

**Board of Directors
San Simeon Community Services District**



BOARD PACKET

Wednesday, October 9, 2019
Regular Meeting 5:00 pm

**Cavalier Banquet Room
250 San Simeon Avenue
San Simeon, CA**

Prepared by:



GRACE
ENVIRONMENTAL SERVICES

AGENDA
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR MEETING
Wednesday, October 9, 2019
5:00 pm

CAVALIER BANQUET ROOM
250 San Simeon Avenue
San Simeon, CA 93452

1. REGULAR SESSION: 5:00 PM

A. Roll Call

B. Pledge of Allegiance

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment - Any member of the public may address the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

3. SPECIAL PRESENTATIONS AND REPORTS:

A. STAFF REPORTS:

- i. **Sheriff's Report** – Report for September.
- ii. **Superintendent's Report** – Summary of September activities.
- iii. **General Manager's Report** – Summary of September Activities.
- iv. **District Financial Summary** – Update on Monthly Financial Status.
- v. **District Counsel's Report** – Summary of September Activities.

B. BOARD OF DIRECTORS AND COMMITTEE REPORTS:

C. SPECIAL PRESENTATION:

D. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:

Public Comment - This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #3 – Special Presentations and Reports. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

4. CONSENT AGENDA ITEMS:

Public Comment - Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

A. Review and approval of Minutes for the Regular Meeting on September 11, 2019.

B. Review and approval of Disbursements Journal.

5. BUSINESS ITEMS:

Public Comment – Public comment will be allowed for each individual business item. Members of the public wishing to speak on business items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes per person for each business item.

- A. Consideration and Adoption of a Mitigated Negative Declaration for San Simeon CSD Community water tank project. (MND public comment period September 9, 2019 - November 13, 2019).**
- B. Discussion regarding amendment of harassment policy in the Policy & Procedures Manual.**
- C. Discussion regarding entering into a contract with Woods, LLC for grant writing services not to exceed \$10,000.00.**
- D. Discussion and direction to staff regarding a request for a letter of support for the IWMA for an ordinance regulating polystyrene and expanding polystyrene (EPS) food containers and products.**

6. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – Requests from Board members to Staff to receive feedback, prepare information, and/or place an item on a future agenda(s).

7. ADJOURNMENT

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date. This agenda was prepared and posted pursuant to Government Code Section 54954.2.

3. A. ii. SUPERINTENDENT REPORT
Jerry Copeland
Facilities Update for September 2019



SUPERINTENDENT'S REPORT

Item 3.A.ii

Prepared by: Jerry Copeland

1. Wastewater Treatment Plant

- All sampling, testing and reporting at the Wastewater Treatment Plant and the Recycled Water Facility was performed as required by the RWQCB.
- One load of sludge was hauled away.
- The composite roofing material, some roof sheathing, some exterior plywood panels, some trim boards and all fascia boards were replaced on the lab/office building at the WWTP. The exterior of the building was painted. The roof over the sludge storage tank and sludge pump control panel was replaced and painted.

2. Water Treatment and Distribution System

- All routine sampling and testing was performed. The monthly report was submitted to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW).
- Monthly water meter reading was performed.
- Monthly maintenance on the R.O. unit was performed.
- The flow meter at the distribution pump discharge at the water treatment facility failed and was replaced.
- Annual valve exercising was performed throughout the distribution system.

3. District and Equipment Maintenance

- Staff continues with all of the scheduled preventive maintenance for all the equipment at the facilities. We are recording all of these activities.

San Simeon Community Services District Superintendent's Report September 2019

MONTHLY DATA REPORT

Date	Day	Wastewater Inflow	Wastewater Inflow Daily	Wastewater Effluent Daily	Well 1 Total Daily Produced	Well 2 Total Daily Produced	Total Daily Water Produced	R.O. Inflow	R.O. Effluent Flow	R.O. Brine Flow	Distribution Chloride	Chloride Wells 1	Chloride Wells 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Flows
09/01/19	Sun	104,393	99,230	99,230	132,022	0	132,022	0	0	0	-	-	-	0	10.5	10.4	0.00	10,389
09/02/19	Mon	81,205	77,560	77,560	56,698	0	56,698	0	0	0	-	-	-	0	10.5	10.4	0.00	10,389
09/03/19	Tue	98,700	91,670	91,670	70,910	898	71,808	0	0	0	-	-	-	0	10.5	10.4	0.00	10,390
09/04/19	Wed	71,048	64,580	64,580	94,846	0	94,846	0	0	0	-	-	-	0	10.5	10.4	0.00	14,716
09/05/19	Thu	73,614	68,070	68,070	73,379	0	73,379	4549	2931	1618	-	-	-	0	10.5	10.4	0.00	9,783
09/06/19	Fri	90,815	82,370	82,370	68,592	0	68,592	0	0	0	-	-	-	0	10.5	10.4	0.00	8,879
09/07/19	Sat	87,549	79,680	79,680	78,690	0	78,690	0	0	0	-	-	-	0	10.5	10.4	0.00	9,609
09/08/19	Sun	89,969	81,790	81,790	69,714	0	69,714	0	0	0	-	-	-	0	10.6	10.5	0.00	12,245
09/09/19	Mon	80,743	71,340	71,340	70,536	0	70,536	0	0	0	-	-	-	0	10.4	10.5	0.00	11,275
09/10/19	Tue	82,577	75,800	75,800	79,886	0	79,886	0	0	0	-	-	-	0	10.4	10.5	0.00	9,294
09/11/19	Wed	81,917	75,830	75,830	63,580	898	64,478	0	0	0	-	-	-	0	10.6	10.5	0.00	10,072
09/12/19	Thu	69,092	65,600	65,600	76,371	0	76,371	0	0	0	-	-	-	0	10.7	10.6	0.00	9,136
09/13/19	Fri	49,721	47,560	47,560	72,332	0	72,332	0	0	0	-	-	-	0	10.7	10.6	0.00	8,386
09/14/19	Sat	114,521	110,500	110,500	99,185	0	99,185	0	0	0	-	-	-	0	10.7	10.6	0.00	8,654
09/15/19	Sun	89,599	86,620	86,620	63,505	0	63,505	0	0	0	-	-	-	0	10.7	10.6	0.00	11,851
09/16/19	Mon	77,443	74,810	74,810	83,252	0	83,252	0	0	0	-	-	-	0	10.7	10.6	0.00	11,722
09/17/19	Tue	72,758	71,250	71,250	46,301	36,428	82,729	0	0	0	-	-	-	0	10.7	10.6	0.00	8,974
09/18/19	Wed	64,547	65,600	65,600	57,521	0	57,521	0	0	0	-	-	-	0	10.8	10.7	0.00	10,260
09/19/19	Thu	82,374	76,640	76,640	69,639	0	69,639	0	0	0	-	-	-	0	10.9	10.8	0.00	9,356
09/20/19	Fri	62,195	62,350	62,350	100,232	0	100,232	0	0	0	-	-	-	0	10.9	10.8	0.00	10,250
09/21/19	Sat	88,152	80,420	80,420	70,013	0	70,013	0	0	0	-	-	-	0	10.9	10.8	0.00	10,296
09/22/19	Sun	91,851	86,950	86,950	68,592	0	68,592	0	0	0	-	-	-	0	10.8	10.7	0.00	12,578
09/23/19	Mon	85,310	79,990	79,990	70,162	0	70,162	0	0	0	-	-	-	0	11.0	10.9	0.00	10,878
09/24/19	Tue	71,716	69,080	69,080	69,265	0	69,265	0	0	0	-	-	-	0	11.0	10.9	0.00	11,516
09/25/19	Wed	72,550	70,130	70,130	72,032	0	72,032	0	0	0	-	-	-	0	11.1	11.0	0.00	10,730
09/26/19	Thu	75,160	70,150	70,150	83,252	0	83,252	0	0	0	-	38	38	0	11.0	10.9	0.00	13,283
09/27/19	Fri	84,336	79,530	79,530	82,579	0	82,579	0	0	0	-	-	-	0	11.1	11.0	0.00	8,651
09/28/19	Sat	98,235	93,470	93,470	99,110	0	99,110	0	0	0	-	-	-	0	-	-	0.00	9,133
09/29/19	Sun	93,327	88,580	88,580	133,742	0	133,742	0	0	0	-	-	-	0	-	-	0.00	10,781
09/30/19	Mon	81,025	75,860	75,860	59,242	0	59,242	0	0	0	-	-	-	0	11.0	10.9	0.00	10,669
TOTALS		2,466,442	2,323,010	2,323,010	2,265,542	107,862	2,373,404	4549	2931	1618				0			0.00	314,145
Average		82,215	77,434	77,434	75,518	3,595	79,113	152	98	54	0	38	38	0	10.7	10.6	0.00	10,472
Minimum		49,721	47,560	47,560	0	0	56,698	0	0	0	0	38	38	0	10.4	10.4	0.00	8,386
Maximum		114,521	110,500	110,500	133,742	69,639	133,742	4549	2931	1618	0	38	38	0	11.1	11.0	0.00	14,716

DATA SUMMARY SHEET

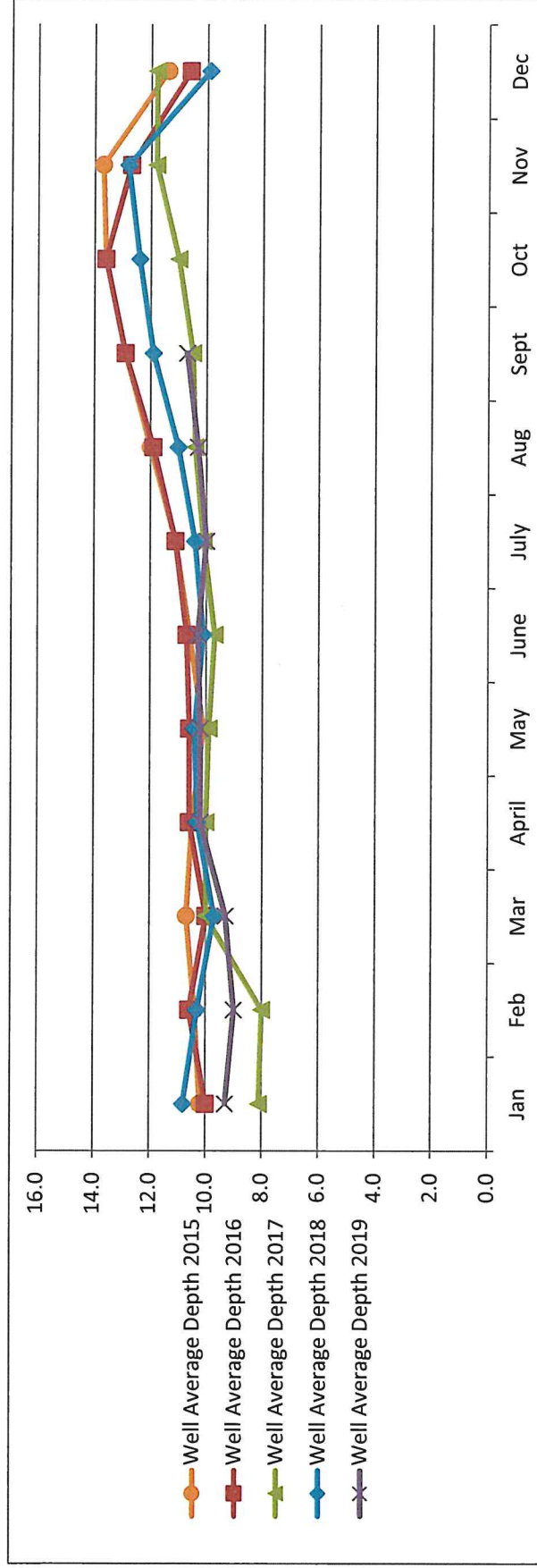
	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Total for 2019
Wastewater Influent	2,974,678	2,978,722	3,279,598	2,517,042	2,622,942	2,407,688	2,798,408	2,948,183	2,466,442				24,993,703
Wastewater Final Effluent (Month Cycle)	2,921,320	2,950,740	3,186,710	2,456,140	2,464,900	2,553,710	3,022,860	2,737,320	2,323,010				24,616,710
Adjusted Wastewater Influent (- State Flow)	2,599,672	2,540,371	2,840,773	2,267,805	2,227,432	2,089,028	2,339,678	2,543,256	2,152,297				21,600,312
Water Produced (month cycle)	1,849,654	1,643,730	2,013,823	2,212,060	2,175,858	2,456,058	2,832,302	2,609,472	2,373,404				20,166,362
Sewer Influent/Water Produced Ratio	1.61	1.81	1.63	1.14	1.24	0.98	1.09	1.13	1.04				N/A
Adjusted Sewer/Water Produced Ratio	1.41	1.55	1.41	1.03	1.06	0.85	0.91	0.98	0.91				N/A
Well 1 Water Production	103,897	59,616	60,663	1,010,024	2,108,538	2,162,169	2,574,242	2,604,610	2,265,542				12,949,301
Well 2 Water Production	1,745,757	1,584,114	1,953,160	1,202,036	67,320	293,889	258,060	4,862	107,862				7,217,061
Total Well Production	1,849,654	1,643,730	2,013,823	2,212,060	2,175,858	2,456,058	2,832,302	2,609,472	2,373,404				20,166,362
Water Well 1 Avg Depth to Water	9.0	8.7	9.0	10.0	10.2	10.4	10.0	10.3	10.7				N/A
Water Well 2 Avg Depth to Water	9.5	9.2	9.5	10.3	10.2	10.2	10.0	10.2	10.6				N/A
Average Depth to Water of Both Wells	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7				N/A
Change in Average Depth to Water from 2018	-1.5	-1.3	-0.4	-0.1	-0.2	+0.2	-0.4	-0.8	-1.3				N/A
Average Chloride mg/L at the Wells	55	44	44	46	46	38	38	38	38				N/A
State Wastewater Treated	375,006	438,351	438,825	294,237	395,510	318,660	458,730	404,927	314,145				3,438,391
State % of Total WW Flow	13%	15%	13%	12%	15%	13%	16%	14%	13%				N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0				0
Biosolids Removal (Gallons)	4,500	0	9,000	9,000	4,500	9,000	9,000	4,500	4,500				54,000
WW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0				N/A
RW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0				N/A
Constituent Exceeded	None	None	None	None	None	None	None	None	None				N/A
Sample Limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A				N/A
Sample Result	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A				N/A

