



City of Tulare

Board of Public Utilities Commissioners

President
Howard Stroman

Vice President
Ray Fonseca

Commissioners
Thomas Griesbach
Renee Soto
Tony Sozinho

Agri-Center of the World

Agenda

Tulare Public Library & Council Chamber
491 North M Street, Tulare
www.tulare.ca.gov

Thursday, April 21, 2022
4:00 p.m. – Regular Meeting

Mission Statement

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper.

Attending Meetings

Regular Board of Public Utilities (BPU) Commissioners meetings are held on the first and third Thursdays of each month in the Council Chamber located in the Tulare Public Library at 491 North M Street, Tulare. Additional meetings of the BPU may be called as needed.

Documents related to items on the agenda are accessible on the City's website at www.tulare.ca.gov and available for viewing at the entrance of the Council Chamber.



Rules for Addressing the Commissioners

- Members of the public may address the BPU on matters within their jurisdiction.
- If you wish to address the BPU, please complete one of the pink speaker cards located at the entrance to the Council Chamber and provide to the Clerk.
- Persons wishing to address the BPU concerning an **agendized** item will be invited to address the BPU during the time that the BPU is considering that particular agenda item. Persons wishing to address the BPU concerning a **non-agendized** issue will be invited to address the BPU during the Citizen Comments portion of the meeting.
- When invited by the President to speak, please step up to the podium, state your name and city where you reside, and make your comments. Comments are limited to three minutes per speaker.

CALL TO ORDER REGULAR MEETING – 4:00 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

CITIZEN COMMENTS - This is the time for citizens to comment on items on the Consent Calendar or within the jurisdiction of the Board. Comments related to General Business items will be heard at the time the item is discussed. The Board cannot legally discuss or take official action on citizen request items that are introduced tonight. Each speaker will be allowed **three minutes**, with a maximum time of 10 minutes per item, unless otherwise extended by the Board.

COMMUNICATIONS - No action will be taken on matters listed under Communications; however, the Board may direct staff to schedule issues raised during Communications for a future agenda.

CONSENT CALENDAR - All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

1. Approve minutes of April 7, 2022, regular meeting.
2. Accept as complete the contract with Valley Pump & Dairy Systems, Inc. of Tulare, CA for Rehabilitation and Improvement work on Wells #15, #21 & #25 (Project WT0020) and authorize the Public Works Director to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.
3. Accept the March 2022 Financial Status Report.
4. Receive the Public Works performance reports for March 2022.

SCHEDULED PRESENTATIONS

1. Mid-Year Budget Review.

GENERAL BUSINESS - Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Board.

1. Award and authorize the City Manager to sign a contract amendment with 4 Creeks for construction management services related to City Project EN0092, Pratt Street/Mefford-Choice Tracts Improvement Project in the amount of \$151,300; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$43,296) of the revised contract amount.
2. Award and authorize the City Manager to sign contracts related to City Project EN0094, a street and utility improvement project between O Street and Blackstone Street, and between Tulare Avenue and San Joaquin Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of each contract amount, and approve the revised budget.

1.	Contractor	Floyd Johnston Construction Co., Inc. of Clovis, CA	\$ 6,652,485.50
2.	Construction Surveying	Guida Surveying, Inc. of Fresno, CA	\$ 94,500.00
3.	Labor Compliance Monitoring	QK of Visalia, CA	\$ 31,750.00
4.	Materials Testing	Krazan & Associates of Clovis, CA	\$ 119,773.00
5.	Construction Inspection	NV5, Inc. of Visalia, CA	\$ 368,480.00

3. Review the proposed Mandatory Recycling and Organic Waste Disposal Reduction Ordinance and make recommendations to the City Council with regard to revising Title 7 to include Chapter 7.17, Mandatory Recycling and Organic Waste Disposal Reduction Ordinance to the City of Tulare's Code of Ordinances, to the effect the addition described in the ordinance as attached.

ITEMS OF INTEREST (may include City Council, Planning Commission, Mid-Kaweah GSA update) – GC 54954.2(a)(3)

ADJOURN REGULAR MEETING

Americans with Disabilities Act

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification from the City Clerk’s Office at (559) 684-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

AFFIDAVIT OF POSTING

State of California }
County of Tulare } ss.
City of Tulare }

I, Melissa Hermann, Chief Deputy City Clerk for the City of Tulare, hereby certify, under penalty of perjury, that I caused the posting of this agenda before 4:00 p.m. on Thursday, April 14, 2022, at City Hall, 411 E. Kern Avenue, as well as on the City’s website.

POSTED BY: Melissa Hermann, Chief Deputy City Clerk

**ACTION MINUTES
BOARD OF PUBLIC UTILITIES COMMISSIONERS
CITY OF TULARE**

April 7, 2022

A regular meeting of the Board of Public Utilities Commissioners was held on Thursday, April 7, 2022, at 4:00 p.m. in the Tulare Public Library and Council Chamber located at 491 North M Street.

COMMISSIONERS PRESENT: Ray Fonseca, Renee Soto, Tony Sozinho

COMMISSIONERS ABSENT: Howard Stroman, Thomas Griesbach

STAFF PRESENT: Marc Mondell, Megan Dodd, Trisha Whitfield, Darlene Thompson, Michael Miller, Jason Bowling, Tim Doyle, Eric Furtado, John Machado, Nick Bartsch, David Dodson, Maegan Peton, Melissa Hermann

CALL TO ORDER REGULAR MEETING

Vice President Fonseca called the regular meeting to order at 4:02 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION

Commissioner Sozinho led the Pledge of Allegiance and an invocation was given by Commissioner Soto.

CITIZEN COMMENTS - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

There were no citizen comments.

COMMUNICATIONS

There were no communications.

CONSENT CALENDAR

It was moved by Commissioner Soto, seconded by Commissioner Sozinho, and carried 3 to 0 (President Stroman and Commissioner Griesbach absent) that items on the Consent Calendar be approved as presented.

- 1. Approve minutes of March 15, 2022 regular meeting.**
- 2. Accept the investments reports for February 2022.**
- 3. Accept as complete the contract with United Field Services Corporation of Bakersfield, CA for the rehabilitation of Domestic Digesters No. 1 and 2 (Project WW0050) and authorized the Public Works Director to sign the Notice of Completion**

and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office..

4. **Adopt Resolution 2022-02 authorizing the surplus of the 670HP Waukesha engine (Co-Gen) powering a 450KW Reliance Generator located at the Wastewater Treatment Facility.**

GENERAL BUSINESS

1. **Authorize the City Manager to execute a work order under the on-call GIS services contract with Geographic Technology Group, of Goldsboro, NC in the amount of \$495,136.00 for utility GIS data conversion; and Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 5% (\$24,756.80) of the work order amount.** IT Manager Jason Bowling provided a report and presentation for the Board's review and consideration. Questions posed by the Board were responded to by staff. Following discussion, it was moved by Commissioner Sozinho, seconded by Commissioner Soto, and carried 3 to 0 (President Stroman and Commissioner Griesbach absent) to approve the item as presented.

ITEMS OF INTEREST

Items of interest were discussed amongst the Board and staff.

ADJOURN REGULAR MEETING

Vice President Fonseca adjourned the regular meeting at 4:31 p.m.

President of the Board of Public Utilities
Commissioners of the City of Tulare

ATTEST:

Secretary of the Board of
Public Utilities Commissioners

AGENDA ITEM: Consent 2

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL**

Submitting Department: Public Works - Water

For Board Meeting of: April 21, 2022

Documents Attached: Ordinance Resolution Other None

AGENDA ITEM:

Accept as complete the contract with Valley Pump & Dairy Systems, Inc. of Tulare, CA for Rehabilitation and Improvement work on Wells #15, #21 & #25 (Project WT0020) and authorize the Public Works Director to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

On April 15, 2021, the Board awarded a contract to Valley Pump & Dairy Systems, Inc. of Tulare, CA for Project WT0020 - Well Rehabilitation and Improvements of Wells 15, 21 and 25 in the amount of \$477,417.00.

These projects required removing the existing pump, column, tube, and shaft; performing video inspections prior to cleaning; brush and swab cleaning the well casing; making swage repairs to well casings; video inspect the wells after the repairs; replace pumps; replace column, tube, and shaft equipment; reinstalled equipment removed; and testing the equipment after reinstallation. As bid, the work to Wells 15 and 25 also included the replacement of all new column, tube, and shaft with new vertical turbine pumps, motors, and discharge heads. The three wells are back on-line producing water with improved efficiency and in the expected flow range for each well.

The project was funded through Water CIP Funds.

A summary of contract costs is as follows:

Original Contract Award:	\$ 477,417.00
Contract Change Order No. 1:	\$ 14,470.00
Contract Change Order No. 2:	\$ 25,599.00
<u>Total Amount of Change Orders</u>	<u>\$ 40,069.00 (8.4%)</u>
Total Construction Contract Cost:	\$ 517,477.00

An explanation of approved contract change orders:

Approved Contract Change Order No. 1: Well #21, four (4) additional swage and patch casing repairs, ten (10) additional hours air lifting, and eighty (80) additional feet of 8" column pipe, tube, and shaft, per contract unit price.

Approved Contract Change Order No. 2: Well 15, eight (8) additional hours air lifting; Well 25, three (3) additional swage and patch casing repairs, eight (8) additional hours air lifting, and sixty (60) additional feet of NSF 61 10" column pipe, tube, and shaft, per contract unit price.

All work required of Valley Pump & Dairy Systems Inc. under this contract has been completed in accordance with the approved plans and specifications. The contractor has also provided the required Maintenance Bond in the amount equal to 10% of the final contract amount.

STAFF RECOMMENDATION:

Accept as complete the contract with Valley Pump & Dairy Systems, Inc. of Tulare, CA for Rehabilitation and Improvement work on Wells #15, #21 & #25 (Project WT0020) and authorize the Public Works Director to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

FUNDING SOURCE/ACCOUNT NUMBER:

WT0020 – Water CIP Fund

Submitted by: Tim Doyle

Title: Assistant Public Works Director

Date: April 12, 2022

City Manager Approval: 

**RECORDING REQUESTED BY
City of Tulare**

AND WHEN RECORDED MAIL TO:

**City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257**

**PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.**

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

- 1. The City of Tulare, a Municipal Corporation, whose address is 411 East Kern Avenue, Tulare, California, is the owner of the real property, public works, or structure hereinafter described.**
- 2. The nature of the title of the stated owner is: In fee**
- 3. On the 21st day of April, 2022, a work of improvement on real property hereinafter described was completed pursuant to a contract to which Title 15 of Part 4 of Division 3 of the Civil Code applies.**
- 4. The name of the Contractor who performed said work of improvements pursuant to such contract with the City of Tulare is Valley Pump & Dairy Systems, Inc., whose address is 2280 South K Street, Tulare, CA 93274. The surety on said contract is the United Fire & Casualty Company.**
- 5. The real property or public works or structure is described as follows:**

Well 15, 21 and 25 Rehabilitation and Improvements - Project No. WT0020

Dated: _____, 2022

CITY OF TULARE, A Municipal Corporation

**By: _____
Trisha Whitfield, Public Works Director**

VERIFICATION

I am the Public Works Director of the City of Tulare and am authorized to make this verification on behalf of the City. I have read the foregoing Notice of Completion, know the contents thereof, and believe it to be true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2022 at Tulare, California.

**By: _____
Trisha Whitfield, Public Works Director**

AGENDA ITEM: Consent 3

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL**

Submitting Department: Finance

For Board Meeting of: April 21, 2022

Documents Attached: Ordinance Resolution Other None

AGENDA ITEM:

Accept the March 2022 Financial Status Report.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Solid Waste Fund 012

Refuse service revenue for the 9 months of the fiscal year is up 7.5% overall. Solid waste Salaries and M&O are within budget and up approximately 5% over last fiscal year.

Water Fund 010

Water revenues for the 9 months of the fiscal year are at the same level as the previous fiscal year. The 9-month M&O expenditures are 12% higher than 2021 but they are well within the budget constraints.

Sewer/Wastewater Fund 015

WW service revenue for the 8 months of the fiscal year is 5% higher than the nine-month period last fiscal year. Salaries and M&O Expenditures are up almost 6% compared to the same time period last year.

STAFF RECOMMENDATION:

Accept the March 2022 Financial Status Report.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

FUNDING SOURCE/ACCOUNT NUMBER:

N/A

Submitted by: Darlene Thompson

Title: Finance Director

Date: April 13, 2022

City Manager Approval: 

City of Tulare
Utility Operation Funds
Comparative Balance Sheet Unaudited
March 31, 2021 and 2020

	WATER FUND		SOLID WASTE		WASTEWATER	
	3/31/2022	3/31/2021	3/31/2022	3/31/2021	3/31/2022	3/31/2021
Assets:						
Cash	\$ 22,269,953	\$ 19,866,868	\$ 10,659,366	\$ 9,781,478	\$ 54,207,043	\$ 46,115,397
Cash on Deposit with Fiscal Agent	6,471,137	13,044,197			5,098,262	17,730,624
Receivables:						
Public Works	25,022	20,363			(13,043)	25,190
Accounts	-	6,119	-	341	88,751	73,222
Utility	1,486,168	1,405,352	1,625,770	1,198,400	3,889,085	3,479,668
Advance to Water Fund			826,667	930,000		
Change in Investment Value						
Deferred Bond Charges	112,492	116,626			860,587	700,597
Fixed Assets, net of Depreciation	76,810,253	72,530,937	36,546	39,148	207,942,441	205,195,321
Total Assets	\$ 107,175,025	\$ 106,990,461	\$ 13,148,348	\$ 11,949,367	\$ 272,073,126	\$ 273,320,019
Liabilities:						
Compensated Absences	\$ 290,710	\$ 276,062	\$ 499,361	\$ 452,395	\$ 242,433	\$ 227,868
Capital Lease - Citicapital						
Bonds	31,880,000	33,225,000			153,920,000	165,298,947
Unapplied Cash	188,096	156,421	38,925	40,209		
Accounts Payable			-	(102)	-	-
Oversize Liability		89,429			922,182	1,141,054
Deposits - In Lieu	170,927	144,602			187,603	167,709
Bond Premium	3,509,064	3,637,333			11,861,085	13,016,146
Interfund Loans	826,667	930,000				
Total Liabilities	36,865,464	38,458,847	538,286	492,501	167,133,303	179,851,724
Net Assets:						
Fund Balance	61,915,235	57,347,050	11,234,292	10,014,883	90,215,431	73,845,106
Equipment Reserve	3,572,997	3,572,997			5,000,000	5,000,000
Contributed Capital	6,504,275	6,504,275			4,141,650	4,141,650
Net Income/Loss	(1,682,948)	1,107,293	1,375,770	1,441,982	5,582,742	10,481,540
Total Net Assets	\$ 70,309,560	\$ 68,531,615	\$ 12,610,062	\$ 11,456,865	\$ 104,939,823	\$ 93,468,296

City of Tulare
Utility Operation Funds
Comparative Summary of Revenue/Expenditures
Budget to Actual
For the Nine Months Ending
March 31, 2022 and 2021

