



RIO DELL CITY COUNCIL AGENDA
REGULAR MEETING - 6:00 PM
TUESDAY, OCTOBER 03, 2023
City Council Chambers
675 Wildwood Avenue, Rio Dell

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**SPECIAL PUBLIC HEALTH EMERGENCY ALTERNATIONS TO MEETING FORMAT
CORONAVIRUS (COVID 19)**

Effective immediately, the City of Rio Dell will reopen City Council meetings held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meeting virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note the agenda item the comment is directed to (example: Public Comments for items not on the agenda) and **email no later than one-hour prior to the start of the Council meeting**. Your comments will be read out loud, for up to three minutes.

Meeting can be viewed on Access Humboldt's website at <https://www.accesshumboldt.net>. Suddenlink Channels 10, 11 & 12 or Access Humboldt's YouTube Channel at <https://www.youtube.com/user/accesshumboldt>.

Zoom Public Comment:

When the Mayor announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting **ID 987 154 0944** and press star (*) 9 on your phone – this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not allowed under the Ralph M. Brown Act. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3 of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Councilmembers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually following action on the remaining consent calendar items.

- 1. 2023/1003.01 - Approve Minutes if the September 5, 2023 Regular Meeting **(ACTION)** - Pg. #4
- 2. 2023/1003.02 - Receive and File Update on Address Changes in Avenues Neighborhood **(ACTION)** - Pg. #14
- 3. 20231003.03 - Adopt Resolution No. 1590-2023 Accepting the ABC-OTS Grant awarded to the Rio Dell Police Department **(ACTION)** - Pg. #21
- 4. 2023/1003.04 - Authorize Repair of Sludge Dryer by O & M Industries in the amount of \$18,019.00 **(ACTION)** - Pg. #28
- 5. 2023/1003.05 - Authorize the Mayor to sign correspondence to Governor Newsom related to Little Hoover Commission Report on SB 1383 Implementation **(ACTION)** - Pg. #34
- 6. 2023/1003.06 - Receive and File Update on Wastewater Superintendent Position **(ACTION)** - Pg. #73
- 7. 2023/1003.07 - Receive & File the Check Register for August **(ACTION)** - Pg. #74

G. ITEMS REMOVED FROM THE CONSENT CALENDAR

H. REPORTS/STAFF COMMUNICATIONS

1. 2023/1003.08 - City Manager/Staff Update (**RECEIVE & FILE**) - Pg. #79

I. SPECIAL PRESENTATIONS/STUDY SESSIONS

1. 2023/1003.09 - Presentation - Humboldt Area Foundation & Wild Rivers Community Foundation on Resiliency and Recovery in the Eel River Valley following the December 20, 2022 Ferndale Earthquake (**RECEIVE & FILE**) - Pg. #85

J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

1. 2023/1003.10 - Unmet Transit Need Public Hearing (**DISCUSSION/POSSIBLE ACTION**) - Pg. #94
2. 2023/1003.11 - Authorize the Proposed Location for Gateway Outdoor Exercise Equipment (**DISCUSSION/POSSIBLE ACTION**) - Pg. #100
3. 2023/1003.12 – Discussion on Management Analyst Position and possible changes to the Personnel Allocation in the in the City (**DISCUSSION/POSSIBLE ACTION**) - Pg. #102

K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, October 17, 2023 at 6:00 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 5, 2023**

The regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Garnes.

ROLL CALL: Present: Mayor Garnes, Mayor Pro Tem Carter, Councilmembers Orr, Wilson, and Woodall

Others Present: City Manager Knopp, Chief of Police Allen, Wastewater Superintendent Taylor, Senior Fiscal Assistant Maciel, and City Clerk Dunham

Absent: Finance Director Sanborn, Community Development Director Caldwell, and Water/Roadways Superintendent Jensen (excused)

CEREMONIAL MATTERS

Introduction and Swearing in of Police Officer Agustin Sierra

Mayor Garnes administered the Oath of Allegiance to newly hired police officer Agustin Sierra followed by the pinning of his badge by his wife. He received a warm round of applause from the public.

Proclamation Acknowledging and Thanking Jeffrey Conner, John Beauchaine, Crystal Landry, Ryan Hill, Whitney Timm, and Luke Bernthal for the investigation and prosecution of two separate cases of sexual abuse of a minor

Mayor Garnes read the proclamation acknowledging and thanking Sergeant Jeffrey Conner, Sergeant John Beauchaine, Corporal Crystal Landry, Deputy District Attorney's Whitney Timm and Luke Bernthal, and District Attorney Investigator Ryan Hill for the investigation and prosecution of two separate cases of sexual abuse of a minor.

Each recipient was presented with a proclamation signed by the Mayor, followed by a standing ovation by the public, staff and Council.

PUBLIC PRESENTATIONS

Mayor Garnes invited public comment on non-agenda matters. No public comment was received.

CONSENT CALENDAR

Mayor Garnes asked if any council member, staff or member of the public would like to remove any item from the consent calendar for a separate discussion. Councilmember Wilson removed consent calendar No. 4 related to ACA 13.