2018

	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Total for 2018
Wastewater Influent	1,762,514	1,707,154	2,752,139	2,188,423	2,254,636	2,475,142	3,200,941	3,139,374	2,539,174	2,339,012	2,096,790	2,227,833	28,683,132
Wastewater Final Effluent (Month Cycle)	1,718,650	1,748,894	2,796,460	2,287,640	2,303,330	2,485,760	3,156,580	3,158,998	2,479,999	2,286,320	2,004,920	2,144,640	28,572,191
Adjusted Wastewater Influent(- State Flow) *	1,516,601	1,459,319	2,320,828	1,819,468	1,901,248	2,082,826	2,641,403	2,500,033	2,107,514	1,951,269	1,800,530	1,941,526	24,042,565
Water Produced (month cycle)	1,464,210	1,578,354	1,677,091	1,845,614	2,252,051	2,539,202	2,954,183	2,975,092	2,423,071	2,187,526	1,858,930	1,887,877	25,643,203
Sewer Influent/Water Produced Ratio	1.20	1.08	1.64	1.19	1.00	0.99	1.08	1.05	1.05	1.07	1.13	1.18	N/A
Adjusted Sewer/Water Ratio	1.04	0.92	1.38	0.99	0.84	0.82	0.89	0.84	0.87	0.89	0.97	1.03	N/A
Average Depth of Both Wells	10.8	10.3	9.7	10.3	10.4	10.1	10.4	11.0	11.9	12.4	12.8	9.9	N/A
Change in Average Depth to Water from 2017	+2.7	+2.3	-0.3	+0.3	+0.5	+0.4	+0.3	+0.6	+1.4	+1.4	+1.0	-1.9	N/A
Average Chloride mg/L at the Wells	34.5	35.5	32	35.5	35.5	32	32	32	32	34.5	45	65	N/A
State Wastewater Treated	245,913	247,835	431,311	368,955	353,388	392,298	559,538	639,341	431,660	387,743	269,260	286,307	4,613,549
State % of Total WW Flow	14%	15%	16%	17%	16%	16%	18%	20%	17%	17%	13%	13%	N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	9,600	0	4,800	9,600	4,800	4,800	13,500	13,500	9,000	4,500	4,500	4,500	83,100
WW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0	0	0	N/A
RW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0	0	0	N/A
Constituent Exceeded	None	None	None	None	None	None	None	None	None	None	None	None	N/A
Sample Limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sample Result	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

San Simeon Community Services District Superintendent's Report September 2019

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Well Average Depth 2015	10.2	10.4	10.7	10.5	10.1	10.6	11.1	12.0	12.9	13.6	13.7	11.4
Well Average Depth 2016	10.0	10.6	10.0	10.6	10.6	10.7	11.1	11.9	12.9	13.6	12.7	10.6
Well Average Depth 2017	8.1	8.0	10.0	10.0	9.9	9.7	10.1	10.4	10.5	11.0	11.8	11.8
Well Average Depth 2018	10.8	10.3	9.7	10.3	10.4	10.1	10.4	11.0	11.9	12.4	12.8	9.9
Well Average Depth 2019	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7			



3. A. iii GENERAL MANAGER'S REPORT
Charles Grace
Update for September 2019



GENERAL MANAGER'S REPORT

Item 3.A.iii

Staff Activity – Report on Staff activities for the month of September. Regular activities performed by District staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of the regular monthly utility bills. Prepared and distributed the agenda and Board packet.

Staff also attended to the following items:

- Responded to three (3) public records requests.
- Prepared documents for the October 7, 2019 accounting audit.
- Continued gathering information for the District's new website.

County Wide Hazardous Mitigation Plan – See Business Action Item 5.A

Coastal Development Permit (CDP) Special Conditions Update – Oliveria Consulting continues to perform Special Condition tasks.

Prop.1 Grant Update – On September 23, 2019 the approved projects for San Luis Obispo were presented to the State. Jeff Oliveira attended the workshop on behalf of the District. He will be providing an update on this item. On September 25, Staff received an email from the County stating that the District will be receiving a check in the amount of \$167,376.61. These funds are reimbursement for the planning and design portion of the Phase 1 master plan projects.

2000 series policy and procedures manual – Staff met with the policy and procedures ad-hoc committee twice during the month of September. During the meetings, the committee reviewed the existing policies and then delegated the revisions to staff members. Staff will present a draft version of the 2000 series to the Board once the revisions have been completed.

PG&E potential power outages and emergency measures update – Purchase of a Generator for backup power for the distribution pump and installation of a generator outlet are in progress.

3. A. iv. DISTRICT FINANCIALS
Cortney Murguia
September 30, 2019

SAN SIMEON COMMUNITY SERVICES DISTRICT



3.A.iv FINANCIAL SUMMARY

Billing September 30, 2019

August Billing Revenue	\$ 92,483.35
September Billing Revenue	\$ 93,993.41
Past Due (31 to 60 days)	\$ 390.61
Past Due (60 days)	\$ -

ENDING BANK BALANCES

September 30, 2019

RABOBANK SUMMARY:

Well Rehab Project/USDA Checking Account \$ 149.00

PACIFIC PREMIER BANK:

Money Market Account Closing Balance August 30, 2019 \$ 930,787.41
Interest for September \$ 1,784.02
USDA Loan Payment \$ (10,345.00)

Money Market Account Closing Balance September 30, 2019 \$ 922,226.43

Reserve Fund (250,000.00)
Wait-list Deposits (69,750.00)
Customer Deposits (9,100.00)
Available Funds \$ 593,376.43

General Checking Account September 30, 2019 \$ 102,349.36

LAIF Closing Balance September 30, 2019 \$ 546.09

Interest Money Market Account 2018 \$ 5,473.10
Interest Money Market Account Year to Date \$ 16,508.47

SAN SIMEON COMMUNITY SERVICES DISTRICT
Balance Sheet
As of September 30, 2019

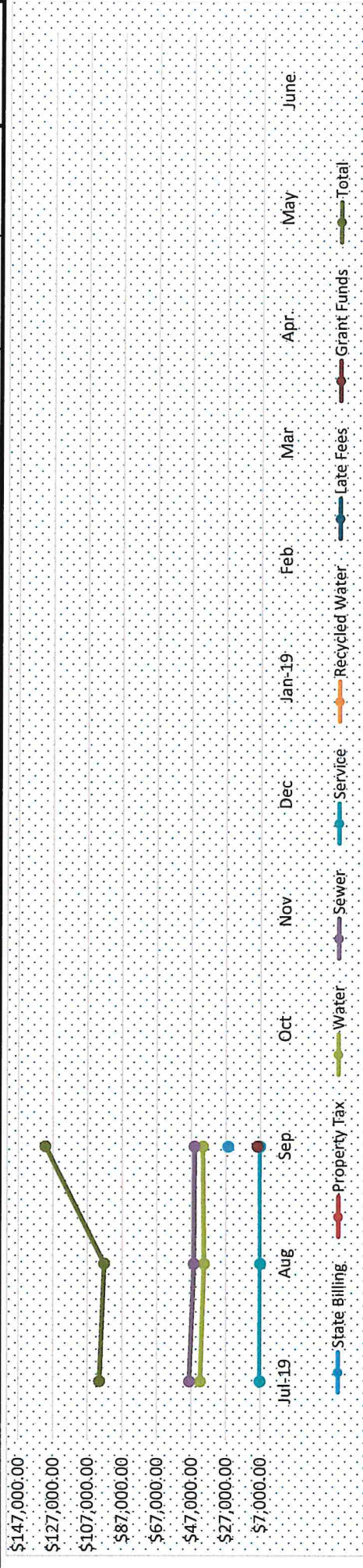
	Sep 30, 19
ASSETS	
Current Assets	
Checking/Savings	
1010 · Petty cash	150.00
1015 · Pacific Prem - General Checking	88,030.08
1017 · Pacific Premier-Money Market	922,226.43
1022 · USDA checking-Rabobank-7466	164.00
1040 · Cash in county treasury	108.33
1050 · LAIF - non-restricted cash	546.49
Total Checking/Savings	1,011,225.33
Other Current Assets	
1200 · Accounts receivable	99,823.92
1220 · A/R - Hearst Castle	19,390.52
1300 · Prepaid expenses	7,622.13
Total Other Current Assets	126,836.57
Total Current Assets	1,138,061.90
Fixed Assets	
1400 · Fixed assets	
1420 · Building and structures	395,874.73
1500 · Equipment	316,747.53
1540 · Major Water Projects	190,360.90
1560 · Pipe bridge	28,075.58
1580 · Sewer plant	1,488,555.08
1600 · Water system	550,390.00
1620 · WWTP expansion	299,565.92
1630 · Tertiary Project	262,932.67
1640 · Wellhead Rehab Project	450,827.53
1650 · Walkway access projects	21,511.00
1660 · RO Unit	931,966.97
1670 · Reservoir / Water Tanks	171,122.79
1680 · Generator	29,101.14
Total 1400 · Fixed assets	5,137,031.84
1690 · Accumulated depreciation	(2,467,530.17)
Total Fixed Assets	2,669,501.67
TOTAL ASSETS	3,807,563.57

