pursuant to Brown Act Provisions



# Helendale Community Services District

---

Date: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Cheryl Vermette  
SUBJECT: Agenda item #3a  
Minutes from Board meetings

---

Attached, please find the minutes from the Regular Board Meeting of 3/17/22 and the Special Board Meeting of 3/31/22.





*Minutes of the Helendale Community Services District  
REGULAR BOARD OF DIRECTORS MEETING*

*March 17, 2022, at 6:30 PM*

*26540 Vista Road, Suite C. Helendale, CA 92342*

**SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

Pursuant to the provisions of Assembly Bill 361 which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, Helendale Community Services District will hold this meeting of its Board of Directors both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference. This meeting was open to the public in person or via virtual interface via zoom.

**Board Members Roll Call:**

**Present:** President Tim Smith; Vice President Henry Spiller (arrived at 6:40); Director Ron Clark, Director Craig Schneider

**Absent:** Secretary, Sandy Haas

**Staff Members Present:**

Kimberly Cox, General Manager; Craig Carlson, Water Operations Manager; Cheryl Vermette, Parks, Recreation & Programs Supervisor

**Consultants:**

Steve Kennedy, Legal Counsel (via Zoom), Richard Nino, Burrtec Waste, Inc.

**Members of the Public:**

There were seventeen members of the public present.

**Call to Order and Pledge of Allegiance**

The meeting was called to order at 6:30 pm by President Smith, after which the Pledge of Allegiance was recited.

**1. Approval of Agenda**

**Action:** A motion was made by Director Schneider to approve the agenda as presented. The motion was seconded by Director Clark.

**Vote:** The motion carried by the following vote: 3 - Yes; 0 - No; 2 - Absent. President Smith - Yes; Vice President Spiller-Absent; Director Clark -Yes; Director Schneider -Yes; Director Haas -Absent

## 2. Public Participation

Christopher Porter, Field Representative for Supervisor Cook's office gave an update on Operation Hammerstrike.

San Bernardino County Sherriff's Department Captain Jeremy Martinez introduced Lieutenant Ryan Smith.

## 3. Consent Items

- a. Approval of Minutes: March 3, 2022, Regular Board Meeting
- b. Bills Paid Report
- c. Directors Compensation and Expenses
- d. January Financials

Resolution 2022-1D: A Resolution of the Helendale Community Services District Ratifying the Proclamation of a State of Emergency by Governor Newsom, Declaring the Existence of Local Emergency Conditions, and Authorizing Remote Teleconference Meetings of the Board of Directors and Its Standing Committee for the Period March 17, 2022, to April 17, 2022, Pursuant to Brown Act Provisions

**Action:** Director Schneider made the motion to approve the consent items as presented. Director Clark seconded the motion.

**Vote:** The motion carried by the following vote: 3 - Yes; 0 - No; 1 - Absent. President Smith- Yes; Vice President Spiller-Yes; Director Clark -Yes; Director Schneider - Yes; Director Haas – Absent

## 4. Reports

### a. Director's Reports

### b. General Managers Report

Received a \$400,000 reimbursement for Prop 1 Well 13 project. The Board will hold a special meeting on 3/31 at 6:30 pm regarding adoption of SB 1383 Ordinance and approval of general liability insurance policy for 4/1/22 – 4/1/23. We will have a special board meeting on 4/14 at 2:00 pm for a budget workshop. The workers compensation policy ends on 5/1/22, staff is working with SDRMA on a quote. The building tenant improvements will commence once the materials arrive, estimated on March 28<sup>th</sup>. General Manager Cox presented the invitation for the District's 15-year anniversary event.

Water Operations Manager Carlson gave the water report. He reported that Staff is continuing to vactor meter boxes, they have completed all of the monthly well sounding and specific capacity, repaired a 4" line leak at the park, cleaned and graded around operations yard, submitted the DOORS and CARB reports for vehicles, replaced a broken a-stop, and used the new power broom attachment on the new asphalt and existing concrete at the operations yard.

General Manager Cox gave the administrative report. There were 34 new accounts in February, the average monthly bill was \$124, thirteen credit checks were processed, 11 were approved and 2 were denied. The District's cash balance is at \$4,781,792. GM Cox presented graphs showing the distribution of cash by fund and depository.

## Special Presentation

### 5. Chief Dan Munsey and Assistant Chief Dave Corbin will discuss Fire Station Staffing, Budget, and FP-5 Repeal Process

San Bernardino County Fire Chief Dan Munsey and Assistant Chief Dave Corbin addressed the public and also answered questions regarding Fire Station 4 and FP-5.

## Regular Business

### 6. Discussion Only Regarding Annual Review of Water Capital Improvement Plan

**Discussion:** The CIP is reviewed as part of the budget process. We use a rolling 5-year capital improvement program. This is an important planning tool for both financial planning, manpower, allocation, and proposed project planning. The CIP represents Staff's best estimate of needs. Capital projects are funded primarily from operating capital and reserves. The proposed expenditure for FY 2023 is estimated at \$680,000. All projects may not be completed in a year. Projects over \$25,000 will come to the Board for approval. The CIP will be incorporated into the budget document. General Manager Cox and Water Operations Manager Carlson went over the Water CIP in detail discussing each item listed on the CIP. The Board suggested adding a cost for looking at the well on this side of the river to service the Community Center and Vista Rd.

**Action:** There was no action on this item.

### 7. Discussion and Possible Action Regarding Request from Burrtec for Inflation Based Increase for Solid Waste Services and Other Related Fee Increases Under the Franchise Agreement

**Discussion:** Richard Nino, Burrtec Waste Vice President made a detailed presentation on SB 1383. General Manager Cox added that the District will be required to police the compliance. The adoption of an Ordinance is required by the State. A special meeting will be held on 3/31 at 6:30 pm for adoption of the Ordinance. Legal Counsel and Burrtec have worked on this Ordinance. District will be required to issue fines, which may require additional staff resources. Section 16 of the Ordinance makes trash service mandatory for single-family residential units changing trash service from voluntary to mandatory. If the waiver is granted this requirement can be delayed up to five years. A three-container system will be required. Currently, approximately 100 customers do not subscribe to trash service.

Each year Burrtec presents the CPI increase for solid waste pick up services. The contract requires notice no later than 4/1. Section 10.05 outlines the annual formula-based compensation adjustment. The last CPI increase of 1.87% went into effect 7/1/21. The CPI increase effective 7/1/20 was 3.07%. The actual CPI for this year is 5.76%. The contract caps the increase that Burrtec can increase at 4%, however the Board has the discretion to award more or hold to the cap. Burrtec also has the right to request extraordinary expenses. They have not requested any extraordinary expenses. Section 10.08 discusses the extraordinary rate adjustments which include changes in the law, extraordinary costs including changes in operating costs brought about by unforeseen circumstances beyond the control of the contractor, change in the disposal facility. To date Burrtec has never invoked this section of the contract. The presentation only addresses the residential rates, commercial rates are included in



the staff reports and vary widely. Customers who do not pay for disposal on their tax bill pay an additional \$7.26 per month to cover disposal costs. An increase of 4% on the CPI is an increase of \$0.67 the recycling fee would be a decrease of -\$0.64, the Admin fee is an increase of \$0.10, the 218-recovery fee stays the same at \$0.07, the franchise fee is an increase of \$0.02 for a total of a \$0.15 increase per month. The green waste fee would remain at \$0.37. The total bill for the customer would be \$23.96. At a 5.76% increase the trash service would increase \$0.97 the recycling fee would be a decrease of -\$0.64, the Admin fee is an increase of \$0.10, the 218-recovery fee stays the same at \$0.07, the franchise fee is an increase of \$0.04 for a total of a \$0.47 increase per month. The Board must provide direction regarding the percentage and provide direction to staff to prepare the materials for public noticing and set the public hearing schedule.

**Action:** Director Schneider made a motion to direct Staff to prepare the 218 public notice reflecting a 5.76% increase and set the schedule for the public hearing. Director Clark seconded the motion.

**Vote:** The motion carried by the following vote: 4 - Yes; 0 - No; 1 - Absent. President Smith- Yes; Vice President Spiller-Yes; Director Clark -Yes; Director Schneider - Yes; Director Haas - Absent.

8. Discussion and Possible Action Regarding Selection of Board Member for ASBCSD

**Discussion:** President Smith requested input from the Board regarding selection of a board member for the ASBCSD board. The Board unanimously supported a vote for Kelly Gregg.

9. Discussion and Possible Action Regarding Approval of Concert in the Park Dates

**Discussion:** The Park and Rec Committee discussed the Concerts in the Park schedule at their last meeting. The concerts are scheduled for the second Saturday of each month beginning in May and concluding in September. We will have a 9/11 tribute at the September concert and a "Hot August Nights" car show at the August concert.

10. Discussion and Possible Action Regarding Award of Contract for Well 13 Equipping

**Discussion:** The drilling of the well and the flush to waste line are complete. The connection to the distribution system is awaiting equipping. The well house and fencing are complete. The SCE connection is forthcoming. The District circulated an **RFP** for equipping in February. Bids were due on 3/8. Staff contacted multiple potential bidders. Three potential bidders were contacted again prior to close: Layne, Bakersfield Pump and Southwest Pump. One bid was received from South West Pump. General Manager Cox presented the bid: mob/demob = \$7,350, equipping= \$166,575; pedestal= \$30,000; 10" pipe= \$41,075 for a total of \$245,000. For a comparison, GM Cox presented the quote from Bakersfield Pump from 2011 totaling \$58,140. The District received a check for \$400,000 last week from the \$750,000 grant for Well 13. These funds will offset the impact of

the price escalation for equipping the well. Staff spoke with the motor supplier and confirmed that the price was in-line with current costs. The pump and motor have an 8-week lead time. If the bid is awarded now, the well should be on-line by June.

**Action:** Director Schneider made a motion to award the contract to South West Pump & Drilling for the equipping of Well 13 in an amount not to exceed \$245,000. Vice President Spiller seconded the motion.

**Vote:** The motion carried by the following vote: 4 - Yes; 0 - No; 1 - Absent. President Smith - Yes; Vice President Spiller-Yes; Director Clark -Yes; Director Schneider - Yes; Director Haas - Absent.

#### **Other Business**

11. Requested items for next or future agendas (Directors and Staff only) Discussion regarding desert cleanups

#### **Closed Session**

The Board tabled the closed session item.

12. Conference with Legal Counsel - Anticipated Litigation  
Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4) One Potential Case

13. Report of Closed Session Items

Legal Counsel Kennedy announced there were no reportable actions resulting from closed session items.

14. Adjournment

President Smith adjourned the meeting at 9:06 pm

Submitted by:

Approved by:

\_\_\_\_\_  
Tim Smith, President

\_\_\_\_\_  
Sandy Haas, Secretary

*The Board actions represent decisions of the Helendale Community Services District Board of Directors. A digital voice recording and copy of the PowerPoint presentation are available upon request at the Helendale CSD office.*



*Minutes of the Helendale Community Services District  
SPECIAL BOARD OF DIRECTORS MEETING  
March 31, 2022, at 6:30 PM  
26540 Vista Road, Suite C, Helendale, CA 92342*

**SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

Pursuant to the provisions of Assembly Bill 361 which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, Helendale Community Services District will hold this meeting of its Board of Directors both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference. This meeting was open to the public in person or via virtual interface via zoom.

**Board Members Roll Call:**

**Present:** President Tim Smith; Vice President Henry Spiller; Director Craig Schneider; Secretary, Sandy Haas

**Absent:** Director Ron Clark

**Staff Members Present:**

Kimberly Cox, General Manager; Craig Carlson, Water Operations Manager; Cheryl Vermette, Parks, Recreation & Programs Supervisor

**Consultants:**

Steve Kennedy, Legal Counsel (via Zoom)  
Richard Nino, Burrtec Waste, Inc.  
Paul Fuller, JPRIMA Insurance

**Members of the Public:**

There was one member of the public present.

**Call to Order and Pledge of Allegiance**

The meeting was called to order at 6:30 pm by President Smith, after which the Pledge of Allegiance was recited.

**1. Approval of Agenda**

**Action:** A motion was made by Director Schneider to approve the agenda as presented. The motion was seconded by Director Haas.

**Vote:** The motion carried by the following vote: 4 - Yes; 0 - No; 1 - Absent. President Smith- Yes; Vice President Spiller-Yes; Director Clark -Absent; Director Schneider -Yes; Director Haas - Yes

**2. Public Participation**

None

**Regular Business**

**3. First Reading of Ordinance 2022-1: An Ordinance of the Board of Directors of the Helendale Community Services District Establishing Mandatory Organic Waste Disposal Reductions**

**Discussion:** SB 1383 has required sweeping changes in solid waste management. Due to the District's solid waste powers, we are required to comply with the regulations. The solid waste industry has consistently lobbied for reasonable requirements. Onerous and costly provisions were part of the final rule making. The purpose of SB1383 is to reduce the short-lived climate pollutants. Additionally, it is intended to reduce food insecurity, reduce organics in the landfills, and reduce methane gas production in the landfills. When fully implemented, Staff anticipates one person will need to be dedicated to solid waste issues. Section 4 of the



Ordinance outlines mandatory service requirements; section 10 implements fees to cover program costs (trickle down impact on customers); section 14 addresses mandatory commercial/multi-family recycling; section 16 addresses residential requirements including a 3-container system and new colored carts when current supply needs replacement (blue, brown, green and gray); section 17 addresses commercial businesses and multi-family including District enforcement and monitoring, information dissemination, and ensures proper sorting of waste; section 18 includes that the District can grant commercial waivers; section 19 addresses commercial edible food generators (tier 1 must comply by 1/1/22 – none identified, and tier 2 must comply by 1/1/24 – would include the School District); section 20 addresses food recovery – record keeping requirements; section 21 addresses franchise fees and self-haulers; section 22 covers California green building codes; section 23 covers the model water efficient landscape requirements; section 25 is on bulky waste; section 27 covers solid waste burning; section 30 states that customers cannot place trash in another person’s container without permission; section 31 addresses spills while transporting trash; section 32 is on illegal dumping; section 33 states that solid waste facilities must satisfy the District/County requirements; section 34 is on inspections and investigations by the District, section 35 addresses enforcement; section 36 covers enforcement officer; section 37 covers liability for violation; Section 38 addresses penalties and fines; section 39 addresses appeals and hearings; section 44 covers the publication and posting of the ordinance; and section 45 states that the ordinance is effective 30 days after adoption.

**Action:** Director Haas made a motion to waive the full reading of Ordinance 2022-01. Director Schneider seconded the motion.

**Vote:** The motion carried by the following vote: 4 - Yes; 0 – No; 1 - Absent. President Smith-Yes; Vice President Spiller-Yes; Director Clark - Absent; Director Schneider - Yes; Director Haas -Yes.

4. Discussion and Possible Action Regarding Approval of Property Liability Insurance for the District

**Discussion:** In 2021, the District switched insurance carriers to JPRIMA. SDRMA’s costs increased significantly in 2021. JPRIMA’s policy realized significant savings. The new policy reflects an 8% increase at \$99,211. Staff estimates that SDRMA would be more than \$11,000 based upon last year’s increases. General Manager Cox presented a graph showing the insurance costs from SDRMA and JPRIMA over the years.

**Action:** Vice President Spiller made a motion to approve insurance coverage for \$99,211 with JPRIMA. Director Haas seconded the motion.

**Vote:** The motion carried by the following vote: 4 - Yes; 0 – No; 1 - Absent. President Smith-Yes; Vice President Spiller-Yes; Director Clark - Absent; Director Schneider - Yes; Director Haas -Yes.

**Other Business**

5. Adjournment

President Smith adjourned the meeting at 7:26 pm

Submitted by:

Approved by:

\_\_\_\_\_  
Tim Smith, President

\_\_\_\_\_  
Sandy Haas, Secretary

*The Board actions represent decisions of the Helendale Community Services District Board of Directors. A digital voice recording and copy of the PowerPoint presentation are available upon request at the Helendale CSD office.*



# Helendale Community Services District

---

Date: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Sharon Kreinop, Senior Account Specialist  
SUBJECT: Agenda item #3 b  
Consent Items: Updated Bills Paid and Presented for Approval

---

**STAFF RECOMMENDATION:**

Updated Report Only. Receive and File

**STAFF REPORT:**

Staff issued 53 checks and 14 EFT's totaling \$284,194.18

Total Cash Available:	<u>4/04/22</u>	<u>3/14/22</u>
Cash	\$5,559,408.24	\$5,669,187.02
Checks/EFT's Issues	\$ 284,194.18	\$ 163,067.44

**Investment Report**

The Investment Report shows the status of the invested District funds. The current interest rate is 0.02% for LAIF and 0.10% for the CBB Sweep Account for February 2021. Interest earned February March 2022 on CBB Sweep Account is \$184.46