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A motion was made by Carter/Woodall to approve the consent calendar including the following items:

- 1) Minutes of the August 15, 2023 Regular Meeting;
- 2) Appointment of Ania Laniewski to the Nuisance Advisory Committee; and
- 3) Resolution No. 1591-2023 Amending the Master Fee Schedule establishing the penalties for violations of regulations concerning the standing, stopping, and parking of motor vehicles within the City of Rio Dell.

Motion carried 5-0.

ITEMS REMOVED FROM CONSENT CALENDARAuthorize the Mayor to sign correspondence related to ACA 13

Councilmember Wilson said that he was not in disagreement with ACA 13 but pointed out that it is a very confusing amendment to the California Constitution. He said that it stair-steps through another initiative on the ballot. He asked if the passage of ACA 13 would invalidate the former initiative passed for the City's tax measure.

City Manager Knopp said that the City's latest ballot measure for the .75% sales tax would not be affected without judicial intervention. He explained that the California Assembly Constitutional Amendment (ACA 13) seeks to make some changes where there cannot be a requirement on a major proposition that is only passed by a majority of voters in a specific election that requires a 2/3 voter threshold. Instead, it requires that if you are going to require a 2/3 vote, that the position obtain a 2/3 threshold from the voters. One of the issues with this proposition is that certain elections are well-attended such as presidential elections but there are other elections where there is a significantly less voter turnout so you could have propositions or measures where a significantly smaller portion of the population of voters makes the requirement of the 2/3. This protects local government revenue streams and individual cities' ability to deliver critical services to residents.

He pointed out that this is language from the League of California Cities who always advocates for local control. It is one of the central premises as to why cities organize together in the Cal Cities organized effort because for decades there has been local control stripped from their respective jurisdictions.

Councilmember Wilson said that in order for ACA 13 to go into effect, that initiative would need to pass with a two-thirds vote by the committee to move onto the State legislature; they would then need to pass it with a 2/3 vote to place it on the ballot, requiring the voters to pass it by 2/3. He commented that this needs local support and to not give the State legislature the ability to tell local government what they can do in their city.

Motion was made by Wilson/Orr to authorize the Mayor to sign correspondence in support of ACA 13. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

SEPTEMBER 5, 2023 MINUTES**Page 3**City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that staff attended a meeting with the Water Board staff to discuss brownfields in Rio Dell, most notably 255 Wildwood Ave. and looking at what role the City plays in getting it cleaned up and turned into a more productive use. Staff hopes to have something to bring back to the Council in the near future in regards to that matter.

He referred to an article in last week's North Coast Journal regarding the recent earthquakes and recovery efforts and encouraged everyone to read it.

Chief Allen was excused and left the meeting at this time.

Mayor Pro Tem Carter said that she read the newspaper article and thanked the City Manager for being a good spokesperson for the City.

Councilmember Woodall referred to the staff update and noted that staff has obviously been very busy since the last meeting.

SPECIAL PRESENTATIONS/STUDY SESSIONSPresentation – SB 1383 Related to Short Lived Climate Pollution and Organic Waste

Eric Keller-Heckman, Executive Director of Humboldt Waste Management Authority (HWMA), gave a presentation on *SB 1383 Overview and the Path to Compliance*.

He reviewed the legislative building blocks beginning in 1989 with passage of AB 939 which mandated 25% reduction of waste in the landfills and established framework for program implementation, solid waste planning, and landfill management. In 2011, AB 341 was passed requiring jurisdictions to implement commercial recycling programs, followed by mandatory commercial organics recycling with passage of AB 1826 in 2014. In 2016, SB 1383, the Short-Lived Climate Pollutant Reduction Act was passed requiring jurisdictions to implement curbside collection and processing of organics, amongst other requirements.

SB 1383 Regulatory Milestones included the following:

- January 1, 2020 - State to achieve 50% organics reduction through AB 1826 commercial diversion compliance activities;
- January 1, 2022 - Jurisdictions must have organics recycling program in place, with enforceable regulations to take effect and jurisdictions must implement and ordinance and other enforcement mechanisms;
- January 1, 2024 - Jurisdictions just take progressive enforcement actions against non-compliant regulated entities (generators, haulers, processors);
- January 1, 2025 - State to recover a minimum of 20% of disposed edible food for human consumption and to achieve 75% reduction in organics disposal.

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Director Keller-Heckman continued with review of organics diversion efforts to date. A Food Waste Diversion Pilot Program was started in Eureka in 2012-2014 including 60 commercial participants until Eureka City Council opted not to proceed.

Plans for a Regional Anerobic Digestion Facility were underway, concurrent with the Food Waste Pilot project. HWMA secured a consulting engineer, secured a site and performed environmental review and sent out requests for proposals (RFP's) but was unable to move forward with the design, financing or permitting to construct.

In concluding the presentation, a rough timeline was given for organics processing with negotiations and approval of franchise collection amendments proposed to be completed in 2024, followed by development and approval of rates for collection and processing.

The need for ongoing community outreach and education was stressed with SB 1383 being the biggest waste bill passed since AB 939. Director Keller-Heckman encouraged councilmembers to visit the link *Elected Officials Guidance Tools* on the HWMA website.