SAN SIMEON COMMUNITY SERVICES DISTRICT
Balance Sheet
As of September 30, 2019

	Sep 30, 19
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 · Accounts payable	270.00
Total Accounts Payable	270.00
Other Current Liabilities	
2100 · Payroll liabilities	(15.30)
2500 · Customer security deposits	9,150.00
2510 · Connect hookup wait list	69,750.00
2520 · USDA Loan	447,476.07
Total Other Current Liabilities	526,360.77
Total Current Liabilities	526,630.77
Total Liabilities	526,630.77
Equity	
3200 · Fund balance	3,275,440.52
Net Income	5,492.28
Total Equity	3,280,932.80
TOTAL LIABILITIES & EQUITY	3,807,563.57

DISTRICT REVENUE FY 2019/2020

	Jul-19	Aug	Sep	Oct	Nov	Dec	Jan-19	Feb	Mar	Apr.	May	June	Totals
State Billing			\$25,528.71										\$25,528.71
Property Tax	\$1,218.61	\$2,752.21	\$3,126.48										\$7,097.30
Water	\$41,718.97	\$39,623.52	\$40,324.01										\$121,666.50
Sewer	\$48,137.21	\$45,503.27	\$45,161.69										\$138,802.17
Service	\$7,113.60	\$7,045.20	\$7,079.40										\$21,238.20
Recycled Water													\$0.00
Late Fees	\$1,957.04	\$2,399.24	\$1,407.87										\$5,764.15
Grant Funds			\$8,750.00										\$8,750.00
Total	\$100,145.43	\$97,323.44	\$131,378.16										\$328,847.03
Water Sold Cu Ft	336845	319458	323518										979821
Water Sold Acre ft	7.73	7.33	7.43										22.49



REVENUE VS EXPENSES

	Jul-19	Aug	Sep	Oct	Nov	Dec	Jan-19	Feb	Mar	Apr.	May	June	Totals
Revenue	\$100,145.43	\$97,323.44	\$131,378.16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$328,847.03
Expenses	\$90,205.84	\$67,705.50	\$94,401.58										\$252,312.92
Balance	\$9,939.59	\$29,617.94	\$36,976.58	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$76,534.11



**SAN SIMEON COMMUNITY SERVICES
HISTORICAL FISCAL REVIEW**

FY 2016/2017

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$12,485.00			\$13,986.07			\$29,440.40			\$23,960.29	\$79,881.76
Property Tax	\$1,161.69		\$1,184.42	\$6,789.01	\$6,970.82	\$28,878.98	\$2,456.74	\$2,966.66	\$2,421.97	\$23,540.38	\$415.92	\$1,111.78	\$77,898.37
Water	\$36,292.1	\$36,746.52	\$31,241.74	\$29,953.03	\$22,549.49	\$19,445.8	\$25,600.5	\$22,112.36	\$19,816.90	\$27,563.35	\$27,763.55	\$31,331.40	\$330,416.71
Sewer	\$41,862.8	\$43,190.60	\$36,386.89	\$35,106.74	\$25,574.57	\$21,817.9	\$29,037.7	\$24,590.36	\$22,440.87	\$31,022.32	\$31,228.75	\$34,851.59	\$377,111.12
Service	\$6,559.5	\$6,472.20	\$6,472.20	\$6,472.20	\$6,626.30	\$6,533.8	\$6,503.0	\$6,503.02	\$6,503.02	\$6,503.02	\$6,564.66	\$6,626.30	\$78,339.28
Recycled Water						\$216.4							\$216.35
Late Fees	\$485.7	\$97.52	\$595.71	\$316.72	\$353.70	\$1,587.7	\$366.8	\$1,387.73	\$735.52	\$202.87	\$187.94	\$804.03	\$7,121.95
Total Revenue	\$86,361.78	\$86,506.84	\$88,365.96	\$78,637.70	\$62,074.88	\$92,476.61	\$63,964.81	\$57,560.13	\$81,358.68	\$88,831.94	\$66,160.82	\$98,685.39	\$950,985.54
Total Expense	\$127,105.89	\$72,035.48	\$114,268.09	\$71,273.31	\$75,340.87	\$66,017.87	\$71,441.43	\$72,822.48	\$152,049.21	\$62,994.78	\$77,525.44	\$71,657.28	\$1,034,532.13
Water Sold Cu Ft	324654	324654	281207	269907	203338	175391	232048	200704	179990	249876	249279	282352	2,973,400
Water Sold Acre ft	7.45	7.45	6.46	6.20	4.67	4.03	5.33	4.61	4.13	5.74	5.72	6.48	68.26

FY 2017/2018

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$24,606.31			\$21,914.14			\$21,542.66			\$23,690.87	\$91,753.98
Property Tax	\$1,282.43		\$121.78	\$3,983.38	\$11,222.22	\$31,099.09	\$7,506.90	\$2,750.02	\$640.94	\$22,168.20	\$1,686.05	\$771.97	\$83,232.98
Water	\$34,880.43	\$36,192.33	\$31,137.52	\$27,999.25	\$26,930.07	\$19,762.53	\$22,551.64	\$25,457.70	\$16,741.07	\$28,408.76	\$27,795.23	\$36,075.95	\$333,932.48
Sewer	\$38,495.46	\$39,770.86	\$33,836.96	\$30,919.58	\$29,421.68	\$21,164.32	\$25,021.12	\$28,652.26	\$19,108.33	\$32,900.73	\$31,492.38	\$40,773.70	\$371,557.38
Service	\$6,820.12	\$6,950.95	\$6,821.63	\$6,659.98	\$6,886.29	\$6,886.29	\$6,789.30	\$6,853.96	\$6,724.64	\$6,724.64	\$6,724.64	\$6,724.64	\$81,567.08
Recycled Water													\$0.00
Late Fees	\$628.24	\$379.06	\$292.61	\$241.85	\$221.14	\$159.01	\$113.69	\$197.92	\$487.09	\$284.43	\$202.63	\$179.47	\$3,387.14
Total Revenue	\$82,106.68	\$83,293.20	\$96,816.81	\$69,804.04	\$74,681.40	\$100,985.38	\$61,982.65	\$63,911.86	\$65,244.73	\$90,486.76	\$67,900.93	\$108,216.60	\$965,431.04
Total Expense	\$94,660.34	\$87,503.06	\$104,489.98	\$71,763.52	\$62,490.35	\$85,613.60	\$88,196.48	\$73,251.65	\$109,510.66	\$70,856.21	\$80,363.24	\$80,743.66	\$1,009,442.75
Water Sold Cu Ft	299369	310960	266284	241692	232942	169355	194345	217741	144425	244412	237414	308832	2,867,771
Water Sold Acre	6.87	7.14	6.11	5.55	5.35	3.89	4.46	5.00	3.32	5.61	5.45	7.09	65.84

FY 2018/2019

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$26,723.91			\$20,971.00			\$19,858.71			\$19,390.52	\$86,944.14
Property Tax	\$1,288.59		\$169.19	\$7,205.82	\$8,542.19	\$33,187.58	\$1,319.32	\$4,888.55	\$2,227.01	\$22,928.34	\$3,062.24	\$1,057.02	\$85,875.85
Water	\$41,336.59	\$45,279.14	\$41,178.74	\$34,050.67	\$30,760.16	\$24,353.21	\$29,009.60	\$27,745.06	\$24,146.67	\$35,445.24	\$29,158.01	\$38,455.33	\$400,918.42
Sewer	\$47,258.33	\$53,156.35	\$47,379.43	\$39,628.31	\$35,491.84	\$28,149.21	\$34,169.78	\$32,181.86	\$27,850.19	\$41,666.62	\$33,854.74	\$44,856.07	\$466,642.73
Service	\$7,111.73	\$7,113.60	\$7,113.60	\$7,113.60	\$7,079.40	\$7,079.40	\$7,147.80	\$7,079.40	\$7,079.40	\$7,079.40	\$7,045.20	\$7,079.40	\$85,121.93
Recycled Water					\$0.00								\$0.00
Late Fees	\$461.43	\$201.49	\$290.08	\$188.71	\$600.53	\$135.60	\$178.43	\$146.51	\$126.87	\$177.46	\$111.54	\$272.66	\$2,871.31
Total Revenue	\$97,456.67	\$105,750.58	\$122,854.95	\$88,167.11	\$82,474.12	\$113,876.00	\$71,824.93	\$72,041.38	\$81,288.85	\$107,297.06	\$73,231.73	\$111,111.00	\$1,127,374.38
Total Expense	\$81,495.91	\$74,250.58	\$102,279.81	\$104,990.12	\$111,554.79	\$92,037.25	\$94,850.91	\$94,625.06	\$71,744.58	\$105,016.25	\$89,244.32	\$98,066.81	\$1,120,156.39
Water Sold Cu Ft	334631	367360	332914	275609	243491	195107	236456	227602	197397	288979	236030	311046	3,246,622
Water Sold Acre	7.68	8.43	7.64	6.33	5.59	4.48	5.43	5.23	4.53	6.63	5.42	7.14	74.53

4. CONSENT AGENDA

- A. Consideration of approval of the September 11, 2019 meeting minutes.**

MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR MEETING
Wednesday, September 11, 2019
6:00 pm

CAVALIER BANQUET ROOM
250 San Simeon Avenue
San Simeon, CA 93452

1. REGULAR SESSION @ 6:04 PM

- | | |
|--|---------------------------------------|
| A. Chairperson Kellas – Present | General Manager, Charlie Grace |
| Vice-Chairperson McGuire – Present | District Counsel, Natalie Frye Laacke |
| Director Russell – Present | |
| Director Stanert – Present | |
| Director Carson – Absent | |

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment – None

3. SPECIAL PRESENTATIONS AND REPORTS:

A. STAFF REPORTS:

- i. Sheriff's Report** – Commander Nelson reported 71 calls for the month of August.
- ii. Superintendent's Report** – Jerry Copeland provided a summary of August activities.
- iii. General Manager's Report** – Charlie Grace provided a summary of August activities.
- iv. District Financial Summary** – Cortney Murguia provided a summary of the District financials.
- v. District Counsel's Report** – Natalie Frye Laacke provided a summary of August activities.

There was discussion between Natalie Frye Laacke and the Board members regarding the Fair Political Practices Commission (FPPC) and potential conflicts related to the Board members and decisions related to the movement of the waste water treatment plant.

B. BOARD OF DIRECTORS AND COMMITTEE REPORTS:

No reportable activity.

C. SPECIAL PRESENTATION:

- i. Presentation by Simply Clear Marketing & Media related to the website.**
(This item was presented after the Superintendents report.) Simply Clear Marketing presented a brief visual presentation on the new website

D. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:

Public Comment – None

4. CONSENT AGENDA ITEMS:

Public Comment – None

- A. Review and approval of Minutes for the Regular Meeting on August 14, 2019.
- B. Review and approval of Disbursements Journal.

Cortney Murguia asked that the name of the Commander listed in the September sheriff report section be updated in the minutes to reflect "Officer Slaughter".

A motion was made to approve the consent agenda items 4A and 4B.

Motion by: Director Russell

2nd: Chairperson Kellas

All in: 4 /0

Absent: Director Carson

5. BUSINESS ITEMS:

Public Comment – None

A. Approval of Resolution 19-413 Conflict of Interest Code.

A motion was made to approve Resolution 19-413.

Motion by: Chairperson Kellas

2nd: Vice-Chairperson McGuire

All in: 4 /0

Absent: Director Carson

Chairperson Kellas: YES

Vice-Chairperson McGuire: YES

Director Russell: YES

Director Stanert: YES

Director Carson: ABSENT

B. Discussion regarding moving the start time of the regular Board meeting time from 6 pm to 5 pm.

There was a discussion among the Board members about moving the start time of the Board meetings.

A motion was made to move the start time of the Board meeting from 6pm to 5pm and to reevaluate the time in March 2020.

Motion by: Chairperson Kellas

2nd: Vice-Chairperson McGuire

All in: 3 /1

Abstain: Director Stanert

Absent: Director Carson

C. Review of draft Mitigated Negative Declaration for District water tank project.

Jeff Oliveira was present and provided information on the MND and the review process.

Vice-Chairperson McGuire noted a change on page 43 in the second paragraph. Second to the last sentence should read "would not change".

Director Stanert discussed the infrastructure piping and inquired about the location of the pipes.

