



# RANCHO MURIETA COMMUNITY SERVICES DISTRICT

15160 JACKSON ROAD  
RANCHO MURIETA, CALIFORNIA 95683  
916-354-3700  
FAX – 916-354-2082

## AGENDA

*“Your Independent Local Government Agency Providing  
Water, Wastewater, Drainage, Security, and Solid Waste Services”*

### REGULAR BOARD MEETING

**October 19, 2022**

4:00 p.m. Closed Session/Open Session 5:00 p.m.  
Rancho Murieta, CA 95683

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#### BOARD MEMBERS

Tim Maybee	President
Randy Jenco	Vice President
Linda Butler	Director
John Merchant	Director
Martin Pohll	Director

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#### STAFF

Tom Hennig	General Manager
Paula O’Keefe	Director of Administration
Richard Shanahan	District General Counsel
Amelia Wilder	District Secretary
Kelly Benitez	Security Supervisor
Michael Fritschi	Director of Operations

# RANCHO MURIETA COMMUNITY SERVICES DISTRICT

October 19, 2022

## REGULAR BOARD MEETING

Call to Order

Closed Session 4:00 p.m./Open Session 5:00 p.m.

Note that this meeting will be held in-person at the address set forth above, and not via videoconference. In order to comply with the State's COVID-related Guidance for the use of face coverings, it is strongly recommended that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses.

All persons present at District meetings will place their cellular devices in silent and/or vibrate mode (no ringing of any kind). During meetings, these devices will be used only for emergency purposes and, if used, the party called/calling will exit the meeting room for conversation. Other electronic and internet enabled devices are to be used in the "silent" mode. Under no circumstances will recording devices or problems associated with them be permitted to interrupt or delay District meetings.

## AGENDA

ESTIMATED RUNNING TIME 5:00

### 1. CALL TO ORDER - Determination of Quorum –President Maybee **(Roll Call)**

### 2. CONSIDER ADOPTION OF AGENDA **(Motion)**

*The Board will discuss items on this agenda, and may take action on those items, including informational items and continued items. No action or discussion will be undertaken on any item not appearing on the agenda, except that (1) directors or staff may briefly respond to statements made or questions posed during public comments on non-agenda items, (2) directors or staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities, (3) a director may request staff to report back to the Board at a subsequent meeting concerning any matter or request staff to place a matter on a future Board meeting agenda, and (4) the Board may add an item to the agenda by a two-thirds vote determining that there is a need to take immediate action and that the need for action came to the District's attention after posting the agenda.*

*The running times listed on this agenda are only estimates and may be discussed earlier or later than shown. At the discretion of the Board, an item may be moved on the agenda and or taken out of order. **TIMED ITEMS** as specifically noted, such as Hearings or Formal Presentations of community-wide interest, will not be taken up earlier than listed.*

### 3. CLOSED SESSION

- A. Closed session for public employee discipline/dismissal/release.
- B. Closed session for public employee appointment of Interim General Manager.
- C. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9(d)(2)) – Significant Exposure to Litigation: 1 case, claim by Rick Tompkins

### 4. OPEN SESSION/REPORT ACTION FROM CLOSED SESSION

**5. CONSIDER APPOINTMENT OF INTERIM GENERAL MANAGER** (Discussion/Action) (Motion) (Roll Call Vote)

**6. CONSIDER ENGAGING VANESSA BURKE (ACCOUNTANT WITH THE PUN GROUP, LLP) AS OUTSIDE FINANCE STAFF UNDER BOARD OF DIRECTORS AND AD HOC COMMITTEE** (Discussion/Action) (Motion) (Roll Call Vote)

**7. CONSIDER APPROVAL OF AN AD HOC TRANSITION COMMITTEE TO AID, WORK WITH, AND OVERSEE THE WORK OF THE INTERIM GENERAL MANAGER, PUN GROUP, AND OTHER STAFF REGARDING THE GENERAL MANAGER TRANSITION AND FINANCIAL-RELATED ISSUES** (Discussion/Action) (Motion) (Roll Call Vote)

**8. CONSENT CALENDAR** (Motion) (Roll Call Vote) (5 min.) *All items in this agenda item will be approved as one motion if they are not excluded from the motion adopting the consent calendar.*

A. Approval of Board Meeting and Committee Meeting Minutes

1. *September 21, 2022 Regular Board Meeting Minutes*
  - a. *Handout from John Sullivan at 9/21/2022 Board Meeting*
2. *October 4, 2022 Improvements Committee Meeting Minutes*
3. *October 4, 2022 Finance Committee Meeting Minutes*
4. *October 6, 2022 Communications and Technology Committee Meeting*
5. *October 6, 2022 Security Committee Meeting Minutes*

B. Approval of Bills Paid Listing September, 2022

**9. STAFF REPORTS** (Receive and File)

- A. General Manager's Report
- B. Administration/Financial Report
- C. Security Report
- D. Utilities Report

**10. REVIEW DISTRICT MEETING DATES/TIMES FOR NOVEMBER 2022**

- A. Personnel – November 1, 2022 at 7:30 a.m.
- B. Improvements – November 1, 2022 at 8:00 a.m.
- C. Finance – November 1, 2022 at 10:00 a.m.
- D. Communications – November 3, 2022 at 8:30 a.m.
- E. Security – November 3, 2022 at 10:00 a.m.
- F. Regular Board Meeting – November 16, 2022 - Open Session at 5:00 p.m.

**11. CORRESPONDENCE**

- A. Email from Richard Gehrs 9/30/2022
- B. Email from Richard Gehrs 10/7/2022

- C. Email from Richard Gehrs 10/10/2022
- D. Email from Richard Gehrs 10/13/2022
- E. Email from Brad Beer 10/6/2022 and 10/10/2022

## **12. COMMENTS FROM THE PUBLIC**

*Members of the public may comment on any item of interest within the subject matter jurisdiction of the District and any item specifically agendized. Members of the public wishing to address a specific agendized item are encouraged to offer their public comment during consideration of that item. With certain exceptions, the Board may not discuss or take action on items that are not on the agenda. If you wish to address the Board at this time or at the time of an agendized item, as a courtesy, please state your name and address. Speakers presenting individual opinions shall have 3 minutes to speak. Speakers presenting opinions of groups or organizations shall have 5 minutes per group.*

## **13. RECEIVE UPDATE ON RIEC AD HOC COMMITTEE (Discussion/Action) (Motion)(Roll Call Vote)**

## **14. CONSIDER ADOPTION OF ORDINANCE O2022-05 AMENDING CHAPTER 31 SOLID WASTE CODE RELATING TO ORGANIC WASTE DISPOSAL REDUCTION (Discussion/Action) (Motion) (Roll Call Vote)**

## **15. CONSIDER ADOPTION OF O2022-04 UPDATING DISTRICT CODE CHAPTER 3 CONFLICT OF INTEREST CODE (Discussion/Action) (Motion) (Roll Call Vote)**

## **16. INTRODUCE ORDINANCE O2022-06 ADDING CHAPTER 9 TO DISTRICT CODE - ADMINISTRATIVE CITATIONS AND FINES (Discussion/Action) (Motion) (Roll Call Vote)**

## **17. ADOPT RESOLUTION R2022-23 FINDING THAT AN EMERGENCY EXISTS IN CONNECTION WITH THE RIO OSO PRESSURE STATION AND AUTHORIZE THE GENERAL MANAGER TO APPROVE CONTRACTS INCLUDING REPLACEMENT OF PUMP BY KIRBY PUMP AND PROCUREMENT AND REPLACEMENT OF VARIABLE FREQUENCY DRIVES (VFD'S) BY PRODIGY ELECTRIC IN THE AMOUNT OF \$104,588 (CIP# 23-06-01)(Discussion/Action) (Motion) (Roll Call Vote)**

## **18. CONSIDER ACTION ON CLAIM FOR DAMAGES BY RICK TOMPKINS (Discussion/Action) (Motion) (Roll Call Vote)**

## **19. CONSIDER OPTIONS FOR PURCHASING TREASURY BOND(S) WITH \$540,000 PLUS INTEREST, IN FUNDING FROM THE CFD 2014-1 WATER TREATMENT PLANT PHASE II (Discussion/Action) (Motion) (Roll Call Vote)**

## **20. RECEIVE UPDATE ON REPAIRS TO LAKE 11 AND CONSIDER ACTION TO CONTINUE THE CONTRACTING EMERGENCY DECLARATION BY A 4/5ths VOTE (Discussion/Action)(Motion) (Roll Call Vote)**

## **21. DIRECTOR COMMENTS/SUGGESTIONS**

*In accordance with Government Code 54954.2(a), directors and staff may make brief announcements or brief reports of their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda.*

## **22. ADJOURNMENT (Motion)**

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 24 hours prior to a special meeting, will be made available for public inspection in the District offices during normal business hours. If, however, the document is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting.

In compliance with federal and state laws concerning disabilities, if you are an individual with a disability and you need a disability-related modification or accommodation to participate in this meeting or need assistance to participate in this meeting, please contact the District Office at 916-354-3700 or [awilder@rmcsd.com](mailto:awilder@rmcsd.com). Requests must be made as soon as possible.

Note: This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950. The date of this posting is October 13, 2022. Posting locations are: 1) District Office; 2) Rancho Murieta Post Office; 3) Rancho Murieta Association; 4) Murieta Village Association.



## RANCHO MURIETA COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

September 21, 2022

Open Session 5:00 p.m./Closed Session following Open Session

### 1. CALL TO ORDER/ROLL CALL

President Maybee called the Regular Board Meeting of the Board of Directors of Rancho Murieta Community Services District to order at 5:00 p.m. in the District meeting room, 15160 Jackson Road, Rancho Murieta. Director's present at the District office were Tim Maybee, Randy Jenco, John Merchant and Martin Pohll. Director Linda Butler attended from a teleconference location. Also present at the District office were Tom Hennig, General Manager; Paula O'Keefe, Director of Administration; Michael Fritschi, Director of Operations; Kelly Benitez, Security Supervisor; Richard Shanahan, District General Counsel; and Amelia Wilder, District Secretary.

### 2. CONSIDER ADOPTION OF AGENDA

**Motion/Maybee to adopt the Agenda with item #12 removed. Second/Jenco. Roll Call Vote: Ayes: Maybee, Jenco, Merchant, Butler, Pohll. Noes: None. Absent: None. Abstain: None.**

### 3. CONSENT CALENDAR

**Motion/Maybee to approve Consent Calendar. John Sullivan had comments and a prepared handout about the Minutes for the September 6 Improvements Committee Meeting (see attached). The Committee members concurred that the minutes were accurate. Director Maybee instructed Staff to schedule a meeting with Mr. Sullivan, Directors Jenco and Maybee and Staff to review the points of Mr. Sullivan's attachment. Second/Pohll. Roll Call Vote: Ayes: Maybee, Jenco, Merchant, Butler, Pohll. Noes: None. Absent: None. Abstain: None.**

### 4. STAFF REPORTS

Under Agenda Item 7A, Mr. Hennig gave a summary of activities during the previous month, highlighting the following topics:

- Covid 19 Response
- Legislative Update – Senate Bill 1157
- Camera Program Update
- Finance and Accounting Services
- Virtual Briefing for Policymakers and Decision Makers on American River Basin Study
- Integrated Water Master Plan RFP
- Cal-Waste Update
- PRA Request Update
- Outreach/Advocacy
- General Staffing Update
- Conference/Education Opportunities

There was a discussion that PRA Requests would be fulfilled on a first in, first out basis.

Under Agenda Item 7B, Paula O'Keefe, Director of Administration, gave the Board the Administration/Finance Report. She highlighted the following topics:

- Accounting Services
- FY 2021-22 Audit
- Monthly Budget to Actuals
- Capital Improvement Projects
- Reserve Fund Balances
- Interfund Borrowing
- Utility Billing
- Aging Report
- Bills Paid List

Under Agenda Item 7C, Kelly Benitez, Security Supervisor, updated the Board with a summary of August's activities in the Security Department, including:

- Operations Update
- Rancho Murieta Association Activity
- Rancho Murieta Commercial Owners Association Activity
- Incidents of Note
- RMA Violation Report
- Gate Entries Denied Reports
- Cases by Breakdown Report

Under Agenda Item 7D, Michael Fritschi, Director of Operations, gave a summary of the utility update, including:

- SB 170 Funded Projects
- Raw Water Delivery & Storage
- California Hydrology Update
- Water Consumption
- Infrastructure
  - Lift 6a
  - Recycled Water
  - Rio Oso Pump Replacement Update
  - Water Treatment Facility
  - Integrated Water Master Plan
  - Chesbro Stage Curve
  - Laguna Joaquin
- Drainage
  - Lost Lake
- Utility Crew Report
- Development

## **5. REVIEW DISTRICT MEETING DATES/TIMES FOR OCTOBER 2022**

No update.

## **6. CORRESPONDENCE**

Timothy Weir addressed the Board with his concerns about a billing discrepancy. He will meet with Mr. Hennig after tonight's Board Meeting to try and reach a solution. Richard Gehrs expressed his concern.

## 7. COMMENTS FROM THE PUBLIC

None.

## 8. INTRODUCE ORDINANCE O2022-05 AMENDING CHAPTER 31 SOLID WASTE CODE RELATING TO ORGANIC WASTE DISPOSAL REDUCTION

Mr. Hennig introduced the proposed Ordinance O2022-05 amending Chapter 31 Solid Waste Code relating to organic waste disposal reduction. Jack Fiori CAO from Cal-Waste explained SB 1383, and the compliance requirements associated with it. The amendment to Chapter 31 was reviewed by District Counsel. There was a discussion by the Board about the language concerning inspections. They asked that the Ordinance specify when inspections of trash cans are done, they are to be conducted at the curb, not on a person's private property. Mr. Fiori noted that Cal-Waste would conduct the inspections and report to the State the results of the inspections. **Motion/Pohll** to introduce Ordinance O2022-05 amending Chapter 31 Solid Waste Code relating to organic waste disposal reduction noting inspections would be conducted at the curb. **Second/Maybee**. **Roll Call Vote: Ayes: Maybee, Jenco, Merchant, Butler, Pohll. Noes: None. Absent: None. Abstain: None.**

## 9. APPROVE CIP #23-23-05 IN THE AMOUNT OF \$482,800 AND APPROPRIATE FUNDS FOR EMERGENCY REPAIRS AND CONSTRUCTION TO LAKE 11 RELATED DRAINAGE IMPROVEMENTS, RATIFY THE PREORDER OF SUPPLIES IN THE AMOUNT OF \$50,150 FOR THIS WORK, AND ADOPT A RESOLUTION FINDING THAT AN EMERGENCY EXISTS IN CONNECTION WITH THE LAKE 11 STORM DRAINAGE SYSTEM AND AUTHORIZE THE GENERAL MANAGER TO APPROVE AN EMERGENCY CONSTRUCTION CONTRACT WITH LUND CONSTRUCTION TO PERFORM THE REPAIR WORK

Mr. Fritschi led a discussion with the Board concerning the repair work to be done at Lake 11. The contract in the Packet will be updated. Mr. Hennig stated that this is a District responsibility because we are bypassing the Country Club's pipes. **Motion/Maybee** to 1.) adopt a Resolution finding that an emergency exists in connection with Lake 11 storm drainage system and authorize the General Manager to approve an emergency construction contract with Lund Construction in the amount of \$310,456 to perform the repair work. 2.) to approve CIP #23-23-05 in the amount of \$482,800 and split the appropriation 75%/25% between the Sewer Fund (\$362,100) and Drainage Fund (\$120,700). 3.) ratify the expenditure of \$55,155 for the purchase of purpose of project-related construction materials spent to avoid longer project lead times. **Second/Merchant**. **Roll Call Vote: Ayes: Maybee, Jenco, Merchant, Butler, Pohll. Noes: None. Absent: None. Abstain: None.**

## 10. INTRODUCE ORDINANCE O2022-04 UPDATING DISTRICT CODE CHAPTER 3 CONFLICT OF INTEREST CODE

Ms. O'Keefe discussed the necessary changes in the Chapter 3 Conflict of Interest Code. The titles for the following positions were updated:

The job specifications were updated in 2021, and the following position was updated in March:

- Security Chief changed to *Security Supervisor*

The following position was updated in October:

- Director of Field Operations changed to *Director of Operations*
- Controller changed to *Accounting Manager*



The Code needed to be updated to reflect these changes. **Motion/Maybee to introduce Ordinance O2022-04 updating District Code Chapter 3 Conflict of Interest Code. Second/Merchant. Roll Call Vote: Ayes: Maybee, Jenco, Merchant, Butler, Pohll. Noes: None. Absent: None. Abstain: None.**

#### **11. CONSIDER REQUEST FROM RANCHO MURIETA ASSOCIATION COMMUNITY CENTER COMMITTEE FOR POTENTIAL DISTRICT INVOLVEMENT IN A RECREATION FACILITY INSIDE THE GATES**

Mr. Hennig introduced the topic, and the Board discussed the feasibility of the District issuing a bond to finance the facility. There must be a revenue stream to repay bonds, and the only revenue the District has which is not dedicated to something is property taxes. The Board instructed Mr. Hennig to write a letter responding to RMA informing them that the District is in no position to support a recreation center. John Sullivan commented that Sacramento County has a "SKIP" program, and there may be some funds available there.

#### **12. APPROVE VARIABLE FREQUENCY DRIVE (VFD) PURCHASE IN THE AMOUNT OF \$53,146 (CIP# 23-06-01)**

This item was removed from the Agenda.

#### **13. APPROVE AND AUTHORIZE GENERAL MANAGER TO EXECUTE CONTRACT WITH DEWBERRY ENGINEERING TO PERFORM DESIGN OF THE WASTEWATER TREATMENT FACILITY DISINFECTION IMPROVEMENTS IN THE AMOUNT NOT TO EXCEED OF \$214,668 (CIP# 23-14-02)**

Mr. Fritschi presented the winning bid received to perform the design of the Wastewater Treatment Facility Disinfection Improvements from Dewberry and the criteria used to determine the winning bid. Director Pohll stated that he thought too much weight was placed on the price, and he preferred the bid from West Yost because they were going to place more experienced people on the job. There was a discussion. **Motion/Jenco to authorize general manager to execute a contract with Dewberry Engineering to perform design of the Wastewater Treatment Facility Disinfection improvement in the amount not to exceed \$214,668 (CIP# 23-14-02). Second/Maybee. Roll Call Vote: Ayes: Maybee, Jenco, Merchant, Butler. Noes: Pohll. Absent: None. Abstain: None.**

#### **14. DIRECTOR COMMENTS/SUGGESTIONS**

Director Jenco reiterated what was said about the Reserves and the replacement of the pipes at Lake 11, stating this shows how little thought has been placed on the Reserves. It is his goal before he leaves in four years is to figure out how to get the reserves in order.

Director Maybee thanked staff.

#### **15. CLOSED SESSION**

A. *Closed session for public employee performance evaluation of the General Manager position.*

#### **16. OPEN SESSION/REPORT ACTION FROM CLOSED SESSION**

Director Direction was given to the Board President no decision was made.

#### **17. ADJOURNMENT**

**Motion/Pohll to adjourn at 10:50 p.m. Second/Merchant. Roll Call Vote: Ayes:, Maybee, Jenco, Pohll. Noes: None. Absent: Butler. Abstain: None.**

Respectfully submitted,

Amelia Wilder  
District Secretary

DRAFT

## Comments from the Public

9.21.2022

John M. Sullivan/for Rancho Murieta Properties, LLC

I respectfully request that the minutes from the 9.6.22 Improvements Committee be removed from the consent items and that a more accurate reflection of the Committee meeting be prepared in regard to item #5 “Communications with Sacramento County relating development”.

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The facts are the following:

On April 22<sup>nd</sup> RMCS D received an email from SacCo Planning in regards to a revised Rancho North submittal, asking for comments and concerns in regards to the project.

During the week of April 25-April 29 Tom Hennig, Michael Fritschi, and Director John Merchant met with SacCounty Planning regarding the request for comments by Jessica Brandt and Chris Pahule.

On May 3<sup>rd</sup>, Tom Henning sent an email response with an eight page attachment from Director Merchant much of which have nothing to do with RMCS D review of the application. The only Director copied on that email was Director Merchant. Many of the issues in the letter would normally be reserved for review of the EIR after the DRAFT EIR was prepared and circulated for comment.

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A further meeting between SacCo Planning and Hennig, Fritschi and Merchant was held on July 21<sup>st</sup>, 2022. Subsequent to this meeting Tom Hennig prepared an email in collaboration with John Merchant without any directors being aware of either of these meetings, until the August

18<sup>th</sup>, email was copied to President Maybee along with Director Merchant.

At the September 6<sup>th</sup>, 2022 Improvements meeting, Directors Jenco and Pohl indicated they had never been asked to look at the contents of the letter sent on August 18<sup>th</sup> to planning, and that they were unaware of the meeting of July 21<sup>st</sup>. The comment made by Director Jenco to the GM was not accurately described in the minutes of that meeting. Further, my comments were not included or even footnoted as to my response to this subterfuge.

I researched the entireties of both the Board Meetings and Committee Meetings to determine for myself if any other Director knew anything about Director Merchant inserting himself as a lobbyist in regard to our project application revisions rather than as a Director in his fiduciary responsibility to the many past agreements, namely; 1) Acquisition and Services Agreement and Second Amendment; 2) Water Supply Augmentation Agreements; 3) Rancho Murieta master plan; 4) PD ordinance 77-PD-10; 5) Rancho North FSA, and others.

I additionally wanted to assure myself that no policy directive or finding had been agreed to as to the IWMP. The IWMP was reported to be necessary in regards to the District becoming an urban water district of 3,000 accounts or greater. It has been confirmed that the District is still some 300 hook-ups away from that threshold, yet it was referenced in the August 17<sup>th</sup>, 2022 staff report from Operations as part of that evening's Board packet. No one was aware of the May 3<sup>rd</sup>, 2022 letter or the letter that took over 20 working days to complete, and was sent the day AFTER the monthly Board meeting (8.17.22) Surely the GM knew that the May 3<sup>rd</sup> and letter in process should have at least warranted a board member review of his DRAFT of the letter to be circulated to Improvements or the entire Board, unless they were notified in a method that I could not discover.

It appears that no other director was previously made aware of the subterfuge going on since no other Directors were aware of either meeting and no requested input from other board members was being solicited, particularly the Improvements Committee that would normally have been asked to make comment, and have responsibility for the review of the updated development application.

It is TOTALLY unacceptable for Board members to be kept in the dark as backroom policy making is taking place without their knowledge or consent. Kindly explain to the community how a policy decision is made with the General Manager and ONE Director. The District's legal counsel need to inform Director Merchant that he is not the de-facto GM of the District, and that he does not individually set policy for RMCSO, and to take such action is Malfeasance.

I restate my strong objection for there to be any need to complete an updated IWMP before an update to the 2016 Water Supply Assessment is expedited and completed.

“ **Malfeasance** in office is the doing of an act for which there is no authority or warrant of law.”

7. [This is the conclusions page of the WSA of 2016]

**CONCLUSION** Currently, the District has conservatively estimated available supplies of 5,283 AFY in 2035, which includes the reservoir storage capacity as a limiting factor without additional dynamic pumping supply up to the permit limits and including an estimated 560 AFY of recycled water to meet projected buildout demands. In addition, there is a contingency supply planned for additional groundwater resources for emergency shortage conditions, including droughts, of 645 AFY. Given the groundwater wells have been tested but not yet constructed, this supply was not included in this WSA (which would further improve the water supply reliability in times of emergency). The District's estimated future demand through buildout is forecasted to be 2,928 AFY per the 2010 IWMP Update (using 600 gpd per EDU). The future demand projection developed within this WSA presents that, with the proposed project included, future demands are estimated at 3,428 AFY (Table 4-2). Numerous conservative assumptions were made when independently estimating the project demands (Section 4.3). By accounting for the added recycled water supplies generated from the project, estimated at 560 AFY, there is an offset to potable water demands within the District; however that off-set is included in the assessment as additional supply. The District is requiring the use of recycled water where economically feasible to meet outdoor irrigation demands and as a wastewater disposal alternative. It is important to note that the District has an obligation to have supply capacity available beyond the Rancho Murieta North Project to serve one remaining 17.8 acre parcel to be developed within the District's service area. With no additional information available associated with this parcel, it is conservatively assumed that 4 acre-ft per acre demand factor<sup>2</sup> would equate to a less than 100 AFY annual demand under normal conditions, which is about 5.4% of the supply remaining of 1,855 AFY under normal conditions. The Water Supply Assessment, prepared per the requirements of California Water Code and SB 610, finds the proposed project would result in a less-than-significant impact upon potable water supply by not exceeding the demand forecast previously adopted by the District. In other words, the projected demands include sufficient water to serve the Rancho Murieta North Project with excess capacity remaining of 1,855 AFY under normal conditions.

**NOTE:** Project size reduced from 827 to 697 or <15%+/- >

May 3, 2022



## Rancho Murieta Community Services District

15160 Jackson Road • P.O. Box 1050 Rancho Murieta, CA 95683 • 916-354-3700 • Fax 916-354-2082  
Visit our website [www.rmcsd.com](http://www.rmcsd.com)

May 3, 2022

Chris Pahule  
Senior Planner  
Sacramento County Department of Planning and Environmental Review  
RE: Project #PLNP2014-00206

Subject: Revised Application Comments from Rancho Murieta Community Services District

Dear: Mr. Pahule

Thank you for taking the time to meet with myself, Director Merchant, and Michael Fritschi last week. It's very helpful to meet in person and review this project. As you are aware, we have been given a very short window to review and comment on this project. Please review our list of concerns and requests as stated below.

This application has been broken into four distinct phases. Previously the application combined three of the four phases into one large phase. The District is supportive of this new approach and welcome the opportunity to collaborate with the County and to protect District and existing residential resources and infrastructure.

The short review window does not provide District with sufficient time to thoroughly review the various phases. For now, I have brief comments prepared.

Additional Dwelling Units, ADU's, were not an issue which the District was concerned with in 2015. Today, ADU's will have a significant impact on the sewer and water systems of the District. If it's possible, we would like some sort of controls put into the agreement with the developer. If we don't have any control, we will need to assume every property may have an ADU, and we will plan accordingly.

The District's Integrated Water Master Plan (IWMP) is currently obsolete. The current IWMP was adopted in 2010 and predates several recent critical changes in the proposed development. We would like the County to support our request for the developer to commission a new IWMP before being allowed to proceed.

Water quality issues are a primary concern for the District. You will notice that the configuration of the phases has altered the previous village plans. The proposal to turn most of what was previously Village G has been reconfigured to become a preserve. Village H is reconfigured with more homes and increased impact on the Calero Reservoir. We are still concerned over any lack of restrictions in place to allow body contact in our drinking water supply reservoirs and we need to maintain a strict set of rules that will govern stormwater runoff from Villages C, E, F, H & G.

Recycled water will be impacted by this development. We need updated calculations for the amount of wastewater produced by these new homes. The District will need to consider the amount of wastewater needing to be processed from these new properties. This is another impact that was not originally planned for prior to the new ADU rules.

Village F is adjacent to the District's potable water treatment plant. We would like to investigate any kind of messaging available to identify the noise and keep complaints off the table from future residents of this development.

Fire and Rescue in case of an emergency. The proposed development appears to have a shortage of traffic flow capacity with respect to the Villages that are east of the two drinking water reservoirs.

*Serving the Community for over 30 years*

Board of Directors: Tim Maybee, President • Randy Jenco, Vice-President • John Merchant • Linda Butler • Martin Pohl  
General Manager • Tom Hennig





Dam safety concerns. The original plans were designed prior to the recent dam failures and the developer should be required to address the road on top of the Clementia dam as this road is likely not designed to take the load of future delivery vehicles, concrete trucks, and other domestic traffic

Drainage and the impact on the water supply. As mentioned in the document from John Merchant, Clementia lake is fed almost entirely from sheet flow runoff from the hills along the east and north sides of the lake. Development on these hills will eliminate the amount of sheet water flowing into this lake.

Drainage, Sewer, and Water engineering studies need to be updated and resubmitted to accommodate the new phased plans. The District has previously provided a preliminary review with comments for the original sewer study. The District would like to request that all three of these studies to be resubmitted to reflect the phased plans.

Traffic controls need to be in place during the various stages of the project. If this developer plans to bring soil into the projects as part of the lone Clay mitigation, the number of trucks hauling soil could create a dangerous situation with traffic going into the North Gate. If the traffic runs the potential for creating a significant backup on Highway 16, the developer will need to hire the Highway Patrol to assist with safety needs on the highway.

Dust control measures need to include truck tire washing for the construction equipment throughout the project. We have recently experienced a large amount of soil going into the District's drainage system from other construction projects. We need to clearly define the requirements to guard against the inflow of dust from all stages of the projects being proposed.

Our last comments are related to the large lot tentative map and rezoning requests. The District has not agreed to allow the development of a road that provides access across District property that currently is utilized as a solar field to supplement the power requirements of the District. We would like to work with the County and the developer to measure the potential impact of the proposed rezoning requests in relationship to the ongoing provision of regulated services to our residents. Additionally, we are concerned over the amount of traffic that would utilize the entry and exit at the stop light for the Rancho Murieta South and the District office. We would expect to have the opportunity to comment on how traffic will be managed for entering and exiting our property.

As we discussed last week, we have not had insufficient time to thoroughly review these revised projects and the impacts to District infrastructure and operations. Please consider this as part of your overall review and please let us know the timing of your comments back to the developer.

Thank you for taking the time to review my comments and please don't hesitate to reach out to me. My email is [thennig@rmcsd.com](mailto:thennig@rmcsd.com) and my cell is 916-260-9075.

Sincerely,



Tom Hennig  
General Manager

CC Jessica Brandt, Planner, Sacramento County  
Michael T. Robertson, Baker-Williams Engineering Group  
John Sullivan, Rancho Murieta Properties LLC  
Joe Domenichelli, Domenichelli and Associates  
John Merchant, Director, Rancho Murieta Community Services District  
Michael Fritschl, Director of Operations, Rancho Murieta Community Services District  
Paula O'Keefe, Director of Administration, Rancho Murieta Community Services District

**Rancho Murieta CSD Response Attachment**

**From: John Merchant  
To: Jessica Brandt, Chris Pahule  
Sacramento County Department of Planning & Environmental Review**

**Subject: Revised Application. Rancho Murieta Properties LLC, 3/20/2022**

Thank you for meeting with Tom Hennig, Michael Fritschi and myself concerning PNL2014-00206 submitted by Rancho Murieta Properties LLC. Tom will follow up with a summary that will include our discussion concerning the commercial area that has been added to the plan. This letter summarizes my specific concerns that we discussed today.

**Integrated Water Master Plan (IWMP)**

A 2006 IWMP was the basis for the IWMP completed in 2010. This 2010 report lends data to the 2016 Water Supply Assessment (WSA) requested by the county. The age of this WSA makes it obsolete and new WSA should be included with revised application. These two new documents (IWMP & WSA) will adjust for new state requirements, climate change, lot line changes, emergency conservation measures, landscaping restrictions and new laws concerning accessory dwellings. A new and thorough assessment of the Rancho Murieta water supply is required before this application may proceed. I do not suggest that there is (or is not) enough water to support this development. However, until a new WSA is issued, no person or organization can make an accurate assessment of the water supply of Rancho Murieta.

**Accessory Dwellings (AD)**

New laws allow great flexibility in the conversion of existing (and new) houses into accessory dwellings. This is especially true in the amended application, where lots of 12,000 to 20,000 square feet are included in the lot plan. The impact on parking, internal traffic flow, external highway traffic, water use and water conservation are currently "unknowns" in the planning process. We would appreciate that County Planning confirm the RMA/CSD authority for assessing the "planning number" of these

accessory dwellings. The “assumptions” of the AD count must not be left to a developer with whom a significant bias and obvious financial incentive exist.

### **The Calero Reserve**

This welcome addition of open space does not mitigate an overall problem around the reservoirs of the CSD. It must be decided if this reserve will be maintained by Rancho Murieta Properties. The responsibility for fire safety (brush clearance etc.) should remain with the developer/owner.

It is historical practice for developers to deed undeveloped property to the RMA. If easements are created that incentivize RMA to accept this reserve, they must be agreed upon PRIOR to the acceptance and creation of the reserve. A negotiated settlement of ownership and responsibility of this reserve property must precede the issuance of the NOP.

It is critical that fire protection be both planned and executed in the areas surrounding our drinking water reservoirs. Responsibility for the Calero Reserve must be clearly defined.

### **Tree Mitigation**

There are 19,504 trees in the outdated Rancho Murieta Tree Inventory and Canopy Survey completed in January 2015. This tree inventory must be retaken prior to the creation of a draft EIR. There are approximately 5,000 trees that will remain inside the Calero Reserve. However, there also trees throughout the development that now exceed the “inch level” and “canopy” recorded in the eight year old study. The proposed Calero Reserve must not be considered tree mitigation for Villages A to H. It is historically a county policy to disallow tree mitigation using EXISTING TREES. A formal count of trees to be removed in all villages must also be made available BEFORE the project moves into the drafting of an EIR. The community has a long and disappointing history with tree mitigation, especially with the Rancho Murieta South developers. A complete understanding (and resubmission) of the tree inventory is critical to the preservation of the natural landscape of this community. This mitigation is

of a size that it will be one of the largest tree removals proposed to Sacramento County.

This issue is important to both CSD and RMA. The removal of excessive amounts of trees and terracing above our reservoirs will occur in areas of significant drainage. Erosion and the deposit of sediment and dirt into our drinking water lakes must be completely mitigated. An updated tree and canopy inventory will provide data to completely assess the total impact on this highly sensitive area.

### **Village F**

Village F lies significantly below the level of Lake Chesboro. There is perpetual noise in this area from the Rancho Murieta Water Plant. A disclosure must be in place to insure buyers are aware of the plant noise and the 24 hour per day operation. There is also a critical drainage issue that begins on the Sacramento Nature Conservancy and ends at lake Chesboro. Again, I stress that completed, RMCS D water, sewer and drainage studies must be in place before this process moves to the writing of a draft EIR.

### **Fire And Emergency Evacuation**

Village D, E, F and G contain a two lane road that connects them to a point of ingress and egress. There is NO alternate escape route from these villages in case of fire or other emergency. Access across the earthen dam at Lake Clementia must be prohibited. Again, without a water engineering study, it is impossible to measure flow rate and pressure of the water supply in these "outback" regions of the development. How can we be sure significant water pressure and infrastructure construction exist which would make these developments feasible? Will a gravity feed water tank be necessary to service this large expanse of property? Where can it be located? Again, there is no technical study to support the feasibility of this project. Please do not ask CSD to evaluate the project without complete technical information.

## **Parks**

The application does not offer the addition of a single athletic field. The new development does not provide for a park in which the community can support its flourishing Little League, Lacrosse and Soccer programs. The Stonehouse Park is already overburdened and the addition of 697 lots could add a population of 500 "non adults" (using the 2020 census as a benchmark). This number of "non adults" is EXCLUSIVE of the 523 lots that are currently in development or hold approved maps. The lack of space for organized recreation is obvious. The developer must relinquish land to provide space for additional athletic recreation. CSD has concerns for traffic and safety if additional demand on the Stonehouse Park are created by increased development. There is also concern for the traffic and safety issues on three key streets that are used by residential traffic to access the park. These streets are discussed in the later in the memo.

## **Cattle and Residential Development**

Great concern was expressed in the 2016 stakeholder meetings concerning the collision of cattle and a residential fence line. Three ranches abut this development. The development borders the Sacramento Nature Conservancy. The Conservancy leases grazing land which are a principal part of Conservancy revenue. The Conservancy must be consulted about this project. Mr. Van Vleck must also be consulted as his concerns are well voiced in the minutes of those 2016 meetings. Vast portions of the Rancho Murieta Properties development border this grazing area. The application does not offer ANY concern or mitigation for this agricultural interest. Residential lots should not border grazing land and be separated by a common fence. This issue touches on the concern for ingress and egress for Villages D, E, F & G. The issues of emergency evacuation from these areas are discussed below.

## **Drainage**

A new drainage model, using the new County software tools, must be prepared and evaluated in the Draft EIR. This modeling must take place BEFORE the application proceeds to the writing of the draft EIR. The first drainage study submitted by the developer was categorically rejected by the the RMCS D. This plan however, remains part of the initial development package. Comments from CSD about this drainage study are not present Comments were submitted.

Consideration should be given to a 200 year flood plain when assessing the impact around the three drinking water reservoirs. All three reservoirs, which represent a total, finite storage of community water, are impacted by the proposed development. THERE CANNOT BE A MISTAKE! Rancho Murieta does not have the immediate ability to replace raw water that is contaminated or corrupted by surrounding development. Unlike almost all other water districts in the county, Rancho Murieta cannot draw from a well or into Folsom Lake to replenish its water supply. A mistake will significantly damage the value of our homes. The developer must demonstrate the viability and safety of the drainage plan BEFORE the project proceeds. Again, water, sewer and drainage studies must be in place that guarantee a safe water supply for a community that may grow to nearly 9000 people.

Reference is made to a record downpour of rain on February 7, 2015. This storm delivered rainfall at a rate of two inches per hour. Reference is also made to Lake Clementia, which in early 2022 reached a near record low. Five days of rain returned this reservoir to a level in which water was cascading over the spill way. Again (and again), we stress that drainage is a monumental issue beside and above Rancho Murieta's three reservoirs. This project cannot be evaluated without completed drainage studies for all eight villages. There is also a question of displaced, natural drainage in Lake Clementia. Currently, natural drainage replenishes the water supply as water drains from the high ground on the east side of the lake. When development converts this water to urban storm water, a valuable source of water replenishment will be eliminated. This loss of water must be accounted for in the Integrated Water Master Plan and the Water Supply Assessment. At present, it is not

## **Outreach**

The county is well aware of the deficiencies of the public outreach conducted by this developer in conjunction with their original NOP. The residents of Rancho Murieta must be given the opportunity to gather in public meetings and publicly express their concerns. The attempt to control the dialog in small meetings with limited access is unacceptable. The developer must be asked to submit a plan for public outreach that meets these standards. There must be a clear understanding of the CPAC process as well as local public outreach. Under the new CPAC guidelines, what will be the "one meeting rule" and will the CPAC be asked to forward a recommendation after a single meeting? There have been no major projects in the South County since the new guidelines for CPAC were established. Will the developer be asked to conduct public outreach and a CPAC presentation for all 8 villages in one meeting? Please clarify the procedure in your response to the developer.

It has also been suggested that a NEW series of stakeholder meetings be conducted prior to issuance of an NOP. These need not be as lengthy as 2016. Two meetings would be adequate for all stakeholders to address concerns that may differ from those expressed in 2016. CSD, RMA, The Sacramento Conservancy and the neighboring ranchers would be key participants.

It is important that CSD share in these meetings and have the ability to listen to its ratepayers.

## **Scoping**

A widely publicized public scoping must be conducted in Rancho Murieta (not 25 miles away from the area to be developed). The meeting must be timed to include working residents with families. Rancho Murieta's demographics have changed since the initial discussions of 2003.-2005.

## **Trails**

Two trail plans are on file at county planning. One belongs to the developer and one belongs to the RMA. Despite a rosy dialog in the application, there is no agreement on trails. A review of the trail system must be completed and the conflicting issues must be resolved prior to the creation of an EIR. This is the responsibility of the RMA. While the input quoted in the application references trail input from the Murieta Trail Stewards, final approval authority should rest with the Rancho Murieta Association. Access and patrol by CSD Security are key issues that remain open. We cannot review these plans without the establishment of a "trail plan of record".

## **Traffic**

The TJKM report provided by the developer does not correspond to Phase one and Phase two report presented on this application and must be resubmitted.. In addition, Caltrans has provided information that is outdated (2015) and must be reworked. Caltrans should be asked to collaborate with County DOT to evaluate the impacts of a completed shopping center which will include a Tractor Supply, a Taco Bell and a Circle K gas station/car wash. When added to the traffic created by a fully functional hotel, a fully functional Bel Air Market and related shops, the intersection will require additional lanes and turn lanes to remain functional and safe. Caltrans should be asked to evaluate the LOS (level of service) to insure that it will continue to meet Caltrans guidelines. As many as 4000 residential cars will, at buildout, be added to the current community auto inventory. The community also receives traffic from guests, delivery and the Rancho Murieta County Club. The problem is compounded by the significant number of equestrian events at the Murieta Equestrian Center. Because of the safety issues at Lone Pine Drive, significant traffic is created by trucks and horse trailers that exit the events via the existing signaled intersection. It is imperative that a signal be added at Lone Pine Drive to relieve the safety concerns created by the left turn from Stonehouse Drive to State HWY16. Realignment of Stonehouse Road MUST occur in tandem with the implementation of this traffic signal. Sacramento County DOT is aware of this unsafe condition and should be asked to comment and recommend a mitigation schedule.

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**Sacramento County DOT has indicated that a third Rancho Murieta gate (the Esquela Gate) cannot be added prior to the installation of a signal at Lone Pine Drive. Input from a technical traffic study must focus on both the need and implementation of a third gate and the installation "trigger" for the Lone Pine Drive traffic signal.**

**The increase in internal traffic on Pera Drive, Upper Guadalupe Drive and Puerto Drive will create significant impacts to the quality of life for residents who now reside on these streets. A complete internal traffic analysis must be included in an updated technical study.**

### **Eagles**

**Rancho Murieta has consistently been the home of a pair of American Bald Eagles. These Eagles consistently live at the same location and when necessary, have rebuilt nests in the exact same location. The current mapping of Village E contains proposed lots that interfere with the nesting pattern of these birds. While the developer promises to leave these lots dormant while Eagles are present, this is inconsistent with the permanent nesting patterns of these birds. It is recommended that these lots be permanently dedicated as wildlife habitat. When combined with sensitive habitat for nesting water birds and the presence of cattle at the property lines of each residential dwelling, Village E remains extremely problematic. Fish and Game should be asked to comment on this specific area in its technical study. The EIR should not proceed until this is completed. The removal or retention of these lots will impact the water, sewer and drainage studies required in this area.**

**Thank you for allowing me to comment. You may reach me at [merchant30@gmail.com](mailto:merchant30@gmail.com) or at 916-761-2765**

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August 18<sup>th</sup>, 2022



## Rancho Murieta Community Services District

15160 Jackson Road • P.O. Box 1050 Rancho Murieta, CA 95683 • 916-354-3700 • Fax 916-354-2082

Visit our website [www.rmcsd.com](http://www.rmcsd.com)

August 18, 2022

Chris Pahule  
Senior Planner  
Sacramento County Department of Planning and Environmental Review  
RE: Project #PLNP2014-00206  
Dear, Mr. Pahule,

### Meeting Summary Sacramento County Planning July 21, 2022

On July 21, 2022, Rancho Murieta CSD met with Chris Pahule and Jessica Brandt of the Sacramento County Department of Planning and Environmental Review (Planning). Present were CSD General Manager Tom Hennig, Director of Operations Michael Fritschi and CSD Director John Merchant. The meeting was organized by Planning to discuss the preparation of a new Integrated Water Master Plan (IWMP) and the eventual issuance of a Water Supply Assessment (WSA) for Rancho Murieta Properties LLC (RMP).

On May 6, 2022, RMP received an "Incomplete Notice" from Planning for its March 20, 2022, Amended Development Application. This notice included a list of "Additional Materials To Be Required." This list requires RMP to work with RMCS D to commission a new IWMP. Additionally, RMCS D was asked to provide Planning with an updated WSA. The WSA must guarantee, over a 20 year period, an adequate water supply to support the RMP development of 697 residential homes. This is a two phase, eight village development in Rancho Murieta North. The WSA will also be subject to a peer review to review its findings.

RMP disputes the requirement that a new IWMP must be prepared prior to beginning its Environmental Impact Report. Planning met recently with the Sacramento County Legal Counsel who confirmed that Planning lacks the authority to require an IWMP of RMP before it begins to prepare the EIR. Planning does, however, have authority to request a Water Supply Assessment as described in the Notice of Incomplete Application. This WSA will be ordered by Planning and prepared by RMCS D once the development application is ruled complete. Unlike the IWMP, a WSA must be completed before the EIR can begin. Data reported in the WSA is critical to preparation of the Environmental Impact Report.

RMCS D made it clear in this meeting that it WILL NOT issue a WSA until RMCS D fully understands and mitigates the critical issues that can only be defined in a new IWMP. In other words, a new IWMP must be completed by RMCS D prior to the issuance a WSA (also by RMCS D), after which time the EIR can begin by RMP.

The IWMP is included in our proposed budget and WSA is currently un-budgeted. There is currently no timetable for their completion. Financial responsibility for the WSA remains unassigned.