Councilmember Wilson commented that there is a lot for Recology Eel River to work out prior to implementation of the program such as new equipment and trucks. He referred to a letter written by the Hoover Institute which is not a favorable opinion toward the State of California with their ability to mandate these changes without providing guidance or tools to achieve it. He added that the implementation is moving along but there is still a long way to go.

Director Keller-Heckman commented that Rio Dell has been incredibly responsive through this process and said that the city got a waiver for certain parts of SB 1383 mandates but not for all of it, so the City will still need to comply with some of the mandates.

Mayor Pro Tem Carter asked the simple question of "how are we going to do this."

Director Keller-Hackman explained that the next step is to award the RFP, then start with source separated raw food waste from commercial businesses and restaurants. Residential compliance will be harder since organic food waste will be combined with green waste. That waste will come to the transfer station for processing. There are two ways of processing depending on the direction of the RFP. One way would be for staff to hand sort food waste; the other way is to mix it all together and run it through a grinder and process it that way; which is obviously the easiest method.

Mayor Pro Tem Carter commented that there is approximately a 50% subscriber rate in Rio Dell and in talking to members of the community, most people don't have a clue about SB 1383, stressing the need for public education. She suggested the idea of providing food waste containers (kitchen companions) and providing information in a public forum.

Director Keller-Hackman said that the advisory board will be presenting a proposal to the County Board of Supervisors on September 14th and will know how jurisdictions want to implement the program at that time.

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Councilmember Woodall said that every page in the written material refers to “organics” and asked if organic waste was actually going to be separated from non-organic waste.

Director Keller-Hackman explained that organic waste is different from “organic certified” and is anything that will go into the green waste bin excluding bones, meats or fats which will remain as trash.

Councilmember Woodall commented that some of the things that should be recycled are not getting recycled and asked if that could continue with this program.

Director Keller-Hackman explained that the current residual for last year was 27%, with the industry standard at around 9%.

Councilmember Woodall asked if HWMA offers tours of their facility.

Director Keller-Hackman said he would be happy to facilitate a tour for councilmembers provided no more than two members attend at a time to avoid potential Brown Act violations.

Councilmember Orr said when talking about organics, are we talking about consumables, and such things as disposable utensils.

Director Keller-Hackman explained that facilities are generally going away from allowing compostable utensils and the like because they make it impossible to identify non-compostable utensils. One of the biggest issues with plastic utensils is that they go into the organic stream and they don’t go away; they either get chopped up or they are turned into micro-plastic and are still in the nutrients. If you try to get your nutrients certified, it will come up in those tests.

Councilmember Orr commented that from a teachers’ stand point, getting kids on board, helps to get parents on board.

Mayor Garnes asked if there was any hope for the State to help with the unfunded mandate such as by providing grants.

Director Keller-Hackman noted that in 2016, infrastructure costs were estimated at \$46 million. Lately, Cal Recycle has been obtaining infrastructure grants but other grant funding opportunities are unknown.

Mayor Garnes called for public comment.

Wastewater Superintendent Taylor spoke as a consumer of curbside pickup, and said that since the City is actively trying to reduce tonnage going to the landfill, and ultimately aiming to reduce the actual volume of organic waste from the City’s solid waste, asked if that will that be incorporated into the universal curbside program and reduce solid waste fees by eliminating organics. Also, oils and greases are torture to the sewer collection

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system and asked how that would be addressed. He also asked if the reduction in solid waste to the actual curbside pickup would help subsidize some of the overall costs.

Director Keller-Hackman said that fats, oils and greases should just be trash and should have always been trash and should not be going down garbage disposals. They will stay as solid waste until there is new technology regarding new processes. He commented that regarding the first question, he is not involved in the franchise process with Rio Dell so doesn't know what those type of costs looks like. He noted that because of the amount of costs associated with required infrastructure and the short timeline, for quite a while, it is just going to be an additional cost. Eventually there may be a scale tip but infrastructure costs up front are enormous.

Rosa Maciel pointed out that Rio Dell is a poor community and universal collection will be an added cost to those residents. She asked if there would be any help for low-income rate-payers.

Director Keller-Hackman said that how universal collection will affect the current collection rates is unknown at this time.

Presentation – Tobacco Retail Licensing

Elaine Hogan and Caitlin Gillings from the Humboldt County Department of Health and Human Services were present to provide a presentation on Tobacco Retail Licensing and options for the City to adopt a Tobacco Retail Licensing (TRL) Ordinance if the Council chooses to pursue it.

Elaine Hogan began by stating that the County Board of Supervisors recently adopted a Tobacco Retail Licensing Ordinance and they were present with the goal of fostering regional collaboration and review some potential options for Rio Dell.

She said that throughout the ordinance development process, they reached out to city managers in all of the incorporated jurisdictions to let them know how the ordinance development process was going and once the ordinance was adopted to let them know that it was finalized.

She provided a review of the County's ordinance, showed some local data that supports policy efforts to protect public health and then talked about some supports offered to Rio Dell through Humboldt County Department of Health and Human Services and other partners should the City decide to pursue adopting a TRL.

She noted that a TRL Ordinance can have a lot of different options and is really the tool that gives cities local control over what's happening in their jurisdiction related to retail tobacco sales.