Jeff Oliveira responded that the new piping would not be installed in previously undisturbed areas.

There was a discussion between Director Stanert, Director Russell and Jeff Oliveira related to nighttime lighting plan, the Highway 1 view corridor, mitigation related to these topics.

There was no action taken on this item.

D. Discussion regarding amendment of harassment policy in the Policy & Procedures Manual.

Chairperson Kellas introduced the item. She asked that District staff and legal counsel review the draft version of the harassment policy and

A motion was made to direct staff and legal counsel to further review the policy and provide their findings to the Board.

Motion: Director Russell

2nd: Chairperson Kellas

All in: 3/1

No: Vice-Chairperson McGuire

Absent: Director Carson

E. Discussion and approval for Staff to install a portable generator external power connection for the RO building booster pump and accessory items not to exceed \$15,000.

Chairperson Kellas introduced the item.

Director Russell and Charlie Grace discussed the overall price and how many quotes had been obtained.

A motion was made to direct staff to move forward with the pump and accessory items not to exceed \$15,000.00.

Motion by: Chairperson Kellas

2nd: Director Stanert

All in: 4 /0

Absent: Director Carson

F. Discussion and approval for Staff to purchase a 15kW generator not to exceed \$8,000.

A motion was made to direct staff to move forward with the purchase of the generator not to exceed \$8000.00.

Motion by: Chairperson Kellas

2nd: Director Stanert

All in: 4 /0

Absent: Director Carson

6. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –None

7. ADJOURNMENT @ 7:27 PM

4. CONSENT AGENDA

B. Consideration of approval of Disbursements Journal

SAN SIMEON COMMUNITY SERVICES DISTRICT
Disbursements Journal
October 2019

Type	Date	Num	Name	Memo	Paid Amount
Disbursements made in September after BOD meeting					
Bill Pmt -Check	09/23/2019	1875	Jerardo De Alba dba De Alba Construction	Repairs & maintenance - remove & replace fascia, roof, and paint exterior. Inv #203 dated 9/16/19	-7,500.00
Bill Pmt -Check	09/23/2019	1876	Jerardo De Alba dba De Alba Construction	Repairs & maintenance - remove carport and rebuild at WWTP. Inv #204 dated 9/16/19.	-4,370.00
Bill Pmt -Check	09/23/2019	1877	Jerardo De Alba dba De Alba Construction	Repairs & maintenance - change order for services at WWTP. Inv #205 dated 9/18/19.	-1,065.00
October 2019 Disbursements					
Paycheck	10/01/2019	1878	GWEN KELLAS	Board Service Sept 2 through Oct 1, 2019.	-92.35
Paycheck	10/01/2019	1879	JOHN K RUSSELL	Board Service Sept 2 through Oct 1, 2019.	-92.35
Paycheck	10/01/2019	1880	JULIA A GREENAN	Board Service Sept 2 through Oct 1, 2019.	-92.35
Paycheck	10/01/2019	1881	MARY M MCGUIRE	Board Service Sept 2 through Oct 1, 2019.	-92.35
Bill Pmt -Check	10/09/2019	1882	Gonzales, Sandra	Customer security deposit refund for billing account #385 as of 10/1/19.	-50.00
Bill Pmt -Check	10/09/2019	1883	Lindenman, J / Avery, O.	Customer security deposit refund for billing account #342 as of 10/1/19.	-50.00
Bill Pmt -Check	10/09/2019	1884	Adamski Moroski Madden Cumberland & Green	Legal services related to rip rap, CDP coastal commission through July 31. Inv #47909 dated 8/15/19.	-3,203.50
Bill Pmt -Check	10/09/2019	1885	Adamski Moroski Madden Cumberland & Green	Regular monthly legal services through July 31. Inv #47910 dated 8/15/19.	-3,517.57
Bill Pmt -Check	10/09/2019	1886	Adamski Moroski Madden Cumberland & Green	Legal services related to FPPC, Greenspace, and CDP. Services performed through August 31. Inv #48167 dated 9/11/19.	-1,028.24
Bill Pmt -Check	10/09/2019	1887	Adamski Moroski Madden Cumberland & Green	Regular monthly legal services performed through August 31. Inv #48168 dated 9/11/19.	-2,214.50
Bill Pmt -Check	10/09/2019	1888	Adamski Moroski Madden Cumberland & Green	Legal services on Policy Manuals performed through August 31. Inv #48169 dated 9/11/19.	-64.50
Bill Pmt -Check	10/09/2019	1889	Kathleen Fry Bookkeeping Services	Bookkeeping Services Sept 2019. Inv #2019-09 dated 9/30/19.	-1,200.00
Bill Pmt -Check	10/09/2019	1890	Oliveira Environmental Consulting LLC	Professional environmental consulting services regarding Mitigated Negative Declaration for Reservoir/Water Tank project 7/24/19 through 10/1/19. Inv #OEC-2019-024 dated 10/1/19.	-10,860.00
Bill Pmt -Check	10/09/2019	1891	Rogelio Salas	Weed Abatement services: Pico, Jasper and Vista del Mar. Inv #7783 dated 9/8/19. Inv #EW-1019063 dated 9/27/19.	-1,750.00
Bill Pmt -Check	10/09/2019	1892	SWRCB-State Water Resource Control Board	Water System enforcement fees for FY 18-19. System No 4000568.	-270.00
Bill Pmt -Check	10/09/2019	1893	The Tribune	Ordinance Summary regarding rate increase. Inv #1774624 dated 9/1/19.	-152.46
Bill Pmt -Check	10/09/2019	1894	Grace Environmental	Reimbursement for Mitigated Negative Declaration costs: hard drives, printing of packets, overnight shipping. Inv #1321 dated 9/20/19.	-1,618.09
Bill Pmt -Check	10/09/2019	1895	Grace Environmental	Operations Management and Maintenance Fees Oct 2019. Inv #1323 dated 10/01/2019.	-53,495.12
Check	10/25/2019	Elec Pymt	CalPERS Fiscal Services Division	Retiree Health monthly premium prepaid for Nov 2019.	-362.07
Check	10/25/2019	Elec Pymt	CalPERS Fiscal Services Division	Unfunded Accrued Liability only - prepaid for Nov 2019. Cust. ID # 7226734344.	-1,199.93
Liability Check	10/25/2019	Elec Pymt	United States Treasury	Payroll tax payment for 4 paychecks dated 10/01/19.	-61.20
TOTAL					-94,401.58

5. A. Business Items



BUSINESS ACTION ITEM STAFF REPORT

Item 5.A. Approval of Mitigated Negative Declaration for San Simeon CSD Community water tank project. (MND public comment period with modified end date (September 9, 2019 – November 13, 2019)).

The Mitigated Negative Declaration (MND) for the San Simeon CSD Community Water Tank project was presented to the Board as part of the September 11, regularly scheduled Board Meeting. A Public Notice was published in the Tribune on September 7, 2019 informing the public about the project and where to find additional information. To date one comments has been received. Although the public comment period for the MND was published in several other places, it has come to staff's attention that the comment period dates were missing from the newspaper notice. In order to address any confusion, comments on the MND will be accepted for an additional 33 days past the original October 9, deadline. The extended public comment period deadline is 12pm on November 13, 2019. Additional opportunities for public comments will be included as part of the anticipated land use permitting process through the County of San Luis Obispo.

Enc: Resolution 19-414 Adoption of the MND

RESOLUTION NO. 19-414

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR THE COMMUNITY WATER TANK PROJECT AND MAKING THE REQUIRED ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the San Simeon Community Services District (the “District”) proposes to implement the Community Water Tank Project (the “Project”); and

WHEREAS, the Project consists of installation of two new water storage tanks at 400,000 gallons each with each tank being approximately 25.5 feet tall and having a diameter of 50 feet total. The new water tanks would be located approximately 530 feet northeast of the existing water reservoir and up-slope from the existing reservoir. The new tanks would be located on a new concrete pad approximately 175 feet long by 87 feet wide, with approximately 300 feet of proposed utility trenching in native soils. The tank pad would be graded into the existing on-site slope resulting in 2:1 finished slope along the tank pad; and

WHEREAS, the District is the lead agency for the preparation and consideration of environmental documents for the Project, as defined in the California Environmental Quality Act (“CEQA”) and the State of California Guidelines for Implemental of the California Environmental Quality Act; and

WHEREAS, an Initial Study for the Project has been completed pursuant to CEQA which identifies potentially significant effects on the environment which would result from the Project, and concludes that these impacts can be avoided or reduced to a level of insignificance with adoption and implementation of certain mitigation measures therein identified and listed; and

WHEREAS, based on this Initial Study, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared in accordance with CEQA, which finds that any potentially significant environmental effects of the proposed project would be sufficiently mitigated to a level of insignificance with implementation of mitigation measures specified therein; a complete copy of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and all supporting exhibits and documents are on file and can be viewed at the District office; and

WHEREAS, the District published a notice of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project on September 7, 2019, which started a 30-day public review period. The notice was posted at the District office, posted on the District’s website, included in the District’s Board packet of its September 11, 2019 Regular meeting, distributed through the State Clearinghouse, published in *The Tribune*; and comments from the public and interested persons were invited; and

WHEREAS, at its October 9, 2019 Board meeting, the District Board reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Project, any comments received to-date and the responses prepared, invited additional comments from the public, and intends to take actions on the Project in compliance with CEQA and its guidelines; and

WHEREAS, the District conducted its own independent analysis of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and determined that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan were appropriate as there is substantial evidence the Project would not result in any significant environmental impacts and the mitigated negative declaration reflects the District's independent judgment and analysis; and

WHEREAS, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan are, by this reference, incorporated into this Resolution as if fully set forth herein.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors that:

1. The recitals set forth above are held to be true and correct and, by this reference, are hereupon incorporated as findings.

2. The Board of Directors has independently reviewed, analyzed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and the whole record before it (including the Initial Study and any comments received) and based on the foregoing, the Board of Directors hereby finds that all environmental impacts of the Project with mitigation measures are below a level of significance and there is no substantial evidence supporting a fair argument that the Project will have a significant effect on the environment.

3. The Board of Directors find the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been completed in compliance with CEQA and consistent the State of California Guidelines for the Implementation of the California Environmental Quality Act.

4. The Board of Directors finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan represents the independent judgment and analysis of the District as the lead agency for the Project.

5. The Board of Directors further finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan is adequate to serve the required CEQA environmental documentation for the Project and hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.

6. The District's General Manager is the custodian of the records of the proceedings on which this decision is based. The records are located at 111 Pico Avenue, San Simeon, CA 93452.

7. The Board of Directors directs staff to file a notice of determination with the County of San Luis Obispo within five (5) working days of adoption of this Resolution.

PASSED AND ADOPTED by the San Simeon Community Services District Board of Directors at a regular meeting held on October 9, 2019, by the following roll-call vote:

Chairperson Kellas:

Director Russell:

Vice-Chairperson McGuire:

Director Carson:

Director Stanert:

Chairperson Board of Directors of the
San Simeon Community Services District

ATTEST:

Board Secretary of the
San Simeon Community Services

APPROVED AS TO FORM:

District Counsel

5.B. BUSINESS ITEMS



BUSINESS ACTION ITEM STAFF REPORT

Item 5.B. Discussion regarding amendment of harassment policy in the Policy & Procedures Manual.

Staff has reviewed the draft harassment policy presented at the September Board meeting and reviewed the language in our current policy manual. Rather than create a new and separate policy, staff is recommending that the existing policy is modified. By inserting the language, Board members (who are not mentioned in the current policy) addresses issues and "gaps" in the current policy. Staff also pulled some language from the draft harassment policy presented at the Board meeting and added it to the current policy. All changes have been "redlined." The proposed edits are attached.