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Below we have listed the most critical issues that are presently undefined or obsolete in our 2010 Integrated Water Master Plan and would need to be addressed in the new IWMP. Many were discussed in our meeting.

1. The impact of the climate and air temperature on reservoir evaporation must be re-calculated. The climate change assumptions in the 2010 IWMP are obsolete.
2. All of the 2010 hydrology assumptions must be revisited; this is most important when considering below average rainfall and a snowpack which is 38% of average for July of this year.
3. Fire, and its potential impact on the Cosumnes watershed must now be considered as a new and significant threat to diversion and water quality (i.e., the 2022 Caldor Fire) State water authorities have recently commented that "California's climate is changing rapidly, and historic data are no longer a reliable guide to future conditions," RMCS D's new IWMP will require the data more consistent with recent climate and drought conditions.
4. A recent bathymetric survey of the Calero Reservoir has lowered the overall full water storage capacity estimates by approximately 500-acre feet. The full storage capacity of 2,600 acre-ft has likely been reported since the reservoir was constructed in 1979. The recent survey determined that the original capacity curve was based on the planned design which was altered during the expansion of the reservoir. A portion of the western shore of the reservoir was not excavated leaving a peninsula which increases the divergence from the original stage storage curve and the recently completed survey towards the upper elevation of the reservoir.
5. In 2022, RMCS D was ordered to curtail diversion of non-riparian rights from the Cosumnes River. This action prevented the traditional "top off" of water that CSD conducts prior to the May 31st end of its diversion season. This is the first diversion curtailment RMCS D has experienced since the 1970s. In recent communications, the California Department of Water Resources has warned of future curtailments "should they become necessary." "A water right is no longer a guarantee of future diversion capabilities." The Board advises that water right holders and claimants should "prepare for reduced supplies", "even if your water right is not presently curtailed". Rancho Murieta has a finite water supply and no groundwater resources. Timely, sufficient diversions from the Cosumnes River are the community's most important resource and any curtailments must be considered in the plan.
6. The RMCS D has recently interviewed Mr. Richard Brandt. In 1984, Mr. Brandt negotiated the formation of RMCS D with the original owners, developers of Rancho Murieta South and the El Dorado Irrigation District. Mr. Brandt recalled intense discussions concerning the "rate of conservation" used to validate the water supply. As a compromise, 50% levels of conservation were declared sustainable and memorialized in the agreement. It was understood, however, that 50% conservation was not sustainable in Rancho Murieta. Mr. Brandt, in his own words, describes these 50% conservation levels as "suicidal". The 2010 IWMP continues to use a 50%, conservation level to justify an adequate water supply for future development. A new IWMP will solicit community input, conduct workshops, and re-evaluate current levels of mandatory conservation that the community can tolerate. The Sacramento Tree Foundation recently advised that a 50% level of conservation would kill most non-native trees and landscaping in Rancho Murieta. The importance of new data

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cannot be over-emphasized as RMCS D attempts to measure its tolerance for drastic conservation levels on the community's quality of life.

7. RMCS D remains unclear of its role in establishing the ground rules for accessory dwelling units (ADU's). ADU's in the community will produce significant, (but presently unidentified) numbers of Equivalent Dwelling Units. New state regulations governing ADU's are not considered in any previous IWMP. ADU's create an unknown water demand which must be further understood.
8. RMP proposes a second phase of development in Villages D, E, F, G and H. Phase 2 proposes 131 residential dwellings surrounding the three RMCS D reservoirs. The 2010 IWMP estimates the contribution of rainfall and drainage to the water supply as 450 acre feet of water. After development, much of this rainfall and drainage will become urban stormwater and will be unavailable as a contribution to the potable water supply. This will increase demand on diversions from the Cosumnes River.
9. Historic mismeasurement of the Calero Reservoir and this loss of drainage represent more than 20% of the RMCS D storage capacity. This shortfall is magnified when one considers water storage in Lake Clementia. Clementia is filled almost exclusively by drainage and remains the community "safety net" of backup storage.
10. Climate, temperature, and evaporation will impact reservoir storage levels and impact water quality. A new IWMP must evaluate the seasonal, dramatic reductions in reservoir volume and the potential damage to the quality of our stored water supply.
11. RMCS D must, by agreement, guarantee substantial quantities of recycled water to the Rancho Murieta Country Club. The ability of the District to generate recycled water directly influences potable water demand. A complete assessment of future recycled water supplies will be included in a new IWMP and contribute to the accuracy of a new WSA.
12. The RNP development proposes to develop homes on the Eastern slopes of our reservoirs. This will require extensive terracing on steep slopes and will remove substantial amounts of native trees. Terracing, the removal of trees and the paving of streets provide an opportunity for reservoir contamination that has never before been present. RMCS D needs to continue to assess and bring attention to the finite quantity of our water supply. Any interruption of our diversion, caused by the curtailment of river flows, contamination or equipment failure may prove catastrophic.

RMCS D will soon meet with the State Department of Water Resources, The Regional Water Quality Control Board and with water experts in the State Assembly to express our concerns of liability as they relate to commitments for future service. It is a significant concern of the RMCS D that the pressure to develop will exert significant pressure on the district to concur with developer assumptions that "there is plenty of water to go around". Only an unbiased IWMP can answer these questions.

CSD will soon reach the threshold of 3,000 residential connections as the developers build homes. Urban suppliers are required to submit an Urban Water Master Plan every five years. RMCS D plans to build its final IWMP consistent with the format of an urban plan. A new IWMP, in an urban plan format will be easily transferred when RMCS D crosses the 3,000 connection threshold.

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It is necessary to mention that the RMP development application has been active since 2014 and recently has been amended. Most of the original technical studies, tree inventory, development schedules and the Water Supply Assessment are obsolete and invalid. Since receiving the "Notice of Incomplete Application", RNP has provided almost nothing to support its amendments. The timing of this development application remains undefined.

RMCSO contends that any attempt to use the 2010 IWMP or the 2016 WSA as a basis for a verification of its water supply would be a breach of its fiduciary responsibility. It would also do a disservice to its existing customers of the District, whose water supply has been previously guaranteed. RMCSO will be completing a new IWMP which will serve as the basis of the WSA being required by Planning in order for the RMP to complete their EIR.

Sincerely,



Tom Hennig  
General Manager  
Rancho Murieta Community Services District

cc. Tim Maybee, RMCSO Board President  
John Merchant, RMCSO Board Member  
Michael Fritschi, RMCSO Director of Operations  
Paula O'Keefe, RMCSO Director of Administration  
John Sullivan, Rancho Murieta Properties LLC  
Joe Domenichelli, Domenichelli and Associates

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General Manager • Tom Hennig

## MEMORANDUM

Date: October 7, 2022  
To: Board of Directors  
From: Improvements Committee Staff  
Subject: October 4, 2022, Improvements Committee Meeting Minutes

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### 1. CALL TO ORDER

Director Jenco called the meeting to order at 8:00 a.m. via ZOOM video conference pursuant to GOV. CODE, § 54953, SUBD. (E)(1)(C). Present were Director Jenco and Director Pohll. Present from District staff were Tom Hennig, General Manager, Michael Fritschi, Director of Operations; and Amelia Wilder, District Secretary.

### 2. CONSIDER FINDING THAT AS A RESULT OF THE COVID-19 EMERGENCY: (I) MEETING IN PERSON WOULD PRESENT IMMEDIATE RISKS TO THE HEALTH OR SAFETY OF ATTENDEES; AND (II) THE MEETING IS AUTHORIZED TO BE HELD BY TELECONFERENCE PURSUANT TO GOV. CODE, § 54953, SUBD. (E)(1)(C)

The Committee agreed to have the October meeting via teleconference.

### 3. PUBLIC COMMENT

None.

### 4. MONTHLY UPDATE

Michael Fritschi, Director of Operations, gave a summary of the Utilities Department Update with a discussion on the following topics:

- SB 170 Projects
  - Water Treatment Facility Sodium Hypochlorite Conversion
  - Recycled Water Disinfection Project
  - Granlees Safety Improvements
- Water
  - Integrated Water Master Plan
- Drainage
  - Lost Lake (Basin 5)
- Site Development Update

There was a discussion about removal of the primrose in Lost Lake.

### 5. DISCUSS WOODEN BRIDGE CONVEYANCE

Mr. Fritschi reopened the discussion about conveying the wooden bridge back to RMA. There was a discussion. ***This item will be on the October 19, 2022, Board Meeting Agenda.***

### 6. RIO OSO PROJECT STATUS

Mr. Fritschi informed the Committee Staff are requesting that the Improvements Committee provide a recommendation that the Board adopt a resolution finding that an emergency exists in connection with the Rio Oso pressure station and authorize the General Manager to approve an emergency contract with Kirby Pump to perform the pump replacement work for \$37,800; and approve to contract with Prodigy Electric for a total of \$53,146 for procurement and replacement variable frequency drives (VFDs) for the District Rio Oso pressure

pump station, and to allow a 15% contingency for a total emergency expenditure of \$104,588. Gail Bullen confirmed that water will not be turned off to the residents who rely on this pump while repairs are completed. ***This item will be on the October 19, 2022, Board Meeting Agenda.***

#### **7. UPDATE ON LAKE 11 PROJECT**

This will be updated monthly until the project is complete. Mr. Fritschi informed the Committee that the work is proceeding. The affected holes (9, 10 and 11) on the Golf Course will be closed for one to three weeks. Call the Golf Course to confirm. ***This item will be on the October 19, 2022, Board Meeting Agenda.***

#### **8. DIRECTOR AND STAFF COMMENTS/SUGGESTIONS**

None.

#### **9. ADJOURNMENT**

The meeting was adjourned at 8:42 a.m.

DRAFT



## MEMORANDUM

Date: October 7, 2022  
To: Board of Directors  
From: Finance Committee Staff  
Subject: October 4, 2022, Finance Committee Meeting Minutes

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### 1. CALL TO ORDER

Director Merchant called the meeting to order at 10:00 a.m. via ZOOM video conference pursuant to GOV. CODE, § 54953, SUBD. (E)(1)(C). Present were Directors Merchant and Pohl. Present from District staff were Tom Hennig, General Manager; Kelly Benitez, Security Supervisor; Michael Fritschi, Director of Operations; and Amelia Wilder, District Secretary.

### 2. CONSIDER FINDING THAT AS A RESULT OF THE COVID-19 EMERGENCY: (I) MEETING IN PERSON WOULD PRESENT IMMEDIATE RISKS TO THE HEALTH OR SAFETY OF ATTENDEES; AND (II) THE MEETING IS AUTHORIZED TO BE HELD BY TELECONFERENCE PURSUANT TO GOV. CODE, § 54953, SUBD. (E)(1)(C)

The Committee agreed to have the October meeting via teleconference.

### 3. COMMENTS FROM THE PUBLIC

John Sullivan confirmed that comments would be accepted during the items on the agenda.

### 4. FINANCE MONTHLY UPDATES

Tom Hennig, General Manager, gave a brief report on the Finance Department, covering the following topics:

- Audit Updates
- Budget to Actuals Reporting
- Contract for Enterprise Resource Planning
- Recruitment
- Utility Billing

There was a discussion about beginning to use Tyler Technologies and starting the integration with utility billing. This was followed by a discussion about the backlog in the Payables department. Vanessa Burke from the District's financial consultant the PUN Group joined the conversation and dove into the processes of payables.

She continued with a discussion on the current state of the FY2020-21 Audit.

Director Merchant asked if the billing cycle could be moved to the first day of the month until the last day, instead of the 26<sup>th</sup> until the 25<sup>th</sup>.

John Sullivan expressed his concerns over his bills, stating that he believes he has been overbilled on his commercial accounts, and the dispute over his Coastland bills. The discussion turned into questions about other potential billing errors. The Committee discussed refunds and collecting money on fees that weren't charged. The Committee agreed to move this discussion to the Board. ***This item will be on the October 19, 2022, Board Meeting Agenda.***

### 5. DISCUSS TREASURY BOND IN THE AMOUNT OF \$540,000 PLUS INTEREST

Mr. Hennig discussed the current status of the \$540,000 which is for the fourth train (large water pump) at water treatment plant number one. John Sullivan and his development group was involved in the creation of the Bonds and requested that this money be moved into a two-year treasury bond. The discussion continued with questions about overruns to the construction of the water treatment plant. ***This item will be on the October 19, 2022, Board Meeting Agenda.***

**6. REVIEW PLANNED BUDGET TO ACTUAL FORMAT**

Vanessa Burke discussed the updated Budget to Actual Format that will be presented to the Board monthly.

**7. DISCUSS PROPOSED FRANCHISE AGREEMENT WITH CAL-WASTE**

Mr. Hennig updated the Committee on the proposed franchise agreement with Cal-Waste, stating there might be an agreement on the November Board Meeting Agenda.

**8. DISCUSS MEASURE R SECURITY SPECIAL PARCEL TAX INITIATIVE**

Mr. Hennig asked if there were any questions about Measure R. Crystal Matter asked what the voting requirements are for the Measure to pass. Mr. Hennig replied that 2/3 of the people voting need to vote in favor of the measure for it to pass.

**9. DISCUSS DEVELOPER DEPOSITS**

Mr. Hennig stated that we have processed the charges against the deposits, and we will be sending out bills once the accounts are reconciled within the financial system.

**10. DIRECTOR AND STAFF COMMENTS/SUGGESTIONS**

None.

**11. ADJOURNMENT** The meeting was adjourned at 12:00 p.m.

## MEMORANDUM

Date: October 6, 2022  
To: Board of Directors  
From: Communication & Technology Committee Staff  
Subject: October 6, 2022, Communication & Technology Committee Meeting Minutes

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### 1. CALL TO ORDER

Director Merchant called the meeting to order at 8:30 a.m via ZOOM video conference pursuant to GOV. CODE, § 54953, SUBD. (E)(1)(C). Present were Directors Merchant and Butler. Present from District staff were Tom Hennig, General Manager; Michael Fritschi, Director of Operations; Kelly Benitez, Security Supervisor; and Amelia Wilder, District Secretary.

### 2. CONSIDER FINDING THAT AS A RESULT OF THE COVID-19 EMERGENCY: (I) MEETING IN PERSON WOULD PRESENT IMMEDIATE RISKS TO THE HEALTH OR SAFETY OF ATTENDEES; AND (II) THE MEETING IS AUTHORIZED TO BE HELD BY TELECONFERENCE PURSUANT TO GOV. CODE, § 54953, SUBD. (E)(1)(C)

The Committee agreed to have the October meeting via teleconference.

### 3. COMMENTS FROM THE PUBLIC

None.

### 4. MONTHLY WEBSITE AND SOCIAL MEDIA UPDATE AND FAQ'S

Amelia Wilder, District Secretary, gave an update of the statistics related to the number of visits per page to Facebook and RMCS.com. Director Butler asked if Staff could find out how many customers who receive the Pipeline electronically with their bill clicked on the link to view the Pipeline. Director Merchant asked that Staff start a communication campaign to inform the ratepayers that they can receive the Pipeline electronically.

### 5. DISCUSS RESERVOIR INFORMATION AND EDUCATION AD HOC COMMITTEE

Director Butler updated the Committee on the report that was presented at the July 20, 2022, Board meeting. *This item will be on the October 19, 2022, Board Agenda.*

### 6. DISCUSS MEASURE R COMMUNICATIONS

Tom Hennig, General Manager, opened the discussion, asking if anyone had any questions. The Directors discussed the communications in the River Valley Times. Richard Gehrs asked if the RMA Board supported Measure R. There was no evidence to support the idea.

### 7. DIRECTOR AND STAFF COMMENTS

Director Merchant discussed the announcement on the USGS webpage for Michigan Bar, stating that changes would be made to the page. He wanted to make sure that the historical data contained there would be available after the change. Michael Fritschi, Operations Manager, informed the Committee that the District keeps a spreadsheet containing all of the historical data.

### 8. Adjournment

The meeting was adjourned at 8:35 a.m.

## MEMORANDUM

Date: October 6, 2022  
To: Board of Directors  
From: Security Committee Staff  
Subject: October 6, 2022, Security Committee Meeting Minutes

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### 1. CALL TO ORDER

Director Maybee called the meeting to order at 10:00 a.m. via ZOOM video conference pursuant to GOV. CODE, § 54953, SUBD. (E)(1)(C). Present was Director Maybee. Present from District staff were Tom Hennig, General Manager; Michael Fritschi, Director of Operations; Kelly Benitez, Security Supervisor; and Amelia Wilder, District Secretary.

### 2. CONSIDER FINDING THAT AS A RESULT OF THE COVID-19 EMERGENCY: (I) MEETING IN PERSON WOULD PRESENT IMMEDIATE RISKS TO THE HEALTH OR SAFETY OF ATTENDEES; AND (II) THE MEETING IS AUTHORIZED TO BE HELD BY TELECONFERENCE PURSUANT TO GOV. CODE, § 54953, SUBD. (E)(1)(C)

The Committee agreed to have the October meeting via teleconference.

### 3. COMMENTS FROM THE PUBLIC

None.

### 4. MONTHLY UPDATES

Kelly Benitez, Security Supervisor gave the Operations Updates, touching on the following topics:

- Operations Update
- New Patrol Vehicle
- Goats and Sheep
- Repairs to the Safety Center
- RMA's zero tolerance policy for dogs off leash

### 5. REVIEW ORDINANCE O2022-06 ADDING CHAPTER 9 TO DISTRICT CODE - ADMINISTRATIVE CITATIONS AND FINES

Tom Hennig, General Manger, reviewed the proposed Ordinance O2022-06 which would add Chapter 9 Administrative Citations and Fines to District Code. There was a discussion about the new Code. Director Maybee asked that an educational campaign go out to the Community prior to Code adoption. The Committee agreed to move this Ordinance to the Board for approval. ***This item will be on the October 19, 2022, Board Meeting Agenda.***

### 6. REVIEW SECURITY DEPARTMENT SECURITY CAMERA STRATEGY

Mr. Hennig discussed the placement of future Security Cameras at Murieta Gardens and the Alameda lift station. Director Maybee added that the RMA discussed at their Budget meeting on October 5, 2022, purchasing cameras.

### 7. UPDATE ON SECURITY CENTER REHAB

This item was discussed in Item #4, Security Monthly Updates.

#### **8. UPDATE MEASURE R SECURITY SPECIAL PARCEL TAX MEASURE**

Mr. Hennig asked the participants if there were any questions. Director Maybee said that he is setting up calls with residents to discuss the Measure.

#### **9. DIRECTOR & STAFF COMMENTS**

Director Maybee thanked Mr. Benitez for his professionalism.

#### **10. ADJOURNMENT**

The meeting adjourned at 10:33 a.m.

DRAFT

## MEMORANDUM

Date: October 13, 2022  
To: Board of Directors  
From: Paula O'Keefe, Director of Administration  
Subject: Approval of Check Register and Payroll Cash Requirements, September 2022

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Enclosed are the Check Register Report for September 2022 and Payroll Cash Requirements report dated September 16, 2022 and September 30, 2022.



Reviewed by: General Manager

RANCHO MURIETA CSD  
 VENDOR CHECK REGISTER REPORT  
 Payables Management

Ranges:	From:	To:	From:	To:
Check Number	First	Last	Check Date	9/1/2022
Vendor ID	First	Last	Checkbook ID	First
Vendor Name	First	Last		Last

Sorted By: Check Date

\* Voided Checks

Check Number	Check Date	Vendor	Checkbook ID	Amount
* 0010340	9/8/2022	Robert Half	CSD CHECKING	\$6,800.00
* 0010341	9/8/2022	Municipal Resource Group, LLC	CSD CHECKING	\$3,800.00
* 0010342	9/8/2022	Robert Half	CSD CHECKING	\$6,800.00
0010343	9/8/2022	Robert Half	CSD CHECKING	\$6,800.00
0010344	9/8/2022	Municipal Resource Group, LLC	CSD CHECKING	\$3,800.00
0010345	9/9/2022	Prodigy Electric & Controls Inc.	CSD CHECKING	\$14,426.00
0010346	9/9/2022	A&D Automatic Gate and Access	CSD CHECKING	\$1,464.87
* 0010347	9/20/2022	California Waste Recovery Systems	CSD CHECKING	\$229,631.41
0010348	9/20/2022	LUXURY CLEANING SERVICE	CSD CHECKING	\$2,000.00
0010349	9/20/2022	California Waste Recovery Systems	CSD CHECKING	\$229,631.41
0010350	9/20/2022	ABA Protection Inc.	CSD CHECKING	\$4,095.04
0010351	9/20/2022	A Leap Ahead IT	CSD CHECKING	\$2,702.50
0010352	9/20/2022	Bartkiewicz, Kronick & Shanahan	CSD CHECKING	\$18,817.50
0010353	9/20/2022	Brown Professional Investigative Services	CSD CHECKING	\$187.50
0010354	9/20/2022	Caltronics	CSD CHECKING	\$96.88
0010355	9/20/2022	CIT	CSD CHECKING	\$475.22
0010356	9/20/2022	Clark Pest Control	CSD CHECKING	\$739.00
0010357	9/20/2022	Concentra DBA Occupational Health Centers	CSD CHECKING	\$262.00
* 0010358	9/20/2022	County of Sacramento	CSD CHECKING	\$20,475.84
0010359	9/20/2022	Del Rio Advisors, LLC	CSD CHECKING	\$750.00
* 0010360	9/20/2022	Galls	CSD CHECKING	\$169.16
* 0010361	9/20/2022	HDR Engineering, Inc	CSD CHECKING	\$17,640.31
* 0010362	9/20/2022	WECybr, LLC	CSD CHECKING	\$7,500.00
0010363	9/21/2022	ABS Direct	CSD CHECKING	\$6,327.80
0010364	9/21/2022	Apple One Employment Services	CSD CHECKING	\$6,557.07
0010365	9/21/2022	Galls	CSD CHECKING	\$300.62
0010366	9/21/2022	Greenfield Communications	CSD CHECKING	\$448.99
0010367	9/21/2022	Porter Scott	CSD CHECKING	\$6,549.50
0010368	9/21/2022	Rancho Murieta Association	CSD CHECKING	\$652.37
0010369	9/21/2022	State of California	CSD CHECKING	\$33.09
0010370	9/21/2022	Univar Solutions USA Inc	CSD CHECKING	\$1,170.00
0010371	9/21/2022	Brown Professional Investigative Services	CSD CHECKING	\$25.00
0010372	9/21/2022	EDCO Enterprises	CSD CHECKING	\$1,400.00
0010373	9/21/2022	Greenfield Communications	CSD CHECKING	\$448.99
0010374	9/21/2022	New Resource Group, Inc	CSD CHECKING	\$360.00
0010375	9/22/2022	ABA Protection Inc.	CSD CHECKING	\$6,036.84
0010376	9/22/2022	Aramark Uniform & Career Apparel, LLC	CSD CHECKING	\$1,137.67
0010377	9/22/2022	Borges & Mahoney	CSD CHECKING	\$13,800.54
* 0010378	9/22/2022	Brower Mechanical, Inc	CSD CHECKING	\$591.00
* 0010379	9/22/2022	County of Sacramento	CSD CHECKING	\$20,475.84
* 0010380	9/22/2022	Galls	CSD CHECKING	\$169.16
* 0010381	9/22/2022	HDR Engineering, Inc	CSD CHECKING	\$17,640.31
* 0010382	9/22/2022	Heather Pedro	CSD CHECKING	\$38.78
* 0010383	9/22/2022	Kelly Benitez	CSD CHECKING	\$114.76
* 0010384	9/22/2022	Operating Engineers Local Union No. 3	CSD CHECKING	\$708.96
* 0010385	9/22/2022	Tally Services Inc	CSD CHECKING	\$3,225.00
* 0010386	9/22/2022	Univar Solutions USA Inc	CSD CHECKING	\$10,826.74
* 0010387	9/22/2022	USA Blue Book	CSD CHECKING	\$3,589.91
0010388	9/22/2022	WECybr, LLC	CSD CHECKING	\$7,500.00
0010389	9/22/2022	Tally Services Inc	CSD CHECKING	\$3,225.00
0010390	9/22/2022	Aestiva Software, Inc.	CSD CHECKING	\$5,025.36
0010391	9/22/2022	Operating Engineers Local Union No. 3	CSD CHECKING	\$708.96
0010392	9/22/2022	Univar Solutions USA Inc	CSD CHECKING	\$10,826.74
0010393	9/22/2022	USA Blue Book	CSD CHECKING	\$3,589.91
0010394	9/22/2022	Aestiva Software, Inc.	CSD CHECKING	\$3,776.97
0010395	9/22/2022	Brower Mechanical, Inc	CSD CHECKING	\$591.00

\* Voided Checks

Check Number	Check Date	Vendor	Checkbook ID	Amount
0010396	9/22/2022	County of Sacramento	CSD CHECKING	\$20,475.84
* 0010397	9/22/2022	Galls	CSD CHECKING	\$169.16
0010398	9/22/2022	HDR Engineering, Inc	CSD CHECKING	\$17,640.31
0010399	9/22/2022	Heather Pedro	CSD CHECKING	\$38.78
0010400	9/22/2022	Kelly Benitez	CSD CHECKING	\$114.76
* 0010401	9/26/2022	Bay Area Clean Water Agencies	CSD CHECKING	\$757.76
* 0010402	9/28/2022	State of California	CSD CHECKING	\$1,230.00
0010403	9/28/2022	State of California	CSD CHECKING	\$1,230.00
0010404	9/29/2022	Prodigy Electric & Controls Inc.	CSD CHECKING	\$16,367.00
0010405	9/29/2022	Apple One Employment Services	CSD CHECKING	\$3,164.09
0010406	9/29/2022	A Leap Ahead IT	CSD CHECKING	\$2,270.89
* 0010407	9/29/2022	Chemtrade Chemicals US LLC	CSD CHECKING	\$11,256.29
* 0010408	9/29/2022	HDR Engineering, Inc	CSD CHECKING	\$28,009.04
0010409	9/29/2022	Chemtrade Chemicals US LLC	CSD CHECKING	\$11,256.29
0010410	9/29/2022	HDR Engineering, Inc	CSD CHECKING	\$28,009.04
Total Checks:	71		Total Amount of Checks:	\$467,307.34



# CASH REQUIREMENTS

(Prior to Processing)

**THIS REPORT SUMMARIZES YOUR PAYROLL TRANSACTIONS FOR THE CHECK DATE 09/16/22. IT DOES NOT REFLECT MISCELLANEOUS ADMINISTRATIVE CHARGES.**

**IMPORTANT COVID-19 INFORMATION:** If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

**TRANSACTION DETAIL**

**ELECTRONIC FUNDS TRANSFER - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.**

TRANS. DATE	BANK NAME	ACCOUNT NUMBER	PRODUCT	DESCRIPTION	BANK DRAFT AMOUNTS & OTHER TOTALS
09/15/22	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxxxxxxx751	Direct Deposit	Net Pay Allocations	74,367.32
09/15/22	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxxxxxxx751	Garnishment	Employee Deductions	150.00
09/15/22	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxxxxxxx947	Taxpay®	Employee Withholdings Medicare Fed Income Tax CA Income Tax CA Disability Total Withholdings	1,435.42 9,623.87 3,075.18 1,088.97 <b>15,223.44</b>
				Employer Liabilities Medicare CA Unemploy CA Emp Train Total Liabilities	1,435.44 81.94 1.74 <b>1,519.12</b>
					<b>EFT FOR 09/15/22</b>
					<b>91,259.88</b>

**TOTAL EFT (Does not reflect administrative charges) 91,259.88**

**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.**

TRANS. DATE	BANK NAME	ACCOUNT NUMBER	PRODUCT	DESCRIPTION	TOTAL
09/16/22	Refer to your records for account information		Payroll	Employee Deductions 6.75% PERSx 7% PERSx AFLAC AFLSTD DCOMP Deduction HEALTH LEGSHI LIFE INS PERM Post Tax PXUME EE PRE SURB	3,706.16 2,165.63 466.65 219.19 2,903.21 23.76 3,165.88 23.47 8.52 282.72 100.00 26.97

# CASH REQUIREMENTS

(Prior to Processing)

**THIS REPORT SUMMARIZES YOUR PAYROLL TRANSACTIONS FOR THE CHECK DATE 09/16/22. IT DOES NOT REFLECT MISCELLANEOUS ADMINISTRATIVE CHARGES.**

**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES (cont.) - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.**

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
09/16/22	Refer to your records for account information		Payroll	Employee Deductions (cont.)	354.48
				Union dues	13,446.64
				<b>Total Deductions</b>	<b>13,446.64</b>

**TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES (Does not reflect administrative charges) 13,446.64**

**PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF - This information serves as a record of payment.**

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>
09/21/22	Taxpay@	FED IT PMT Group
09/21/22	Taxpay@	CA IT PMT Group
		12,494.73
		4,164.15

# CASH REQUIREMENTS

(Prior to Processing)

THIS REPORT SUMMARIZES YOUR PAYROLL TRANSACTIONS FOR THE CHECK DATE 09/30/22. IT DOES NOT REFLECT MISCELLANEOUS ADMINISTRATIVE CHARGES.

**IMPORTANT COVID-19 INFORMATION:** If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

**TRANSACTION DETAIL**

**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

TRANS. DATE	BANK NAME	ACCOUNT NUMBER	PRODUCT	DESCRIPTION	BANK DRAFT AMOUNTS & OTHER TOTALS
09/29/22	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxxxxxxx751	Direct Deposit	Net Pay Allocations	69,795.21
09/29/22	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxxxxxxx751	Readychex®	Check Amounts	197.10
09/29/22	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxxxxxxx751	Garnishment	Employee Deductions	150.00
09/29/22	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxxxxxxx947	Taxpay®	Employee Withholdings Medicare Fed Income Tax CA Income Tax CA Disability Total Withholdings	1,357.39 9,461.28 2,906.93 1,016.49 14,742.09
				Employer Liabilities Medicare CA Unemploy CA Emp Train Total Liabilities	1,357.36 63.99 1.36 1,422.71
<b>EFT FOR 09/29/22</b>					<b>86,307.11</b>
<b>TOTAL EFT (Does not reflect administrative charges)</b>					<b>86,307.11</b>

**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES** - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

TRANS. DATE	BANK NAME	ACCOUNT NUMBER	PRODUCT	DESCRIPTION	TOTAL
09/30/22	Refer to your records for account information		Payroll	Employee Deductions 6.75% PERSx 7% PERSx AFLAC AFLSTD DCOMP Deduction HEALTH LEGSHI LIFE INS	3,532.92 2,121.34 430.71 219.19 2,778.21 23.76 3,132.70 23.47 8.52

# CASH REQUIREMENTS

(Prior to Processing)

THIS REPORT SUMMARIZES YOUR PAYROLL TRANSACTIONS FOR THE CHECK DATE 09/30/22. IT DOES NOT REFLECT MISCELLANEOUS ADMINISTRATIVE CHARGES.

**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES (cont.)** - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
09/30/22	Refer to your records for account information		Payroll	Employee Deductions (cont.)	
				PERM Post Tax	282.72
				PXUME EE PRE	100.00
				SURB	26.97
				Union dues	354.48
				<b>Total Deductions</b>	<b>13,034.99</b>

**TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES (Does not reflect administrative charges) 13,034.99**

**PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF** - This information serves as a record of payment.

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>
10/05/22	Taxpay®	FED IT PMT Group
10/05/22	Taxpay®	CA IT PMT Group
		12,176.03
		3,923.42

**RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

**INVESTMENT REPORT**

September 30, 2022

**CSD FUNDS (8/31/22)**

**EL DORADO SAVINGS BANK**

Savings	\$	2,401,741
Checking	\$	650,705
Payroll	\$	70,940
<b>BANNER BANK EFT PAYMENTS ACCOUNT</b>	<b>\$</b>	<b>852,837</b>

**CSD OPERATING CAPITAL**

<b>TOTAL AVAILABLE CASH*</b>	<b>\$</b>	<b>3,976,222</b>
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**CSD INVESTMENT (6/30/22)**

<b>LOCAL AGENCY INVESTMENT FUND (LAIF)</b>	<b>\$</b>	<b>8,324,347</b>
<b>CALIFORNIA ASSET MGMT PROGRAM (CAMP)</b>	<b>\$</b>	<b>640,967</b>

<b>TOTAL</b>	<b>\$</b>	<b>12,941,536</b>
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**MELLO ROOS BOND**

**COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CFD)**

<b>BANK OF AMERICA</b>	<b>\$</b>	<b>118,827</b>
<b>WILMINGTON TRUST</b>		
Bond Special Tax Fund	\$	100,045
Bond Redemption Account	\$	-
Bond Acq & Construction	\$	17,668
Bond Reserve Fund	\$	391,581
Bond Surplus	\$	157,186
Bond Admin Expense	\$	22,405
Bond Principal	\$	-
Bond Interest	\$	-
	<b>\$</b>	<b>807,712</b>

\*Investments comply with the CSD adopted investment policy.

PREPARED BY: Paula O'Keefe

REVIEWED BY:  District Treasurer

## MEMORANDUM

Date: October 19, 2022  
To: Board of Directors  
From: Tom Hennig, General Manager  
Subject: General Manager's Report

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### COVID-19 RESPONSE

The Sacramento County Health Officer has rescinded the two health orders requiring masks and restricting public meetings to on-line. In accordance with this change, the District offices remain open for business. At this time Board meetings will be scheduled for the District Office. Committee Meetings will continue to be conducted via Zoom until further notice.

### LEGISLATIVE UPDATE

SB 552 - In September 2021, [Senate Bill 552 \(SB 552\)](#) was signed by Governor Newsom and enacted into law. SB 552 includes new responsibilities and requirements at both the state and local level to help small water suppliers and rural communities reduce their risk of inadequate water supply amid a water shortage event.

#### CHAPTER 2. Small Water Suppliers and Nontransient Noncommunity Water Systems 10609.60.

- (a) No later than July 1, 2023, and updated every five years thereafter, a small water supplier serving 1,000 to 2,999 service connections, inclusive, and a nontransient noncommunity water system that is a school shall each develop and maintain, onsite, an abridged Water Shortage Contingency Plan (WSCP) that includes, at a minimum, all of the following drought-planning elements:
- (1) Drought-planning contacts, including all of the following:
    - (A) At least one contact at the water system for water shortage planning and response and the development of the plan.
    - (B) Contacts for local public safety partners and potential vendors that can provide repairs or alternative water sources, including, but not limited to, local community-based organizations that work with the population in and around areas served by the water system, contractors for drilling wells, vended water suppliers, and emergency shower vendors.
    - (C) State and local agency contacts who should be informed when a drought or water shortage emergency is emerging or has occurred.
    - (D) Regional water planning groups or mutual aid networks, to the extent they exist.
  - (2) Triggering mechanisms and levels for action, including both of the following:
    - (A) Standard water shortage levels corresponding to progressive ranges based on the water supply conditions. Water shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, a fire, and other potential emergency events.
    - (B) Water shortage mitigation, response, customer communications, enforcement, and relief actions that align with the water shortage levels required by subparagraph (A).

(b) A small water supplier serving 1,000 to 2,999 service connections, inclusive, and a nontransient noncommunity water system that is a school shall each make the abridged Water Shortage Contingency Plan available on their individual internet websites, if any. A small water supplier serving 1,000 to 2,999 service connections, inclusive, or a nontransient noncommunity water system that is a school that does not have an internet website shall make the abridged Water Shortage Contingency Plan available to persons upon request. The abridged Water Shortage Contingency Plan shall be provided to the state board's Division of Drinking Water for inspection upon demand.

(c) A small water supplier serving fewer than 1,000 service connections shall add drought planning elements, including, but not limited to, those listed in paragraph (1) of subdivision (a) and subparagraph (A) of paragraph (2) of subdivision (a), to its emergency notification or response plan and submit the plan to the state board. The plan shall be updated every five years, or when significant changes occur.

(d) No later than December 31, 2022, the department and the state board shall create an abridged Water Shortage Contingency Plan template for small water suppliers serving 1,000 to 2,999 service connections, inclusive, and nontransient noncommunity water systems that are schools to facilitate implementation of this section.

(e) To the extent that funding is made available, the state board shall offer technical assistance to small water suppliers serving fewer than 1,000 service connections and nontransient noncommunity water systems that are schools to improve drought and water shortage resiliency, including requirements related to the emergency notification or response plan.

#### **CAMERA PROGRAM UPDATE**

We are working with our vendor to develop design and build plans for the potential expansion of our current camera inventory as part of the FY 2022-23 CIP plans. We have tentatively selected the first two installations at the Murieta Gardens II. We are currently working to schedule installation of the first two camera systems. The next step will be to establish the communications to the South Gate. At this time, I have a request for assistance from the Murieta Inn to potentially establish a wireless network link.

**FINANCE AND ACCOUNTING SERVICES** - The Pun Group and Municipal Resource Group have been working on getting our fiscal house in order over the past few weeks. Their scope of work is organized into four core task orders/focus areas as follows:

Task 1 – 2021 Audit Readiness

Task 2 – Budget and Actuals for July 2022 and August 2022

Task 3 – 2022 Financial Analysis/Transaction and Audit Readiness

Task 4 – Budget and Actual for FY 2021-22

The current focus is tasks one and two. I anticipate task one to be completed by December and task two, FY 2022-23 Budget to Actuals to be presented at the next Board meeting, these were expected for this meeting, but they will not be available until the Finance Committee on November 1. I will continue to provide the Board with regular updates on the progress of this work.

**INTEGRATED WATER MASTER PLAN RFP** – Responses to our RFP for an Integrated Water Master Plan are due Tuesday, November 4th.

**RANCHO MURIETA AIRPORT LOOPED WATER SYSTEM CHANGES** – Staff and I met with Mr. Beer, and it was agreed that the District will very soon install a mag meter in the FAA parking lot that in conjunction with opening the valve west of the FAA building will allow a full loop system and also accurately measure isolated water use by the airport.

In the interim, while staff wait for the meter procurement, the valve will be restored to use, closed, and the lid locked. Sac Metro will be notified that the valve can be accessed by calling the South Gate during that interim period. We consider this matter concluded.

**FIRST QUARTER BUDGET TO ACTUALS** – The Pun Group has run into additional, unforeseen issues with being prepared to provide the first quarter financials. Their current plan is to provide this to the Finance Committee on November 1<sup>st</sup>. Barring any additional setbacks, we are confident this deadline will be met. Below are a few of the issues that have surfaced include:

- Utility Billing System Payments do not agree to Bank Deposits
  - Possible Monthly Cut Off Timing Issues
  - Reports within Utility Star for Payments do not reconcile to each other
- Payroll Access not granted until 3 weeks into project
  - Request for Excel reports not met requiring manual process to compile data
  - Analysis of Cost Accounting and Reconciling to GL In Progress
- Outstanding check lists does not exist that matches bank reconciliation
- Main Operating Account reconciliation contains material errors for correction
- Cannot update system bank reconciliation until verification is complete
- Cannot move to other audit areas for validation until cash is nailed down

## **CAL-WASTE UPDATE**

### **Food Waste Services Coming In 2023**

- The State of California has implemented its new organic waste recycling requirements, in accordance with the statewide mandate, Senate Bill 1383.
- Residential organic waste recycling (food scraps and yard waste) is anticipated to begin at the beginning of 2023 for most Cal-Waste residential customers.
- Currently, there are no changes to residential collection and how you should sort your waste at your place of residence. When the district begins the collection of food waste and yard waste in a comingled container, Cal-Waste will provide complete information regarding the details of the new program. Residential customers of Cal-Waste can expect to change their waste sorting habits so that any and all food scraps no longer go into their Trash Cart. Instead, the food scraps will be placed in the Green Waste Cart.
- ***Please do NOT change your waste sorting habits until you have been contacted by Cal-Waste with an official program start date.***



## **CAL WASTE FRANCHISE AGREEMENT**

- Cal Waste has requested to update the franchise agreement for waste hauling with the District. We are currently negotiating the potential options for extending the current agreement. As part of this negotiation, we plan to investigate adding back at least one bulk waste pickup for every customer as part of these negotiations. The new agreement would include estimates for proposed rate increases that include a three-year phase-in for organic material handling.

## **PRA REQUEST UPDATE**

There were no new PRA requests since the last Board meeting.

## **OUTREACH/ADVOCACY**

**REGIONAL WATER AUTHORITY** – The RWA conducted a regular board meeting on 9/29/2022. The meeting scheduled for 10/19/2022 was cancelled.

**CSD/MVA (Murieta Village)** – No Update.

**CSD/MGII (Murieta Gardens)** – No Update

**CSD/RMA** – I worked with the RMA to deactivate barcodes that had not been used for six months or more. I also clarified the rules for issuing barcodes to long term guests.

**CSD/Commercial Properties** – No update.

**Murieta Equestrian Center** - No update.

**Sloughhouse Resource Conservation District (SRCD)** – No update.

## **GENERAL STAFFING UPDATE**

We are pleased to welcome Tawanda Mitchell as our newest employee filling the Accounting Technician, Human Resource position.

We are currently recruiting two Accounting Technician vacancies.

## **CONFERENCE/EDUCATION OPPORTUNITIES:**

GSRMA Annual Training	October 20-21, 2022	Corning, CA
AWWA Annual Fall Conference	October 24-26, 2022	Sacramento, CA
CSDA Board Secretary/Clerk	November 7-9, 2022	Monterey, CA

## MEMORANDUM

Date: October 19, 2022  
To: Board of Directors  
From: Paula O'Keefe, Director of Administration  
Subject: Administration / Financial Update

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On September 6, 2022, the Finance Committee met and discussed the following items:

- Discussion on A/P processes
- Update on the FY 2020-21 annual audit
- Update on Tyler Technologies Implementation plan
- Staffing updates
- Utility Billing errors

The following is the summary of the October 2022 monthly Board Financial Report. Please feel free to call me before the Board meeting regarding any questions you may have relating to these reports.

### ***FY 2020-21 Audit***

Staff have been working with PUN Group to finalize information on the FY 2020-21 audit and expect to have all documents to the auditors at the end of this month. Staff will continue to work with the auditors and expect to have both the CFD and District audits completed by December 31, 2022.

### ***FY 2021-22 Audit***

The PUN Group consultants are assisting with the District fund balance reconciliation, CFD 2014-1 reconciliation and final submissions and expect to have completed documents to the auditor within the next couple of weeks. Staff will continue to provide updates to the Finance Committee meetings.

### ***Monthly Budget to Actuals***

Vanessa Burke, with the PUN Group, introduced a new format for monthly budget to actuals at the Finance Committee. As of this report, no monthly budget to actuals will be presented until all of the remaining A/R entries have been booked into Great Plains; A/P is up to date.

### ***Information Technology***

I meet weekly with ALAIT to discuss IT needs and other project plans. After having several phishing attempts continue to break through our system protections, last week, the IT team and I discussed an automated penetration test that is non-disruptive to end users. This will enable ALAIT to determine the necessary steps to ensure these phishing attacks will be mitigated effectively. Additionally, there are other certification checks that ALAIT can immediately enable to mitigate future phishing attempts immediately. We have also implemented the multi-factor authentication (MFA) to mitigate password breaches.

### ***Tyler Technologies***

The General Manager, Vanessa Burke (Pun Group) and Director of Administration and additional staff met with the new Utility Billing project manager for Tyler Technologies and discussed the timeline to begin the current/future state analysis (CFSA) and next steps to initiate the process to develop and implement the utility billing module of Tyler InCode (now named ERP Pro). Staff met with the Tyler project manager and implementation specialist October 4, 2022 and discussed the projected timeline. This week, staff are meeting with the Utility Billing project manager and are providing the Current/Future State Analysis to identify any

deficiencies, wish list items, potential concerns as we move into the development phase of the Utility Billing module. This process will provide District staff with the opportunity to review all processes, internally and externally, and determine the best practice for implementation. Items to note are the chart of accounts conversions to ensure accurate collection of data and integration with GP while the G/L and HR/Payroll modules are in development. Staff will provide a project timeline update at the November Finance Committee Meeting.

**Reserve Fund Purchases authorized by the General Manager**

No purchases at this time.

**Reserve Funds Balance Sheet**

Staff are presenting the projected beginning balances of FY 2022-23. It is important to note that the final reserve totals are dependent upon year end close and are not finalized for FY 2020-21 at this time. Additionally, due to minimal staffing capacity, July and August entries are pending at the time of this report.