Caitlin Gillings continued the presentation by talking a little bit more about the County of Humboldt's TRL Ordinance that was passed in May 2023. She pointed that tobacco use is still the number one cause of preventable death in California. The ordinance is a policy

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option that over 219 cities and counties in California have passed to help stop youth from using tobacco.

Elaine Hogan continued by providing some local data on tobacco use and said that 17% of Rio Dell 7th graders said they had used vape products compared to 48% of Rio Dell 8th graders who reported that it is fairly or very easy to obtain vape products.

She pointed out that if Rio Dell decided to adopt a TRL Ordinance, it would give the City the option to contract with County Division of Environment Health to assist with permitting and enforcement of that ordinance. She then reviewed the provisions in a TRL Ordinance

Caitlin Gillings then reviewed the licensing, enforcement and appeals offered by DHHS Public Health, Division of Environmental Health should the City decide to move forward with adoption of a TRL Ordinance.

Elaine Hogan concluded the presentation by stating that considering a TRL Ordinance is a huge step toward bettering the health of the local community and lowering youth access to tobacco products.

Councilmember Orr referred to the ordinance provision that prohibits any new licenses if the business is located within 500 feet of a youth-oriented facility such as a school, park, library or recreation center, or within 500 feet of an existing tobacco retailer. He asked if that means that they won't renew existing licensing that are located within that 500 feet.

Elaine Hogan explained that the County has decided on a phased-out approach where existing tobacco retailers will be given a chance to come into compliance. If a business lets their license lapse and apply to renew the license, it will be considered as a new license which would have to meet the current regulations.

Councilmember Wilson commented that there are only four businesses in Rio Dell that sell tobacco products and CC Market eliminated flavored vaping products and asked if they are still required to have a Retail Tobacco License to sell other tobacco products.

Elaine Hogan explained that the only licensing currently required is through the California Department of Tax and Fee Administration (CDTFA) at the State level at \$265.00 a year. Their main focus is to make sure counterfeit products are not being sold.

Councilmember Wilson said that it is already against the law to sell tobacco to minors and asked how a RTL would help in that respect.

Elaine Hogan commented that the California voters in the last election, voted to enact a ban on flavored tobacco products. The issue with that is that there is no enforcement.

Councilmember Wilson asked how minors are going to be stopped from purchasing flavored tobacco and if there are fines associated with selling to minors.

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Elaine said the part of the licensing fee goes towards enforcement and there are provisions for substantial fines for violations.

Councilmember Woodall said that part of the enforcement is to impose fines for violations but asked how far DHHS would go before revoking someone's license. She expressed concern that retailers violating the ordinance would continue to do so unless there are strict enforcement and/or fines.

Elaine explained that TRL ordinances gives local control to do enforcement and this is what the Division of Environment Health does. They have experience with similar enforcement with regard to permitting, fines and enforcement. She said that they are very confident they have the legal backing and personnel to do the enforcement.

Councilmember Woodall asked how many other small cities have adopted an TRL.

Elaine indicated that there is a huge list among cities ranging in size and offered to provide staff with the list.

Mayor Garnes asked if there would a fee to the City for DHHS to do the enforcement.

Elaine said that she was not sure about the details and that the Director of Environment Health would need to address the terms of a Memorandum of Understanding (MOU) with the City.

A motion was made by Wilson/Carter to direct staff to continue to engage the County, review their TRL Ordinance, monitor the County's fee implementation and bring it back to the Council for potential action at a later date. Motion carried 5-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS**Authorize the City Manager to finalize and issue the Request for Proposals (RFP's) for the Gateway Outdoor Exercise Equipment**

City Manager Knopp provided a staff report and said that at the last meeting, the Council discussed and provided direction to staff to issue the Request for Proposals (RFP) for the Gateway Landscape Improvements as part of the Clean California Grant Program. The second component of the project includes outdoor exercise equipment. Staff is now looking for direction from the Council to issue an RFP for the Outdoor Exercise Equipment.

He said that in working with the Ad Hoc Committee of Mayor Garnes and Mayor Pro Tem Carter, four pieces of outdoor exercise equipment were selected. Images and descriptions of the equipment were presented to Council for consideration. These included a hand cyler, a squat press, pull-up bars, and an ab crunch. The total cost for the 4 pieces of equipment and associated anchoring poles was \$20,750.

City Manager Knopp indicated that if the budget does not allow for four units, the squat press could be eliminated. Staff applied for two grants to help supplement the project; a

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\$5,000 grant from PG&E that is likely to be awarded, and another grant application to Coast Central Credit Union for \$20,750 for the purchase of the equipment.

He explained that the City is working on the final development of the site plan for ADA accessibility and compliance with fall zones and expects to have the design completed soon.

Staff's recommendation was that the Council review the documents provided in the packet and authorize the City Manager to issue an RFP once the final schematic is finalized for the site.

Mayor Pro Tem Carter commented that she thinks that this is great idea and would like to move forward with the project as soon as possible for the health and fun of the community.

Councilmember Woodall asked if there will be signage at the site.