	WATER FUND			SOLID WASTE			WASTEWATER		
	BUDGET 2022	ACTUAL 2022	ACTUAL 2021	BUDGET 2022	ACTUAL 2022	ACTUAL 2021	BUDGET 2022	ACTUAL 2022	ACTUAL 2021
Revenue:									
Service Fees	\$ 14,308,000	\$ 10,322,513	\$ 10,479,329	\$ 10,897,890	\$ 8,487,135	\$ 7,887,757	\$ 35,232,630	\$ 27,534,013	\$ 26,125,230
Water Recharge Revenue	275,000	168,786	177,144	-			-		
Penalties, Connection and Misc Fees	522,600	607,252	468,412	286,000	34,053	216,549	585,500	840,948	601,090
Interest Income	130,000	28,019	49,250	80,000	13,529	23,377	450,000	107,011	90,254
Energy Rebate				-			920,000	607,165	612,711
Rents	38,000	27,709	28,867	-			200,000	321,504	294,789
Recycling Revenue	-			-	18,617	1,658	-		
Developer Impact Fees	-	-	-	-			-		
Miscellaneous	32,000	18,864	24,046	21,000	-	-	-		
Transfer From Other Funds	300,000			-			-		
Loan Repayment	-			121,930	-	-	-		
Water Bond Proceeds	-			-			-		
Total Revenue	15,605,600	11,173,143	11,227,048	\$ 11,406,820	8,553,334	8,129,341	37,388,130	29,410,641	27,724,074
Expenditures:									
Salaries & Benefits	2,227,300	1,552,813	1,471,480	3,855,400	2,945,443	2,756,523	3,747,970	2,822,441	2,589,017
Maintenance & Operations	5,157,160	3,534,858	3,023,208	5,836,800	3,924,865	3,668,076	8,014,345	5,003,460	4,618,451
Depreciation - Estimated	2,047,780	1,535,683	1,414,078	610	7,055	7,055	5,701,900	4,486,268	4,371,715
Transfer to Surface Water	703,800	703,800		-			450,000	450,000	
Transfers to Technology CIP	7,350	7,350		6,150	6,150	-	12,290	12,290	
Special M & O	375,000	21,402		122,500	34,637	149,311	851,000	499,384	184,329
Capital Outlay	4,115,000	3,527,768	4,237,390	273,500	259,414	106,394	12,753,158	3,948,805	4,780,256
Debt Service	2,856,200	1,972,417	(26,402)	-	-	-	13,431,700	6,605,251	698,766
Transfer to CIP				500,000	-	-			
Total Expenditures	17,489,590	12,856,091	10,119,754	10,594,960	7,177,564	6,687,359	44,962,363	23,827,899	17,242,534
Net Revenue/(Expenditures)	\$ (1,883,990)	\$ (1,682,948)	\$ 1,107,294	\$ 811,860	\$ 1,375,770	\$ 1,441,982	\$ (7,574,233)	\$ 5,582,742	\$ 10,481,540

City of Tulare
Water Utility Funds
Summary of Revenue/Expenditures -Budget to Actual
For the Nine Months
July 1, 2021 - March 31, 2022

	Fund 010 Water Operations										Fund 610 Capital		Fund 680 Reserves		Water Funds			
	Admin		Distribution		Extraction		Treatment		Groundwater		Total Water Operations		CIP		Reserves		Total Water Funds	
	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual
Revenues:																		
Service Revenue - Operating Funds										\$ 9,400,000	\$ 6,878,544	\$ 3,296,300	\$ 2,329,701	\$ 1,611,700	\$ 1,114,267	\$ 14,308,000	\$ 10,322,513	
Water Recharge Component										275,000	168,786					275,000	168,786	
State Revolving Fund																-	-	
Water Waste Fees										40,000	19,430					40,000	19,430	
Miscellaneous Revenue										982,600	662,415					982,600	662,415	
Interfund Loan Repayment																-	-	
Interfund Transfer - Groundwater																-	-	
Interfund Transfer - Tech CIP																-	-	
Water Bond Proceeds																-	-	
Total Revenues	-	-	-	-	-	-	-	-	-	10,697,600	7,729,174	3,296,300	2,329,701	1,611,700	1,114,267	15,605,600	11,173,143	
Expenditures:																		
Operations																		
Salaries & Benefits	590,510	422,170	1,061,360	712,899	283,810	206,421	220,920	162,108	70,700	49,214	2,227,300	1,552,813			2,227,300	1,552,813		
Maintenance & Operations	720,390	665,430	250,830	147,292	2,074,700	1,308,767	341,780	218,873	991,480	465,077	4,379,180	2,805,440	10,000	2,808	4,389,180	2,808,248		
Annual Admin, Franchise & IT Fees	179,150	133,660	515,500	515,500	16,840	20,960	2,830	2,830	53,660	53,660	767,980	726,610			767,980	726,610		
Depreciation		-	1,161,110	870,833	884,850	663,637	1,820	1,213			2,047,780	1,535,683			2,047,780	1,535,683		
Transfers to Surface Water									703,800	703,800	703,800	703,800			703,800	703,800		
Transfers to Technology CIP	7,350	7,350	-	-							7,350	7,350			7,350	7,350		
Total Operations	1,497,400	1,228,610	2,988,800	2,246,524	3,260,200	2,199,785	567,350	385,025	1,819,640	1,271,752	10,133,390	7,331,696	10,000	2,808	10,143,390	7,334,503		
Net Revenue from Operations											564,210	397,479	3,286,300	2,326,894	1,611,700	1,114,267	5,462,210	3,838,640
Other Expenditures																		
Capital Outlay																		
Special M & O	106,456	21,402					300,000				406,456	21,402			406,456	21,402		
CIP Expenditures			79,500	71,996							79,500	71,996	4,035,500	3,455,771	4,115,000	3,527,768		
Total Capital Expenditures	106,456	21,402	79,500	71,996	-	-	300,000	-	-	-	485,956	93,398	4,035,500	3,455,771	4,521,456	3,549,170		
Debt Service																		
Debt Service	121,930	-	1,364,980	986,208	1,364,980	986,208					2,851,890	1,972,417			2,856,200	1,972,417		
Total Debt Service	121,930	-	1,364,980	986,208	1,364,980	986,208					2,851,890	1,972,417			2,856,200	1,972,417		
Total Other Expenditures	228,386	21,402	1,444,480	1,058,205	1,364,980	986,208	300,000	-	-	-	3,337,846	2,065,815	4,035,500	3,455,771	-	-	7,377,656	5,521,586
Operating Transfers In(Out)											-	-	(300,000)		(300,000)			
Net Revenue/(Expenditures)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (2,773,636)	\$ (1,668,336)	\$ (1,049,200)	\$ (1,128,877)	\$ 1,611,700	\$ 1,114,267	\$ (1,915,446)	\$ (1,682,946)
Unadjusted Cash Balance at March 31, 2022																		\$ 22,269,953
Debt Restricted Cash																		\$ 6,471,136

City of Tulare
Solid Waste Funds
Summary of Revenue/Expenditures -Budget to Actual
For the Nine Months
July 1, 2021 - March 31, 2022

	Funds 012 - Solid Waste Operations											Fund 612 Capital		Solid Waste		
	Residential		Commercial		Street Sweeping		Roll-Offs		Other Revenue		Total		CIP		Total Solid Waste	
	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual Total	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual
Revenues:																
Service Revenue - Operating Funds	\$ 5,500,000	\$ 4,024,884	\$ 2,950,000	\$ 2,302,521	\$ 1,197,890	\$ 890,702	\$ 1,250,000	\$ 942,855	\$ -	\$ -	\$ 10,897,890	\$ 8,160,963			\$ 10,897,890	\$ 8,160,963
Recycle Sales		1,972		11,627	-	-		2,202		-		15,801			-	15,801
Miscellaneous Revenue								387,000	376,570	387,000	376,570			387,000	376,570	
Interfund Loan Repayment								121,930	-	121,930	-			121,930	-	
Total Revenues	5,500,000	4,026,856	2,950,000	2,314,148	1,197,890	890,702	1,250,000	945,057	508,930	376,570	11,406,820	8,553,334	-	-	11,406,820	8,553,334
Expenditures:																
Operations																
Salaries & Benefits	2,110,290	1,572,080	1,150,340	741,447	378,730	275,181	332,580	356,735			3,971,940	2,945,443			3,971,940	2,945,443
Maintenance & Operations	3,086,830	1,789,227	1,287,450	781,968	460,660	267,096	672,530	374,794			5,507,470	3,213,085			5,507,470	3,213,085
Annual Admin, Franchise & IT Fees	464,120	395,220	251,140	227,140	26,080	26,080	58,860	63,340			800,200	711,780			800,200	711,780
Depreciation	610	7,055					-				610	7,055			610	7,055
Transfers to Technology CIP	6,150	6,150					-				6,150	6,150			6,150	6,150
Total Operations	5,668,000	3,769,733	2,688,930	1,750,555	865,470	568,357	1,063,970	794,869	-	-	10,286,370	6,883,514	-	-	10,286,370	6,883,514
Net Revenue from Operations	(168,000)	257,123	261,070	563,593	332,420	322,345	186,030	150,189	508,930	376,570	1,120,450	1,669,820	-	-	1,120,450	1,669,820
Other Expenditures																
Capital Outlay																
Special M & O	102,080	21,322	42,640	9,032			33,060	4,284			177,780	34,637			177,780	34,637
CIP Expenditures	170,000	113,940	110,953	100,670			89,379	44,804			370,332	259,414	68,000		438,332	259,414
Total Capital Expenditures	272,080	135,262	153,593	109,702	-	-	122,439	49,087	-	-	548,112	294,051	68,000	-	616,112	294,051
Operating Transfers In(Out)	(300,000)	(300,000)	(100,000)	(100,000)	(50,000)	(50,000)	(50,000)	(50,000)			(500,000)	(500,000)	500,000	500,000	-	-
Net Revenue/(Expenditures)	\$ (740,080)	\$ (178,138)	\$ 7,477	\$ 353,891	\$ 282,420	\$ 272,345	\$ 13,591	\$ 51,101	\$ 508,930	\$ 376,570	\$ 72,338	\$ 875,769	\$ 432,000	\$ 500,000	\$ 504,338	\$ 1,375,769
Unadjusted Cash Balance at March 31, 2022																\$ 10,659,366

City of Tulare
Sewer/Wastewater Utility Funds
Summary of Revenue/Expenditures -Budget to Actual
For the Nine Months
July 1, 2021 - March 31, 2022

	Funds 015 Sewer - Wastewater Operations											Fund 615 Capital		Fund 685 Reserves		Sewer Wastewater		
	Sewer Collection		Domestic Wastewater		Industrial Wastewater		Pretreatment		Energy		Total Sewer Wastewater Operations		CIP		Reserves		Total Funds	
	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual	Annual Budget FY 2022	Actual
Revenues:																		
Service Revenue - Operating Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,500,000	\$ 19,968,292	\$ 8,052,630	\$ 6,305,721	\$ 1,680,000	\$ 1,260,000	\$ 35,232,630	\$ 27,534,013
Miscellaneous Revenue											2,155,500	1,876,628					2,155,500	1,876,628
Total Revenues	-	-	-	-	-	-	-	-	-	-	27,655,500	21,844,920	8,052,630	6,305,721	1,680,000	1,260,000	37,388,130	29,410,641
Expenditures:																		
Operations																		
Salaries & Benefits	841,940	612,419	1,355,140	972,573	1,634,380	1,137,876	112,690	82,930	22,710	16,643	3,966,860	2,822,441					3,966,860	2,822,441
Maintenance & Operations	1,103,600	507,910	2,695,220	1,562,800	3,193,320	2,299,442	53,830	26,204	714,360	430,496	7,760,330	4,826,852	10,000	2,808			7,770,330	4,829,660
Annual Admin, Franchise & IT Fees	120,540	92,590	59,990	35,490	58,160	42,530	2,390	2,390	800	800	241,880	173,800					241,880	173,800
Depreciation	1,578,100	1,183,575	980,260	736,575	2,861,990	2,183,010			510,810	383,108	5,931,160	4,486,268					5,931,160	4,486,268
Transfers to Surface Water			450,000	450,000							450,000	450,000					450,000	450,000
Transfers to Technology CIP			12,290	12,290							12,290	12,290					12,290	12,290
Total Operations	3,644,180	2,396,494	5,552,900	3,769,728	7,747,850	5,662,858	168,910	111,524	1,248,680	831,047	18,362,520	12,771,651	10,000	2,808	-	-	18,372,520	12,774,459
Net Revenue from Operations											9,292,980	9,073,269	8,042,630	6,302,913	1,680,000	1,260,000	19,015,610	16,636,182
Other Expenditures																		
Capital Outlay																		
Special M & O	75,000	-	40,000		900,000	499,384					1,015,000	499,384					1,015,000	499,384
CIP Expenditures													4,730,870	3,948,805			4,730,870	3,948,805
Total Capital Expenditures	75,000	-	40,000	-	900,000	499,384	-	-	-	-	1,015,000	499,384	4,730,870	3,948,805	-	-	5,745,870	4,448,190
Debt Service																		
Debt Service	832,020	472,717	2,235,140	1,679,762	6,833,350	4,192,707			449,750	260,066	10,350,260	6,605,251					10,350,260	6,605,251
Total Debt Service	832,020	472,717	2,235,140	1,679,762	6,833,350	4,192,707			449,750	260,066	10,350,260	6,605,251					10,350,260	6,605,251
Total Other Expenditures	907,020	472,717	2,275,140	1,679,762	7,733,350	4,692,091	-	-	449,750	260,066	11,365,260	7,104,635	4,730,870	3,948,805	-	-	16,096,130	11,053,440
Operating Transfers In(Out)																		
Net Revenue/(Expenditures)											\$ (2,072,280)	\$ 1,968,634	\$ 3,311,760	\$ 2,354,108	\$ 1,680,000	\$ 1,260,000	\$ 2,919,480	\$ 5,582,742
Unadjusted Cash Balance at March 31, 2022																		\$ 54,207,043
Debt Restricted Cash																		\$ 5,098,262

AGENDA ITEM: Consent 4

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL**

Submitting Department: Public Works

For Board Meeting of: April 21, 2022

Documents Attached: Ordinance Resolution Other None

AGENDA ITEM:

Receive the Public Works performance reports for March 2022.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Public Works first reported performance dashboards for each of its divisions to the Board of Public Utilities in August 2015 with the intention of inviting additional transparency into the maintenance and operations activities of each of the divisions.

Solid Waste

Overall tonnage was slightly lower in March 2022 compared to March 2021. The total tonnage in March was 6,057.4 tons, a decrease of 1.4% compared to March 2021 (6,143.6 tons).

There were 3,190.7 tons collected from residential customers in March, compared to 3,164.1 tons in March 2021, marking an increase of 0.8%.

Commercial tonnage was down compared to 2021. In March 2022, there were 1,477.5 tons collected from commercial accounts, marking a 12.6% decrease from a year ago (1,690.8 tons). The roll-off division accumulated 1,389.2 tons in March, which was up 7.8% compared to March 2021 (1,288.7 tons).

Overall, the Solid Waste division's recycling rate for March 2022 was slightly better compared to March 2021. The diversion rate for March was 33 percent (19% green waste, 11% recyclables, 3% food waste/compost). The diversion rate for March 2021 was 31 percent (17% green waste, 12% recyclables, 2% food waste/compost).

The City had a total of 4,096.2 tons of trash (to the landfill), resulting in a rate of 3.82 pounds per person per day for the month of March, marking a decrease of 6.8% from March 2021 (4.10). The target disposal rate for the City set by the State is 6.0 pounds per person per day.

Water

Water delivery volumes are delayed by one month due to the availability of billing data. In February 2022, water delivery, or water "sold," totaled 262.2 million gallons, 12.1% lower compared to February 2021 (298.3 million gallons). Potable water production also experienced a significant drop compared to last year. There were 273.6 million gallons pumped in February 2022, marking a 6.8% decrease from February 2021 (293.6 million gallons).

There was a difference of 11.4 million gallons between pumped water (273.6 million gallons) versus delivered (262.2 million gallons), which represents a system loss of 4.2%.

The primary reason why there is a discrepancy between pumped water and delivered water is when meters are read. Production well data is on a strict calendar month basis. With a growing number of residential meters going to an AMI read (meter to base station), we are developing two distinct cycles – pumped by the calendar, and metered from the 15th of the reporting month to the 14th of the following month.

In March 2021, the average standing water level depth was 202 feet. In March 2022, the average standing water level depth was 211 feet, representing a 9-foot drop from a year ago. The average standing water level depth lost 5 feet compared to February 2022 (206 feet).

Conservation

The overall gross gallons per capita was 141 gallons per person per day in February, 1.9% lower than it was in February 2021 (144).