Helendale CSD

# Bills Paid and Presented for Approval

## Transaction Detail

Issued Date Range: 03/15/2022 - 04/04/2022

Cleared Date Range: -

Issued Date	Number	Description	Amount	Type	Module
<b>Bank Account: 251229590 - CBB Checking</b>					
03/15/2022	<a href="#">25059</a>	Eide Bailly LLP	-2,051.85	Check	Accounts Payable
03/15/2022	<a href="#">25060</a>	Fedak & Brown LLP	-500.00	Check	Accounts Payable
03/15/2022	<a href="#">25061</a>	YONG YAN DONG	-332.14	Check	Utility Billing
03/15/2022	<a href="#">25062</a>	KENDRA SHARON	-324.00	Check	Utility Billing
03/15/2022	<a href="#">25063</a>	MARSHA HALL	-15.90	Check	Utility Billing
03/15/2022	<a href="#">25064</a>	D & H BUCKLEY FAMILY LTD	-164.31	Check	Utility Billing
03/18/2022	<a href="#">25065</a>	California State Disbursement Unit	-230.76	Check	Accounts Payable
03/18/2022	<a href="#">25066</a>	State of California - Franchise Tax Board	-50.00	Check	Accounts Payable
03/17/2022	<a href="#">25067</a>	Void Check	0.00	Check	Accounts Payable
03/17/2022	<a href="#">25068</a>	MWC Group, Inc	-53,990.00	Check	Accounts Payable
03/17/2022	<a href="#">25069</a>	Cheryl Vermette	-93.00	Check	Accounts Payable
03/17/2022	<a href="#">25070</a>	County of San Bernardino, Solid Waste Mgmt. Div.	-733.85	Check	Accounts Payable
03/17/2022	<a href="#">25071</a>	ES OPCO USA LLC	-1,227.20	Check	Accounts Payable
03/17/2022	<a href="#">25072</a>	Frontier Communications	-65.30	Check	Accounts Payable
03/17/2022	<a href="#">25073</a>	Geo-Monitor, Inc.	-172.00	Check	Accounts Payable
03/17/2022	<a href="#">25074</a>	Hi Desert Trophy & Awards, LLC	-32.63	Check	Accounts Payable
03/17/2022	<a href="#">25075</a>	Home Depot Credit Services	-1,075.97	Check	Accounts Payable
03/17/2022	<a href="#">25076</a>	Lowe's Inc.	-213.02	Check	Accounts Payable
03/17/2022	<a href="#">25077</a>	Synagro West, LLC	-798.06	Check	Accounts Payable
03/21/2022	<a href="#">25078</a>	ALR Engineering & Testing	-36,945.00	Check	Accounts Payable
03/21/2022	<a href="#">25079</a>	ASBCSD	-64.00	Check	Accounts Payable
03/21/2022	<a href="#">25080</a>	Paul Harvey	-2,133.29	Check	Accounts Payable
03/22/2022	<a href="#">25081</a>	Cardmember Services	-1,628.12	Check	Accounts Payable
03/24/2022	<a href="#">25082</a>	Sweetwater Sound Holdings, LLC	-10,247.04	Check	Accounts Payable
03/24/2022	<a href="#">25083</a>	Brunick, McElhaney & Kennedy Professional Law Corp	-4,481.25	Check	Accounts Payable
03/24/2022	<a href="#">25084</a>	ACI Payments, Inc	-58.10	Check	Accounts Payable
03/24/2022	<a href="#">25085</a>	ES OPCO USA LLC	-4,349.73	Check	Accounts Payable
03/24/2022	<a href="#">25086</a>	Frontier Communications	-61.38	Check	Accounts Payable
03/24/2022	<a href="#">25087</a>	Paul Harvey	-3,745.16	Check	Accounts Payable
03/24/2022	<a href="#">25088</a>	Robert R. Yeghoian Co., Inc.	-2,400.00	Check	Accounts Payable
03/24/2022	<a href="#">25089</a>	Tyler Technologies, Inc.	-112.00	Check	Accounts Payable
03/24/2022	<a href="#">25090</a>	Uline	-529.42	Check	Accounts Payable
03/24/2022	<a href="#">25091</a>	Ultimate Internet Access, Inc	-782.66	Check	Accounts Payable
03/24/2022	<a href="#">25092</a>	Ultimate Internet Access, Inc	-22,000.00	Check	Accounts Payable
03/24/2022	<a href="#">25093</a>	Verizon Wireless	-106.32	Check	Accounts Payable
03/24/2022	<a href="#">25094</a>	Verizon Wireless	-1,032.37	Check	Accounts Payable
03/28/2022	<a href="#">25095</a>	Jean Thomas	-2,000.00	Check	Accounts Payable
03/30/2022	<a href="#">25096</a>	California State Disbursement Unit	-230.76	Check	Accounts Payable
03/30/2022	<a href="#">25097</a>	State of California - Franchise Tax Board	-50.00	Check	Accounts Payable
03/30/2022	<a href="#">25098</a>	Alma Laura Esquivel	-202.50	Check	Accounts Payable
03/30/2022	<a href="#">25099</a>	Amazon Capitol Services	-67.80	Check	Accounts Payable
03/30/2022	<a href="#">25100</a>	Aqua Metrics Sales Company	-90,859.66	Check	Accounts Payable
03/30/2022	<a href="#">25101</a>	Void Check	0.00	Check	Accounts Payable
03/30/2022	<a href="#">25102</a>	Burrtec Waste Industries Inc	-126.50	Check	Accounts Payable
03/30/2022	<a href="#">25103</a>	Carpet Corral	-630.00	Check	Accounts Payable
03/30/2022	<a href="#">25104</a>	Frontier Communications	-90.18	Check	Accounts Payable

**Bank Transaction Report**

Issued Date	Number	Description	Amount	Type	Module
03/30/2022	<a href="#">25105</a>	Hartford Life	-274.77	Check	Accounts Payable
03/30/2022	<a href="#">25106</a>	Staples Credit Plan	-3.71	Check	Accounts Payable
03/30/2022	<a href="#">25107</a>	Stericycle, Inc	-162.08	Check	Accounts Payable
03/30/2022	<a href="#">25108</a>	Thomas M. Shoemake	-400.00	Check	Accounts Payable
03/30/2022	<a href="#">25109</a>	Univar Solutions, USA	-2,123.04	Check	Accounts Payable
03/30/2022	<a href="#">25110</a>	USA Blue Book	-130.73	Check	Accounts Payable
03/30/2022	<a href="#">25112</a>	Burrtec Waste Group, Inc Reversal	10,270.52	Check Reversal	Accounts Payable
03/30/2022	<a href="#">25112</a>	Burrtec Waste Group, Inc	-10,270.52	Check	Accounts Payable
03/30/2022	<a href="#">25113</a>	Burrtec Waste Group, Inc	-10,270.52	Check	Accounts Payable
03/15/2022	<a href="#">EFT0004038</a>	ACH Water Shop SCE Acct 700453074415	-118.44	EFT	General Ledger
03/15/2022	<a href="#">EFT0004039</a>	SCE ACH 4-Plex Acct 700392338368	-296.52	EFT	General Ledger
03/21/2022	<a href="#">EFT0004050</a>	SCE Street Lighting Acct # 700013030275	-1,903.87	EFT	General Ledger
03/23/2022	<a href="#">EFT0004053</a>	SCE ACH Park Wellheads Acct 700448234519	-364.26	EFT	General Ledger
03/29/2022	<a href="#">EFT0004068</a>	SCE ACH Sod Farm Acct 700255337588	-984.24	EFT	General Ledger
03/31/2022	<a href="#">EFT0004069</a>	SCE ACH Well 6,7,8,9 & 2 Acct 700620711734	-360.28	EFT	General Ledger
03/18/2022	<a href="#">EFT0004070</a>	CalPERS 457 Pmt PPE 3/13/22	-3,292.30	EFT	General Ledger
03/21/2022	<a href="#">EFT0004080</a>	To record Tasc Flex Claim Pmt PPE	-768.74	EFT	General Ledger
03/28/2022	<a href="#">EFT0004081</a>	CalPERS PEPRA Pmt PPE 2/27/22	-1,675.70	EFT	General Ledger
03/28/2022	<a href="#">EFT0004082</a>	CalPERS Classic Pmt PPE 2/27/22	-7,339.01	EFT	General Ledger
04/01/2022	<a href="#">EFT0004084</a>	CalPERS 457 Pmt PPE 3/27/22	-3,292.30	EFT	General Ledger
04/01/2022	<a href="#">EFT0004093</a>	To record Global Merchant Fees Acct 4366 -	-730.79	EFT	General Ledger
04/01/2022	<a href="#">EFT0004094</a>	To record Global Merchant Fees Acct 4367 -	-2,274.74	EFT	General Ledger
04/04/2022	<a href="#">EFT0004095</a>	To record EVO Thrift Store CC Fees 23099	-424.91	EFT	General Ledger
			<b>Bank Account 251229590 Total: (69)</b>		<b>-284,194.18</b>
				<b>Report Total: (69)</b>	<b>-284,194.18</b>

# Summary

**Bank Account**  
[251229590 CBB Checking](#)

Count	Amount
69	-284,194.18
<b>Report Total:</b>	<b>-284,194.18</b>

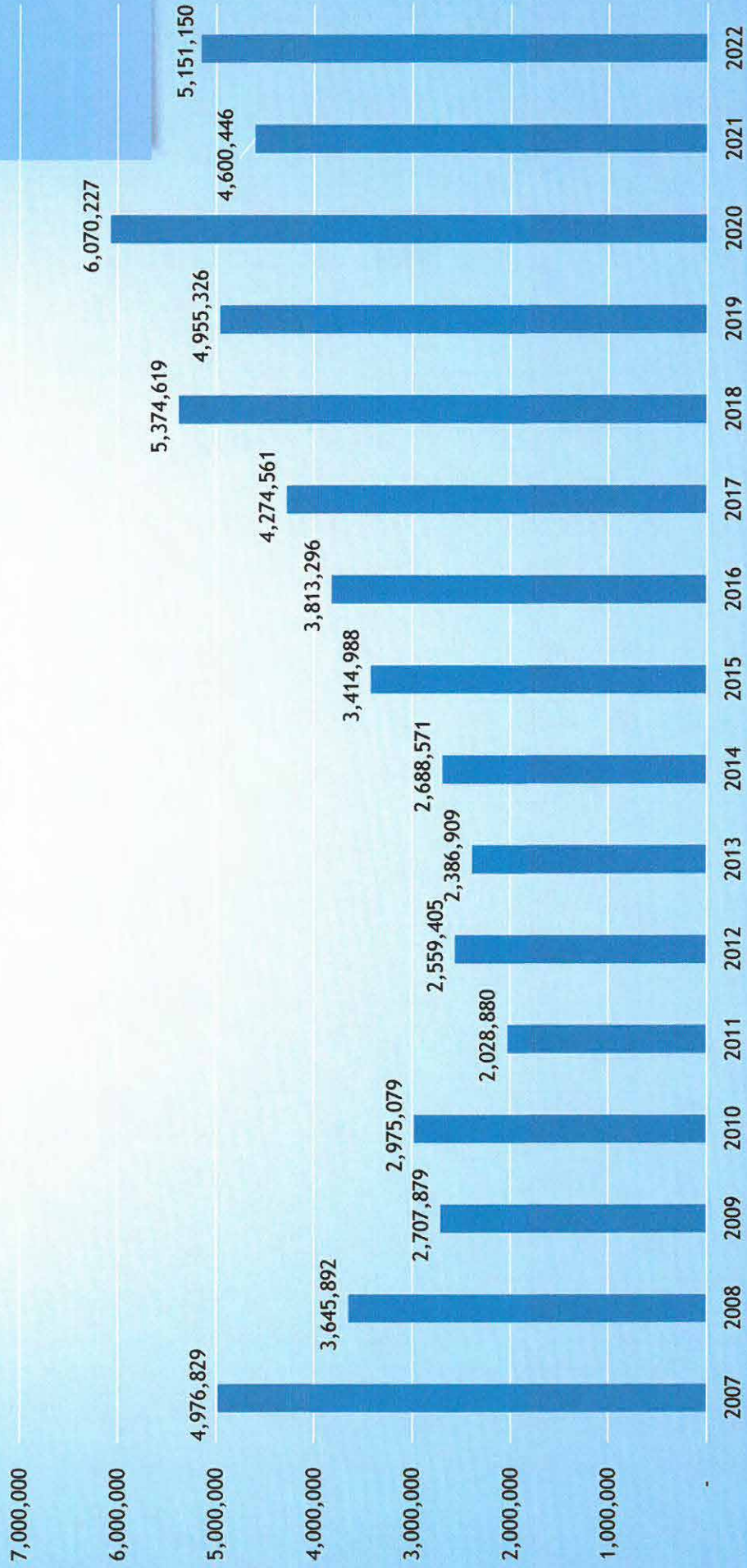
**Cash Account**  
[\\*\\*No Cash Account\\*\\*](#)  
[99 99-111000 Cash in CBB - Checking](#)

Count	Amount
2	0.00
67	-284,194.18
<b>Report Total:</b>	<b>-284,194.18</b>

Transaction Type	Count	Amount
Check	54	-270,638.60
Check Reversal	1	10,270.52
EFT	14	-23,826.10
<b>Report Total:</b>	<b>69</b>	<b>-284,194.18</b>

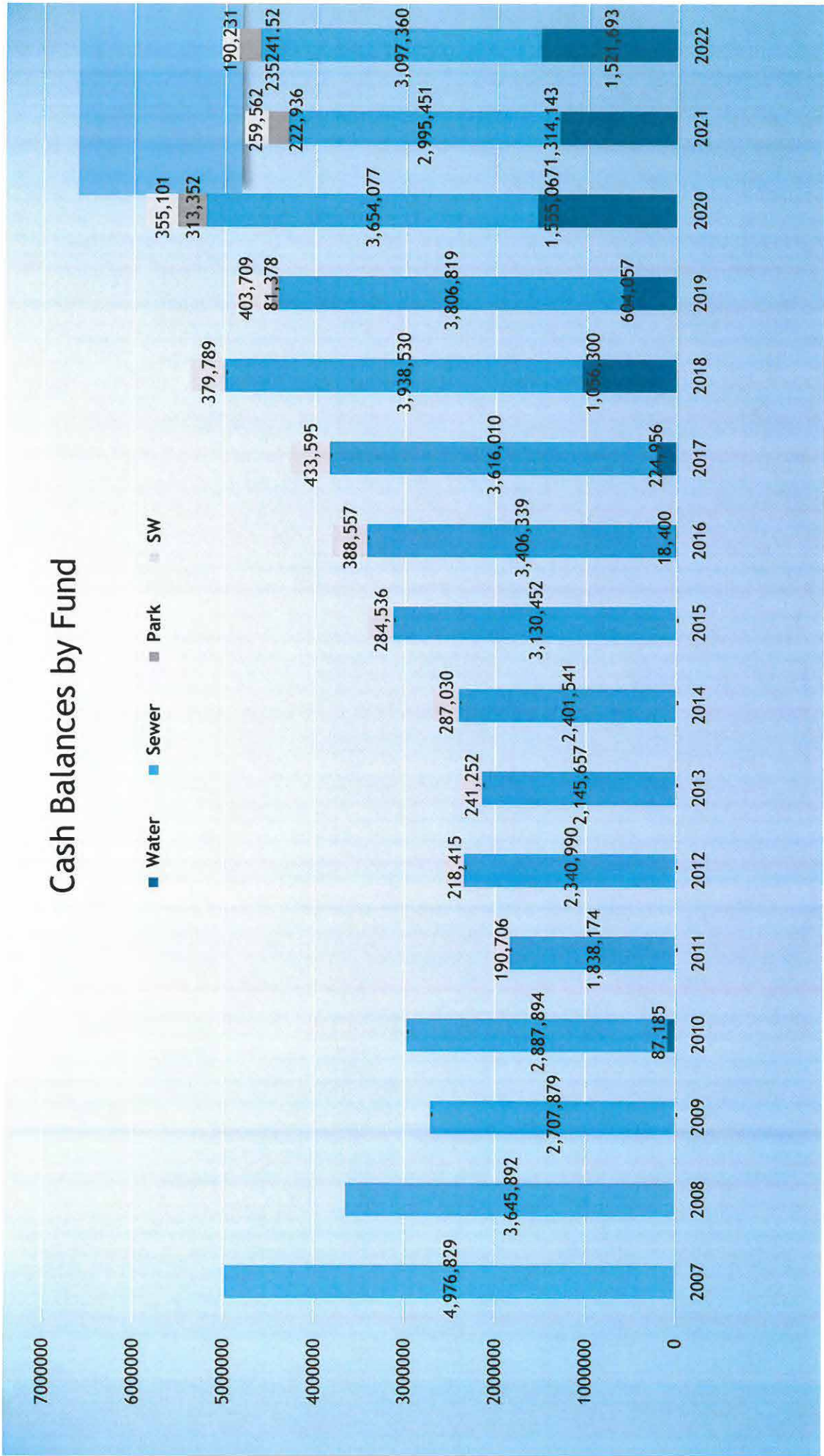


## Total Cash Balances



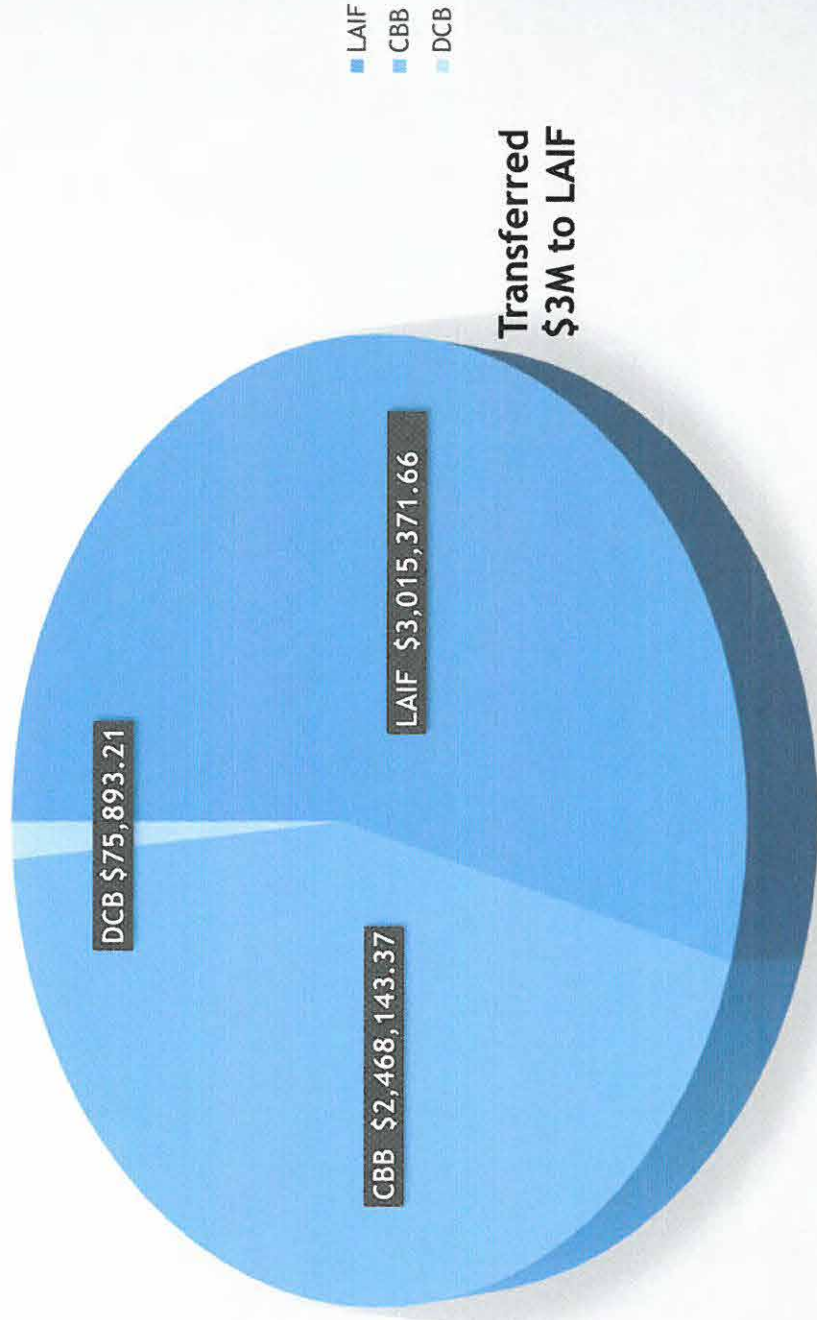
# Cash Balances by Fund

■ Water
 ■ Sewer
 ■ Park
 ■ SW





## FUNDS BY DEPOSITORY



Left \$2.5M in CBB for capital and operating expenses

Transferred \$3M to LAIF



# Helendale Community Services District

---

Date: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Cheryl Vermette  
SUBJECT: Agenda item #3c  
Directors' Compensation and Expenses

---

## **STAFF REPORT:**

Attached for the Board's consideration is a spreadsheet that outlines Director's expenses paid for the current pay period and/or since the last Board meeting.