**FY 2022-23 Beginning Balances – Draft**

TB run ending September 30, 2022

<i>Reserve Descriptions</i>	<i>Account #</i>	<i>FY 2022-23 Beginning Balance July 1, 2022</i>	<i>YTD Total Debit</i>	<i>YTD Total Credit</i>	<i>Year to Date Ending Balance September 30, 2022</i>
Capital Improvement Reserve Fees - Admin	100-2510	0	0	0	0
Unreserved Fund Balance	100-2800	0	0	0	0
	<i>Subtotal</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Water Capital Replacement	200-2505	2,494,807	0	0	2,494,807
Capital Improvement Reserves Fees - Admin Alloc	200-2505-99	39,990	0	0	39,990
Capital Improvement Reserves Fees - Water	200-2510	(110,775)	0	0	(110,775)
Capital Improvement Reserves Fees - Admin Alloc	200-2510-99	210,003	0	0	210,003
Water Supply Augmentation	200-2511	2,052,957	0	0	2,052,957
WTP Construction Fund Reserve	200-2513	(795,927)	0	0	(795,927)
Unreserved Fund Balance	200-2800	789,033	0	0	789,033
	<i>Subtotal</i>	<i>4,680,088</i>	<i>0</i>	<i>0</i>	<i>4,680,088</i>
Sewer Capital Improvement Connection	250-2500	4,342	0	0	4,342
Sewer Capital Replacement	250-2505	3,568,135	0	0	3,568,135
Capital Replacement Reserve Admin	250-2505-99	29,236	0	0	29,236
Capital Improvement Reserves Fees - Sewer	250-2510	76,847	0	0	76,847
Capital Improvement Reserves Fees - Admin Alloc	250-2510-99	159,077	0	0	159,077
Unreserved Fund Balance	250-2800	1,016,517	0	0	1,016,517
	<i>Subtotal</i>	<i>4,854,154</i>	<i>0</i>	<i>0</i>	<i>4,854,154</i>
Drainage Capital Replacement	260-2505	78,534	0	0	78,534
Capital Improvement Reserves Fees - Admin Alloc	260-2505-99	3,866	0	0	3,866
Capital Improvement Reserves Fees - Drainage	260-2510	344,134	0	0	344,134
Capital Improvement Reserves Fees - Admin Alloc	260-2510-99	35,262	0	0	35,262
Unreserved Fund Balance	260-2800	98,254	0	0	98,254
	<i>Subtotal</i>	<i>560,049</i>	<i>0</i>	<i>0</i>	<i>560,049</i>
Capital Improvement Reserves Fees - Admin Alloc	400-2505-99	6,418	0	0	6,418
Unreserved Fund Balance	400-2800	244,476	0	0	244,476
	<i>Subtotal</i>	<i>250,894</i>	<i>0</i>	<i>0</i>	<i>250,894</i>
Capital Replacement Reserve Security	500-2505	58,468	0	0	58,468
Capital Improvement Reserves Fees - Admin Alloc	500-2505-99	7,701	0	0	7,701
Capital Improvement Reserve Fees - Security	500-2510	(38,350)	0	0	(38,350)
Capital Improvement Reserves Fees - Admin Alloc	500-2510-99	135,466	0	0	135,466
Security Impact Fee Reserves	500-2513	38,488	0	0	38,488
Unreserved Fund Balance	500-2800	329,916	0	0	329,916
	<i>Subtotal</i>	<i>531,690</i>	<i>0</i>	<i>0</i>	<i>531,690</i>
	<i>Total Reserves</i>	<i>10,876,873</i>	<i>0</i>	<i>0</i>	<i>10,876,873</i>

### **Interfund Borrowing**

The following are the updated totals for the repayment of the interfund borrowing as of August 31, 2022.

<i>Inter-fund Borrowing</i>	<i>Fiscal Yr Beg Balance 7/1/2022</i>	<i>Prior Month Ending Balance</i>	<i>Monthly Payment</i>	<i>YTD Repayment</i>	<i>Period End Balance 09/30/2022</i>
WTP Construction Loan from Sewer	444,774	421,267	11,714	35,221	409,553
WTP Construction Loan from WSA	148,264	140,428	3,905	11,740	136,523
<b>Total Inter-fund Borrowing</b>	<b>593,038</b>	<b>561,695</b>	<b>15,619</b>	<b>46,962</b>	<b>546,076</b>

### **Utility Billing**

In the October Finance Committee meeting, a lengthy discussion occurred regarding the errors recently found in the preview bill listing during the month of August. These were corrected in the September billing (due October 25<sup>th</sup>). Staff continue to review the monthly billing thoroughly to ensure errors are caught prior to mailing.

At the October 4, 2022 Finance Committee meeting, the Committee members requested analysis of the outstanding debt/refunds within the 92 accounts. Several of these accounts were already credited. Staff will be presenting this at the November Committee meeting, in addition to creating additional language within District Code to ensure staff have proper policies and procedures in place. After District attorney review, staff will provide an update to existing language at the November Finance Committee. If approved, the updated District Code to reflect District policy on collections/refunds will be introduced at the November Board meeting.

### **Aging Report**

The total amount due to the District for outstanding 60 and 90 day past due balances is \$49,268.21, up from \$26,521.25 last month. There are 94 residents who are 60 days past due (an increase of 30) and 30 residents 90 days past due (up from 24). The 90 days past due balances ranging from \$3.43 to \$4,765.58, for a total outstanding amount of \$26,176.41.

The District continues to work with residents each month to prevent water shutoffs. District staff continue to enter into new payment installment agreements to resolve outstanding payments and bring these accounts current and in good standing, however there are still residents who are not current on their bills. The District has locked off three residents and continues to work through the most egregious outstanding balances. Currently the district has 30 residents who are 90 days past due. We appreciate the residents who have been proactive in contacting us and working with us to bring their accounts current.

We encourage residents to work with the District to prevent additional late fee assessments and highly encourage all residents with past-due balances to contact the District immediately to rectify their account status. If entering into a payment plan, you are required to pay your monthly balance (including past due balance) in full or it will void the terms of the payment plan agreement. This means the account is now due and payable immediately and District staff will initiate the 10-day shut off notification. The District has encountered several residents who entered into payment agreements and subsequently voided them after nonpayment, however those residents brought their accounts current immediately in order to prevent utility shut offs.

### **Bills Paid List**

Attached is the "Bills Paid" check register and PayChex reports that reflect all of the checks (including voided checks) ran between the month of August 2022.

## MEMORANDUM

Date: October 19, 2022  
To: Board of Directors  
From: Kelly Benitez, Security Supervisor  
Subject: Security Update Report for the Month of September

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### **OPERATIONS UPDATES**

The Department is currently working on the following projects:

- Currently we have 8 full-time gate officers and 4 patrol officers/Sgt Position Frozen. Part-Time Gate Officer applicant in process, leaves 1 part-time gate position open.
- Utilizing only 2 ABA contract security officers.
- Patrol non-covered shifts: 369 hours in 2022, Covid-19, and no overtime allowed to fill in patrol shifts. Safety Center Repairs obtained 2 estimates (53-57K) in the final review with GM.
- Goat Sheep issue; Future security need.
- Toyota Truck obtained 3 estimates.
- Complaint of Gate Officer.

### **Rancho Murieta Association activity:**

We continue to work with the RMA Leadership on a regular basis. Our focus is to improve our level of service and have positive contact with residents. The following list is the current focus of our meetings.

- General non-arch rules enforcement (see Violation Summary Report): continued to attend RMA Compliance meetings.
- Spoke with GM over bar codes vs Permanent guest list.
- Attended Compliance Monthly Meeting-Dog off-leash incidents-Stop Sign violations
- Shooting update

### **Other Rancho Murieta Association activities:**

- Equestrian Center-walking patrol due to horse event.
- Village on calendar "October"
- Ace Hardware owner "October"

**Rancho Murieta Association**  
**Violation Item Summary Report -- 2022**  
**Violations Written by RMCS Security**

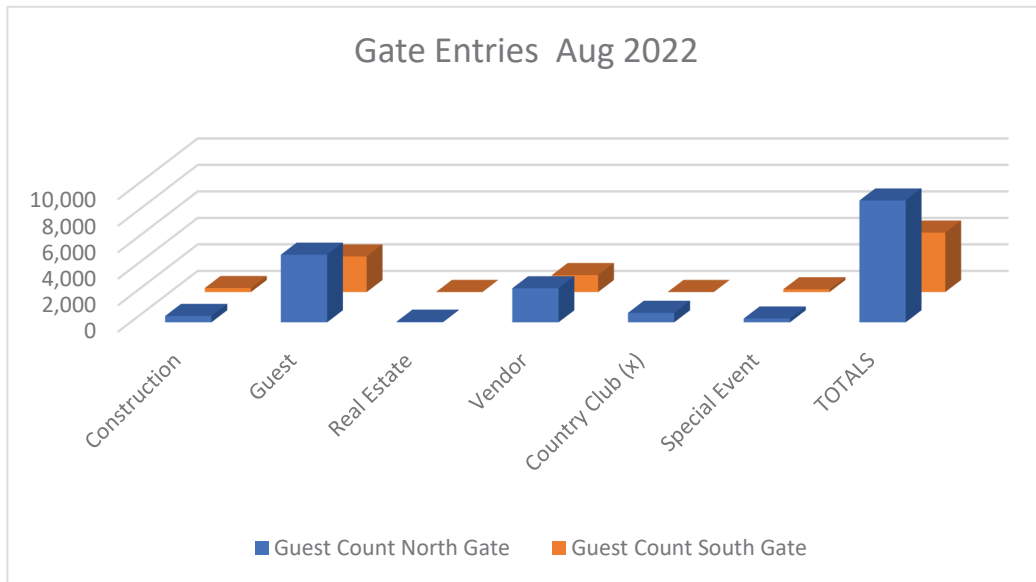
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Violation Item Summary Report	CSD	CSD	CSD	CSD	CSD	CSD	CSD	CSD	CSD	CSD	CSD	CSD	CSD
<b>Motor vehicle violations:</b>													
Motorcycle													0
No drivers license			1			1	1		1				4
Speeding	14	8	23	14	18	18	2	17	10				124
Speeding - twice speed limit								1					1
Stop signs		1	5	2	1		1	3	32				45
Bus stop signs													0
Use of streets				1									1
<b>Parking:</b>													
Driveway parking	9	18	25	1	8	8	2	44	25				140
Guest parking						0			3				3
Overnight street parking	3	5	8	6	10	12	7	28	11				90
Unauthorized Vehicle (24 hr pass)	1		1		1	6	3	5	8				25
Accumulation/dumping of debris													0
Advertising signs													0
Barbeques, open fires, bonfires													0
Carrying passengers/overloaded cart													0
Clothes lines													0
Commercial vehicle lettering													0
Construction overnight parking													0
Park hours / curfew	1		1	5		1	1	4	1				14
Decorative lights													0
Discharge of firearm													0
Dog park investigations													0
Dwelling exterior alterations													0
Failure to identify													0
Fences, screens & enclosures													0
Guest w/o resident in comm areas								2					2
Home business activities													0
Noxious activities		1											1
Open garage doors													0
Pets - off leash / teathered / noise								1	2				3
Property maintenance													0
Sign rules													0
Skating in common area													0
Sports equip/trampoline/basketball													0
Storage of building materials													0
Stored vehicles						1		1					2
Trash containers													0
Use of common areas & facilities													0
Vandalism													0
Vehicle repair or maintenance													0
Village/Villas violations													0
Working days & hours													0
<b>Total Violations Written by CSD</b>	<b>28</b>	<b>33</b>	<b>64</b>	<b>29</b>	<b>38</b>	<b>47</b>	<b>17</b>	<b>106</b>	<b>93</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>455</b>

# Gate Entries by Type

September 1 - 30, 2022

Pass Type	Guest Count North Gate	Guest Count South Gate	Count by Pass Type
Construction	477	301	778
Guest	5,104	2,688	7,792
Real Estate	48	10	58
Vendor	2,570	1,283	3,853
Country Club (x)	714	2	716
Special Event	284	212	496
<b>TOTALS</b>	<b>9,197</b>	<b>4,486</b>	<b>13,683</b>

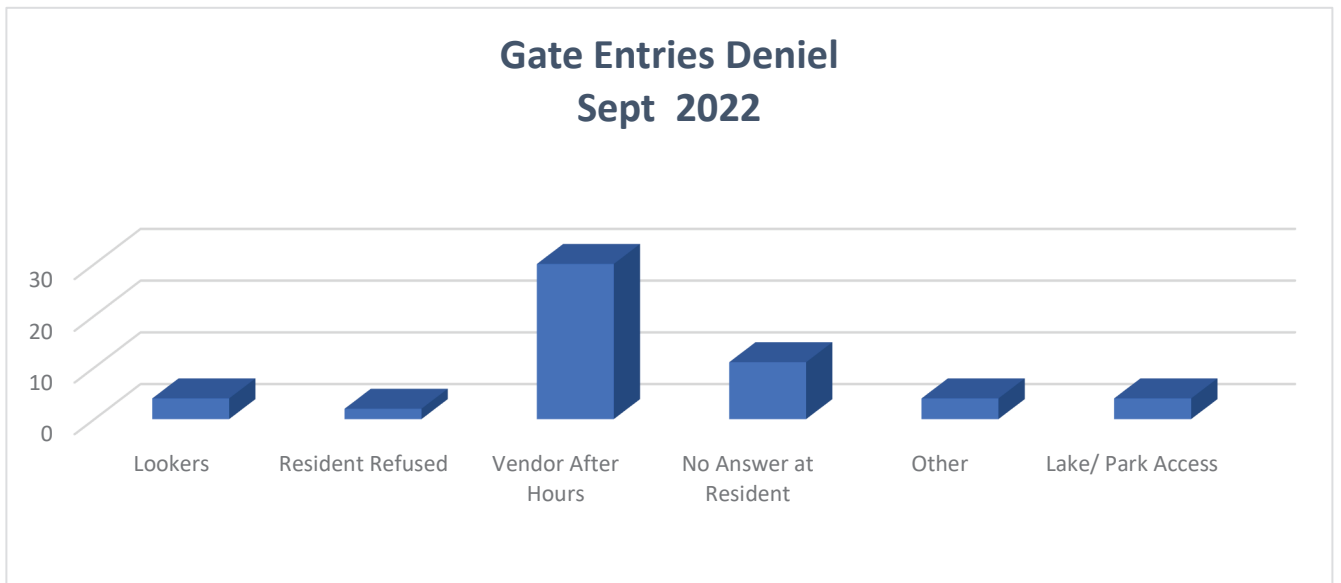
Prior Month Totals: 10,425 5,037 15,462



## Gate Entries Denied September 1 - 30, 2022

	Lookers	Resident Refused	Vendor After Hours	No Answer at Resident	Other	Lake/ Park Access	TOTAL
<b>All Gates</b>	4	2	30	11	4	4	55

**Prior Month Totals:**                      6                      1                      23                      5                      5                      5                      45







**Rancho Murieta CSD Security**

15160 Jackson Rd  
Rancho Murieta, CA 95662

**Cases - Breakdown by Type**

ABANDONED DISABLED VEH	1
ALARM	4
ANIMAL COMPLAINT	17
CITATION	42
DISTURBANCE	6
ESCORT	3
EXTRA PATROL	5
FIRE	1
FOLLOW UP	3
GUN SHOTS	4
JUVENILE DELIQUENCY	6
LOST/FOUND PROPERTY	7
MEDICAL AID	1
MISCELLANEOUS	22
PARKING	15
REFUSED ENTRY	53
RESIDENT COMPLAINT	13
RMA RULE VIOLATION	7
SPEEDING COMPLAINT	1
STOP SIGN VIOLATION	1
SUSPICIOUS ACTIVITY	5
SUSPICIOUS PERSON	4
SUSPICIOUS VEHICLE	4
TRAFFIC ENFORCEMENT	23
TRESPASSING	6

VANDALISM	5
VEHICLE ACCIDENT	4
WATER LEAK	11
WEATHER RELATED	1
WELFARE CHECK	8
Total	283



**INCIDENTS OF NOTE**  
**September 1-30**

\*ON TUESDAY, 09/13/2022, AT ABOUT 0830 HOURS, CSD STAFF WAS CONDUCTING PATROL IN THE ALLEY BEHIND THE MURIETA BUSINESS PLAZA. CSD SECURITY WAS APPROACHED BY AN ACE HARDWARE EMPLOYEE.

THE EMPLOYEE STATED THAT AROUND 0530 HOURS IN THE MORNING, HE WITNESSED AN UNKNOWN MALE ADULT, BACK UP HIS CHEVROLET TRUCK, TO ONE OF THE BUILDINGS. THE EMPLOYEE WITNESSED THE UNKNOWN MALE ADULT, UNLOADED A CAR DOOR, AND TAILGATE, PLACED THE ITEMS AGAINST THE BUILDING WALL, AND WAS GOING TO FLEE THE LOCATION.

THE EMPLOYEE WAS ABLE TO CAPTURE PHOTOS OF THE TRUCK, LICENSE PLATE, AND ITEMS DISCARDED. THE SUSPECT SAW HE WAS BEING WATCHED, PUT THE ITEMS BACK IN HIS TRUCK, AND DROVE AWAY WITHOUT INCIDENT. CSD SECURITY STAFF CONDUCTED A FOLLOW-UP VISITATION WITH THE RM-NORTH RESIDENT AND ADVISED HIM THAT ILLEGAL DUMPING WAS AGAINST THE LAW AND SSD WOULD BE NOTIFIED NEXT TIME.

\*ON WEDNESDAY 09/21/2022, AT AROUND 0728 HOURS, CSD DISPATCH WAS CONTACTED BY THE POSTMASTER, CONCERNING A THEFT AND VANDALISM TO ONE OF THE POST OFFICE VEHICLES.

CSD PATROL ARRIVED AT THE SCENE AND OBSERVED A FUEL LEAK FROM UNDERNEATH A VAN. THE EVIDENCE SUGGESTED THAT A SUSPECT DRILLED A HOLE INTO THE BOTTOM OF THE FUEL TANK. SSD WAS NOTIFIED AND A REPORT WAS TAKEN, AN UNKNOWN AMOUNT OF LOSS.

\*ON THURSDAY 09/22/2022 AT 1509 HOURS, CSD SECURITY WAS DISPATCHED TO A RESIDENCE ON MEDELLA CIRCLE TO CONDUCT A WELFARE CHECK. UPON ARRIVAL THE CSD OFFICER NOTICED A STRONG ODER EMERGING FROM THE RESIDENCE AND A LARGE NUMBER OF INSECTS INSIDE THE LOCATION. CSD DISPATCH THEN NOTIFIED SSD AND THE FIRE DEPARTMENT TO RESPOND TO ASSIST WITH THE INVESTIGATION. METRO FIRE UNIT 59 ARRIVED AND MADE ENTRY INTO THE LOCATION AND DISCOVERED A DECEASED INDIVIDUAL. THE SACRAMENTO COUNTY CORONERS OFFICE RESPONDED AND COMPLETED THE INVESTIGATION.

## MEMORANDUM

Date: October 4, 2022  
To: Board of Directors  
From: Michael Fritschi, P.E. – Operations Director  
Subject: Utilities Report

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### OPERATIONS

#### **Water Treatment Facility**

Water Treatment Facility #1 and plant 2 are in operation and are currently producing potable water at a rate of 2.6 mgd. The recent taste and odor issue experienced for the water supply has completely subsided.

Staff will be scheduling the second backpulse pump for Plant #1 for recoating. In the next few months staff will be shutting down plant #1 for routine maintenance.

The District sent (3) operators to the Suez/Zeeweed membrane conference in September to learn more about membrane treatment. Staff will be putting some of the information gathered to use, including utilizing an online tracking tool for membrane maintenance and health.

#### **Integrated Water Master Plan**

Staff have extended the response time for the RFP for an update of the District Integrated Water Master plan and Urban Water Management extension. The RFP responses are due November 3.

#### **Chesbro Stage Storage Curve**

Adkins Engineering has performed a bathymetric survey on Reservoir Chesbro and will be submitting a draft report this coming week.

#### **Raw Water Storage & Delivery**

As of September 28, 2022, the total water stored between Clementia, Chesbro, and Calero totaled 3320 acre-ft, 6.8% more (212 acre-ft) than in the end of September 2021. Wastewater storage available for recycled water production as of September is at 83 acre-ft, a 41% increase over the same level from last year.

Table 1. Raw Water and Wastewater Reservoir Storage comparisons 2022 to 2021

	September 2022		September 2021		difference from 2021	%diff
	mgal	acre-ft	mgal	acre-ft	acre -ft	
<b>Clementia Storage</b>	239.6	735.2	219.1	672.5	62.7	9.3%
<b>Chesbro Storage</b>	381.1	1169.6	342.6	1051.5	118.1	11.2%
<b>Calero Storage</b>	461.0	1414.7	450.8	1383.5	31.2	2.3%
<b>Total of all Raw Water Reservoirs</b>	<b>1081.7</b>	<b>3319.5</b>	<b>1012.6</b>	<b>3107.6</b>	<b>211.9</b>	<b>6.8%</b>
<b>Wastewater Storage Reservoir available for production</b>	27.0	82.8	19.1	58.6	24.2	41.2%

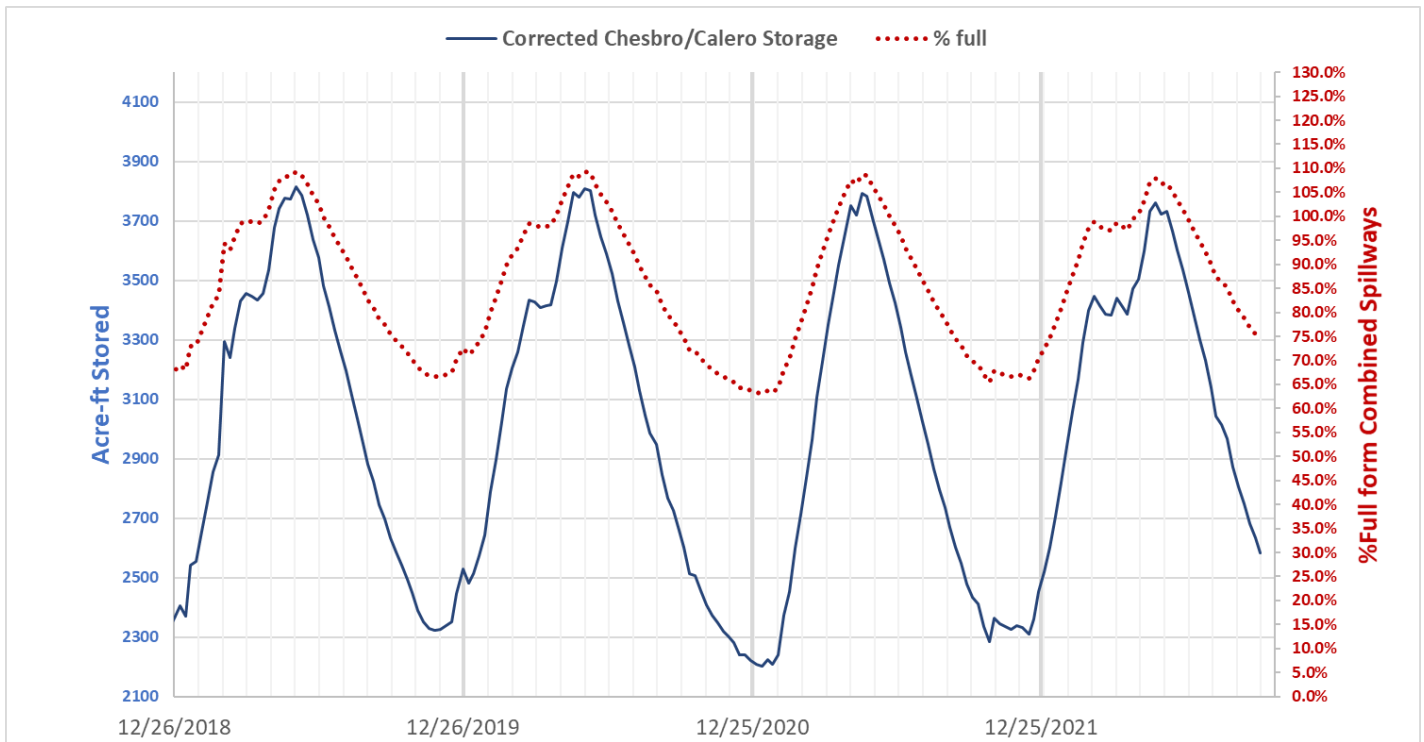


Figure 1. Storage Curve and %Full Values for Combined Calero-Chesbro Storage 2018 to Present

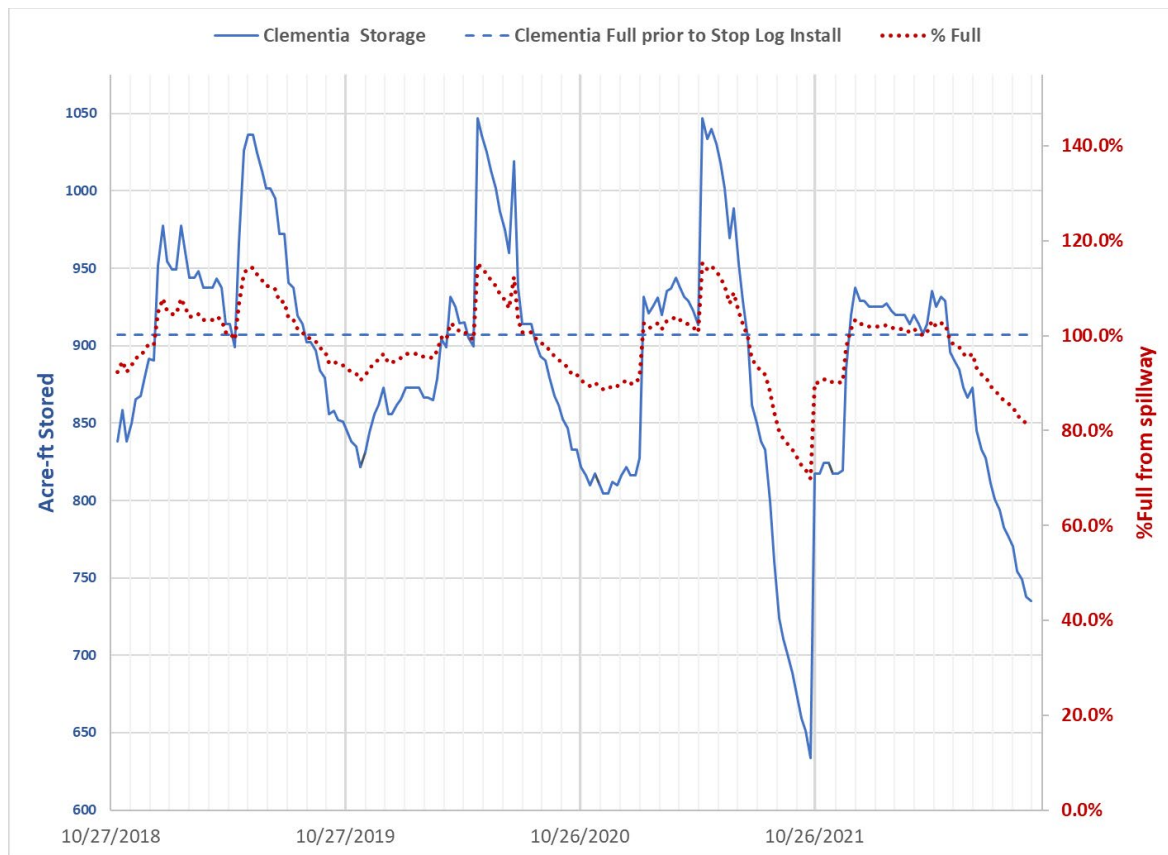


Figure 2. Storage Curve and %Full Values for Clementia 2018 to Present

## UTILITY

The Utility crew completed over 25 water leak repairs over the summer. The repairs can take between 1-5 days to complete depending on the severity of the leak, the location, and surrounding utilities and on the relative site restoration required. Utility crew time is becoming stressed and there are other tasks like sewer cleaning and miscellaneous tasks (like facility repair, landscaping, storm drain cleaning) that are not getting completed. This has been discussed at length with staff and staff have advocated to re-establish the 5<sup>th</sup> utility worker position (currently frozen) to allow more days where (2) crews can be safely assigned to complete work.

### Utility Crew Report September 2022 – Ron Greenfield

- 1) The Utilities staff staffing is at 100% with the exception of one worker off on light duty due to an injury.
- 2) Three utility star work orders were completed. Utility Star work orders are for final reads, rebates, meter swap requests, issues with homeowner water usage concerns and are doing water shut offs once again.
- 3) 20 field markings for 811 USA locates were completed.

- 4) Homeowner calls for water related issues: three (3) homeowners called for water related problems that ranged from a bad pressure relief valve, broken sprinkler, and water leaks in their system all for the homeowner to fix.
- 5) We had seven water leaks in the month of September. In three of the water leaks service lines were replaced and three were repaired.
  - A) One water leak was under a stamped and colored concrete driveway with three service lines coming off it and an end of the line blow-off installed incorrectly. Meters were installed in homeowner landscaping and overgrown. This line was exposed at end of driveway in asphalt area and 40 feet of water main going under driveway was abandoned in place with a new blow-off installed at end of asphalt. Three new service lines were tapped, and water meters were relocated to end of roadway. From the new meter location to the old meter location homeowner service line was extended to CSD standards at 18 inches and incased with sand and a tracer wire. All service lines had to be hand dug because of landscaping and other utilities. This project took one week because of the complexity of the area but the updating of the supply line will benefit the district when connecting and locating this line in the future.
  - B) One water leak required a curb stop be replaced because a homeowner chose to try and shut his water off at the District's curb stop and turned it the wrong way and created a leak at the curb stop and prevented the curb stop from being turned back on.
- 6) Two valves exercised and approximately 3,000 gallons of water flushed through fire hydrants and or a blow-off in the month of September.
- 7) No water meters were replaced in September.
- 8) We had one sewer issue in the month of September, sewer main line was plugged going into the equestrian center and was jetted to unplug sewer line.
- 9) Raw water line from Lake Clementia to CIA ditch has a leaking valve by the CIA ditch up stream valve is closed off to prevent leak until repairs can be made. This is on the list for repair.
- 10) Drainage Goats and sheep arrived on August 24 and have taken care of drainage ditches in zone one and two along with completing four basins in Rancho Murieta South
- 11) Lund Construction mobilizing equipment on site September 29<sup>th</sup>. Construction to install new rerouted drainpipe started on October 3<sup>rd</sup>. with the first phase removing the 22 Ft. deep manhole. Flap gate and 36" end cap is in the yard and ready for the project along with a 24-to-40-inch test plug to be used if needed.
- 12) The Utility Crew work plan for October:
  - a) We have three water leaks to take care of on Guadalupe Dr, Cozumel, and Playa Del Rey.
  - b) Work with goat herder on drainage ditches time has been completed per contract. There are still ditches to be completed in zone three of the drainage system to be cleaned. A new contract for an additional two weeks has been approved. We are working with Lee the goat owner to complete this project.

## Current California Drought Intensity



### D0 - Abnormally Dry

- Soil is dry; irrigation delivery begins early
- Dryland crop germination is stunted
- Active fire season begins

**100.0%**  
of CA  
(D0-D4)



### D1 - Moderate Drought

- Dryland pasture growth is stunted; producers give supplemental feed to cattle
- Landscaping and gardens need irrigation earlier; wildlife patterns begin to change
- Stock ponds and creeks are lower than usual

**99.8%**  
of CA  
(D1-D4)



### D2 - Severe Drought

- Grazing land is inadequate
- Fire season is longer, with high burn intensity, dry fuels, and large fire spatial extent
- Trees are stressed; plants increase reproductive mechanisms; wildlife diseases increase

**94.0%**  
of CA  
(D2-D4)



### D3 - Extreme Drought

- Livestock need expensive supplemental feed; cattle and horses are sold; little pasture remains; fruit trees bud early; producers begin irrigating in the winter
- Fire season lasts year-round; fires occur in typically wet parts of state; burn bans are implemented
- Water is inadequate for agriculture, wildlife, and urban needs; reservoirs are extremely low; hydropower is restricted

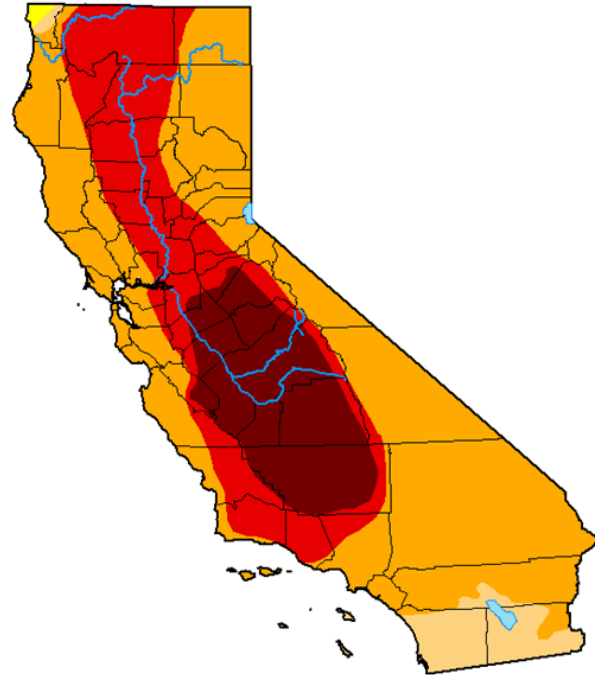
**40.9%**  
of CA  
(D3-D4)



### D4 - Exceptional Drought

- Fields are left fallow; orchards are removed; vegetable yields are low; honey harvest is small
- Fire season is very costly; number of fires and area burned are extensive
- Fish rescue and relocation begins; pine beetle infestation occurs; forest mortality is high; wetlands dry up; survival of native plants and animals is low; fewer wildflowers bloom; wildlife death is widespread; algae blooms appear

**16.6%**  
of CA  
(D4)



**37.2 Million**

people in California are affected by drought

**58**

counties with USDA disaster designations

**18th**

wettest August was in 2022, over the past 128 years

**1st**

driest year to date was in 2022, over the past 128 years



## Water Consumption

As of September 30, cumulative potable water production for the year totaled 438 million gallons, 30 million gallons (6%) lower than the same use period in 2021 and roughly the same use as 2020. Potable water use was evaluated for 2021, and 2022 against the 15% reduction of 2020 use that was previously requested by the Governor of California (See table 2 below). According to the table, cumulative production is currently 15% higher than the requested 15% reduction of the 2020 cumulative production levels for that period.

*Table 2. Cumulative District Water production by Month for 2021 and 2022 compared to Cumulative 15% Reduction of 2020 use in **units of Million Gallons**.*

	january	february	march	april	may	june	july	august	september	october	november	december	Total Annual
<b>2020 Production</b>	21.29	29.00	31.28	34.72	50.04	63.95	71.75	73.78	64.39	57.05	37.87	29.58	564.70
2020 Cumulative Production	21.29	50.29	81.57	116.28	166.32	230.27	302.02	375.80	440.19	497.24	535.11	564.70	
<b>15% Reduction of 2020</b>	<b>18.10</b>	<b>24.65</b>	<b>26.59</b>	<b>29.51</b>	<b>42.53</b>	<b>54.36</b>	<b>60.99</b>	<b>62.71</b>	<b>54.73</b>	<b>48.50</b>	<b>32.19</b>	<b>25.14</b>	479.99
Cummulative 15%-2020 Reduction	<b>18.10</b>	<b>42.74</b>	<b>69.33</b>	<b>98.84</b>	<b>141.37</b>	<b>195.73</b>	<b>256.72</b>	<b>319.43</b>	<b>374.16</b>	<b>422.65</b>	<b>454.85</b>	<b>479.99</b>	
<b>2021 Production</b>	24.11	21.14	29.68	46.29	62.54	68.86	76.00	73.78	66.03	48.66	25.79	22.71	565.59
%increase/%decrease from Cummulative 15%-2020 Reduction	<b>33%</b>	<b>6%</b>	<b>8%</b>	<b>23%</b>	<b>30%</b>	<b>29%</b>	<b>28%</b>	<b>26%</b>	<b>25%</b>	<b>22%</b>	<b>19%</b>	<b>18%</b>	
2021 Cummulative Production	<b>24.11</b>	<b>45.25</b>	<b>74.93</b>	<b>121.23</b>	<b>183.76</b>	<b>252.62</b>	<b>328.63</b>	<b>402.40</b>	<b>468.43</b>	<b>517.09</b>	<b>542.88</b>	<b>565.59</b>	
<b>2022 Production</b>	23.48	27.85	36.09	34.85	51.97	64.04	68.07	69.99	62.10				
%increase/%decrease from Cummulative 15%-2020 Reduction	<b>23%</b>	<b>17%</b>	<b>21%</b>	<b>19%</b>	<b>19%</b>	<b>18%</b>	<b>16%</b>	<b>15%</b>	<b>15%</b>				
<b>2022 Cummulative Production</b>	<b>23.48</b>	<b>51.34</b>	<b>87.43</b>	<b>122.28</b>	<b>174.24</b>	<b>238.28</b>	<b>306.35</b>	<b>376.34</b>	<b>438.44</b>				

The updated residential gallons per capita per day for May, June, July, August, and September is not included in this report as the residential water use data was not available at the time of the report preparation. The prior months data is shown below.

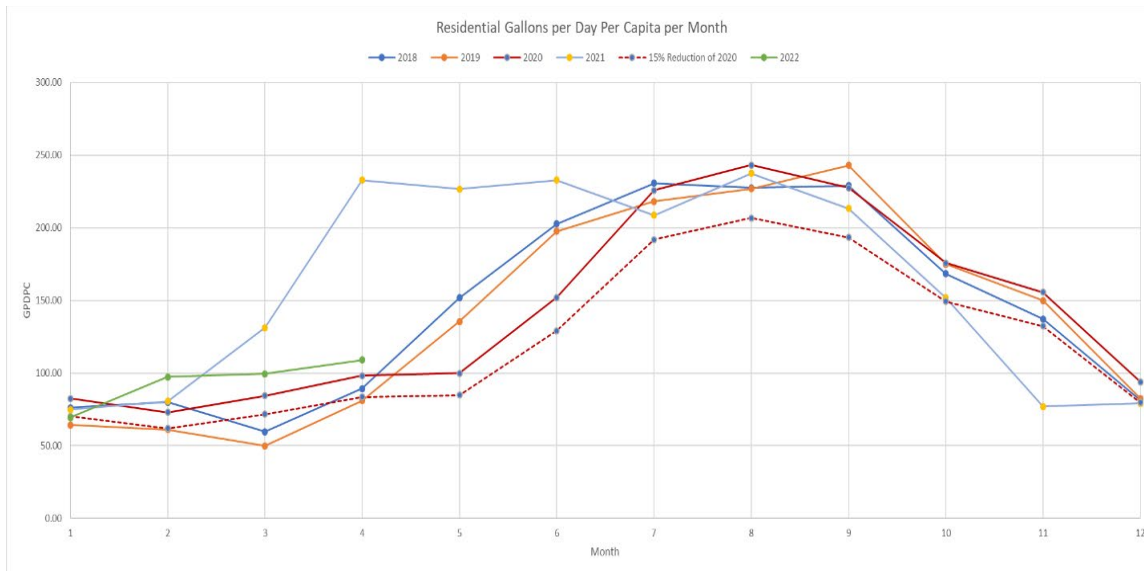


Figure 3. Monthly 2018, 2019, 2020, 2021, 2022 and Governor previously Requested 15% GPDPC reduction of 2020

## INFRASTRUCTURE

**SB 170 Funded Projects** – An update of the SB 170 funded projects are as follows:

**Water Treatment Facility Sodium Hypochlorite Conversion** – District is providing comments to HDR on the 60% Design.

**Recycled Water Disinfection Project** – The District has completed contracting with Dewberry Engineers for the design of the sodium hypochlorite conversion and chlorine contact improvements at the wastewater treatment facility. The District has scheduled a project kick-off meeting for the 18<sup>th</sup> of October.

**Granlees Safety Improvements** – The District has received the preliminary engineering report for the Granlees safety improvements, and the review committee has submitted comments on the report.

The next step is for the District to perform condition assessment in the forebay structure. The condition assessment will be referenced in the report and utilized during the design phase for any potentially needed structural repairs. The District Engineer will provide a structural Engineer to perform the inspection.

The preliminary engineering report provided an Association for the Advancement of Cost Engineering (AACE) Class 5 construction cost estimate range of \$300,000 - \$720,000 (not including design costs). The District had previously envisioned \$945,000 to complete the project, with \$170,000 allocated from the SB 170 funding.

### **Lift Stations**

Staff met with the District Engineer to discuss design and bid assistance for various upcoming lift station rehabilitation projects:

**Lift 3B** - The District has repaired the single-phase pump to regain redundancy while the District sizes adequate (3-phase) replacement pumps. This 3-phase replacement project was previously foreseen and included in the current fiscal year CIP. The District plans have, processed the order for the updated panel (including VFDs) for the station and will receive a quote for the new replacement pumps, wet well configuration, and bypass pumping. This project could be completed prior to the end of the year depending on pump availability.

**Alameda & Starter Shack Stations** – The District is planning on working with the District Engineer on replacing these antiquated stations with prefabricated package stations. This work will be designed and completed this fiscal year.

**Greens Station** – The District will perform some minor geotechnical testing to determine the best way forward in restoring some of the settled infrastructure.

**Cantova & FAA Stations** – Staff will verify generator sizing for each facility and procure generators and schedule installation.

### **Clementia Subdrain**

Staff have experienced failures in the Clementia Reservoir Sub-drain pump station due to shorts in the power supply to the station. The District has utilized a portable generator and back-up pump to keep the subdrain pumped out. During the week of the 10<sup>th</sup> of October, the District excavated a replacement conduit trench. The District has retained Prodigy Electric in the amount of \$5,000 to build the conduit and pull the new wires through to bring the station back into normal operation.

## **DEVELOPMENT**

**Riverview:** Developer is currently working on installing dry utilities for phase 1b.

**Retreats:** The District and the Developer are still working through the various punch list items for the East portion of the project retreats including disinfecting water mains. The District has submitted Lift station 6B Electrical comments and the District and Developer are scheduled to meet on the 13<sup>th</sup> to discuss. Water tie-ins have been completed at De La Cruz and Murieta Parkway.

**Circle K/Shell:** Contractor has poured the gas station slab and are working on getting approval for fire service. The station foundation forms have been constructed and will soon be poured.

**Murieta Gardens Lot 2 (Tractor Supply):** Contractor has continued block wall construction.

**Murieta Gardens Pet Hospital (Lot 12) & Murieta PDF Office (Lot 10) –** No update.

# Rancho Murieta Community Services District

**November 2022**

## Board/Committee Meeting Schedule

**November 1, 2022**

Personnel	7:30 a.m.
Improvements	8:00 a.m.
Finance Meeting	10:00 a.m.

**November 3, 2022**

Communications/Technology	8:30 a.m.
Security	10:00 a.m.

**November 16, 2022**

**Regular Board Meeting - Open Session @ 5:00 p.m.**



## Amelia Wilder

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**From:** Richard Gehrs <rgehrs@outlook.com>  
**Sent:** Friday, September 30, 2022 10:31 AM  
**To:** Tom Hennig  
**Cc:** Randy Jenco; Linda Butler; Tim Maybee; John Merchant; Martin Pohl; Gail Bullen; Amelia Wilder  
**Subject:** Request to make documents public

Questions have been raised about the legality of Measure R, primarily related to the use of money raised from people outside RMA's gate for the operation of those private gates which are used to keep those taxpayers out.

I am therefor requesting that CSD make public any documents discussing the legality of using a parcel tax in this way by Measure R. Among other possible documents, this would include opinions by the district's lawyer and discussions by CSD management and/or staff and board members.

I think this information is important so that the voters will be able to make an informed decision. I see no legitimate reason not to provide this information.

I also ask that you respond to me regarding this request, i.e. please do not ignore this request.

-- Richard Gehrs

**From:** [Richard Gehrs](#)  
**To:** [Tom Hennig](#)  
**Cc:** [Randy Jenco](#); [Linda Butler](#); [Tim Maybee](#); [John Merchant](#); [Martin Pohl](#); [Amelia Wilder](#); [Gail Bullen](#)  
**Subject:** No response to my email  
**Date:** Friday, October 7, 2022 9:06:38 AM

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Hi Tom

A week ago I sent you an email requesting that you make public any discussions about the legality of Measure R.

I have had no response from you.

At this point I am working under the assumption that you are not going to respond. If my assumption about that is wrong please let me know.

-- Richard Gehrs

**From:** [Richard Gehrs](#)  
**To:** [Andrew Ramos](#); [Tom Hennig](#)  
**Cc:** [Amelia Wilder](#); [Richard Shanahan](#); [Randy Jenco](#); [Linda Butler](#); [Tim Maybee](#); [John Merchant](#); [Martin Pohl](#); [Gail Bullen](#)  
**Subject:** Re: Response to CPRA requested dated Sept. 30, 2022  
**Date:** Monday, October 10, 2022 10:45:59 AM

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Let me make one thing perfectly clear: I did NOT make a request under the California Public Records Act. I am fully aware that some of documents that I am interested in are exempt under the CPRA. But I would like to point out - and I am sure that you are fully aware of this - that the CPRA does NOT prevent CSD from VOLUNTARILY making these documents public.