City Manager Knopp said that part of the advantage of this particular setup is that there is signage attached to the equipment with instructions for the user and the benefits as well as safety disclaimers.

Councilmember Woodall asked who would be installing the equipment and how long the warranty is on the equipment.

City Manager Knopp said that the City would have to have a separate contractor do the installation or potentially have staff do it. He was not certain of the warranty on the equipment.

Councilmember Woodall expressed concern that both of the areas for the equipment are going to be in front of bedroom windows and in hindsight, it would have been better to have the equipment installed at Triangle Park (Blue Star Memorial Park) instead of Memorial Park.

Councilmember Orr and Wilson expressed support for the project.

Mayor Garnes called for public comment.

Richard Newman addressed the Council and thanked them for recognizing the Police Officers and the District Attorney's Office.

Motion was made by Carter/Orr authorizing the City Manager to finalize and issue the RFP for the Gateway Outdoor Exercise Equipment. Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Carter reported that she attended a Beautification, Walkability and Pride Committee meeting, and a Nuisance Advisory Committee meeting with nothing noteworthy to report at this time.

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She said that she also attended a Chamber of Commerce meeting and reported that they are making plans for this year’s Christmas decorations and events and said that she will keep the Council updated as plans progress.

She said that she also attended a RREDC meeting and had nothing to report out.

She announced that the next Nuisance Advisory Committee meeting scheduled for September 20 will be rescheduled with the date yet to be determined.

She also announced that a river bar clean-up will take place on September 30 from 9-11. The next Beautification, Walkability and Pride meeting is scheduled for September 15 at 9 a.m. where they will be discussing more details about the river bar clean-up.

She said that she will be attending the Cal Cities Annual Conference in Sacramento in two weeks and will be shouting Rio Del’sl story to anyone that will listen.

Councilmember Orr reported that he attended an HCAOG meeting where they discussed financials. He said that last year ridership was down and the other thing discussed was the housing project where they are rehabilitating old motels and multi-unit facilities and providing them to the homeless on a priority basis which looks like a good project.

Councilmember Wilson said that he attended an HWMA meeting and as Executive Director Keller-Heckman indicated, he will be presenting a proposal to the County Board of Supervisors on September 14th related to SB 1383.

Councilmember Woodall reported that Mayor Garnes will be attending HTA meetings for her over the next 2 months.

She asked if new flags could be purchased for City Hall with a larger American flag and a new California flag as they are getting tattered from the wind. Council concurred.

Mayor Garnes reported that she attended an Equity Council meeting through the RISE Program and that she would also be attending the Cal Cities Annual Conference in Sacramento in 2 weeks.

ADJOURNMENT

A motion was made by Carter/Woodall to adjourn the meeting at 7:45 p.m. to the September 19, 2023 regular meeting. Motion carried 5-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of October 3, 2022

Consent Item; Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: September 26, 2023

Subject: Address Changes Update

Recommendation:

That the City Council:

1. Receive and file a brief update on the status of the address changes in the Avenue's Neighborhood; and

Discussion:

Last November staff proposed correcting out-of-sequence addresses within the City. The Fire Department has advocated for years that the addresses need to be corrected to help emergency responders find locations for those in need. The Council agreed that the addresses need to be in sequential order and be consistent with odd and even numbering on each side of the streets.

Emergency responders, including ambulances and the Fire Department, expect that addresses are in sequential order. When they are not, it makes it very difficult for the emergency responders to find the property. It's the staff's understanding that this exact situation occurred a few times over the years, resulting in a delayed response for those in need. Delays in response time can be deadly.

As reported at your November 15, 2022 meeting, staff believed the "Avenues" neighborhood contains the bulk of the necessary changes. There are 248 parcels in the "Avenues" neighborhood. Forty-five (45) parcels are not in sequential order. In addition, one (1) parcel needs an additional address for a second unit. **Attachment 1** includes a list of those parcels.

On September 20th the City mailed out letters to those property owners and tenants whose addresses are either out of order and/or are odd numbers where an even number is needed to ensure consistency. In the Avenue's neighborhood, odd numbers are on the west side of the street, even numbers on the east side, even numbers on the north side, and odd numbers on the south sides of the streets.

As of today's date of September 26, 2023, staff has received 3-4 phone calls from residents or tenants. Of those calls, only one caller was overly concerned about the inconvenience of having to change their address. They believed they would need to have a new driver's license at a cost of \$40.00 each. Actually, a change of address can be done online at no cost. DMV updates their records and the driver writes the new address in permanent ink on the back side of the license. They also expressed concerns regarding their mortgage, insurance, property taxes, and mail. Mortgages, including deeds, do reference addresses, however, it's the property's legal description that's legally tied to the mortgage and deed.

It must be noted that the Community Resource Center has offered to help residents in completing any necessary paperwork. For this, the City is grateful.

Your Council authorized staff to purchase house numbers for those residents who do need to change their address. For the "Avenues" neighborhood 180 numbers would need to be purchased. Harney Hardware sells code-compliant 4" nail-on **black** numbers for \$1.13 each plus tax. However, the house numbers need to contrast with the color of the dwellings. This will require the use of light-colored numbers on darker dwellings.