MELENDALE COMMUNITY SERVICES DISTRICT  
BOARD MEMBER EXPENSE VOUCHER

NAME: Kimberly Mas Date: 3-22

Date	Expense Description/Explanation	Mileage	Meals	Lodging	Other	Exp. Category
3/14/22	Expense to Kimburk					
3/15/22	Public Benefit re: First Business w/ Salary will / Customer				Expense	G
3/21	Public Benefit attending w/ GM					G
	Public Benefit I got all a extra about business					
	Event Telephone w/ GM					
	Public Benefit regarding update on meeting and anniversary party					G
	Event					
	Public Benefit					
	Event					
	Public Benefit					
	Event					
	Public Benefit					
	Event					
	Public Benefit					
	Event					
	Public Benefit					
	Event					
	Public Benefit					
	Event					
	Public Benefit					
	Event					
	Public Benefit					

Totals: Mileage \_\_\_\_\_  
Meals \_\_\_\_\_  
Lodging \_\_\_\_\_  
Grand Total 412.50

Board Member Signature: Kimberly Mas

- Expense Categories:
- G: Meeting w/GM re: District Operations
  - H: Meeting w/auditors, attorney or consultant retained by District
  - I: Meeting of Local, State or Federal body w/jurisdiction affecting HCSD
  - J: Meeting w/organization with interests in matter involving functions or operations of the District
  - K: Meeting pre-approved by the Board of Directors

Mileage calculated at \$0.56/mile effective 1/1/21

Notes/Comments: \_\_\_\_\_  
Ok to process for payroll

Signature \_\_\_\_\_ Date \_\_\_\_\_

- Expense Categories:
- A: Public Meeting governed by Brown Act
  - B: Public Event\*\*
  - C: Representation at Public Meeting/Event\*
  - D: Representation on 501C3 Board \*
  - E: Conference/Seminar/Training program related to District\*
  - F: Ad Hoc Committee of the Board

\*Written or verbal report required to be presented at the next Board meeting

*(Handwritten initials)*



# Helendale Community Services District

---

Date: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #3d  
Resolution 2022-01E: A Resolution of the Board of Directors of the Helendale Community Services District Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom, Declaring that Local Emergency Condition Persist, and Re-Authorizing Remote Teleconference Meetings for the Board of Directors and tis Standing Committees for the Period April 17, 2022, to May 17, 2022, Pursuant to Brown Act Provisions

---

**RESOLUTION NO. 2022-01E**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE  
COMMUNITY SERVICES DISTRICT RE-RATIFYING THE PROCLAMATION OF A  
STATE OF EMERGENCY BY GOVERNOR NEWSOM, DECLARING THAT LOCAL  
EMERGENCY CONDITIONS PERSIST, AND RE-AUTHORIZING REMOTE  
TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS AND ITS  
STANDING COMMITTEES FOR THE PERIOD APRIL 17, 2022, TO MAY 17, 2022,  
PURSUANT TO BROWN ACT PROVISIONS**

WHEREAS, the Helendale Community Services District (the “District”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

WHEREAS, all meetings of the District’s Board of Directors (the “Board”) and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950-54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

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

WHEREAS, a required condition for application of Government Code Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code Section 8558; and

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

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California as a result of the threat of COVID-19, and such proclamation has not yet been lifted; and

WHEREAS, it is further required under Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board previously adopted Resolution No. 2022-01D on March 17, 2022, finding that the requisite conditions exist for the Board and its standing committees to conduct remote teleconference meetings without compliance with Government Code Section 54953(b)(3); and



WHEREAS, as a condition of extending the use of the provisions set forth in Government Code Section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists within the District, and the Board has done so; and

WHEREAS, emergency conditions persist within the District, specifically COVID-19 and its Delta variant, remain highly contagious and, therefore, a threat to the health, safety, and well-being of the District's employees, directors, vendors, contractors, customers, visitors, and residents; and

WHEREAS, directions from the San Bernardino County Department of Public Health and regulations from the State of California impose various social distancing restrictions and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

WHEREAS, the Board does hereby find that a state of emergency continues to exist within the District's service area as a result of the continuing presence of COVID-19, which has caused, and will continue to cause, conditions of imminent risk to attendees of Board meetings, and has resulted in local, State, and federal social distancing orders and related guidance, and which has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and the Board desires to re-affirm that a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board does hereby find that the Board and all standing committees thereof shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Government Code Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code Section 54953; and

WHEREAS, the District will continue to provide proper notice to the public regarding all Board and standing committee meetings in accordance with Government Code Section 54953(e)(2) and shall continue to provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

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

Section 2. Affirmation that Local Emergency Persists. The Board hereby considers the conditions of the state of emergency within the District and proclaims that a local emergency persists throughout the District as a result of the continuing presence of COVID-19, which continues to cause conditions of imminent risk to attendees of the District's Board and standing committee meetings, and which have resulted in local, State, and federal social distancing orders

and guidance, and that continuing to conduct the District's Board and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

Section 3. Re-Ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The District's General Manager, or his or her delegee, and the Board and standing committees of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including but not limited to continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on April 17, 2022 and shall be effective until the earlier of (i) the expiration of thirty (30) days from the date thereof, or (ii) such time as the Board adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board and standing committees of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953.

PASSED AND ADOPTED by the Board of Directors of the Helendale Community Services District this 7<sup>th</sup> day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tim Smith, President, Board of Directors

ATTEST:

\_\_\_\_\_  
Sandy Haas, Secretary, Board of Directors



# Helendale Community Services District

DATE: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #5  
Public Hearing to Receive Comments and Possible Adoption of Ordinance 2022-01:  
An Ordinance of the Board of Directors of the Helendale Community Services  
District Establishing Mandatory Organic Waste Disposal Reductions

---

## **STAFF RECOMMENDATION:**

Staff recommends approval of the Ordinance

## **STAFF REPORT:**

The purpose of the public hearing on this matter is to receive comments from the public regarding this unfunded mandate that will ultimately impact the rate payers as it is implemented over the next few years. This is a distasteful piece of legislation for the waste-haulers and municipal entities who must partner to implement the unfunded mandates. The District has requested a variance which, if granted, will relieve some of the requirements for up to a 5 years period, however, the majority of the requirements will be implemented as soon as practical with the understanding that the timeline began 1/1/22.

## **BACKGROUND:**

SB1383 which addressed "Short-Lived Climate Pollutants" is the most sweeping piece of legislation related to solid waste reductions. The intent is to reduce recyclable material going to the landfill and by so doing, help reduce the methane gas emitted by the landfill operation. Purportedly, 20 percent of the methane gas generated in California comes from landfills.

There are a host of compliance requirements that will ultimately impact our solid waste customers. Richard Nino, V.P. from Burrtec has become a subject matter expert in the complexities of SB1383 and has been helpful in guiding the District through the implementation. The adoption of the ordinance is a requirement of the law as it attests to the District's obligations laid out under the legislation. These requirements include enforcement and monitoring of customer's disposal habits as well as education.

Management envisions the need for a full-time staff member within the next year dedicated to enforcement, education and monitoring, if we are not granted the waiver requested on 2/23. The waiver would exempt the District from certain provisions of SB1383 for a five-year period after which, the District would need to address staffing to cover the requirements. Attached for the



Board's information is a comprehensive Checklist created by Burrtec that outlines the shared responsibilities for SB1383.

The District was required to have the First Reading of the Ordinance by April 1, 2022, in order to be compliant with the mandate. The public hearing has been noticed in the newspaper of general circulation and a summary of the Ordinance was also published to comport with all legal requirements.

**FISCAL IMPACT:** TBD

**POSSIBLE MOTION:** Adopt Ordinance 2022-01 as required by the State

**ATTACHMENTS:** Senate Bill 1383 Checklist  
Ordinance 2022-01

# Senate Bill 1383 Checklist

<u>Program Description</u>	<u>Responsible Party</u>
<b>1. Edible Food Recovery Program</b>	
a. Identify Tier 1 & Tier 2 Generators	<u>Burrtec</u>
b. Educate and Monitor Commercial Edible Food Generators	<u>Burrtec</u>
c. Confirm compliance / Record Keeping	<u>Burrtec &amp; Jurisdiction</u>
i. Food recovery organizations list	
ii. Confirm MOUs in place	
iii. Food recovery % & Tonnage	
d. Assure capacity to recover 20% of edible food	<u>County &amp; Jurisdiction</u>
<b>2. Enforcement &amp; Monitoring</b>	
a. Adopt all applicable Mandatory Recycling Ordinances	<u>Jurisdiction</u>
i. Organics	
ii. Construction & Demolition	
iii. Water Efficient Landscape with compost / mulch application requirements	
b. Waivers	<u>Burrtec &amp; Jurisdiction</u>
i. Process and validate applications	
ii. Maintain records	
c. Issue Notice of Violation (NOV) as appropriate	<u>Jurisdiction</u>
i. 90 day follow up	
ii. Issue further NOV's or penalties until compliance is achieved	
<b>3. Procurement</b>	
a. Recycled content material	<u>Jurisdiction</u>
b. Compost and mulch	<u>Burrtec</u>
c. Renewable natural gas for fuel, heat, electricity	<u>Jurisdiction</u>
d. Biomass energy conversion	<u>Jurisdiction</u>
e. Record keeping	<u>Burrtec &amp; Jurisdiction</u>
<b>4. Inspections &amp; Reviews</b>	
a. Commercial Sector	
i. Compliance review of all commercial accounts	<u>Burrtec</u>
ii. Inspections of Tier 1 & 2 generators	<u>Burrtec &amp; Jurisdiction</u>
iii. Route Reviews or Waste Characterizations	<u>Burrtec</u>
iv. Investigating 1383 complaints	<u>Burrtec &amp; Jurisdiction</u>



**BURRTEC**  
"We'll Take Care Of It"

# Senate Bill 1383 Checklist

<u>Program Description</u>	<u>Responsible Party</u>
<b>5. Collection Programs &amp; Operations</b>	
a. Hauler to identify organics processing location	<u>Burrtec</u>
b. Organics Processor to provide letter of plastic bag acceptance where applicable	<u>Burrtec</u>
c. Implement residential, multi-family and commercial food waste recycling program	<u>Burrtec</u>
d. Containers to comply with the color requirements	<u>Burrtec</u>
e. Label and/or imprint acceptable items on all new containers	<u>Burrtec</u>
f. Re-paint and relabel existing containers as required	<u>Burrtec</u>
<b>6. Outreach &amp; Education</b>	
a. Educate all affected parties annually	<u>Burrtec &amp; Jurisdiction</u>
i. Generators (residential, multifamily, commercial)	
ii. Edible Food Recovery Organizations	
iii. City/County departments	
b. Translate education materials as required	<u>Burrtec &amp; Jurisdiction</u>
c. Provide education materials to any non-compliant regulated entity	<u>Burrtec &amp; Jurisdiction</u>
<b>7. Record Keeping &amp; Reporting</b>	
a. Maintain 1383 implementation record	<u>Burrtec &amp; Jurisdiction</u>
b. Generate an electronic or written report that includes	<u>Burrtec &amp; Jurisdiction</u>
i. Inspection information	
ii. Route review	
iii. Compliance review	
c. Maintain records for the following	<u>Burrtec &amp; Jurisdiction</u>
i. 1383 Complaint date log	
ii. 1383 Complaint investigation date and outcome	
iii. Determination of compliance	
iv. Notice of violations	
d. Annual report to Cal Recycle	<u>Burrtec &amp; Jurisdiction</u>

## Senate Bill 1383 Checklist

<u>Program Description</u>	<u>Responsible Party</u>
<b>8. Materials Processing Audits</b>	
a. Inspect loads being received	<u>Burrtec</u>
b. Validate diversion % at the processing facility	<u>Burrtec</u>
c. Characterize the following material streams	<u>Burrtec</u>
i. Organics Recovered from Black & Blue Container Streams	
ii. Residue in Organics Recovered from Black & Blue Container Streams	
iii. Organics Recovered from Green & Brown Container Streams	
iv. Residue in Organics Recovered from Green & Brown Container Streams	
d. Develop Areas to Segregate Organic Waste at the Processing Facility	<u>Burrtec</u>
e. Mandatory Black Barrel WC	<u>Burrtec</u>
i. Beginning July 1, 2022 if a facility receives waste streams and more than 500 tons of waste annually from at least one jurisdiction, black barrel characterizations become mandatory	
f. Maximum Residue Allowed in Recovered Organic Waste	<u>Burrtec &amp; Jurisdiction</u>
i. Beginning Jan 1, 2022 = 20%	
ii. Beginning Jan 1, 2024 = 10%	
g. Waste Characterization Record Keeping & Reporting Requirements	<u>Burrtec &amp; Jurisdiction</u>



**BURRTEC**  
"We'll Take Care Of It"



**BURRTEC**  
*"We'll Take Care Of It"*

---



**ORDINANCE NO. 2022-01**

**ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
HELENDALE COMMUNITY SERVICES DISTRICT  
ESTABLISHING MANDATORY ORGANIC WASTE  
DISPOSAL REDUCTION**

**WHEREAS**, the Helendale Community Services District (“District”) is a Community Services District located within the County of San Bernardino and is organized and operates pursuant to California Government Code 61000 et seq.; and

**WHEREAS**, on or about June 21, 2006, the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”) adopted Resolution No. 2927 which made determinations on, and approved the incorporation of, the District, which was subsequently approved by the electorate pursuant to an election held on November 7, 2006, and thereafter confirmed by LAFCO pursuant to its adoption of Resolution No. 2951 on December 4, 2006, all of which operated to authorize the formation of the District as the successor agency for the performance of water, sewer, streetlighting, refuse collection, parks and recreation, and graffiti abatement functions and services within the prior County Service Area 70, Improvement Zones B and C (the “District Boundaries”).

**WHEREAS**, LAFCO Resolution Nos. 2927 and 2951 authorize the District to collect, transfer, and dispose of solid waste and to provide solid waste handling services, including but not limited to source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code (“Solid Waste Services”), within the District Boundaries.

**WHEREAS**, on or about July 21, 2010, LAFCO adopted Resolution No. 3099 affirming the District’s authorization to collect, transfer, and dispose of solid waste and provide Solid Waste Services within the District Boundaries pursuant to LAFCO Resolution Nos. 2927 and 2951.

**WHEREAS**, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, *et seq.*, as amended, supplemented, superseded, and replaced from time to time), requires local agencies to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

**WHEREAS**, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires the District to implement a Mandatory Commercial Recycling program; and

**WHEREAS**, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the District to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the District to implement a Mandatory Commercial Organics Recycling program; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including the District, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the District to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Helendale Community Services District, after conducting a public hearing duly noticed, as follows:

**SECTION 1: CEQA ENVIRONMENTAL DETERMINATION.**

The Board of Directors exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15308, which exempts "actions by regulatory agencies for protection of the environment." This Ordinance is consistent with the goals of California State Assembly Bills 939, 341, and 1826, and Senate Bill 1383.

**SECTION 2: PURPOSE, INTENT, AND FINDINGS.**

A. Purpose. The management and proper disposal of Solid Waste is a matter of great importance to the District, its citizens, visitors, property owners and businesses. The District finds that the public health, safety, and well-being require the generation, accumulation, handling, collection, transportation, conversion and disposal of Solid Waste be controlled and regulated by the District through the comprehensive system provided in this Ordinance. This Ordinance is intended to ensure Solid Waste Handling Services are readily available, adhere to uniform standards, and are reliable, clean, and efficient. The District has a strong interest in reducing the harboring and breeding of rodents and insects, reducing the spread of disease, and preventing pollution and other unsightly degradation of the environment, which can occur with the improper handling of Solid Waste and the excess accumulation of Solid Waste.

B. Findings. The District finds and declares:

1. The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, (“AB 939” or the “Act”) (codified at Public Resources Code §§ 4000 et seq.) established a solid waste management process that requires cities and other local jurisdictions to adopt and implement plans to reduce the amount of solid waste generated within their jurisdiction and to maximize reuse and recycling.
2. AB 939 states that the frequency of solid waste collection, the means of solid waste collection and transportation, levels of services, charges and fees for services, and the nature, location and extent of providing solid waste services, are matters of local concern.
3. AB 939 expressly allows local agencies to provide solid waste services to its residents by its own forces or by authorizing a private entity to provide those services.
4. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, which is codified at Public Resources Code §§42652-42654 and Health & Safety Code §§39730.5 – 39730.8, places requirements on multiple entities including local agencies, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
5. The Final Regulation Text of SB 1383 Regulations implementing SB 1383 was adopted by CalRecycle in November 2020

**SECTION 3:           DEFINITIONS**

“AB 939” or “Act” means the California Integrated Waste Management Act of 1989, codified in part at Public Resources Code, §§ 40000 et seq. as it may be amended, and as implemented by the regulations of CalRecycle or its successor agency.

“Account Holder” means the persons or entities whose name(s) are on a Solid Waste Franchisee’s account for a Premises.

“Bin” means a receptacle, typically between one and six cubic yards, provided by a Solid Waste Franchisee for the collection of Solid Waste.

“Blue Container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.



“Brown Container” has the same meaning as in 14 CCR Section 18982(a)(5.5) and shall be used for the purpose and collection of Source Separated food waste pursuant to 14 CCR Section 18984.1(6)(A).

“Bulky Waste” means Solid Waste that would not typically fit within a Container, including, but not limited to, furniture, carpets, mattresses, automobile tires, and oversized green material such as tree trunks and large branches if no larger than two feet in diameter and four feet in length, and similar large items discarded from a single family dwelling. “Bulky Waste” does not include Covered Electronic Devices, such as televisions, radios, computers, monitors, and the like, which are regarded as Universal Waste, the disposal of which is governed by regulation of the Department of Toxic Substances Control.

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).

“California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

“Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Ordinance.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

“Compliance Review” means a review of records by the District to determine compliance with this Ordinance.

“Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), as may be amended from time to time.

“Compost Facility” means a Solid Waste facility that processes Organic Waste to produce Compost or mulch.

“Construction and Demolition Material” or “C&D Material” means discarded building materials, “inert wastes” as defined in Public Resources Code § 41821.3(a)(1) (e.g., rock, concrete, brick,

sand, soil ceramics and cured asphalt), recyclable construction and demolition materials, packaging, plaster, drywall, rubble resulting from construction, remodeling, repair and demolition operations, but does not include asbestos-containing materials or Hazardous Waste.

“Container” means any container, regardless of color.

“Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Debris Box” means a Container, typically ten to forty cubic yards, provided by a Solid Waste Franchisee for the collection of Solid Waste that is normally tipped loaded onto a motor vehicle and transported to an appropriate facility.

“Designee” means an entity that the District contracts with or otherwise arranges to carry out any of the District’s responsibilities of this Ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“District” means the Helendale Community Services District, California, and all of the territory lying within the boundaries of the District as presently existing and all geographic areas which may be added or annexed to the District.

“District Premises” means District-owned or operated Premises where Solid Waste is generated or accumulated.

“Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

“Enforcement Action” means an action by the District to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Enforcement Official” means the general manager or their authorized designee(s) who is/are partially or wholly responsible for enforcing this Ordinance.

“Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the District, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create

or expose the District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

“Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

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

“Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

“Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

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

“Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food Waste” means all food and food scraps such as but not limited to fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, eggshells, tea bags and coffee grounds. Food waste excludes fats, oils, liquids, and grease when such materials are source separated

“General Manager” means a person having that title in the employ of the Helendale Community Services District, or the General Manager’s designated representative.

“Gray Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste. The lid or body of a container may be black and shall have the same meaning as Gray Container.

“Gray Container Waste” means Solid Waste that is collected in a Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5). Gray Container Waste may specifically include carpet, Non-Compostable Paper and textiles.

“Green Container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

“Green Material” and “Yard Waste” means leaves, grass clippings, brush, branches and other forms of organic materials generated from maintenance or alteration of landscapes or gardens including, but not limited to, tree trimmings, prunings, brush and weeds and incidental pieces of scrap lumber. “Green Material” includes holiday trees (except such trees which are frosted, flocked or which contain tinsel or metal).

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

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

“Hazardous Waste” means any waste materials or mixture of wastes defined as a “hazardous substance” or “hazardous waste” pursuant to the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 *et seq.*, the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 *et seq.*, the Carpenter-Presley-Tanner Hazardous Substance Account Act (“HSAA”), codified at California Health & Safety Code §§ 25300 *et seq.*; the Electronic Waste Recycling Act of 2003, codified at California Health & Safety Code §§ 25214.9 *et seq.* and California Public Resources Code §§ 41516 *et seq.*, laws governing Universal Waste, all future amendments to any of them, or as defined by CalRecycle or the Department of Toxic Substances Control, or by their respective successor agencies. If there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or Solid Waste, the term “Hazardous Waste” shall be construed to have the broader, more encompassing definition.



“High Diversion Organic Waste Processing Facility” has the same meaning as defined in 14 CCR Section 18982(a)(33).

“Household Hazardous Waste” means Hazardous Waste, including Universal Waste or Covered Electronic Devices, generated at a Single-Family or Multifamily Residential Premises, including but not limited to dry cell household batteries; cell phones and PDAs; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products; pesticides; herbicides; insecticides; painting supplies; automotive products; solvents; stripes; and adhesives; auto batteries; and Universal Waste generated at a Single-Family or Multifamily Residential Premises.

“Inspection” means a site visit where the District, or its Designee, reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply.

“Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply.

“Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of District or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

“MWELO” refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.

“Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

“Notice of Violation (NOV)” means a notice that a violation of this Ordinance has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

“Owner” means the persons or entities listed on the last equalized assessment roll as the owner of a lot or parcel of real property within the District.

“Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

“Person in Charge” means an Owner, tenant, occupant or other person or persons responsible for the day-to-day operation of a Premises.

“Premises” means place where any person resides, or any business is carried on or conducted, or any other place upon which Solid Waste is generated or accumulated.

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

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Brown Container that are not identified as Source Separated Food Waste for the District’s Brown Container (iii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iv) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials, Source

Separated Food Waste, and/or Source Separated Green Container Organic Wastes to be placed in the District's Green Container, Brown Container, and/or Blue Container; and, (v) Excluded Waste placed in any container.

"Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

"Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

"Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

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

"Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

"Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

"SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

"SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

"SB 619" means Senate Bill 619 of 2021 amending Section 42652.5 of the Public Resources Code.

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

"Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191. Solid Waste and includes all discarded putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, rubbish, Construction and Demolition Debris, and any other discarded solid, semisolid, and liquid waste permitted to be disposed of at a Class III landfill

and which are included within the definition of “Nonhazardous Solid Waste” set forth in the California Code of Regulations. Solid Waste does not include any of the following wastes:

- Hazardous waste, as defined in the State Public Resources Code Section 40141.
- Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

“Solid Waste Enterprise” means any individual, partnership, joint venture, unincorporated private organization, or private corporation, which is regularly engaged in the business of providing Solid Waste Handling Services.

“Solid Waste Franchisee” means a Solid Waste Enterprise that has been granted the right and privilege by the District, or by operation of law, to perform one or more Solid Waste Handling Services within the District or a portion thereof.

“Solid Waste Handling Services” means the collection, transportation, processing, recycling, composting, conversion, retention and disposal of solid waste, construction and demolition materials, bulky waste, Household Hazardous Waste, and/or Universal Waste.

“Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.

“Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).



“Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

“Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

“Spilled” means deposited, released, spilled, leaked, pumped, poured, emitted, emptied, discharged, injected, dumped or disposed into the environment, or which otherwise has come to be located outside an authorized container. The term “disposed into the environment” shall include, but is not limited to, the abandonment or discarding of barrels, bags, cans and other closed receptacles containing solid waste.

“State” means the State of California.

“Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply.

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.

- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply.

“Universal Waste” means and includes, but is not limited to, Universal Waste Electronic Devices” or “UWEDs,” (i.e., electronic devices subject to the regulation of the Department of Toxic Substances Control, 23 CCR §§ 66273.1, *et seq.*), and other Universal Wastes, including, but not limited to non-empty aerosol cans, fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and any other lamp exhibiting a characteristic of a hazardous waste, batteries (rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, small sealed lead acid batteries [burglar alarm and emergency light batteries] alkaline batteries, carbon-zinc batteries and any other batteries which exhibit the characteristic of a hazardous waste), mercury thermometers, and mercury-containing switches.

“Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

#### **SECTION 4:            COLLECTION ARRANGEMENTS REQUIRED**

In order to protect the public health, safety, and well-being, and to prevent the spread of vectors, the Person in Charge of a Premises in the District shall make arrangements with a Solid Waste Franchisee for Solid Waste Handling services, and keep such arrangement in good standing. A violation of this Section is a misdemeanor and punishable as provided in Section 36 of this ordinance.

#### **SECTION 5:            CONTAINERS - USE, PLACEMENT FOR COLLECTION, STORAGE**

A. Use. Every Person in Charge of a Premises shall:

1. Keep on the Premises a sufficient number of Containers to hold all Solid Waste, including Gray Container Waste, Non-Organic Recyclables, and Organic Waste that accumulates on the Premises each week without spilling, leaking, or emitting odors.
2. Deposit or cause to be deposited all Solid Waste, including Gray Container Waste, Non-Organic Recyclables, and Organic Waste generated or accumulated on the Premises into the proper Containers in accordance with the provisions of this Ordinance.

B. Placement for Collection. To minimize interference with public rights-of-way, no person shall place a Container in a public right-of-way for collection by the appropriate Solid Waste Franchisee more than 24 hours prior to the normal collection time. Containers placed in a public right-of-way for collection shall be removed from the right-of-way within 24 hours after collection.

C. Storage. Except during the time a Container is placed for collection, no Container shall be visible from the public right of way. A Debris Box may be placed in a location that is visible from the public right of way at a Single-Family Residential Premises for up to thirty (30) consecutive days and for no more than sixty (60) total days during any twelve (12) month period.

#### **SECTION 6: CLEAN UP**

A. Until Solid Waste has been picked up by the appropriate Solid Waste Franchisee, each Person in Charge of a Premises shall be responsible for the cleanup of any and all Solid Waste generated, accumulated, or Spilled on the Premises. This cleanup responsibility includes the cleanup of Solid Waste Spilled for any reason, including but not limited to human or animal interference with a Container, wind or other natural forces, at any time during storage, collection, removal, or transfer of the materials.

B. The District's Solid Waste Franchisee(s) shall clean up any Solid Waste Spilled during its collection, removal, or transfer, as soon as the Spill occurs.

#### **SECTION 7: DISPOSAL FREQUENCY**

All Solid Waste accumulating upon a Premises must be disposed of as frequently as required to avoid an accumulation of Solid Waste in violation of this Ordinance, but in no case shall disposal occur less frequently than one (1) time per week, except that less than weekly disposal may be permitted during any period of time the Premises is temporarily unoccupied and Solid Waste is not accumulating on the Premises due to out-of-town travel or other similar situations.

#### **SECTION 8: MANNER, TIME, AND FREQUENCY OF COLLECTION**

A. Regular Collection. The District's Solid Waste Franchisee shall make arrangements with its Account Holders specifying the manner in which Solid Waste Handling Services are to be regularly provided, subject to the terms of its franchise.

B. Special Collections. The District's Solid Waste Franchisee may provide on-call collection of Bulky Waste and Household Hazardous Waste to its Account Holders, and shall provide its Account Holders with Debris Boxes when requested and collect the Debris Box when the Account Holder no longer requires the Debris Box. The terms and conditions upon which such special collections are provided to Account Holders shall be arranged between the Solid Waste Franchisee and the Account Holder, subject to the terms of the Solid Waste Franchisee's franchise from the District.

#### **SECTION 9: LIABILITY FOR SOLID WASTE COLLECTION FEES**

A. Joint and Several Liability. The Owner of a Premises and the Account Holder for a Premises are jointly and severally liable for Solid Waste Handling Services provided to the Premises by a Solid Waste Franchisee, including any related fees, charges, and penalties.

B. Billing Cycle and Penalty for Delinquent Payments. Solid waste collection fees may be billed and paid in advance on a monthly basis. Payment shall be due upon, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

C. Discontinuation of Services. The District or hauler may discontinue service for any customer whose account remains unpaid for sixty (60) days after the date of billing as long as the customer has received a notice on a form approved by the General Manager or designee stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

D. Fee a Civil Debt. The fees levied for service for solid waste collection shall constitute a civil debt and liability owing to the District and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

E. Lien for Ninety (90) Day Delinquencies.

(1) Mandatory collection fees authorized pursuant to this Section which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by the District as provided herein.

(2) Procedure.

a. Once a year, the District's Board of Directors shall cause to be prepared a report of delinquent fees. The District's Board of Directors shall fix a time, date and place for hearing the report and any objections or protests thereto.

b. The District's Board of Directors shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

c. At the hearing, the District's Board of Directors shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

d. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The



lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bonafide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

**SECTION 10: AB 939 FEES**

Pursuant to Division 30, Part 2, Chapter 8 of the Public Resources Code, Section 41900 *et seq.*, the District may impose fees on Solid Waste Franchisees and/or Premises in amounts sufficient to pay the costs of preparing, adopting, and implementing a District-wide integrated waste management plan, including the costs of preparing, adopting and implementing the District's required Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element, and the costs of setting and collecting the fees. Any new or increased AB 939 fees imposed on a Solid Waste Franchisee shall be cause for a corresponding rate adjustment to the franchisee's then current rate structure.

**SECTION 11: RECYCLABLE MATERIALS – OWNERSHIP, RIGHT TO DISPOSE**

A. Upon placement by the owner of Non-Organic Recyclables at a designated recycling collection location, or placement of Non-Organic Recyclables in a Container provided by the appropriate Solid Waste Franchisee, the Non-Organic Recyclables becomes the property of the recycler or Solid Waste Franchisee, by operation of state law.

B. Nothing in this Ordinance shall limit the right of any person, organization or other entity to donate, sell or otherwise dispose of any Non-Organic Recyclables segregated from the Solid Waste stream owned by that person, organization or other entity, provided that the person, organization or other entity does not pay the buyer or donee any consideration for collecting, processing or transporting such Non-Organic Recyclables, or a consulting or broker's fee for recycling services.

**SECTION 12: LANDSCAPERS – DISPOSAL OF GREEN WASTE**

Landscapers may collect, transport and compost or dispose of Green Waste, provided that any such Green Waste is generated by their own specific work site and is sent to a facility or operation that is deemed to be a reduction in landfill disposal as required in 14 CCR, Division 7, Chapter 12, Article 2 Section 18983.1(b).

Landscapers shall not contract with a Solid Waste Enterprise to collect, transport and compost or dispose of Green Waste unless that Solid Waste Enterprise has a franchise from the District to perform said services.

**SECTION 13:            LICENSED CONTRACTORS – DISPOSAL OF C&D MATERIALS**

Licensed contractors performing work within the scope of their licenses/permits within the District may collect, transport and dispose or recycle of Construction and Demolition Materials generated within their own specific work sites, using their own equipment and employees, provided that the licensed contractor adheres to the standards for disposal of Construction and Demolition Material provided in the California Green Building Standards Code (California Code of Regulations Title 24, Part 11). Construction and Demolition Materials must be transported to a recycling facility permitted by CalRecycle whenever possible. Landfilling of Construction and Demolition Materials shall be a last resort.

Licensed contractors shall not contract with a Solid Waste Enterprise or Construction and Demolition Clean-Up Enterprise to collect, transport and dispose or recycle of Construction and Demolition Materials unless that Solid Waste Enterprise has a franchise from the District to perform said services.

**SECTION 14:            MANDATORY COMMERCIAL/MULTIFAMILY RECYCLING**

A.     A Commercial Premises that generates four cubic yards or more of Solid Waste per week shall arrange for recycling services for Non-Organic Recyclables by subscribing to a Solid Waste Franchisee for the pick-up of Non-Organic Recyclables.

B.     A business subject to subsection (A) and that provides customers access to the business shall provide, customers with a Non-Organic Recyclables Container to collect material purchased on the premises and that fulfills all of the requirements in Section 17 (D through N).

(1)    Full-service restaurants are exempt from the requirements of this subdivision if the full-service restaurant, provides its employees a Non-Organic Recyclables Container to collect material purchased on the premises and implements a program to collect Non-Organic Recyclables.

(2)    For a park that is subject to subsection (A), this subsection shall apply on and after January 1, 2022.

**SECTION 15:            COMPLIANCE WITH AB 341, AB 1826 and SB 1383**

Single-Family Premises and Commercial Premises shall comply with the Organic Waste recycling provisions of AB341, AB 1826 and SB 1383, and all regulations associated therewith.

**SECTION 16:            REQUIREMENTS FOR SINGLE FAMILY GENERATORS**

Single-Family Organic Waste Generators:

A. Shall subscribe to the District's three-container Organic Waste collection services. The District shall have the right to review the number, size, and location of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, generator shall adjust its service level for its collection services as requested by the District.

B. Shall participate in the District's three-container system for Source Separated Recyclable Materials, Source Separated Green Container organic materials, and Gray Container Waste collection services. Generator participation in the collection programs requires that generators place only approved materials in the appropriate colored containers. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

C. Notwithstanding the above, and in accordance with the SB 1383 Regulations, the District or its Solid Waste Franchisee are not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Ordinance and the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the new containers indicating the primary materials accepted and the primary materials prohibited in the containers. Until SB 1383 compliant containers are provided (Blue Container, Green Container, and Gray Container), Single-Family Waste Generators shall comply with the container requirements.

D. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

E. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying requirements for single family generators and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

## **SECTION 17: REQUIREMENTS FOR COMMERCIAL BUSINESSES**

Commercial Businesses, which includes Multi-Family Residential Dwellings, shall:

A. Subscribe to the District's Organic Waste collection services. The District shall have the right to review the number, size, and location of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Business shall adjust its service level for its collection services as requested by the District.

B. Participate in and comply with the District's collection service by placing designated materials in designated containers. Generator shall place only approved materials in the appropriate colored containers. Generators shall not place materials designated for the Gray Container into the Green Container, Brown Container, or Blue Container.



C. Notwithstanding the above, and in accordance with the SB 1383 Regulations, the District or Solid Waste Franchisee are not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Ordinance and the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. Labels will be placed on the new containers indicating the primary materials accepted and the primary materials prohibited in the containers. Until SB 1383 compliant containers are provided (Blue Container, Brown Container, Green Container, and Gray Container), Commercial Businesses shall comply with the container requirements.

D. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with subsections (d)(1) and (d)(2) below), for employees, contractors, tenants and customers, consistent with the District's Blue Container, Brown Container, Green Container, and Gray Container collection service.

E. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Organic Waste, and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

(1) A body or lid that conforms with the container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(2) Container labels that include language or graphic images or both indicating the primary material accepted and the primary materials prohibited in that container or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labels are required on new containers commencing January 1, 2022.

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

G. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Brown Container, Green Container, and Gray Container collection service.

H. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Container, Brown Container, Green Container, and Gray Containers for contamination and inform employees



if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

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

J. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

K. Provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with this Ordinance to confirm compliance with the requirements of this Ordinance.

L. If implemented, accommodate and cooperate with the District's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance with this Ordinance. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Brown Container, Green Containers, and/or Gray Containers.

M. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

N. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements of this Ordinance.

O. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying requirements for commercial business generators operating within the District and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

## **SECTION 18: WAIVERS FOR GENERATORS**

A. De Minimis Waivers: The District may, at its discretion or in concert with its Solid Waste Franchisee, waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Ordinance if the Commercial Business:

(1) Submits an application specifying the services that they are requesting a waiver from; and

(2) Provides documentation that either:

(A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste; and

(3) Notifies the District if circumstances change such that Commercial Business's Organic Waste exceeds the threshold required for waiver, in which case waiver will be rescinded; and

(4) Provides written verification of eligibility for de minimis waiver every 5 years, if the District has approved de minimis waiver.

B. Physical Space Waivers: The District may, at its discretion or in concert with its Solid Waste Franchisee, waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lack adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this Ordinance.

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

(1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

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

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

C. Collection Frequency Waiver: The District, at its discretion or in concert with its Solid Waste Franchisee, and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's four-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

D. If the District chooses to issue any waivers in accordance with this section, the Enforcement Official shall create an application and establish policies for the issuance of such waivers. The Board of Directors may establish an application fee for any such waivers by resolution.