I believe that the documents requested should be made public and that they are necessary in order for the voters to make an informed decision. I made a request to Mr. Hennig to make these documents public for that purpose.

AND, MR. HENNIG, I AM NOW REPEATING MY REQUEST.

If you are unwilling to make these documents public, it raises a couple questions:

- \* What are you hiding?
- \* What is that you don't want us to know?

Please respond to this request, Mr. Hennig.

On 10/10/2022 10:08 AM, Andrew Ramos wrote:

Mr. Gehrs:

Attached is the District's response to your request under the

California Public Records Act dated September 30, 2022.

Andrew Ramos

Andrew J. Ramos  
Bartkiewicz, Kronick & Shanahan, PC  
(916) 446-4254 x113 (office) / (916) 717-7278 (mobile)  
[ajr@bkslawfirm.com](mailto:ajr@bkslawfirm.com) - [LinkedIn](#)



**From:** [Richard Gehrs](#)  
**To:** [Randy Jenco](#); [Linda Butler](#); [Tim Maybee](#); [John Merchant](#); [Martin Pohl](#)  
**Cc:** [Amelia Wilder](#); [Gail Bullen](#)  
**Subject:** A request to the CSD Board of Directors  
**Date:** Thursday, October 13, 2022 8:08:02 AM

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I am writing to request that you add an item to the agenda for the October 19, 2022 board meeting. The agenda item would be a discussion and vote on making public any legal opinion or discussion related to Measure R, especially related to the legality of its funding by a parcel tax.

Serious questions have been raised about Measure R and the way that it's funded.

Voters should have access to this information in order to make an informed decision and these legal opinions could be critical in doing so.

I can see no legitimate reason for not making this information public.

If you do not add this item to the agenda or if you vote against making the documents public, the questions would be:

- What are you hiding?
- What is it that you don't want us to know?

-- Richard Gehrs

**From:** [Tim Maybee](#)  
**To:** [Amelia Wilder](#)  
**Subject:** Fw: Meet to discuss options for looped system  
**Date:** Tuesday, October 18, 2022 2:13:51 PM

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as the cover letter

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**From:** Michael Fritschi <mfritschi@rmcsd.com>  
**Sent:** Monday, October 17, 2022 2:59 PM  
**To:** Martin Pohll <MPohll@rmcsd.com>; Tim Maybee <TMaybee@rmcsd.com>  
**Cc:** Tom Hennig <thennig@rmcsd.com>  
**Subject:** RE: Meet to discuss options for looped system

Staff and I met with Mr. Beer and it was agreed that the District will very soon install a mag meter in the FAA parking lot that in conjunction with opening the valve west of the FAA building will allow a full loop system and also accurately measure isolated water use by the airport.

In the interim, while staff wait for the meter procurement, the valve will be restored to use, closed, and the lid locked. Sac Metro will be notified that the valve can be accessed by calling the South Gate during that interim period.

I consider this matter concluded.

**Michael T. Fritschi, P.E.**

Director of Operations  
Rancho Murieta Community Services District  
*Direct Office* 916-354-3730  
*Cell* 916-870-2991  
**[www.rmcsd.com](http://www.rmcsd.com)**

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**From:** Michael Fritschi  
**Sent:** Monday, October 17, 2022 10:37 AM  
**To:** Martin Pohll <MPohll@rmcsd.com>; Tim Maybee <TMaybee@rmcsd.com>  
**Cc:** Tom Hennig <thennig@rmcsd.com>  
**Subject:** FW: Meet to discuss options for looped system

Martin, Tim,  
I have a meeting with Mr. Beer at 2PM today out at the airport. I am bringing staff with me to discuss the options as noted on the previous email.

**Michael T. Fritschi, P.E.**

Director of Operations

Rancho Murieta Community Services District

*Direct Office* 916-354-3730

*Cell* 916-870-2991

[www.rmcsd.com](http://www.rmcsd.com)

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**From:** Michael Fritschi

**Sent:** Wednesday, October 12, 2022 3:45 PM

**To:** Bradley Beer <[stor\\_tec@yahoo.com](mailto:stor_tec@yahoo.com)>

**Cc:** Tom Hennig <[thennig@rmcsd.com](mailto:thennig@rmcsd.com)>; Tim Maybee <[TMaybee@rmcsd.com](mailto:TMaybee@rmcsd.com)>; Martin Pohl <[MPohl@rmcsd.com](mailto:MPohl@rmcsd.com)>

**Subject:** Meet to discuss options for looped system

Brad,

I have had some discussions with Sac Metro Fire and I would like to set up a time with you to meet and discuss options to restore a public looped system connection. In the next few weeks the District will provide a temporary restoration of the use of one of the valves that would allow the loop system (vac out the pea gravel). This valve will be kept closed with a locking lid that could be opened in an emergency.

For the permanent loop restoration, a few of the options discussed:

1. Have a meter installed at each building location in the airport.
2. Install a second meter and back flow at one of the valve locations and keep the valve open.

I have some availability next Monday and Tuesday the 17<sup>th</sup> and 18<sup>th</sup>. Let me know if some of those times work for you.

**Michael T. Fritschi, P.E.**

Director of Operations

Rancho Murieta Community Services District

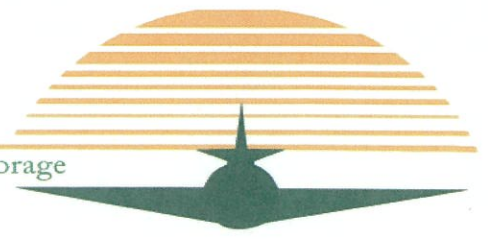
*Direct Office* 916-354-3730

*Cell* 916-870-2991

[www.rmcsd.com](http://www.rmcsd.com)



Rancho Murieta Airport, Inc.  
Airport, Self Storage, RV & Boat Storage



October 6, 2022

Rancho Murieta Community Services District  
Attention: President, Board of Directors, Tim Maybee  
P.O. Box 1050  
Rancho Murieta, CA 95683

Re: Rancho Murieta Airport

Dear Mr. Maybee:

I would like to formally make you and the Rancho Murieta Community Services District Board of Directors aware of an imminent health and safety matter in regards to the fire water at the Airport and surrounding businesses.

On February 8<sup>th</sup> of this year, I was informed that multiple valves included in the fire water loop system were closed in 2014. I met with District staff, including the General Manager, Mr. Tom Hennig, on that day and learned of the closures. Later on that date I informed the District that these closed valves negated the loop system required by Sacramento Metropolitan Fire. Between February 8<sup>th</sup> and February 22<sup>nd</sup>, emails were exchanged between myself and the District, copies of emails and their attachments are provided. On February 22<sup>nd</sup>, I received a final email regarding the subject from the District's Director of Operations, Mr. Michael Fritschi that states, "After review of the material that you provided, Tom (Hennig) and I discussed the issue, and at this time there are no plans to reconfigure the water system".

Rancho Murieta Airport has an ethical duty to uphold health and safety requirements to federal (the Federal Aviation Administration, state (Department of Transportation, Division of Aeronautics), and local (Sac Metro Fire, County of Sacramento) jurisdictions and their applicable laws and regulations for fire protection for not only the Rancho Murieta Airport but the surrounding properties. The Airport and surrounding properties depend on a reliable water supply and adequate water pressures to keep both fire suppression systems and the fire hydrants that are tapped off of the loop system operational, therefore I believe you need to be informed of this ongoing issue affecting fire water at the Airport and the surrounding businesses located on Cantova Way.

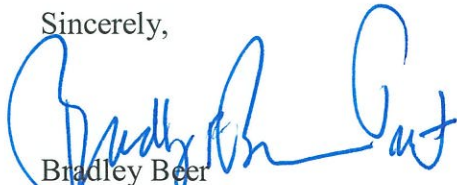
I am personally repulsed by the complete disregard for public safety by the District's General Manager and Director of Operations after they were provided with the pertinent information. And the knowledge that the adjacent property owners are not aware of the lack of a reliable water supply is disturbing. This issue quite frankly puts both businesses and residences in harm's way in case of a water flow disruption on either Murieta Drive or Cantova Way. I met with a representative of Sacramento Metropolitan Fire on-site at the Airport on October 5<sup>th</sup> and explained the situation. She is in concurrence with my concerns,

**7443 Murieta Drive, Rancho Murieta, CA 95683**  
**Phone: (916) 354-9889**

about the utter disregard that the Community Services District, especially that of the General Manager, has for not only the Airport fire protection but also the complete disregard for persons and property along the Cantova Way fire supply.

If this situation is not remedied the potential outcome could be catastrophic and the sole liability will fall with the District.

Sincerely,

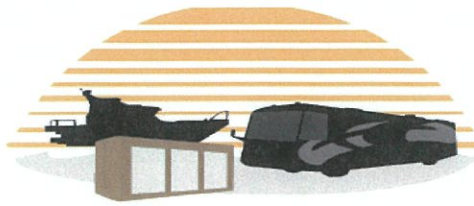


Bradley Beer  
President

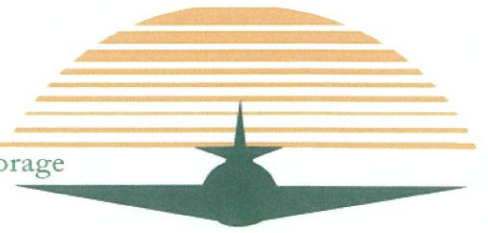
Enclosure(s): Copy of emails and attachments from February 8<sup>th</sup> through February 22<sup>nd</sup>, 2022.

CC via email: Randy Jenco  
Linda Butler  
John Merchant  
Martin Pohll  
Robert Pye

Jenae Smith  
Sacramento Metropolitan Fire District  
Supervising Fire Inspector, Community Risk Reduction Division  
10545 Armstrong Ave., Suite 310, Mather, CA 95655  
smith.jenae@metrofire.ca.gov



Rancho Murieta Airport, Inc.  
Airport, Self Storage, RV & Boat Storage



October 10, 2022

Rancho Murieta Community Services District  
Attention: President, Board of Directors, Tim Maybee  
P.O. Box 1050  
Rancho Murieta, CA 95683

Re: Rancho Murieta Airport

Dear Mr. Maybee:

To respond to your email of October 6, 2022, in which you state that “this is the first” you’ve heard of the “fire loop issue at Rancho Murieta Airport” is preposterous, as you can see in your email attached and dated from October 3, 2022, you acknowledge my “concerns of the loop water supply”. The District compromised the loop systems for the fire water at Rancho Murieta by shutting off the valves and filling in the vaults with pea gravel. The present staff and Board members were made aware of this life-safety issue on multiple occasions where I demanded immediate action.

As the CSD Board President, you are obligated to be informed about the District’s business. I find it utterly unbelievable that you didn’t know about the fire loop issue. Not only was I advised that Board members were made aware of this issue, to repeat in your October 3, 2022 email response to Crystal Matter you acknowledge your awareness of the fire loop issue and my August 10, 2022 meeting with Director Pohll making him aware of the compromised fire loop system.

Since your October 6, 2022 email clearly attempts to recreate history by feigning ignorance on the subject, allow me to refresh the District’s recollection of my multiple attempts to obtain action from CSD before resorting to the fire marshal;

**February 2022:** I met with General Manager, Tom Hennig, and Director of Operations, Mike Fritschi. I showed them the compromised fire loop system by identifying the valves that CSD shut off and the vaults filled with pea gravel to ensure inoperability of those water supply lines. I identified the obvious life-safety issue caused by CSD and demanded that the fire loop system operability be restored. Following that meeting, the District responded *in writing* identifying their refusal to correct the compromised fire loop.

In addition, I contacted Director Randy Jenco in February of this year. I fully apprised him of the fire loop system issue and demanded that CSD restore the fire loop. Director Jenco said he would look into it but nothing was done. I pleaded with him to take action on one more occasion. Still nothing was done.

7443 Murieta Drive, Rancho Murieta, CA 95683  
Phone: (916) 354-9889

**August 2022:** During the height of fire season, and concerned for the safety of residents and business owners, I met with Director Martin Pohll. During that hour-long in-person meeting, I specifically identified the compromised valves and vault boxes by photo, then showed him the plans and Sacramento Metropolitan Fire's requirements. I demanded that Director Pohll confer with the District and take immediate action and conveyed my concern for the life-safety issue. Director Pohll advised that he would discuss the matter with the CSD Board and I know he did because over two weeks later he called me personally on my cell phone and confirmed he had apprised the Board members and said he would be setting up a meeting to discuss the issue regarding the fire loop. So having been fully apprised of the issue for months and rather than taking immediate action, the District continued to play games by requesting meetings several weeks out to further discuss the issue. There was nothing left to discuss, the issue required and still requires, immediate action.

The District's action and the continued inaction by this General Manager and Board have and continue to place residents in the Villages, Residential Community, the two Churches, and the commercial businesses including the Airport at risk. It is unacceptable and shameful that after months and several meetings with CSD management and Board Members, it takes involvement of Sac Metro Fire to even get the District to consider taking action on an obvious life-safety issue. Fix the issue, Tim. Now.

The District should not require any additional "specific information" as indicated in your October 6, 2022 email, the attached copy of the plan check comments from February 25, 2021 and our engineer's response should be adequate information to indicate to the District that the Sac Metro Fire District was still requiring the looped system in 2021. The plan check comments from February 25, 2021 show there was a deficiency on the building plans for Hangars I & J at the Airport, the deficiency indicates that the private underground fire system detail and ensuring that system is looped, and the engineers at Surveyors Group, Inc's response on March 22, 2022 to that deficiency to "ensure underground system is looped". In fact, the plan checker for Sac Metro Fire District, Ms. Jenae Smith, that made the Fire Loop System requirements in December 2020 and again in February 2021 is the same Fire Inspector who I met with on Wednesday of last week for over an hour, and at that time reiterated to me the functional importance of the system to protect both property and public safety of the loop system, and as to the water supply redundancy importance in the event of a fire with the Airport and surrounding properties. Mr. Maybee, you of all people should know the importance of a "fire loop system" as a retired Fire Captain, both safety and the importance of a predictable water supply coming from two directions make fighting a fire much safer for persons and property, when all of the Hydrants and Fire suppression systems function at the same time and in the event of a water outage on one of the water main supplies in the underground system. Again, the issue needs to be fixed now.

In addition, Mr. Maybee, I have included an email written by the General Manager, Tom Hennig, on September 4, 2020 as he approved the underground improvements plans on the contingency that I would acquiesce to his demand in order to move forward on the building of two additional hangars at the Airport. I reluctantly agreed as I have no issue to hide from the District, but find it repulsive that a District Manager would succumb to what appears to be coercion tactics and threaten to hold the building project at the Airport hostage unless his demands were agreed upon.



For starters, the building project approval and his desire to audit the Airport facilities have nothing to do with one another, and he has no legal discretionary powers to hold up approval of the building development at the Airport as long as the plans comply with District design conditions and District development requirements he is obligated to sign the plans and has zero legal right to threaten the development at the Airport in any way, shape or form. Again, I find it interesting that the Board has given Mr. Tom Hennig police authority over development within the District.

To reiterate the above, I expect the “loop system” as designed and required by Sacramento Metropolitan Fire District to be made functional by the Rancho Murieta Community Services District immediately to ensure the fire safety within the community is restored.

Sincerely,



Bradley Beer  
President

Enclosure(s): October 3, 2022 email from Tim Maybee to Crystal Matter  
October 6, 2022 email from Tim Maybee to Bradley Beer  
Sacramento Metropolitan Fire District Plan Check comments from 02/25/2021  
Surveyor’s Group Response to comments on March 22, 2021  
September 4, 2020 email from Tom Hennig to Bradley Beer

CC via email: Randy Jenco  
Linda Butler  
John Merchant  
Martin Pohl

Re: Meeting Request

From: Tim Maybee (tmaybe@rmcsd.com)  
To: crystal@matterlawapc.com  
Cc: stor\_tec@yahoo.com; thennig@rmcsd.com; MPohll@rmcsd.com; mfritschi@rmcsd.com  
Date: Monday, October 3, 2022 at 12:24 PM PDT

Hello,

I'm just back in town...

The District has been attempting to set up a meeting with Mr. Beer regarding his concerns regarding the loop water supply. This meeting is a follow up meeting that Mr. Beer had with Director Phol.

Once that meeting is completed a meeting can be set up with Mr. Beer...

I'm not sure of your role in this process, if you are providing guidance or advice, I will need to check with District legal counsel. As neither Board members nor staff should be meeting if there is a counsel there without the District's legal counsel.

I will check with staff to see where the status is for the meeting with Mr. Beer, regarding his water loop concerns.

Thank you for your time, have a good day...

---

**From:** Crystal Matter <crystal@matterlawapc.com>  
**Sent:** Monday, October 3, 2022 8:22 AM  
**To:** Tim Maybee <TMaybee@rmcsd.com>  
**Cc:** Brad Beer <stor\_tec@yahoo.com>  
**Subject:** Meeting Request

Dear Tim:

Brad and I want to meet with you to discuss security fees.  
Do you have availability this Friday 10/7 or Monday 10/10?

Regards,

Crystal L. Matter

Re: Rancho Murieta Airport - Fire Protection

From: Tim Maybee (tmaybe@rmcsd.com)

To: stor\_tec@yahoo.com; thennig@rmcsd.com; mfritschi@rmcsd.com; awilder@rmcsd.com; ajr@bkslawfirm.com

Cc: rjenco@rmcsd.com; lbutler@rmcsd.com; jmerchant@rmcsd.com; mpohl@rmcsd.com; rbpye@netscape.net; toshavanvorst@gmail.com; smith.jenae@metrofire.ca.gov

Date: Thursday, October 6, 2022 at 04:50 PM PDT

Hello Mr. Beer,

This is the first as the Board President that I'm aware of an 'imminent health and safety' matter with the District! Please immediately forward all documentation from the official agency and/or agencies having authority and jurisdiction regarding all these matters. I will officially contact them directly if necessary.

The District has and will continue to take all precautions and matter related to health and safety seriously. To date no governmentally agency has provided any notification or documentation stating that there is an imminent health and safety matter within the District.

Upon receiving your specific information, I will also contact the District's legal counsel as well. Time is of the essence, so the sooner the District has all of this documentation the sooner the District can take immediate action!

Thank you for your time in this matter.

---

**From:** Bradley Beer <stor\_tec@yahoo.com>

**Sent:** Thursday, October 6, 2022 2:36 PM

**To:** Tim Maybee <TMaybee@rmcsd.com>

**Cc:** Randy Jenco <rjenco@rmcsd.com>; Linda Butler <lbutler@rmcsd.com>; John Merchant <jmerchant@rmcsd.com>; Martin Pohl <MPohl@rmcsd.com>; Robert Pye <rbpye@netscape.net>; Tosha Van Vorst <toshavanvorst@gmail.com>; Jenae Smith <smith.jenae@metrofire.ca.gov>

**Subject:** Rancho Murieta Airport - Fire Protection

Mr. Maybee,

Please see the attached letter and information for your review.

Thank you,

Bradley Beer  
President  
Rancho Murieta Airport, Inc.



# Sacramento Metropolitan Fire District

Community Risk Reduction Division: 10545 Armstrong Ave., Ste. 310 • Mather, CA 95655  
• Phone (916) 859-4330 • Fax (916) 859-3717 Website: [www.metrofire.ca.gov](http://www.metrofire.ca.gov)

**Todd Harms**  
Fire Chief

## PLAN REVIEW NOTIFICATION

Please see **STATUS** below for approval status (Approved/Not Approved).

---

<b>Address:</b>	7443 Murieta Drive Rancho Murieta, CA 95683	<b>Job Number:</b>	201202010
<b>Occupant Name:</b>	Rancho Murieta Airport Hanger I & J	<b>InspectionType:</b>	PR-Site Plan Review-Civil
<b>Occupant Number:</b>		<b>Inspection Date:</b>	12/18/2020, 2/25/2021

---

### General Construction DEFICIENCIES

G1.10 Deficiency:

Fail      12/18/2020      .      Floor: 1      Plan Type: Original

*Comments:* Provide the most current edition of SMFD Fire Prevention Standard #8, Civil Engineering Notes for Commercial Projects, on plans. NOTE: Ensure note #1 is filled in completely with fire flow information.

<http://metrofire.ca.gov/index.php/fpb-standards>  
See FPS #8.

Fail      2/25/2021      .      Floor: 1      Plan Type: C1

*Comments:* Clarify note #1. Based on added note on cover sheet buildings are treated as one. Note #1 shall reflect square footage and required fire flow for based on the sum of both buildings.

ORIGINAL COMMENT: Provide the most current edition of SMFD Fire Prevention Standard #8, Civil Engineering Notes for Commercial Projects, on plans. NOTE: Ensure note #1 is filled in completely with fire flow information.

---

G1.20 Deficiency:

Fail      12/18/2020      .      Floor: 1      Plan Type: Original

*Comments:*

On the cover sheet, provide a full building analysis for each building per Metro Fire's Civil Plan Submittal Guidelines.

Building analysis with the following info:

1. Occupancy of building. If building houses more than one occupancy type, list each type.
2. Construction type
3. Square feet
4. Number of floors/stories and building height
5. Indicate whether or not the building has fire sprinklers
6. List of applicable codes and the edition

Please note if building exceeds 30 feet in height, aerial access shall be provided in accordance with FPS #3.

Fail 2/25/2021 . Floor: 1 Plan Type: C1  
*Comments:* Clarify note on cover sheet or revise square footage of building to include the sum of all covered area for both buildings.

ORIGINAL COMMENT: On the cover sheet, provide a full building analysis for each building per Metro Fire's Civil Plan Submittal Guidelines.

Building analysis with the following info:

1.Occupancy of building. If building houses more than one occupancy type, list each type.

2.Construction type

3.Square feet

4.Number of floors/stories and building height

5.Indicate whether or not the building has fire sprinklers

6.List of applicable codes and the edition

Please note if building exceeds 30 feet in height, aerial access shall be provided in accordance with FPS #3.

---

G1.30 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

*Comments:* Revise the Metro Fire contact to Jenae Callison. 916-859-4318

Pass 2/25/2021 . Floor: 1 Plan Type: C1

*Comments:* Revise the Metro Fire contact to Jenae Callison. 916-859-4318

---

G1.40 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

*Comments:* Provide a new signed engineer stamp on the plans. The current stamp is expired.

Expiration date: 06/30/2020

Pass 2/25/2021 . Floor: 1 Plan Type: C1

*Comments:* Provide a new signed engineer stamp on the plans. The current stamp is expired.

Expiration date: 06/30/2020

---

G1.50 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

*Comments:* Provide Fire Access Plan with the following information:

A. Location of fire access lanes indicated by shading or cross hatching the entire length and width of the lane. (FPS #3)

B. All turns in fire lanes shall have the radii labeled and shown to scale. Minimum turning radii are 50 feet outside and 25 feet inside. (FPS #3)

C. Note indicating that fire lanes shall be a minimum of 20 feet clear width and 13 ½ feet clear height. (CFC 503.2.1)

D. Indicate how fire lanes will be delineated - posting of signs or painted curbs. (See Section 22500.1 of the California Vehicle Code for fire lane marking details)

E. Dimension lines showing that all exterior portions of the building are within 150 foot hose reach of a fire lane. This dimension shall be shown along an approved route suitable for firefighter access (not over walls, fences, planters, signs, etc.)

Fail 2/25/2021 . Floor: 1 Plan Type: C1

*Comments:* On sheet 7, provide additional fire apparatus access roadway to within 150

feet of furthest portion of building. Building J exceeds 150 feet.

ORIGINAL COMMENT: Provide Fire Access Plan with the following information:

A. Location of fire access lanes indicated by shading or cross hatching the entire length and width of the lane. (FPS #3)

B. All turns in fire lanes shall have the radii labeled and shown to scale. Minimum turning radii are 50 feet outside and 25 feet inside. (FPS #3)

C. Note indicating that fire lanes shall be a minimum of 20 feet clear width and 13 ½ feet clear height. (CFC 503.2.1)

D. Indicate how fire lanes will be delineated - posting of signs or painted curbs. (See Section 22500.1 of the California Vehicle Code for fire lane marking details)

E. Dimension lines showing that all exterior portions of the building are within 150 foot hose reach of a fire lane. This dimension shall be shown along an approved route suitable for firefighter access (not over walls, fences, planters, signs, etc.)

---

G1.60 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

Comments: Provide a current fire flow letter from local water purveyor stating the required fire flow can be met. Fire flow letter shall be dated within 12 months.

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Obtain duration for fire flow letter. Required duration is 2 hours.

ORIGINAL COMMENT: Provide a current fire flow letter from local water purveyor stating the required fire flow can be met. Fire flow letter shall be dated within 12 months.

---

G1.70 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

Comments: Indicate if fire hydrants are public or private.

1. If private fire hydrants are installed, a shared utility and maintenance agreement shall be recorded at the public recorder's office having jurisdiction and provided to the Fire District for all private fire hydrant systems serving multiple parcels or properties.

2. If private, provide full details of the private underground fire system from the street to the proposed buildings. System shall comply with FPS #5.

<http://metrofire.ca.gov/index.php/fpb-standards>

**\*\*\*Please provide all details for the Water Plan listed in the SMFD Civil Plan Submittal Guidelines.**

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Comment #2 remains: Provide full details of the private underground fire system from the street to the proposed buildings. Ensure underground system is looped.

Also, provide a note on the plans stating the following:

"Not Approved for Private Underground Fire Service Installation"

"A separate plan submittal is required from the installing contractor. See the Sacramento Metropolitan Fire District Notes."

ORIGINAL COMMENT: Indicate if fire hydrants are public or private.

1. If private fire hydrants are installed, a shared utility and maintenance agreement shall be recorded at the public recorder's office having jurisdiction and provided to the Fire District for all private fire hydrant systems serving multiple parcels or properties.

2. If private, provide full details of the private underground fire system from the street to the proposed buildings.

System shall comply with FPS #5.

<https://metrofire.ca.gov/departments/crrd/FormsandDocuments>

**\*\*\*Please provide all details for the Water Plan listed in the SMFD Civil Plan Submittal Guidelines.**

---

G1.80 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

*Comments:* Provide building separation in accordance with the 2019 California Building Code, Table 602.

Provide full details of fire resistive rating of exterior walls if applicable.

Fail 2/25/2021 . Floor: 1 Plan Type: C1

*Comments:* Provide 2019 California Building Code analysis on the cover sheet and revise building analysis to reflect combined square footage. Also, provide full details and revise information accordingly throughout these plans including SMFD Notes, #1.

ORIGINAL COMMENT: Provide building separation in accordance with the 2019 California Building Code, Table 602.

Provide full details of fire resistive rating of exterior walls if applicable.

---

G1.90 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

*Comments:*

SEPARATE SUBMITTALS

1. Underground fire service plans shall be a separate submittal. Plans shall be provided by the underground fire service installing contractor. This submittal shall include the trench detail, the manufacturer's specification sheets for all pipe, fittings, and appurtenances as well as the appropriate plan review fee. (FPS #9)
2. Gate and perimeter fencing plans shall be a separate submittal.

Fail 2/25/2021 . Floor: 1 Plan Type: C1

*Comments:*

SEPARATE SUBMITTALS

1. Underground fire service plans shall be a separate submittal. Plans shall be provided by the underground fire service installing contractor. This submittal shall include the trench detail, the manufacturer's specification sheets for all pipe, fittings, and appurtenances as well as the appropriate plan review fee. (FPS #9)
  2. Gate and perimeter fencing plans shall be a separate submittal.
- 

**Current Status:** Not Approved

If the plan review is not approved please respond to the comments above by correcting the plans and providing a written response indicating what action was taken. Responses can be made in letter format and resubmitted with complete sets of revised drawings and any other requested information electronically. All changes shall be clouded and indicated with a delta that has a corresponding revision number and date (not used on Civil Plans). All plan review comments must be addressed in order for plans to be approved. If there are any questions regarding the code interpretation or the applicability of the code section cited, contact the District plan reviewer to discuss the issue prior to plans being resubmitted.

If the plan review is approved, please note that construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause

the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.



# SURVEYORS GROUP, INC.

LAND SURVEYORS & CIVIL ENGINEERS

March 22, 2021

Rancho Murieta Airport

ATTN: SMFD

Response to comments for Rancho Murieta Airport

To whom it may concern,

Below you will find a response to SMFD's comments about submitted Rancho Murieta Airport improvement plans. Please contact us if you have questions or comments about our responses.

## RESPONSE TO SMFD'S COMMENTS ON RANCHO MURIETA AIRPORT IMPROVEMENT PLANS

### G1.10 Deficiency:

*Fail 2/25/2021 . Floor: 1 Plan Type: C1*

*Comments: Clarify note #1. Based on added note on cover sheet buildings are treated as one. Note #1 shall reflect square footage and required fire flow for based on the sum of both buildings.*

*ORIGINAL COMMENT: Provide the most current edition of SMFD Fire Prevention Standard #8, Civil Engineering Notes for Commercial Projects, on plans. NOTE: Ensure note #1 is filled in completely with fire flow information.*

**RESPONSE: Note #1 of SMFD notes (Sheet C-2) has been revised to reflect the buildings are being treated as one. The available 2,246 gpm @ 20psi fed by a 3 million gallon tank exceeds the needs of this project's fire flow requirements for 2 hours.**

### G1.20 Deficiency:

*Fail 2/25/2021 . Floor: 1 Plan Type: C1*

*Comments: Clarify note on cover sheet or revise square footage of building to include the sum of all covered area for both buildings.*

*ORIGINAL COMMENT: On the cover sheet, provide a full building analysis for each building per Metro Fire's Civil Plan Submittal Guidelines.*

*Building analysis with the following info:*

- 1. Occupancy of building. If building houses more than one occupancy type, list each type.*
- 2. Construction type*
- 3. Square feet*
- 4. Number of floors/stories and building height*
- 5. Indicate whether or not the building has fire sprinklers*
- 6. List of applicable codes and the edition*

*Please note if building exceeds 30 feet in height, aerial access shall be provided in accordance with FPS #3*

**RESPONSE:** Note on the cover sheet (Sheet C-1) updated to reflect the correct square footage for with the consideration that both buildings are being treated as one. Note about Fire Code 2019 CBC detailing this emphasized.

G1.30 Deficiency:

Pass 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Revise the Metro Fire contact to Jenae Callison. 916-859-4318

G1.40 Deficiency:

Pass 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Provide a new signed engineer stamp on the plans. The current stamp is expired.

G1.50 Deficiency:

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: On sheet 7, provide additional fire apparatus access roadway to within 150 feet of furthest portion of building. Building J exceeds 150 feet.

ORIGINAL COMMENT: Provide Fire Access Plan with the following information:

A. Location of fire access lanes indicated by shading or cross hatching the entire length and width of the lane. (FPS #3)

B. All turns in fire lanes shall have the radii labeled and shown to scale. Minimum turning radii are 50 feet outside and 25 feet inside. (FPS #3)

C. Note indicating that fire lanes shall be a minimum of 20 feet clear width and 13 ½ feet clear height. (CFC 503.2.1)

D. Indicate how fire lanes will be delineated - posting of signs or painted curbs. (See Section 22500.1 of the California Vehicle Code for fire lane marking details)

E. Dimension lines showing that all exterior portions of the building are within 150 foot hose reach of a fire lane. This dimension shall be shown along an approved route suitable for firefighter access (not over walls, fences, planters, signs, etc.)

**RESPONSE:** Proposed fire lane added to north side of the proposed site above building I per Jenae Callison's suggestion and specifications. It is 95' long (75' suggested by Jenae Callison) and perpendicular to the existing fire lane to bring the corner of building J within 150', while keeping short of the 150' fire lane turn around requirement.

G1.60 Deficiency:

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Obtain duration for fire flow letter. Required duration is 2 hours.

ORIGINAL COMMENT: Provide a current fire flow letter from local water purveyor stating the required fire flow can be met. Fire flow letter shall be dated within 12 months.

**RESPONSE:** A new fire flow letter remediating this provided by RMCSD is included with this plan submittal and response letter. It states:

" The projected available hydrant flow at 20 psi is calculated at 2246 gpm. There is adequate supply from a 3-million gallon distribution storage tank for over a 2 hour per period fed via gravity for these hydrants that were tested."

**G1.70 Deficiency:**

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Comment #2 remains: Provide full details of the private underground fire system from the street to the proposed buildings. Ensure underground system is looped.

Also, provide a note on the plans stating the following:

"Not Approved for Private Underground Fire Service Installation"

"A separate plan submittal is required from the installing contractor. See the Sacramento Metropolitan Fire District Notes."

ORIGINAL COMMENT: Indicate if fire hydrants are public or private.

1. If private fire hydrants are installed, a shared utility and maintenance agreement shall be recorded at the public recorder's office having jurisdiction and provided to the Fire District for all private fire hydrant systems serving multiple parcels or properties.

2. If private, provide full details of the private underground fire system from the street to the proposed buildings.

System shall comply with FPS #5.

<https://metrofire.ca.gov/departments/crrd/FormsandDocuments>

\*\*\*Please provide all details for the Water Plan listed in the SMFD Civil Plan Submittal Guidelines.

**RESPONSE: Sheet C-4 (TOPOGRAPHIC SURVEY, BOUNDARY, AND EXISTING WATER LOOP) has been revised to show the existing looped water connections along Cantova Way, Murieta Drive, and the existing site. Title updated to reflect this. Notes added on both sheets C-1 and C-7 stating "NOT APPROVED FOR UNDERGROUND FIRE SERVICE INSTALLATION" and "A SEPARATE PLAN SUBMITTAL IS REQUIRED FROM THE INSTALLING CONTRACTOR. SEE THE SACRAMENTO METROPOLITAN FIRE DISTRICT NOTES".**

**G1.80 Deficiency:**

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Provide 2019 California Building Code analysis on the cover sheet and revise building analysis to reflect combined square footage. Also, provide full details and revise information accordingly throughout these plans including SMFD Notes, #1.

ORIGINAL COMMENT: Provide building separation in accordance with the 2019 California Building Code, Table 602.

Provide full details of fire resistive rating of exterior walls if applicable.

**RESPONSE: Provided 2019 CBC analysis on both C-1 and C-7. Both notations of said analysis revised to reflect correct information (sqft of both buildings). Revised throughout plans including Sheet C-2, SMFD Note #1.**

**G1.90 Deficiency:**

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments:

SEPARATE SUBMITTALS

1. Underground fire service plans shall be a separate submittal. Plans shall be provided by the underground fire service installing contractor. This submittal shall include the trench detail, the manufacturer's specification sheets for all pipe, fittings, and appurtenances as well as the appropriate plan review fee. (FPS #9)

2. Gate and perimeter fencing plans shall be a separate submittal.

**RESPONSE: NOTED. "A SEPARATE PLAN SUBMITTAL IS REQUIRED FROM THE INSTALLING CONTRACTOR. SEE THE SACRAMENTO METROPOLITAN FIRE DISTRICT NOTES" Is noted on the plans. No gate and perimeter fencing plans will be required for this project.**

Second Review:

*Fail*

*Comments:*

*Based on the plan drawing and notes, the domestic water line is tapped from the fire water line. Provide a 1" reduced pressure backflow preventer to prevent cross contamination. (The airport's existing RPBP on the main water supply line does not provide protection for the hangars since it is teeing off of the fire water and not the airports domestic water line).*

**RESPONSE: A 1" reduced pressure backflow preventer is currently being proposed on the domestic water line per detail W-11, Sheet 3. Clarified Note 11, Sheet 6 to include the words "REDUCED PRESSURE". Changed fire line geometry in main view and DET FH-FDC, Sheet 6, for increased clarity of proposed system and appurtenances.**

feet of furthest portion of building. Building J exceeds 150 feet.

ORIGINAL COMMENT: Provide Fire Access Plan with the following information:

- A. Location of fire access lanes indicated by shading or cross hatching the entire length and width of the lane. (FPS #3)
- B. All turns in fire lanes shall have the radii labeled and shown to scale. Minimum turning radii are 50 feet outside and 25 feet inside. (FPS #3)
- C. Note indicating that fire lanes shall be a minimum of 20 feet clear width and 13 ½ feet clear height. (CFC 503.2.1)
- D. Indicate how fire lanes will be delineated - posting of signs or painted curbs. (See Section 22500.1 of the California Vehicle Code for fire lane marking details)
- E. Dimension lines showing that all exterior portions of the building are within 150 foot hose reach of a fire lane. This dimension shall be shown along an approved route suitable for firefighter access (not over walls, fences, planters, signs, etc.)

---

G1.60 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

*Comments:* Provide a current fire flow letter from local water purveyor stating the required fire flow can be met. Fire flow letter shall be dated within 12 months.

Fail 2/25/2021 . Floor: 1 Plan Type: C1

*Comments:* Obtain duration for fire flow letter. Required duration is 2 hours.

ORIGINAL COMMENT: Provide a current fire flow letter from local water purveyor stating the required fire flow can be met. Fire flow letter shall be dated within 12 months.

---

G1.70 Deficiency:

Fail 12/18/2020 . Floor: 1 Plan Type: Original

*Comments:* Indicate if fire hydrants are public or private.

1. If private fire hydrants are installed, a shared utility and maintenance agreement shall be recorded at the public recorder's office having jurisdiction and provided to the Fire District for all private fire hydrant systems serving multiple parcels or properties.

2. If private, provide full details of the private underground fire system from the street to the proposed buildings. System shall comply with FPS #5.

<http://metrofire.ca.gov/index.php/fpb-standards>

**\*\*\*Please provide all details for the Water Plan listed in the SMFD Civil Plan Submittal Guidelines.**

Fail 2/25/2021 . Floor: 1 Plan Type: C1

*Comments:* Comment #2 remains: Provide full details of the private underground fire system from the street to the proposed buildings. Ensure underground system is looped.

Also, provide a note on the plans stating the following:

"Not Approved for Private Underground Fire Service Installation"

"A separate plan submittal is required from the installing contractor. See the Sacramento Metropolitan Fire District Notes."

ORIGINAL COMMENT: Indicate if fire hydrants are public or private.

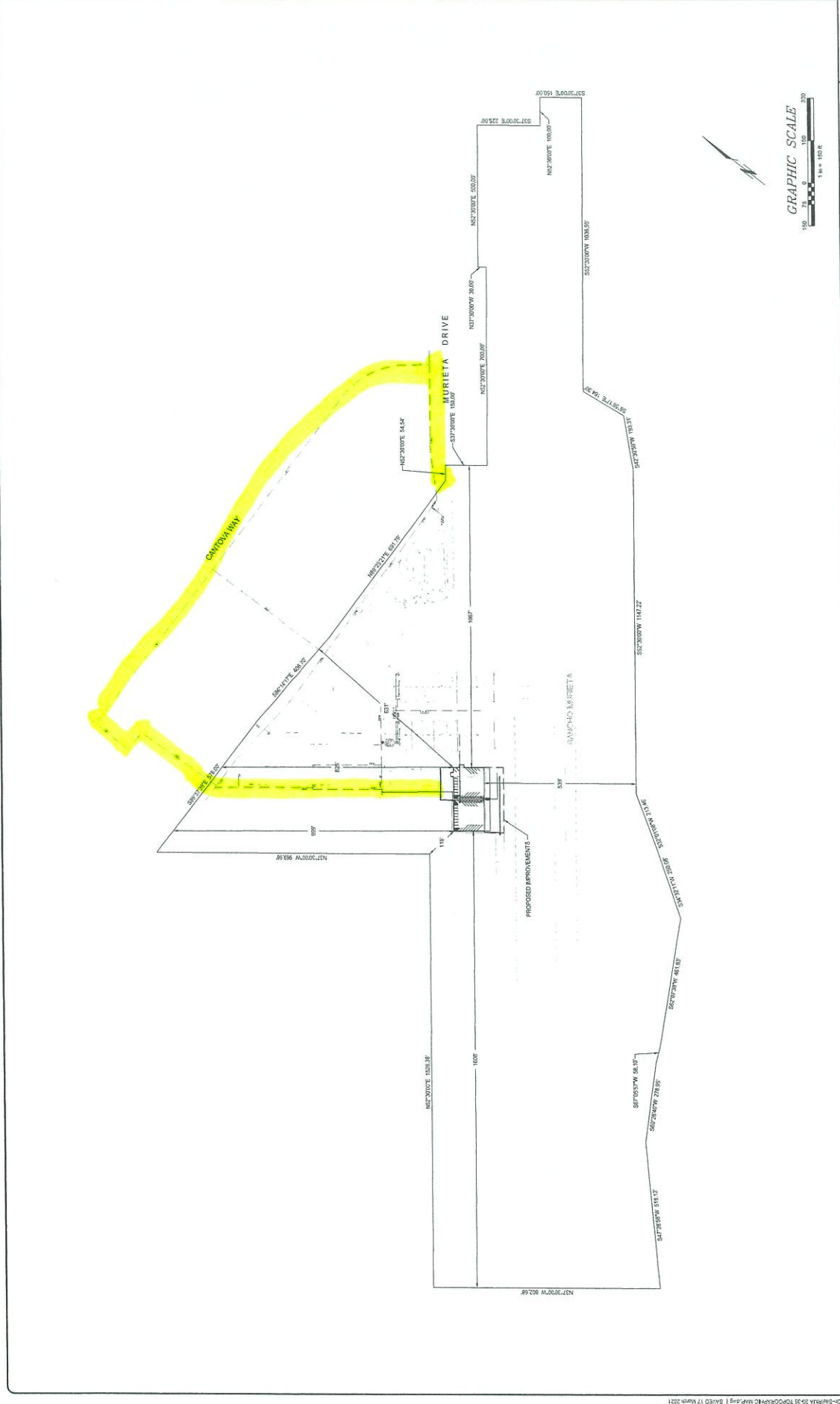
1. If private fire hydrants are installed, a shared utility and maintenance agreement shall be recorded at the public recorder's office having jurisdiction and provided to the Fire District for all private fire hydrant systems serving multiple parcels or properties.

2. If private, provide full details of the private underground fire system from the street to the proposed buildings.

System shall comply with FPS #5.

<https://metrofire.ca.gov/departments/crrd/FormsandDocuments>

**\*\*\*Please provide all details for the Water Plan listed in the SMFD Civil Plan Submittal Guidelines.**



SHEET NO.  
1 OF 8  
JOB NO. RMA 20316

**IMPROVEMENT PLANS  
RANCHO MORIETA AIRPORT**  
TOPOGRAPHIC SURVEY, BOUNDARY, & EXISTING WATER LOOP

**SGI COMPANIES**  
SGI CIVIL • SGI 3D • SURVEYORS GROUP, INC.  
9001 Foothill Blvd., Suite 170  
San Diego, CA 92126  
(619) 798-8822 (916) 798-0824 (Fax)  
www.sgisurveys.com

**PRELIMINARY DRAWING  
FOR PLAN CHECK SUBMITTAL ONLY  
NOT FOR CONSTRUCTION**

DESIGNED	IL DOONKOR
DRAWN	G. FRIEDMAN
CHECKED	D. DOSEK
DATE	03/05/2021
SCALE	1" = 100'

**BENCHMARK DESCRIPTION**  
BENCHMARK ID = 1D40 ELEVATION = 151.22  
BENCH 1917 LOCATED BY TOP OF SURVEYOR'S COLLIER'S COPE  
CANTONIA WAY AT THE INTERSECTION OF THE WATER LOOP AT  
APPROXIMATELY 200 FEET NORTH OF JACKSON HWY. & APPROXIMATELY 100 FEET  
WEST OF CANTONIA WAY, U.S.G.S. 10' QUAD 184 10017  
(MAY 27, 1971)

No.	Description	Appr. By	Date

## Re: Conditional approval to proceed with your storage buildings

From: Bradley Beer (stor\_tec@yahoo.com)

To: thennig@rmcsd.com

Date: Friday, September 4, 2020, 11:58 AM PDT

Yes Tom, That is what we discussed .

Thanks Brad

On Friday, September 4, 2020, 11:25:26 AM PDT, Tom Hennig <thennig@rmcsd.com> wrote:

Hi Brad,

As we discussed yesterday, I'm approving your plans to move ahead with your project to build two storage buildings. This approval is contingent on your commitment to pay any past-due amounts owed to the District for Drainage, Security, Sewer, & Water fees.

In the next week or two, District staff will conduct an audit of your facilities to confirm the current square footage of your facility. We will also review your water use. Once we validate these numbers, you will be provided with a report and a summary of any additional fees due to the District.

Please confirm that you agree with these conditions.