Enc: Draft version of policy manual updates
Previously introduced draft harassment policy

18.02 Anti-Discrimination and Anti-Harassment Policy

18.02.01 No Discrimination or Harassment. The District does not unlawfully discriminate on the basis of race, color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity and transitioning), gender expression and sex stereotyping, national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by local, state, or federal laws. Consistent with the law, the District also makes reasonable accommodations for disabled applicants and staff; for pregnant staff who request an accommodation (on the advice of a health care provider), for pregnancy, childbirth, or related medical conditions; for staff who are victims of domestic violence, sexual assault, or stalking; and for applicants and staff based on their religious beliefs and practices. The District is committed to creating a work environment, in which all individuals are treated with respect and dignity. Staff, Board members, and third parties interacting with the District have a right to function in a professional atmosphere that promotes positive opportunities. The District prohibits discrimination and harassment of staff or Board members by Board members, managers, co-workers, or third parties with whom staff or Board members come into contact. Similarly, the District will not tolerate harassment or discrimination by its staff or Board members of non-staff members, Board members, or other third parties with whom the District's staff or Board members have a business, service, or professional relationship.

18.02.02. Harassment Defined. Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of providing services to the District; (2) submission to or rejection of the conduct is used as the basis for a District decision; or (3) the harassment interferes with work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and may include, but is not limited to, the following (when based upon a protected status as noted above): slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work; pictures, drawings, or cartoons; violating someone's "personal space"; foul or obscene language; leering, stalking, staring; unwanted or offensive letters or poems, or offensive email or voicemail messages.

Sexually harassing conduct in particular may include all of these prohibited actions, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. Sexually harassing conduct can be by a person of either the same or opposite sex. Sexually harassing conduct need not be motivated by sexual desire to be violative of this policy.

18.02.03. Reporting and Investigating Harassing Conduct. The District understands that victims of harassment are often embarrassed and/or reluctant to report acts of harassment. However, no one should have to endure harassing conduct, and the District therefore encourages staff or Board members to promptly report any incidents of harassment so that

corrective action may be taken. Any incidents of harassment should be reported to the General Manager. If the General Manager is the individual who is committing harassment, the incident should be reported to a member of the Board. The investigation will be handled in as confidential a manner as possible consistent with a fair, timely, and thorough investigation in a manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.

18.02.04. Corrective Action. The District will not tolerate retaliation against someone for making a good faith complaint of harassment or for cooperating in an investigation. If harassment or retaliation in violation of this policy is established, the District will take appropriate corrective action. Corrective action may include, for example, training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment or other service contracts, depending on the circumstances.

Harassment of Individual San Simeon Community Service District Persons in a Non-Board Meeting

Definition of a Non-Board meeting: any discussion between two or more people in reference to the work, the decisions and or rules and policies of the San Simeon Community Service District (SSCSD).

Definition of Personal Verbal Harassment: Verbal abuse (also verbal attack or verbal assault) is the act of forcefully criticizing, insulting, or denouncing another person. Characterized by underlying anger, abrasiveness and hostility, it is a destructive form of communication intended to harm the self-concept of the other person causing a threatening environment that intentionally produces stressful and negative emotions. Personal harassment includes objectionable conduct, comment, or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment on the part of the recipient.

Policy Objective: The SSCSD is committed to a work/meeting environment in which all individuals are treated with respect and dignity. Each individual has the right to function/work in a professional atmosphere that promotes opportunities and prohibits unlawful harassment by any person.

Grievance Procedure: Any person that represents the SSCSD, its Staff, employees of Staff and Board members receiving harassment as defined above, or are witness to harassment, should immediately report the incident to the Staff and Board Chairperson. An investigation and review, by the General Manager, District Council and Board Chairperson of the incident and or witnesses will ensue.

Grievance Resolution: If it is deemed that harassment occurred, a cease and desist letter will be sent by the SSCSD's District Council to the person that caused the harassment: if this person repeats additional harassment to any associated SSCSD person, that person will be banned from attending any SSCSD work/meeting, regardless of location or content, for 2 months. At the end of the 2-month period SSCSD Staff, District Council and Board will review the decision.

5.C. BUSINESS ITEMS



BUSINESS ACTION ITEM STAFF REPORT

Item 5.C. Discussion regarding entering into a contract with Woods, LLC for grant writing services not to exceed \$10,000.00.

This proposal from Woods would make this agency readily available to assist with grant applications on an as needed basis on behalf of the District. Staff is recommending approval of this item.

Enc: Proposal for Grant Work

September 20, 2019



Ms. Gwen Kellas
San Simeon Community Services District
111 Pico Avenue
San Simeon, CA 93452

Re: Proposal for On Call Services to Provide Grant Support Services to San Simeon Community Services District

Dear Ms. Kellas,

Wood Environment & Infrastructure Solutions, Inc. (Wood) is pleased to submit this proposal to provide services to San Simeon Community Services District (SSCSD) for grant support services. Our team would provide ongoing consulting services and support for the following tasks: 1) Grants research, tracking, and communications with SSCSD and its contracting partners to advise on grant funding opportunities. Grant opportunities would be reviewed and selected in coordination with SSCSD as appropriate and feasible; and 2) Preparation of grant application submittals to applicable grant programs, including maps and letters of support. This effort includes initial pre-applications/notices of intent followed by preparation and submittal of responses and/or expanded application materials to support grant approval. We appreciate SSCSD's interest in working with our environmental planning group and look forward to working with SSCSD on this effort. Our team would be led by Ms. Julia Pujo as Project Manager, supported by Marie Laule as Grants Specialist.

Our team will provide grant support services on a time-and-materials basis not-to-exceed \$10,000 without written authorization from SSCSD, based on the standard hourly rates provided below in Table 1. The period anticipated to be covered by this proposed work is through September 31, 2020, subject to modification for additional effort or extension of contract term.

We greatly appreciate the opportunity to work with SSCSD. Please feel free to contact Ms. Julia Pujo, Project Manager, in Wood's Santa Barbara office at (805) 962-0992 x240 or julia.pujo@woodplc.com with any questions. We look forward to working with you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Aaron Goldschmidt". The signature is fluid and cursive.

Aaron Goldschmidt, Vice President
Environmental Planning Group, Wood Environment & Infrastructure Solutions, Inc.
104 W. Anapamu Street, Ste. 204A
Santa Barbara, CA 93101

Wood Environment & Infrastructure Solutions, Inc.
104 W. Anapamu Street, Suite 204A
Santa Barbara, CA 93101
Tel: (805) 962-0992
www.woodplc.com

Wood Environment & Infrastructure Solutions, Inc.		
2019 RATE AND FEE SCHEDULE		
The hourly labor rates set forth below are valid from September 1, 2019 and are subject to annual revision thereafter. Wood would provide the San Simeon Community Services District thirty (30) days advance written notice of any such revisions.		
DIRECT LABOR		
Staff	Technical Skill	Rate/Hour
Management Staff Members		
Dan Gira	Program Manager	\$190.00
Erika Leachman	Principal Planner	\$150.00
Julia Pujo	Project Manager	\$125.00
Technical Staff Members		
Marie Laule	Planner III/ Grants Specialist	\$90.00
Sydney Margallo	Planner II	\$85.00
Kaylan Lamb	Planner I	\$80.00
Hannah Thomas	Planner I	\$80.00
Aaron Johnson	GIS Analyst	\$95.00
Administrative Staff		
Janice Depew	Word Processor	\$75.00
Rosann Malloch	Project Administrator	\$100.00
Rita Samaniego	Administrative Assistant	\$70.00
OTHER DIRECT EXPENSES		
Travel Expenses:		
Transportation (mileage, car rental, etc.)		Cost plus 10% Mileage charged at \$0.54 per mile
Meals and Incidentals		Cost plus 10% Maximum GSA Daily Per Diem not to exceed \$64
Lodging		Cost plus 10%
Miscellaneous Expenses:		
Office equipment (computers, phones, etc.), space rent, & utilities		2% fee on direct labor charges only
Subcontract Expenses:		
Supplies or services furnished to Wood in support of project activities by any supplier or firm, except temporary agency or consultant staff charged at above hourly rates plus direct costs.		Cost plus 10%
Other Direct Costs (ODCs):		
Printing (double-sided)		\$0.40 per color page; \$0.10 per black & white page
Graphic Design – Deirdre Stites		\$76 per hour
Other expenses in support of project activities		Cost plus 10%

San Simeon Grant Funding Opportunities

Introduction: This document has been prepared by Wood Environment & Infrastructure Solutions, Inc. (Wood) for the San Simeon Community Services District to support efforts to obtain funding for Master Plan improvements in the District’s jurisdiction. This report identifies several State and Federal agencies that will be disbursing funds under multiple programs. This report discloses the status of each of program, contact information and general amounts of funding that may be available. Grant programs are organized and listed alphabetically by agency in this report; the programs that best fit the District’s current needs include:

- #4 Integrated Regional Water Management (IRWM) Grant Programs
- #5 Coastal Watershed Flood Risk Reduction Program
- #12 Proposition 1 – Small Community Wastewater

This report can be periodically updated to match individual outstanding projects identified in the District’s Master Plan – or otherwise preferred/requested by the District – to the most suitable funding source(s). As such, the programs that are recommended (above) may change and evolve over time (e.g., change in District priorities, application deadlines). This report was last updated on: 8/21/19

California Department of Transportation (Caltrans) https://dot.ca.gov/programs/budgets/state-transportation-grants	
<u>Program Name:</u>	1. Active Transportation Program (ATP) https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/cycle5
<u>Program Summary:</u>	The Active Transportation Program (ATP) encourages increased use of active modes of transportation, such as biking and walking.
<u>Eligibility Requirements:</u>	All eligible projects must apply with an application for one of the following project categories: <ul style="list-style-type: none"> • Infrastructure Projects: Capital improvements that will further the goals of this program. • Plans: The development of a community wide bicycle, pedestrian, safe routes to school, or active transportation plan that is located in a disadvantaged community. • Non-Infrastructure (NI) Projects: Education, encouragement, and enforcement activities that further the goals of the ATP. • Combination Projects: A project that combines Infrastructure and Non-Infrastructure components.
<u>Cycle:</u>	Next Call for Projects (Cycle 5) anticipated in Spring 2020. Cycle 5 applications accepted on an annual basis for FY 21/22, 22/23, 23/24, and 24/25.

<u>Funding Source and Amount (Max/Min):</u>	Source: Federal funding, State SB1 State Highway Account (SHA) funding. Project Minimum/Maximum: none
<u>Contact Information/Notes:</u>	<p>General and technical information (including guidelines) can be found here: https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/general-and-technical-information</p> <p>If the District applies to Caltrans as a subapplicant, Caltrans is required to submit documentation that local communities are supportive of and have provided feedback on the proposed Caltrans ATP project. Caltrans must submit documentation to support the need to address the project with ATP funds, versus other available funding sources such as the State Highway Operations and Protection Program (SHOPP). See below requirements for how to apply directly to California Transportation Commission (CTC) as a primary applicant on the site (https://catc.ca.gov/programs/active-transportation-program) and listed under Grant opportunity #3.</p>
<u>Program Name:</u>	<p>2. Sustainable Transportation Planning Grants – Sustainable Communities</p> <p>https://dot.ca.gov/programs/transportation-planning/regional-planning/sustainable-transportation-planning-grants</p>
<u>Program Summary:</u>	<p>Encourages local and regional planning that furthers state goals, including, but not limited to, the goals and best practices cited in the Regional Transportation Plan Guidelines adopted by the California Transportation Commission.</p>
<u>Eligibility Requirements:</u>	<ul style="list-style-type: none"> • Integrate Grant Program Considerations (See Pages 5-16 Application Guide) • Advance transportation related GHG emission reduction project types/strategies (i.e., mode shift, demand management, travel cost, operational efficiency, accessibility, and coordination with future employment and residential land use) • Identify and address deficiencies in the multimodal transportation system, including the needs of environmental justice and disadvantaged communities, and rural communities • Encourage stakeholder collaboration and involve active community engagement • Coordinate transportation, housing, and land use planning • Promote the region’s RTP SCS (where applicable), State planning priorities (Government Code Section 65041.1, and climate adaptation goals (Safeguarding California) • Result in funded and programmed multimodal transportation system improvements
<u>Cycle:</u>	<p>The grant application has recently been released. The application deadline is October 11, 2019.</p> <p>Grant announcements are expected in Spring 2020.</p> <p>Project Start Date: September 2020</p>