**SECTION 19:            **REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS****

A. Tier One Commercial Edible Food Generators must comply with the below requirements commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with the following requirements:

(1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

(2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

(3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(4) Allow the District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

(C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

(i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

(ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

(iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

(6) Commencing no later than January 1, 2022, for Tier One Commercial Edible Food Generators and January 1, 2024, for Tier Two Commercial Edible Food Generators, Commercial Edible Food Generators shall provide a quarterly Food Recovery report to the District which includes the information required in 14 CCR Section 18991.4 "Record Keeping Requirements for Commercial Edible Food Generators."

D. Nothing in this Section shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

**SECTION 20:            REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES**

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
- (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
- (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
- (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
- (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.



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

C. Commencing January 1, 2022, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the District and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the District the total pounds of Edible Food from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b), as applicable.

D. Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.

E. Commencing no later than January 1, 2022, Food Recovery Services and Organization shall provide a quarterly report to the District which includes the information required in 14 CCR Section 18991.5 “Food Recovery Services and Organizations.”

**SECTION 21: REQUIREMENTS FOR SOLID WASTE FRANCHISEE, SELF – HAULERS, FACILITY OPERATORS, AND COMMUNITY COMPOSTING OPERATIONS**

A. Requirements for Haulers.

(1) Solid Waste Franchisee providing residential, Commercial or Organic Waste collection services to generators within the District’s boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

a. Through written notice to the District annually on or before July 1, identify the facilities to which they will transport Organic Waste including the facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste, as applicable.

b. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as defined in 14 CCR, Division 7, Chapter 12, Article 2.

c. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D Material in a manner that complies with 14 CCR Section 18989.1.

d. Solid Waste Franchisee shall comply with education, equipment, signage, container labelling, container color, contamination monitoring, reporting, and other

requirements contained within its franchise agreement, as may be amended from time to time.

e. Notwithstanding any the foregoing, nothing in this Ordinance shall restrict or otherwise prohibit Solid Waste Franchisee from meeting its compliance requirements by any alternative methods or procedures, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time or being relieved of, or delaying compliance with such requirement pursuant to SB 619

f. A Hauler is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this ordinance prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first

B. Requirements for Self-Haulers

(1) Self-Haulers shall Source Separate all Recyclable Materials and Organic Waste (materials that the District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

(2) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

(3) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:

- A. Delivery receipts and weight tickets from the entity accepting the waste.
- B. The amount of material in cubic yards or tons transported by the generator to each entity.
- C. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

(4) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 21 (B)(3) to District quarterly.

(5) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 21 (B)(3) and (4).

C. Requirements for Facility Operators and Community Composting Operations.

(1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the District's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the District shall respond within 60 days.

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

**SECTION 22: COMPLIANCE WITH CALGREEN BUILDING CODE STANDARDS**

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

B. For projects covered by CALGreen or more stringent requirements of the District, the applicants must, as a condition of the District's permit approval, comply with the following:

1. Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container, Brown Container, and Green Container materials, consistent with the collection program offered by the District, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

2. New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container, Brown Container, and Green Container materials, consistent

with the collection program offered by the District, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

3. Comply with Title 24 Building Standards Code, CALGreen requirements, and applicable law related to management of C&D Material, including diversion of Organic Waste in C&D Material from disposal. Comply with all written and published District policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D Material.

**SECTION 23: COUNTY OF SAN BERNARDINO'S MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS**

The District supports County's efforts related to the Model Water Efficient Landscaping Ordinance requirements and acknowledges that this is a function of land use planning, a power that is vested with the County. The District has no ability to enforce the Ordinance.

- A. Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the District, who are constructing a new project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the State Model Water Efficient Landscape Ordinance, as amended September 15, 2015, and as it may be amended in the future.”
- B. The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this ordinance. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.
- C. Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 23(A) above shall:
  1. Comply with Sections 492.6 (a)(3)(B)(C), (D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
    - i. For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.



- ii. For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
- iii. Organic mulch materials made from recycled or post-consumer materials meeting procurement requirements under 14 CCR, Division 7, Chapter 12, Article 12 shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

- 2. The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 23(A) shall consult the full MWELO found in Title 23 Division 2 Chapter 2.7 Model Water Efficient Landscape Ordinance for all requirements.

**SECTION 24:        REMOVAL OF SOLID WASTE**

No person other than the Person in Charge of any Premises or a District Solid Waste Franchisee shall:

- A.     Remove any Container from the location where the Container was placed for storage or collection by the Person in Charge of the Premises; or
- B.     Remove any Solid Waste from any Container; or
- C.     Move a Container from the location in which it was placed for storage or collection without the prior written approval of the Person in Charge of the Premises.

**SECTION 25:        BULKY WASTE**

No person shall place Bulky Waste adjacent to or in a street or public right-of-way for collection or removal purposes without first making arrangements with the appropriate Solid Waste Franchisee for the collection or removal of such Bulky Waste.

**SECTION 26:        HAZARDOUS WASTE**

No person shall place or deposit Hazardous Waste, Household Hazardous Waste, or Universal Waste in any Container provided by a Solid Waste Franchisee, or deposit, release, spill, leak,

pump, pour, emit, empty, discharge, inject, dump or dispose into the environment any Hazardous Waste, Household Hazardous Waste or Universal Waste.

**SECTION 27:           SOLID WASTE BURNING AND BURIAL**

A.     No person shall burn any Solid Waste within the District, except in an approved incinerator or transformation facility or other device for which a permit has been issued, and which complies with all applicable permit and other regulations of air pollution control authorities, and provided any such act of burning in all respects complies with all other laws, rules and regulations.

B.     Solid Waste is prohibited from being buried within District boundaries. This prohibition shall not be interpreted to prohibit the composting of yard waste.

**SECTION 28:           FRANCHISE REQUIRED**

No person except a Solid Waste Franchisee, a landscaper hauling green waste, or a licensed contractor performing work within the scope of that license, shall collect or remove any Solid Waste from any Premises within the District.

**SECTION 29:           PUBLIC NUISANCE**

It is unlawful and a public nuisance if any one of the following conditions exists at a Premises:

A.     The Person in Charge of the Premises has not made arrangements with the appropriate Solid Waste Franchisee for Solid Waste Handling Services;

B.     The Person in Charge of the Premises has made arrangements with the appropriate Solid Waste Franchisee for Solid Waste Handling Services, but the Solid Waste Franchisee has terminated services to the Premises due to the Account Holder's failure to pay for such services.

**SECTION 30:           UNAUTHORIZED DISPOSAL**

No person shall place anything in another person's Containers without the permission of such other person.

**SECTION 31:           SPILLS**

It is unlawful for any person transporting Solid Waste not to clean up, or arrange for the cleanup, of any Solid Waste during removal or transport within the District by such person. If any person transporting Solid Waste Spills any such materials and does not clean up or arrange for the cleanup of the Spill, the District may clean up the Spill and charge the person responsible for the Spill 100 percent of the costs the District incurred in cleaning up the Spill.

**SECTION 32:           UNLAWFUL DUMPING**

It is unlawful for any person to negligently or intentionally Spill upon any property within the District any Solid Waste, or to cause, suffer, or permit Solid Waste to be located upon any property in the District, except as authorized by law.

**SECTION 33:           SOLID WASTE FACILITIES**

No person shall construct or operate a Solid Waste management facility, including but not limited to a materials recovery facility, Solid Waste transfer or processing station, composting facility, a buy-back or drop-off center, disposal facility or a recycling center without first satisfying all District requirements for land use, environmental and other approvals.

**SECTION 34:           INSPECTIONS AND INVESTIGATIONS BY THE DISTRICT**

A.     District employees, Designee, and/or its Solid Waste Franchisee are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Ordinance, subject to applicable laws. This Section does not allow the District to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with this Ordinance, the District may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring, where applicable.

B.     Persons in Charge shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with District employees, Designee, and/or its Solid Waste Franchisee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment, where required; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties described.

C.     Any records obtained by a District during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 *et seq.*

D.     District employees, Designee, and/or its Solid Waste Franchisee are authorized to conduct any Inspections, Remote Monitoring or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.

E.     The District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance, including receipt of anonymous complaints.

**SECTION 35:           ENFORCEMENT**

A.     Pursuant to California Penal Code Section 836.5, the District is authorized to enforce the provisions of this Ordinance.

B.     Any violation of this Ordinance may be enforced in any manner authorized by law, including but not limited to an administrative citation, , nuisance abatement action, or civil action.

C. Nothing in this Ordinance shall restrict or otherwise prohibit the District from delaying enforcement and/or implementation requirements of Article 3 in 14 CCR 18984 as approved by CalRecycle, provided it complies with SB 1383, the SB 1383 Regulations, and/or any other applicable law, as may be amended from time to time, pursuant to 14 CCR 18984.12 (a).

**SECTION 36: ENFORCEMENT OFFICER**

The General Manager is hereby declared and appointed as the enforcement officer of this Ordinance, and shall be empowered to take such other actions as authorized herein, or as may otherwise be authorized by the District's Board of Directors or be reasonably necessary, for enforcement of the Ordinance.

**SECTION 37: LIABILITY FOR VIOLATION**

Any person violating any of the provisions of this Ordinance, or permitting or maintaining any property in violation of any of this Ordinance, shall be liable to the District for any expense, loss or damage, occasioned by the District by reason of such violation. Such liability shall be in addition to any other civil or criminal penalties imposed under this Ordinance or under any other provision of law.

**SECTION 38: PENALTIES AND FINES**

A. Pursuant to Government Code Section 61064(c), the General Manager is hereby authorized to issue citations for violations of this Ordinance. Any person violating any provision of this Ordinance, as determined by the Board, may be prosecuted, by the applicable law enforcement agency or the General Manager in the name of the people of the State of California, as committing either a misdemeanor or an infraction, or may be the subject of redress by civil action.

B. Pursuant to Government Code Section 61064(a), a person violating any provision of this Ordinance shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the County jail for not more than thirty (30) days, or by a fine of not more than one thousand dollars (\$1,000), or by both such fine and imprisonment as may be allowed by law. Each and every violation of this Ordinance and each day during which such violation is committed or continued shall constitute a separate offense.

C. Pursuant to Government Code Section 61064(b), any citation issued by the General Manager for a violation of this Ordinance may be processed as an infraction, and shall be punishable by (a) a fine not exceeding one hundred dollars (\$100) for a first violation of this Ordinance, (b) a fine not exceeding five hundred dollars (\$500) for a second violation of this Ordinance within one year, and (c) a fine not exceeding one thousand dollars (\$1,000) for each additional violation of this Ordinance within one year.

D. Appeals ...(Steve)

**SECTION 39: INJUNCTION**

In addition to the remedies set forth in this Ordinance, the District may file a civil action to compel compliance with this Ordinance, including but expressly not limited to, an action to enjoin any



pending or future violations of the Ordinance, or for the issuance of an order stopping or disconnecting a service if the charges for that service are delinquent or unpaid.

**SECTION 40: RESERVATION OF RIGHTS**

All remedies set forth in this Ordinance are herein declared to be cumulative and non-exclusive, and shall not preclude the District from enforcing any other rights or remedies available under the law or any other rules and regulations of the District.

**SECTION 41: ATTORNEYS' FEES**

In any action or proceeding brought to enforce a violation of this Ordinance, including but not limited to a nuisance abatement action and an action to foreclose on a special assessment, the prevailing party shall recover its reasonable attorney's fees and costs.

**SECTION 42: SEVERABILITY.**

If any Section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The District's Board of Directors hereby declares that it would have adopted this Ordinance, and each Section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 43: PUBLICATION AND POSTING.**

The General Manager is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation within the District Boundaries and a copy of the full text of this Ordinance must be posted at the District office at least five (5) days prior to the meeting. Within fifteen (15) days after adoption, the General Manager is hereby directed to cause said summary of this Ordinance to be published in a newspaper of general circulation within the District Boundaries and a copy of the full text of this Ordinance must be posted at the District office.

**SECTION 45: EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after adoption by the District's Board of Directors.

**INTRODUCED FOR FIRST READING** the 31st day of March, 2022.

**ADOPTED** this 7<sup>th</sup> day of April, 2022

---

Tim Smith, President, Board of Directors

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**ATTEST:**

---

Sandy Haas, Secretary



# Helendale Community Services District

DATE: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #6  
Public Hearing to Receive Comments and Possible Adoption of Ordinance 2022-02:  
An Ordinance of the Helendale Community Services District Setting Compensation  
for its Board of Directors

---

**STAFF RECOMMENDATION:**

This matter is at the discretion of the Board.

**STAFF REPORT:**

On February 3, 2022, the Board directed staff to schedule the public hearing to consider adoption of the proposed ordinance that would increase the per meeting stipend for board members from \$137 per meeting to \$150 per meeting. The Board is entitled to a maximum annual increase of 5% per year. The last increase to the stipend was in 2019 at which time it was increased from \$100 to \$137.50. The Board was eligible for an increase greater than \$150, but elected for the lesser amount of \$150. The effective date of the increase will be July 1, 2022, to coincide with the new budget cycles.

The hearing was published in the newspaper of general circulation on March 30 and March 23 to comply with the legal requirements.

**FISCAL IMPACT:** Maximum monthly impact: \$7,500  
Maximum Annual Impact: \$90,000

**REQUESTED ACTION:** Receive comments and determine disposition of proposed Ordinance.

**ATTACHMENTS:** Ordinance 2022-02

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE  
HELENDALE COMMUNITY SERVICES DISTRICT  
SETTING COMPENSATION FOR ITS BOARD OF DIRECTORS**

WHEREAS, the Board of Directors of the Helendale Community Services District (“the District”) finds as follows:

A. Pursuant to Ordinance No. 2019-02 adopted by the District’s Board of Directors (“the Board”) on or about August 15, 2019, each member of the Board is currently entitled to receive compensation in the amount of \$137.50 for each day of service rendered on behalf of the District, not exceeding a total of ten (10) compensable days in any calendar month.

B. Pursuant to Water Code Section 20202, the rate of such compensation may be increased by an amount not to exceed five percent (5%) for each calendar year following the operative date of the last adjustment.

C. The Board has not made any adjustment in the amount of compensation paid to a director since its adoption of Ordinance No. 2019-02.

THEREFORE, THE BOARD OF DIRECTORS of the District does hereby adopt and ordain as follows:

1. Each Board member of the District shall be entitled to receive compensation in the amount of \$150.00 for each day of service (as that term is defined in Section 1.2 of Resolution No. 2022-04 as may be amended from time to time) rendered on behalf of the District, not exceeding a total of ten (10) days in any calendar month, after the effective date of this Ordinance.

2. Compensation shall be paid to a director in accordance with Section 1.3 of Resolution No. 2022-04 (as may be amended from time to time).



3. This Ordinance shall take effect on July 1, 2022.

ADOPTED this 7th day of April, 2022.

ROLL CALL:

Ayes:

Noes:

Abstain:

Absent:

---

Tim Smith  
President, Board of Directors

ATTEST:

---

Sandy Haas  
Secretary, Board of Directors



# Helendale Community Services District

DATE: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Alex Aviles, WWOM  
SUBJECT: Agenda item #7  
Discussion and Possible Action Regarding Adoption of Resolution 2022-07: A Resolution of the Board of Directors of the Helendale Community Services District Awarding a Sole Source Contract to Insituform for Emergency Sewer Lining project

---

## **STAFF RECOMMENDATION:**

Staff requests that the Board declare that an emergency exists and approve Resolution 2022-07 awarding a sole source contract to Insituform.

## **STAFF REPORT:**

On 1-31-22, the Wastewater staff received a call from Arizona Pipeline (APL), a subcontractor for Southwest Gas who has been replacing service lines. While performing the pre-inspection APL came across a blockage in the 8" clay sewer main. Prior to any gas line work, utilities are required to camera all sewer lines and again after the work is completed to ensure that damage has not occurred to the sewer system during their boring and excavation activities.

Upon review of the camera footage, District staff jetted the line and discovered an inordinate amount of dirt and a piece of pipe consistent with the collection main material in that area. Staff contacted Houston and Harris to camera the line and perform a thorough inspection of the main to assess the extent of the damage to the entire section of pipe. Staff received a quote for excavation and replacement of the pipe for \$24,545. This process would have required significant pavement repairs to be completed at a significant costs. At the recommendation of High Desert Underground, we contacted Insituform. It was discovered that advancements in sewer lining methods would allow for the smaller 8" collection main in this area to be lined without losing significant capacity. On March 23, 2022, the District received the quote from Insituform, (the company that patented the lining process and who previously lined the 30-inch collection main along Helendale Rd), included a scope of work to line the entire 334 feet section of main in comparison to the High Desert Underground quote which was to replace just the damaged section of pipe for a total of 10 feet.

The extent of repair was not budgeted nor forecasted in the Capital Improvement Plan as it was unforeseen. This is considered an emergency repair as the sewer main is compromised in this area and the District is compelled to expeditiously repair the collection main to minimize infiltration of

sewage into the ground as well as further potential degradation to the balance of the sewer line in that area.