Thank you,

Tom

**Tom Hennig**

General Manager  
Rancho Murieta CSD  
ph.(916)354-3700  
fx. (916)354-2082

Visit us at [www.RMCSD.com](http://www.RMCSD.com)

**P** Before printing, please think Green.

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February 8, 2022

1. Email from Brad Beer to Tom Hennig

After meeting at Airport in which Brad was informed the loop system valves were closed in 2014, Brad memorialized in an email his understanding of the required loop system.

2. Email from Tom Hennig to Brad Beer

Tom's response.



## Fire Loop System Valves Shut Off by CSD

From: Bradley Beer (stor\_tec@yahoo.com)

To: thennig@rmcsd.com; sbuscombe@aol.com; toshavanvorst@gmail.com; cgreisen@jps.net;  
rbpye@netscape.net

Date: Tuesday, February 8, 2022, 05:27 PM PST

Tom,As I brought to your attention this morning I was advised today by Rancho Murieta CSD employees that certain water valves that facilitate the loop water system servicing the Rancho Murieta Airport and surrounding properties were shut off and rendered interoperable by RMCS D in 2014,thus rendering the system a non loop system.

It is my understanding that the loop system is a health and safety requirement of the Sacramento Metropolitan Fire District and accordingly the valves need to be turned back on immediately to restore the required Fire Loop System.

If RMCS D contends that the loop system does not need to be restored I request that you provide me with the basis for that contention.If you have other information relevant to the issue I request that you provide that information and also weather RMCS D is going to take action to restore the the loop system immediately.

Bradley F. Beer President

Rancho Murieta Airport Inc.

## RE: Fire Loop System Valves Shut Off by CSD

From: Tom Hennig (thennig@rmcsd.com)

stor\_tec@yahoo.com; sbuscombe@aol.com; toshavanvorst@gmail.com; cgreisen@jps.net; rbpye@netscape.net  
pokeefe@rmcsd.com; mfritschi@rmcsd.com

Date: Tuesday, February 8, 2022 at 05:38 PM PST

Bradley,

Thank you for taking the time to review these systems today. My guess is that one or more of your cc's is involved in the determination of whether or not the changes made in 2014 are acceptable or not. It would be helpful if you could let me know.

In the meantime we will look into this ourself and make any necessary adjustments. Additionally I plan to review your overall water usage to determine if we have the correct assumptions in place for how you are billed for District services. As mentioned before, we are doing the same research into your square footage as it relates to Security fees. If it turns out that we have overbilled you, I will initiate the refund. If you have been underbilled, I will initiate the corrections. Either way, the changes will be retroactive four years. This is what is allowed by law.

I have added Michael Fritschi, Director of Operations and Paula O'Keefe, Director of Administration to this email thread to keep them informed about actions the District may be implementing.

Thanks again for your cooperation today and take care.

Tom

### Tom Hennig


General Manager

Rancho Murieta CSD

ph.(916)354-3700

fx. (916)354-2082

Visit us at [www.RMCSD.com](http://www.RMCSD.com)

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**From:** Bradley Beer <stor\_tec@yahoo.com>

**Sent:** Tuesday, February 8, 2022 5:27 PM

**To:** Tom Hennig <thennig@rmcsd.com>; Stan <sbuscombe@aol.com>; Tasha Van Vorst <toshavanvorst@gmail.com>; cgreisen@jps.net; Robert Pye <rbpye@netscape.net>

**Subject:** Fire Loop System Valves Shut Off by CSD

Tom,As I brought to your attention this morning I was advised today by Rancho Murieta CSD employees that certain water valves that facilitate the loop water system servicing the Rancho Murieta Airport and surrounding properties were shut off and rendered interoperable by RMCSD in 2014,thus rendering the system a non loop system.

It is my understanding that the loop system is a health and safety requirement of the Sacramento Metropolitan Fire District and accordingly the valves need to be turned back on immediately to restore the required Fire Loop System.

If RMCS D contends that the loop system does not need to be restored I request that you provide me with the basis for that contention. If you have other information relevant to the issue I request that you provide that information and also whether RMCS D is going to take action to restore the the loop system immediately.

Bradley F. Beer President

Rancho Murieta Airport Inc.

February 16, 2022

1. Email from Michael Fritschi to Brad Beer

2013 letter informing Beer and Fire department of the loop system shut off.

(then why is the loop system required by the fire department in 2015 and 2021 per plan check comments?)

2. Email from Brad Beer to Michael Fritschi

Informing Fritschi that the plans check comments from 2021 can be provided to CSD to show the requirement of the loop system.

## Loop System Question

From: Michael Fritschi (mfritschi@rmcsd.com)  
To: stor\_tec@yahoo.com  
Cc: thennig@rmcsd.com  
Date: Wednesday, February 16, 2022, 01:03 PM PST

Mr. Beer,

To address your question on whether the fire department is aware of the removal of the loop system just north of the airport property, I have attached correspondence from the District to you, cc'ing Sac Metro Fire. The correspondence, among other things, describes the removal of the loop system in Exhibit B.

I have also researched the matter and have thus far found no evidence that loop systems are always necessarily required for every application with respect to fire flow.

**Michael T. Fritschi, P.E.**

Director of Operations

Rancho Murieta Community Services District

*Direct Office* 916-354-3730

*Cell* 916-870-2991

**[www.rmcsd.com](http://www.rmcsd.com)**



Beer Letter 11-15-13.pdf  
1.5MB



## Rancho Murieta Community Services District

15160 Jackson Road • P.O. Box 1050 Rancho Murieta, CA 95683 • 916-354-3700 • Fax 916-354-2082

Visit our website [www.rmcsd.com](http://www.rmcsd.com)

November 15, 2013

Brad discussed sewer hookup fees when bathroom  
hookup at, w. Ed

- M3 Const - Ray McClanahan

Mr. Brad Beer  
Murieta Airport  
7443 Murieta Drive  
Rancho Murieta, CA 95683

Subject: New Hangar Addition Project-Review of Facility Extension Application and  
Unapproved Irrigation Water Connection

Dear Mr. Beer,

We have received your Facilities Extension / Modification Application (application). Attached are the check set plans with redline comments. In addition, below are our general review comments:

- 1) Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. It appears your project meets this threshold and a General Permit from the Central Valley Regional Water Quality Control Board is required.
- 2) General Notes comments:
  - a) Need to reference District's Standards and Specifications for Water / Sewer / Drainage as well as reference to Sacramento County Specifications. Copies available at District office upon request at for \$35.
  - b) Water used for dust control must be drawn from a metered service or a District hydrant permit must be obtained.
- 3) Sewer Notes:
  - a) SDR-35 to be used on sewer mains, not vcp. ABS ok for 4" sewer lines.
  - b) Confirm adequate elevation drops in sewer services to provide 2 ft/sec. flow.
  - c) Sewer lines on Murieta Airport property are private, owned and maintained by the Murieta Airport. Plans must have note to reflect this.

*Serving the Community for over 30 years*

Board of Directors: Gerald Pasek, President • Roberta Belton, Vice-President • Betty Ferraro • Paul Gumbinger • Michael Martel  
General Manager • Edward R. Crouse

In regards to the current domestic/commercial use at the Murieta Airport, it has come to my attention that you have made an unapproved water connection to the private fire flow line running to your mini-storage area at the Rancho Murieta Airport. Attached is a sketch of the location (exhibit A) depicting the apparent connection, confirmed by flow testing by staff, as well as attached supporting photos numbered for reference.

In addition to general comments, we have reviewed long term service to the airport to allow more flexibility to your operations. As part of the current project, installation of a master water meter is required. This will allow the Murieta Airport water system will be a standalone system, similar to other commercial project areas. (see exhibit B)

For the master water meter, we require that a commercial fireflow meter, Sensus Omni Compound C2, be installed on the ten inch (10") water main, with backflow protection, feeding the Murieta Airport on Murieta Drive at your property line. This could be installed in a vault in the grassy area leading up to the airport. Here is a link for meter reference: <http://sensus.com/web/usca/water/product-line/commercial-water-metrology/product/omni-c2-meters>

Failure to install a master meter may result per District Code, Chapter 14, in a possible service disconnection for the unapproved irrigation connection. This letter is notice that provides you at least ten days to submit a plan of compliance to avoid service disconnection.

In support of our decision to require a master meter permit to remedy the current unapproved irrigation connection, attached is the Rancho Murieta CSD Water Code, Chapter 14, for your reference, with a few of the pertinent sections noted below:

- 3.08 Fraudulent Use of Service
- 4.02 Requirement of meters
- 5.01 Main line extension
- 13.07 Disconnection
- 13.11 Recovery of costs
- 13.14 Misdemeanor

Finally, the hangar expansion project is subject to the following fees:

Water Supply Augmentation Fee (WSA Fee)

Hangars 2 each at 20,000 sf each equals 40,000 sq.ft.

WSA Fee EDU calculation= 40,000 sf/ 1,000 sq.ft x 0.1 EDU/1000 sq.ft. = 4 EDU

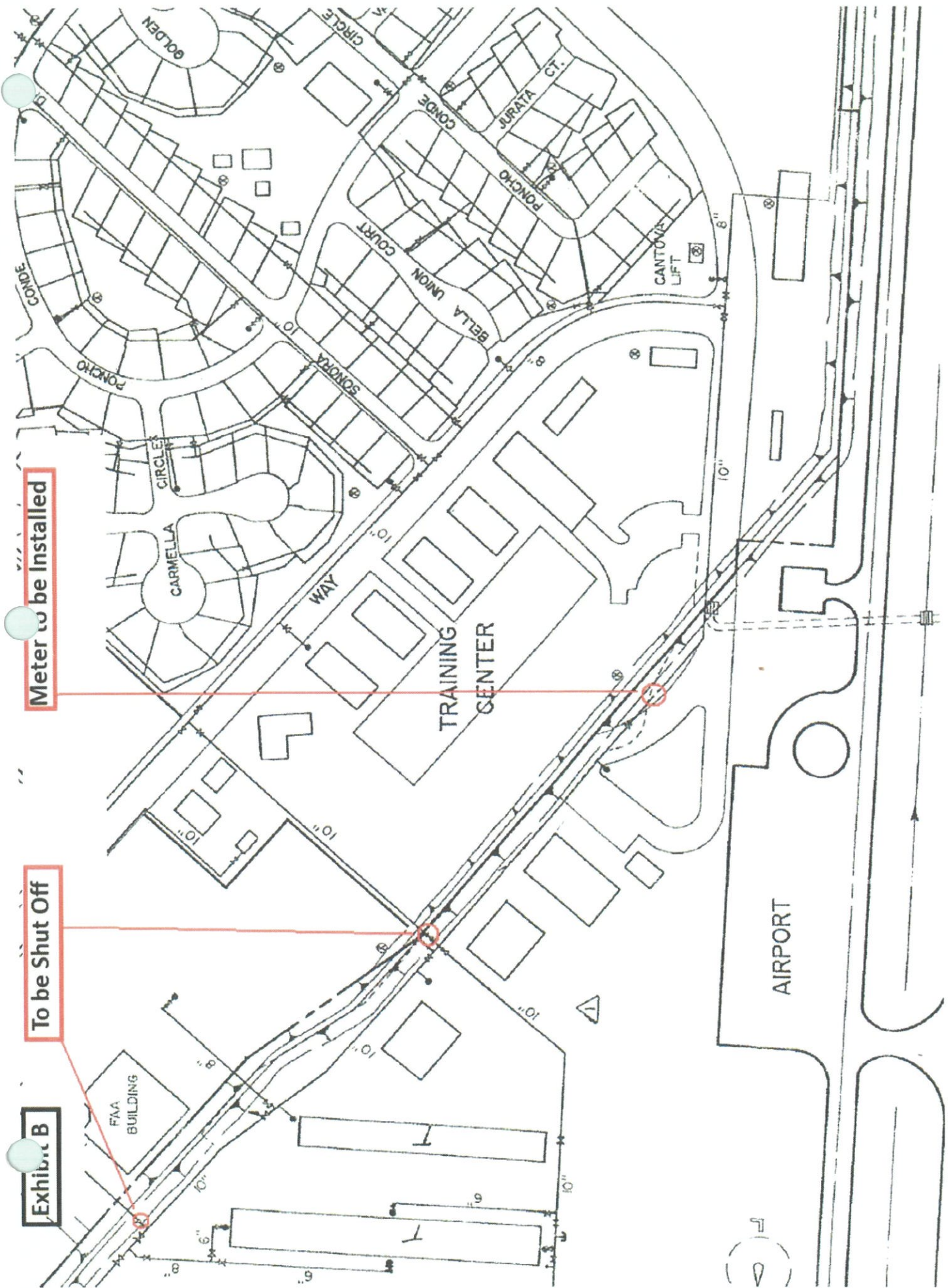
Water Shortage Augmentation fee for 4 EDU X \$4571/EDU = \$18,284.

Capital Improvement Fee (CI Fee)

Hangars 2 each at 20,000 sf each equals 40,000 sq.ft.

CI Fee EDU calculation= 40,000 sf/ 1,000 sq.ft x 0.2 EDU/1000 sq.ft. = 8 EDU

Capital Improvement fee for 8 EDU X \$1180/EDU = \$9,440.





In addition, the master meter is estimated to be around \$10,000, available through Golden State Flow Measurement (916) 933-9554, based on final cost of a ten inch (10") combined meter.

Once your project has addressed the above comments and made arrangements to submit the above fees, an Extension / Modification of Facilities Agreement for Water / Sewer/ Drainage Service it will be submitted to the District General Manager for approval. At this time your initial deposit is deemed sufficient to provide District review and processing, subject to construction inspection costs.

Sincerely,



Paul Siebensohn  
Director of Field Operations

Cc Sacramento Metro Fire

COMPUTATION TABLE  
 FLOWING CAPACITIES OF  
 2-1/2" - 3" - 4" - 4-1/2" - 5" - 6" - 8"  
 (FLOW READING IN GALLONS PER MINUTE)  
 HYDRANT DISCHARGE OUTLETS

Pitot Gauge PSI	2-1/2"	3"	4"	4-1/2"	5"	6"	8"
1	168	242	430	544	673	968	1721
2	238	342	608	770	950	1368	2434
3	291	419	744	938	1162	1674	2977
4	336	483	860	1087	1343	1933	3438
5	377	541	961	1217	1501	2164	3845
6	411	592	1053	1332	1645	2369	4212
7	444	640	1137	1440	1778	2560	4547
8	475	684	1216	1537	1901	2736	4864
9	504	725	1290	1631	2016	2902	5159
10	531	765	1359	1721	2124	3060	5436
11	556	802	1426	1804	2228	3208	5702
12	581	838	1485	1886	2326	3352	5940
13	605	872	1550	1962	2423	3488	6199
14	629	905	1608	2038	2513	3618	6433
15	650	936	1664	2111	2599	3654	6656
16	672	968	1719	2178	2686	3870	6876
17	693	997	1772	2243	2768	3989	7088
18	712	1026	1823	2311	2848	4104	7294
19	731	1054	1873	2372	2927	4216	7495
20	751	1081	1922	2434	3002	4324	7690
22	787	1134	2016	2552	3150	4536	8064
24	823	1184	2106	2668	3290	4738	8424
26	857	1233	2192	2776	3424	4932	8766
28	889	1280	2274	2880	3553	5119	9097
30	920	1325	2354	2981	3677	5299	9418
32	950	1368	2432	3082	3798	5472	9727
34	978	1409	2507	3175	3899	5638	10026
36	1008	1451	2579	3269	4028	5803	10318
38	1036	1490	2650	3355	4140	5962	10598
40	1062	1529	2719	3442	4248	6116	10876
42	1089	1567	2786	3528	4352	6268	11142
44	1114	1604	2851	3611	4453	6415	11405
46	1139	1640	2915	3690	4554	6559	11660
48	1163	1675	2978	3769	4655	6700	11912
50	1188	1710	3039	3848	4748	6840	12157
52	1210	1743	3100	3928	4842	6973	12380
54	1235				4937		
56	1256				5026		
58	1278				5116		
60	1300				5202		

JOSEPH G. POLLARD CO., INC.  
 NEW HYDE PARK, NEW YORK 11040

## Loop System Rancho Murieta Airport

From: Bradley Beer (stor\_tec@yahoo.com)

To: mfritschi@rmcsd.com; cgreisen@jps.net; roconnor@sgicompanies.com; tblair@sgicompanies.com

Date: Wednesday, February 16, 2022, 01:16 PM PST

Mike, I can provide you the code section and the plan check comments from Sac Metro Fire that mandates the loop system as recently as several months ago during plan check for Buildings I and J. I have cc'd my Engineer who had to specifically address this issue and in fact draw an exhibit showing the loop system prior to Sac Metros Approval of the Building Permits. I will provide that to you shortly but it is in fact required and was required back in 2015 when we got approvals for the G Buildings.

Brad Beer

February 17, 2022

1. Email from Richard O'Connor to Brad Beer  
Information regarding 2021 Fire Department Comments on the Loop System
2. Email from Michael Fritschi to Brad Beer  
Confirm receipt of the information

RE: Loop System Rancho Murieta Airport

From: roconnor@sgicompanies.com

To: stor\_tec@yahoo.com; mfritschi@rmcsd.com; cgreisen@jps.net; tblair@sgicompanies.com

Date: Thursday, February 17, 2022, 10:08 AM PST

Hello Brad,

See page 3 comment G1.70.

I highlighted in yellow the comment and response.

Thank you

Richard O'Connor

**SGI** COMPANIES

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9001 Foothills Blvd., Suite 170

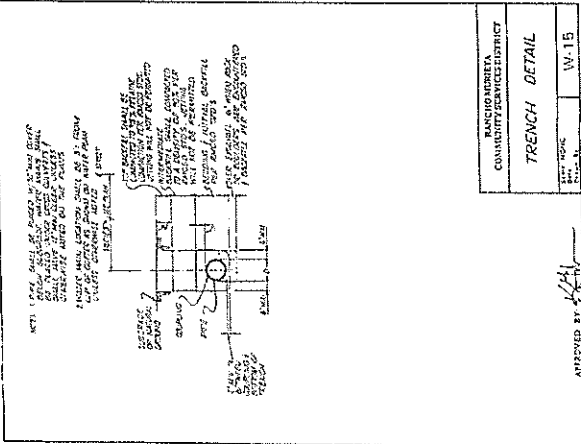
Roseville, CA 95747

(916) 789-0822 (916) 789-0824 (Fax)

www.sgicompanies.com

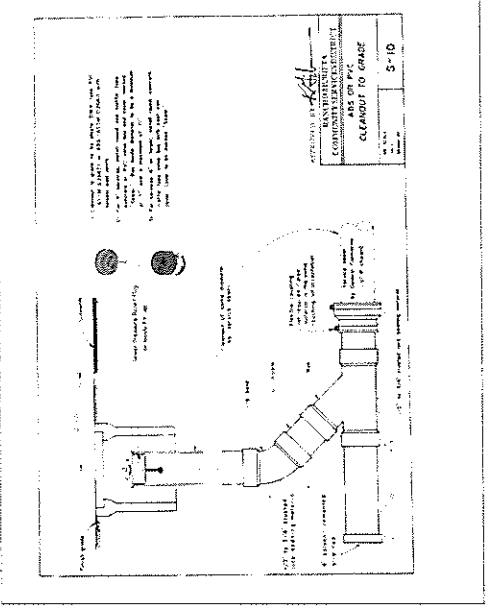
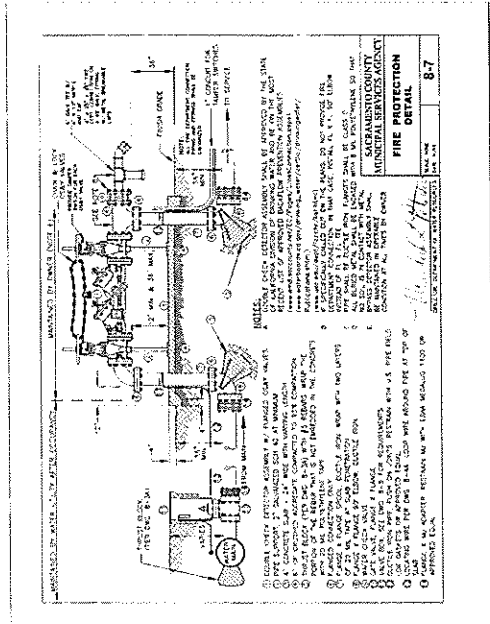
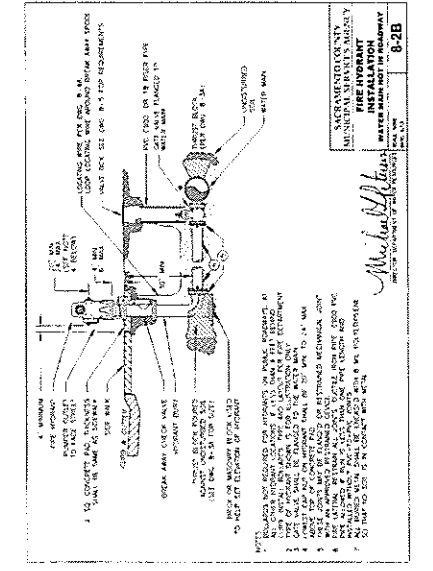
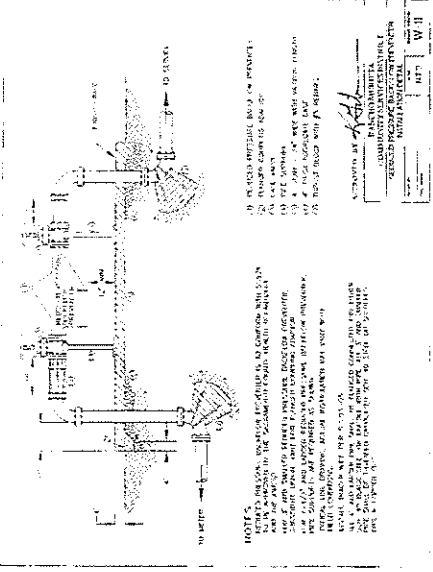






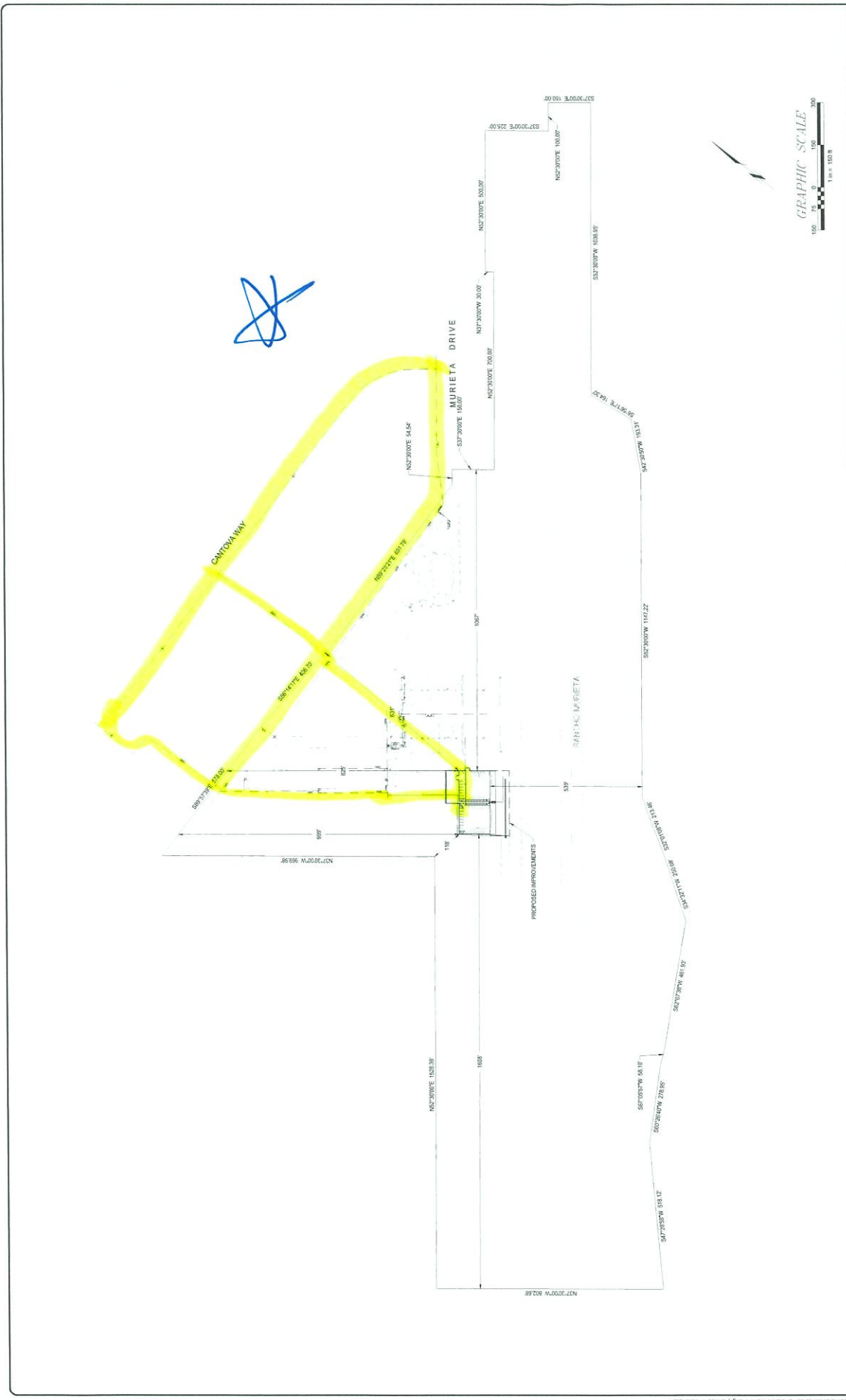
APPROVED BY: *[Signature]*

MUNICIPALITY OF SACRAMENTO  
COMMUNITY DEVELOPMENT DEPARTMENT  
**TRENCH DETAIL**  
DATE: 11/15/11



No.	Description	EIGHT COUNTY APPROVAL Init. By Date	BENCHMARK DESCRIPTION BENCH-MARKED TO 1020 ELEVATION + 101.22 MUNICIPALITY OF SACRAMENTO COMMUNITY DEVELOPMENT DEPARTMENT 1000 J STREET, SACRAMENTO, CA 95811 TEL: 916.498.3300 FAX: 916.498.3301 WWW.SACRAMENTO.CA.GOV	DESIGNED BY	8-28
				CHECKED BY	8-28
SHEET NO.				1 OF 8	
PROJECT NO.				208100	
DATE				JULY 13, 2011	
SCALE				NONE	
PRELIMINARY DRAWING FOR PLAN CHECK SUBMITTAL ONLY NOT FOR CONSTRUCTION					
<p><b>SGI COMPANIES</b> 501 COLLETTA BLVD. SUITE 100 SACRAMENTO, CA 95811 TEL: 916.442.7241 FAX: 916.442.4141 WWW.SGIENGINEERS.COM</p>				<p><b>IMPROVEMENT PLANS RANCHO MURIETA AIRPORT RANCHO MURIETA, CALIFORNIA DETAILS</b></p>	





SHEET NO.  
4 OF 8  
JOB NO. RMA 20-35

IMPROVEMENT PLANS  
RANCHO MURIETA AIRPORT  
RANCHO MURIETA, CALIFORNIA  
TOPOGRAPHIC SURVEY BOUNDARY, & EXISTING WATER LOOP

**SGI COMPANIES**  
SGI CIVIL & SGI LTD-SURVEYORS GROUP, INC.  
5001 Foothill Blvd., Suite 1710  
Brea, CA 92622 (949) 799-8254 (P&H)  
www.sgicompanies.com



PRELIMINARY DRAWING  
FOR PLAN CHECK SUBMITTAL ONLY  
NOT FOR CONSTRUCTION

DESIGNED: B. OGDONOR  
DRAWN: G. FROSTAL  
CHECKED: D. GOSEN  
DATE: 03/06/2021  
SCALE: 1" = 150'

**BENCHMARK DESCRIPTION**  
BENCHMARK ID = 1040 ELEVATION = 81.22  
This benchmark is located on top of 200' high concrete pad  
about 100' from the existing water loop. It was set by  
GSI in 1978. It is located in a corner of the water loop. It is  
approximately 200' east of Jackson Way & approximately 100'  
north of the water loop. It is located in the corner of the  
water loop. It is located in the corner of the water loop.  
JONES, P. 1971

No.	Description	Engr/	County	Approval
		Int.	By	Date









# SURVEYORS GROUP, INC.

---

LAND SURVEYORS & CIVIL ENGINEERS  
March 22, 2021

Rancho Murieta Airport  
ATTN: SMFD

Response to comments for Rancho Murieta Airport

To whom it may concern,

Below you will find a response to SMFD's comments about submitted Rancho Murieta Airport improvement plans. Please contact us if you have questions or comments about our responses.

## RESPONSE TO SMFD'S COMMENTS ON RANCHO MURIETA AIRPORT IMPROVEMENT PLANS

### G1.10 Deficiency:

*Fail 2/25/2021 . Floor: 1 Plan Type: C1*

*Comments: Clarify note #1. Based on added note on cover sheet buildings are treated as one. Note #1 shall reflect square footage and required fire flow for based on the sum of both buildings.*

*ORIGINAL COMMENT: Provide the most current edition of SMFD Fire Prevention Standard #8, Civil Engineering Notes for Commercial Projects, on plans. NOTE: Ensure note #1 is filled in completely with fire flow information.*

**RESPONSE: Note #1 of SMFD notes (Sheet C-2) has been revised to reflect the buildings are being treated as one. The available 2,246 gpm @ 20psi fed by a 3 million gallon tank exceeds the needs of this project's fire flow requirements for 2 hours.**

### G1.20 Deficiency:

*Fail 2/25/2021 . Floor: 1 Plan Type: C1*

*Comments: Clarify note on cover sheet or revise square footage of building to include the sum of all covered area for both buildings.*

*ORIGINAL COMMENT: On the cover sheet, provide a full building analysis for each building per Metro Fire's Civil Plan Submittal Guidelines.*

*Building analysis with the following info:*

- 1. Occupancy of building. If building houses more than one occupancy type, list each type.*
- 2. Construction type*
- 3. Square feet*
- 4. Number of floors/stories and building height*
- 5. Indicate whether or not the building has fire sprinklers*
- 6. List of applicable codes and the edition*

*Please note if building exceeds 30 feet in height, aerial access shall be provided in accordance with FPS #3*

**RESPONSE:** Note on the cover sheet (Sheet C-1) updated to reflect the correct square footage for with the consideration that both buildings are being treated as one. Note about Fire Code 2019 CBC detailing this emphasized.

G1.30 Deficiency:

Pass 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Revise the Metro Fire contact to Jenae Callison, 916-859-4318

G1.40 Deficiency:

Pass 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Provide a new signed engineer stamp on the plans. The current stamp is expired.

G1.50 Deficiency:

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: On sheet 7, provide additional fire apparatus access roadway to within 150 feet of furthest portion of building. Building J exceeds 150 feet.

ORIGINAL COMMENT: Provide Fire Access Plan with the following information:

- A. Location of fire access lanes indicated by shading or cross hatching the entire length and width of the lane. (FPS #3)
- B. All turns in fire lanes shall have the radii labeled and shown to scale. Minimum turning radii are 50 feet outside and 25 feet inside. (FPS #3)
- C. Note indicating that fire lanes shall be a minimum of 20 feet clear width and 13 ½ feet clear height. (CFC 503.2.1)
- D. Indicate how fire lanes will be delineated - posting of signs or painted curbs. (See Section 22500.1 of the California Vehicle Code for fire lane marking details)
- E. Dimension lines showing that all exterior portions of the building are within 150 foot hose reach of a fire lane. This dimension shall be shown along an approved route suitable for firefighter access (not over walls, fences, planters, signs, etc.)

**RESPONSE:** Proposed fire lane added to north side of the proposed site above building I per Jenae Callison's suggestion and specifications. It is 95' long (75' suggested by Jenae Callison) and perpendicular to the existing fire lane to bring the corner of building J within 150', while keeping short of the 150' fire lane turn around requirement.

G1.60 Deficiency:

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Obtain duration for fire flow letter. Required duration is 2 hours.

ORIGINAL COMMENT: Provide a current fire flow letter from local water purveyor stating the required fire flow can be met. Fire flow letter shall be dated within 12 months.

**RESPONSE:** A new fire flow letter remediating this provided by RMCSO is included with this plan submittal and response letter. It states:

" The projected available hydrant flow at 20 psi is calculated at 2246 gpm. There is adequate supply from a 3-million gallon distribution storage tank for over a 2 hour per period fed via gravity for these hydrants that were tested."



G1.70 Deficiency:

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Comment #2 remains: Provide full details of the private underground fire system from the street to the proposed buildings. Ensure underground system is looped.

Also, provide a note on the plans stating the following:

"Not Approved for Private Underground Fire Service Installation"

"A separate plan submittal is required from the installing contractor. See the Sacramento Metropolitan Fire District Notes."

ORIGINAL COMMENT: Indicate if fire hydrants are public or private.

1. If private fire hydrants are installed, a shared utility and maintenance agreement shall be recorded at the public recorder's office having jurisdiction and provided to the Fire District for all private fire hydrant systems serving multiple parcels or properties.

2. If private, provide full details of the private underground fire system from the street to the proposed buildings.

System shall comply with FPS #5.

<https://metrofire.ca.gov/departments/crfd/formsandDocuments>

\*\*Please provide all details for the Water Plan listed in the SMFD Civil Plan Submittal Guidelines.



**RESPONSE: Sheet C-4 (TOPOGRAPHIC SURVEY, BOUNDARY, AND EXISTING WATER LOOP) has been revised to show the existing looped water connections along Cantova Way, Murieta Drive, and the existing site. Title updated to reflect this. Notes added on both sheets C-1 and C-7 stating "NOT APPROVED FOR UNDERGROUND FIRE SERVICE INSTALLATION" and "A SEPARATE PLAN SUBMITTAL IS REQUIRED FROM THE INSTALLING CONTRACTOR. SEE THE SACRAMENTO METROPOLITAN FIRE DISTRICT NOTES".**

G1.80 Deficiency:

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments: Provide 2019 California Building Code analysis on the cover sheet and revise building analysis to reflect combined square footage. Also, provide full details and revise information accordingly throughout these plans including SMFD Notes, #1.

ORIGINAL COMMENT: Provide building separation in accordance with the 2019 California Building Code, Table 602.

Provide full details of fire resistive rating of exterior walls if applicable.

**RESPONSE: Provided 2019 CBC analysis on both C-1 and C-7. Both notations of said analysis revised to reflect correct information (sqft of both buildings). Revised throughout plans including Sheet C-2, SMFD Note #1.**

G1.90 Deficiency:

Fail 2/25/2021 . Floor: 1 Plan Type: C1

Comments:

SEPARATE SUBMITTALS

1. Underground fire service plans shall be a separate submittal. Plans shall be provided by the underground fire service installing contractor. This submittal shall include the trench detail, the manufacturer's specification sheets for all pipe, fittings, and appurtenances as well as the appropriate plan review fee. (FPS #9)

2. Gate and perimeter fencing plans shall be a separate submittal.



**RESPONSE: NOTED. "A SEPARATE PLAN SUBMITTAL IS REQUIRED FROM THE INSTALLING CONTRACTOR. SEE THE SACRAMENTO METROPOLITAN FIRE DISTRICT NOTES" Is noted on the plans. No gate and perimeter fencing plans will be required for this project.**

Second Review:

*Fail*

*Comments:*

*Based on the plan drawing and notes, the domestic water line is tapped from the fire water line. Provide a 1" reduced pressure backflow preventer to prevent cross contamination. (The airport's existing RPBP on the main water supply line does not provide protection for the hangars since it is teeing off of the fire water and not the airports domestic water line).*

**RESPONSE: A 1" reduced pressure backflow preventer is currently being proposed on the domestic water line per detail W-11, Sheet 3. Clarified Note 11, Sheet 6 to include the words "REDUCED PRESSURE". Changed fire line geometry in main view and DET FH-FDC, Sheet 6, for increased clarity of proposed system and appurtenances.**

RE: Loop System Rancho Murieta Airport

From: Michael Fritschi (mfritschi@rmcsd.com)

stor\_tec@yahoo.com

Date: Thursday, February 17, 2022 at 04:11 PM PST

Brad,

Thank you for this information, I will review this with Tom next week and discuss it with him.

## Michael T. Fritschi, P.E.

Director of Operations

Rancho Murieta Community Services District

Direct Office 916-354-3730

Cell 916-870-2991

[www.rmcsd.com](http://www.rmcsd.com)

Tom: roconnor@sgicompanies.com <roconnor@sgicompanies.com>

Sent: Thursday, February 17, 2022 10:07 AM

To: 'Bradley Beer' <stor\_tec@yahoo.com>; Michael Fritschi <mfritschi@rmcsd.com>; cgreisen@jps.net; 'Timothy Blair' <tblair@sgicompanies.com>

Subject: RE: Loop System Rancho Murieta Airport

Hello Brad,

See page 3 comment G1.70.

I highlighted in yellow the comment and response.

Thank you

Richard O'Connor

**SGI** COMPANIES

SGI CIVIL • SGI 3D • SURVEYORS GROUP, INC.

9001 Foothills Blvd., Suite 170

Roseville, CA 95747

(916) 789-0822 (916) 789-0824 (Fax)

[www.sgicompanies.com](http://www.sgicompanies.com)

February 22, 2022

Email from Michael Fritschi to Brad Beer

Hennig/Fritschi have no plans to “reconfigure water system”

After being informed of the Loop requirement

FW: Loop System Rancho Murieta Airport

From: Michael Fritschi (mfritschi@rmcsd.com)

To: stor\_tec@yahoo.com

CC: thennig@rmcsd.com

Date: Tuesday, February 22, 2022 at 03:20 PM PST

Brad,

After review of the materials that you provided, Tom and I discussed the issue, and at this time there are no plans to reconfigure the water system.

On another matter, we would like to come out and take a look at the new hanger when the construction is complete. Please let us know when a good time to view that might be.

Thank you,

**Michael T. Fritschi, P.E.**

Director of Operations

Rancho Murieta Community Services District

Direct Office 916-354-3730

Cell 916-870-2991

[www.rmcsd.com](http://www.rmcsd.com)

From: [roconnor@sgicompanies.com](mailto:roconnor@sgicompanies.com) <[roconnor@sgicompanies.com](mailto:roconnor@sgicompanies.com)>

Sent: Thursday, February 17, 2022 10:07 AM

To: 'Bradley Beer' <[stor\\_tec@yahoo.com](mailto:stor_tec@yahoo.com)>; Michael Fritschi <[mfritschi@rmcsd.com](mailto:mfritschi@rmcsd.com)>; [cgreisen@jps.net](mailto:cgreisen@jps.net); 'Timothy Blair' <[tblair@sgicompanies.com](mailto:tblair@sgicompanies.com)>

Subject: RE: Loop System Rancho Murieta Airport

Hello Brad,

See page 3 comment G1.70.

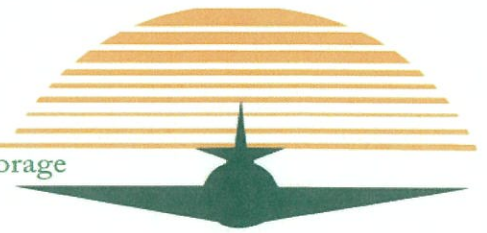
highlighted in yellow the comment and response.

Thank you

Richard O'Connor



Rancho Murieta Airport, Inc.  
Airport, Self Storage, RV & Boat Storage



October 6, 2022

Rancho Murieta Community Services District  
Attention: President, Board of Directors, Tim Maybee  
P.O. Box 1050  
Rancho Murieta, CA 95683

Re: Account Number 8600300  
Rancho Murieta Airport

Dear Mr. Maybee:

Enclosed for your review please find a copy of a letter sent to the General Manager, Mr. Tom Hennig on September 19, 2022.

On June 13, 2022, Rancho Murieta Airport, Inc. sent the Rancho Murieta Community Services District correspondence requesting an explanation as to how the increased security fees were calculated by the District. Receiving no response, my office followed up in both July and August 2022 and we were advised that the District's response had been prepared and was pending approval by the General Manager. To date, no response has been received. It is the District's responsibility to respond to a rate payer in a timely fashion, to which Mr. Hennig has failed to do on numerous occasions which is completely unprofessional and frankly incompetent.

Due to the District's refusal to respond to my correspondence and subsequent follow-ups, we researched the historical security fee charged to the Airport. Based on our records, the Airport was charged \$760.68 per month from 2002-2004, so we used that as the starting point for our calculations.

Measure J allows for a maximum 2% per year increase in security fees charged to ratepayers. Measure J also permits the District to charge additional fees to the Airport for increased square footage. The enclosed spreadsheet calculates the allowable security fee based on a 2% increase and additional square footage as permitted by Measure J<sup>1</sup>. As you can see, the Airport was overcharged because they were invoiced for more than a 2% increase several times over the last 20 years (and at times potentially under billed). Based on our data, the maximum allowable amount the Airport should be paying is \$2,253.85 per month based on these calculations.

Accordingly, the Airport has paid \$2,253.85 for the security fee for the months of July through September. The Airport will continue to pay this amount until such time the District responds to our requests for an explanation on how the District is calculating the security fee charged and an audited fee calculation by the District is provided, as I know that the District

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<sup>1</sup> Assuming that the 2% per year increase was approved by the Board, which it was not.

has the same financial information that I have in my financial records from the 2002 date as indicated herein.

Mr. Hennig has publically announced that the District is reviewing past billings to find those customers both over and under charged, and the District will collect on under billed accounts, so it stands to reason that the District will also refund those accounts that have been overcharged. Based on the available financial records of payments made to the District from 2002 forward, the Airport has over paid for security in the amount of \$24,220.61, which does not include interest on the over paid amount, over the course of 20 years. The Airport hereby demands reimbursement for over paid Security Fees/Taxes the District billed in error or whether the District wishes for the Airport to apply these amounts to each of the invoices for security over a period of the next ten months.

I look forward to receiving your formal response in writing within the next ten days as it is important to me to resolve this matter once and for all.

Sincerely,



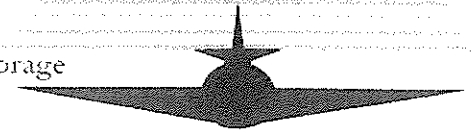
Bradley Beer  
President

Enclosure(s): Copy of September 19, 2022 Letter to Mr. Tom Hennig

CC via email: Randy Jenco  
Linda Butler  
John Merchant  
Martin Pohl  
Robert Pye



Rancho Murieta Airport, Inc.  
Airport, Self Storage, RV & Boat Storage



September 19, 2022

Rancho Murieta Community Services District  
Attention: General Manager, Thomas Hennig  
P.O. Box 1050  
Rancho Murieta, CA 95683

Re: Account Number 8600300  
Rancho Murieta Airport

Dear Mr. Hennig:

Enclosed for your review please find the following:

1. The June 13, 2022 correspondence from Rancho Murieta Airport, Inc. to the Rancho Murieta Community Services District requesting an explanation identifying how the increased security fees were calculated by the District;
2. Our calculations for the security fee based upon the actual rate increases charged and the amounts the Rancho Murieta Airport has been overcharged for security.

On June 13, 2022, Rancho Murieta Airport, Inc. sent the Rancho Murieta Community Services District correspondence requesting an explanation as to how the increased security fees were calculated by the District. Receiving no response, my office followed up in both July and August 2022 and we were advised that the District's response had been prepared and was pending approval by the General Manager. To date, and **over three months later**, no response has been received.

Due to the District's refusal to respond to my correspondence and subsequent follow-ups, we researched the historical security fee charged to the Airport. Based on our records, the Airport was charged \$760.68 per month from 2002-2004, so we used that as the starting point for our calculations.

Measure J allows for a maximum 2% per year increase in security fees charged to ratepayers. Measure J also permits the District to charge additional fees to the Airport for increased square footage. The enclosed spreadsheet calculates the allowable security fee based on a 2% increase and additional square footage as permitted by Measure J<sup>1</sup>. As you can see, the Airport was overcharged because they were invoiced for more than a 2% increase several times over the last 20 years (and at times potentially under billed). Based on our data, the maximum allowable amount the Airport should be paying is \$2,253.85 per month based on these calculations.

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<sup>1</sup> Assuming that the 2% per year increase was approved by the Board, which it was not.