Residential per capita had a drop in February compared to a year ago. The residential per capita in February (75 gallons per person) was 8.8% lower than February 2021 (82 gallons per person). The residential gallons per capita looks specifically at residential water use only.

There were 167 citations (including 17 fix-it tickets) handed out in March. There were 43 citations that resulted in fines (second violations or more).

Sewer Collections

Preventative Maintenance accounted for 62% of all working man hours in March, and Capital Project Services accounted for 8%.

In March, 83,960 feet of sewer lines were cleaned, and 20,160 feet of sewer lines were televised (preventative maintenance operations).

Approximately 13% of staff's time was spent engaged in administrative tasks related to operating the division.

Waste Water Treatment Plant

In March, the domestic plant's daily influent average was 4.34 million gallons. The domestic plant's capacity is 5.5 million gallons, and when the daily influent average is within 80 percent (4.4 million gallons) of capacity, improvements to the plant's capacity should be a priority.

The industrial plant's daily influent average was 7.29 million gallons in March. The industrial plant's capacity is 12 million gallons, and no daily influent average has been close to the 80-percent mark (9.6 million gallons).

The plant's efficiencies against BOD and TSS improved significantly compared to recent months.

Efficiency against BOD was 98.1% in March (96.5% in February). The combined BOD effluent was 44 mg/l, which is not within state compliance (less than 40 mg/l). However, it was 38% lower compared to February (71 mg/l).

Efficiency against TSS was 98.0% in March (94.2% in February). The combined TSS effluent was 18.8 mg/l, which is well within state compliance (less than 40 mg/l).

Efficiency against Nitrogen was 77.1% in February. The combined Nitrogen effluent was 24.75 mg/l, which is not within state compliance (less than 13 mg/l).

Efficiency against Nitrogen was 86.9% in March. The combined Nitrogen effluent was 18.25 mg/l, which is not within state compliance (less than 13 mg/l).

Operationally, the WWTP completed 261 preventative maintenance work orders and 16 corrective work orders in March. Overall, 96 of the work orders were completed for the Domestic side of the facility and 181 for the Industrial side, 35% and 65%, respectively.

STAFF RECOMMENDATION:

Receive the Public Works performance reports for March 2022.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

FUNDING SOURCE/ACCOUNT NUMBER:

N/A

Submitted by: Andrew Bettencourt

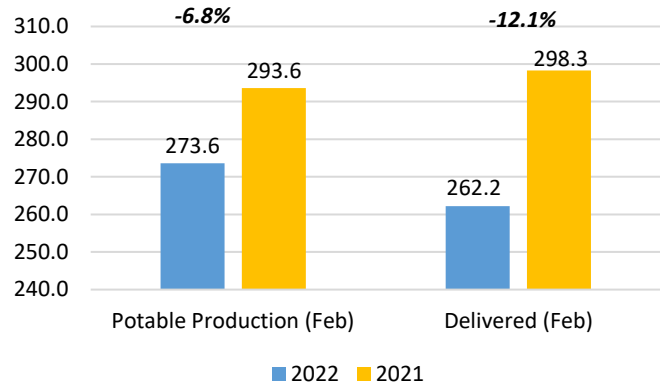
Title: Management Analyst

Date: April 13, 2022

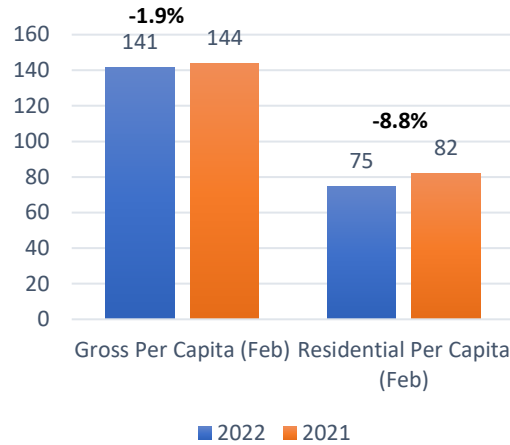
City Manager Approval: 

**City of Tulare Water Division
March 2022 Dashboard**

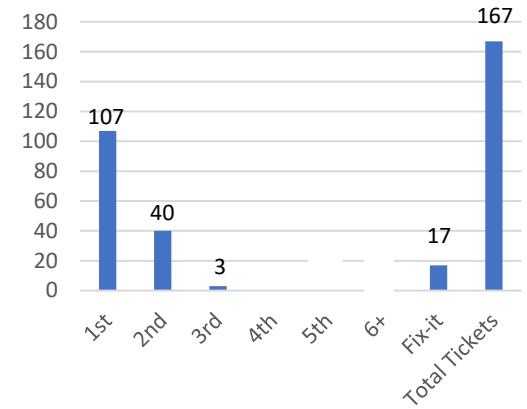
Production & Delivery Volumes (MG)



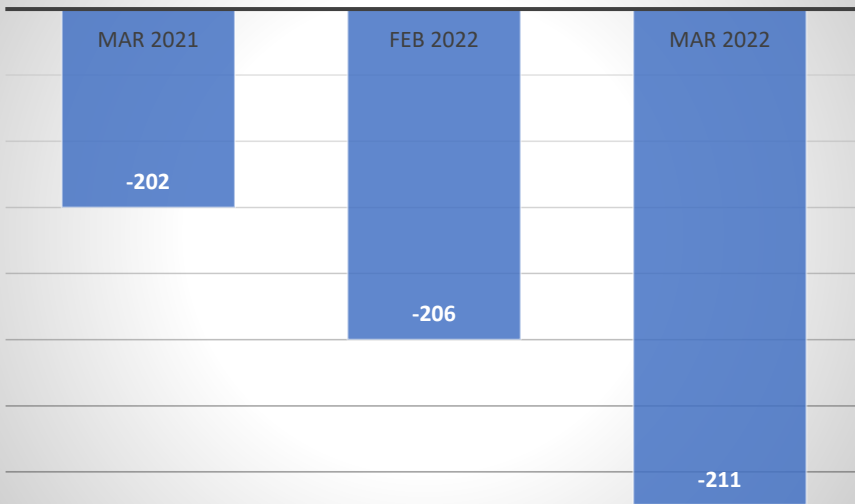
GPCD & Residential GPCD



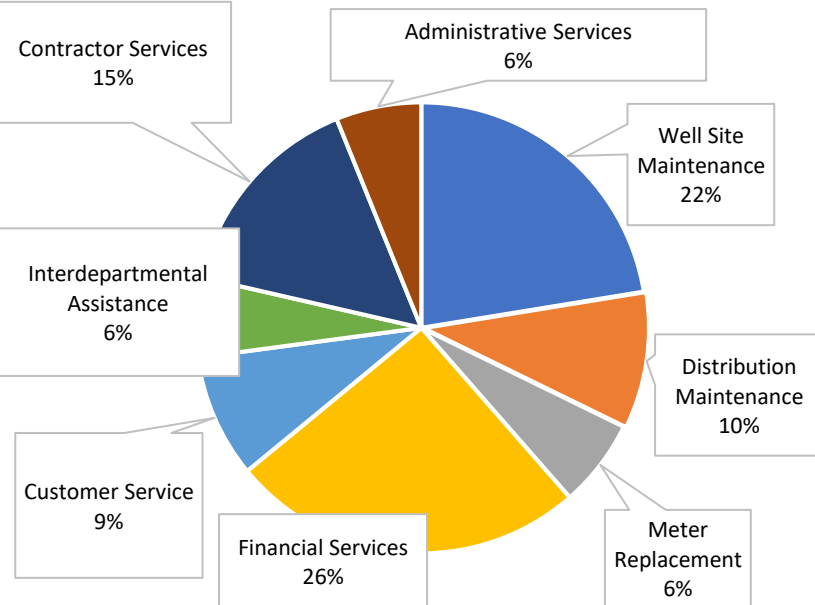
March Water Waste Tickets



Average Standing Water Level Depth (in feet)

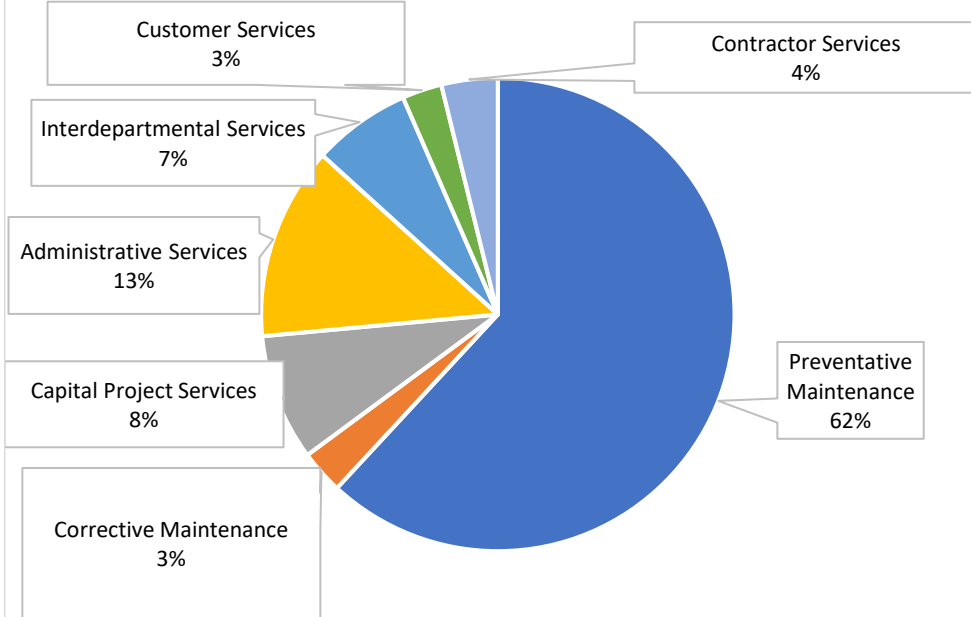


March 2022 Water Maintenance Man Hours

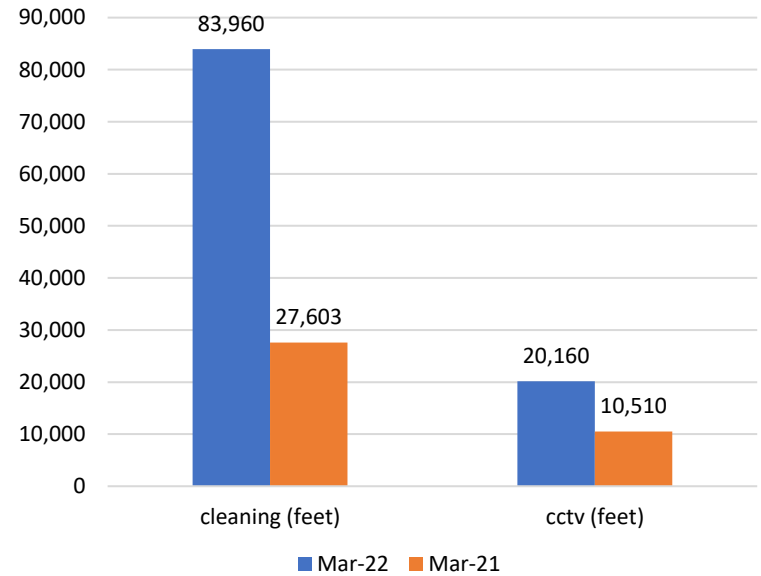


City of Tulare Sewer Collections/Solid Waste – March 2022 Dashboard

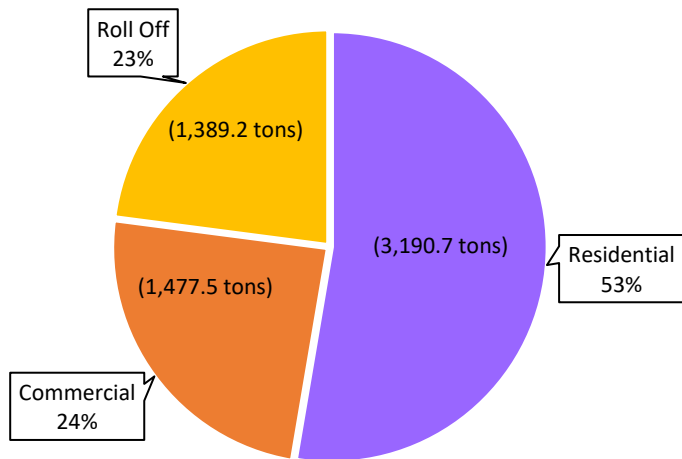
Sewer Collections Man Hour Distribution



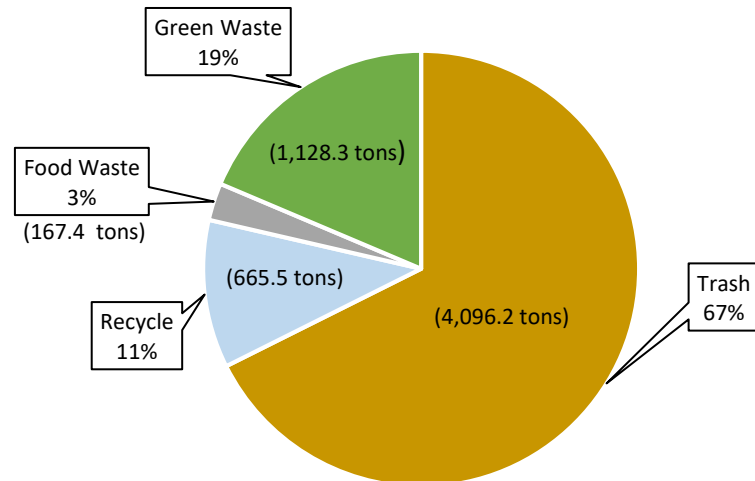
Linear Maintenance Footage



Tonnage by Division

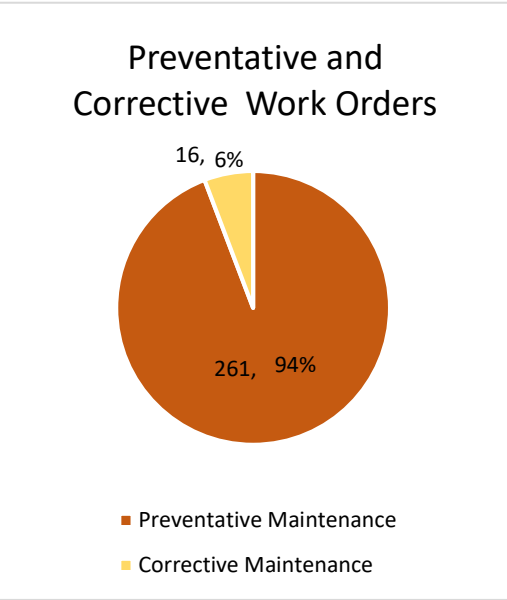
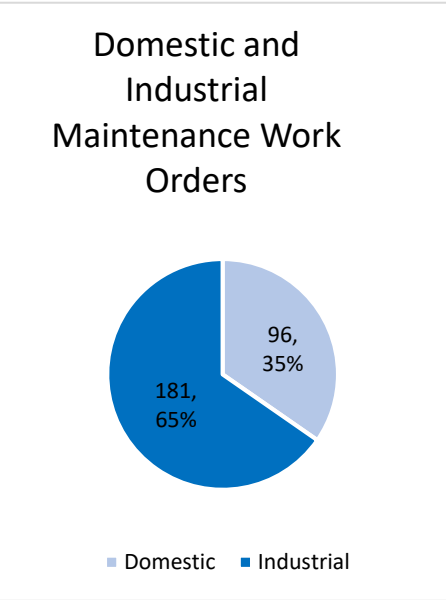