**FISCAL IMPACT:** \$45,100

**POSSIBLE MOTION:** Approve Resolution 2022-07 approving an emergency sole-source contract with Insituform for sewer lining project and Declare that Sewer Main Emergency exists

**ATTACHMENTS:** Proposal from Insituform and High Desert Underground

**RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
HELENDALE COMMUNITY SERVICES DISTRICT  
APPROVING AWARD OF A SOLE SOURCE CONTRACT  
TO INSITUFORM TO PERFORM EMERGENCY REPAIRS ON SEWER MAIN**

WHEREAS, the Helendale Community Services District (“District”) is a Community Services District organized and operating pursuant to California Government Code Section 61000 et seq.;

WHEREAS, the District is subject to Public Contracts Code Section 20682.5(b), which provides that “[a]ll contracts for the construction of completion of any building, structure, or improvement, when the cost exceeds \$25,000 shall be contracted for and let to the lowest responsible bidder after notice”;

WHEREAS, it is well-settled that exceptions to the competitive bidding requirement exist in the event that the specific facts and circumstances surrounding the particular work is such that the services sought for the proposed project are unique to a single contractor and the public agency must use such specialized services for efficient and effective completion thereof [see, e.g., Hiller v. City of Los Angeles (1962) 197 Cal. App. 2d 685, 17 Cal. Rptr. 579], or that engaging in the process would be undesirable or impracticable as a matter of public interest because a delay would result that would operate to undermine the public benefits to be gained by the proposed project [see, e.g., Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal. App. 3d 631, 164 Cal. Rptr. 56];

WHEREAS, on September 5, 2019, the District’s Board of Directors (“Board”) adopted a revised Purchasing Policies and Procedures for the District (“the Purchasing Policy”) which created bidding and contract procedures as part of the District’s Rules and Regulations so as to provide guidance and direction to the District’s staff in obtaining outside services for projects initiated by the District;

WHEREAS, Section 6(E)(3) of the Purchasing Policy provides that the District must comply with certain formal and informal competitive bidding requirements with respect to contracts for the construction of any building, structure, or improvement when the cost exceeds \$15,000 but not does not exceed \$25,000;

WHEREAS, pursuant to legally-recognized exceptions to competitive bidding requirements, Section 7(A)(4) of the Purchasing Policy provides that the District may procure services on a negotiated basis “when competitive bidding would fail to produce an advantage and/or when the advertisement for Competitive Bidding would be undesirable, impractical, or impossible”;

WHEREAS, Section 7(A)(5) of the Purchasing Policy also provides that the District may procure services on a negotiated basis “when the Board of Directors has determined that time is of the essence”;



WHEREAS, pursuant to legally recognized exceptions to competitive bidding requirements, Section 7(A)(3) of the Purchasing Policy further provides that the District may procure services on a negotiated basis for any project in which a "Sole Source Contractor" has been designated;

WHEREAS, pursuant to legally recognized exceptions to competitive bidding requirements, Section 8 of the Purchasing Policy also provides that, in the case of an emergency, the District, pursuant to a four-fifths vote of the Board, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary Services and Supplies for those purposes, without giving notice for bids to let contracts;

WHEREAS, for purposes of Section 7(A)(3) of the Purchasing Policy, the term "Sole Source Contractor" is defined in Section 2(O) thereof as "a contractor or consultant that has been evaluated to provide unique or specialized Services or Supplies that cannot be obtained from other contractors or consultants," which designation must be approved by the Board;

WHEREAS, the facts, circumstances, and challenges surrounding the proposed emergency replacement of the eight-inch sewer lines ("the Project"), as described in the staff report attached hereto and incorporated herein ("the Staff Report"), supports a determination by the District's Board of Directors that imposing a formal competitive bidding requirement for the construction of the proposed Project would be undesirable or impracticable because the process could potentially not be timely completed given all the intervening factors outlined in the staff report, specifically the complexity of utilities within the Project area; and

WHEREAS, as further described in the Staff Report, Insituform possesses unique background and knowledge of the process to be used for the proposed Project, and Insituform has performed similar services for the District in a timely manner and with high-quality workmanship that has been accepted by both the District and other local governmental agencies possessing regulatory oversight.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Helendale Community Services District that, based upon the unique facts and circumstances described in the Staff Report and other evidence presented to the Board, the Board hereby finds and determines that expedited construction of the Project is exempt from any otherwise-applicable formal competitive bidding requirement pursuant to Sections 7(A)(4) and (5) of the Purchasing Policy because compliance therewith would be undesirable and impracticable as a matter of public interest since engaging in the process would cause a delay that could result in a larger project scope.

BE IT FURTHER RESOLVED that the Board hereby finds and determines that Insituform be designated as a Sole Source Contractor for the Project pursuant to Section 7(A)(3) of the Purchasing Policy. The Board reserves the right to withdraw this designation in its entirety, or to suspend this designation on a project-by-project basis, in the exercise of its sole discretion.

BE IT FURTHER RESOLVED that the Board hereby approves construction of the Project, and authorizes the award of a contract for the construction thereof to Insituform for a price not to exceed \$45,100.00, based upon the recommendations of the District's General Manager in the Staff Report, as well as the oral and written statements presented to, and considered by, the District's Board of Directors prior to adoption of this Resolution.

**ADOPTED** this 7th day of April, 2022.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Tim Smith, President, Board of Directors

ATTEST:

---

Sandy Haas, Secretary, Board of  
Directors



10260 Matern Place  
 Santa Fe Springs, CA 90670  
 Tel: (562) 413-1585  
 THenry@Aegion.com

Contractor's License:  
 CA - A 758411  
 DIR #: 1000009689  
 ACES# AAJA

# Proposal

March 23, 2022

Alex Aviles  
 HCSD Wastewater Operations Manager  
[aaviles@helendalecsd.org](mailto:aaviles@helendalecsd.org)  
 (760)221-1661

## Re: Helendale Community Services District – 8” Sewer Rehab

INSITUFORM TECHNOLOGIES, LLC herein proposes to furnish a Proposal for the labor, materials, equipment, and services set forth below to reconstruct the referenced project. The following prices should be considered confidential.

### PROPOSAL PRICING

Bid Item	Description	QTY	UOM	Unit \$	Extension \$
1	Mobilization	1	LS	\$6,500.00	\$6,500.00
2	8" x 334 LF CIPP Lining	1	LS	\$38,600.00	\$38,600.00
				<b>Grand Total</b>	<b>\$45,100.00</b>

### ASSUMPTIONS AND QUALIFICATIONS

We have based this proposal on a nominal wall thickness for the Insitubute as shown in the price. This is based on the best available information at the time of this proposal. Existing pipe deterioration in excess of the conditions assumed, ground water loads in excess of those assumed, or other loads or conditions may increase the recommended thickness for all or portions of the work. Final recommendations may be submitted to you following the completion of the preliminary TV phase of the project. Stated prices are subject to adjustment if design changes are agreed upon.

Water shall be provided at no cost to Insituform for all construction phases of this project. The Owner shall furnish Insituform with required water meters and/or water trucks and pay all associated fees, deposits, and charges. Insituform will follow all required backflow prevention and metering procedures. The Owner will provide access at both ends of the pipeline.

Laterals – During TV inspection all side sewers are verified, using best practical efforts, to determine if each is an active hook up through visual inspection only. Normal practice only reinstates those, which are active. You may direct us to reinstate all or specific laterals as you desire. This proposal, unless otherwise stated, assumes that all laterals will be reconnected using our Insitucutter.

## **Insituform® Proposal**

Wrinkles - When CIPP is required to negotiate bends or defects in the host pipe, there is a tendency to experience wrinkling in the installed CIPP around the inside radius of the bend or in the area where the host pipe defect is located. This is normal and should be expected. It will not affect the structural integrity of the finished product. Wrinkle removal, IF NEEDED will be per the specification

ITL is a specialty contractor and an open-shop company. ITL shall not be subject to any union requirements or agreements and will not enter into any Project Labor Agreement or any such similar agreement for this Project. Where required by the Contract Documents, ITL will pay the Prevailing Wages then in effect for the Project and will submit Certified Payroll Reports in a timely manner.

### **PROPOSAL INCLUSIONS**

---

The prices stated in this proposal include:

1. One mobilization and demobilization. - based on a mutually agreeable schedule between Insituform and the Owner. The Owner needs to give Insituform at least one-week advance notice of any changes to the mutually agreed upon schedule. If through no fault of Insituform the mutually agreed upon schedule changes with less than one-week notice, then Insituform may charge the Owner an additional mobilization charge and any potential lost materials including but not limited to tube already "wetout".
2. Minimal traffic control using signs and cones typical for a quiet residential neighborhood.
3. Bypass pumping for CIPP bid items ONLY. Bypass sewer pipeline less than 150 GPM, dry weather flows using pumps discharging through lay-flat hose/pipe laid on the ground surface. NOTE: Any pavement saw cutting or trenching by others. Also, bypass flows greater than 150 GPM will be performed by others.
4. Pre-Video inspections and documentation of existing pipe prior to reconstruction with the Insituform process for pipe rehabilitated by CIPP.
5. Pipeline cleaning. Loose debris and "normal" deposits only. Extraordinary conditions will need to be treated as a point repair. Heavy Cleaning will be considered a change in condition.
6. Installation of Cured-In-Place Pipe (CIPP) lining per ASTM F-1216.
7. Internal lateral reinstatement using our Insitucutter.
8. Post video inspection following completion of the installation to document your new pipe rehabilitated by CIPP.
9. Confined space safe entry practices.
10. Prevailing Wages for the State of California. ITL is not a union shop and shall not be subject to any union requirements or project labor agreements.
11. One-year standard construction warranty.
12. Certificate of insurance with a standard coverage.
13. Use tax on materials and equipment rental.

### **PROPOSAL EXCLUSIONS**

---

Not included in the prices stated in this estimate are costs associated with the items listed below. These items, if needed or found to be applicable, would be provided by **INSITUFORM** at your additional cost; or would be furnished by others, at your direction, at no cost to **INSITUFORM**:

- a) Point repairs if required prior to lining (if needed).
- b) Heavy Traffic Control.
- c) Grouting to stop infiltration.
- d) Bypass pumping of any laterals that may be required.
- e) Stamped Designs.
- f) If preliminary video inspection of the pipe interior indicates excessive damage, or other extra-ordinary condition, which will require excavation, or other extraordinary remedy, to prepare the pipe for installation of the Insitutube, then those services will be provided by the Owner. This will include excessive roots, excessive debris and protruding taps.
- g) 3<sup>rd</sup> party/Independent Testing.
- h) Additional cleaning and televising mobilizations and/or setups due to point repairs, obstruction removals, or delays out of our control will be an additional charge.
- i) Active lateral verification, other than visual inspection.
- j) Filling/Fixing voids and/or annular space.
- k) Water from fire hydrants within a convenient distance from each cleaning and inversion site location.
- l) Legal dumpsite for debris resulting from pipe cleaning.
- m) *If any hazardous or toxic materials are encountered during the project, the Owner will be responsible for the removal and disposal of the materials.*



**Insituform® Proposal**

- n) Installation of cleanouts, or other ports, if required for special bypass pumping requirements for businesses.
- o) Manhole installation, rehabilitation, and/or replacement, if required.
- p) Site restoration.
- q) Project permits and/or local licenses.
- r) Additional premiums for special insurance coverage(s) demanded by you or other parties particular to this project.
- s) Performance and Payment Bond not included. This is available upon request, but if required please add 1.5% to the total project cost.
- t) Additional taxes not specifically listed in inclusions.

**PROPOSAL TERMS AND CONDITIONS**

---

- a) When CIPP is required to negotiate bends or defects in the host pipe, there is a tendency to experience wrinkling in the installed CIPP around the inside radius of the bend or in the area where the host pipe defect is located. This is normal and should be expected. It will not affect the structural integrity of the finished product. Insituform Technologies, LLC will not be liable for repairs or penalties due to wrinkles in the CIPP at the locations of bends or defects in the host pipe.
- b) Limits of Liability. In consideration of **INSITUFORM TECHNOLOGIES, LLC** agreement to maintain no less than \$5,000,000 of comprehensive general liability insurance in the form required by the Contract, **INSITUFORM TECHNOLOGIES, LLC** liability to the Owner for any matter covered by such insurance will be limited to the extent of such insurance and the Owner will indemnify and hold **INSITUFORM TECHNOLOGIES, LLC** harmless from any third party claims covered by such insurance to the extent such claims exceed the limits of such insurance. Neither party shall be liable to the other for consequential damages relating to the contract. In case of conflict between this provision and any other provision in the Contract as ultimately executed, this provision shall govern and prevail.
- c) LIMITED WARRANTY. IN LIEU OF ALL OTHER EXPRESSED, IMPLIED AND/OR STATUTORY WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, INSITUFORM AGREES TO CORRECT ANY DEFECTS IN THE MATERIALS OR SERVICES PROVIDED BY INSITUFORM WHICH ARE BROUGHT TO THE ATTENTION OF INSITUFORM WITHIN ONE YEAR FOLLOWING COMPLETION OF INSITUFORM'S WORK, PROVIDED OWNER AFFORDS INSITUFORM SUITABLE ACCESS AND WORKING CONDITIONS TO ACCOMPLISH SUCH CORRECTION.
- d) MUTUAL RELEASE OF CONSEQUENTIAL DAMAGES. Neither party shall be liable to the other for consequential damages relating to or arising out of the Contract.
- e) PROPOSAL SUBJECT TO NEGOTIATION OF OTHER STANDARD TERMS OF AGREEMENT. This proposal is subject to agreement of the parties on other terms and conditions as are customary in contracts of this nature.
- f) If actual quantities differ significantly from those stated in the proposal then work will be renegotiated.
- g) Payments are due at net within thirty days of invoice. Final payment is due within thirty days of completion of project.
- h) Monthly progress partial payments may be requested for the value of work in progress or completed, including materials secured and on site.
- i) Prices stated are in effect for thirty days from the date of this proposal. The acceptance period may be extended at the sole option of **INSITUFORM TECHNOLOGIES, LLC**.
- j) Conflicts. In case of conflict between the provision of the aforesaid paragraphs and any other provision in the Contract as ultimately executed the provisions as set forth above shall govern and prevail.

OFFERED BY:

ACCEPTED BY:

---

**INSITUFORM TECHNOLOGIES, LLC**

**TERRY HENRY**  
**Business Development Manager**  
**(562) 413-1585**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

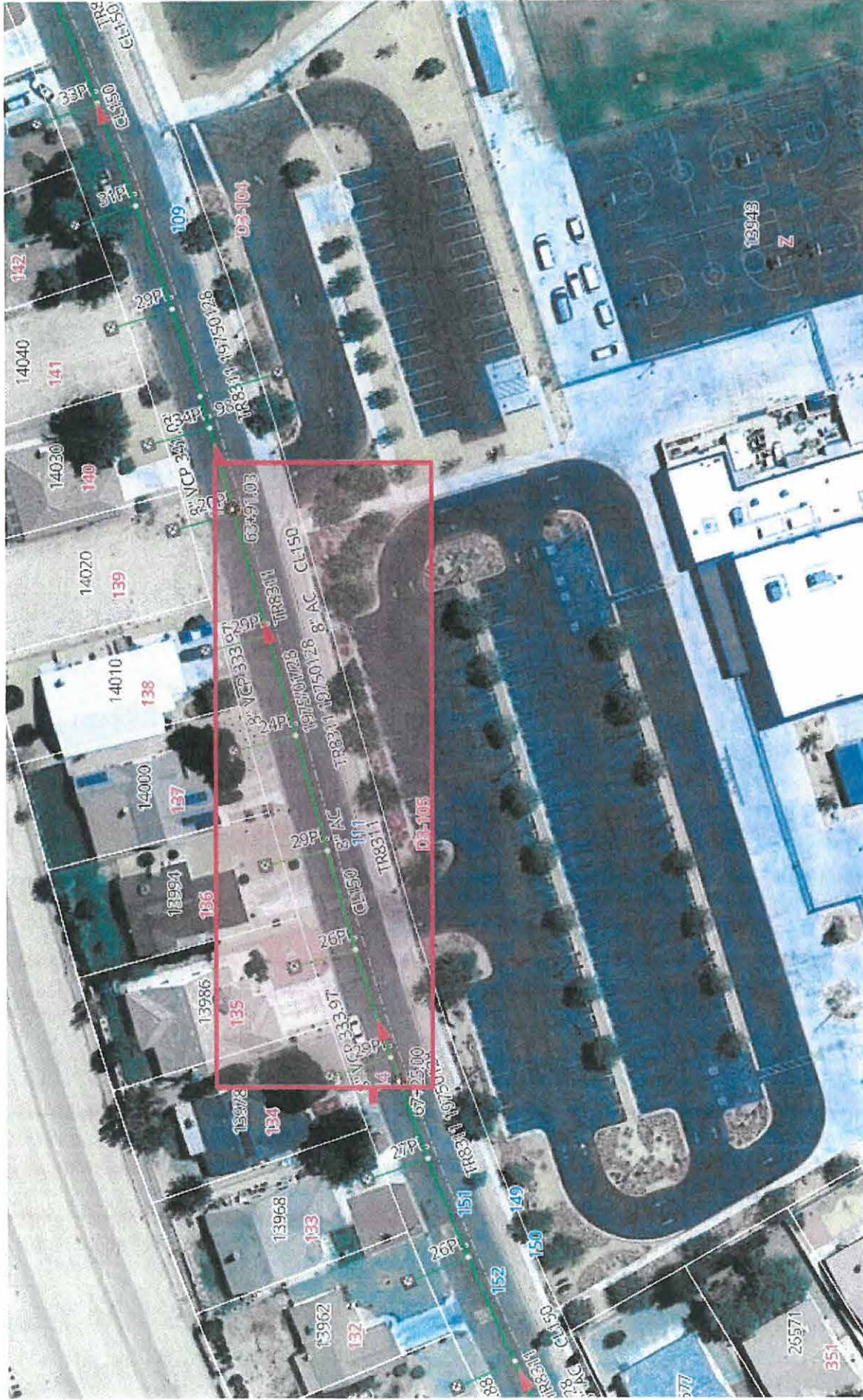
\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE



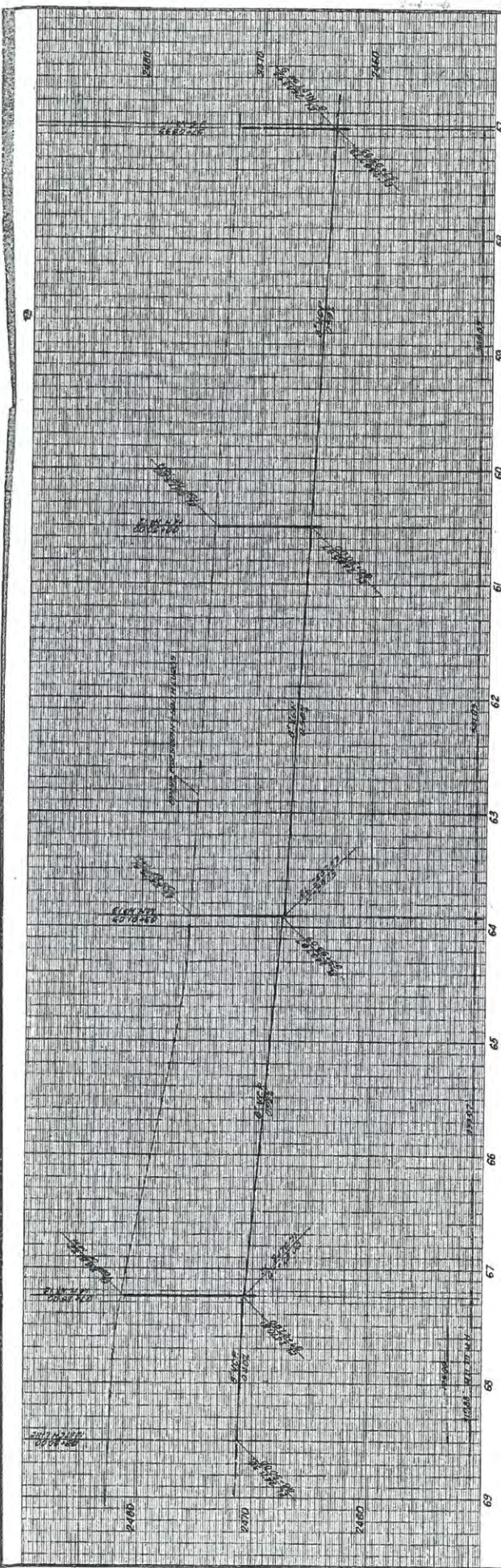


# Default Title



	<p>02/02/2022</p>	<p>Sub Title</p>	<p>1" = 92 ft</p>
<p>This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.</p>			