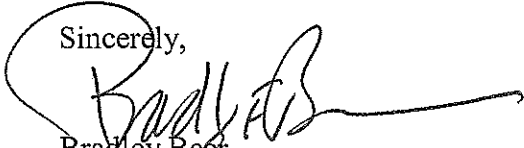
Accordingly, enclosed please find the monthly payment amount of \$4,404.40, which was calculated as follows:

Water Com Base -	\$ 453.60
Water Com Usage -	\$ 486.08
Drainage Tax -	\$ 176.03
Sewer Commercial -	\$ 145.59
WTB Debt Service -	\$ 6.00
Security Tax – 7/25/22 -	\$ 883.25 (remaining owed-\$2,253.85 less \$1,370.60 Paid on 8/12/22)
Security Tax – 8/25/22 -	<u>\$2,253.85</u>
Total -	\$4,404.40

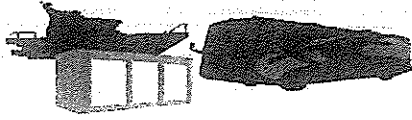
Based on the available information, the Airport has over paid for security at least \$24,220.61 over the course of 20 years. The Airport hereby demands reimbursement for over paid Security Fees/Taxes the District billed in error. Please advise by close of business on September 23, 2022, as to whether the District will issue a check to the Airport in the amount of \$24,220.61 or whether it wishes for the Airport to apply these amounts to each of the invoices for security over a period of the next ten months.

I look forward to receiving your response in writing by close of business on Friday, September 23, 2022.

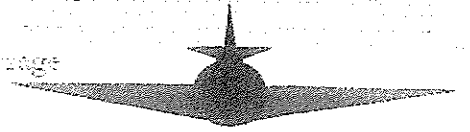
Sincerely,

  
Bradley Beer





Rancho Murieta Airport, Inc.  
Airport, Self Storage, RV & Boat Storage



June 13, 2022

RMCS  
Accounting  
P.O. Box 1050  
Rancho Murieta, CA 95683

Re: Account Number 8600300  
Rancho Murieta Airport, 7443 Murieta Drive

It has come to our attention that the Security Tax on the Airport has increased from \$1,370.60 to \$2,665.02 which seems to have taken effect on the March 25, 2022 invoice.

We received no notice of this increase and are hoping it is a billing error. If not, could you please provide the information and reasoning for the increase?

Thank you,

A handwritten signature in black ink, appearing to read 'Tosha Van Vorst'.

Tosha Van Vorst  
Operations Manager

7443 Murieta Drive, Rancho Murieta, CA 95683  
Phone: (916) 354-9889

	Correct Monthly Rate	Charged Monthly Rate	Difference	# of Months	Amount Due
Jan-02	\$				
Jun-04	\$ 760.68	\$ 760.68	\$ -	30	\$ -
Jul-04	\$ 775.89	\$ 849.89	\$ 74.00	12	\$ 888.00
Jul-05	\$ 791.41	\$ 890.89	\$ 99.48	36	\$ 3,581.28
Jul-08	\$ 807.24	\$ 1,062.22	\$ 254.98	24	\$ 6,119.52
Jul-10	\$ 814.09	\$ 1,069.07	\$ 254.98	12	\$ 3,059.76
Jul-11	\$ 830.37	\$ 1,089.63	\$ 259.26	12	\$ 3,111.12
Jul-12	\$ 846.98	\$ 1,144.45	\$ 297.47	12	\$ 3,569.64
Jul-14	\$ 877.89	\$ 1,185.57	\$ 307.68	12	\$ 3,692.16
Jul-15	\$ 895.45	\$ 1,206.13	\$ 310.68	24	\$ 7,456.32
Jul-17	\$ 1,140.78	\$ 1,260.95	\$ 120.17	12	\$ 1,442.04
Jul-18	\$ 1,417.70	\$ 1,288.36	\$ (129.34)	12	\$ (1,552.08)
Jul-19	\$ 1,446.05	\$ 1,315.78	\$ (130.27)	12	\$ (1,563.24)
Jul-20	\$ 1,787.91	\$ 1,343.19	\$ (444.72)	12	\$ (5,336.64)
Jul-21	\$ 1,823.67	\$ 1,370.60	\$ (453.07)	8	\$ (3,624.56)
Mar-22	\$ 2,253.85	\$ 2,665.02	\$ 411.17	4	\$ 1,644.68
Jul-22	\$ 2,253.85	\$ 3,044.05	\$ 790.20	1	\$ 790.20
Aug-22	\$ 2,253.85	\$ 3,196.26	\$ 942.41	1	\$ 942.41
					<b>\$ 24,220.61</b>

Rancho Murieta Airport, Inc.  
7443 MURIETA DR  
RANCHO MURIETA, CA, 956839725  
(916) 354-9889

El Dorado Savings Bank, F.S.B.  
Rancho Murieta, CA 95683  
90-7097/3211

7505

9/19/2022

Pay to the  
Order of

RMCS D

\$ \*\*4,404.40

Four Thousand Four Hundred Four and 40/100\*\*\*\*\* Dollars

RMCS D  
PO Box 1050  
Rancho Murieta, CA 95683-1050



⑈007505⑈ ⑆32⑆⑆70978⑆ 443099⑆⑆⑆⑆⑈

RANCHO MURIETA AIRPORT, INC.

7505

RMCS D

Date	Type	Reference	Original Amt.	Balance Due	9/19/2022 Discount	Payment
9/6/2022	Bill	8600300	4,404.40	4,404.40		4,404.40
					Check Amount	4,404.40

El Dorado Savings - C

4,404.40

RANCHO MURIETA AIRPORT, INC.

7505

RMCS D

Date	Type	Reference	Original Amt.	Balance Due	9/19/2022 Discount	Payment
9/6/2022	Bill	8600300	4,404.40	4,404.40		4,404.40
					Check Amount	4,404.40

PAYMENT  
RECORD

El Dorado Savings - C

4,404.40

# Educational Signage Plan

1. Pick 4-5 areas to place signage for maximum effect.
2. Contact RMA and Rancho Murieta North Properties for approval.
3. Signage Design – considering locked sign box style for removal and replacement of various 2' x 3' plastic corrugated inserts.
4. Design Information Signs – determine style.
5. Get quotes from several sign companies.
6. Choose a sign company – start project with RMCS D Board approval.
7. Determine sign messages and information. Find a designer to direct us and prepare mock-ups.
8. Present for approval to RMCS D Board for final approval
9. RMCS D Events – plan community events to educate the community.
  - Be present at community activities (i.e., July 4<sup>th</sup> Celebrations, Etc. Concerts, Summerfest, etc.)

## MEMORANDUM

Date: October 12, 2022  
To: Board of Directors  
From: Paula O'Keefe, Director of Administration  
Subject: Adopt the Solid Waste Ordinance to Include Organics Waste Requirement

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### RECOMMENDED ACTION

Waive the second reading of the Solid Waste Ordinance and approve proposed changes to Chapter 31, Solid Waste Code.

### BACKGROUND

At the September Board meeting, the Board introduced the first reading of the Solid Waste Ordinance changes to include Organics Waste Requirement. Staff are recommending the Board waive the second reading and adopt the changes.

In the September Board meeting first reading, the Board requested language be included under section 9.09 to clarify that inspections of residential containers would occur off private property. The District's attorney reviewed the existing Solid Waste ordinance and added language to provide clarity. This is the only revision that was made after the first reading of the ordinance and all previous revisions presented in the first reading remain unchanged. The District is required to comply with SB1383 and is working with Cal-Waste on future collections programs.

### SUMMARY

Revisions have been made to the current ordinance. It is recommended that the Board approve this Ordinance and the subsequent changes to Chapter 31 of District Code.

**ORDINANCE NO. O2022-05**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT  
AMENDING DISTRICT CODE CHAPTER 31 (SOLID WASTE)  
REGARDING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION**

The Board of Directors of the Rancho Murieta Community Services District ordains as follows:

**SECTION 1. PURPOSE AND AUTHORITY.** District Code chapter 31 governs the collection and disposal of solid waste. The purpose of this ordinance is to revise chapter 31 to conform to the requirements of SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, concerning reduction of organic waste in landfills. This ordinance is adopted pursuant to Government Code sections 61060, section 18981.2 of Title 14 of the California Code of Regulations, and other applicable law.

**SECTION 2. CODE AMENDMENT**

Section 2.01 is amended in District Code as follows:

**2.01 Bulky Waste or Large Items**

Bulky Waste or Large Items shall mean: materials including furniture, carpets, mattresses, clothing, tires; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

The term "Exempt Waste" is replaced by "Excluded Waste" wherever it appears in Sections 2.10, 4.07, 7.01, and 7.02.

Section 2.10 is amended in District Code as follows:

**2.10 Excluded Waste**

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; boats and boat trailers; automobiles; automobile parts; internal combustion engines; batteries of any type or chemistry; and those wastes under the control of the Nuclear Regulatory Commission.

Section 2.11 is amended in District Code as follows:

**2.11 Food Waste**

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

Section 2.12 is deleted in District Code and existing Section 2.13 is renumbered to Section 2.12.

New Section 2.13 is added in District Code as follows:

### **2.13 Organic Waste**

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure or Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

Section 2.14 is amended in District Code as follows:

### **2.14 Recyclable Materials**

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

Section 2.15 is amended in District Code as follows:

### **2.15 Rubbish**

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

Section 2.16 is amended in District Code as follows:

### **2.16 Solid Waste**

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

Section 3.01 is amended in District Code as follows:

### **3.01 Mandatory Service**

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

Section 3.03 is deleted in District Code.

Section 4.01 is amended in District Code as follows:

### **4.01 Collection by District – Applicable Provisions**

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

Section 4.03 is amended in District Code as follows:

### **4.03 Collection Rates and Billings**

#### **a. Rates**

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.



1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

c. Billing

All solid waste accounts shall be billed monthly.

d. Due Date

All bills are due and payable on the date they are issued by the District.

e. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25<sup>th</sup> day of the month following the month in which the bill was mailed.

f. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

g. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

Section 4.05 is amended in District Code as follows:

**4.05 Carts, Containers, and Lawn and Leaf Bags**

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

Section 8.00 is amended in District Code as follows:

**SECTION 8.00 Residential Solid Waste Collection Vehicles**

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 20062023, and certificates of testing showing that the vehicles met the requirements of this section.

Section 9.0 is added in District Code as follows:

**SECTION 9.00 Mandatory Organic Waste Disposal Reduction**

**9.01 Purpose and Findings**

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities

and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

## **9.02 Definitions**

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- a. "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable

Materials or Source Separated Blue Container Organic Waste.

- b. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- c. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- d. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- e. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- f. "Compliance Review" means a review of records by the District to determine compliance with this ordinance.
- g. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- h. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- i. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- j. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- k. "C&D" means construction and demolition debris.
- l. "Designee" means an entity that the District contracts with or otherwise arranges to

carry out any of the District's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

- m. "District Enforcement Official" means the District General Manager or authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- n. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- o. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- p. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- q. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- r. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- s. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- t. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as

otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- u. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- v. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- w. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- x. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- y. "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- z. "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- aa. "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- bb. "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container

Organic Waste.

- cc. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- dd. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- ee. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- ff. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- gg. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- hh. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- ii. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid



Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

- jj. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- kk. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- ll. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- mm. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- nn. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- oo. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- pp. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- qq. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- rr. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- ss. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

- tt. "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- uu. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- vv. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- ww. "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- xx. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- yy. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- zz. "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- aaa. "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.
- bbb. "Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
  2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
  3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- ccc. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- ddd. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- eee. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- fff. "State" means the State of California.
- ggg. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- hhh. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
  2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
  3. Food Service Provider.

4. Food Distributor.
5. Wholesale Food Vendor.

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

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

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

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

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

### **9.03 Requirements for Single-Family Generators**

Single-Family Organic Waste Generators shall comply with the following requirements:

- a. Shall subscribe to District’s Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place

Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

#### **9.04 Requirements for Commercial Businesses**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- a. Subscribe to District's three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
  1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required

to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
- f. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.
- k. If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.
- l. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

#### **9.05 Waivers for Generators**

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
  - 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
  - 2. Provide documentation that either:
    - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
    - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
  - 3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
  - 4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

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

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

2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
  3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

#### **9.06 Requirements for Commercial Edible Food Generators**

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- b. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- c. Commercial Edible Food Generators shall comply with the following requirements:
  1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
  3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  4. Allow District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
  5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).



- (b) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
- (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
  - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
  - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
  - (iii) The established frequency that food will be collected or self-hauled.
  - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- d. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

#### **9.07 Requirements for Haulers**

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
  - 1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
  - 2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - 3. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and District's C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with

education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

#### **9.08 Self-Hauler Requirements**

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the waste.
  2. The amount of material in cubic yards or tons transported by the generator to each entity.
  3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

#### **9.09 Inspections and Investigations by District**

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery

Organizations, subject to applicable laws. This Section does not allow District or Designees to enter ~~the interior of a onto~~ private residential property for Inspection unless authorized by the property owner or tenant.

- b. Regulated entity shall provide or arrange for access during all Inspections ~~(with the exception of residential property interiors)~~consistent with subsection (a) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises consistent with subsection (a); or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

#### **9.10 Enforcement**

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement

1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.
2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.

7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with District's procedures in the District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect on January 1, 2023.

**SECTION 4. SEVERABILITY.** If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5. PUBLICATION.** The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

**INTRODUCED** by the Board of Directors on the 21st day of September 2022.

**PASSED AND ADOPTED** by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the 19th day of October 2022 by the following roll call vote:

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

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Tim Maybee  
President, Board of Directors

Attest:

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Amelia Wilder, District Secretary

**ORDINANCE NO. O2022-05**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT  
AMENDING DISTRICT CODE CHAPTER 31 (SOLID WASTE)  
REGARDING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION**

The Board of Directors of the Rancho Murieta Community Services District ordains as follows:

**SECTION 1. PURPOSE AND AUTHORITY.** District Code chapter 31 governs the collection and disposal of solid waste. The purpose of this ordinance is to revise chapter 31 to conform to the requirements of SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, concerning reduction of organic waste in landfills. This ordinance is adopted pursuant to Government Code sections 61060, section 18981.2 of Title 14 of the California Code of Regulations, and other applicable law.

**SECTION 2. CODE AMENDMENT**

Section 2.01 is amended in District Code as follows:

**2.01 Bulky Waste or Large Items**

Bulky Waste or Large Items shall mean: materials including furniture, carpets, mattresses, clothing, tires; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

The term "Exempt Waste" is replaced by "Excluded Waste" wherever it appears in Sections 2.10, 4.07, 7.01, and 7.02.

Section 2.10 is amended in District Code as follows:

**2.10 Excluded Waste**

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; boats and boat trailers; automobiles; automobile parts; internal combustion engines; batteries of any type or chemistry; and those wastes under the control of the Nuclear Regulatory Commission.

Section 2.11 is amended in District Code as follows:

**2.11 Food Waste**

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

Section 2.12 is deleted in District Code and existing Section 2.13 is renumbered to Section 2.12.

New Section 2.13 is added in District Code as follows:

### **2.13 Organic Waste**

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure or Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

Section 2.14 is amended in District Code as follows:

### **2.14 Recyclable Materials**

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

Section 2.15 is amended in District Code as follows:

### **2.15 Rubbish**

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

Section 2.16 is amended in District Code as follows:

### **2.16 Solid Waste**

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.



Section 3.01 is amended in District Code as follows:

### **3.01 Mandatory Service**

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

Section 3.03 is deleted in District Code.

Section 4.01 is amended in District Code as follows:

### **4.01 Collection by District – Applicable Provisions**

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

Section 4.03 is amended in District Code as follows:

### **4.03 Collection Rates and Billings**

#### **a. Rates**

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

c. Billing

All solid waste accounts shall be billed monthly.

d. Due Date

All bills are due and payable on the date they are issued by the District.

e. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25<sup>th</sup> day of the month following the month in which the bill was mailed.

f. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

g. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

Section 4.05 is amended in District Code as follows:

**4.05 Carts, Containers, and Lawn and Leaf Bags**

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

Section 8.00 is amended in District Code as follows:

**SECTION 8.00 Residential Solid Waste Collection Vehicles**

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 20062023, and certificates of testing showing that the vehicles met the requirements of this section.

Section 9.0 is added in District Code as follows:

**SECTION 9.00 Mandatory Organic Waste Disposal Reduction**

**9.01 Purpose and Findings**

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities

and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

## **9.02 Definitions**

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- a. "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable

Materials or Source Separated Blue Container Organic Waste.

- b. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- c. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- d. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- e. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- f. "Compliance Review" means a review of records by the District to determine compliance with this ordinance.
- g. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- h. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- i. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- j. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- k. "C&D" means construction and demolition debris.
- l. "Designee" means an entity that the District contracts with or otherwise arranges to

carry out any of the District's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

- m. "District Enforcement Official" means the District General Manager or authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- n. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- o. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- p. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- q. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- r. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- s. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- t. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as

otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- u. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- v. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- w. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- x. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- y. "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- z. "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- aa. "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- bb. "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container



Organic Waste.

- cc. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- dd. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- ee. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- ff. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- gg. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- hh. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- ii. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid

Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

- jj. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- kk. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- ll. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- mm. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- nn. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- oo. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- pp. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- qq. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- rr. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- ss. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

- tt. "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- uu. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- vv. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- ww. "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- xx. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- yy. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- zz. "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- aaa. "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.
- bbb. "Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
  2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
  3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- ccc. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- ddd. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- eee. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- fff. "State" means the State of California.
- ggg. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- hhh. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
  2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
  3. Food Service Provider.

4. Food Distributor.
5. Wholesale Food Vendor.

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

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

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

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

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

### **9.03 Requirements for Single-Family Generators**

Single-Family Organic Waste Generators shall comply with the following requirements:

- a. Shall subscribe to District’s Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place

Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

#### **9.04 Requirements for Commercial Businesses**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- a. Subscribe to District's three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
  1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required

to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
  - f. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
  - g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
  - h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
  - i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
  - j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.
  - k. If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.
  - l. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

#### **9.05 Waivers for Generators**

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
  - 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
  - 2. Provide documentation that either:
    - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
    - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
  - 3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
  - 4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

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

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



2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
  3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

#### **9.06 Requirements for Commercial Edible Food Generators**

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- b. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- c. Commercial Edible Food Generators shall comply with the following requirements:
  1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
  3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  4. Allow District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
  5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

- (b) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
- (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
  - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
  - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
  - (iii) The established frequency that food will be collected or self-hauled.
  - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- d. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

#### **9.07 Requirements for Haulers**

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
  - 1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
  - 2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - 3. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and District's C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with

education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

#### **9.08 Self-Hauler Requirements**

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the waste.
  2. The amount of material in cubic yards or tons transported by the generator to each entity.
  3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

#### **9.09 Inspections and Investigations by District**

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery

Organizations, subject to applicable laws. This Section does not allow District or Designees to enter onto private residential property for Inspection unless authorized by the property owner or tenant.

- b. Regulated entity shall provide or arrange for access during all Inspections consistent with subsection (a) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises consistent with subsection (a); or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

#### **9.10 Enforcement**

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement

1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.
2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.

7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with District's procedures in the District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect on January 1, 2023.

**SECTION 4. SEVERABILITY.** If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5. PUBLICATION.** The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

**INTRODUCED** by the Board of Directors on the 21st day of September 2022.

**PASSED AND ADOPTED** by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the 19th day of October 2022 by the following roll call vote:

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

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Tim Maybee  
President, Board of Directors

Attest:

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Amelia Wilder, District Secretary

# RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE  
CHAPTER 31

SOLID WASTE  
COLLECTION AND DISPOSAL



Amended ~~September 21~~October 19, 2022  
Ordinance O2022-05



# TABLE OF CONTENTS

<b>SECTION 1.00 Findings — Purpose of Provisions</b>	<b>4</b>
<b>SECTION 2.00 Definitions</b>	<b>4</b>
2.01 Bulky Waste or Large Items	4
2.02 Board	4
2.03 Collection	4
2.04 Cart or Container	4
2.05 Contractor	5
2.06 County	5
2.07 Department	5
2.08 Disposal	5
2.09 District	5
2.10 Excluded Waste	5
2.11 Food Waste	5
2.12 Organic Waste	5
2.13 Manure or Stable Matter	6
2.14 Recyclable Materials	6
2.15 Rubbish	6
2.16 Solid Waste	6
<b>SECTION 3.00 Mandatory Service</b>	<b>6</b>
3.01 Mandatory Service	6
3.02 Exceptions to Mandatory Service	6
<b>SECTION 4.00 Exclusive Right of Collection</b>	<b>7</b>
4.01 Collection by District – Applicable Provisions:	7
4.02 Collection By Independent Contractor	7
4.03 Collection Rates and Billings	7
a. Rates	8
b. Collection of Charges for Collection Services	8
c. Billing	8
d. Due Date	8
e. Delinquency	8
f. Delinquency Penalty	8
g. Collection of Delinquent Charges on County Tax Roll	8
4.04 Collection Hours and Collection Days	9
4.05 Carts, Containers, and Lawn and Leaf Bags	9
a. Garbage Cart	9
b. Green Waste Cart	9
c. Recycling Cart	10
d. Used Oil Container	10
e. Lawn and Leaf Bags:	10
4.06 Solid Waste Burning	10
4.07 Depositing In Streets	10

**SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized**

**Persons..... 10**  
5.01 Property Rights ..... 10  
5.02 Violation ..... 10  
5.03 Recyclable Material—Owner's Rights:..... 11

**SECTION 6.00 Construction and Demolition Refuse ..... 11**

6.01 Storage ..... 11  
6.02 Disposal ..... 11

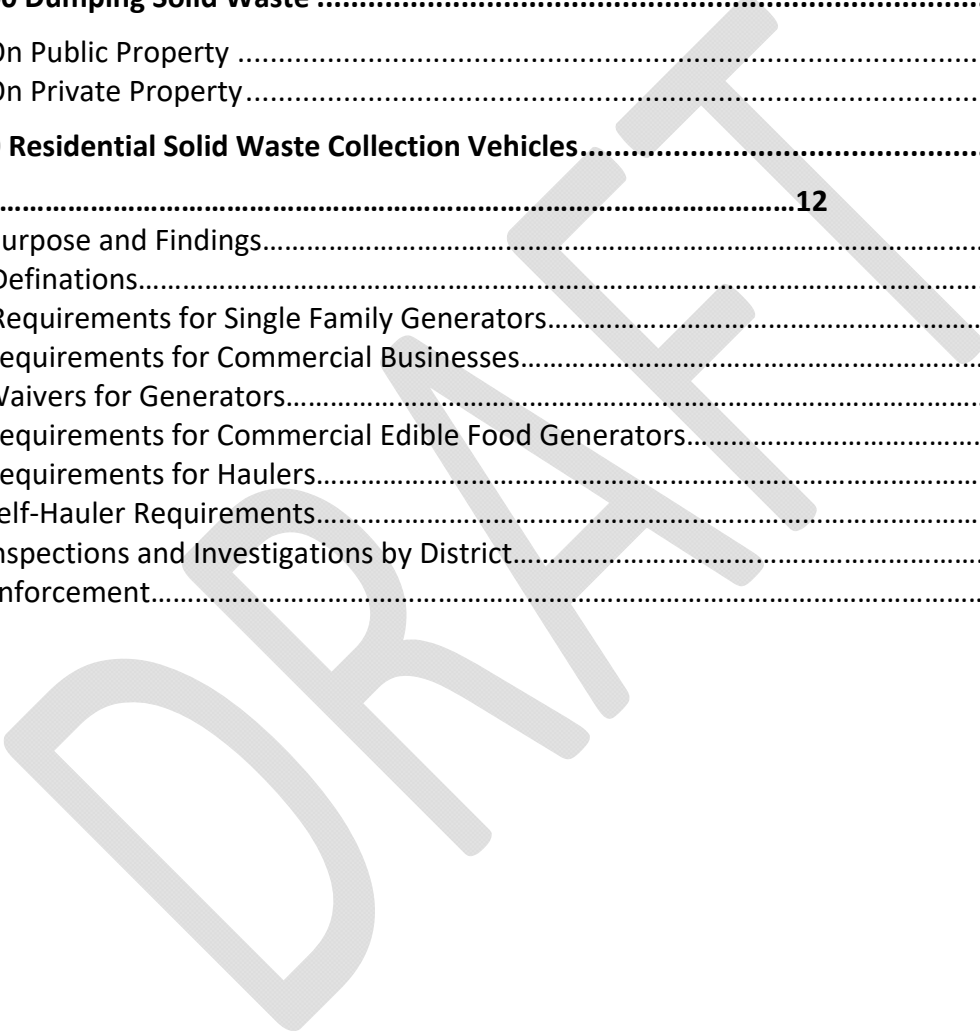
**SECTION 7.00 Dumping Solid Waste ..... 11**

7.01 On Public Property ..... 11  
7.02 On Private Property..... 11

**SECTION 8.0 Residential Solid Waste Collection Vehicles..... 11**

**SECTION 9..... 12**

9.01 Purpose and Findings.....12  
9.02 Definitions.....13  
9.03 Requirements for Single Family Generators.....20  
9.04 Requirements for Commercial Businesses.....20  
9.05 Waivers for Generators.....22  
9.06 Requirements for Commercial Edible Food Generators.....23  
9.07 Requirements for Haulers.....25  
9.08 Self-Hauler Requirements.....25  
9.09 Inspections and Investigations by District.....26  
9.10 Enforcement.....26



## DISTRICT CODE

### CHAPTER 31

#### SOLID WASTE COLLECTION AND DISPOSAL

##### **SECTION 1.00 Findings — Purpose of Provisions**

The Board does find and determine that the storage, accumulation, collection and disposal of Solid Waste, and other discarded goods and material, is a service the District is authorized to provide, and is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards, rat infestation, and other problems affecting the health, welfare and safety of the District. The Board declares that the regulations in Chapter 31 of this Code provided are designed to eliminate or alleviate such problems.

The Board further finds as follows:

- a. Reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern of the District by reason of the growing problem of Solid Waste disposal and its impact on our environment;
- b. Recycling conserves valuable material resources and energy, and promotes greater efficiency; and
- c. Recycling will reduce the overall amount of Solid Waste presently generated, and thus reduce storage, collection, transportation and disposal costs for residents of the District.

##### **SECTION 2.00 Definitions**

Whenever in Chapter 31 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

##### **2.01 Bulky Waste or Large Items**

Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, clothing, tires, electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

##### **2.02 Board**

Board shall mean the Board of the Rancho Murieta Community Services District.

##### **2.03 Collection**

Collection shall mean the operation of gathering together and transporting to the point of disposal of Solid Waste and other waste material.

##### **2.04 Cart or Container**

Cart or Container shall mean a receptacle constructed of metal, rubber, plastic or a combination thereof.

**2.05 Contractor**

Contractor shall mean the person entering into a contract with the District for the collection and disposal of Solid Waste.

**2.06 County**

County shall mean the County of Sacramento.

**2.07 Department**

Department shall mean the Sacramento County Department of Public Works acting by, through and under the authority of the Director of Public Works, unless the context indicates otherwise.

**2.08 Disposal**

Disposal shall mean the complete operation of treating and disposing of the accumulations of Solid Waste and the product or residue arising from such treatment.

**2.09 District**

District shall mean the Rancho Murieta Community Services District.

**2.10 Excluded Waste**

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; Manure or Stable Matter; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; and refrigerators, ranges, water heaters, freezers and similar household appliances; boats and boat trailers; automobiles; automobile parts; internal combustion engines; lead-acid batteries; and those wastes under the control of the Nuclear Regulatory Commission.

**2.11**

**Food Waste**

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

**2.12 Green Waste**

Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Christmas trees, and other forms of organic waste not more than five (5) feet in its longest dimension or with a diameter not more than six (6) inches or weights more than fifty (50) pounds and must be generated by and at the physical location wherein the Green Waste are collected.

## **2.12 Organic Waste**

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure and Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

## **2.13 Manure or Stable Matter**

Manure or Stable Matter shall mean any waste matter normally accumulated in stables, or in livestock or poultry enclosures.

## **2.14 Recyclable Materials**

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

## **2.15 Rubbish**

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

## **2.16 Solid Waste**

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

## **SECTION 3.00 Mandatory Service**

### **3.01 Mandatory Service**

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

### **3.02 Exceptions to Mandatory Service**

A residential construction contractor, commercial gardener and those engaged in the business of cleaning residential properties and employees thereof, when collecting or transporting Solid Waste consisting of by-products of the services provided to a lawful disposal location.

## **SECTION 4.00 Exclusive Right of Collection**

The District and its duly authorized agents, servants, and employees, or any Contractor with whom the District may at any time enter into a contract therefore, and the agents, servants, and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove Solid Waste from all premises in the District; and no person other than those above specified shall gather, collect or remove any Solid Waste, or convey or transport any Solid Waste in, along or over any public streets, alley or highway in the District, or take any Solid Waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container from any location where the same is placed by the owner thereof; provided, however, that nothing in this section contained shall be deemed to prohibit the occupant of any dwelling house from himself removing any Solid Waste accumulated on the premises occupied by him as a dwelling house and disposing of the same in a lawful manner, or to prohibit any person from gathering, collecting or removing from the premises occupied by him any Solid Waste.

### **4.01 Collection by District – Applicable Provisions**

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

### **4.02 Collection by Independent Contractor**

If the Board has the collection and disposal of Solid Waste collected by an independent contractor or contractors, the contract shall be made under such terms and conditions as may be prescribed by resolution and set forth in such contract.

### **4.03 Collection Rates and Billings**

d. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

e. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

f. Billing

All solid waste accounts shall be billed monthly.

g. Due Date

All bills are due and payable on the date they are issued by the District.

h. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25<sup>th</sup> day of the month following the month in which the bill was mailed.

i. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

j. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

**4.04 Collection Hours and Collection Days**

Residential collection starts no earlier than 7:00 a.m. and terminates no later than 5:00 p.m. Residential collection may occur on Tuesdays, Wednesdays, or Thursdays.

**4.05 Carts, Containers, and Lawn and Leaf Bags**

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.



c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

**4.06 Solid Waste Burning**

No person shall burn any Solid Waste within the District without having first complied with all rules and regulations of the District, the county, the air pollution control district and the state.

**4.07 Depositing in Streets**

No person shall throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition in or upon any public street or highway in the District except as herein expressly authorized, nor throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health.

**SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized Persons**

**5.01 Property Rights**

From time of placement of Recyclable Materials at the curb or in recycling shelters for collection in accordance with the District's recycling program, such Recyclable Materials shall be and become the property of the District or its authorized agent. It shall be a violation of the ordinance codified in this section for any person unauthorized by the District to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

**5.02 Violation**

Violation of any provision of this Chapter shall constitute a misdemeanor punishable in the manner prescribed by the laws of the State.

### **5.03 Recyclable Material—Owner's Rights**

Nothing in Chapter 31 shall limit the right of any person to donate, sell, or otherwise dispose of his or her Recyclable Materials.

## **SECTION 6.00 Construction and Demolition Refuse**

### **6.01 Storage**

No Solid Waste from building construction or demolition may be stored on site and in the open. All Solid Waste from construction and demolition shall be placed and contained in commercial type debris containers. Solid Waste, which may be transported by the wind shall be placed in suitable Containers daily and removed as necessary. Adequate storage capacity shall be provided to prevent littering of surrounding areas.

### **6.02 Disposal**

Solid Waste from construction and demolition shall not be disposed in residential garbage, recycle or yard waste containers.

## **SECTION 7.00 Dumping Solid Waste**

### **7.01 On Public Property**

No person shall dispose of or dump upon any public or commonly owned property or street of the District or upon any property of another, except such property as may be provided and set apart for such use by the District, Solid Waste, Excluded Waste, or other waste of any kind or composition. The Board may enter into a contract for the collection and disposal of the Solid Waste, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

### **7.02 On Private Property**

No person shall dispose of or dump upon any private property within the District any Solid Waste, Excluded Waste or other waste of any kind or composition.

## **SECTION 8.00 SECTION 8.0**

### **SECTION 8.00 Residential Solid Waste Collection Vehicles**

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 20062023, and certificates of testing showing that the vehicles met the requirements of this section.

## **Section 9.00 Mandatory Organic Waste Disposal Reduction**

### **9.01 Purpose and Findings**

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and

counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

## **9.02 Definitions**

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- f. “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- g. “CalRecycle” means California's Department of Resources Recycling and Recovery, which is

the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).

- h. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- i. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- j. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- k. “Compliance Review” means a review of records by the District to determine compliance with this ordinance.
- l. “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- m. “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- n. “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- o. “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- p. “C&D” means construction and demolition debris.
- q. “Designee” means an entity that the District contracts with or otherwise arranges to carry out any of the District’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- r. “District Enforcement Official” means the District General Manager or authorized

Designee(s) who is/are partially or whole responsible for enforcing the ordinance.

- s. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- t. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- u. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- v. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- w. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- x. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- y. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
  - 1. A food bank as defined in Section 113783 of the Health and Safety Code;
  - 2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- z. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- aa. “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- bb. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- cc. “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- dd. “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- ee. “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- ff. “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- gg. “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- hh. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- ii. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

- jj. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- kk. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- ll. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- mm. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- nn. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- oo. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- pp. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- qq. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes

- including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- rr. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- ss. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- tt. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- uu. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- vv. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- ww. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- xx. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- yy. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- zz. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- aaa. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).



- bbb. “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- ccc. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- ddd. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- eee. “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- fff. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- ggg. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
  2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
  3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

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

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

jjj. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

kkk. "State" means the State of California.

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

mmm. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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

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

nnn. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.

3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

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

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

### **9.03 Requirements for Single-Family Generators**

Single-Family Organic Waste Generators shall comply with the following requirements:

- a. Shall subscribe to District’s Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

### **9.04 Requirements for Commercial Businesses**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- a. Subscribe to District’s three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator’s containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.

- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
  1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
- f. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in

accordance with Section 9.07.

- g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.
- k. *If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.*
- l. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

#### **9.05 Waivers for Generators**

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
  - 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
  - 2. Provide documentation that either:
    - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

- (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
  3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
  4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

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

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
  2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
  3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

#### **9.06 Requirements for Commercial Edible Food Generators**

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- b. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- c. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
4. Allow District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
  - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
  - (b) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
    - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
    - (iii) The established frequency that food will be collected or self-hauled.
    - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- d. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

## **9.07 Requirements for Haulers**

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
  1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
  2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  3. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and District's C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

## **9.08 Self-Hauler Requirements**

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the District. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the waste.



2. The amount of material in cubic yards or tons transported by the generator to each entity.
  3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

#### **9.09 Inspections and Investigations by District**

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District or Designees to enter the interior of a onto private residential property for Inspection unless authorized by the property owner or tenant.
- b. Regulated entity shall provide or arrange for access during all Inspections ~~(with the exception of residential property interiors)~~ consistent with subsection (a) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises consistent with subsection (a); or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

## 9.10 Enforcement

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement
  1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.
  2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
  3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
  4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information
- e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

  1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
  2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with District's procedures in the District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by

January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

DRAFT

# **RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

DISTRICT CODE  
CHAPTER 31

**SOLID WASTE  
COLLECTION AND DISPOSAL**



Amended October 19, 2022  
Ordinance O2022-05

# TABLE OF CONTENTS

<b>SECTION 1.00 Findings — Purpose of Provisions .....</b>	<b>4</b>
<b>SECTION 2.00 Definitions.....</b>	<b>4</b>
2.01 Bulky Waste or Large Items .....	4
2.02 Board .....	4
2.03 Collection.....	4
2.04 Cart or Container .....	4
2.05 Contractor .....	5
2.06 County .....	5
2.07 Department .....	5
2.08 Disposal .....	5
2.09 District .....	5
2.10 Excluded Waste .....	5
2.11 Food Waste .....	5
2.12 Organic Waste .....	5
2.13 Manure or Stable Matter.....	6
2.14 Recyclable Materials.....	6
2.15 Rubbish.....	6
2.16 Solid Waste.....	6
<b>SECTION 3.00 Mandatory Service .....</b>	<b>6</b>
3.01 Mandatory Service .....	6
3.02 Exceptions to Mandatory Service .....	6
<b>SECTION 4.00 Exclusive Right of Collection .....</b>	<b>7</b>
4.01 Collection by District – Applicable Provisions:.....	7
4.02 Collection By Independent Contractor .....	7
4.03 Collection Rates and Billings.....	7
a. Rates.....	8
b. Collection of Charges for Collection Services.....	8
c. Billing.....	8
d. Due Date.....	8
e. Delinquency.....	8
f. Delinquency Penalty.....	8
g. Collection of Delinquent Charges on County Tax Roll.....	8
4.04 Collection Hours and Collection Days .....	9
4.05 Carts, Containers, and Lawn and Leaf Bags .....	9
a. Garbage Cart .....	9
b. Green Waste Cart .....	9
c. Recycling Cart .....	10
d. Used Oil Container .....	10
e. Lawn and Leaf Bags: .....	10
4.06 Solid Waste Burning .....	10
4.07 Depositing In Streets .....	10

**SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized**

**Persons..... 10**  
5.01 Property Rights ..... 10  
5.02 Violation ..... 10  
5.03 Recyclable Material—Owner's Rights:..... 11

**SECTION 6.00 Construction and Demolition Refuse ..... 11**

6.01 Storage ..... 11  
6.02 Disposal ..... 11

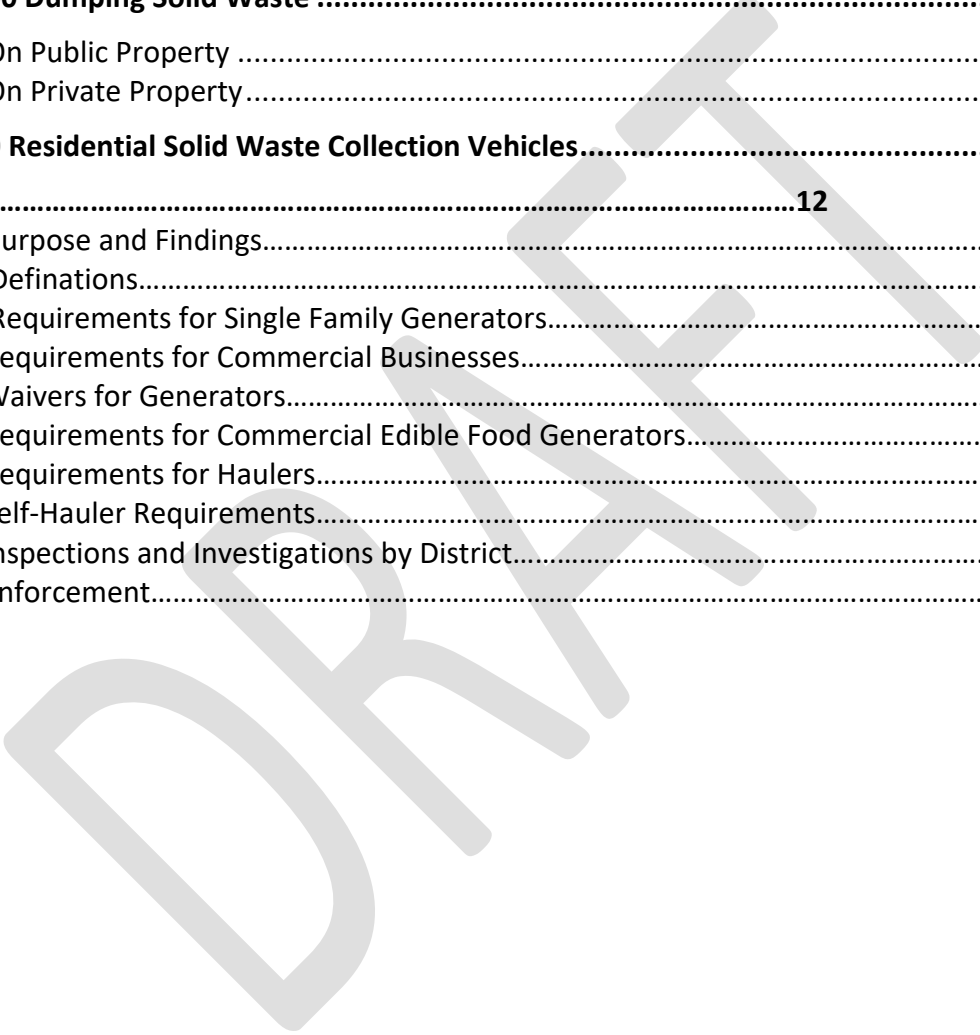
**SECTION 7.00 Dumping Solid Waste ..... 11**

7.01 On Public Property ..... 11  
7.02 On Private Property..... 11

**SECTION 8.0 Residential Solid Waste Collection Vehicles..... 11**

**SECTION 9..... 12**

9.01 Purpose and Findings..... 12  
9.02 Definitions..... 13  
9.03 Requirements for Single Family Generators..... 20  
9.04 Requirements for Commercial Businesses..... 20  
9.05 Waivers for Generators..... 22  
9.06 Requirements for Commercial Edible Food Generators..... 23  
9.07 Requirements for Haulers..... 25  
9.08 Self-Hauler Requirements..... 25  
9.09 Inspections and Investigations by District..... 26  
9.10 Enforcement..... 26



## DISTRICT CODE

### CHAPTER 31

#### SOLID WASTE COLLECTION AND DISPOSAL

##### **SECTION 1.00 Findings — Purpose of Provisions**

The Board does find and determine that the storage, accumulation, collection and disposal of Solid Waste, and other discarded goods and material, is a service the District is authorized to provide, and is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards, rat infestation, and other problems affecting the health, welfare and safety of the District. The Board declares that the regulations in Chapter 31 of this Code provided are designed to eliminate or alleviate such problems.

The Board further finds as follows:

- a. Reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern of the District by reason of the growing problem of Solid Waste disposal and its impact on our environment;
- b. Recycling conserves valuable material resources and energy, and promotes greater efficiency; and
- c. Recycling will reduce the overall amount of Solid Waste presently generated, and thus reduce storage, collection, transportation and disposal costs for residents of the District.

##### **SECTION 2.00 Definitions**

Whenever in Chapter 31 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

##### **2.01 Bulky Waste or Large Items**

Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, clothing, tires, electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

##### **2.02 Board**

Board shall mean the Board of the Rancho Murieta Community Services District.

##### **2.03 Collection**

Collection shall mean the operation of gathering together and transporting to the point of disposal of Solid Waste and other waste material.

##### **2.04 Cart or Container**



Cart or Container shall mean a receptacle constructed of metal, rubber, plastic or a combination thereof.

**2.05 Contractor**

Contractor shall mean the person entering into a contract with the District for the collection and disposal of Solid Waste.

**2.06 County**

County shall mean the County of Sacramento.

**2.07 Department**

Department shall mean the Sacramento County Department of Public Works acting by, through and under the authority of the Director of Public Works, unless the context indicates otherwise.

**2.08 Disposal**

Disposal shall mean the complete operation of treating and disposing of the accumulations of Solid Waste and the product or residue arising from such treatment.

**2.09 District**

District shall mean the Rancho Murieta Community Services District.

**2.10 Excluded Waste**

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; Manure or Stable Matter; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; and refrigerators, ranges, water heaters, freezers and similar household appliances; boats and boat trailers; automobiles; automobile parts; internal combustion engines; lead-acid batteries; and those wastes under the control of the Nuclear Regulatory Commission.

**2.11**

**Food Waste**

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

**2.12 Green Waste**

Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Christmas trees, and other forms of organic waste not more than five (5) feet in its longest dimension or with a diameter not more than six (6) inches or weights more than fifty (50) pounds and must be generated by and at the physical location wherein the Green Waste are collected.

## **2.12 Organic Waste**

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure and Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

## **2.13 Manure or Stable Matter**

Manure or Stable Matter shall mean any waste matter normally accumulated in stables, or in livestock or poultry enclosures.

## **2.14 Recyclable Materials**

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

## **2.15 Rubbish**

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

## **2.16 Solid Waste**

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

## **SECTION 3.00 Mandatory Service**

### **3.01 Mandatory Service**

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

### **3.02 Exceptions to Mandatory Service**

A residential construction contractor, commercial gardener and those engaged in the business of cleaning residential properties and employees thereof, when collecting or transporting Solid Waste consisting of by-products of the services provided to a lawful disposal location.

## **SECTION 4.00 Exclusive Right of Collection**

The District and its duly authorized agents, servants, and employees, or any Contractor with whom the District may at any time enter into a contract therefore, and the agents, servants, and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove Solid Waste from all premises in the District; and no person other than those above specified shall gather, collect or remove any Solid Waste, or convey or transport any Solid Waste in, along or over any public streets, alley or highway in the District, or take any Solid Waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container from any location where the same is placed by the owner thereof; provided, however, that nothing in this section contained shall be deemed to prohibit the occupant of any dwelling house from himself removing any Solid Waste accumulated on the premises occupied by him as a dwelling house and disposing of the same in a lawful manner, or to prohibit any person from gathering, collecting or removing from the premises occupied by him any Solid Waste.

### **4.01 Collection by District – Applicable Provisions**

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

### **4.02 Collection by Independent Contractor**

If the Board has the collection and disposal of Solid Waste collected by an independent contractor or contractors, the contract shall be made under such terms and conditions as may be prescribed by resolution and set forth in such contract.