	Project End Date: February 28, 2023 (no time extensions will be granted)
<u>Funding Source and Amount (Max/Min):</u>	Funds from Federal, State, and Senate Bill (SB) 1, the Road & Repair Accountability Act of 2017. Min: \$50,000 Max: \$1,000,000
<u>Contact Information/Notes:</u>	Hana Mengsteab, Transportation Planner, Caltrans District 5 Hana_Mengsteab@dot.ca.gov 805 549 3130
<u>Program Name:</u>	3. Sustainable Transportation Planning Grants – Strategic Partnerships Grants
<u>Program Summary:</u>	Identifies and addresses deficiencies on the State highway system in partnership with Caltrans. The transit component that will fund planning projects that address multimodal transportation deficiencies with a focus on transit. This grant could potentially benefit the District if any improvements are needed on Highway 1 through San Simeon.
<u>Eligibility Requirements:</u>	District would need to apply as a subapplicant. <ul style="list-style-type: none"> • Partner with Caltrans to identify and address statewide, interregional, or regional transportation deficiencies in the State highway system (or multimodal transportation system for transit-focused projects) • Strengthen government-to-government relationships, and • Result in programmed system improvements
<u>Cycle:</u>	The grant application has recently been released. The application deadline is October 11, 2019 . Grant announcements are expected in Spring 2020. Project Start Date: September 2020 Project End Date: February 28, 2023 (no time extensions will be granted)
<u>Funding Source and Amount (Max/Min):</u>	Funds from Federal, State, and Senate Bill (SB) 1, the Road & Repair Accountability Act of 2017.
<u>Contact Information/Notes:</u>	Hana Mengsteab, Transportation Planner, Caltrans District 5 Hana_Mengsteab@dot.ca.gov 805 549 3130
California Department of Water Resources https://water.ca.gov/Work-With-Us/Grants-And-Loans	
<u>Program Name:</u>	4. Integrated Regional Water Management (IRWM) Grant Programs https://water.ca.gov/Work-With-Us/Grants-And-Loans/IRWM-Grant-Programs

<p><u>Program Summary:</u></p>	<p>Proposition 1: Regional Water Security, Climate and Drought Preparedness funding is intended to improve regional water self-reliance security and adapt to the effects on water supply arising out of climate change. Specifically, the purpose is to assist water infrastructure systems adapt to climate change; provide incentives for water agencies throughout each watershed to collaborate in managing the region’s water resources and setting regional priorities for water infrastructure; and improve regional water self-reliance.</p> <p>IRWM Grant Programs include:</p> <ul style="list-style-type: none"> • Planning • Implementation • Disadvantaged Community Involvement
<p><u>Eligibility Requirements:</u></p>	<p>As specified in Proposition 1, all proposals must:</p> <ul style="list-style-type: none"> • Respond to climate change, and • Contribute to regional water self-reliance <p>All projects must be included in an IRWM Plan that meets 2016 IRWM Plan Standards and:</p> <ul style="list-style-type: none"> • Address the most critical needs of the IRWM region • Be consistent with Statewide Priorities as identified in the Proposition 1 IRWM Grant Program Guidelines • If applicable, have an expected useful life consistent with Government Code §16767 • Have CEQA completed and permits necessary to begin construction acquired within 12 months of final grant award (final award). Some exceptions apply.
<p><u>Cycle:</u></p>	<p>Current solicitation is for Round 1 IRWM Implementation Grants. There will be a Round 2 in the future; any additional rounds (3+) will depend on amount of (if any) remaining funds that haven’t been allocated yet.</p> <p>Deadline for Pre-Application Submittal: September 10, 2019</p> <ul style="list-style-type: none"> • Workshop Dates: Sept. 23rd and 24th • DWR Feedback Deadline: Oct. 22nd 2019 • Final Application Deadline: TBD <ul style="list-style-type: none"> ○ Final applications are due 8 weeks following receipt of DWR feedback. DWR will update the online schedule for Final Application deadlines as feedback is sent out to applicants.
<p><u>Funding Source and Amount (Max/Min):</u></p>	<p>Source: Proposition 1</p> <p>Project Minimum/Maximum: none</p> <p>Match: Applicants must demonstrate that on average a minimum of 50% of the total project costs in each proposal will be paid for with non-State funds excluding projects receiving a cost share waiver or reduction. Costs incurred after January 1,</p>

	<p>2015 (the effective date of Proposition 1) can be used as local cost share; in-kind services may also be used for local cost share.</p>
<p><u>Contact Information/Notes:</u></p>	<p>DWR will solicit proposals to award funding on a competitive basis in two funding categories:</p> <ul style="list-style-type: none"> • <u>DAC Implementation Project</u>: include only those projects that provide at least 75% of its benefits directly to DACs. • <u>General Implementation Project</u>: include all other eligible implementation projects. <p>Eligible Project Types:</p> <ul style="list-style-type: none"> • Water-use efficiency and water conservation • Local and regional surface and underground water storage, including groundwater aquifer cleanup or recharge projects • Regional water conveyance facilities that improve integration of separate water systems • Watershed protection, restoration, and management projects, including projects that reduce the risk of wildfire or improve water supply reliability • Projects to reduce, manage, treat, or capture rainwater or stormwater • Projects that provide multiple benefits such as water quality, water supply, flood control, or open space
<p><u>Program Name:</u></p>	<p>5. Proposition 1 – Coastal Watershed Flood Risk Reduction Program https://water.ca.gov/Work-With-Us/Grants-And-Loans/Coastal-Watershed-Flood-Risk-Reduction</p>
<p><u>Program Summary:</u></p>	<p>The Coastal Watershed Flood Risk Reduction Grant Program will fund projects in coastal areas that focus on multi-benefit flood risk reduction. These projects will:</p> <ul style="list-style-type: none"> • Address flood risk and public safety • Enhance coastal ecosystems, including fish and wildlife habitat enhancement • Promote natural resources stewardship and public access corridors <p>Other project features may:</p> <ul style="list-style-type: none"> • Improve flow and water quality in coastal watersheds • Restore natural fluvial and related biological processes, including protecting riparian habitats • Relocate or flood-proof structures • Divert floodwater for conjunctive use • Provide transitory storage
<p><u>Eligibility Requirements:</u></p>	<p>Priority will be given to projects in the <u>Federal Emergency Management Agency’s (FEMA) Coastal VE, AE and A zones and FEMA’s Special Flood Hazard Areas (SFHAs)</u>. Coastal VE and A zones are defined as the area modeled to be inundated by sea water during a 100-year storm.</p> <p>Projects eligible for funding under this Program must address flood risk reduction and include fish and wildlife habitat enhancement benefits. Water quality</p>

	<p>enhancements are included in fish and wildlife benefits. (see Appendix C – Grant Evaluation and Scoring).</p> <p>Examples of coastal flood risk reduction projects include shoreline stabilization and other protection projects that reduce risk in low-lying coastal areas from flooding caused by storm surges and that are projected to intensify with sea level rise. Other flood risk reduction projects include, but are not limited to levee setbacks, repairs or enhancements to existing levees and other flood management infrastructure, creation or enhancement of floodplains and bypasses, and land acquisition and necessary easements for these types of projects.</p> <p>Eligible fish and wildlife benefits include but are not limited to improving water quality, protecting or enhancing wildlife habitat, implementing adaptive measures to reduce the impacts of climate change on ecosystems, protecting or restoring coastal watersheds or aquatic, wetland, or migratory bird ecosystems, removing barriers to fish passage, or fulfilling the obligations of the state of California in complying with the terms of multiparty settlement agreements related to water resources</p>
<u>Cycle:</u>	<p>Public Comment Period closes on September 9, 2019</p> <p>Draft Guidelines are available for now.</p> <p>50% non-State match requirement. Reductions in match requirement for projects that directly benefit an Economically Distressed Area (EDA), a Disadvantaged Area Community (DAC), or Severely Disadvantaged Area Community (SDAC).</p>
<u>Funding Source and Amount (Max/Min):</u>	<p>Funding Source: Proposition 1</p> <p>Project Maximum/Minimum: none</p>
<u>Contact Information/Notes:</u>	<p>Coastal@water.ca.gov</p> <p>Funding Email: Funding@water.ca.gov</p> <p>GranTS Application Issues Email: GRanTSadmin@water.ca.gov</p>
<u>Program Name:</u>	<p>6. Sustainable Groundwater Planning Grant Program https://water.ca.gov/Work-With-Us/Grants-And-Loans/Sustainable-Groundwater</p>
<u>Program Summary:</u>	<p>The Sustainable Groundwater Management (SGM) Grant Program provides funding for sustainable groundwater planning and implementation projects, which may include the development and implementation of Groundwater Sustainability Plans (GSPs) and those that provide investments in groundwater recharge with surface water, stormwater, recycled water, the prevention of groundwater contamination.</p>
<u>Eligibility Requirements:</u>	TBD
<u>Cycle:</u>	<p>Release Draft Guidelines – Planning Round 3 for Public Comment May 3, 2019</p> <p>Release Final Planning Guidelines + Grant solicitation opens Summer 2019</p>

	<p>Announce Planning Grant Final Awards Fall/Winter 2019</p> <p>Release Draft Implementation Guidelines for Public Comment Winter 2019/2020</p> <p>Release Final Implementation Grant PSP: Grant solicitation opens Summer 2020</p> <p>Announce Implementation Grant Final Awards Winter 2020/2021</p>
<u>Funding Source and Amount (Max/Min):</u>	<p>Funding Source: Proposition 1 & Proposition 68</p> <p>Project Maximum/Minimum: TBD</p>
<u>Contact Information/Notes:</u>	<p>Kelley List, PG (916) 651-9222 Kelley.List@water.ca.gov</p> <p>Zaffar Eusuff, PE, PhD (916) 651-9266 Muzaffar.Eusuff@water.ca.gov</p>
<p>California Transportation Commission https://catc.ca.gov/</p>	
<u>Program Name:</u>	<p>7. Local Streets and Roads Program https://catc.ca.gov/programs/sb1/local-streets-roads-program</p>
<u>Program Summary:</u>	<p>To be eligible to receive funding, each year, cities and counties must submit a proposed project list adopted at a regular meeting by their board or council that is then submitted to the California Transportation Commission (CTC). Once reviewed and adopted by the CTC, the list of eligible cities and counties to receive funding is sent to the Controller to begin the apportionment process for that fiscal year.</p>
<u>Eligibility Requirements:</u>	<p>**Wood has contacted to see if Community Services Districts are eligible for funding. Eligibility TBD and currently waiting for a response.</p>
<u>Cycle:</u>	<p>Project lists are due to the CTC by May 1st each year.</p>
<u>Funding Source and Amount (Max/Min):</u>	<p>Project Minimum: \$250,000. See CTC Project Selection Process in guidelines to see what maximums are for infrastructure only or</p> <p>This minimum does not apply to non-infrastructure projects, Safe Routes to Schools projects, Recreational Trail projects, and plans</p>
<u>Contact Information/Notes:</u>	<p>Alicia Sequeira Smith Assistant Deputy Director California Transportation Commission Email: Alicia.Sequeira@catc.ca.gov Phone: (916) 651-6143</p> <p>Elika Changizi Staff Services Analyst California Transportation Commission Email: Elika.Changizi@catc.ca.gov Phone: (916) 653-3159</p>
<u>Program Name:</u>	<p>8. Active Transportation Program (ATP) https://catc.ca.gov/programs/active-transportation-program</p>