Included as **Attachment 2** is a copy of the available numbers from Harney Hardware and their cost. The approximate cost for the “Avenue” neighborhood house numbers could range from about \$250.00 for the cheaper all-black number to about \$1,080.00 for the contemporary matte black or satin nickel numbers. It is the staff’s intent to order the numbers as they are requested.

Attachment 1: List of parcels and address changes.

Attachment 2: Harney Hardware house numbers and prices.



675 Wildwood Avenue
 Rio Dell, CA 95562
 (707) 764-5642
 cityofriodell.ca.gov

Address Changes Avenues Neighborhood

APN	Old Address	New Address
053-091-001	670 First Ave	25 Davis Street
053-096-003	502 A, B & C Wildwood Ave	520, 524 & 528 Wildwood Ave
053-096-008	510 & 510 ½ Wildwood Ave	560 Wildwood Ave
053-096-010	504 & 506 Wildwood Ave	532 & 536 Wildwood Ave
053-096-013	512 Wildwood Ave	548 Wildwood Ave
053-101 007	440 Wildwood Ave Office (440) + 3 Apt's.	442, 444, 446 Wildwood Ave
053-101-008	New Address	425 First Ave
053-102-001	202 & 204 Dixie Street	101 & 111 Dixie Street
053-102-002	215 Dixie Street	115 Dixie Street
053-103-009	305 Columbus Ave	280 Columbus Ave
053-151-011	278 ½ Wildwood Ave	280 Wildwood Ave
053-151-012	206 First Ave	235 Wildwood Ave
053-151-023	105 Berkeley Street	60 Berkeley Street
053-151-024	107 Berkeley Street	80 Berkeley Street
053-152-002	195 Columbus Ave	165 Columbus Ave
053-152-009	216 First Ave	346 First Ave
053-152-011	200 Columbus Ave	125 Columbus Ave
053-152-012	145 Columbus Ave	202 Columbus Ave
053-153-004	209 A & B Second Ave	235 & 239 Second Ave
053-153-005	201 Second Ave (4 Units)	201, 211, 221 & 231 Second Ave
053-153-007	115, 125, 135 & 145 Berkeley Street	110, 110, 120 & 130 Berkeley Street
053-154-002	291 Third Ave	255 Columbus Ave
053-155-006	236 Second Ave (3 Units)	220, 224, & 228 Second Ave
053-155-010	206 A & B Second Ave	254 & 258 Second Ave
053-161-001	194 Wildwood Ave	174 Wildwood Ave

APN	Old Address	New Address
053-161-003	111 First Ave	155 First Ave
053-161-014	164 Wildwood Ave	154 Wildwood Ave
053-161-015	128 Wildwood Ave	164 Wildwood Ave
053-161-022	113 First Ave	165 First Ave
053-162-001	120 First Ave	174 First Ave
053-162-007	103 Second Ave	125 Second Ave
053-162-012	118 Second Ave	164 Second Ave
053-162-021	114 Second Ave	154 Second Ave
053-162-022	110 Second Ave	130 Second Ave
053-163-003	184 Third Ave	155 third Ave
053-163-009	182 Third Ave	145 Third Ave
053-163-011	178 Third Ave	125 Third Ave
053-163-012	180 Third Ave	135 Third Ave
053-164-006	185 Third Ave	160 Third Ave
053-164-007	183 Third Ave	130 Third Ave



4 In. Nail On House Number 0
Product # 37500
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 1
Product # 37501
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 2
Product # 37502
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 3
Product # 37503
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 4
Product # 37504
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 5
Product # 37505
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 6
Product # 37506
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 7
Product # 37507
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 8
Product # 37508
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)



4 In. Nail On House Number 9
Product # 37509
Finish: Black

\$1.13

QTY:

[ADD TO CART](#)

\$1.13 Each



4 In. Contemporary House Number 0
Product # 36500
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 1
Product # 36501
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 2
Product # 36502
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 3
Product # 36503
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 4
Product # 36504
Finish: Matte Black

\$5.54

QTY:

ADD TO CART

\$5.54 Each



4 In. Contemporary House Number 5
Product # 36505
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 6
Product # 36506
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 7
Product # 36507
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 8
Product # 36508
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 9
Product # 36509
Finish: Matte Black

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 0
Product # 36400
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 1
Product # 36401
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 2
Product # 36402
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 3
Product # 36403
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 4
Product # 36404
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART

\$5.54 Each



4 In. Contemporary House Number 5
Product # 36405
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 6
Product # 36406
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART

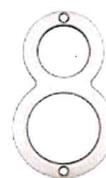


4 In. Contemporary House Number 7
Product # 36407
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 8
Product # 36408
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART



4 In. Contemporary House Number 9
Product # 36409
Finish: Satin Nickel

\$5.54

QTY:

ADD TO CART

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)



DATE: October 3, 2023
TO: Mayor and Members of the City Council
THROUGH: Kyle Knopp, City Manager
FROM: Travis Sanborn, Finance Director
SUBJECT: Acceptance of ABC-OTCS Grant Awarded to Rio Dell Police Department

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Staff recommends that the City Council adopt Resolution No. 1590-2023, accepting and appropriating funds from the 2023-2024 Department of Alcoholic Beverage Control Grant for the ABC-OTS Program in the amount of \$4,500.00 for overtime expenses incurred during the eleven (11) month program as outlined in this staff report.