Tonnage by Type

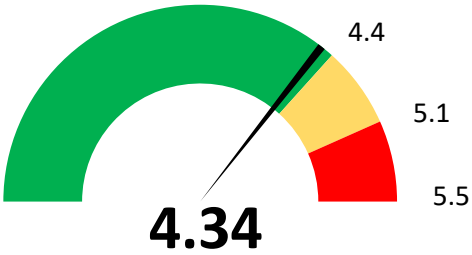


**City of Tulare WWTP Division
March 2022 Dashboard**

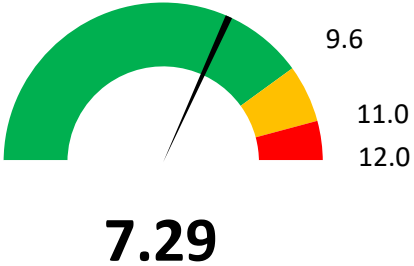
Compliance			
	BOD	TSS	Nitrogen
	<40mg/l	<40mg/l	<13mg/l
Efficiency	98.1%	98.0%	86.9%
Sample Avg (mg/l)	44.0	18.8	18.25



Domestic Influent Daily Average (MG)



Industrial Influent Daily Average (MG)



Mid-Year Budget Review

Board of Public Utilities
April 21, 2022





Water

Estimated Actual 2021/22 Revenues vs. Expenditures

	Adopted Budget	Year End Estimate
Estimated Revenue	10,697,600	11,456,400
Estimated Expenditures	13,439,780	13,984,270
Less: Depreciation	2,047,780	2,047,780
Estimated Revenue in Excess of Expenditures	<u>(694,400)</u>	<u>(480,090)</u>



Water

Estimated 2021/22 Expenditure Summary

	Salaries & Benefits	M & Os	Capital Outlay	Debt Service	Subtotal Expenditures	Other Financing Uses	Total – Estimated Actual
Administration/Sales/Collections	590,510	1,009,880	0	121,930	1,722,320	7,350	1,729,670
Distribution	1,011,310	1,929,630	112,500	1,364,980	4,418,420	0	4,418,420
Extraction	283,810	3,387,590	0	1,364,980	5,036,380	0	5,036,380
Treatment	223,290	670,500	0	0	893,790	0	893,790
Groundwater	70,700	1,131,510	0	0	1,202,210	703,800	1,906,010
Total Estimated Expenditures	2,179,620	8,129,110	112,500	2,851,890	13,273,120	711,150	13,984,270



Solid Waste

Estimated Actual 2021/22 Revenues vs. Expenditures

	Adopted Budget	Year End Estimate
Estimated Revenue	11,406,820	11,563,750
Estimated Expenditures	11,065,870	11,552,970
Less: Depreciation	17,090	17,090
Estimated Revenue in Excess of Expenditures	358,040	27,870



Solid Waste

Estimated 2021/22 Expenditure Summary

	Salaries & Benefits	M & Os	Capital Outlay	Debt Service	Subtotal Expenditures	Other Financing Uses	Total – Estimated Actual
Solid Waste – Residential	2,138,290	3,769,410	170,000	0	6,077,700	306,150	6,383,850
Solid Waste – Commercial	1,036,920	1,599,230	110,960	0	2,747,110	100,000	2,847,110
Street Sweeping	378,730	486,740	0	0	865,470	50,000	915,470
Solid Waste – Roll Off	502,670	764,490	89,380	0	1,356,540	50,000	1,406,540
Total Estimated Expenditures	4,056,610	6,619,870	370,340	0	11,046,820	506,150	11,552,970



Sewer/Wastewater

Estimated Actual 2021/22 Revenues vs. Expenditures

	Adopted Budget	Year End Estimate
Estimated Revenue	27,655,500	29,287,440
Estimated Expenditures	29,355,780	30,232,520
Less: Depreciation	5,470,880	5,470,880
Estimated Revenue in Excess of Expenditures	3,770,600	4,525,800



Sewer/Wastewater Estimated 2021/22 Expenditure Summary

	Salaries & Benefits	M & Os	Capital Outlay	Debt Service	Subtotal Expenditures	Other Financing Uses	Total – Estimated Actual
Sewer System	841,940	2,810,540	0	832,020	4,484,500	0	4,484,500
Wastewater – Domestic	1,342,240	3,775,470	0	2,235,140	7,352,850	462,290	7,815,140
Wastewater – Industrial	1,616,300	7,597,400	0	6,833,350	16,047,050	0	16,047,050
Wastewater – Pretreatment	112,690	53,420	0	0	166,110	0	166,110
Wastewater – Energy	24,000	1,245,970	0	449,750	1,719,720	0	1,719,720
Total Estimated Expenditures	3,937,170	15,482,800	0	10,350,260	29,770,230	462,290	30,232,520



Next Steps

Tentative Schedule

- May 5, 2022: First Presentation to BPU for 2022/2023 Utilities Operating and PCB Budgets
- May 19, 2022: BPU Public Hearing to adopt 2022/2023 Utilities and PCB Budgets

AGENDA ITEM: Gen. Bus. 1

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL**

Submitting Department: Engineering Services / Project Management

For Board Meeting of: April 21, 2022

Documents Attached: Ordinance Resolution Other None

AGENDA ITEM:

Award and authorize the City Manager to sign a contract amendment with 4 Creeks for construction management services related to City Project EN0092, Pratt Street/Mefford-Choice Tracts Improvement Project in the amount of \$151,300; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$43,296) of the revised contract amount.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

This project is a street and utility improvement project on the following roadways: Pratt Street between Bardsley Avenue and Inyo Avenue (SR137); Walter Street between Bardsley Avenue and Elm Avenue; Oliver Street between Bardsley Avenue and Elm Avenue; Cleveland Street between Bardsley Avenue and Elm Avenue; Victoria Street between Bardsley Avenue and Elm Avenue; Elm Avenue between Howard Street and D Street; C Street between Elm Avenue and Sonora Avenue, and the Cleveland/Victoria and Victoria/Pratt alleys between Bardsley Avenue and Elm Avenue. The project will reconstruct the street section and will include ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fall within project limits. Additionally, it will address necessary water, sewer and storm drain improvements within those limits. The need for the project was identified through the City's Pavement Management System and the review of the condition of the City's utility infrastructure. This project was included and approved as a part of the City's 2019-2024 transportation and utility CIP program budget.

In addition to the construction contract, it is necessary to supplement City staff with various consultant services from the City's list of on-call consultants. Although City staff is capable of performing Construction Management services on these specific types of projects, due to the current volume of projects and recent vacancies in the City's two Construction Coordinator positions (one due to relocation out of state, and the other as a result of a recent promotion), the City does not have adequate staff to perform the day-to-day operational work needed at this time. The City is currently in the process of recruiting for these vacant positions, but will need to fill the need on this active project in the meantime.

A Request for Proposals for On-Call Construction Management, Resident Engineer and Inspection Services was issued on February 4, 2020 out of which two firms were recommended for inclusion on a list of prequalified Construction Management, Resident Engineer and Inspection consultants. The staff recommended list was approved by the Board of Public Utilities at their April 2, 2020 meeting.

On December 16, 2021, the Board of Public Utilities approved various contracts required for the construction of the Pratt Street/Mefford-Choice Tracts Improvement Project, including one with 4 Creeks for Construction Inspection services in the amount of \$281,660. Since 4 Creeks has staff available and qualified to perform the needed construction management work under this same on-call services contract, City Staff requested a proposal to perform this work in addition to their current scope of work. There are efficiencies anticipated by utilizing 4 Creeks to perform both the inspection and construction management services. Because this work will be performed on a time and materials basis and will be substantially offset by the original amount budgeted for City Staff, there should not be an overall impact to the project budget and therefore, no additional funding is being requested at this time.

Finally, due to the inclusion of funding from various transportation related funds on this project, this contract was also taken to the City Council for review and approval at its regular meeting on April 21, 2022.

STAFF RECOMMENDATION:

Award and authorize the City Manager to sign a contract amendment with 4 Creeks for construction management services related to City Project EN0092, Pratt Street/Mefford-Choice Tracts Improvement Project in the amount of \$151,300; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$43,296) of the revised contract amount.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

FUNDING SOURCE/ACCOUNT NUMBER:

EN0092-050-0612 Materials Testing

Submitted by: Nick Bartsch

Title: Senior Project Manager

Date: April 11, 2022

City Manager Approval: 

March 31, 2022

Mr. Nick Bartsch

Sr. Project Manager
City of Tulare
411 E. Kern Ave.
Tulare, CA 93274



Subject: EN0092-Pratt Street / Mefford-Choice Tracts Improvements, Public Works Inspection and Construction Management Coverage Services, 4Creeks Job No. 21384 CO 1

Dear Mr. Bartsch,

Task 1:

Our understanding is that the City would like to utilize our services on a full-time basis to perform inspection services for the Pratt Street / Mefford-Choice Tracts Improvements capital project. Our understanding is that these services will be needed starting around the beginning of January 2022 and will continue for the 220 working day duration of the construction contract. We expect the project will end around December 2022. Listed below is the scope of services that we anticipate performing for this project. Additionally, per your request attached is a fee estimate for our inspection services.

- Inspect traffic control to make sure it complies with the City's approved plan for the project.
- Coordinate with the City's CM or directly with the materials testing company to schedule testing for the project. 4Creeks Inspector will be present for testing done at the site.
- Verify that materials used on the project match the submittals approved by the City's CM.
- Coordinate errors and omissions and unforeseen field issues with the City CM for resolution.
- Coordinate required inspections and testing with City departments.
- Perform Daily Inspections of the work performed by the contractor and record on the City's standard documents and the CMIS program. Take pictures of construction progress.
- Inspect contractor's work throughout construction visually and using normal hand tools smart levels, soil probes, tape measures, measuring wheels, etc.
- Mr. Garland will be on site full time during this period to observe the improvements being constructed to verify compliance with City requirements. The only times Mr. Garland will not be onsite full time will be when he is performing inspections on the Pleasant Ave. project. There will be some overlap between these two projects. During this overlap period 4Creeks also has another inspector in the area that will assist Mr. Garland if inspections are needed at both projects at the same time.
- Perform field measurements for the City CM to verify progress payment amounts.
- Meet with the City CM to hand off project documents at the end of our scope of work.

We estimate that these services can be provided for a **Time and Materials Fee of \$281,660.**

CO 1 Task 2:

Our understanding is that the City would like to utilize our services on a part time basis to perform construction management services for the Pratt Street / Mefford-Choice Tracts Improvements capital project. Our understanding is that these services will be needed starting around March 24, 2022 and will continue for the 220 working day duration or until the end of the construction contract. We anticipate that this will be approximately 43 weeks. Listed below is the scope of services that we anticipate performing for this project. Additionally, per your request attached is a fee estimate for our construction management services.

- Review and accept submittals for the project.
- Respond to contractor Requests for Information.

324 S. Santa Fe, Suite A
Visalia, California 93292
***.4-creeks.com

- Coordinate errors and omissions and unforeseen field issues with the Contractor and City and issue Field Change Directives as needed.
- Perform site visits to resolved unforeseen field issues.
- Review materials testing reports and verify that materials comply with City of Tulare requirements.
- Review change orders and provide recommendations for City acceptance or rejection.
- Review and process contractor Progress Payments.
- Perform daily coordination with the contractor as necessary to keep the project on schedule.
- Lead weekly construction meetings with the City and Contractor. Issue weekly meeting minutes for the project.
- Coordinate with the City project manager and other City staff.
- Utilize the City's CMIS program to manage the project documents.
- Maintain electronic files in the format and order that the City prefers.
- Meet with the City Project Manager to hand off project documents at the end of our scope of work.

We estimate that these services can be provided for a **Time and Materials Fee of \$151,300.**

Inspection and construction management services provided for an estimated **Time and Materials Fee of \$432,960.**

The above services will be billed on a time and materials basis in accordance with the on-call contract and attached fee schedule. We will not exceed the fee estimate without prior authorization or direction from the City.

Services Not Included in the Fee Estimate

- Materials Testing
- Labor Compliance
- Survey Staking
- Fees associated with the CMIS program

While the services above are excluded from this fee estimate, 4Creeks would be happy to provide some of these services on an additional time and materials basis if the City needs assistance.

If you have any questions or need any additional information, please feel free to give us a call to discuss.

Sincerely,



Chris Crawford, PE 71192
Sr. Civil Engineer



Matthew D. Ainley, PE 66233
Principal-In-Charge

encl: Fee Estimate and Fee Schedule

Approval:

City Manager Signature

Date

EN0092-Pratt St. / Mefford-Choice Tracts Imp., Public Works Inspection & CM Coverage

Fee Estimate
C. Crawford & M. Ainley

Project Tech V	Construction Inspector IV Non-Prevailing Wage	Construction Inspector Prevailing Wage	Construction Inspector Overtime	Construction Inspector V	Construction Manager IV	Senior Construction Manager	Reimbursable Expenses	TOTAL
\$95	\$140	\$150	\$180	\$160	\$150	\$160	Fee Varies	

Task 1: Public Works Inspection Cost
(Assumed 220 working days per the construction contract.)

Preconstruction Meeting and Project Startup Tasks		25			5				\$4,300
Daily Inspections. This task assumes that our Construction Inspector will be working 8 hours per day for 220 working days. This also assumes that 80% of this time will be prevailing wage and 20% of the time will be non-prevailing wage. We also assumed about 48 hours of overtime and we assumed a small amount of hours for inspection oversight from a Sr. Inspector.		352	1408	48	30				\$273,920
Project Closeout and Handoff to City		20			4				\$3,440
TOTAL TASK 1									\$281,660

Task 2: Public Works CM Cost (Assumed 42 weeks per the construction contract.)

Assume Mr. Williams will work 20 hours per week on this project with some assistance from Mr. Crawford. There is approximately 42 weeks during this time period. All services listed in the proposal letter will be performed.						966	40		\$151,300
TOTAL TASK 2									\$151,300

TOTAL:

0	397	1408	48	39	966	40	0	\$432,960
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AGENDA ITEM: Gen. Bus. 2

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL**

Submitting Department: Engineering Services / Project Management

For Board Meeting of: April 21, 2022

Documents Attached: Ordinance Resolution Other None

AGENDA ITEM:

Award and authorize the City Manager to sign contracts related to City Project EN0094, a street and utility improvement project between O Street and Blackstone Street, and between Tulare Avenue and San Joaquin Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of each contract amount, and approve the revised budget.

1.	Contractor	Floyd Johnston Construction Co., Inc. of Clovis, CA	\$ 6,652,485.50
2.	Construction Surveying	Guida Surveying, Inc. of Fresno, CA	\$ 94,500.00
3.	Labor Compliance Monitoring	QK of Visalia, CA	\$ 31,750.00
4.	Materials Testing	Krazan & Associates of Clovis, CA	\$ 119,773.00
5.	Construction Inspection	NV5, Inc. of Visalia, CA	\$ 368,480.00

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Project EN0094 is a street and utility improvement project on the following street segments:

- King Avenue between O Street and Cherry Street,
- Sycamore Avenue between Cherry Street and Blackstone Street,
- San Joaquin Avenue between O Street and Blackstone Street,
- Madden Street between Tulare Avenue and King Street,
- Delwood Street between Sycamore Avenue and San Joaquin Avenue, and
- Highland Street between Tulare Avenue and Sycamore Avenue.

The project will reconstruct the street section and will include ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fall within the project limits. Additionally, it will address necessary water, sewer, and storm drain improvements within those limits. In order to complete the master-planned storm drain improvements within this project, additional analysis and planning will also be needed to verify future routing and design of storm drain facilities to a future terminal basin to be located outside of these project limits. The need for the project was identified through the City's Pavement Management System and the review of the condition of the City's utility infrastructure. This project is included as a part of the City's 2021-2026 transportation and utility CIP program budget.

Various contracts are required for the construction of this project. In addition to the actual construction contract, it will be necessary to supplement City staff with various consultant

services from the City's list of on-call consultants. The following contracts are recommended for award:

(a) Construction Contract: Floyd Johnston Construction Company, Inc.

On April 7, 2022, four bids were opened for the Request for Bids #22-752, Sycamore & San Joaquin Improvement Project. Bid opening results are attached. The Engineer's Estimate for this project was \$6,080,000. Bids ranged in cost from \$6,652,485.50 - \$8,803,306.00. The bids were evaluated to determine if they were responsive to the requirements and instructions contained in the bid documents.