SCALE HORIZ. 1" = 40'  
VERT. 1" = 4'

SECTION TO BE  
Village

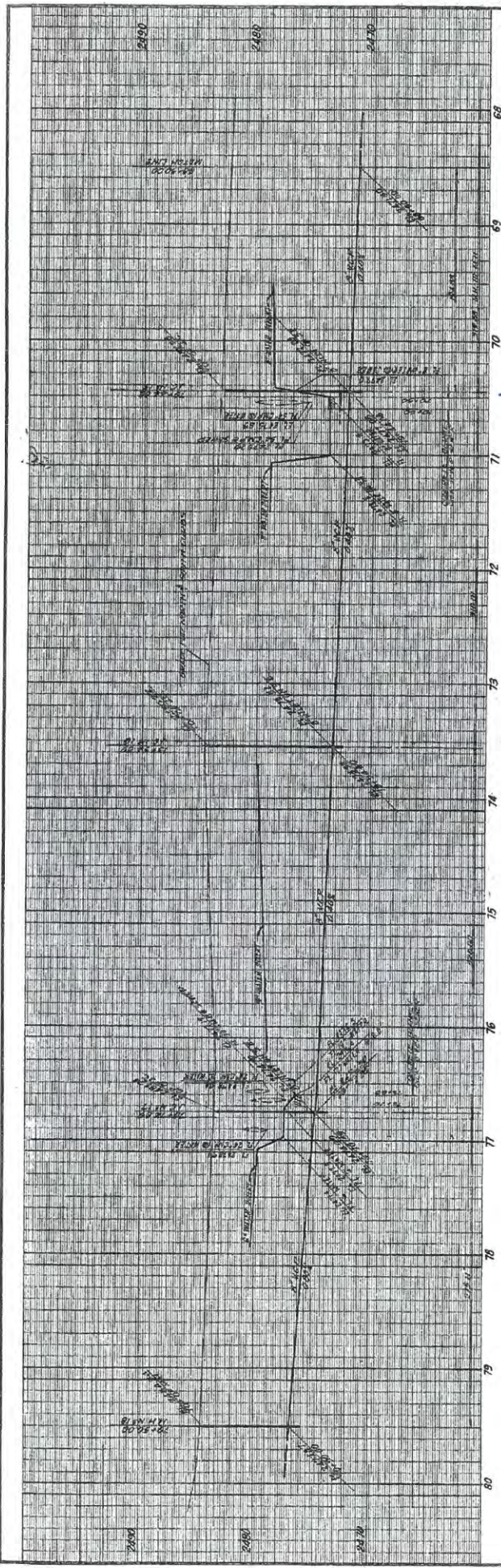


REVISIONS - SEWER		REVISIONS - WATER			
NO.	DATE APPROVED	DESCRIPTION OF REVISION	NO.	DATE APPROVED	DESCRIPTION OF REVISION
1	7/29/20	ISSUED INTERIM PERMITS, POINTS, ELEVATIONS, AND NOTES	1	7/29/20	ISSUED INTERIM PERMITS, POINTS, ELEVATIONS, AND NOTES

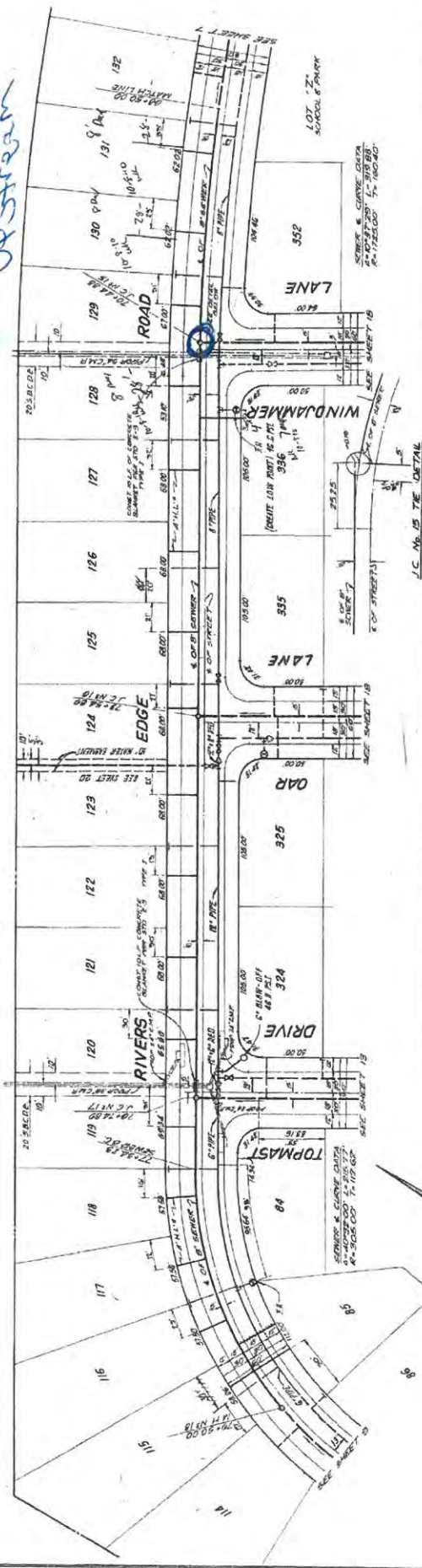
BENCH MARK (N.C. DASH)		IMPROVEMENT ZONE B	
A STANDARD U.S. BRASS DASH SET IN THE TOP OF A CONCRETE FOOTING SHALL BE SET AT THE INTERSECTION OF THE CENTERLINE OF THE IMPROVEMENT ROAD AND THE CENTERLINE OF THE EXISTING ROAD, 12.0' SOUTH OF THE CENTERLINE OF THE IMPROVEMENT ROAD, 12.0' SOUTH OF THE CENTERLINE OF THE EXISTING ROAD, 12.0' SOUTH OF THE CENTERLINE OF THE EXISTING ROAD.		COUNTY SERVICE AREA NO. 70	
USE & ON FILE (FORM 1081)		PLAN & PROFILE	
MCINTIRE & QUIROS, INC.		WATER & SEWER	
1000 W. 10TH STREET, SUITE 100, DENVER, CO 80202		TRACT NO. B311	
DESIGNED BY	J.K.	DATE	7/29/20
CHECKED BY	A.M.	SCALE	AS SHOWN
PROJECT NO.	2019-001	SHEET NO.	55-54





UP Stream

SCALE: HORIZ. 1" = 40'  
VERT. 1" = 4'



REVISIONS - SEWER		REVISIONS - WATER	
NO.	DATE	DESCRIPTION OF REVISION	DATE
1	12-28-78	ADJUSTED LINES FOR 21' DUCT TYPICAL WIDTH 24" IN	12-28-78

NO.	DATE	APPROVED	DESCRIPTION OF REVISION
1	12-28-78		ADJUSTED LINES FOR 21' DUCT TYPICAL WIDTH 24" IN

REVISIONS - WATER L.C. No. 16 OF THE CENTRAL	
---	--

REVISIONS - SEWER L.C. No. 16 OF THE CENTRAL	
---	--

REVISIONS - WATER L.C. No. 16 OF THE CENTRAL	
---	--

REVISIONS - SEWER L.C. No. 16 OF THE CENTRAL	
---	--

**IMPROVEMENT ZONE B**  
**COUNTY SERVICE AREA NO. 70**

**PLAN & PROFILE**  
**WATER & SEWER**  
**TRACT NO. 8311**

RECORD NO. 55664  
 DRAWN J.S.  
 CHECKED J.M.  
 DATE 11-2-78  
 BY J.S.

**MCINTIRE & QUIROS, INC.**  
 55 WEST 10TH STREET, SUITE 100  
 DENVER, COLORADO 80202





# Helendale Community Services District

DATE: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #8  
Discussion and Possible Action Regarding Approval of Contract Services for Financial Support Services

---

**STAFF RECOMMENDATION:**

Staff request approval of this item.

**STAFF REPORT:**

In 2020, the Board approved a contract with Eide-Bailly, LLP for Fiscal year 2021 in an amount not to exceed \$58,394. For FY22, the Consultants submitted a contract amount of \$50,000 for the year based upon projected work. This is a reduction from FY21's contract amount based upon the anticipated work. For the upcoming FY22 the estimated cost of the Professional Services Agreement is up to \$50,000.

Eide-Bailly staff has been a valuable asset to the District's ability to manage its finances. They have provided significant support related to the audit, payroll, Pers compliance and other accounting procedures. The monthly financials reports helps keep the board apprised of the District's finances throughout the year. It has been a tremendous tool for public transparency.

If approved by the Board, Staff will prepare the contract documents for the continuation of the financial consulting services for the upcoming fiscal year.

**FISCAL IMPACT:** Up to \$50,000

**POSSIBLE MOTION:** Approve a professional services agreement with Eide Bailly for FY22 in the amount not to exceed \$50,000

**ATTACHMENTS:** Proposal from Eide-Bailly



March 1, 2022

Dr. Kimberly Cox  
Helendale Community Services District  
26540 Vista Road  
Helendale, CA. 92342

Dear Dr. Cox,

This letter outlines the understanding of the terms and objectives of the consulting engagement between Eide Bailly LLP (Eide Bailly) and Helendale Community Services District (District) for the fiscal year ended June 30, 2023.

### **Scope of Engagement**

We will work with you to provide consulting services in connection with:

- Monthly financial statements preparation and budget monitoring report.
- Year-end closing of the District's accounting books and records in accordance with Generally Accepted Accounting Principles.
- Preparation of all year-end and/or interim schedules that may be required by the District's independent auditors.
- Presence at the District's offices while the District's independent auditors are performing on-site year-end and interim field work.
- Monthly reconciliation of all District balance sheet accounts. Reconcile all modules (Miscellaneous AR, Fixed Assets, AP, Utility Billing, and Project Module) to the General Ledger on a monthly basis.
- Periodic review of payroll and PERS reporting to ensure proper compliance
- Assistance with preparation of quarterly payroll tax returns and annual W-2s/W-3
- Periodic review of the District's internal accounting/financial control structure.
- Assistance with the annual budget, and budget updates.
- Assistance with rate evaluations and studies and fee studies as needed.
- Evaluation of accounting structure and recommend improvements.
- Review of 1099s and W-9 process to ensure accuracy.
- Implementation of best practices based on our experience with other governments.
- Train staff as needed.

Our engagement will be performed under the *Statements on Standards for Consulting Services* issued by the American Institute of Certified Public Accountants (AICPA). We will not provide audit, review, compilation or financial statement preparation services to any historical or prospective financial information or provide attestation services under the AICPA *Statements on Standards for Attestation Engagements* and assume no responsibility for any such information.

**What inspires you, inspires us. | [eidebailly.com](http://eidebailly.com)**



You will provide us, as promptly as possible, all requested information and documentation reasonably deemed necessary or desirable by us in connection with the engagement. You represent and warrant that all information and documentation provided or to be provided to us is true, correct and complete, to the best of your knowledge and belief. We are authorized to rely upon such information and documentation without independent investigation or verification.

We may use third party service providers and/or affiliated entities (including Eide Bailly Shared Services Private Limited) (collectively, "service providers") in order to facilitate delivering our services to you. Our use of service providers may require access to client information by the service provider. We will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the confidentiality of client information accessed by such service provider and any work performed by such service provider.

We agree to retain our work papers for a period of at least eight years from the date of our report.

Eide Bailly LLP has owners that are not licensed as certified public accountants as permitted under Section 5079 of the California Business Code. It is not anticipated that any of the non-licensee owners will be performing services for Helendale Community Services District.

#### **Fees**

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket pre-approved expenses for mileage or hotel costs. Invoices are payable upon presentation. Our fees for the engagement will be based on the following hourly rates for FY 22/23:

<b>EB Staff</b>	<b>Hourly Rate</b>
Partner	\$220
Senior Manager	\$195
Manager	\$175
Payroll Specialist	\$155
Senior Accountant	\$140
Staff Accountant	\$115

We believe we can offer the services outlined in this letter for an approximately \$45,000 - \$50,000 a year, barring major issues with payroll processing or returns. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate.

In addition, we will be compensated for any time and expenses, including time and expenses of legal counsel, we may incur in conducting or responding to discovery requests or participating as a witness or otherwise in any legal, regulatory, or other proceedings as a result of our Firm's performance of these services. You and your attorney will receive, if lawful, a copy of every subpoena we are asked to respond to on your behalf and will have the ability to control the extent of the discovery process to control the costs you may incur.

Should our relationship terminate before our agreed upon procedures are completed and a report issued, you will be billed for services to the date of termination. All bills are payable upon receipt. A



service charge of 1% per month, which is an annual rate of 12%, will be added to all accounts unpaid 30 days after billing date. If collection action is necessary, expenses and reasonable attorney's fees will be added to the amount due.

Helendale Community Services District accepts responsibility for the results of the services being provided and agrees to perform the following functions in connection with this engagement:

- Make all management decisions and perform all management functions.
- Designate a competent individual to oversee the services.
- Evaluate the adequacy and results of the services performed.
- Accept responsibility for the results of the services.
- Establish and maintain internal controls, including monitoring ongoing activities.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our engagement including our respective responsibilities. If you have any questions, please let us know.

We appreciate the opportunity to be of service to you and look forward to working with you and your staff.

Respectfully,



Cindy Byerrum, CPA  
Partner

\*\*\*\*\*

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of Helendale Community Services District by:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Helendale Community Services District

### Projected 7/1/22 Hourly Rates

		<u>Current Staff</u>
Partner	\$ 220	Cindy Byerrum
Senior Manager	\$ 195	
Manager	\$ 175	Scott Nelsen
Payroll Specialist	\$ 155	Samantha Brown-Prall
Senior Associate	\$ 140	Daniela Uriarte
Staff Accountant	\$ 115	Guillermo Canjura



# Helendale Community Services District

DATE: April 7, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #9  
Discussion and Possible Action Regarding Selection of LAFCO Representative

---

**STAFF RECOMMENDATION:**

Staff Seeks input from the Board.

**STAFF REPORT:**

Every two years the Board has the opportunity to select representation for the Local Agency Formation Commission. Attached is information related to the Regular member seat and the alternate member seat. Special District's has two Regular representatives and one Alternate representative. Two years ago the Board has the opportunity to select its representatives on LAFCO for special districts.

There are two individuals vying for the Regular Special District position and three for the Alternative Special District position. Jim Curatalo from Cucamonga Valley Water District has elected not to seek re-election to the Commission. Steven Farrel, who had been the alternative for more than eight years is seeking the Regular member position. Because LAFCO is a very unique and specialized area of service there is a steep learning curve for this position. The Board may wish to consider Steven's experience in making the selection for the Regular voting member on the Commission. Kelly Gregg from Hesperia Rec is seeking election to the regular position.

For the alternative position, following are the three interested candidates. Kevin Kenley from Rancho Cucamonga is seeking to replace his board colleague, Jim Curatalo, on the Commission. David Raley from SBWCD and James Roberts from Hesperia Rec are also seeking election to the alternate position.

The Board must select one candidate for the Regular position and one candidate for the Alternative position. The ballots must be return by April 18, therefore, this is the only meeting to make that selection.

**FISCAL IMPACT:** None

**POSSIBLE MOTION:** Make a motion for regular and alternative representatives.

**ATTACHMENTS:** LAFCO information related to election





# LAFCO

## Local Agency Formation Commission for San Bernardino County

1170 West 3rd Street, Unit 190  
San Bernardino, CA 92415-0490  
909.388.0480 | Fax: 909.388.0481  
lafco@lafco.sbcounty.gov  
www.sbco.lafco.org

### COMMISSIONERS

JOE BAGA, Jr.  
Board of Supervisors

IM BAGLEY, Chair  
Public Member

DR. KIMBERLY COX  
Special District

JAMES V. CURATALO  
Special District

CURT HAGMAN  
Board of Supervisors

LARRY McCALLOH  
City Member

AQUANETTA WARREN, Vice Chair  
City Member

### ALTERNATES

DIETER C. DANMEIER  
Public Member

RICK DENISON  
City Member

STEVEN FARRELL  
Special District

DAWN ROWE  
Board of Supervisors

### EXECUTIVE OFFICER

SAMUEL MARTINEZ

### LEGAL COUNSEL

PAULA DE SOUSA

February 28, 2022

**TO: Presidents of the Boards of Directors of the Independent Special Districts in San Bernardino County**

**SUBJECT: Special Districts Election for Regular LAFCO Member and Alternate LAFCO Member**

The nomination period for the Regular and Alternate Special District Members of the Local Agency Formation Commission (LAFCO or Commission) ended on February 14, 2022. During the nomination period, LAFCO received the following nominations for the Regular Special District Member position:

- Jim Curatalo, Cucamonga Valley Water District (Incumbent) *(Mr. Curatalo received a nomination for the regular member position but has declined to seek another term on the Commission; therefore, his nomination for the Regular Special District member position has been revoked and his name will be removed from the list of nominees for the regular member ballot)*
- Steven Farrell, Crestline Village Water District
- Kelly Gregg, Hesperia Recreation and Park District

Likewise, during the nomination period, LAFCO received the following nominations for the Alternate Special District Member position:

- Craig Dicht, Bighorn-Desert View Water Agency
- Steven Farrell, Crestline Village Water District (Incumbent) *(Mr. Farrell received nominations not only for the alternate member position but also for the regular member position. Mr. Farrell has opted to run for the Regular Special District position instead; therefore, his nomination for the Alternate Special District member position has been revoked and his name will be removed from the list of nominees for the alternate member ballot)*
- Kevin Kenley, Cucamonga Valley Water District
- David Raley, San Bernardino Valley Water Conservation District
- James Roberts, Hesperia Recreation and Park District

By distribution of this letter, the official voting process for the Regular Special District Member and Alternate Special District Member of LAFCO shall commence. Pursuant to the provisions of Government Code Section 56332, the voting period will commence as of today's date and ending on Monday, **April 18, 2022.**



SPECIAL DISTRICT ELECTION LETTER  
Regular and Alternate LAFCO Members  
February 28, 2022

The voting instructions for these selections are as follows:

1. Each District may vote for one candidate for each position. A copy of the information provided by the candidates is included for your information.
2. The original ballot for each position:
  - Requires a board vote, with the name of each voting Board Member outlined;
  - Must be signed by either the Board President, General Manager, or Designee; and,
  - Must be received in the LAFCO office by 5:00 p.m. on **April 18, 2022**, via mail, fax, or email scan.
    - If a copy of the ballot is provided by fax or email by the April 18 deadline, LAFCO must receive the original signed copy by 5:00 p.m. on **April 25**, or the ballot will be declared invalid.
3. Twenty-six (26) ballots are required to be received to establish a quorum for selection of either the Regular or Alternate Special District Member position.