Participation by the Rio Dell Police Department will be limited to paid overtime for Police Officer(s), for selected Alcoholic Beverage Control operations during the eleven (11) month period of October 1, 2023, thru August 31, 2024. Total costs are not to exceed the final grant award of \$4,500.00 and will be reimbursed by billing the Department of Alcoholic Beverage Control. With the City Council's approval, the maximum amount the Department of Alcoholic Beverage Control would reimburse the City of Rio Dell would be \$4,500.00.

BACKGROUND AND DISCUSSION

The Department of Alcohol Beverage Control (ABC) provides service and public safety to the people of the State through licensing, education, and enforcement. ABC partners with municipal law enforcement agencies to provide training, education, and enforcement services.

The California Office of Traffic Safety (OTS) takes a leadership role in efforts to make California roadways safe for all users. Through thoughtful, forward-thinking, and data-driven selection of grants to local and state agencies, OTS provides an effective means of eliminating fatalities, injuries, and economic losses resulting from crashes. OTS's mission is to effectively administer traffic safety grants that deliver innovative programs and eliminate traffic fatalities and injuries on California roadways.

Together, grant funding is provided to OTS through the National Highway Traffic Safety Administration (NHTSA). ABC has the responsibility and authority to review and evaluate each

project as necessary. Such review and evaluation is made to assist the grantee in understanding and complying with the required procedures and gaining the maximum benefits from the funds expended.

In September 2023, the Rio Dell Police Department applied for this grant through the ABC. This is a competitive grant that many cities apply for, and it was awarded to the City of Rio Dell to work in partnership with the ABC to develop a practical, comprehensive, and strategic approach to eliminate the crime and public nuisance problems associated with problem alcoholic beverage outlets.

This grant is designed to use local police resources within their primary jurisdictions on an overtime basis to implement ABC's Minor Decoy, Shoulder Tap Programs, and conduct Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections. These Programs target both ABC-licensed premises and individuals who furnish alcoholic beverages to the underage operators. The project works to reduce underage drinking and the resultant DUI driving injuries and fatalities, and/or property damages. It also reduces youth access to alcoholic beverages through the education of licensees, enforcement intervention, and the impressions of the omnipresence of law enforcement.

During the grant's eleven (11) month operation period, the Rio Dell Police Department will schedule IMPACT, Minor Decoy, Shoulder Tap operations, and Holiday Enforcement Details.

All these operations will be conducted on an overtime basis, where the officers will work above and beyond normal patrol staffing levels. These operations will occur at various times during an eleven (11) month period from October 1, 2023, through August 31, 2024.

ATTACHMENTS:

1. ABC-OTS Grant Program Award Letter
2. Resolution No. 1590-2023

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

3927 Lennane Drive, Suite 100
Sacramento, CA 95834
(916) 419-2500



September 25, 2023

Chief Greg Allen
Rio Dell Police Department
675 Wildwood Avenue
Rio Dell, CA 95562

Re: ABC-OTS Grant Program

Dear Chief Allen:

Congratulations. Your agency has been selected to participate in the Department of Alcoholic Beverage Control's ABC-OTS Grant Program. Funding for this project is provided by the Office of Traffic Safety through the National Highway Traffic Safety Administration.

We anticipate operations to begin upon completion of the one-day mandatory training class for your operations officer. Fiscal Officers will be contacted by our Fiscal Coordinator; Kristine Okino for training how to submit claims for reimbursement.

Since the grant starts October 1, 2023, you can make pre-paid travel arrangements on or after that date for your operations officer to attend the training. Pre-paid travel purchased prior to October 1st will not be reimbursed. The information regarding the date, location and authorized per diem rates are enclosed.

To expedite the issuance of your contract, please review and complete the enclosed ABC-OTS Grant Program Information Sheet. In addition, we will also need a resolution from your agency's governing body. Since these resolutions must be put on calendar, we ask that you do so as soon as possible.

Please mail, fax, or email this information to our Grant Coordinator; Diana Fouts-Guter, at 3927 Lennane Drive, Suite 100, Sacramento, CA 95834, Fax: (916) 928-7625, or at Diana.fouts-guter@abc.ca.gov.

If you have questions, please contact Supervising Agent Jeff Gregson via email at jeff.gregson@abc.ca.gov.

We appreciate your prompt response and look forward to working with your agency.

Sincerely,

A handwritten signature in black ink that reads "J. McCullough".