Floyd Johnston Construction Company, Inc. of Clovis, CA submitted the lowest responsive bid in the amount of \$6,652,485.50. Floyd Johnston Construction Company, Inc. possesses a current and active Class "A" General Engineering Contractor's license issued by the State of California, and has submitted a list of licensed and experienced subcontractors who will be performing portions of the work.

(b) Construction Surveying & Staking: Guida Surveying, Inc.

During the course of constructing street, water, sewer, storm drain, and concrete improvements it will be necessary to provide construction staking so the Contractor has the necessary locations and elevations to properly construct the improvements. Additionally, the project requires existing survey monuments to be removed/destroyed and replaced requiring the services of a professional land surveyor. Survey services include field and office surveying and filing corner records with Tulare County.

As a professional service performed by a licensed surveyor, these services cannot be included in a competitively bid construction contract, and therefore cannot be performed under the Contractor's contract. Furthermore, City staff does not have the time nor professional qualifications to perform these services.

A Request for Qualifications (RFQ) for On-Call Construction Surveying Services was issued on February 4, 2020, out of which four firms were recommended for inclusion on a list of prequalified construction surveying consultants. The staff recommended list was approved by the City Council at their April 7, 2020, meeting.

Guida Surveying, Inc. of Fresno, CA is included on the list of On-Call Construction Surveying consultants and demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the work on this project. Guida Surveying, Inc. has reviewed the scope of the Sycamore & San Joaquin Improvement Project and has proposed to perform the necessary services on a time and materials basis, not to exceed \$94,500. This amount is in line with industry standards and with what the City has experienced on projects with similar scopes of work. It is also within the budgeted amount for this work on this project.

(c) Labor Compliance Monitoring: QK

This project is subject to Prevailing Wage requirements. To ensure proper wages are paid and accounted for in accordance with the ever-changing requirements under state and federal law, it will be necessary to perform labor compliance monitoring of those contractors and consultants subject to these requirements. Due to the complexities involved, the City simply does not have the resources available to perform this work.

A Request for Qualifications for On-Call Labor Compliance Monitoring Services was issued on February 4, 2020, out of which three firms were recommended for inclusion on

a list of prequalified Labor Compliance Monitoring consultants. The Staff recommended list was approved by the City Council at their April 7, 2020, meeting.

QK of Visalia, CA is included on the list of pre-qualified On-Call Labor Compliance Monitoring consultants and has demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the work on this project. QK has reviewed the scope of this project and has proposed to perform the necessary services on a time and materials basis, not to exceed \$31,750.00, in accordance with the provisions of their on-call contract. This amount is in line with industry standards and with what the City has experienced on projects with similar scopes of work. It is also within the budgeted amount for this work on this project.

(d) Materials Testing: *Krazan & Associates, Inc.*

During the course of constructing street, water, sewer, storm drain, and concrete improvements associated with this project, it will be necessary to perform materials testing to ensure compliance with City standards. Material testing services including laboratory testing are outside the capabilities of the City.

A Request for Qualifications for On-Call Geotechnical and Materials Testing Services was issued on February 4, 2020, out of which five firms were recommended for inclusion on a list of prequalified Geotechnical and Materials Testing consultants. The staff recommended list was approved by the City Council at their April 7, 2020, meeting.

Krazan & Associates, Inc. of Clovis, CA is included on the list of pre-qualified On-Call Geotechnical and Materials Testing consultants and has demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the work on this project. Krazan & Associates, Inc. has reviewed the scope of this project and has proposed to perform the necessary services on a time and materials basis, not to exceed \$119,773.00, in accordance with the provisions of their on-call contract. This amount is in line with industry standards and with what the City has experienced on projects with similar scopes of work. It is also within the budgeted amount for this work on this project.

(e) Construction Inspection: *NV5, Inc.*

Due to the volume of projects citywide, both private and public, the City does not have sufficient in-house staff capacity to perform the necessary construction inspection required by the Sycamore & San Joaquin Improvements Project. Inspection for contract compliance is required for public improvements including surface (asphalt concrete, base rock, and concrete) and underground (water, sewer, storm drain).

A Request for Proposals for On-Call Construction Management, Resident Engineer and Inspection Services was issued on February 4, 2020, out of which two firms were recommended for inclusion on a list of prequalified Construction Management, Resident Engineer and Inspection consultants. The Staff recommended list was approved by the City Council at their April 7, 2020, meeting.

NV5, Inc. of Visalia, CA is included on the list of pre-qualified On-Call Construction Management, Resident Engineer and Inspection Consultants and has demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the work on this project. NV5, Inc. has reviewed the scope of this project and has proposed to perform construction inspection services on a time and materials basis, not to exceed \$368,480.00, in accordance with the provisions

of their on-call contract. This amount is in line with industry standards and with what the City has experienced on projects with similar scopes of work. It is also within the budgeted amount for this work on this project.

Since the time the project budget was originally developed and approved, material prices and other construction related costs have increased dramatically. Past practice of including a 20% contingency in the project budget to cover cost increases between project programming and actual construction, as well as minor changes to the design scope that typically occur, is no longer adequate to compensate for the inflation of construction costs being seen. As a result, an increase to the project budget is necessary to complete the project. After a review of the approved Capital program budget, staff has determined that there is adequate funding available to accommodate the increased cost and complete this project. However, prior to putting the next large street and utility project out to bid, staff will need to further review revenue projections and final accounting of projects under construction. Currently, the design of the Academy & Apricot Improvements Project, directly adjacent to the Sycamore & San Joaquin Improvements Project, is complete and nearly ready to bid. Staff's intends to postpone the bidding of this project for approximately 6 months, or until additional analysis of available funding can be completed.

Finally, due to the inclusion of funding from various utility related funds on this project, these contracts was also taken to the City Council for review and approval at its regular meeting on April 19, 2022.

STAFF RECOMMENDATION:

Award and authorize the City Manager to sign contracts related to City Project EN0094, a street and utility improvement project between O Street and Blackstone Street, and between Tulare Avenue and San Joaquin Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of each contract amount, and approve the revised budget.

1.	Contractor	Floyd Johnston Construction Co., Inc. of Clovis, CA	\$ 6,652,485.50
2.	Construction Surveying	Guida Surveying, Inc. of Fresno, CA	\$ 94,500.00
3.	Labor Compliance Monitoring	QK of Visalia, CA	\$ 31,750.00
4.	Materials Testing	Krazan & Associates of Clovis, CA	\$ 119,773.00
5.	Construction Inspection	NV5, Inc. of Visalia, CA	\$ 368,480.00

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

FUNDING SOURCE/ACCOUNT NUMBER:

EN0094

122 – Gas Tax (RMRA – SB1)

077 – CDBG

610 – Water CIP (Bonds)

615 – Sewer Wastewater CIP

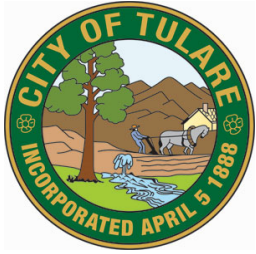
647 – Surface Water Management CIP

Submitted by: Nick Bartsch

Title: Senior Project Manager

Date: April 12, 2022

City Manager Approval: 



BID OPENING

CITY OF TULARE

PROJECT EN0094 - RFB #22-752

Sycamore & San Joaquin Improvements Project

Thursday, April 7, 2022 at 2:00 p.m.

Engineer's Estimate: \$6,080,000

	NAME OF COMPANY	CITY	BID AMOUNT
1	Floyd Johnston Construction, Inc.	Clovis, CA	\$6,652,485.50
2	Agee Construction Corporation	Clovis, CA	\$7,713,938.00
3	Emmett's Excavation, Inc.	Fresno, CA	\$7,843,903.00
4	AJ Excavation, Inc.	Clovis, CA	\$8,803,306.00
5			
6			
7			
8			
9			
10			

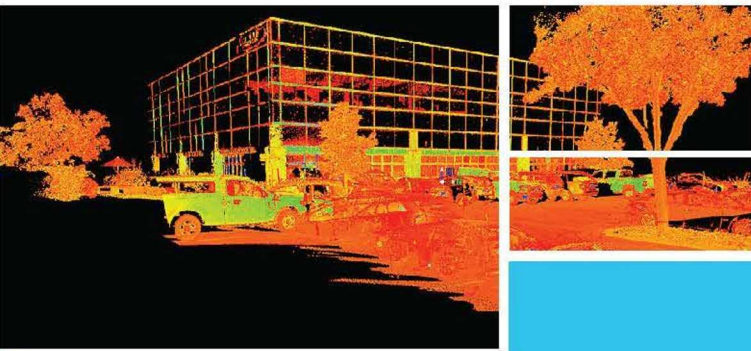
ATTESTED AND OPENED BY: Melissa Hermann
CHIEF DEPUTY CITY CLERK

WITNESS: David Dodson

RECORDED: Nick Bartsch

WITNESS: _____

BIDS ARE SUBJECT TO REVIEW AND VERIFICATION. THE AWARD OF A CONTRACT, IF AWARDED, WILL BE TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER BASED ON THE BASE BID AMOUNT WHOSE BID COMPLIES WITH ALL THE REQUIREMENTS PRESCRIBED.



PROPOSAL

PREPARED FOR: City of Tulare

Sycamore-San Joaquin Avenue
Improvements Project

April 1, 2022

05BID22-064

Nick Bartsch
Sr. Project Manager
City of Tulare
411 East Kern
Tulare, CA 93274

PROPOSAL FOR: SYCAMORE-SAN JOAQUIN AVENUE IMPROVEMENTS PROJECT

Dear Nick,

Guida Surveying, Inc. (Guida) appreciates the opportunity to submit our proposal for the project referenced above. We have carefully and thoughtfully reviewed your request and have developed the following Scope of Work (Exhibit A) and Schedule and Fee (Exhibit B).

Founded in 1988 and incorporated in 1995, Guida has solely provided land surveying and mapping services to teaming partners throughout California. Our local team brings a depth of expertise managing and serving on hundreds of public and private projects. This experience has led to the development and implementation of a proven project management and quality control process that allows for timely completion of deliverables within budget. Guida blends traditional methodologies with new and innovative technologies for the creation and delivery of the most accurate work products possible. Our state-of-the-art equipment and software tools are utilized on each project to help solve complex survey challenges. We are committed to providing effective solutions that best meet your needs.

Guida is a certified Small Business Enterprise (Department of General Services) as well as certified Woman Owned Business Enterprise (California Public Utilities Commission). The firm is registered with the Department of Industrial Relations under DIR #1000006862 and is signatory to a collective bargaining agreement with the International Union of Operating Engineers, Local 12 and Local 3.

The following Guida proposal was prepared under the supervision of a professional licensed land surveyor and will be valid 120 days from the date noted on this cover letter. All communication associated with this proposal will be coordinated by the undersigned. Thank you very much for your time and we look forward to hearing from you soon.

PREPARED BY:

Joel R. Joyner, P.E., P.L.S.
Central Valley Area Manager
T | 559.550.8306
E | rjoyner@guidainc.com
PLS 8318



REVIEWED BY:
Adrian Trespando V.P. of No Cal Operations



EXHIBIT A SCOPE OF WORK

PROJECT UNDERSTANDING

The work to be done consists of demolition and reconstruction of concrete curb ramps, construction of concrete curb and gutter, demolition and installation of sewer, water, and storm drain improvements, grind and removal of existing asphalt concrete, earthwork and grading, prepare subgrade and place Class II aggregate base and hot mix asphalt concrete pavement, and installing pavement striping, markings and signs.

SCOPE OF WORK

CONSTRUCTION STAKING:

- Verify Project Control.
- Establish permanent benchmarks and control points to be utilized for the project.
- Provide paint marks for the saw cut limits at 100-foot intervals for demo limits.
- Water/Fire Lines.
 - Provide stakes at 50-foot intervals for the water line.
 - Provide offsets stakes for the fire hydrants, valves, tees and crossings.
 - Provide line stakes for each water service.
- Sanitary Sewer.
 - Provide stakes at 50-foot interval for the sanitary sewer line.
 - Provide offsets stakes for each of the sewer manholes, and stubs.
- Storm Drain.
 - Provide stakes at 50-foot intervals for the storm drain line.
 - Provide offset stakes for each of the storm drain inlets and catch basins.
- Provide grade stakes at 25-foot intervals for the curb, and gutter. Stakes will also be placed at radius points, BC, EC and grade breaks.
- Provide stakes for the center of driveway and center of ADA ramps.
- Tie-out existing survey monuments within the project limits.
- Prepare a pre-construction corner record for each survey monument and submit to Tulare County for approval.
- Place offset stakes for each survey monument for the contractor to recovery or reconstruct the monument.
- Verify and centerpunch the position of the recovered or reconstructed survey monument.

- Prepare a post construction corner record for each of the survey monuments and submit to Tulare County for approval.

ASSUMPTIONS

The following assumptions have been made:

- 1) Guida has assumed approximately 30 trips for the project:
- 2) The above fee assumes that the contractor will provide access to the AutoCAD drawings. If the AutoCAD drawings are not available Guida Surveying will prepare the necessary AutoCAD line work for the project on a time and material basis per the attached rate sheet.
- 3) Guida will verify the project control and notify the client if the control is not sufficient to complete the project.
- 4) The fee assumes that the work will be conducted during regular work hours and does not include overtime, weekend or night work.
- 5) Survey area will be free of obstructions at the at the time requested survey tasks are to be performed.
- 6) Time for resolving any missing information, errors, or discrepancies found in the construction drawings, construction drawing revisions, or request for information (RFI) responses will be considered out of scope and subject to additional cost.
- 7) If the scope of services is acceptable Exhibit A and Exhibit B will become part of the agreement.
- 8) Guida acknowledges no addendums for the project.

EXCLUSIONS

The following are excluded from our scope of work:

- 1) Items not specified in the above scope of services.
- 2) Staking for site concrete work that can be determined off the top of curb.
- 3) Construction of the survey monument is not included in our scope of services.

DELIVERABLES

Guida will provide the following:

- 1) Guida will provide cut sheets within 48 hours to client after the completion of that day's work.
- 2) Pre-construction corner record for each survey monument and submit to Tulare County for approval.
- 3) Post construction corner record for each of the survey monuments and submit to Tulare County for approval.



EXHIBIT B SCHEDULE AND FEE

SCHEDULE

Guida will need 5 working days after the receipt of the civil engineer’s cad files and an approved copy of construction drawing prior to the beginning of our work.

Guida requires a minimum of 48 hours’ notice to mobilize a survey crew.

FEE

SERVICE	FEE
Construction Staking	\$94,500.00

The surveys defined herein will be completed on a **time and material basis with an estimated fee of:**

***\$94,500.00**

**This fee includes an estimated cost for labor, equipment, and other direct costs.*

X HOURLY RATE SHEET INCLUDED



NORTHERN CALIFORNIA | SURVEY AND MAPPING RATE SHEET

Rates effective March 1, 2020 through March 31, 2022

HOURLY RATES

LABOR DESCRIPTION	HOURLY RATE
Principal	\$250.00
Senior Project Manager	\$225.00
Project Manager	\$200.00
Project Surveyor	\$180.00
Survey Analyst	\$155.00
Survey Technician	\$130.00
Project Coordinator	\$100.00

Field Survey Rates by Prevailing Wage Classification*

1-Person Survey Crew	\$180.00
2-Person Survey Crew	\$285.00
3-Person Survey Crew	\$385.00

*1-, 2-, and 3-person survey crews are inclusive of survey vehicles, conventional and GPS survey equipment, and associated survey tools, safety equipment, etc.

MINIMUM HOURLY CHARGE (PREVAILING WAGE ONLY)

Office classifications will be billed based on the hours worked, no minimum hourly charge. Field classifications will be billed on an hourly basis with a minimum of 4, 6, and 8 hours in accordance with prevailing wage requirements.