<p><u>Program Summary:</u></p>	<p>The Active Transportation Program consolidated various transportation programs into a single program and was originally funded at about \$123 million a year from a combination of state and federal funds. The goals of the ATP include, but are not limited to, increasing the proportion of trips accomplished by walking and biking, increasing the safety and mobility of non-motorized users, advancing efforts of regional agencies to achieve greenhouse gas reduction goals, enhancing public health, and providing a broad spectrum of projects to benefit many type of users including disadvantaged communities.</p> <ul style="list-style-type: none"> • Scoring Rubric: https://catc.ca.gov/-/media/ctc-media/documents/cycle-4-atp-scoring-rubric-plan-ally.pdf
<p><u>Eligibility Requirements:</u></p>	<p>Not listed.</p> <p>Note: Every cycle has seen more than 85% of funds going towards projects that will benefit disadvantaged communities throughout the state.</p>
<p><u>Cycle:</u></p>	<p>Application Cycles on an annual basis. ** We will contact regarding the timeline/application for the next cycle (Cycle 5).</p>
<p><u>Funding Source and Amount (Max/Min):</u></p>	<p>Funding is sourced from a combination of state and federal funds. Funding Amount Max/Min: Not listed</p>
<p><u>Contact Information/Notes:</u></p>	<p>Laurie Waters Associate Deputy Director California Transportation Commission Email: Laurie.Waters@catc.ca.gov Phone: (916) 651-6145</p> <p>Anja Aulenbacher Assistant Deputy Director California Transportation Commission Email: Anja.Aulenbacher@catc.ca.gov Phone: (916) 653-2128</p> <p>Meghan Pedroncelli Staff Services Analyst California Transportation Commission Email: Meghan.Pedroncelli@catc.ca.gov Phone: (916) 651-9187</p>
<p>California Natural Resources Agency</p>	
<p><u>Program Name:</u></p>	<p>9. Ocean Protection Council – Proposition 1 http://www.opc.ca.gov/2015/05/prop1/</p>
<p><u>Program Summary:</u></p>	<p>he Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1 or “Prop 1”) was approved by voters in November 2014. Prop 1 is codified as Division 26.7 of the Water Code. Prop 1 funding is intended to fund projects that</p>

	meet the goals of the state Water Action Plan. More information about Prop 1 can be found at: http://bondaccountability.resources.ca.gov/p1.aspx Prop 1 allocates \$30 million to OPC for a competitive grant program for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities.
<u>Eligibility Requirements:</u>	Projects must entail the construction or acquisition of capital assets and/or activities that are incidentally but directly related to construction or acquisition, such as planning, design or engineering. Other examples of eligible projects are restoration and enhancement projects, or new or enhanced facilities. See the Grant Guidelines, Section 2.3 of the Grant Guidelines.
<u>Cycle:</u>	Last Round of Solicitations (Round 3) was March 2019
<u>Funding Source and Amount (Max/Min):</u>	Funding Source: Proposition 1 – \$30 million Funding Amount Max: \$2 million Min: \$250,000. OPC also funds “Small grants” under \$250,000
<u>Contact Information/Notes:</u>	We will continue to track updates on this grant program for Cycle 4

Federal Emergency Management Agency (FEMA)

<https://www.fema.gov/grants>

<u>Program Name:</u>	10. Pre-Disaster Hazard Mitigation Grant Program https://www.fema.gov/drra-bric
<u>Program Summary:</u>	*This program is currently being developed by FEMA and held a public comment period from May 20-July 15. Throughout this public comment period, FEMA held a series of webinars with information on development of the program. The program, Building Resilient Infrastructure and Communities (BRIC), will focus on reducing the nation’s risk by funding public infrastructure projects that increase a community’s resilience before a disaster affects an area.
<u>Eligibility Requirements:</u>	TBD
<u>Cycle:</u>	TBD
<u>Funding Source and Amount (Max/Min):</u>	Funding Source: The Disaster Recovery Reform Act (DRRA), Disaster Relief Fund Funding Amount Max/Min: TBD
<u>Contact Information/Notes:</u>	We will continue to track updates on this grant program as it is developed.

State Water Resources Control Board

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/

<u>Program Name:</u>	11. Proposition 1 – Small Community Wastewater https://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml
<u>Program Summary:</u>	<p>State Water Board has an annual Clean Water State Revolving Fund (CWSRF) Small Community Grant (SCG) Fund with an annual appropriation of \$8 million. Administering these funds as a part of the CWSRF Program allows grant funds to be easily leveraged with low-interest <u>financing</u> available through the CWSRF Program. There are three separate application avenues: Construction/Implementation, Planning or Design, and Water or Energy Audit.</p> <ul style="list-style-type: none"> • Application instructions: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/financial_assist_application_instructions.pdf • CWSRF Intended Use Plan 2019/20: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/docs/cwsrf_iup_sfy2019_20_final.pdf • CWSRF Financing Forms and Instructions: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.html • Current Project List: https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/cwsrf/cwsrf_project_list.pdf
<u>Eligibility Requirements:</u>	Open to public and local agencies.
<u>Cycle:</u>	<p>CWRSF applications are accepted on a continuous basis and eligible Project List is updated quarterly based on applications.</p> <p>**Wood to contact regarding the next funding cycle timeline (TBD).</p>
<u>Funding Source and Amount (Max/Min):</u>	<p>Funding Source: Proposition 1</p> <p>Project Maximum/Minimum: Not listed.</p>
<u>Contact Information/ Notes:</u>	<p>Jennifer Toney Senior Water Resource Control Engineer Division of Financial Assistance Small Community Wastewater Unit (916) 319-8246</p> <p>General Inquiries: CleanWaterSRF@waterboards.ca.gov or (916) 327-9978</p>
<u>Program Name:</u>	12. Proposition 1 – Storm Water Grant Program (SWGPP) https://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgpp/prop1/index.html
<u>Program Summary:</u>	Funds available for multi-benefit storm water management projects which may include, but shall not be limited to: green infrastructure, rainwater and storm water capture projects and storm water treatment facilities. Storm Water Resource Plans, or functionally equivalent plan(s), are required to obtain grant funds for storm water and dry weather capture projects. Eligible Project types include planning or

	<p>implementation – Round 1 applications for planning and SWRP development is closed. Round 2 applications for implementation will open in Late 2019.</p> <ul style="list-style-type: none"> SWGP Guidelines (2015): https://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgp/docs/prop1/prop1_swgpguidelines_final_dec2015.pdf
<u>Eligibility Requirements:</u>	Public agencies, nonprofit organizations, public utilities, federally recognized Indian tribes, state Indian tribes listed on Native American Heritage Commission's California Tribal Consultation List, and mutual water companies.
<u>Cycle:</u>	TBD
<u>Funding Source and Amount (Max/Min):</u>	Funding Source: Proposition 1 allocated grant funds. Funding Max/Min: \$10 million Max and \$250,000 Min
<u>Contact Information/Notes:</u>	<p>Daman Badyal, P.E. Senior Water Resources Control Engineer Storm Water Grant Program Damanvir.Badyal@waterboards.ca.gov (916) 319-9436</p> <p>General Inquiries: swgp@waterboards.ca.gov</p>

US Department of Agriculture (USDA)
<https://www.rd.usda.gov/programs-services/all-programs>

<u>Program Name:</u>	<p>13. Water & Waste Disposal Loan & Grant Program https://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/ca</p>
<u>Program Summary:</u>	This program provides funding for clean and reliable drinking water systems, sanitary sewage disposal, sanitary solid waste disposal, and storm water drainage to households and businesses in eligible rural areas.
<u>Eligibility Requirements:</u>	This program assists qualified applicants who are not otherwise able to obtain commercial credit on reasonable terms. Most state and local governmental entities are eligible to apply.
<u>Cycle:</u>	Applications currently accepted.
<u>Funding Source and Amount (Max/Min):</u>	This is a low-interest direct loan and grant program. Available funding includes long-term, low-interest loans; if funds are available, a grant may be combined with a loan “if necessary” to keep user costs reasonable.
<u>Contact Information/Notes:</u>	<p>State Office: Main Phone Number: (530) 792-5800 USDA Rural Development Attn: Water Programs</p>

	<p>430 G St, Agency 4169 Davis, CA 95616</p> <p><u>Pete Yribarren</u>, California Community Programs Director (805) 863-9928</p> <p><u>Katie Schmitt</u>, State Office Community Programs Specialist (530) 792-5827</p> <p><u>Daniel Cardona</u>, State Office Community Programs Specialist (760) 397-5949</p>
<u>Program Name:</u>	<p>14. Community Facilities Direct Loan & Grant Program</p> <p><u>https://www.rd.usda.gov/programs-services/community-facilities-direct-loan-grant-program</u></p>
<u>Program Summary:</u>	<p>This program provides affordable funding to develop essential community facilities in rural areas. An essential community facility is defined as a facility that provides an essential service to the local community for the orderly development of the community in a primarily rural area, and does not include private, commercial or business undertakings. Funds can be used to purchase, construct, and / or improve essential community facilities, including public facilities and utility services.</p>
<u>Eligibility Requirements:</u>	<p>Rural areas including cities, villages, townships and towns including Federally Recognized Tribal Lands with no more than 20,000 residents according to the latest U.S. Census Data are eligible for this program.</p>
<u>Cycle:</u>	<p>This program is currently open.</p>
<u>Funding Source and Amount (Max/Min):</u>	<p>This is a low-interest direct loan and grant program. Available funding includes long-term, low-interest loans; if funds are available, a grant may be combined with a loan. The loan guarantee program may be combined with commercial financing to finance one project.</p>
<u>Contact Information/ Notes:</u>	<p>Fact Sheet: <u>https://www.rd.usda.gov/files/fact-sheet/RD-Factsheet-RHS-CFDirect.pdf</u></p> <p>State Office Contact:</p> <p>Main Phone Number: (530) 792-5800</p> <p>USDA Rural Development Attn: Water Programs 430 G St, Agency 4169 Davis, CA 95616</p> <p><u>Pete Yribarren</u>, California Community Programs Director (805) 863-9928</p> <p><u>Katie Schmitt</u>, State Office Community Programs Specialist (530) 792-5827</p> <p><u>Daniel Cardona</u>, State Office Community Programs Specialist (760) 397-5949</p>

5.D. BUSINESS ITEMS



BUSINESS ACTION ITEM STAFF REPORT

Item 5.D. Discussion and direction to staff regarding a request for a letter of support for the IWMA for an ordinance regulating polystyrene and expanding polystyrene (EPS) food containers and products.

Chairperson Kellas and Director Stanert have asked that the District consider writing a letter of support to the Integrated Waste Management Authority (IWMA). The agency is currently working to ban polystyrene food containers and products.

Enc: Copy of IWMA ordinance

DATE: September 11, 2019 ITEM: 15

Approve Deny

Continue to _____

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Brooks Stayer, Executive Director IWMA

RE: An Ordinance Regulating Polystyrene and Expanded Polystyrene
(EPS) Food Containers and Products

BACKGROUND:

Date	Action
March 14, 2018	Staff directed to agendize discussion of an ordinance to ban expanded polystyrene (EPS)
May 9, 2018	Staff agendize discussion, public comment received
May 8, 2019	Staff directed to draft ordinance to ban EPS
June 26, 2019	Staff directed to hold draft and prepare study session
July 10, 2019	Study Session
September 11, 2019	Directed, first reading of ordinance
October 9, 2019	If directed, second reading of ordinance

RECOMMENDATION:

Approve first reading of an Ordinance Regulating Polystyrene and Expanded Polystyrene (EPS) and direct staff to bring ordinance back to the Board for a second reading October 9, 2019.

FISCAL IMPACT:

With the adoption of the ordinance, there will be costs associated with IWMA educational outreach and possible enforcement actions by city and county staff. Implementation of the ordinance will likely reduce litter and storm water impacts providing a positive fiscal impact on cleanup efforts throughout San Luis Obispo County.