### **4.03 Collection Rates and Billings**

d. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

e. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided.

f. Billing

All solid waste accounts shall be billed monthly.

g. Due Date

All bills are due and payable on the date they are issued by the District.

h. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25<sup>th</sup> day of the month following the month in which the bill was mailed.

i. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

j. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

**4.04 Collection Hours and Collection Days**

Residential collection starts no earlier than 7:00 a.m. and terminates no later than 5:00 p.m. Residential collection may occur on Tuesdays, Wednesdays, or Thursdays.

**4.05 Carts, Containers, and Lawn and Leaf Bags**

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

**4.06 Solid Waste Burning**

No person shall burn any Solid Waste within the District without having first complied with all rules and regulations of the District, the county, the air pollution control district and the state.

**4.07 Depositing in Streets**

No person shall throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition in or upon any public street or highway in the District except as herein expressly authorized, nor throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health.

**SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized Persons**

**5.01 Property Rights**

From time of placement of Recyclable Materials at the curb or in recycling shelters for collection in accordance with the District's recycling program, such Recyclable Materials shall be and become the property of the District or its authorized agent. It shall be a violation of the ordinance codified in this section for any person unauthorized by the District to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

**5.02 Violation**

Violation of any provision of this Chapter shall constitute a misdemeanor punishable in the manner prescribed by the laws of the State.

### **5.03 Recyclable Material—Owner's Rights**

Nothing in Chapter 31 shall limit the right of any person to donate, sell, or otherwise dispose of his or her Recyclable Materials.

## **SECTION 6.00 Construction and Demolition Refuse**

### **6.01 Storage**

No Solid Waste from building construction or demolition may be stored on site and in the open. All Solid Waste from construction and demolition shall be placed and contained in commercial type debris containers. Solid Waste, which may be transported by the wind shall be placed in suitable Containers daily and removed as necessary. Adequate storage capacity shall be provided to prevent littering of surrounding areas.

### **6.02 Disposal**

Solid Waste from construction and demolition shall not be disposed in residential garbage, recycle or yard waste containers.

## **SECTION 7.00 Dumping Solid Waste**

### **7.01 On Public Property**

No person shall dispose of or dump upon any public or commonly owned property or street of the District or upon any property of another, except such property as may be provided and set apart for such use by the District, Solid Waste, Excluded Waste, or other waste of any kind or composition. The Board may enter into a contract for the collection and disposal of the Solid Waste, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

### **7.02 On Private Property**

No person shall dispose of or dump upon any private property within the District any Solid Waste, Excluded Waste or other waste of any kind or composition.

## **SECTION 8.00 SECTION 8.0**

### **SECTION 8.00 Residential Solid Waste Collection Vehicles**

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 20062023, and certificates of testing showing that the vehicles met the requirements of this section.

## **Section 9.00 Mandatory Organic Waste Disposal Reduction**

### **9.01 Purpose and Findings**

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and

counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

## **9.02 Definitions**

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- f. “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- g. “CalRecycle” means California's Department of Resources Recycling and Recovery, which is



the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).

- h. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- i. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- j. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- k. “Compliance Review” means a review of records by the District to determine compliance with this ordinance.
- l. “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- m. “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- n. “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- o. “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- p. “C&D” means construction and demolition debris.
- q. “Designee” means an entity that the District contracts with or otherwise arranges to carry out any of the District’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- r. “District Enforcement Official” means the District General Manager or authorized

Designee(s) who is/are partially or whole responsible for enforcing the ordinance.

- s. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- t. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- u. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- v. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- w. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- x. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- y. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
  - 1. A food bank as defined in Section 113783 of the Health and Safety Code;
  - 2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- z. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- aa. “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- bb. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- cc. “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- dd. “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- ee. “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- ff. “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- gg. “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- hh. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- ii. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

- jj. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- kk. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- ll. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- mm. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- nn. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- oo. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- pp. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- qq. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes

- including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- rr. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- ss. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- tt. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- uu. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- vv. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- ww. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- xx. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- yy. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- zz. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- aaa. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

- bbb. “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- ccc. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- ddd. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- eee. “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- fff. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- ggg. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
  2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
  3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

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

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

jjj. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

kkk. "State" means the State of California.

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

mmm. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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

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

nnn. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.

3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

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

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

### **9.03 Requirements for Single-Family Generators**

Single-Family Organic Waste Generators shall comply with the following requirements:

- a. Shall subscribe to District’s Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

### **9.04 Requirements for Commercial Businesses**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- a. Subscribe to District’s three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator’s containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.



- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
  - 1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - 2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
- f. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in

accordance with Section 9.07.

- g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.
- k. *If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.*
- l. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

#### **9.05 Waivers for Generators**

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
  - 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
  - 2. Provide documentation that either:
    - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

- (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
- 3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
- 4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

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

- 1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- 2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
- 3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

#### **9.06 Requirements for Commercial Edible Food Generators**

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- b. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- c. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
4. Allow District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
  - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
  - (b) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
    - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
    - (iii) The established frequency that food will be collected or self-hauled.
    - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- d. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

## **9.07 Requirements for Haulers**

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
  1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
  2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  3. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and District's C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

## **9.08 Self-Hauler Requirements**

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the District. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the waste.

2. The amount of material in cubic yards or tons transported by the generator to each entity.
  3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

#### **9.09 Inspections and Investigations by District**

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District or Designees to enter onto private residential property for Inspection unless authorized by the property owner or tenant.
- b. Regulated entity shall provide or arrange for access during all Inspections consistent with subsection (a) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises consistent with subsection (a); or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

#### **9.10 Enforcement**

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or

representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement
  1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.
  2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
  3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
  4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information
- e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
  2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
  3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.
- f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with District's procedures in the District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance



Beginning January 1, 2024, if the District determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

DRAFT

## MEMORANDUM

Date: October 12, 2022  
To: Board of Directors  
From: Tom Hennig, General Manager  
Subject: Consider Updated to District Code Chapter 3 Conflict of Interest

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### RECOMMENDED ACTION

Adopt Changes to District Code Chapter 3 Conflict of Interest.

### BACKGROUND

District Staff received notification from the Clerk of the Board for Sacramento County informing them that the Biennial Notice for Conflict of Interest Codes was due by October 1, 2022. The Government Code Section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that designated officials disclose economic interest that might be foreseeably affected by the making or participation in the making of agency decision.

One of the necessary disclosure items is “Revised titles of existing positions”.

The job specifications were updated in 2021, and the following position was updated in March:

- Security Chief changed to *Security Supervisor*

The following position was updated in October:

- Director of Field Operations changed to *Director of Operations*
- Controller changed to *Accounting Manager*

These changes necessitate an update of the Conflict of Interest Code so that the proper notification can be sent to Sacramento County.

### SUMMARY

It is recommended that the Board adopt Ordinance O2022-04 updating the Conflict of Interest Code.

**ORDINANCE NO. O2022-04**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT  
AMENDING DISTRICT CODE CHAPTER 3 (CONFLICT OF INTEREST)**

The Board of Directors of the Rancho Murieta Community Services District hereby ordains as follows:

**SECTION 1. PURPOSE AND AUTHORITY.** The purpose of this ordinance is to update the provisions of the District Code relating to Conflict of Interest to account for changes in the titles of designated positions. This ordinance is adopted pursuant to Government Code section 87300 and the California Code of Regulations, Title 2, section 87300 and other applicable law.

**SECTION 2. CODE AMENDMENTS**

B. District Code chapter 3 (Conflict of Interest Code), Designated Positions and Disclosure Categories, subparagraph “Designated Positions” deleted and replaced as follows:

**Designated Positions:** The officer and employees listed below are designated as a person who is deemed to make or participate in the making of decisions that may have a material effect on financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<u>Designated Position</u>	<u>Disclosure Category</u>
Director of Administration	1
Accounting Manager	1
Director of Operations	1
Security Supervisor	1
District Engineer	1
District Legal Counsel	1
Consultants	1

Officials who manage public investments are deemed to be “statutory filers” within the meaning of Government Code Section 87200 and California Code of Regulations, Title 2, Section 18720 because they must file Statement of Economic Interest (FPPC Form 700) pursuant to the State Political Reform Act instead of the District’s Conflict of Interest Code. The District’s statutory filers are members of the Board of Directors, the District (General) Manager, and the District Treasurer. As a result, such persons are not designated in this Code and are listed here for information only.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect November 1, 2022.

**SECTION 4. SEVERABILITY.** If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability

shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5. PUBLICATION.** The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

**INTRODUCED** by the Board of Directors on the 21<sup>st</sup> day of September, 2022.

**PASSED AND ADOPTED** by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the 19<sup>th</sup> day of October, 2022 by the following roll call vote:

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

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

Attest:

\_\_\_\_\_  
Amelia Wilder, District Secretary

# **RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

DISTRICT CODE  
CHAPTER 3

## **CONFLICT OF INTEREST**



Amended ~~January 16, 2019~~October 19, 2022  
By ~~Resolution Ordinance 2019-01~~O2022-04

## DISTRICT CODE

### CHAPTER 3

#### CONFLICT OF INTEREST CODE

The Government Code Section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that designated officials disclose economic interest that might be foreseeably affected by the making or participation in the making of agency decision.

#### DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

**Designated Positions:** The officer and employees listed below are designated as a person who is deemed to make or participate in the making of decisions that may have a material effect on financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<u>Designated Position</u>	<u>Disclosure Category</u>
Director of Administration	1
<del>Controller</del> <u>Accounting Manager</u>	1
Director of <del>Field</del> Operations	1
Security <del>Chief</del> <u>Supervisor</u>	1
<del>Accounting Supervisor</del>	<del>1</del>
District Engineer	1
District Legal Counsel	1
Consultants	1

Officials who manage public investments are deemed to be “statutory filers” within the meaning of Government Code Section 87200 and California Code of Regulations, Title 2, Section 18720 because they must file Statement of Economic Interest (FPPC Form 700) pursuant to the State Political Reform Act instead of the District’s Conflict of Interest Code. The District’s statutory filers are members of the Board of Directors, the District (General) Manager, and the District Treasurer. As a result, such persons are not designated in this Code and are listed here for information only.

**Disclosure Categories:** The District disclosure categories are defined as follows:

Category 1 - Full Disclosure: All persons in this disclosure category will disclose all interest in real property within two (2) miles of the District’s boundaries, as well as investments, business positions, and sources of income, including gifts, loans and travel payments, from all sources.

Category 2 - Disclosure of all Interests Except Interests in Real Property: All persons in this disclosure category will disclose all investments, business positions and sources of income, including gifts, loans and travel payments from all sources.

Category 3 - Employees with Contracting Authority or Who Participate in Making Contracts: All investments, business positions and income, including gifts, loans and travel payments, in or from sources that provide goods, equipment, or services, including training or consulting services, of the type utilized by the District.

## **Consultant**

Consultant means an individual who, pursuant to a contract with the District, either: (A) makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to specifications of such a contract; (6) grant District approval to a plan, design report, study, or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District for any subdivision thereof; or (B) serves in a staff capacity with the District in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, Section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code under Government Code Section 87302. (California Code of Regulations, Title 2, Section 18701(a) (2).)

A consultant serves in a staff capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the District is not deemed a consultant subject to the reporting requirements of this Code unless the project or projects extend over a substantial period of time, generally more than one (1) year. (See *Smith* Advice Letter, FPPC No. I-99-316; *Travis* Advice Letter, FPPC, No. A-96-053; *Randolph* Advice Letter, FPPC No. A-95-045.)

Consultants are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District's conflict of interest code, subject to the following limitation: The District Manager may determine in writing that a particular consultant, although a "consultant" and designated position" nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to comply with any or some of the disclosure requirements described in this section. The District Manager's written determination will include description of the consultant's duties, and based on that description, a statement of the extent of disclosure requirements. The written determination is public record and will be retained for public inspection in the same manner and location as the District's conflict of interest code as required by Government Code Section 81008.

## **New Position Added Without Code Revision**

If the District creates a new position that requires disclosure under this Code without simultaneously amending the Code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file annual Form 700 disclosure of economic interest statements each year using the broadest disclosure category until the District amends the Code to designate the position and, if warranted, to authorize more narrow disclosure for the position.

**Regulations of the Fair Political Practices Commission  
Title 2, Division 6, California Code of Regulations**

**§ 18730. Provisions of Conflict of Interest Codes.**

- a. Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.
  
- b. The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

**Section 1. Definitions**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

**Section 2. Designated Employees**

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

**Section 3. Disclosure Categories**

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
  
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and



(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

#### **Section 4. Statements of Economic Interests: Place of Filing**

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2 2</sup>

#### **Section 5. Statements of Economic Interests: Time of Filing**

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

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<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

## **Section 5.5. Statements for Persons Who Resign Prior to Assuming Office**

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

## **Section 6. Contents of and Period Covered by Statements of Economic Interests**

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

## **Section 7. Manner of Reporting**

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.



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<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

## **Section 8. Prohibition on Receipt of Honoraria**

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

### **Section 8.1. Prohibition on Receipt of Gifts in Excess of \$460**

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

### **Section 8.2. Loans to Public Officials**

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been

elector or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

### **Section 8.3. Loan Terms**

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

## Section 8.4. Personal Loans

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of \$100 or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

## Section 9. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

### **Section 9.3. Legally Required Participation**

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

### **Section 9.5. Disqualification of State Officers and Employees**

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

### **Section 10. Disclosure of Disqualifying Interest**

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

### **Section 11. Assistance of the Commission and Counsel.**

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

### **Section 12. Violations**

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections

81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

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# **RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

DISTRICT CODE  
CHAPTER 3

## **CONFLICT OF INTEREST**



Amended October 19, 2022  
By Ordinance O2022-04

## DISTRICT CODE

### CHAPTER 3

#### CONFLICT OF INTEREST CODE

The Government Code Section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that designated officials disclose economic interest that might be foreseeably affected by the making or participation in the making of agency decision.

#### DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

**Designated Positions:** The officer and employees listed below are designated as a person who is deemed to make or participate in the making of decisions that may have a material effect on financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<u>Designated Position</u>	<u>Disclosure Category</u>
Director of Administration	1
Accounting Manager	1
Director of Operations	1
Security Supervisor	1
District Engineer	1
District Legal Counsel	1
Consultants	1

Officials who manage public investments are deemed to be “statutory filers” within the meaning of Government Code Section 87200 and California Code of Regulations, Title 2, Section 18720 because they must file Statement of Economic Interest (FPPC Form 700) pursuant to the State Political Reform Act instead of the District’s Conflict of Interest Code. The District’s statutory filers are members of the Board of Directors, the District (General) Manager, and the District Treasurer. As a result, such persons are not designated in this Code and are listed here for information only.

**Disclosure Categories:** The District disclosure categories are defined as follows:

Category 1 - Full Disclosure: All persons in this disclosure category will disclose all interest in real property within two (2) miles of the District’s boundaries, as well as investments, business positions, and sources of income, including gifts, loans and travel payments, from all sources.

Category 2 - Disclosure of all Interests Except Interests in Real Property: All persons in this disclosure category will disclose all investments, business positions and sources of income, including gifts, loans and travel payments from all sources.

Category 3 - Employees with Contracting Authority or Who Participate in Making Contracts: All investments, business positions and income, including gifts, loans and travel payments, in or from sources that provide goods, equipment, or services, including training or consulting services, of the type utilized by the District.

**Consultant**

Consultant means an individual who, pursuant to a contract with the District, either: (A) makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to specifications of such a contract; (6) grant District approval to a plan, design report, study, or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District for any subdivision thereof; or (B) serves in a staff capacity with the District in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, Section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code under Government Code Section 87302. (California Code of Regulations, Title 2, Section 18701(a) (2).)

A consultant serves in a staff capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the District is not deemed a consultant subject to the reporting requirements of this Code unless the project or projects extend over a substantial period of time, generally more than one (1) year. (See *Smith* Advice Letter, FPPC No. I-99-316; *Travis* Advice Letter, FPPC, No. A-96-053; *Randolph* Advice Letter, FPPC No. A-95-045.)

Consultants are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District's conflict of interest code, subject to the following limitation: The District Manager may determine in writing that a particular consultant, although a "consultant" and designated position" nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to comply with any or some of the disclosure requirements described in this section. The District Manager's written determination will include description of the consultant's duties, and based on that description, a statement of the extent of disclosure requirements. The written determination is public record and will be retained for public inspection in the same manner and location as the District's conflict of interest code as required by Government Code Section 81008.

#### **New Position Added Without Code Revision**

If the District creates a new position that requires disclosure under this Code without simultaneously amending the Code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file annual Form 700 disclosure of economic interest statements each year using the broadest disclosure category until the District amends the Code to designate the position and, if warranted, to authorize more narrow disclosure for the position.

**Regulations of the Fair Political Practices Commission  
Title 2, Division 6, California Code of Regulations**

**§ 18730. Provisions of Conflict of Interest Codes.**

- a. Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.
  
- b. The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

**Section 1. Definitions**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

**Section 2. Designated Employees**

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

**Section 3. Disclosure Categories**

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
  
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

#### **Section 4. Statements of Economic Interests: Place of Filing**

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2 2</sup>

#### **Section 5. Statements of Economic Interests: Time of Filing**

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

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<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

## **Section 5.5. Statements for Persons Who Resign Prior to Assuming Office**

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

## **Section 6. Contents of and Period Covered by Statements of Economic Interests**

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

## **Section 7. Manner of Reporting**

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property <sup>3</sup> is required to be reported, <sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported, <sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, <sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.



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<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

## **Section 8. Prohibition on Receipt of Honoraria**

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

### **Section 8.1. Prohibition on Receipt of Gifts in Excess of \$460**

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

### **Section 8.2. Loans to Public Officials**

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been



elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

### **Section 8.3. Loan Terms**

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

## Section 8.4. Personal Loans

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of \$100 or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

## Section 9. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

### **Section 9.3. Legally Required Participation**

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

### **Section 9.5. Disqualification of State Officers and Employees**

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

### **Section 10. Disclosure of Disqualifying Interest**

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

### **Section 11. Assistance of the Commission and Counsel.**

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

### **Section 12. Violations**

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections

81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

DRAFT

## MEMORANDUM

Date: October 2, 2022  
To: Board of Directors  
From: Tom Hennig, General Manager  
Subject: Ordinance O20222-06 Adding District Code Chapter 9, Administrative Citations and Fines

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### **Recommended Action**

Staff is recommending that the Board adopt Ordinance O2022-06 adding District Code Chapter 9, Administrative Citations and Fines.

### **Background**

The District does not have an ordinance that will authorize staff to impose fines for violations of District Code. A discussion at the July 20, 2022 Board Meeting resulted with instruction to Legal Counsel to create such a Code. The resulting Code follows and if adopted will set a framework for District Staff to impose fines and citations for violations.

### **Summary**

The Security Committee reviewed this item at the October 6, 2022 meeting and recommended that it be moved to the Board for adoption at the October 19, 2022.

**ORDINANCE NO. O2022-06**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT  
ADDING DISTRICT CODE CHAPTER 9 REGARDING  
ADMINISTRATIVE CITATIONS AND FINES**

The Board of Directors of the Rancho Murieta Community Services District hereby ordains as follows:

**SECTION 1. PURPOSE AND AUTHORITY.** The purpose of this ordinance is to adopt a new District Code chapter concerning the issuance of administrative citations for violations of the District Code, collection of fines, and related matters. The objective is to enhance the District's ability to enforce its Code through a local citation and fine process. This ordinance is adopted pursuant to Government Code sections 53069.4 and 61060 and other applicable law.

**SECTION 2. CODE AMENDMENT**

Chapter 9 is added to the District Code to read as follows:

Chapter 9 - Administrative Citations and Fines

Sections:

**SECTION 1.00 General Provisions**

- 1.01 Definitions
- 1.02 Applicability
- 1.03 Notices

**SECTION 2.00 Citations and Fines**

- 2.01 Preliminary Notice Procedure for Continuing Violation
- 2.02 Citation Issuance
- 2.03 Amount of Fines
- 2.04 Payment of Fines
- 2.05 Late Payment Charges and Interest
- 2.06 Collection of Fines, Late Charges, Interest, and Costs

**SECTION 3.00 Administrative Hearings**

- 3.01 Request for Administrative Hearing
- 3.02 Hearing Officer
- 3.03 Administrative Hearing Procedure
- 3.04 Hearing Officer Decision
- 3.05 Judicial Review

## **SECTION 1.00 - General Provisions**

### **1.01 Definitions**

- a. "Cited Person" means a person who violates the Code or who is otherwise responsible for a Code violation and who is named in an administrative citation issued and served pursuant to this chapter.
- b. "Code" means the District Code of the Rancho Murieta Community Services District, including any adopted ordinance amending the District Code but not yet incorporated into the District Code.
- c. "Continuing Code Violation" means a continuing or ongoing violation of the Code that pertains to a building or structure or use of real property in the District and that does not create an immediate danger to public health or safety.
- d. "County" means County of Sacramento.
- e. "District" means Rancho Murieta Community Services District.
- f. "Enforcement Officer" means the District Security Supervisor, any District patrol officer, or any District employee authorized by the General Manager to issue administrative citations under this chapter.
- g. "General Manager" means the District General Manager or his or her designee.

### **1.02 Applicability**

This chapter provides for the issuance of administrative citations and collection of fines to enforce any violation of this Code as a means and remedy to enforce compliance with the Code. The chapter applies to buildings, structures, and real property within the District, to persons residing and owning real property within the District, and to other persons who violate the Code while in the District. The remedies provided by this chapter are in addition to all other criminal and civil remedies that may be available for the District to pursue under other laws. Use of this chapter shall be at the sole discretion of the District.

### **1.03 Notices**

- a. Service of compliance orders, administrative citations, administrative hearing decisions, lien notices, and other documents prepared under this chapter shall be as follows:
  - 1. For service on the owner of real property that is the subject of a Code violation, the document shall be (a) personally served on the property owner by hand-delivery or mailed to the property owner by prepaid, first class U.S. mail addressed to the owner's address as shown on the District utility billing records, and (b) posted in a conspicuous location on the subject real property.
  - 2. For service on other persons, the document shall be either served personally by hand-delivery or sent by prepaid, first class U.S. mail addressed to the person's last known residence address.
- b. Failure to receive any notice or other document specified in this chapter shall not affect the validity of proceedings conducted under this chapter.

## **SECTION 2.00 - Administrative Citations and Fines**

### **2.01 Preliminary Notice Procedure for Continuing Violation**

a. A Continuing Code Violation shall be subject to the additional procedures set forth in this section. Whenever an Enforcement Officer determines that a Continuing Code Violation is occurring or exists, he or she may issue and serve a written compliance order on any person responsible for the violation. In situations where the violation involves real property, a copy of the compliance order also shall be served on the owner of the subject real property, if the owner is different from the person who committed the violation or who is otherwise responsible for the violation.

b. The compliance order shall state that the person responsible for the Continuing Code Violation has 30 days from the date of the compliance order, or such additional time the Enforcement Officer determines is reasonably necessary, to correct or otherwise remedy the violation. A compliance order also shall contain the following information:

1. The date(s) and location of the violation;
2. The name of the person who violated the Code or who is otherwise responsible for the Code violation;
3. The address or a definite description of the location where the violation occurred;
4. The section(s) of the Code violated and a description of the violation;
5. The action(s) required to correct or remedy the violation;
6. The deadline to correct the violation, which also shall be the date after which an administrative citation may be issued and administrative penalties begin to accrue if compliance with the order has not been achieved;
7. The amount of the applicable administrative citation fine in the event the violation is not timely corrected and a citation is issued; and
8. The name and signature of the citing Enforcement Officer.

c. If the Enforcement Officer determines that the Continuing Code Violation has been corrected within the time specified in the compliance order, no further action shall be taken under this chapter with regard to that violation. If full compliance is not achieved within the period specified in the compliance order, the Enforcement Officer may issue an administrative citation pursuant to section 2.02. No citation shall be issued by the District for a Continuing Code Violation subject to this section until after there is continued non-compliance beyond the deadline stated in a compliance order issued under this section.

## 2.02 Citation Issuance

a. When an Enforcement Officer determines that a violation of this Code has occurred, or that a Continuing Code Violation continues after the deadline set forth in a compliance order issued pursuant to section 2.01, the Enforcement Officer may issue and serve an administrative citation on any person who committed the violation or who is otherwise responsible for the violation. In situations where the violation involves real property, a copy of the administrative citation also shall be served on the owner of the subject real property, if the owner is different from the person who committed the violation or who is otherwise responsible for the violation.

b. Each administrative citation shall contain the following information:

1. The date(s) of the violation;
2. The name of the person who violated the Code or who is otherwise responsible for the Code violation;
3. The address or a definite description of the location where the violation occurred;
4. The section(s) of the Code violated and a description of the violation;



5. The amount of the applicable administrative citation fine for the Code violation;
  6. A statement of the increased fines for additional citations issued for the same violation within the following year;
  7. A summary of the fine-payment process, including a statement of the time within which and the place at which the fine shall be paid, and the administrative citation hearing process; and
  8. The name and signature of the citing Enforcement Officer.
- c. Whenever the Cited Person is a person under the age of 18, the Enforcement Officer shall provide copies of all notices and orders specified in this chapter to the parent(s) or legal guardian(s) of the Cited Person, if it is known and can be reasonably determined. Any fine levied pursuant to this chapter may be levied against the juvenile and the parent(s) or legal guardian(s) of the juvenile, and the juvenile and parent(s) or legal guardian(s) shall be jointly and severally liable for the fine and related costs. The parent(s) or legal guardian(s) shall have the right to a hearing and judicial review as set forth in this chapter.

### 2.03 Amount of Fines

- a. The following is the schedule of fines for a violation of the Code:
1. \$100 for a first violation.
  2. \$200 for a second violation by the Cited Person of the same Code provision within one year of the first violation.
  3. \$500 for each additional violation by the Cited Person of the same Code provision within one year of the first violation.
- b. The District Board of Directors may amend the schedule of fines for Code violations by the adoption of a resolution approving a revised schedule. The fine amounts shall not exceed those authorized by Government Code section 53069.4 and other applicable law.
- c. For purposes of determining the number of violations and amount of fines imposed for administrative citations issued under this chapter, a separate violation occurs on each and every day during which a violation of any provision of this Code is committed, permitted, or allowed to continue.

### 2.04 Payment of Fines

Upon receipt of an administrative citation, the Cited Person must pay the amount of the fine at the District Secretary's office at 15160 Jackson Road, P.O. Box 1050, Rancho Murieta, CA 95683. Fine payment is due at the following times:

- a. If a request for hearing under section 3.01 is not timely filed in relation to the administrative citation, then the fine shall be due and payable within 30 days after service of the administrative citation.
- b. If a request for hearing under section 3.01 is timely filed, the administrative citation hearing officer upholds the administrative citation, and an appeal under section 3.05 is not timely filed in superior court, then the fine shall be due and payable within 20 days after the date of the hearing officer decision. If the hearing officer modifies the fine amount in the decision, the fine due shall be the modified fine amount as set forth in the hearing officer decision. If a request for hearing under section 3.01 is timely filed and the Cited Person later withdraws the hearing request, then the fine shall be due and payable within 20 days after the date of the withdrawal.

c. If a request for hearing under section 3.01 is timely filed, the administrative citation hearing officer upholds the administrative citation, an appeal under section 3.05 is timely filed in superior court, and the court affirms the hearing officer decision, then the fine shall be due and payable within 20 days after the date of the final court decision or order. If the court modifies the fine amount in its decision or order, the fine due shall be the modified fine amount as set forth in the court decision or order.

## 2.05 Late Payment Charges and Interest

Any Cited Person who fails to pay a fine imposed by this chapter on or before the date that payment is due also shall be liable for the payment to the District of a late payment charge and interest. The late payment charge shall be ten percent of the fine amount and delinquent fines shall accrue interest at the rate of one percent of the fine (exclusive of penalties) per month from the due date.

## 2.06 Collection of Fines, Late Charges, Interest, and Costs

a. The District may collect any past due administrative citation fines and applicable late payment charges and interest by use of all available legal means. The District also may recover its direct costs incurred in securing payment of these amounts, which costs shall include, but are not limited to, administrative costs, attorney fees, and litigation expenses.

b. The District may seek to collect delinquent fines, late payment charges, interest, and costs through one or more of the following methods:

1. For any Code violation, as a personal obligation of the Cited Person and the pursuit of legally available collection remedies;

2. For a Code violation pertaining to real property, as a lien upon the subject real property imposed pursuant to subsection (c);

3. For a Code violation pertaining to real property or when the Cited Person is a District utility service billing customer, by collection through the District utility bill as provided in subsection (d); or

4. For a Code violation pertaining to real property, the District may refuse to issue a District permit or other approval pertaining to the subject property.

c. For a Code violation pertaining to real property, the District may record a lien against the subject real property to secure the payment of administrative citation fines, late payment charges, interest, and costs pursuant to this subsection. A lien created by the District pursuant to this subsection shall remain in effect until all fines, late payment charges, interest, and costs are paid in full.

1. Prior to recording any lien, the District Secretary shall prepare and file with the Board of Directors a report stating the amounts due and owing. The District Secretary shall fix a time, date, and place for the Board to hear and consider the report and any protests or objections to it.

2. At least 10 days before the time set for the hearing, the District Secretary shall give written notice of the hearing to the owner of the subject real property. The owner shall be determined based on the last equalized County assessment roll or the supplemental roll, whichever is more current. The notice shall be served in the same manner as a summons in a civil action in accordance with Code of Civil Procedure part 2, title 5, chapter 4, article 3 (commencing with section 415.10). If the owner of record, after diligent search cannot be found, the notice may

be served by posting a copy of the notice in a conspicuous place upon the property for a period of 10 days and publication of the notice in a newspaper of general circulation published in the County pursuant to Government Code section 6062.

3. Any person whose real property is subject to a lien pursuant to this section may file a written protest with the District Secretary or may protest orally at the Board hearing on the matter. Each written protest or objection must contain a description of the subject real property and the grounds of the protest or objection.

4. The Board, after the hearing, shall adopt a resolution confirming or modifying the amount of the lien or deciding not to impose the lien. The lien, if imposed by the Board, may carry such late payment charges, interest, and costs as authorized by this chapter and set forth in the resolution.

5. Within 15 days following the adoption of a resolution by the Board imposing a lien, the District Secretary shall record a notice of lien in the County Recorder's office as a lien against the subject real property. The lien shall have no force and effect until the notice of lien is recorded with the County Recorder. Once recorded, the lien shall have the force, effect and priority of a judgment lien governed by Code of Civil Procedure section 697.340 and may be extended as provided in Code of Civil Procedure sections 683.110 to 683.220. Once a lien is recorded pursuant to this subsection, interest shall accrue on the principal amount remaining unsatisfied pursuant to law. A lien may be foreclosed by an action brought by the District in the same manner as provided for a judgment lien.

6. Once the District receives full payment for the outstanding fines, late payment charges, interest, costs, and other charges set forth in the lien resolution, the District Secretary shall record a notice of satisfaction of lien with the County Recorder's office. Such notice of satisfaction shall discharge the District's lien.

d. For a Code violation pertaining to real property or when the Cited Person is a District utility service billing customer, the District may collect the administrative citation fines, late payment charges, interest, and costs together with the District monthly utility service charges billed to the subject real property by adding the total amount of the fines, late payment charges, interest, and costs to the bill. If this amount is added to the bill, then collection of the unpaid fines, late payment charges, interest, and costs shall be subject to the same remedies and penalties for non-payment of District water service charges, which includes the authority to terminate District water service to the subject real property. District Code chapter 14, sections 9.00 (Collection of Potable or Untreated Water Rates and Enforcement Provisions) and 13.00 (Enforcement, Disconnection and Restoration of Service) shall apply to the unpaid fines, late payment charges, interest, and costs collected through the District service charge billing to the property.

### **SECTION 3.00 - Administrative Hearings**

#### **3.01 Request for Administrative Hearing**

Any Cited Person may contest whether there was a violation of the Code or whether the Cited Person was the responsible party by filing a written request for hearing with the District Secretary's office within 20 days from the date of the administrative citation. The written request shall reference the particular citation and briefly state the grounds to contest the citation.

### 3.02 Hearing Officer

- a. Administrative review of administrative citations shall be conducted by an impartial hearing officer. An administrative citation hearing officer shall be appointed by the District President and shall serve at the pleasure of the President.
- b. The Board of Directors by resolution may provide for compensation of the administrative citation hearing officer; provided, however, that the employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the number of administrative citation fines upheld by the officer.

### 3.03 Administrative Hearing Procedure

- a. The administrative hearing before the hearing officer shall be conducted as soon as practicable. At least 10 days prior to the hearing, the District Secretary shall notify the Cited Person of the time and place set for the hearing and provide the Cited Person with copies of the citation, report(s), and any other documents relied on by the Enforcement Officer in issuing the citation.
- b. At the administrative hearing, the Cited Person shall be given the opportunity to testify and present oral and documentary evidence concerning the administrative citation and the related Code violation. The hearing officer shall only consider evidence that is relevant to whether the violation occurred and whether the Cited Person has caused or maintained the violation on the date(s) specified in the administrative citation. The hearing need not be conducted in accordance with the technical rules of evidence. Any relevant evidence may be admitted if it is of a type upon which reasonable persons are accustomed to rely on in the conduct of serious affairs. The hearing officer may exclude irrelevant or unduly repetitious evidence.
- c. The failure of the Cited Person to appear at the hearing shall constitute a failure to exhaust administrative remedies.
- d. The administrative citation and any report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.
- e. The hearing officer may continue the hearing and request additional information from the citing Enforcement Officer or the Cited Person prior to issuing a written decision.

### 3.04 Hearing Officer Decision

- a. After considering the testimony and evidence submitted at the administrative hearing, the hearing officer, within 15 days of the conclusion of the hearing, shall issue a written decision upholding, cancelling, or modifying the administrative citation, including a brief explanation of the reason or reasons for the decision.
- b. The hearing officer's decision shall be served on the Cited Person pursuant to the manner set forth in section 1.03. In cases where the Code violation pertains to real property, a copy of the decision also shall be served on the owner of the subject real property, if the owner is different from the Cited Person.
- c. If the hearing officer upholds the administrative citation, then the Cited Person shall pay the fine amount prior to the due date set forth in section 2.04.

3.05 Judicial Review

Any Cited Person aggrieved by a hearing officer decision may seek judicial review of the decision by filing a notice of appeal with the Sacramento County Superior Court within 20 days after service of the decision in accordance with Government Code section 53069.4. If no notice of appeal is timely filed, the hearing officer decision shall be deemed confirmed.

\_\_\_\_\_

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect 30 days after its final passage.

**SECTION 4. SEVERABILITY.** If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 5. PUBLICATION.** The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

**INTRODUCED** by the Board of Directors on the \_\_\_ day of \_\_\_\_\_ 2022.

**PASSED AND ADOPTED** by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the \_\_\_ day of \_\_\_\_\_ 2022 by the following roll call vote:

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

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

Attest:

\_\_\_\_\_  
Amelia Wilder, District Secretary

## MEMORANDUM

Date: October 13, 2022  
To: Board of Directors  
From: Michael Fritschi, P.E. - Director of Operations  
Subject: Rio Oso Pump Station Emergency Project

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### **Recommended Action**

As recommended to the Improvements Committee, Staff are requesting that the Board adopt a resolution finding that an emergency exists in connection with the Rio Oso pressure station and to authorize the general manager to approve an emergency contract with Kirby Pump to perform the pump replacement work for \$37,800; and approve to contract with Prodigy Electric for a total of \$53,146 for procurement and replacement of variable frequency drives (VFDs) for the District Rio Oso pressure pump station, and to allow a 15% contingency for a total emergency expenditure of \$104,588.

### **Emergency Summary**

On September 15, the District received a standby alert that pump station had failed. District staff and our vendors Kirby Pump and Prodigy Electric (Electrician) arrived onsite at roughly 2 AM. Pump #1 had failed, and Pump #2 took over and was operating and providing pressure to the system. Pump #2 is very noisy, and staff do believe that this pump has outlived its service life and is likely in danger of imminent failure. After inspection of Pump #1, the cause of the failure was determined as electrical. While the variable frequency drive (VFD) was tested and was able to be re-started, the Electrician was not definitive on whether the VFD had failed or how long it will continue to operate. It was previously mentioned by the Electrician, that the existing VFD's are likely over 5 years past their service life.

The Electrician mentioned that there was a possibility of obtaining (1) VFD out of southern California within a week. The VFD's are typically 20 weeks out. After discussing the issue with operations, it was decided to try and order the VFD to replace the VFD for the pump that is in somewhat better shape (Pump #1) and then to move forward with the normal procurement process for the second VFD and the labor to replace the pumps. The District currently has all the mechanical components ready for pump replacement.

The District recently discovered that the VFD is not currently available from southern California and has a 20 week wait time for procurement. From further conversations with operations, it has been determined that to provide a more acceptable level of redundancy, that the pump replacement portion of the project needs to be accelerated while the District waits for the currently ordered VFD and that the second VFD will need to be ordered very soon. If the pumps are replaced, and VFD for Pump #1 fails again, then there will be a new pump to take over (verses

relying on the old noisy pump #2). While this is not perfect it is the District's only option to increase redundancy while awaiting the VFD's.

The pump replacement will happen beginning with pump #2, once successful installation and start up have occurred, the contractor will come back and install pump #1. The pump installation will also include removal and reinstallation of roof panels, pouring cement extensions for the pump bases and grouting of the pump frames, dial indicator alignment of motors to pumps, and frame in building modification to allow for longer pump base install.

The District will continue to attempt to locate a VFD that can be procured sooner than 20 weeks but will need to order the second VFD very soon. The District is also investigating temporary VFD control and the resulting cost and availability.

The emergency project status will streamline the procurement process and allow the District to save several weeks (potentially months) of procurement time for pump replacement and VFD procurement and installation with our trusted vendors. The emergency is warranted due to the loss of expected redundancy for a system that is critical to providing water to 800 accounts.

The rehabilitation of the Rio Oso pump station (CIP #23-06-01) is budgeted for in this current fiscal year and comprises the following aspects:

- Replacement of existing pressure pumps
- Replacement of pump VFD's
- Rehabilitation or replacement of the pump enclosure
- Preliminary analysis of pump station modifications needed

### **Recommendation**

To move this important emergency project forward, the following actions will need to be taken by the Board:

1. Adopt a resolution finding that an emergency exists in connection with the Rio Oso pump station and approve an emergency contract with Kirby Pump in the amount of \$37,800 to replace the pumps and approve a contract in the amount of \$53,146 with Prodigy Electric to provide and install new VFD's. For a total of \$90,946 plus a 15% for a total of \$104,588.

**RESOLUTION R2022-23**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT  
DETERMINING THE EXISTENCE OF AN EMERGENCY IN CONNECTION WITH THE RIO OSO  
PRESSURE STATION AND TO AUTHORIZE THE GENERAL MANAGER TO APPROVE AN  
EMERGENCY CONTRACT WITH KIRBY PUMP TO PERFORM THE PUMP REPLACEMENT WORK  
FOR \$37,800; AND APPROVE TO CONTRACT WITH PRODIGY ELECTRIC FOR A TOTAL OF  
\$53,146 FOR PROCUREMENT AND REPLACEMENT OF VARIABLE FREQUENCY DRIVES (VFDS)  
FOR THE DISTRICT RIO OSO PRESSURE PUMP STATION, AND TO ALLOW A 15% CONTINGENCY  
FOR A TOTAL EMERGENCY EXPENDITURE OF \$104,588.**

**WHEREAS**, on September 15, 2022 the District received a standby alert pump station had failed;  
and

**WHEREAS**, the District staff and vendors Kirby Pump and Prodigy Electric (Electrician) determined  
pump #1 had failed, which was an electrical issue caused from the failing variable frequency drive  
(VFD), and Pump #2 took over and was operating and providing pressure to the system; and

**WHEREAS**, staff believe that this pump has outlived its service life and is likely in danger of  
imminent failure; and

**WHEREAS**, with the current supply chain issues, replacement VFD's typically have a 20 week lead  
time for delivery. Staff is working on finding replacement VFD's.

**WHEREAS**, the District is currently in possession of replacement pumps which need to be replaced  
by a contractor.

**NOW, THEREFORE, THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT DOES HEREBY  
RESOLVE AS FOLLOWS:**

1. Authorize the General Manager to sign and execute the agreement, and amendments thereto,  
with Kirby Pump in the amount (including a 15% contingency) not to exceed \$43,470 (CIP #23-  
06-01), attached as Exhibit 1.
2. Authorize the General Manager to sign and execute the agreement, and amendments thereto,  
with Prodigy Electric in the amount (including a 15% contingency) not to exceed \$61,117.90 (CIP  
#23-06-01), attached as Exhibit 2.
3. The General Manager is authorized to all necessary and appropriate actions to carry out the  
purpose and intent of this resolution.



**PASSED AND ADOPTED** this 19<sup>th</sup> day of October, 2022 by the following roll call vote:

**Ayes:**

**Noes:**

**Absent:**

**Abstain:**

\_\_\_\_\_  
Timothy E. Maybee, President of the Board  
Rancho Murieta Community Services District

[SEAL]

Attest:

\_\_\_\_\_  
Amelia Wilder, District Secretary

DRAFT

**From:** [Travis Bohannon](#)  
**To:** [Michael Fritschi](#)  
**Subject:** FW: Rio Oso quote  
**Date:** Wednesday, September 28, 2022 3:23:07 PM

---

Below is the quote from Jay for rio oso pump replacement.

Travis Bohannon  
Chief Plant Operator  
Rancho Murieta Community Services District  
P.O. Box 1050  
Rancho Murieta, CA 95683  
Schedule: M-F 7-4 PST  
916-870-5368(work)  
916-354-3736 (fax)  
Visit us at [www.RMCSD.com](http://www.RMCSD.com)

Before printing, please think Green  
CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s) and not for public dissemination. Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

-----Original Message-----

From: J Hannum <[jpaulhannum@yahoo.com](mailto:jpaulhannum@yahoo.com)>  
Sent: Wednesday, September 28, 2022 11:32 AM  
To: Travis Bohannon <[tbohannon@rmcsd.com](mailto:tbohannon@rmcsd.com)>  
Subject: Rio Oso quote

Good morning sir.

I am glad to hear you finally have all the parts for this installation to proceed. As I stated before I would have to be completely done with this job by the beginning of December.

The quote is to install the pumps and connection rubbers furnished by the district. One pump at a time with appropriate testing time in between each pump install to confirm proper operation of the pump that was just replaced before the next pump is taken off line. Remove and reinstall same roof panels, pour cement extensions for the pump bases and grout the pump frames. Dial indicator alignment of motors to pumps. Frame in building modification to allow for longer pump base install.

Total for job \$37,800 time frame to complete 6.5-8 days. Excluding testing time between pumps.

Examples of exclusion items from this job. Electrical, disinfection flushing and bacterial testing, curve testing and painting, building modifications for venting or noise or moving fan any extra equipment replaced during job.

J Hannum  
Kirby's Pump & Mechanical inc.  
916-812-7123

Please Remit To This Address: **Prodigy Electric And Controls, Inc.**  
PO Box 141  
Lincoln, CA 95648

Bill To: Rancho Murieta CSD  
15160 Jackson Road  
Rancho Murieta, CA

Quote #	40548
Date	7/25/2022
Total Due:	
Terms	Net 15
P.O. No.	

Phone # 916.997.0798

CA License # 998361

**Job Description**

Rio oso booster pump station

Description	Qty	Rate	Total
<p>rio oso booster pump station replace pump 1 and pump 2 480v 125 hp vfds. Revised 8/25/22 Includes the following: 1) 2@ 480v 3phase 125hp vfd @ \$16367.00 each( 1 in stock now in sothern ca if we act fast, Second one is 20 weeks lead time) These are Special order and will need to be paid up front. There has been 3 price increaces since the last quote raising the costs up around 35%. Also there is a worldwide shortage of this size of vfd. Line total is \$32734.00 2) removal and install of each vfd. 1st fvd will be installed and tested as soon as it is recieved (will be set as primary pump). Then when 2nd pump arives we will do the same thing. We will also need to disconnect the pumps for the plumbing contractor and reconnect, test them. Note that the second pump may need to use the old vfd till the new one arrives. 3) shipping and pick up. 4) Wiring using existing wires wires to main breaker will be replaced. we will reuse the control wires and verify everything works properly.(We suggest that the wires to the motors from the vfd be replaced that way everything on that end is all new and hopefully good for the longest duration). 5) These vfds will not need air conditioning as long as there is enough clean ventelation. These vfds also do not require line reactors. 6) any other incidental parts needed to integrate new vfds to the old control system to the same function. excluding of corse othe primary equipment like breakers etc.(can be quoted if requested) 7) Will use the same wire numbers as on existing equipment so no drawings will be required to be made. If district can forward schematics to us we will notate any place we have to deviate in red. 8) Added time for Removing power wiring from the roof of the building and reinstalling as soon as the pumps are installed. 9) Quote pricing may change at any time per the shortages, inflation, and markets. Shipping times and factory lead times are also subject to change as the current market. Excludes:</p>	1	45,734.00	45,734.00

**Total**



Please Remit To This Address: **Prodigy Electric And Controls, Inc.**  
PO Box 141  
Lincoln, CA 95648

Bill To: Rancho Murieta CSD  
15160 Jackson Road  
Rancho Murieta, CA

Quote #	40548
Date	7/25/2022
Total Due:	\$53,146.00
Terms	Net 15
P.O. No.	