ESCALATION

Rates shown will remain fixed through March 31, 2022. If the contract extends beyond the 2-year term, the rate will escalate on April 1, 2022.

OVERTIME

Straight time will be billed for all work performed on-site up to 8 hours each day, Monday through Friday. Overtime will begin after 8 hours, Monday through Friday and on Saturdays. Double time will begin after 12 hours and on Sundays and holidays. The overtime/double labor rates will include:

Overtime (on-site over 8 hours Mon-Fri and Sat)	1.5 times the hourly base rate
Sundays and Holidays	2.0 times the hourly base rate
Nighttime Non-Overtime	1.5 times the hourly base rate

OTHER DIRECT COSTS

1. Reimbursable costs including but not limited to delivery or messenger charges, additional reprographic costs, utility agency research fees, permits, title company fees, etc., shall be billed at cost.
2. Subconsultant fees shall be billed at cost.
3. Costs related to specialty survey requirements, i.e. traffic control, specialty safety equipment, etc. will be billed at cost.
4. Expenses for any special equipment and/or requests shall be at the approval of the client.



March 18, 2022

Mr. Nick Bartsch
Senior Project Manager
City of Tulare
411 East Kern Avenue
Tulare, California 93274

**Subject: Proposal for Labor Compliance Program Services
Project No. EN0094: Sycamore – San Joaquin Avenue Improvements**

Dear Mr. Bartsch:

Quad Knopf (QK) is pleased to present this proposal for labor compliance services to the City of Tulare for their Sycamore – San Joaquin Avenue Improvements Project. We understand this project is locally funded and does not contain federal funding, however, pursuant to Section 1770 through 1780 of the California Labor Code, this is a prevailing wage project, and the general prevailing wage rates have been determined by the Director of the California Department of Industrial Relations.

In this age of more stringent reporting, QK has successfully assisted our clients in meeting the demanding labor compliance reporting requirements of the Federal and State governments as well as other funding sources. A more detailed description of the scope of services is provided in Attachment A of this proposal.

If the scope of services meets your approval, please issue your Purchase Order and return to us at the address above.

Thank you for your continued confidence with the QK team. If you have any questions or would like to discuss this proposal further, please contact Greg Thompson at (559) 733-0440. We look forward to beginning this work upon your approval.

Sincerely,

Greg Thompson
Senior Construction Manager

Monique Mello
Branch Manager – Visalia/Senior Engineer

Enclosures: Attachment A - Scope of Services and Fee Estimate
Charge Rate Schedule

P220178
GC/GT/MCM

Attachment A

Scope of Services and Fee Estimate

BACKGROUND

Quad Knopf, Inc. (QK) would be pleased to provide the City of Tulare with labor compliance as described below. We look forward to working with you on this project.

PROJECT UNDERSTANDING

We understand that the project consists of demolition and reconstruction of concrete curb ramps, sidewalks, drive approach, construction of concrete curb and gutter, demolition and installation of sewer, water and storm drain improvements, grind and removal of existing asphalt concrete, earthwork, and grading, prepare subgrade and place Class II aggregate base and hot mix asphalt concrete pavement, and installing pavement striping, markings and signs. QK will provide Labor Compliance services as related to this work.

APPROACH/SCOPE OF SERVICES

As the provider of labor compliance services for the project, QK will conduct or attempt to conduct interviews onsite with employees of each trade, each month; we will review weekly certified payrolls for the Contractor and any/all subcontractors; and we will liaise with the Contractor on discrepancies and prepare the necessary reports. The scope of services for providing construction project labor compliance to the City of Tulare on their Sycamore – San Joaquin Avenue Improvements Project is as follows:

TASK 1.0 CITY OF TULARE LABOR COMPLIANCE SERVICES

- 1.1 Attend preconstruction meeting; provide labor compliance posters and a complete package of necessary forms to the General Contractor.
- 1.2 Review certified weekly payroll reports (CPR) for compliance with Federal and State prevailing wages, through to project completion.
- 1.3 Perform onsite employee interviews using approved forms – one per trade, per contractor/subcontractor, per month, or attempted interviews if the contractor is scheduled to work.
- 1.4 Prepare a monthly labor compliance report.
- 1.5 Prepare a final labor compliance report.
- 1.6 Provide redacted certified payrolls as requested from a Labor Management Council or Committee. Since this service is dependent upon the request of outside organizations, we will provide this as an Optional Service, as requested by the City. In addition, QK will, as an additional optional service, provide a discrepancy letter to the State DIR for issues arising during the project.

NOTE: If a discrepancy is found in the CPR, the Labor Compliance Specialist (LCS) will notify the General Contractor of the issue and allow him time to correct the discrepancy. Should the issue be corrected within the allotted time per State and Federal laws, the issue will be considered resolved. However, if the issue is not corrected, the LCS is required by law to notify the State Department of Industrial Relations of the discrepancy. The State Agency will then take necessary steps to have the matter corrected. This process is quite lengthy, and is usually unnecessary, but it is in place should there ever be a need.

Deliverables:

- Monthly report pending receipt of payrolls from Contractors.
- Final Report at project completion.

SCHEDULE

Our schedule of work is contingent upon Contractor performance and is based on the number of days allotted to the General Contractor to perform their work onsite in the project bid documents. This project calls for 240 working days (48 weeks, 11 months) pending Notice to Proceed. Should the work extend beyond the expected duration, QK will extend services concurrently at the unit rates described below, upon your approval.

FEE ESTIMATE

Task	Description	Fee Type	Fee Amount
1.0	City of Tulare Labor Compliance Services		
1.1	Attend preconstruction meeting, providing labor compliance posters and a complete package of necessary forms.	Fixed Fee	\$1,750.00
1.2	Review weekly certified payrolls for compliance with State prevailing wages, through to project completion. \$300 per week of payroll reports for 48 weeks	Fixed Fee Unit Price	\$14,400.00
1.3	Perform employee interviews – one per trade, per contractor/subcontractor, per month, or attempted interviews if the contractor is scheduled to work. \$300 per day – 2 days per month for 11 months	Fixed Fee Unit Price	\$6,600.00
1.4	Prepare a monthly labor compliance report, based on a 11-month schedule. \$750 per month.	Fixed Fee Unit Price	\$8,250.00
1.5	Prepare a final labor compliance report.	Fixed Fee	\$750.00
Total Estimated Fee			31,750.00

1.6	Optional Services		
	1.6.1 Provide redacted certified payrolls as requested from a Labor Management Councils or Committees.	Time and Materials	\$110.00 per hour
	1.6.2 Discrepancy Letter to State Department of Industrial Relations	Fixed Fee Unit Price	\$200.00 per letter

Notes:

- Expenses for reproduction, mailing, mileage, etc. are billed separately per our attached Charge Rate Schedule.
- All time-and-materials fees will be invoiced monthly based on the level of effort in terms of hours relative to our Charge Rate Schedule.
- When a Task is set on a time-and-materials fee basis, it signifies that it is not possible to accurately predict the amount of work effort required typical of on-call type services. QK will work with the client to set expectations where applicable.
- Tasks billed by fixed fees will be invoiced monthly based on the percentage of work completed.
- Additional Services requested in writing and approved by the client will be provided on a time-and-materials basis.

AUTHORIZATION OF SERVICES

In order to authorize services described herein, please send us a purchase order. Typically, we can begin our services within 5 business days of the time authorization is received depending on client need and schedule constraints.

Charge Rate Schedule



2022 CHARGE RATE SCHEDULE

Current

TECHNICAL SERVICES	
Project Assistant	\$69 / hour
Project Administrator	\$92 / hour
Assistant CADD Technician / Assistant CADD Designer / GIS Technician	\$87 / hour
Associate CADD Technician / Associate CADD Designer / Associate GIS Analyst	\$102 / hour
Senior Associate CADD Technician/ Senior Associate CADD Designer / Senior Associate GIS Analyst	\$118 / hour
Senior CADD Technician / Senior CADD Designer / Senior GIS Analyst	\$133 / hour
Landscape Architect Technician	\$102 / hour
PROFESSIONAL SERVICES	
Engineering	
Assistant Engineer	\$115 / hour
Associate Engineer	\$140 / hour
Senior Associate Engineer	\$160 / hour
Project Engineer	\$180 /hour
Senior Engineer / City Engineer / District Engineer	\$210 / hour
Principal Engineer	\$250 / hour
Planning / Environmental / Landscape Architecture	
Assistant Environmental Scientist	\$85 / hour
Assistant Planner	\$95 / hour
Associate Planner / Associate Environmental Scientist	\$110 / hour
Senior Associate Environmental Scientist	\$135 / hour
Senior Associate Planner	\$135 / hour
Senior Environmental Scientist	\$160 / hour
Senior Planner / Senior Landscape Architect	\$160 / hour
Principal Planner / Principal Environmental Scientist	\$175 / hour
Senior Principal Planner / Senior Principal Environmental Scientist	\$195 / hour
Construction and Project Management	
Field Construction Observer	\$118 / hour
Senior Field Construction Observer	\$138 / hour
Assistant Construction Manager / Assistant Project Manager	\$110 / hour
Associate Construction Manager / Associate Project Manager	\$129 / hour
Project Manager	\$133 / hour
Senior Associate Construction Manager / Senior Associate Project Manager	\$148 / hour
Senior Construction Manager / Senior Project Manager	\$170 / hour
Principal Construction Manager / Principal Project Manager	\$185 / hour
Surveying	
Assistant Surveyor	\$110 / hour
Associate Surveyor	\$125 / hour
Senior Associate Surveyor	\$150 / hour
Project Surveyor	\$165 / hour
Senior Surveyor	\$180 / hour
One-Person Survey Crew	\$140 / hour
Two-Person Survey Crew	\$225 / hour
Three-Person Survey Crew	\$275 / hour
UAV Pilot	\$165 / hour
UAV Flight Observer	\$125 / hour

Fees are based on the median hourly pay rate for employees in each classification, plus indirect costs, overhead, and profit.

EXPENSES	
Plotting, Printing and Reproduction, Equipment Rental, Postage and Shipping	1.15 x Cost
Transportation and per diem (QK will provide documented evidence of business travel, travel outside of work areas shall be pre-approved by Client)	1.15 x Cost
Mileage	\$0.67 / mile
Other Expenses – Including Subconsultants & Purchased Services through Subcontracts	1.15 x Cost

Rates are effective through December 31, 2022. If contract assignment extends beyond that date, a new rate schedule may be added to the contract. Expert Witness/ Litigation support will be billed as quoted.

Rates based on "Prevailing Wage" (PW) for Construction Surveying will be determined by project and County per California law.

12/28/2021

March 31, 2022

KA Proposal No. T22196CAF

Mr. Nick Bartsch
City of Tulare
411 East Kern
Tulare, California 93274

O: (559) 684-4209
NBartsch@tulare.ca.gov

RE: SPECIAL INSPECTION & MATERIALS TESTING ESTIMATE
City of Tulare
Sycamore – San Joaquin Avenue Improvements
Tulare, California

Dear Mr. Bartsch:

In accordance with your request, we are submitting this cost estimate for Special Inspection and Materials Testing Services for the Sycamore – San Joaquin Avenue Improvements project in Tulare, California.

The following preliminary estimate is based on our experience with similar construction. As more information becomes available, such as the contractor's construction schedule, we would be happy to revise the project estimate. Variances in the actual schedule may occur during the project and may affect the total cost for our testing and inspection services. Please refer to the attached estimate for further information.

Krazan & Associates, Inc. takes great pride in our ability to provide quality service to our client's projects and we anticipate you will be pleased with the selection of our firm. We appreciate the opportunity to provide this proposal and look forward to working with you on future projects. If you have any questions and or require any additional information, please don't hesitate to contact me.

Respectfully submitted,
KRAZAN & ASSOCIATES, INC.



Ian Beatty
Operations Manager
Testing & Inspection Division

The following items are included as an Attachment:

- Attachment A – Cost Estimate
- Attachment B – Contract

Krazan Quality Assurance Testing Estimate

City of Tulare, Sycamore-San Joaquin Improvements

KA Proposal#

T22196CAF

Revised

QUALITY ASSURANCE TESTING & INSPECTIONS				
TESTING & INSPECTION	<i>No. Days</i>	<i>No. Units</i>	<i>Unit Rate</i>	<i>Cost</i>
Utility Line Trench Backfill Compaction Testing	170	4	\$105.00	\$71,400.00
Pavement Area Sugrade Soil Compaction Testing	10	4	\$105.00	\$4,200.00
Pavement Area Aggregate Base Compaction Testing	10	4	\$105.00	\$4,200.00
Asphalt Batch Plant Sampling	8	4	\$65.00	\$2,080.00
Asphalt Compaction Testing	8	8	\$105.00	\$6,720.00
Asphalt Compaction Testing (Overtime)	8	2	\$158.00	\$2,528.00
Misc. Subgrade Soil Compaction Testing	6	4	\$105.00	\$2,520.00
Concrete Inspection and Testing	0	4	\$98.00	\$0.00
Sample Pickup	2	1	\$75.00	\$150.00
Project Management	5	1	\$90.00	\$450.00
Report Preparation	8	1	\$55.00	\$440.00
Registered Civil Engineer Review	8	1	\$125.00	\$1,000.00
Mileage/Trip Charge	204	1	\$0.00	\$0.00
Inspection Labor Subtotal				\$95,688.00
Laboratory Testing		<i>No. Units</i>	<i>Unit Rate</i>	<i>Cost</i>
Soil Maximum Density Proctor (per material)		15	\$200.00	\$3,000.00
Soil Maximum Density Proctor - Checkpoint(per material)		30	\$100.00	\$3,000.00
Aggregate Base Maximum Density Proctor (per material)		5	\$200.00	\$1,000.00
Aggregate Base Class 2 Suitability Testing (Gradation, SE, R-value, Durability)		2	\$695.00	\$1,390.00
Asphalt Production Startup Evaluation		1	\$2,800.00	\$2,800.00
Asphalt Oil Content by Ignition Oven		12	\$200.00	\$2,400.00
Asphalt Theoretical Specific Gravity/Air Voids		8	\$300.00	\$2,400.00
Asphalt Moisture Content		8	\$20.00	\$160.00
Asphalt Voids in Mineral Aggregate		8	\$150.00	\$1,200.00
Asphalt Hamburg Wheel Tracker		1	\$1,500.00	\$1,500.00
Asphalt Aggregate Gradation		12	\$175.00	\$2,100.00
Asphalt Aggregate Sand Equivalent		12	\$75.00	\$900.00
Aggregate Percent Crushed, Coarse		1	\$105.00	\$105.00
Aggregate Percent Crushed, Fine		1	\$105.00	\$105.00
Aggregate LA Rattler		1	\$225.00	\$225.00
Utility Trench Backfill Soil Sand Equivalent		10	\$75.00	\$750.00
Asphalt Core Densities		30	\$35.00	\$1,050.00
Concrete Compressive Strength (Set)		0	\$100.00	\$0.00
Laboratory Subtotal				\$24,085.00
TOTAL ESTIMATED QUALITY ASSURANCE COSTS:				\$119,773.00

Inclusions, Exclusions and Clarifications

- Krazan & Associates charges a two (2.0) hour minimum per site visit per inspector and one (1.0) hour increments thereafter. Overtime is billed in one (1.0) hour increments.
- Standard working hours are from 7:00 A.M to 3:30 P.M. Monday through Friday, or as established for the project. Any work performed beyond 8 hours per day and Saturdays will be billed at the hourly overtime rate (1.5 times the hourly rate). Any work performed beyond 12 hours per day or on Sundays will be billed at the hourly double-time rate (2.0 times the hourly rate).
- The above prices DO reflect the changes to Section 1720 (ref. SB1999) of the Labor Code requiring inspectors and Land Surveyors be paid general prevailing wage during all phases of construction. This amendment to Section 1720 of the Labor Code (approved 9-28-00) became effective Jan. 2001.
- Additional Services, as requested, will be billed on a time and materials basis in accordance with our yearly Fee Schedule.