The completed ballot(s) is/are to be mailed to:

**Samuel Martinez, Executive Officer  
Local Agency Formation Commission  
1170 West Third Street, Unit 150  
San Bernardino, CA 92415-0490**

Please let me know if you have any questions concerning this selection process. You may contact me at the address listed above, by e-mail at [smartinez@lafco.sbcounty.gov](mailto:smartinez@lafco.sbcounty.gov), or by phone at (909) 388-0480.

Sincerely,



SAMUEL MARTINEZ  
Executive Officer

Enclosures: Regular Member Ballot  
Information on Regular Member Candidates  
Alternate Member Ballot  
Information on Alternate Member Candidates

**2022 BALLOT**

**REGULAR SPECIAL DISTRICT MEMBER  
OF THE LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY**

The \_\_\_\_\_  
(Name of District)

hereby votes for the marked candidate as indicated below:

**REGULAR SPECIAL DISTRICT MEMBER OF LAFCO:**

\_\_\_\_\_ **STEVEN FARRELL (Member of the Board of Directors  
of the Crestline Village Water District)**

\_\_\_\_\_ **KELLY GREGG (Member of the Board of Directors  
of the Hesperia Recreation and Park District)**

I, \_\_\_\_\_, do hereby certify that at its scheduled meeting  
of \_\_\_\_\_, the Board of Directors voted to elect the  
above-marked candidate as the Regular Special District Member of the Local Agency  
Formation Commission for San Bernardino County, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Board President, General Manager or Designee

Dated: \_\_\_\_\_



PO Box 3347, 777 Cottonwood Drive, Crestline, CA 92325-3347  
Telephone: (909) 338-1727 «» FAX: (909) 338-4080

Special District Members,

Feb 21, 2022

I ask for your vote for Regular Special District Commissioner; for your support of my continuing service on LAFCO; for my ongoing interest and commitment to effective, functioning governance in our County; and for the importance of having geographic and size diversity on the Commission.

When I was elected Alternate Special District to the Commission eight years ago, I was pleased to be one of the rare Commissioners from the County's mountain region, in conformity with LAFCO's policy of encouraging balanced geographic representation. I've seen LAFCO decisions and policies affect all kinds of districts, big and small, rural and urban, in ways that are often not obvious or anticipated. Mountain districts, all districts, are wise to be actively engaged and knowledgeable about LAFCO.

Commissioner James Curatalo's decision this term to "retire" from LAFCO, after 20 years of exemplary leadership, knowledge, and energy is a significant loss to all local governments here in the County; and he will certainly be missed. I will miss him. Yet, with his encouragement, and the endorsement of his board at Cucamonga Valley Water District, I now have the opportunity to run for his Regular District seat.

I also appreciate my nomination by the Mojave Water Agency, and in particular, Special District Commissioner Kimberly Cox's support. I'm proud to have their confidence.

I've been participating in local government service issues now for well over 15 years.

As a 12-year director at Crestline Village Water District (currently President), I've attended ACWA (the Association of California Water Districts) twice each year. There, among other subject tracks, I consistently attend the Local Government Committee meetings and seminars paying close attention to state and local topics that pertain to Special Districts. For ten years I've also been my district's ACWA/JPIA (insurance) director. I've also been an ACWA Region 9 board member.

I've completed the Special District Leadership Foundation curriculum.

I serve on the County's Regional Parks Advisory Commission.

Eight years ago, as a new Commissioner, I was offered some sobering advice, "Steve, it takes about 5 years or more being on the Commission before one really begins to understand or appreciate what LAFCO's all about." Though that could be an understatement, I'm confident today I can serve capably.

If elected, I recommit to the best interests of the entire County and its residents. I will consider and respect the special concerns and perspectives of all, using the analytical skills I practiced in my 25-year career in IT (UCLA, the Pacific Stock exchange, and international management and consulting for private software firms.) I ask questions when I don't understand an issue, and I speak out when I perceive an incongruity or problem.

I strive for excellence and will always act and represent Special Districts fairly, thoughtfully and honorably.

Thank you,

A handwritten signature in black ink that reads "Steven Farrell". The signature is written in a cursive, flowing style.

Steven Farrell  
President, Crestline Village Water District



Kelly J Gregg, Director  
Hesperia Recreation and Park District

February 11, 2021

Letter of interest for: LAFCO, Special District Commissioner; Regular Member

Committee Members,

It has come to my attention that there is an open vacancy for LAFCO, Special District Commissioner; Regular Member.

After speaking with our Board President and General Manager, I would like to be considered as a candidate and team member for this opportunity to serve our area. Below is a brief summary of my current and past political contributions.

I have been a lifelong resident of Hesperia since 1971. I served/serve as the voice of the community, and taxpayers on the HRPD Governing Board from 2010-2014 and 2016-current.

- Serves as Director of the Hesperia Recreation and Park District and on several committees: Finance (chair), Tri-Agency (chair), Personnel (v-chair), City Ad Hoc (chair).
- Served as President of the Hesperia Recreation and Park District and on several committees: Budget (chair), Safety and Security (chair), Foundation, and Golf Course.
- Serves on Hesperia City Council Safety Committee (chair).
- Serves as Director of the ASBCSD special districts board.
- Fiscal responsibility and transparency are two main platform goals that take priority when making decisions for any agency or civic organization.

Kelly J Gregg is available to you at (760)985.1193 or by email [directorgregg@hesperiaparks.com](mailto:directorgregg@hesperiaparks.com)

Thank you for your consideration,

A handwritten signature in cursive script that reads "Kelly J Gregg".

Kelly J Gregg  
District Director  
Hesperia Recreation and Park District



**2022 BALLOT**

**ALTERNATE SPECIAL DISTRICT MEMBER  
OF THE LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY**

The \_\_\_\_\_  
(Name of District)

hereby votes for the marked candidate as indicated below:

**ALTERNATE SPECIAL DISTRICT MEMBER OF LAFCO:**

\_\_\_\_\_ **CRAIG DIGHT (Member of the Board of Directors  
of the Bighorn-Desert View Water Agency)**

\_\_\_\_\_ **KEVIN KENLEY (Member of the Board of Directors  
of the Cucamonga Valley Water District)**

\_\_\_\_\_ **DAVID RALEY (Member of the Board of Directors  
of the San Bernardino Valley Water Conservation District)**

\_\_\_\_\_ **JAMES ROBERTS (Member of the Board of Directors  
of the Hesperia Recreation and Park District)**

I, \_\_\_\_\_, do hereby certify that at its scheduled meeting  
of \_\_\_\_\_, the Board of Directors voted to elect the  
above-marked candidate as the Alternate Special District Member of the Local Agency  
Formation Commission for San Bernardino County, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Board President, General Manager or Designee

Dated: \_\_\_\_\_

# CRAIG DICHT

56822 Lilac Lane, Landers, CA, 92285

(760) 368-5441 craig.dicht@gmail.com <http://www.linkedin.com/in/craigdicht>

---

## SAN BERNARDINO COUNTY LAFCO - COMMISSIONER

Provide competent judgment and support on planning, regulation, and special studies within the commission's purview

EDUCATION	<b>WEATHERHEAD SCHOOL OF MANAGEMENT</b> Case Western Reserve University <b>Master of Business Administration</b> , May 2015 <ul style="list-style-type: none"><li>• Focus on overlap in business issues and public policy</li><li>• Concentrated coursework in accounting, finance, operations, and marketing</li></ul>	Cleveland, OH
	<b>UNIVERSITY OF PITTSBURGH</b> <b>Bachelor of Arts, Religious Studies &amp; English Writing</b> , 2004	Pittsburgh, PA
EXPERIENCE	<b>BIGHORN-DESERT VIEW WATER AGENCY</b> Member, Board of Directors <ul style="list-style-type: none"><li>• Serve on Finance/Public Relations committee</li><li>• Chair of Water Consumption Trends/Cannabis and Legal Counsel Search committees</li></ul>	Landers, CA
02/2021-Present		
07/2020 – 10/2020	<b>UNITED STATES CENSUS BUREAU</b> <ul style="list-style-type: none"><li>• Top 3 in region at engaging previous non-respondents to complete the decennial census</li><li>• High success rate navigating rough roads to remote desert locations to meet reluctant residents</li></ul>	High Desert Areas, CA
06/2007 – 6/2019	<b>STUDENT CONSERVATION ASSOCIATION</b> <b>Work Skills Instructor</b> , 06/2010 – 06/2019 (occasional/seasonal) <ul style="list-style-type: none"><li>• Trained over 150 adults to lead crews of high school students in conservation service projects</li></ul> <b>Project Leader</b> , 06/2007 – 8/2010; 08/2016 – 11/2016 <ul style="list-style-type: none"><li>• Leader for 40+ sustainability and natural resource conservation projects, including restoration, community outreach, wilderness monitoring, trail work, and invasive plant management</li><li>• On the ground lead for pilot tree-planting program in Cleveland parks, coordinating with multiple project partners</li><li>• Successfully advocated adjusting tree project budget to pay crew members a living wage</li></ul>	Various Locations NJ, CA Desert, OH
08/2013 – 5/2015	<b>FOWLER CENTER FOR SUSTAINABLE VALUE</b> <b>Fowler Fellow</b> <ul style="list-style-type: none"><li>• Authored "Food Donation Connection: Profitably Scaling Food Waste Reduction" case study</li><li>• Coordinated logistics for CEO sessions at the Flourish &amp; Prosper Global Forum</li><li>• Served on editorial board for the Business as an Agent of World Benefit database</li></ul>	Cleveland, OH
05/2014 – 08/2014	<b>ENTREPRENEUR'S EDGE</b> <b>Consulting Fellow</b> <ul style="list-style-type: none"><li>• Conducted market feasibility studies for a new water monitoring technology</li><li>• Proved client's initial market focus lacked potential and identified more attractive segments</li><li>• Created report and presentation with an action plan and valuable contacts for the client to pursue development in a \$200 million segment</li></ul>	Cleveland, OH
10/2010 – 12/2010	<b>UNITED STATES BUREAU OF LAND MANAGEMENT</b> <b>Park Ranger Tech GS-7</b> <ul style="list-style-type: none"><li>• Provided support to Americorps conservation crews: organized orientation; advised on projects; instructed in proper data collection and management</li><li>• Recorded, organized, and catalogued reports, maps, and equipment associated with BLM wilderness management efforts</li></ul>	Moreno Valley, CA

# CRAIG DICHT

56822 Lilac Lane, Landers, CA, 92285

(760) 368-5441 craig.dicht@gmail.com <http://www.linkedin.com/in/craigdicht>

---

## MBA PROJECTS **DESIGN IN MANAGEMENT: RITTMAN ORCHARDS**

- Developed strategy for a local orchard to identify the best distributor for its new hard cider
- Created decision-making resources based on market research, interviews with distributors and retailers, and synthesis of knowledge from other management disciplines

## **URBAN LAND INSTITUTE HINES CASE COMPETITION**

- Designed proposal for development in an economically disadvantaged part of New Orleans
- Planned financing strategy for development including pro forma financial statements

## **POLITICS, POLICY & THE GLOBAL ENVIRONMENT**

- Term paper for Political Science elective focused on regulation, financing, and effectiveness of various payments for environment services (PES) initiatives

## SERVICE

### EXPERIENCE

08/2010 – 12/2012

## **THE LIVINGSCHOOL LEARNING COOPERATIVE**

Joshua Tree, CA

### **Treasurer/ Administrative Facilitator/ Educator**

- Oversaw budget and fulfilled school accounting, contracting, and payment responsibilities
- Created and implemented decision-making model for cooperative meetings
- Established definitions of roles and increased accountability in school administration
- Planned and taught outdoor education and hands-on science classes

11/2011 – 04/2012

## **THRIVING IN A CHANGING WORLD SUMMIT**

Joshua Tree, CA

### **Planning Committee Chairperson / Event Facilitator**

- Led 15 person committee to organize and execute a community-building event focused on the creation of new sustainable community groups
- Served as summit facilitator using Open Space principles

08/2006 – 12/2006

## **UNITED STATES FISH AND WILDLIFE SERVICE**

Fremont, CA

### **Environmental Education Intern**

- Created, revised, and presented interactive lessons on wetland habitat and coastal marine environments to over 1000 K-6 students
- Administered and supported educator-led on-site field trips for large student groups

09/2005 – 07/2006

## **WEST VIRGINIA SUSTAINABLE COMMUNITIES PROJECT**

Summersville, WV

### **AmeriCorps Member**

- One of six founding members of the sustainable communities project
- Built relationships with local government, non-profits, radio stations, newspapers, businesses, schools, and families to promote our initiatives and leverage resources
- Created pollution prevention education materials including interactive games, press releases, pamphlets, and Powerpoint presentations
- Conducted over 30 free home energy audits and provided basic weatherization for families enrolled in the Low Income Housing Energy Assistance Program

## **TRAININGS AND CERTIFICATIONS**

08/2011

Emergency Medical Technician-Basic (expired 04/2013)

04/2011

Wilderness First Responder – National Outdoor Leadership School (expired 04/2013)

09/2007

Leave No Trace Trainer



## Kevin Kenley

### Local Agency Formation Commission for San Bernardino County 2022-2026 Alternate Special District Member

Dear San Bernardino County Special District Members:

My name is Kevin Kenley and I am currently seeking to serve as your Alternate Special District Member for the San Bernardino LAFCO. I was elected to the Cucamonga Valley Water District (CVWD) Board of Directors in November 2019 to represent Division I, which covers portions of southern Rancho Cucamonga and northeastern Ontario. I have lived in southern Rancho Cucamonga since 2001, with my wife and children, where I am also an active member of my community through church activities, and serving as an Assistant Scout Master for my son's Boy Scout troop. I have worked at UPS for over nineteen years, fifteen years of which have been in management, and am currently appointed to represent the company in their government outreach program.



Since being elected to the CVWD Board of Directors, I have worked hard to learn as much as possible about the workings and dynamics of the local and regional water systems, and the unique role that Special Districts play in local governance. I currently serve on CVWD's Engineering and Government & Public Affairs Committees where I oversee the investments in our infrastructure, as well as our legislative and government engagement. In my ongoing endeavor to learn more about local government, special districts and the critical services they provide, I completed the Special District Leadership Academy Governance Foundations course through the California Special Districts Association last year, which provided me with even greater insight into what my responsibilities as an elected Special District representative are.

I am excited at the prospect of representing special districts and being an effective voice for all of our agencies on critical issues facing us in the region and state. My drive for serving my community and ensuring its ability to flourish has been a long-standing passion that has kept me engaged at the local and regional government levels. I have witnessed the importance and need for effective representation of special districts not only in the Inland Empire but also throughout California. I ask that you entrust me with the opportunity to be that effective voice for you and the special districts in San Bernardino County. Please feel free to reach out to me at (909) 489-1202 should you have questions or concerns.

A handwritten signature in black ink, appearing to read 'Kevin Kenley'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.



## David E. Raley

---

1350 E. Highland Avenue  
Redlands, CA 92374

Phone: 909.437.9003

Fax: 909.798.9248

E-mail: mustangder@aol.com

### Objective

**To become the alternate Local Agency Formation Commission for San Bernardino County LAFCO Special Districts Representative**

### Qualifications

I have a keen interest in ensuring the fair and equitable treatment of Special District interests and concerns are handled by the Local Agency Formation Commission for San Bernardino County (LAFCO) at functions, meetings and activities. I believe I clearly understand the needs and interests of a significant number of the Special Districts and it will be my mission to learn of others. When elected I plan to attend all of the LAFCO meetings, as the alternate, and provide ALL Special Districts with summaries of events and/or decisions which directly or indirectly affect Special Districts.

### Work History

**Director, San Bernardino Valley Water Conservation District — 2010 to Present.** I am Chairman of the Finance and Administration Committee and through the efforts of a superior Board lead by President McDonald and a truly outstanding General Manager, Mr. Daniel Cozad the District has developed and maintained an outstanding financial status while keeping our rates at or below the economic growth rates.

**Director, Crafton Hills College Foundation — 2000 to Present.** I have severed several terms as President and through the work of the Board and Foundation Staff the number of Scholarships and Other Student Support increased by 25 fold or more.

**CEO and Manager of the Norton (now Alta Vista) Credit Union — 1984 to 1998.** When I joined this military Credit Union assets were \$25 million and when I left they were over \$125 million. Our mission was to help and support both the military and civilian population. I was honored by the California Credit Union League for my outstanding support of Small Credit Unions.

**Vice President of Bierly and Associates Worker's Compensation Administrators. — 1980 to 1984.** As a Safety Consultant I assisted several Special Districts with Loss Prevention and Workers Compensation Issues.

Officer and Pilot in the United States Air Force — 1955 to 1980 — Enlisted as an Aviation Cadet and Retired as a Full Colonel.

### Education

Masters Degree in Business Administration, Arizona State University

Bachelor of Science Degree, University of Maryland

### References

Richard Corneille, 834 Eastwood Street, Redlands, CA 92374

Donald Singer, 15585 Mallory Drive, Redlands, CA 92373

February 16, 2022

Letter of Interest

Dear Special District Agency Representatives,

I appreciate the opportunity in placing my name in the hat of well qualified candidates for the Local Agency Formation Commission (LAFCO) as an Alternate. I have received the support from the Hesperia Recreation and Park Districts' Board of Directors to submit my name for your consideration.

My background includes currently holding the position of Hesperia Recreation and Park District Board of Director, an elected position. In addition to more than 20 years of combined service in the public service arena. Ranging areas include Law Enforcement, business development and Hesperia City appointed committees to name a few.

Please feel free to contact me at 760-486-1914 should you have any questions about this letter of interest.

Thank you for your consideration.

Kind regards,

James W Roberts III

Board Member

Cell: 760-486-1914

Email: [Jroberts@hesperiaparks.com](mailto:Jroberts@hesperiaparks.com)