Phone # 916.997.0798

CA License # 998361

**Job Description**

Rio oso booster pump station

Description	Qty	Rate	Total
Permits, Fees, inspections, additional things that are not stated above. Run new Wire to the motors from the vfds including new connections	1	7,412.00	7,412.00

<b>Total</b>	\$53,146.00
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1 JOHN A. GIRARDI, State Bar No. 54917  
2 LAW OFFICE OF JOHN A. GIRARDI  
3 29900 Hawthorne Boulevard  
4 Rolling Hills Estates, CA 90274  
5 (310) 265-5787 Telephone  
6 [john@johngirardilaw.com](mailto:john@johngirardilaw.com)

7 LAWRENCE J. LENNEMANN, State Bar No. 134108  
8 LAW OFFICE OF LAWRENCE J. LENNEMANN  
9 29900 Hawthorne Boulevard  
10 Rolling Hills Estates, CA 90274  
11 (310) 265-5788 Telephone  
12 [lennemannle@gmail.com](mailto:lennemannle@gmail.com)

13 Attorneys for Claimant  
14 RICHARD TOMPKINS

15 **STATE OF CALIFORNIA, COUNTY OF SACRAMENTO**  
16 **GOVERNMENT CLAIM - RANCHO MURIETA COMMUNITY SERVICES DISTRICT**

17 IN THE MATTER OF THE CLAIM OF )  
18 RICHARD TOMPKINS, an Individual )

CASE NO.: Unknown

19 Claimant, )

**CLAIMANT RICHARD TOMPKINS’  
GOVERNMENT CLAIM FOR DAMAGES  
PURSUANT TO CALIFORNIA GOVERNMENT  
CODE §§ 905 AND 910, ET SEQ.**

20 vs. )

21 RANCHO MURIETA COMMUNITY )  
22 SERVICES DISTRICT, an entity of unknown )  
23 origin; and DOES 1 - 50, Inclusive, )

24 Respondents. )  
25 )  
26 )

27 Please be advised that Claimant Richard Tompkins (“Claimant”) hereby submits his Government  
28 Claim pursuant to, *inter alia*, Government Code Sections 905 and 910, *et seq.*, as follows:

1 **GOVERNMENT CLAIM**

2 **1. NAME AND ADDRESS OF CLAIMANT:**

3  
4 Richard Tompkins, c/o (1) Lawrence J. Lennemann, Law Office of Lawrence J. Lennemann, 29900  
5 Hawthorne Boulevard, Rolling Hills Estates, CA 90274 - (310) 265-5788; and (2) John A. Girardi, Law  
6 Offices of John Girardi, 29900 Hawthorne Boulevard, Rolling Hills Estates, CA 90274 - (310) 265-5787.

7 **2. ADDRESS TO SEND ALL CLAIMS AND OTHER NOTICES:**

8  
9 Send to: (1) Lawrence J. Lennemann, Law Office of Lawrence J. Lennemann, 29900 Hawthorne Boulevard,  
10 Rolling Hills Estates, CA 90274; and (2) John A. Girardi, Law Offices of John Girardi, 29900 Hawthorne  
11 Boulevard, Rolling Hills Estates, CA 90274.

12 **3. THE DATE, LOCATION AND CIRCUMSTANCES SURROUNDING CLAIM:**

13  
14 **Date:** Ongoing unlawful conduct, culminating with July 14, 2022 termination confirmation.

15 **Place:** Rancho Murieta Community Services District (“RMCS D”).

16 **Facts:** In sum, Claimant’s unlawful retaliatory termination resulted, not from his job performance but,  
17 rather, from his involvement in reporting/disclosing RMCS D’s violations of - or noncompliance with  
18 - local, state, or federal rules and regulations, from his membership in a protected category (age) and  
19 from RMCS D’s related desire to strip Claimant of his earned lifetime medical, dental and vision  
benefits.

20 By way of brief background, in March of 2008, Claimant was hired by RMCS D as an Officer. For  
21 many years, Claimant’s performance of his job duties resulted in positive evaluations, letters of  
22 accolades and raises.

23 In July of 2018, Claimant was appointed Sergeant of Security. During this decade of service,  
24 Claimant received no write-ups or discipline.

25 On or about May 29, 2020, Claimant was written up and suspended for three days, without pay,  
26 following the improper review and release of a video recording of what was (and what should have  
27 stayed) a closed-door meeting between then-Security Chief Jeff Werblun and Claimant in which they  
discussed personnel matters, including their mutual distrust for the unlawful/improper direction the  
Board of Directors was taking with regard to the Security Department.<sup>1</sup>

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<sup>1</sup> Section 1102.5 of the California *Labor Code* forbids retaliation if an employee disclosed, or the employer believes he disclosed or may disclose, information to certain government agencies (including

1 Indeed, Security Chief Werblun’s Memorandum re: “Disciplinary Action” - memorialized, in  
2 writing, that Claimant had made protected reports/disclosures to him:

3 “I must also make clear for the record, that ***a considerable portion of the videos confirm the***  
4 ***struggles faced by you and me, to properly discipline staff and our attempts to hold***  
5 ***Security staff accountable***, as well as work cooperatively with RMA Compliance. I must  
6 also add that in the months prior to the video recording, there were a number of statements  
7 made publicly at RMCS D Board and Committee meetings by a Director that in my opinion  
8 were unfair to security staff. I acknowledge this could lead to frustration.” [Emphasis added.]

9 At this time, Board member Tim Maybee improperly/unlawfully instructed General Manager Mark  
10 Martin to fire both Security Chief Werblun and Claimant. General Manager Martin refused.

11 The Board then sought to retain a General Manager whom they could control/manipulate and who  
12 would engage in unlawful “daisy chain meetings” and who would follow their improper/unlawful  
13 instructions. This type of “arrangement” clearly violates *The Ralph M. Brown Act*, codified in  
14 *Government Code* §§54950, et seq.

15 In June of 2020, the Board proceeded to place Tom Hennig in the General Manager’s position,  
16 without following either RMCS D’s hiring process or State requirements. General Manager Hennig  
17 quickly earned a reputation for being highly unprofessional, for yelling and screaming, for using  
18 racial slurs and sexist language and for smelling of alcohol while at work. General Manager Hennig  
19 also became known as a tyrant and a bully who misused public funds, who unlawfully/improperly  
20 accessed and reviewed personnel/personal documentation/records and who unlawfully/improperly  
21 manipulated “investigations.” Many RMCS D employees complained, including Claimant. However,  
22 these complaints fell on deaf ears because the Board had achieved its desired (unlawful) level of  
23 control. Not surprisingly, numerous employees resigned and it became difficult to hire and retain  
24 competent staff.

25 Also in or about May/June of 2020, Claimant complained to Security Chief Werblun that General  
26 Manager Hennig had vandalized a golf cart at the Country Club by ripping the divider between  
27 passengers from the roof of the golf cart. While Claimant was in the process of investigating the  
28 incident, Claimant was ordered to terminate his investigation, without any reasonable justification.

On July 4, 2020, General Manager Hennig retaliated against both Claimant and Security Chief  
Werblun by forcing them to work on July 4<sup>th</sup> (their regular day off) even though, as a result of the  
COVID-19 Pandemic, all events and public gatherings were shut down by the State. General  
Manager Hennig was aware that this caused both men to not only miss their vacations but lose  
money from, *inter alia*, prepaid hotel deposits. Not surprisingly, this date ended up being slower than  
a regular Sunday.

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government employees who report illegal activity directly to their own employer), to those with authority  
over the employee or authority to investigate, discover, or correct the employer’s violation or  
noncompliance. This was the first (of various) such complaint/disclosures made by Claimant regarding  
RMCS D’s unlawful/improper behavior.

1 On July 13, 2020, Rancho Murieta Association Board President Alex Bauer yelled at Claimant for  
2 not wearing a mask when Claimant was speaking with another officer (Antonio Hernandez) in an  
3 otherwise empty parking lot. At the time, not only did the Center for Disease Control only require  
4 masking indoors, when less than six feet apart, but nothing was said to the other officer. Claimant  
5 was specifically target and reprimanded, causing Claimant concern that the warnings he had begun  
6 to receive from members of the community (i.e., that “there is a target on your back”) were true.

7 On July 21, 2020, Claimant received the following email from Chief Werblun shortly before he  
8 “retired” (i.e., was improperly forced out by the Board):

9 “Keep for your private records. Tom is forcing me to put something in your file about this.  
10 I have not written it yet, but by doing so he is forcing me to cross the line. In good conscious  
11 [sic], I don’t know what I am writing up that you did wrong. He told me Friday he is under  
12 political pressure and has his marching orders and has to do something about this incident.  
13 Political pressure from a Board member of the CSD is not appropriate. Board member is  
14 involved in a personnel matter. One could connect the dots of retaliation behavior for the  
15 video. Bauer did not approach Hernandez. He singled you out. If I stand my ground on this  
16 issue, it could cost me and you dearly. There will be more to come over the Cable Davis call  
17 on July 4<sup>th</sup> for all Officers that were there. Tom pulled me into his office yesterday morning.  
18 I came real close to handing him my badge and walking out.”

19 Apparently, on July 30, 2021, a Memo had been sent to General Manager Hennig regarding a  
20 complaint from Valor Security. At the time, Claimant was never advised of the Memo - but only  
21 questioned verbally - at which time Claimant provided Interim Chief Tina Talamantes with proof  
22 that the allegations were not about Claimant but were, in fact, about another officer. However,  
23 Claimant was provided for the first time with this Memo only minutes before his disciplinary hearing  
24 - in a “binder” of documents from RMCS D purportedly relating to his termination - but the binder  
25 failed to include the proof Claimant had previously provided to evidence that this complaint was not  
26 relevant to him.

27 In August of 2020, Officer Bill McCarver released a letter, signed by most of the security “crew”  
28 including some of the best gate officers, detailing the crew’s concern for the horrible way General  
29 Manager Hennig and the Board were running the Department and containing positive comments  
30 about Claimant. General Manager Hennig responded, not with accolades for Claimant, but, rather,  
31 by falsely accusing Claimant of being somehow responsible for this letter. In fact, General Manager  
32 Hennig stated: “I will find out and deal with it properly.” Claimant complained to both Interim Chief  
33 Talamantes and to Human Resources.

34 On September 4, 2020, Claimant emailed General Manager Hennig, with a copy to Security Chief  
35 Werblun:

36 “I am submitting this email regarding the Interim Chief position. I believe that I have the best  
37 experience to fulfill that position until Chief Werblun returns. I have thirteen years in this  
38 department and with that I have more knowledge of the department, security and of the  
39 community than most anyone employed here today. For someone who comes in without  
40 current knowledge or no knowledge at all would be far behind me and what I have to offer.



1 I, like you, would love to move up in this department and fulfill my career here with C.S.D.  
2 and the community. I have been Interim Chief on several occasions and although I may not  
3 have had hands on experience with everything the Chief has to do, I have performed most  
4 every aspect of the operation of ths department including surveillance systems, gate  
5 mechanics as well as day to day patrol and gate operations. I have a good strong connection  
6 with Security, Admin staff, Water Department as well as the residents and the local business.  
7 I feel I would have their best interests and concerns at heart. For all these reasons, it makes  
8 sense to leave me to continue to serve as I have been as Interim Chief. Thank you for the  
9 consideration.”

7 Within an hour, Security Chief Werblun replied to Claimant, with a copy to General Manager  
8 Hennig:

9 “I support this idea. Besides making sense with Rick continuing as Acting Chief, their [sic]  
10 is the expense against a tight budget of hiring an Interium [sic]”

11 However, General Manager Hennig failed to respond as, on that same day, he was otherwise engaged  
12 with the retaliatory constructive termination of Officer McCarver following a BB gun incident at  
13 Stonehouse Park. In apparent retaliation for the all-staff letter, General Manager Hennig instructed  
14 Officer McCarver to either issue a fraudulent citation or lay his badge on the table. Officer  
15 McCarver’s high ethics and standards resulted in him handing in his badge and walking out. Shortly  
16 afterwards, General Manager Hennig ordered Claimant to file the fraudulent citation, which  
17 Claimant eventually did after much protest and under duress. It appears clear that General Manager  
18 Hennig was also attempting to force Claimant to quit.

19 On April 4, 2021, Interim Security Chief Talamantes performed Claimant’s annual evaluation which  
20 resulted in Claimant receiving 29 points on the “pay for performance” scale, entitling Claimant to  
21 a 3% raise. At the time, Interim Chief Talamantes also realized that Claimant had not received his  
22 2020 evaluation and that his raise had been incorrectly calculated in 2019. However, Claimant only  
23 received a 1.8 % raise when it should have been 3% as he scored 29 points as he did in 2021. Both  
24 General Manager Martin and Security Chief Werblun stated that they felt it was wrong, however,  
25 they both left prior to being able to correct the error. The missing evaluation in 2020 was General  
26 Manager Hennig’s responsibility. Claimant initiated a complaint requesting that these issues be  
27 rectified and that he receive his retroactive pay. Interim Security Chief Talamantes forwarded this  
28 complaint to General Manager Hennig for his correction. However, to date, General Manager Hennig  
has failed to take the requisite action.

24 On June 1, 2021, Retired Annuitant/Acting Security Chief Angie Avila wrote:

26 “This letter is to speak to the character of Sergeant Rick Tompkins Rancho Murieta  
27 Community Services District (RMCS D). I have had the opportunity to work with Sergeant  
28 Tompkins [and] can attest to his strong character and work performance. He is diligent in his  
work performance of his duties and has been an asset to RMCS D. He is always on time and  
prepared for any assignment.

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1 I have often encouraged him to apply for a variety of county positions because of his abilities.  
2 I truly believe that should he chose to move forward in any position he would be a very  
3 competitive candidate and could perform any function he chose to.

4 In closing I would recommend Sgt. Tompkins for any position that he is applying for. I have  
5 no doubt that he will make a strong addition to any team. I am very confident in his ability.  
6 If you have any questions in regards to Sgt. Tompkins feel free to contact me at [phone  
7 number.]”

8 As of August of 2021, Claimant had still not received any response with regard to his pay  
9 correction. Interim Security Chief Talamantes suggested that Claimant file a harassment complaint  
10 against General Manager Hennig. Claimant proceeded to file the complaint. Claimant is now  
11 informed and believes that the “investigator” hired was a hand-picked biased “investigator” chosen  
12 by General Manager Hennig - the one against whom the complaint had been made. Not surprisingly,  
13 the hand-picked biased “investigator” failed to interview relevant persons and simply told Claimant  
14 that Claimant was not harassed because “Tom is just an ass and treats everyone that way.” Shortly  
15 thereafter, Interim Security Chief Talamantes left RMCS D and, after she left, Claimant asked former  
16 Interim Chief Talamantes - in a conversation witnessed by two others - if the “investigator” had been  
17 “cherry picked” and former Interim Chief Talamantes replied: “Yep.” Claimant is also now informed  
18 and believes that General Manager Hennig utilizes his discretionary \$25,000 public-entity-spending-  
19 limits to pay for such persons/events that personally benefit him.

20 On Sept 30, 2021, Claimant was written up for transporting two 11-year-old young men and their  
21 electric motorcycles in the bed of his patrol truck, two blocks from their home at a speed of less than  
22 5 miles an hour. In order to assure their safety, Claimant had another officer riding with him who  
23 watched them to make sure they stayed seated. (Every parade in the Community has numerous kids  
24 of all ages standing in/hanging over the edge of the pickup beds of moving trucks, traveling a much  
25 greater distance.) General Manager Hennig was upset that Claimant did not write a citation.  
26 However, citations are *discretionary* for officers and these young men truly did not know that they  
27 could not ride their electric motorcycles within the Community. Claimant made an appropriate  
28 discretionary decision to cut them a break by not pursuing the issue. Claimant filed a rebuttal within  
the time frame allowed, which RMCS D ignored.

29 In February of 2022, the newly-hired Security Chief Kelly Benitez filed a formal investigation  
30 against Claimant for “not replying to a resident’s email.” However, not only was the email’s question  
31 directed to Security Chief Benitez (and not Claimant) but when, sometime later, the email was given  
32 to Claimant to provide a reply, Claimant did, in fact, reply. Indeed, in follow-up communications,  
33 the resident apologized for RMCS D “throw[ing]” Claimant “under the bus.”

34 On March 7, 2022, Claimant was told that he was being investigated for purported misconduct  
35 following RMCS D’s improper review of another video recording of what was (and what should have  
36 stayed) a private discussion between Claimant and two Rancho Murieta compliance officers (Matt  
37 Mattice and Chris Smith.) However, not only was this video recording improperly reviewed but the  
38 portions for which Claimant was eventually disciplined were *entirely related* to his above-referenced  
legally-protected disclosures/reports.

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1 On March 15, 2022, Claimant, having still received no response from RMCS D regarding his  
2 improper pay and realizing RMCS D was further retaliating against him, filed a complaint with the  
3 State.

4 On March 31, 2022, Claimant was advised of RMCS D's Notice of Intent to Terminate him, effective  
5 April 14, 2022. In other words, RMCS D informed Claimant that it intended to terminate him for  
6 discussing the subject matter of his *legally-protected* complaints/disclosures.

7 On April 14, 2022, Claimant was advised - via mail - of his release and the date of his *Skelly* hearing.  
8 Claimant was told RMCS D had told employees at the Rancho Murieta Association that Claimant  
9 had been suspended and that it was their intent to terminate him. Former Interim Security Chief  
10 Talamantes - who now works at RMA - sent a text: "WTF they suspended Rick for ten days and  
11 want to fire him?" Claimant emailed and requested that Board President Maybee not officiate his  
12 hearing and that, in light of Board President Maybee's bias, Claimant be provided with an  
13 independent hearing officer. Security Chief Benitez assured Claimant that Board President Maybee  
14 was not going to officiate the *Skelly* hearing.

15 At or about this time, Claimant was informed by someone in RMCS D's accounting department that  
16 RMCS D had been improperly paying CalPERs contributions. Claimant has since spoken with  
17 CalPERs and the State Controller's office and has provided spread sheets evidencing showing  
18 RMCS D's under-contributions resulting in these large discrepancies.

19 On April 19, 2022, Claimant's *Skelly* hearing took place with hearing officer Board President  
20 Maybee and Director of Administration Paula O'Keefe. Although the notice provided to Claimant  
21 stated "(t)he meeting with Mr. Maybee will be tape recorded. You will have the right to a copy of  
22 the tape. In lieu of obtaining a copy of the tape, you may bring your own tape recorder", Board  
23 President Maybee was not prepared to record the hearing and seemed shocked when Claimant pulled  
24 out his recorder.

25 On April 21, 2022, Claimant received a response from the Labor Board stating that Claimant should  
26 file both a harassment claim and a wage claim with them as he had "a good case on both accounts."

27 On May 7, 2022, Claimant filed an appeal to his *Skelly* hearing results of termination.

28 On June 1, 2022, despite Claimant again requesting a outside impartial uninvolved hearing officer  
several times, RMCS D Board Member John Merchant acted as the hearing officer.

On June 3, 2022, Claimant forwarded an email to RMCS D's attorney and to Director of  
Administration O'Keefe, detailing the improprieties of the *Skelly* and, again, requesting an outside  
impartial uninvolved hearing officer.

Later on June 3, 2022, Claimant was advised that General Manager Hennig (who was supposed to  
have *no* involvement in the *Skelly* hearing) and Board Member/Hearing Officer Merchant were  
witnessed having what appeared to be a heavy discussion during an almost two hour lunch. Those  
witnesses were informed and believe that the two men were improperly discussing Claimant's  
*Skelly* hearing.

1 On July 14, 2022, the *Skelly* appeal took place with an entirely different format than that which  
2 Claimant had been advised, leaving Claimant unable to prepare a proper defense. Not only did  
3 RMCS D have two outside attorneys present for the hearing but, as Claimant was handed an evidence  
4 binder mere minutes before the “trial like” hearing, Claimant was unable to review a single  
5 document prior to the biased, improper hearing.

6 **4. GENERAL DESCRIPTION OF INJURY:**

7 As a result of RMCS D’s improper actions, Claimant has been damaged. RMCS D’s acts and  
8 omissions set forth above have resulted in and/or will result in Complainant suffering general damages,  
9 special damages and, should Claimant prevail at trial, a mandatory award of attorneys’ fees and costs. See,  
10 also, Section 7 below re “Amount Claimed.” Per rough preliminary valuations (subject to future expert  
11 witness valuation), Claimant has been damaged as follows:

- 12 • ***Special Damages:*** Had Claimant chosen to and/or been allowed to retire/resign prior to his  
13 wrongful termination, he would have been entitled to lifetime medical, dental and vision  
14 benefits, conservatively valued as approximately \$1,300.00 per month. Based on Claimant’s  
15 current life expectancy of approximately 22.5 years, these damages would total  
16 approximately \$351,000.00 (i.e., \$15,600.00 per year x 22.5 years), subject to present value  
17 reduction.

18 Additionally, per the Transparent California website, Claimant was earning approximately  
19 \$85,000.00 at the time of his termination, in addition to receiving approximately \$16,000.00  
20 per year in benefits, for an annual total of approximately \$100,000.00. Although the 59-year-  
21 old Claimant reasonably planned to work for an additional ten years, it will be difficult - if  
22 not impossible - for him to secure comparable employment in law enforcement. Relatedly,  
23 RMCS D’s actions have negatively affected Sergeant Tompkins’ relationships with both the  
24 community he successfully served (and with the Sheriff’s department that he worked along  
25 side) for the past 14 years.

26 Further, during Claimant’s future employment, he would have most likely received both  
27 salary raises and cost of living increases (RMCS D recently failed to include Claimant in a  
28 department-wide cost-of-living increase for all administration personnel, at which time  
everyone except him received a raise. as well as a possible promotion. More specifically,  
prior to RMCS D’s hiring of General Manager Hennig, Claimant was told on several  
occasions that he was being (and/or would be in the future) considered for the Security  
Supervisor position. This advancement would have resulted in a salary raise to approximately  
\$105,000.00, plus benefits.

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1 Not only did Claimant lose the ability to earn this salary/benefit amount [conservatively  
2 valued at \$1,000,000.00 (i.e., 10 years x \$100,000.00)] but he also lost the ability to earn  
3 what would have been a substantially-increased CalPERS retirement (i.e., at/after age 70) for  
4 the 12-year-remainder of his life expectancy (conservatively valued - based on past expert  
witness valuations - at \$500,000.00).

- 5 • **General Damages:** RMCS D’s actions - which not only terminated Claimant’s employment  
6 with RMCS D but which effectively terminated his entire law enforcement career - have  
7 obviously caused Claimant to suffer emotional distress. While this amount will be subject  
8 to valuation by the trier of fact, such amount is typically a multiplier of approximately three-  
9 to-five times the amount of special damages set forth above. (However, in one case tried by  
10 Claimant’s attorneys in a conservative venue, plaintiff was awarded a \$5 Million in general  
11 damages verdict with a \$200,000.00 special-damage verdict.) Clearly, these damages could  
12 obviously be quite substantial.
- 13 • **Attorneys’ Fees:** Should this matter proceed to Trial and should Claimant prevail, he would  
14 be entitled to a mandatory reimbursement for his reasonable attorneys’ fees and costs  
15 pursuant to both the *Government Code* and the *Labor Code*. Over the past years, Claimant’s  
16 attorneys have prevailed in similar matters, and, based thereon, would anticipate awarded  
17 fees and costs in this matter to range from approximately \$750,000.00 to \$1,000,000.00.

18 **5. NAME AND ADDRESS OF EMPLOYEE CAUSING INJURY, IF KNOWN.**

19 Tom Hennig (General Manager), members of the Board of Directors.

20 **6. KNOWN WITNESSES:**

21 Claimant is informed and believes that the following persons may be witnesses: (1) Angie Avila; (2)  
22 Alex Bauer; (3) Kelly Benitez; (4) Linda Butler; (5) Vetto Cerrato; (6) Shelby Gonzalez; (7) Antonio  
23 Hernandez; (8) Tom Hennig; (9) Randy Jenco; (10) Mark Martin; (11) Matt Mattice; (12) Tim Maybee; (13)  
24 Bill McCarver; (14) John Merchant; (15) Paula O’Keefe; (16) Martin Pohll; (17) Chris Smith; (18) Tina  
25 Talamantes; (19) Jeff Werblun; (20) Claimant; and (21) multiple additional witnesses from/related to  
26 RMCS D.

27 ///  
28 ///  
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 ) ss  
4 COUNTY OF LOS ANGELES )

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within  
6 action; my business address is 29900 Hawthorne Boulevard, Rolling Hills Estates, CA 90274.

7 On September 15, 2021, I served the foregoing document described as **CLAIMANT RICHARD TOMPKINS’**  
8 **GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO CALIFORNIA GOVERNMENT**  
9 **CODE §§ 905 AND 910, ET SEQ.** on the interested parties in this action as follows:

- 10 Tom Hennig, General Manager [thennig@rmcsd.com](mailto:thennig@rmcsd.com)
  - 11 Paula O’Keefe, Director of Administration [pokeefe@rmcsd.com](mailto:pokeefe@rmcsd.com)
  - 12 Tim Maybee, President, Board of Directors [tmaybee@rmcsd.com](mailto:tmaybee@rmcsd.com)
  - 13 Linda Butler, Member, Board of Directors [lbutler@rmcsd.com](mailto:lbutler@rmcsd.com)
  - 14 Randy Jenco, Member, Board of Directors [rjenco@rmcsd.com](mailto:rjenco@rmcsd.com)
  - 15 Martin Pohll, Member, Board of Directors [mpohll@rmcsd.com](mailto:mpohll@rmcsd.com)
  - 16 John Merchant, Member, Board of Directors [jmerchant@rmcsd.com](mailto:jmerchant@rmcsd.com)
- 17 RANCHO MURIETA COMMUNITY SERVICES DISTRICT  
18 15160 Jackson Road,  
19 Rancho Murieta, CA 95683

20        (BYMAIL) As follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for  
21 mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully  
22 prepaid at Rolling Hills Estates, California in the ordinary course of business. I am aware that on motion of the party  
23 served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of  
24 deposit for mailing in affidavit.

25   X   (BY EMAIL) Pursuant to Rule 12(b) of the California Rules of Court, Appendix I, Emergency Rules  
26 Related to COVID-19, a true and correct copy of the above-listed document was transmitted via  
27 electronic mail to each email address listed above and, thereby, the above-listed document was  
28 served from my electronic service address, which is [lennemannle@gmail.com](mailto:lennemannle@gmail.com). The transmission was  
reported as sent (completed) and without error.

  X   (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 15, 2022, at Rolling Hills Estates, California.

Lawrence J. Lennemann  
LAWRENCE J. LENNEMANN

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF LOS ANGELES )

I reside in the county of \_\_\_\_\_, State of California. I am over the age of 18 and not a party to the within action; my address is \_\_\_\_\_

On September \_\_, 2022, I served the foregoing document described as **CLAIMANT RICHARD TOMPKINS' GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 905 AND 910, ET SEQ.** on the interested parties in this action as follows:

Tom Hennig, General Manager  
RANCHO MURIETA COMMUNITY SERVICES DISTRICT  
15160 Jackson Road,  
Rancho Murieta, CA 95683

(BYMAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Rolling Hills Estates, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE) I delivered such document by hand to the above addressee.

(BY EMAIL) By transmitting a true copy thereof via email to the email address listed above. The transmission was reported as sent (completed) and without error.

(BY FEDEX OVERNIGHT DELIVERY) By delivering to a FEDEX Agent to deliver to the counsel of record the next business day.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September \_\_, 2022, at \_\_\_\_\_, California.

\_\_\_\_\_  
s/



## MEMORANDUM

Date: October 19, 2022  
To: Board of Directors  
From: Tom Hennig, General Manager  
Subject: Option For Purchasing Treasury Bond(s) with \$540,000 plus Interest, to fund future Water Treatment Plant Phase II Construction

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### RECOMMENDED ACTION.

Recommend 1) to transfer funds from the Rancho Murieta Community Services District ("RMCS D") El Dorado Saving Account to the Bank of America Account in amount to bring the balance of the Bank of America account to \$540,000, 2) to authorize the General Manager to instruct Bank of America to invest the funds in one or more U.S. Treasury Bonds in the amount of \$540,000, with a two-year maturity at a current market rate of interest.

### BACKGROUND

The Board of Directors of the Rancho Murieta Community Services District ("RMCS D") previously received on June 16, 2017 a final analysis of the Water Treatment Plant ("WTP") Expansion Project Cost Overrun and Reimbursement from the General Manager, Darlene Thiel (Attachment 1).

According to the staff report and analysis (links 1 and 2), the Financing and Services Agreement (FSA) dated May 27, 2014, as amended December 2017 [[CRL+FSA+final+signed+05-27-2014.pdf \(ranchomurieta.com\)](#)] between the District and Rancho North entities provides that any cost overrun above and beyond the initial Water Treatment Plant #1 expansion (the Project) estimated cost of \$12.3 million is to be paid by the District with 50% of the cost overrun to be reimbursed from the Rancho North entities (Owners) share of reimbursement due from any non-participating landowner (See § 1.3 E of the FSA).

The FSA also provides:

- §C (2)(a) *Financial Obligations for WTP Improvements* that "Owners will pay \$4,358,245 toward the costs of Phase 1 and 2 WTP Improvements against which amount the Initial Payment shall be applied as a credit, and from which amount the sum of \$540,000 shall be reserved to be used as Owners' share of the incremental costs for the balance of its Purchased Capacity comprising Phase 2 of the WTP Improvements."
- §E *Cost Overruns* "If the final Total Project Costs of the Phase 1 WTP Improvements or Phase 2 WTP Improvements exceed the portion of the Final Cost Estimate applicable thereto (e.g. due to change orders, claims, unexpected or unforeseen conditions or changed circumstances), then the District [RMCS D] shall pay the cost overrun and be reimbursed for fifty percent (50%) thereof from the Owners' share of reimbursement due from any non-

participating landowner as defined in the 670FSA until fully repaid. An example of how such reimbursement would be calculated is described in Exhibit G”.

The non-participating landowners have a separate Financing and Services Agreement (670 FSA) dated March 28, 2014 [[Microsoft Word - FSA final 01-07-2014.docx \(ranchomurieta.com\)](#)] that requires Reimbursing Landowners to pay to the District and/or Participating Landowners their proportionate share of the Project costs prior to recordation of final subdivision map for the Reimbursing Landowner’s property (§ 1.3 (L) of the 670 FSA). This reimbursement is subject to an Engineering News Record (ENR) escalation per the 670 FSA.

**A) Analysis of the Phase 1 WTP Improvements and Cost Overrun**

The project cost for 4.0 mgd of treated water capacity totaled \$13,244,310. Of that amount, \$12,312,344 was funded by the District’s share of \$4,358,000, the R & B Letters of Credit (R&B LOC) share of \$4,136,099, and the CFD 2014-1 share of \$3,818,245; resulting in a Project cost overrun of \$931,966 as follows:

**WTP #1 UPGRADE AND EXPANSION COST OVER-RUN ANALYSIS**

Total Project Cost	<u>CSD Funded</u>	<u>R&amp;B LOC Funded</u>	<u>CFD 2014-1 Funded</u>
\$ 13,244,310.00	\$ 5,289,966.00	\$ 4,136,099.00	\$ 3,818,245.00
	<u>\$ (4,358,000.00)</u>	<u>\$ (4,136,099.00)</u>	<u>\$ (3,818,245.00)</u>
Project Overrun	\$ 931,966.00	\$ -	\$ -
CSD Only Work	\$ (229,232.00)		
CSD Labor/Admin/Legal (over \$50k cap)	\$ (68,008.00)		
Overrun Cost Share	<u>\$ 634,726.00</u>		
50% Overrun Reimb	<u>\$ (317,363.00)</u>		

Of that amount, the District commissioned work of \$229,232 that was strictly related to existing plant and customer needs and therefore are not part of the WTP Phase 1. The FSA also agreed to cap the amount of CSD labor, Administration, and legal fees related to the Project at \$50,000 for the Rancho North Owners, which resulted in a CSD only cost of \$68,008, which is the amount above \$50,000, for these charges. After these adjustments are made to the Project over-run, the amount that is subject to cost sharing is \$634,726. Rancho North’s share is 50% of that amount or \$317,363. The overruns of \$317,363 have not yet been reimbursed to RMCS under §E *Cost Overruns*.

As of the date of this report, all bond proceeds under the Community Facilities District 2014-01 were exhausted on the project and included amounts spent for the cost overruns in the amount of \$931,966. This is important because the Internal Revenue Service can consider the CFD 2014-01 bonds a hedge bond under IRC Section 149(g) and the bonds may no longer be considered tax exempt to investors if not expended within the following timeline:

*“The issuer must reasonably expect that 85% of the spendable proceeds of the issue will be used to carry out the qualified purpose within the three-year period beginning on the date the bonds are issued”*

Setting aside the \$540,000 from bond reserves would not be appropriate and could be questioned by the IRS since the bonds were issued eight years ago.

**Conclusion:**

RMCS D in consideration of the FSA with the Owners’ will deposit from its operating account to its Bank of America account an amount sufficient to bring the Bank of America account balance to \$540,000. Bank of America will be used to purchase U.S. Treasury Securities, with a maturity of two years.

RMCS D in consideration of the cost overrun reimbursement provisions and Notice provisions of the FSA and the 670 FSA should also prepare a written notice to the owners of the land in the District – Consumnes River Land, LLC, Murieta Industrial Park, LLC, Murieta Lakeside Properties, LLC and Murieta Highlands, LLC, (collectively the Owners and individually an Owner) under the Rancho North Properties and Murieta Gardens Financing and Services Agreement for reimbursement of cost overruns in the amount of \$317,363 related to the construction of Phase I of the Water Treatment Plant.

# Attachment 1

## MEMORANDUM

Date: June 16, 2017  
To: Board of Directors  
From: Darlene J. Thiel, General Manager  
Subject: Water Treatment Plant Expansion Project Cost Over-run and Reimbursement Analysis

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### RECOMMENDED ACTION

No action.

### BACKGROUND

The Financing and Services Agreement (FSA), dated May 27, 2014, between the District and Rancho North entities provides that any cost over-run above and beyond the initial Water Treatment Plant #1 Expansion Project (the Project) estimated cost of \$12.3 million is to be paid by the District with 50% of the cost over-run to be reimbursed from the Rancho North entities (Owners) share of reimbursement due from any non-participating landowner (section 1.3 E of the FSA).

The non-participating landowners have a separate Financing and Services Agreement (670 FSA), dated March 28, 2014, that requires Reimbursing Landowners to pay to the District their proportionate share of the Project costs prior to recordation of final subdivision map for the Reimbursing Landowner's property (section 1.3 (L) of the 670 FSA). This reimbursement is subject to an ENR escalation per the 670 FSA.

Refer to the attached sheet for a summary of the analysis described below:

The total project cost for 4.0 mgd of treated water capacity came in at \$13,244, 310. Of that amount, \$12,312,344 was funded by the District's share of \$4,358,000, the R & B Letters of Credit (R&B LOC) share of \$4,136,099, and the CFD 2014-1 share of \$3,818,245; resulting in a Project over-run of \$931,966. Of that amount, the District commissioned work of \$229,232 that was strictly related to existing plant and customer needs and therefore not chargeable to the CFD 2014-1 or R&B LOC. The FSA also agreed to cap the amount of District labor, Administration, and legal fees related to the Project at \$50,000 for the Rancho North Owners, which resulted in a District only cost of \$68,008, which is the amount above \$50,000, for these charges. After these adjustments are made to the Project over-run, the amount that is subject to cost sharing is \$634,726. Rancho North's share is 50% of that amount or \$317,363.

The attached sheet also provides an example of how the reimbursement and cost sharing would be applied to a Reimbursing Landowner, The Residences, upon final subdivision recordation.

6/16/2017

**WTP #1 UPGRADE AND EXPANSION COST OVER-RUN ANALYSIS**

Total Project Cost		CSD Funded	R&B LOC Funded	CFD 2014-1 Funded
\$ 13,244,310.00	\$	5,289,966.00	\$ 4,136,099.00	\$ 3,818,245.00
		<u>\$ (4,358,000.00)</u>	<u>\$ (4,136,099.00)</u>	<u>\$ (3,818,245.00)</u>
Project Overrun	\$	931,966.00	\$ -	\$ -
CSD Only Work	\$	(229,232.00)		
CSD Labor/Admin/Legal (over \$50k cap)	\$	(68,008.00)		
Overrun Cost Share	<u>\$</u>	<u>634,726.00</u>		
50% Overrun Reimb	\$	(317,363.00)		

1/2 of overrun, \$317,363, to be collected from Rancho North's share of water capacity charges to be paid by developments that did not participate in the WTP #1 expansion project

- '\* Residences - East
- Residences - West
- Apartment Site
- Misc undeveloped areas

Reimbursement Rate per Gallon = \$13,244,310 / 4,000,000 = \$3.31

**AS AN EXMPLE ONLY (actual numbers will vary):**

Peak gpd estimated at 750 gpd x 2.2 = 1,666 gpd  
 Residences is 198 lots x .95 EDU x 1,666 gpd = 313,000 gpd

For Example:

	Estimated Peak Gallons/day	Reimbursement Rate	Amount Reimbursed
Residence East & West	313,000	\$ 3.31	\$ 1,036,030.00
CSD Share (50% of \$1,036,030)			\$ 518,015.00
Rancho North Share			\$ 518,015.00
due CSD for cost overrun			\$ (317,363.00)
Reimbursement due Rancho North			<u>\$ 200,652.00</u>

CSD retains \$317,363 of Rancho North share for reimbursement of 50% of the WTP#1 Project cost overrun

## MEMORANDUM

Date: October 13, 2022  
To: Board of Directors  
From: Michael Fritschi, P.E. - Director of Operations  
Subject: Lake 11 Emergency Storm Drain Re-Alignment Project Update

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1. On September 23<sup>rd</sup>, 2022 Lund Construction was issued a notice to proceed with substantial completion due by October 21, 2022 and date of final completion due by November 4<sup>th</sup>, 2022.
2. On September 26<sup>th</sup>, a pre-construction meeting was held at the District Office and at the project site. CSD staff were joined by Lund Construction, the District Engineering staff, and the Country Club staff.
  - a. The District Engineer proposed a modification to the discharge manhole design. Lund will review the proposed modification and respond.
  - b. The discussion of necessary golf hole closure was had and that the Country Club would need to close access to the golf holes for 1-week at the best-case scenario, possibly up to 3 weeks depending on what is difficulties are experienced in the excavation.
  - c. Lund was presented with the updated construction contract.
  - d. The Submittal Review process has begun.
3. On October 10, 2022 the project is well underway with the 48-inch manhole and base installed and approximately 220 feet of 36-inch storm drain installed.
  - a. Upstream existing storm manhole has been cored and connected to the new 36-inch storm drain.
  - b. Existing overflow structure and 55-inch steel corrugated pipe being prepared to be slurry filled for abandonment on the 11<sup>th</sup> of October.
  - c. Site supervisor believes that the golf cart path may be able to be restored for use by the 14<sup>th</sup> of October.
4. As of October 13, the project has reached substantial completion, however the project will likely not be completed until the first week of November. There are minor items that still need to be finished/installed and restoration that needs to occur. In addition, testing and

acceptance will need to occur prior to paying the final contractor pay request, therefore, staff request that the Board extend the emergency declaration for this project.

**From:** [Travis Bohannon](#)  
**To:** [Michael Fritschi](#)  
**Subject:** FW: Rio Oso quote  
**Date:** Wednesday, September 28, 2022 3:23:07 PM

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Below is the quote from Jay for rio oso pump replacement.

Travis Bohannon  
Chief Plant Operator  
Rancho Murieta Community Services District  
P.O. Box 1050  
Rancho Murieta, CA 95683  
Schedule: M-F 7-4 PST  
916-870-5368(work)  
916-354-3736 (fax)  
Visit us at [www.RMCSD.com](http://www.RMCSD.com)

Before printing, please think Green  
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-----Original Message-----

From: J Hannum <[jpaulhannum@yahoo.com](mailto:jpaulhannum@yahoo.com)>  
Sent: Wednesday, September 28, 2022 11:32 AM  
To: Travis Bohannon <[tbohannon@rmcsd.com](mailto:tbohannon@rmcsd.com)>  
Subject: Rio Oso quote

Good morning sir.

I am glad to hear you finally have all the parts for this installation to proceed. As I stated before I would have to be completely done with this job by the beginning of December.

The quote is to install the pumps and connection rubbers furnished by the district. One pump at a time with appropriate testing time in between each pump install to confirm proper operation of the pump that was just replaced before the next pump is taken off line. Remove and reinstall same roof panels, pour cement extensions for the pump bases and grout the pump frames. Dial indicator alignment of motors to pumps. Frame in building modification to allow for longer pump base install.

Total for job \$37,800 time frame to complete 6.5-8 days. Excluding testing time between pumps.

Examples of exclusion items from this job. Electrical, disinfection flushing and bacterial testing, curve testing and painting, building modifications for venting or noise or moving fan any extra equipment replaced during job.

J Hannum  
Kirby's Pump & Mechanical inc.  
916-812-7123



Please Remit To This Address: **Prodigy Electric And Controls, Inc.**  
PO Box 141  
Lincoln, CA 95648

Bill To: Rancho Murieta CSD  
15160 Jackson Road  
Rancho Murieta, CA

Quote #	40548
Date	7/25/2022
Total Due:	
Terms	Net 15
P.O. No.	

Phone # 916.997.0798

CA License # 998361

**Job Description**

Rio oso booster pump station

Description	Qty	Rate	Total
<p>rio oso booster pump station replace pump 1 and pump 2 480v 125 hp vfds. Revised 8/25/22 Includes the following: 1) 2@ 480v 3phase 125hp vfd @ \$16367.00 each( 1 in stock now in sothern ca if we act fast, Second one is 20 weeks lead time) These are Special order and will need to be paid up front. There has been 3 price increaces since the last quote raising the costs up around 35%. Also there is a worldwide shortage of this size of vfd. Line total is \$32734.00 2) removal and install of each vfd. 1st fvd will be installed and tested as soon as it is recieved (will be set as primary pump). Then when 2nd pump arives we will do the same thing. We will also need to disconnect the pumps for the plumbing contractor and reconnect, test them. Note that the second pump may need to use the old vfd till the new one arrives. 3) shipping and pick up. 4) Wiring using existing wires wires to main breaker will be replaced. we will reuse the control wires and verify everything works properly.(We suggest that the wires to the motors from the vfd be replaced that way everything on that end is all new and hopefully good for the longest duration). 5) These vfds will not need air conditioning as long as there is enough clean ventelation. These vfds also do not require line reactors. 6) any other incidental parts needed to integrate new vfds to the old control system to the same function. excluding of corse othe primary equipment like breakers etc.(can be quoted if requested) 7) Will use the same wire numbers as on existing equipment so no drawings will be required to be made. If district can forward schematics to us we will notate any place we have to deviate in red. 8) Added time for Removing power wiring from the roof of the building and reinstalling as soon as the pumps are installed. 9) Quote pricing may change at any time per the shortages, inflation, and markets. Shipping times and factory lead times are also subject to change as the current market. Excludes:</p>	1	45,734.00	45,734.00

**Total**



Please Remit To This Address: **Prodigy Electric And Controls, Inc.**  
PO Box 141  
Lincoln, CA 95648

Bill To: Rancho Murieta CSD  
15160 Jackson Road  
Rancho Murieta, CA

Quote #	40548
Date	7/25/2022
Total Due:	\$53,146.00
Terms	Net 15
P.O. No.	

Phone # 916.997.0798

CA License # 998361

**Job Description**

Rio oso booster pump station

Description	Qty	Rate	Total
Permits, Fees, inspections, additional things that are not stated above. Run new Wire to the motors from the vfds including new connections	1	7,412.00	7,412.00

<b>Total</b>	\$53,146.00
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