Description	Kevin Reisz PE, PIC/PM	Resident Engineer	Lead Field Engineer*	Night or weekend inspection*	Office Engineer	TOTAL COST	TOTAL HOURS
Part 1 - Construction Management & Inspection through Project Closeout							
TASK 1: PRECONSTRUCTION SERVICES							
1.1 Review Project Documents			40				40
1.2 Project Kick-Off Meeting							0
1.3 Establish Project Procedures							0
1.4 Pre-construction meeting							0
1.5 Review Initial Submittals							0
1.6 Pre-construction Photos & Videos							0
1.7 Pothole and Conflict Certification							0
1.8 Constructability Review							0
Man Hour Total	0		40	0	0		40
Hourly Rate Charge (1)	\$250.00	\$220.00	\$184.24	\$183.00	\$105.00		
Total Fees	\$0.00	\$0.00	\$7,369.60	\$0.00	\$0.00	\$7,369.60	
TASK 2: CONSTRUCTION MANAGEMENT SERVICES DURING CONSTRUCTION							
Task 2.1 Project Coordination and Correspondence							
2.1.1 Interaction with City Staff, Designer, and Utilities							0
2.1.2 Utility Coordination							0
2.1.3 Progress Meetings							0
2.1.4 Monthly Reporting to City Project Manager							0
Task 2.2 Project Administration and Documentation							
2.2.1 Document Control							0
2.2.2 Schedule Review							0
2.2.3 Weekly Statement of Working Days							0
2.2.4 Submittal Management							0
2.2.5 Request for Information Management							0
2.2.6 Change Order Management & Cost Control							0
2.2.7 Monthly Payment Review & Cost Control							0
2.2.8 Labor Compliance							0
2.2.9 Claims Management							0
Task 2.3 Construction Observation Services / Inspection Services							
2.3.1 Field Inspection							0
2.3.2 Materials Testing, Quality Assurance Testing & Source Inspection							0
2.3.3 Storm Water Pollution Prevention Plan (SWPPP) Monitoring							0
2.3.4 Traffic Control							0
2.3.5 Construction Staking & Layout Verification							0
2.3.6 Environmental Monitoring							0
Man Hour Total	0	0	1920	0	0		1920
Hourly Rate Charge (1)	\$250.00	\$220.00	\$184.24	\$183.00	\$105.00		
Total Fees	\$0.00	\$0.00	\$353,740.80	\$0.00	\$0.00	\$353,740.80	
TASK 3: POST CONSTRUCTION & PROJECT CLOSEOUT SERVICES							
3.3.1 Final Inspection & Issue Notice of Completion			40				40
3.3.2 Prepare & Recommend Final Payment Request							0
3.3.3 Review & Submit As-Builts							0
3.3.4 Prepare Final Reports							0
3.3.5 Deliver Project Files							0
Man Hour Total	0	0	40	0	0		0
Hourly Rate Charge (1)	\$250.00	\$220.00	\$184.24	\$183.00	\$105.00		
Total Fees	\$0.00	\$0.00	\$7,369.60	\$0.00	\$0.00	\$7,369.60	
Part 2 - Materials Testing / Source Inspection							
Materials Testing						\$ -	0
Total Fees						\$0.00	
Part 3 - Public Outreach							
None							0
Total Fees						\$0.00	
Part 4 - Additional Services							
Surveying						\$ -	0
Total Fees						\$0.00	
Part 1 Man Hour Total	0	0	2000	0	0		2000
Total Fees Parts 1 - 4	\$0.00	\$0.00	\$368,480.00	\$0.00	\$0.00	\$368,480.00	

Notes and Assumptions:

- NV5 employees hourly rates include overhead, profit, safety equipment, inspector laptops, cell phones, and a vehicle.
- Compensation to provide Construction Management services required for this project shall be on a time and material basis for the necessary personnel.
- Adjustments to this estimate may be required if the actual schedule requires more or less construction management services than proposed.
- This cost estimate is based on a construction contract duration of 240 working days. It assumes a typical 8 hour work day, Monday through Friday (1920 hours). Time extensions to the project may result in additional construction management services.
- This cost estimate assumes no Resident Engineer services on the project.

Other Direct Costs	
Office Expenses	\$ -
Total Project Cost	\$368,480.00

TRANSPORTATION PROJECT

PROJECT #EN0094	G/L #:
Sycamore-San Joaquin Improvements (EN2016-006 - Highland-Academy Tracts; EN2021-8B)	
(Capital)	
(Capital)	
District(s): 4	

PROJECT MANAGER: Nick Bartsch

PROJECT DESCRIPTION & PURPOSE:

Pavement Management System / Utility project on King Ave. between O St. and Cerry St.; Sycamore Ave. between Cherry St. and Blackstone St.; San Joaquin Ave. between O St. and Blackstone St.; Madden St. between Tulare Ave. and King St.; Delwood St. between Sycamore Ave. and San Joaquin Ave.; and N. Highland St. between Tulare Ave. and Sycamore Ave. Includes ADA Concrete work, Water, Sewer and Surface Water facilities.

KEY POINTS:

Critical Utility Infrastructure Improvements; Traffic safety; Relief from potential liability concerns; Compliance to the American Disabilities Act

PROJECT STATUS:

Approved by TMT on 3/25/2021

PROJECTED START DATE:

7/1/2021

PROJECTED END DATE:

6/30/2023

FUTURE M & O:

(Additional Cost & Department Responsibility)

No additional Cost

CRITERIA (1-8):

Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

Costs Description	Fiscal Year					Total	Unfunded
	2021/22	2022/23	2023/24	2024/25	2025/26		
001 - Conceptual	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
002 - Preliminary Design	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
003 - Environmental	\$2,500	\$0	\$0	\$0	\$0	\$2,500	\$ -
004 - Final Design	\$495,055	\$0	\$0	\$0	\$0	\$495,055	\$ -
005 - Construct/Impliment	\$0	\$5,990,315	\$0	\$0	\$0	\$5,990,315	\$ -
006 - Close Out	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Total Costs:	\$497,555	\$5,990,315	\$0	\$0	\$0	\$6,487,870	\$ -
Funding Sources							
122 - Gas Tax (RMRA)	\$62,276	\$718,775	\$0	\$0	\$0	\$781,052	\$ -
077 - CDBG	\$0	\$390,000	\$0	\$0	\$0	\$390,000	\$ -
610 - Water CIP (Bonds)	\$153,975	\$1,787,780	\$0	\$0	\$0	\$1,941,755	\$ -
615 - Sewer/Wastewater CIP	\$166,730	\$2,007,349	\$0	\$0	\$0	\$2,174,079	\$ -
647 - Surface Water CIP	\$114,574	\$1,086,411	\$0	\$0	\$0	\$1,200,985	\$ -
Total Funding:	\$497,555	\$5,990,315	\$0	\$0	\$0	\$6,487,870	\$ -

TRANSPORTATION PROJECT

PROJECT #EN0094	G/L #:
Sycamore-San Joaquin Improvements (EN2016-006 - Highland-Academy Tracts; EN2021-8B)	
(Capital)	
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District(s): 4	

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KEY POINTS: Critical Utility Infrastructure Improvements; Traffic safety; Relief from potential liability concerns; Compliance to the American Disabilities Act

PROJECT STATUS: Approved by TMT on 3/25/2021

PROJECTED START DATE: 7/1/2021

PROJECTED END DATE: 6/30/2023

FUTURE M & O:
(Additional Cost & Department Responsibility) No additional Cost

CRITERIA (1-8): Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

Costs Description	Fiscal Year					Total	Unfunded
	2021/22	2022/23	2023/24	2024/25	2025/26		
001 - Conceptual	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
002 - Preliminary Design	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
003 - Environmental	\$2,500	\$0	\$0	\$0	\$0	\$2,500	\$ -
004 - Final Design	\$480,011	\$0	\$0	\$0	\$0	\$480,011	\$ -
005 - Construct/Impliment	\$0	\$8,260,680	\$0	\$0	\$0	\$8,260,680	\$ -
006 - Close Out	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Total Costs:	\$482,511	\$8,260,680	\$0	\$0	\$0	\$8,743,192	\$ -
Funding Sources							
122 - Gas Tax (RMRA)	\$89,346	\$1,139,616	\$0	\$0	\$0	\$1,228,962	\$ -
077 - CDBG	\$0	\$390,000	\$0	\$0	\$0	\$390,000	\$ -
610 - Water CIP (Bonds)	\$140,767	\$2,409,950	\$0	\$0	\$0	\$2,550,717	\$ -
615 - Sewer/Wastewater CIP	\$146,670	\$2,511,020	\$0	\$0	\$0	\$2,657,690	\$ -
647 - Surface Water CIP	\$105,729	\$1,810,093	\$0	\$0	\$0	\$1,915,822	\$ -
Total Funding:	\$482,511	\$8,260,680	\$0	\$0	\$0	\$8,743,192	\$ -

Updated: 4-19-22

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL**

Submitting Department: Public Works - Solid Waste

For Board Meeting of: April 21, 2022

Documents Attached: Ordinance Resolution Other None

AGENDA ITEM:

Review the proposed Mandatory Recycling and Organic Waste Disposal Reduction Ordinance and make recommendations to the City Council with regard to revising Title 7 to include Chapter 7.17, Mandatory Recycling and Organic Waste Disposal Reduction Ordinance to the City of Tulare’s Code of Ordinances, to the effect the addition described in the ordinance as attached.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The purposed of the proposed chapter to the City’s Code of Ordinances is to ensure the City of Tulare is in compliance with Senate Bill (SB) 1383 that mandated public agencies to reduce organic waste disposal by 75% and increase edible food recovery by 25% by 2025, and establish programs for the collection and recycling of organic waste in residential and commercial sectors.

The proposed chapter establishes parameters and program requirements for residential and commercial generators, requirements for edible food recovery organizations, waste haulers, self-haulers, issuance of waivers, requirements for education and outreach, inspections and investigations, and enforcement.

CalRecycle, the State agency that is responsible for enforcing SB 1383, created a model ordinance format for each jurisdiction to customize. By using the model ordinance format, City staff is confident the proposed ordinance includes all legal requirements to comply with SB 1383.

KEY ITEMS IN PROPOSED ORGANIC WASTE CHAPTER:

1. Provide Organics Collection Services to All Residents and Businesses

The proposed chapter contains general requirements for all property owners, residents and commercial businesses in Tulare. Generators of organics shall:

- Subscribe or have access to and maintain a three-container solid waste collection system consisting of gray/brown (trash), blue (non-organics recycling), and green (organics recycling containers).
- Separate materials into the correct containers and shall not place prohibited contaminants in any container.
- Provide adequate onsite parcel space for a three-container solid materials system, including additional space needed for access by persons and collection vehicles.

2. Establish Edible Food Recovery Program: Tiers 1 and 2

SB 1383 requires that certain food-related businesses recover edible food leftovers, package them for reuse, and donate to a food recovery organization to provide to people in need. Qualifying businesses are categorized as Tier 1 or Tier 2. Tier 1 commercial edible food generators are supermarkets with gross annual revenues of at least \$2 million, grocery stores of at least 10,000 square feet, wholesale food markets, and food service distributors. Tier 2 commercial edible food generators are restaurants of at least 5,000 square feet or have a minimum seating capacity of 250, hotels with a minimum 200 rooms and onsite food facility, health facilities with a minimum 100 beds and onsite food services, and large event venues.

Commercial edible food generators shall arrange to recover the maximum amount of edible food that otherwise would be disposed; contract with food recovery organizations or services for the collection of edible food for recovery; allow the City’s enforcement entity to access the premises and review records; and maintain specific records and make them available to the City for annual reporting purposes.

Food recovery organizations or services that enter into agreements with generators would be required to report annual edible food collection data to the City and participate in capacity planning.

3. Conduct Monitoring, Inspections, and Enforcement

The proposed chapter would require the City to conduct annual compliance reviews to verify commercial businesses are subscribed to the City’s three-container collection service or a private organics service; review collection routes to verify service to all generators; and perform visual inspections for contamination during collection. Edible food generators are supermarkets with gross annual revenues of at least \$2 million, grocery stores of at least 10,000 square feet, wholesale food markets, and food service distributors. Tier 2 commercial edible food generators are restaurants of at least 5,000 square feet or have a minimum seating capacity of 250, hotels with a minimum 200 rooms and onsite food facility, health facilities with a minimum 100 beds and onsite food services, and large event venues.

The City would implement an 18-month Education and Outreach program before enforcement begins January 1, 2024.

STAFF RECOMMENDATION:

Review the proposed Mandatory Recycling and Organic Waste Disposal Reduction Ordinance and make recommendations to the City Council with regard to revising Title 7 to include Chapter 7.17, Mandatory Recycling and Organic Waste Disposal Reduction Ordinance to the City of Tulare’s Code of Ordinances, to the effect the addition described in the ordinance as attached.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

FUNDING SOURCE/ACCOUNT NUMBER:

N/A

Submitted by: Andrew Bettencourt

Title: Management Analyst

Date: April 13, 2022

City Manager Approval: 

CHAPTER 7.17
MANDATORY RECYCLING AND ORGANIC WASTE DISPOSAL REDUCTION

7.17.010 Purpose and Findings

The City of Tulare finds and declares:

(A) The purpose of this chapter is to implement state laws in order to reduce the amount of recyclable, e.g., non-organic and organic, solid wastes deposited in landfills from the City's commercial businesses, residents, and self-haulers.

(B) 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.

(C) 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 multifamily 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.

(D) 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 multifamily 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.

(E) 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.

(F) 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 chapter 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.

(G) Requirements in this chapter are consistent with other adopted goals and policies of the City to reduce waste and lower emissions of greenhouse gases.

(H) This chapter is intended to supplement the City's general regulation of solid waste set forth in other portions of the City's Municipal Code, including, but not limited to, Chapter 7.16. (Ord. 22-xxx§, 2022)

7.17.020 Title of Chapter

This chapter shall be entitled "Mandatory Recycling and Organic Waste Disposal Reduction." (Ord. 22-xxx§, 2022)

7.17.030 Definitions

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.

CALRECYCLE. California's Department of Resources Recycling and Recovery, which is the department designated with responsibility for developing, implementing, and enforcing SB 1383 regulations.

CALIFORNIA CODE OF REGULATIONS or CCR. The state of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

C&D. Abbreviation for construction or demolition debris.

CITY. The City of Tulare, a California Municipal Corporation and charter city, in Tulare, California.

CITY ENFORCEMENT OFFICIAL. The City Manager or their authorized designee(s) who is/are partially or wholly responsible for enforcing this chapter.

COMMERCIAL BUSINESS OR COMMERCIAL. 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 multifamily residential dwelling that consists of fewer than five (5) units is not a commercial business for purposes of implementing this chapter.

COMMERCIAL EDIBLE FOOD GENERATOR. A tier one or a tier two commercial edible food generator as defined in this section 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).

COMPLIANCE REVIEW. A review of records by the city to determine compliance with this chapter.

COMMUNITY COMPOSTING. 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 (1) time does not exceed one hundred (100) cubic yards and seven hundred fifty (750) square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

COMPOST. The same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this chapter, 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.

COMPOSTABLE PLASTICS or COMPOSTABLE PLASTIC. The 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).

CONTAINER CONTAMINATION or CONTAMINATED CONTAINER. A container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

DESIGNATED SOURCE SEPARATED ORGANIC WASTE FACILITY. As defined in 14 CCR Section 18982(14.5), a solid waste facility that accepts a source-separated organic waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one (1) of the following:

1. The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average source separated organic content recovery rate of fifty (50) percent between January 1, 2022, and December 31, 2024, and seventy-five (75) percent on and after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(f) for organic waste received from the source separated organic waste collection stream.

- a. If a transfer/processor has an annual average source separated organic content recovery rate lower than the rate required in paragraph (1) of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “designated source separated organic waste facility.”

2. The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is organic waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.

- a. If the percent of the material removed for landfill disposal that is organic waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2)

or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “designated source-separated organic waste facility.” For the purposes of this chapter, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).