ATTACHMENT:

1. An Ordinance Regulating Polystyrene and Expanded Polystyrene (EPS) Food Containers and Products
2. Letter of Opposition
3. Letters of Support

**San Luis Obispo County
Integrated Waste Management Authority
ORDINANCE NO. 2019-1**

**AN ORDINANCE REGULATING POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS)
FOOD CONTAINERS AND PRODUCTS**

WHEREAS, the San Luis Obispo County Integrated Waste Management Authority (“IWMA”) is a joint powers agency established pursuant to California Government Code Section 6500 and empowered by its member jurisdictions to exercise the members’ common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis; and

WHEREAS, items made from Polystyrene and Expanded Polystyrene (“EPS”) are not Biodegradable and in many cases, not Recyclable. Polystyrene and EPS break into small pieces and because they are lightweight, may be picked up by the wind even when they have been disposed of properly; and

WHEREAS, Polystyrene and EPS as litter are highly durable. Both Polystyrene and EPS litter are present in parks and public places, streets and roads, waterways and storm drains and may ultimately float, or be blown, into the Pacific Ocean; and

WHEREAS, take-out food and beverage packaging that is Reusable, Biodegradable, and Recyclable is the most responsible and sustainable choice for San Luis Obispo County’s tourist economy, its citizenry, and its environment. When products are reusable or recyclable, natural resources are spared, and less energy and resources are used to produce new products; and

WHEREAS, regulating the use of Polystyrene and EPS will help maximize the operating life of landfills and help protect the natural environment from contamination and degradation; and

WHEREAS, the IWMA Board of Directors considered taking action on Polystyrene and EPS at prior IWMA Board Meetings and has directed staff to develop an ordinance to prohibit the use of Polystyrene and EPS containers, trays, cartons, and non-encapsulated products.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority as follows:

SECTION 1. Recitals.

The above recitals are true and correct and incorporated herein by this reference as the findings of the IWMA Board of Directors.

SECTION 2. Environmental Determination.

The proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency for the protection of the environment because, among other things, it will regulate the use and sale of Polystyrene and EPS and reduce the amount of Polystyrene and EPS that enter local landfills and waterways. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

SECTION 3. Definitions.

- A. “Affordable” means that a Biodegradable or Recyclable product may cost up to fifteen percent more than the purchase cost of comparable Polystyrene and EPS alternatives.

- B. “Biodegradable” means all the materials in the product or package that will break down, or otherwise become part of usable soil-conditioning material such as but not limited to uncoated paper, sugar cane, wood, or bamboo. This ordinance specifically prohibits Bioplastics and other compostable Plastics as replacements, because Bioplastics contaminate recycling systems and compostable Plastics contaminate the IWMA Regional composting system.

- C. “Bioplastic” is a type of biodegradable plastic derived from biological substances rather than from petroleum.

- D. “Disposable Food and Beverage Containers” is interchangeable with “to-go” packaging, “dine-in” packaging, “food and/or beverage packaging material”, and means all containers that are used to hold Prepared Food or Beverages. Disposable Food and Beverage Containers include but are not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, and drink ware that are made of Polystyrene or EPS.

- E. “Egg Carton” means a carton for eggs sold to consumers from a refrigerator case or similar appliance.

- F. “Events Promoter” means an applicant for any event permit issued by an IWMA Member Jurisdiction or any IWMA Member Jurisdiction employee(s) responsible for any IWMA Member Jurisdiction organized event.

- G. “Expanded Polystyrene” or “EPS” means blown, expanded, and extruded Polystyrene or other EPS plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded plastic foams). Expanded Polystyrene and other plastic foams are generally used to make cups, drink ware, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes, and packing peanuts. The Resin Code for polystyrene is

'6' or 'PS,' either alone or in combination with other letters. This definition applies to all Polystyrene or EPS food service ware, packing or shipping material, or non-encapsulated marine devices regardless of whether it exhibits a Resin Code.

H. "Expanded Polystyrene Products" or "EPS Products" means any product made from Polystyrene or EPS, but is not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, drink ware, as well as non-encapsulated coolers, containers, ice chests, marine buoys, shipping boxes, packing peanuts, or other packaging materials. The Resin Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food and beverage service ware and non-encapsulated products regardless of whether it exhibits a Resin Code.

I. "Food and Beverage Provider" means any establishment located within an IWMA Member Jurisdiction that is a retailer of Prepared Food and Beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer, farmers market, vending machine, or mobile food Vendor.

J. "IWMA Member Jurisdiction" includes the County of San Luis Obispo, the Authorized District members of the IWMA, and the Cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo.

K. "IWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California, and the seven incorporated cities within San Luis Obispo County.

L. "Non-encapsulated Marine Devices" means any device non-encapsulated used as a floatation aid. Examples include but are not limited to marine buoys and dock floats.

M. "Prepared Food and Beverage" means food or beverages that are (1) ready to consume without any further food preparation, alteration, or repackaging; and (2) prepared, provided, sold, or served by a Food and Beverage Provider using any cooking, packaging, food preparation or beverage preparation technique (e.g., cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared within an IWMA Member Jurisdiction). Prepared Food and Beverages may be eaten either "dine-in" or "take-out" from the Food and Beverage Provider's premises.

N. "Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to, rigid polystyrene or Expanded Polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, Expanded Polystyrene molding, or extrusion-blown molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The Resin Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a Resin Code.

O. "Polystyrene Packing Material" means Polystyrene or EPS material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

P. "Recyclable" means any material that is specified as recyclable in a franchise agreement within the boundaries of San Luis Obispo County including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, high density polyethylene (HDPE), polyethylene terephthalate (PET), corrugated cardboard, and paper.

Q. "Resin Code" means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling or disposal.

R. "Reusable Food Service Ware" means any product designed to be used over and over for serving, consuming, or transporting prepared food and raw food, including but not limited to reusable plates, bowls, trays, utensils, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, or any container in or on which prepared foods and raw foods are placed or packaged for consumption.

S. "Supplier" means anyone selling, or otherwise supplying Food and Beverage service ware, packaging, and Non-Encapsulated Marine Devices to any business, store, supermarket, delicatessen, restaurant, shop, caterer, farmers market, vending machine, or mobile food Vendor doing business in the IWMA Region.

T. "Tray" means any packaging used to contain, support, or encase meat, seafoods, vegetables, and other products.

U. "Vendor" means any store or business which sells or offers goods, services, or merchandise, located or operating within an IWMA Member Jurisdiction, including those referenced in the definition of "Food Provider."

SECTION 4. Polystyrene and EPS Disposable Food Containers are Prohibited.

A. Food and Beverage Providers within the IWMA Region may not provide Prepared Food and Beverages in or provide separately any Disposable Food and Beverage Container made from Polystyrene or EPS except as exempted in Section 7.

B. Disposable Food Containers made from Polystyrene or EPS are prohibited from use in all IWMA Member Jurisdiction stores or businesses which sell or offer goods, services, or merchandise.

C. IWMA Member Jurisdiction contractors in the performance of IWMA Member Jurisdiction contracts and event promoters may not provide Prepared Food and Beverages in Disposable Food and Beverage Containers made from Polystyrene or EPS.

D. Food Providers and Beverage providers are prohibited from using, providing, distributing, or selling Polystyrene or EPS.

SECTION 5. Required Reusable, Biodegradable, or Recyclable Disposable Food Containers.

A. All Food Providers within IWMA Member Jurisdictions utilizing “to-go” or “dine-in” Food and Beverage Containers shall use Reusable, Biodegradable, or Recyclable products.

B. All IWMA Member Jurisdiction stores or businesses which sell or offer goods, services, or merchandise utilizing “to-go” or “dine-in” Food and Beverage Containers shall use Reusable, Biodegradable, or Recyclable products.

C. IWMA Member Jurisdiction contractors and event promoters utilizing “to-go” or “dine-in” Food Containers shall use Reusable, Biodegradable, or Recyclable products while performing under IWMA Member Jurisdiction contract or permit.

SECTION 6. Prohibited Sales.

A. No Vendor, Supplier, or Events Promoter in the IWMA Member Jurisdiction may sell or otherwise provide any Polystyrene or EPS product which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 7. This specifically includes, but is not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, and drink ware as well as non-encapsulated coolers, containers, ice chests, marine buoys and dock floats, shipping boxes, packing peanuts, or other packaging materials. The Resin Code for polystyrene is ‘6’ or ‘PS,’ either alone or in combination with other letters. This applies to all Polystyrene and EPS Food and Beverage service ware and non-encapsulated products regardless of whether it exhibits a Resin Code.

SECTION 7. Exemptions.

A. The IWMA Board or designee may exempt a Food Provider from the requirements set forth in Section 4.A. of this Ordinance for a one-year period upon the Food and Beverage Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty as evidenced by no alternatives being available or if such alternatives are not Affordable. The IWMA Board or Executive Director shall put the decision to grant or deny a one-year exemption in writing, and the decision shall be final.

B. Exemption to allow for the sale or provision of Polystyrene or EPS products may be granted by the IWMA Board or Executive Director if the Vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The IWMA Board or Executive Director shall put the decision to grant or deny the exemption in writing, and the decision shall be final.

C. An exemption application shall include all information necessary for the IWMA Board or Executive Director to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The IWMA Board or Executive Director may require the applicant to provide additional information.

D. The IWMA Board or Executive Director may approve the exemption application in whole or in part, with or without conditions.

E. Products made from Polystyrene or EPS which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this ordinance. Examples include, but are not limited to surfboards, life preservers, coolers, and craft supplies which are wholly encapsulated or encased by a more durable material.

F. Construction products made from Polystyrene or EPS are exempted from this ordinance if the products are used in compliance with an IWMA Member Jurisdiction's applicable municipal code for buildings and construction and used in a manner preventing the Polystyrene or EPS from being released into the environment.

G. In a situation deemed by the IWMA Executive Director or designee to be an emergency for the immediate preservation of the public peace, health, or safety. IWMA Member Jurisdiction facilities, Food and Beverage Providers, IWMA Member Jurisdiction contractors, and Vendors doing business with the IWMA Member Jurisdictions shall be exempt from the provisions of this section.

H. Polystyrene or EPS packaged products, which have been received from sources outside the IWMA Region and are home, business, or job-site delivered (e.g. residents or businesses ordering products online or in-store and having them delivered to their home or job-site) shall be exempt from the provisions of this section.

SECTION 8. Violations.

A. Any Business, Food and Beverage Provider, or Vendor not in compliance will be issued a written warning in which they have ninety (90) days to comply. If upon revisit by the IWMA, the Business, Food and Beverage Provider or Vendor is still in violation of the ordinance, the IWMA may notify the applicable IWMA Member Jurisdiction for enforcement.

B. For the first violation, the IWMA or designee may allow the violating Business, Food and Beverage Provider, or Vendor in lieu of payment of the administrative fine, to submit receipts demonstrating the purchase after the citation date of Reusable, Biodegradable, or Recyclable products in an amount equal to the amount of the citation.

C. An IWMA Member Jurisdiction may enforce this ordinance through the IWMA Member Jurisdiction code enforcement ordinances, if applicable, and this ordinance shall be enforceable

by IWMA Member Jurisdictions under said ordinances as land-use or code-enforcement violations consistent with said ordinances.

D. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity. Fines are established as follows:

1. A fine of one hundred dollars (\$100.00) for the first violation after a written ninety (90) day warning notice is given.
2. A fine of two hundred dollars (\$200.00) for the second violation.
3. A fine not exceeding five hundred dollars (\$500.00) for the third and any future violations.

E. In addition to other remedies provided by this section or by other law, any violation of this section may be remedied by a civil action brought by the IWMA Member Jurisdiction attorney, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

SECTION 9. Severability.

If any subdivision, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance. It is the IWMA's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 10. Effective Date.

This Ordinance was introduced, and the title thereof read, at the regular meeting of the IWMA Board of Directors on September 11, 2019, and further reading was waived by a majority vote of those Directors present.

This Ordinance shall take effect and be in full force on and after six (6) months from the date of its passage and before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director _____, seconded by Director _____, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, this _____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

Original signed by

Aaron Gomez, President
San Luis Obispo County
Integrated Waste Management Authority

ATTEST:

Original signed by

IWMA Board Secretary