DESIGNEE. An entity that Jurisdiction contracts with or otherwise arranges to carry out any of the Jurisdiction’s responsibilities of this Chapter 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.

EDIBLE FOOD. Food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter 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 chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

ENFORCEMENT ACTION. An action of the City to address noncompliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

EXCLUDED WASTE. 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 city 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 city’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose city to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multifamily solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

FOOD DISTRIBUTOR. A company that distributes food to entities including, but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

FOOD FACILITY. The same meaning as in Section 113789 of the Health and Safety Code.

FOOD RECOVERY. Actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

FOOD RECOVERY ORGANIZATION. 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 chapter 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 chapter.

FOOD RECOVERY SERVICE. 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 chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

FOOD SCRAPS. 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.

FOOD SERVICE PROVIDER. An entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

FOOD-SOILED PAPER. 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.

FOOD WASTE. Food scraps, food-soiled paper, and compostable plastics.

GRAY CONTAINER or BROWN CONTAINER. 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.

GRAY CONTAINER WASTE. Solid waste that is collected in a gray container that is part of a three-container 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).

GREEN CONTAINER. 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.

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

HAULER ROUTE. The designated itinerary or sequence of stops for each segment of the city's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

HIGH DIVERSION ORGANIC WASTE PROCESSING FACILITY. 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 fifty (50) percent between January 1, 2022, and December 31, 2024, and seventy-five (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).

INSPECTION. A site visit where a city 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 chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

LARGE EVENT. 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 two thousand (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 chapter.

LARGE VENUE. A permanent venue facility that annually seats or serves an average of more than two thousand (2,000) individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter 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 chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one (1) 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 chapter.

LOCAL EDUCATION AGENCY. 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).

MIXED WASTE ORGANIC COLLECTION STREAM or MIXED WASTE. Organic waste collected in a container that is required by 14 CCR Section 18984.1, 18984.2 or 18984.3 to be taken to a high diversion organic waste processing facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

MULTIFAMILY RESIDENTIAL DWELLING or MULTIFAMILY. From, or pertaining to residential premises with five (5) or more dwelling units. Multifamily premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

NON-COMPOSTABLE PAPER. Includes but is not limited to paper that is coated in a plastic material that will not break down in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

NON-LOCAL ENTITY. The follow entities that are not subject to the City's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

1. Federal facilities located within the boundaries of the City, including but not limited to United States Postal Service, Immigration and Customs Enforcement, and Federal Bureau of Investigations.
2. County fairgrounds located within the boundaries of the City, including Tulare County Fairgrounds owned by State of California.
3. Reserved.
4. Local school districts within the boundaries of the City, including but not limited to Tulare City School District and Tulare Joint Union High School District.
5. Public universities located within the boundaries of the City, including but not limited to the College of the Sequoias.
6. State agencies located within the boundaries of the City, including but not limited to Department of Vehicles, California Highway Patrol, and California Department of Transportation.

NON-ORGANIC RECYCLABLES. Non-putrescible and nonhazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

NOTICE OF VIOLATION (NOV). 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.

ORGANIC WASTE. Solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

ORGANIC WASTE GENERATOR. 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).

PAPER PRODUCTS. Products that 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).

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

PROHIBITED CONTAINER CONTAMINANTS. Defined as the following:

1. Discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the city's blue container;
2. Discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste for the city's green container;
3. 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 City's green container and/or blue container; and,
4. Excluded waste placed in any container.

RECOVERD ORGANIC WASTE PRODUCTS. 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).

RECYCLED-CONTENT PAPER. Paper products, and printing and writing paper that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

RECOVERY. Any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

REGIONAL AGENCY. Regional agency as defined in Public Resources Code Section 40181.

REMOTE MONITORING. The use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of blue containers, green containers, and gray containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants.

RENEWABLE GAS. Gas derived from organic waste that has been diverted from a California landfill and process 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).

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

ROUTE REVIEW. A visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

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

SB 1383 REGULATIONS or SB 1383 REGULATORY. Refers to, for the purposes of this chapter, 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.

SELF-HAULER. 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). Self-haulers must also meet one (1) of the exceptions from the requirements of Section 8.12.020.

SINGLE-FAMILY. From, or pertaining to any residential premises with fewer than five (5) units.

SOLID WASTE. Has the same meaning as defined in State Public Resources Code Section 40191, 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 semisolid 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.

SOURCE SEPARATED. Materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this chapter, **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/mixed waste or other solid waste for the purposes of collection and processing.

SOURCE SEPARATED BLUE CONTAINER ORGANIC WASTE. Source separated organic waste that can be placed in a blue container that is limited to the collection of those organic waste and non-organic recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

SOURCE SEPARATED GREEN CONTAINER ORGANIC WASTE. Source separated organic waste that can be placed in a green container that is specifically intended for the separate collection of organic waste by the generator, excluding source separated blue container organic waste, carpets, non-compostable paper, and textiles.

SOURCE SEPARATED RECYCLABLE MATERIALS. Source separated non-organic recyclables and source separated blue container organic waste.

STATE. The State of California.

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

TIER ONE COMMERCIAL EDIBLE FOOD GENERATOR. A commercial edible food generator that is one (1) of the following:

1. Supermarket.
2. Grocery store with a total facility size equal to or greater than ten thousand (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 chapter.

TIER TWO COMMERCIAL EDIBLE FOOD GENERATOR. A commercial edible food generator that is one (1) of the following:

1. Restaurant with two hundred fifty (250) or more seats, or a total facility size equal to or greater than five thousand (5,000) square feet.
2. Hotel with an on-site food facility and two hundred (200) or more rooms.
3. Health facility with an on-site food facility and one hundred (100) or more beds.
4. Large venue.
5. Large event.
6. A state agency with a cafeteria with two hundred fifty (250) or more seats or total cafeteria facility size equal to or greater than five thousand (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 chapter.

UNCONTAINERIZED GREEN WASTE AND YARD WASTE COLLECTION SERVICE or UNCONTAINERIZED SERVICE. A collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator's house or place of business for collection and transport to a facility that recovers source separated organic waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

WHOLESALE FOOD VENDOR. 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). (Ord. 22-xxx§, 2022)

7.17.040 General provisions and prohibitions for the use of solid waste, recyclable (non-organic) and organic containers by generators

(A) Generators shall have and maintain a three-container Solid Waste collection system consisting of Blue Containers, Gray/Brown Containers and Green Containers, and shall comply with the general requirements specified in other portions of the City's Municipal Code, including, but not limited to, Chapter 7.16.

(B) Generators shall separate materials into their correct containers and shall not place prohibited container contaminants in any container.

(C) Generators shall provide adequate onsite parcel space for three-container solid materials systems, unless otherwise allowed by the City. The container space or refuse enclosure shall be

large enough to accommodate a minimum of three containers, including additional space for accessibility by persons and collection vehicles.

(D) Generators shall maintain and keep materials containers areas, including refuse enclosures, clean, free of litter, debris, stored supplies, equipment and other materials, and unsanitary conditions, and safety accessible to users and City staff and vehicles. (Ord. 22-xxx§, 2022)

7.17.050 Requirements for single-family generators

Single-family organic waste generators shall comply with the following requirements:

(A) Shall subscribe to City's organic waste collection services for all organic waste generated as described in subsection (B) of this section. City 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 city. Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

(B) Shall participate in the City'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.

1. A three (3) and three (3) plus container collection service (blue container, green container, and gray container).

a. 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. (Ord. 22-xxx§, 202)

(C) Accommodate and cooperate with the City's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 7.17.040(B). The remote monitoring program may involve installation of remote monitoring equipment on or in the blue containers, green containers, and gray containers. (Ord. 22-xxx§, 2022)

7.17.050 Requirements for commercial businesses

Generators that are commercial businesses, including multifamily residential dwellings, shall:

(A) Subscribe to City's collection services and comply with requirements of those services as described below in this section, except commercial businesses that meet the self-hauler requirements in Section 7.17.100. City 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 city.

(B) Subscribe to nonorganic recyclables service if the customer generates four (4) cubic yards or more of solid waste weekly or if otherwise required by law.

(C) Except commercial businesses that meet the self-hauler requirements in Section 7.17.100, participate in the City's organic waste collection service(s) by placing designated materials in designated containers as described below.

1. A three (3) and three (3) plus container collection service (blue container, green container, and gray container).

- a. 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 may place recyclable materials in gray container if mixed waste material recovery service is utilized and approved by the city. Generator shall not place materials designated for the gray container into the green container or blue container.

(D) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with subsections (E)(1) and (E)(2) of this section) for employees, contractors, tenants, and customers, consistent with city's collection service or, if self-hauling, per the commercial business' instructions to support its compliance with its self-haul program, in accordance with Section 8.14.100.

(E) Excluding multifamily 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 containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one (1) 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 city, 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 this 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 to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

(F) Multifamily residential dwellings are not required to comply with container placement requirements or labeling requirement in subsection (E) of this section pursuant to 14 CCR Section 18984.9(b).

(G) To the extent practical through education, training, inspection, and/or other measures, excluding multifamily residential dwellings, prohibit employees from placing materials in a container not designated for those materials per the city's blue container, green container, and gray container collection service or, if self-hauling, per the commercial business' instructions to support its compliance with its self-haul program, in accordance with Section 7.17.100.

(H) Excluding multifamily residential dwellings, periodically inspect all containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

(I) Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials.

(J) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated 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.

(K) Provide or arrange access for City or its agent to their properties during all inspections conducted in accordance with Section 7.17.110 to confirm compliance with the requirements of this chapter.

(L) If a commercial business wants to self-haul, meet the self-hauler requirements in Section 7.17.100.

(M) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

(N) Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 7.17.070. (Ord. 22-xxx §, 2022)

7.17.060 Waivers for generators

(A) De Minimis Waivers. The City may waive a commercial business' obligation (including multifamily residential dwellings) to comply with some or all of the organic waste requirements of this chapter if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described in subsection (A)(2) of this section. 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) of this section.
2. Provide documentation that either:
 - a. The commercial business' total solid waste collection service is two (2) cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than twenty (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 (2) cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than ten (10) gallons per week per applicable container of the business' total waste.

3. Notify City if circumstances change such that commercial business' 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 five (5) years, if City has approved de minimis waiver.

(B) Physical Space Waivers. City may waive a commercial business' or property owner's obligations (including multifamily residential dwellings) to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the city 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 Chapter 7.16.

A commercial business or property owner may request a physical space waiver through the following process:

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

2. Provide documentation that the premises 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 the City that it is still eligible for physical space waiver every five (5) years, if City has approved application for a physical space waiver.

C. The City may provide any additional waivers of the requirements of this chapter to the extent permitted by applicable law. The city manager or designee shall be responsible for determining the grounds for the waiver, its scope, and appropriate administration.

D. Review and Approval of Waivers by City. Review and approval of waivers will be the responsibility of the city manager or their designee. (Ord. 22-xxx §, 2022)

7.17.070 Requirements for commercial edible food generators

(A) Tier one commercial edible food generators must comply with the requirements of this section commencing June 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2023.

(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, 2023.

(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: (a) the collection of edible food for food recovery; or, (b) 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 city'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 may be provided to the city upon request 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 chapter 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). (Ord. 22-xxx §, 2022)

7.17.080 Requirements for food recovery organizations and services

(A) Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
2. The quantity in pounds of edible food collected from each commercial edible food generator per month.
3. The quantity in pounds of edible food transported to each food recovery organization per month.

4. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

(B) Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.

2. The quantity in pounds of edible food received from each commercial edible food generator per month.

3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

(C) Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one (1) or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to the city it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than February 15th annually.

(D) Food Recovery Capacity Planning.

1. Food Recovery Services and Food Recovery Organizations. In order to support edible food recovery capacity planning assessments or other studies conducted by the county, city, special district that provides solid waste collection services, or its designated entity, food recovery services and food recovery organizations operating in the city shall provide information and consultation to the city, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the city and its commercial edible food generators. A food recovery service or food recovery organization contacted by the city shall respond to such request for information within sixty (60) days, unless a shorter time frame is otherwise specified by the city. (Ord. 22-xxx §, 2022)

7.17.090 Requirements for haulers and facility operators

(A) Requirements for Haulers.

1. Permitted haulers providing residential, commercial, or industrial organic waste collection services to generators within the city's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the city to collect organic waste:

a. Through written notice to the city annually on or before February 15th identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials, source separated green container organic waste, and mixed waste.

b. Transport source separated recyclable materials, source separated green container organic waste, and mixed waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

c. Obtain approval from the city 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, Section 7.17.100 of this chapter.

2. Permitted hauler's authorization 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, permit, license, or other agreement entered into with city.

(B) Requirements for Facility Operators and Community Composting Operations.

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

2. Community composting operators, upon city request, shall provide information to the city to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the city shall respond within sixty (60) days. (Ord. 22-xxx §, 2022)

7.17.100 Self-hauler requirements

(A) Self-haulers shall source separate all recyclable materials and organic waste 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 multifamily 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 reported to the City on a quarterly basis. 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) The quarterly report shall be submitted to the City by the following dates:

1. First Quarter (January 1 – March 31), Report Due: April 21
2. Second Quarter (April 1 – June 30), Report Due: July 21
3. Third Quarter (July 1 – September 30), Report Due: October 21
4. Fourth Quarter (October 1 – December 31), Report Due: January 21

(E) A residential organic waste generator that self hauls organic waste is not required to record or report information in subsection (C) of this section. (Ord. 22-xxx §, 2022)

7.17.110 Inspections and investigations by City

(A) City representatives 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 chapter by organic waste generators, commercial businesses (including multifamily 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 the City to enter the interior of a private residential property for inspection.

(B) Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City or its 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 chapter described herein. Failure to provide or arrange for: (1) access to an entity's premises; or (2) access to records for any inspection or investigation is a violation of this chapter and may result in penalties described.

(C) Any records obtained by a City 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) City representatives are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.

(E) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 regulations, including receipt of anonymous complaints. (Ord. 22-xxx §, 2022)

7.17.120 Enforcement

(A) Violation of any provision of this chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine by a City enforcement official or representative. Enforcement actions under this chapter are issuance of an administrative citation and assessment of a fine. Fines will follow the schedule for infractions as defined in Section 1.04.030 subject to any

minimum fine amounts set forth in the SB 1383 regulations. The City'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 chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.

(B) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City 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 city staff and resources.

(C) Responsible Entity for Enforcement.

1. Enforcement pursuant to this chapter may be undertaken by the city enforcement official.

(D) Process for Enforcement.

1. City enforcement officials will monitor compliance with this chapter randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program. Section 7.17.110 establishes City's right to conduct inspections and investigations.
2. City may issue an official notification to notify regulated entities of its obligations under this chapter.
3. City shall issue a notice of violation requiring compliance within sixty (60) days of issuance of the notice.
4. Absent compliance by the respondent within the deadline set forth in the notice of violation, city shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Section 7.17.120. All applicable appeals and collection procedures shall apply. Moreover, during any appeal, the decision-maker shall consider any applicable factors required by regulation of CalRecycle.

(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 fifty dollars (\$50.00) per violation.
2. For a second violation, the amount of the base penalty shall be one hundred dollars (\$100.00) per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be two hundred fifty dollars (\$250.00) per violation.

(F) Compliance Deadline Extension Considerations. The City may extend the compliance deadlines set forth in a notice of violation issued in accordance with this section 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 city is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(G) Education Period for Noncompliance. Beginning immediately and through December 31, 2023, the City will conduct inspections, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the City 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 chapter 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.

(H) Civil Penalties for Non-compliance. Beginning January 1, 2024, if the City 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 chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this section, as needed.

(I) Applicability of Chapter. This chapter shall be interpreted consistent with the City's regulatory authority and shall only apply to local education agencies and other state or federal entities to the extent permitted by law, including SB 1383. (Ord. 22-xxx §, 2022)