Joseph McCullough
Chief Deputy Director

Enclosures



State of California
Department of Alcoholic Beverage Control
ABC-OTS Grant Program Information Sheet

Contract will be between: The Department of Alcoholic Beverage Control and
The City of Rio Dell through the Rio Dell Police Department

Mailing Address: 675 Wildwood Avenue, Rio Dell, CA 95562

Funding Amount: \$4,500

Authority to Sign Contract Name/Title: _____

Address if different from above: _____

Federal Tax ID Number: _____

Operations Officer:

Attending Training (Circle)
YES/NO

Print Name: _____

Telephone Number: _____

Email Address: _____

Fiscal Officer (responsible for preparing billings to ABC):

Print Name: _____

Telephone Number: _____

Email Address: _____

RETURN COMPLETED FORM TO:

Diana Fouts-Guter
Grant Coordinator
Department of Alcoholic Beverage Control
3927 Lennane Drive, Suite #100
Sacramento, CA 95834
Diana.fouts-guter@abc.ca.gov
Fax: (916)928-7625
Office: (916)928-9807

ABC-OTS Grant Trainings

PRE-PAID TRAVEL ARRANGEMENTS TO BE MADE ON OR AFTER OCTOBER 1, 2023

Pre-paid travel purchased prior to Oct. 1 will not be reimbursed.

Operations Officers must be in attendance

Tuesday, October 17, 2023

10:00 am – 3:00 pm

Dept. of Alcoholic Beverage Control
3927 Lennane Drive, #100
Sacramento, CA 95834
(916)419-2500

Sacramento Lodging:

(Must be 50 miles or more from office)

\$95.00 & tax per night

Some suggestions that have previously offered the State rate:

Homewood Suites Sacramento Airport Natomas, Hampton Inn & Suites Sacramento Airport and Hilton
Garden Inn So. Natomas

Mileage: .625 per mile

TRAVEL 24 HRS. OR MORE

Meals (if travel time is 24 hrs. or more)

Breakfast: \$7.00 (travel must start before 6:00 am)

Lunch: \$11.00 (travel must start before 11:00 am)

Dinner: \$23.00 (travel must start before 5:00 pm)

Incidental: \$5.00 claimed at the end of every 24 hours of travel

Fractional day-travel after 24 hrs:

Breakfast: \$7.00 if travel ends after 8:00 am

Lunch: \$11.00 if travel ends after 2:00 pm

Dinner: \$23.00 if travel ends after 7:00 pm

TRAVEL LESS THAN 24 HOURS

Meals: (Less than 24 hours travel)

Breakfast: \$7.00 (travel must start before 6:00 am and conclude after 9:00 am)

Lunch – Not authorized

Dinner: \$23.00 (travel must start before 4 pm and conclude after 7:00 pm)

Incidentals: Not authorized

NO MEAL REIMBURSEMENT ON TRAVEL WITHIN 50 MILES OF OFFICE

RECEIPTS required for every expense, (i.e, breakfast, dinner, hotel, airfare)



**RESOLUTION NO. 1590-2023
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
ACCEPTING THE ABC-OTS GRANT AWARDED TO THE
RIO DELL POLICE DEPARTMENT**

WHEREAS, the Department of Alcohol Beverage Control (ABC) provides service and public safety to the people of the State through licensing, education, and enforcement. ABC partners with municipal law enforcement agencies to provide training, education, and enforcement services; and

WHEREAS, the California Office of Traffic Safety (OTS) takes a leadership role in efforts to make California roadways safe for all users; and

WHEREAS, through thoughtful, forward-thinking, and data-driven selection of grants to local and state agencies, OTS provides an effective means of eliminating fatalities, injuries, and economic losses resulting from crashes; and

WHEREAS, ABC has the responsibility and authority to review and evaluate each project to assist the grantee in understanding and complying with the required procedures and gaining the maximum benefits from the funds expended; and

WHEREAS, a competitive grant in the amount of \$4,500 was awarded to the City of Rio Dell to work in partnership with the ABC to develop a practical, comprehensive, and strategic approach to eliminate the crime and public nuisance problems associated with problem alcoholic beverage outlets.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell, California, that the City Council authorizes the City Manager or Chief of Police to sign and enter into a Memorandum of Agreement with the Department of Alcoholic Beverage Control for the reimbursement of overtime and equipment expenditures incurred while working in partnership with the Department of Alcoholic Beverage Control to develop a practical, comprehensive and strategic approach to eliminate the crime and public nuisance problems associated with problem alcoholic beverage outlets.

BE IT FURTHER RESOLVED that the City appropriates the funds in the amount of \$4,500 for The Alcohol Policing Partnership Program; provided, however, that if the actual revenue received from the source specified should be more or less than the amount set forth herein, that the appropriations shall be adjusted to equal the amount received.

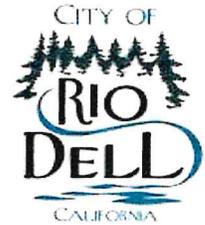
PASSED AND ADOPTED by the City of Rio Dell on this 3rd day of October 2023 by the following roll call vote:

- Ayes:
- Noes:
- Abstain:
- Absent:

Debra Garnes, Mayor

ATTEST:

Karen Dunham, City Clerk



*675 Wildwood Avenue
Rio Dell, CA 95562*

TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk for Derek Taylor, Wastewater Superintendent

THROUGH: Kyle Knopp, City Manager

DATE: October 3, 2023

SUBJECT: Sludge Dryer Repairs

RECOMMENDATION

Approve the proposal from O & M Industries in the amount of \$18,019.00 for the labor and material to replace leaky seals on the sludge dryer gear drives, installation of customer-supplied rotaries, and installation of new bearing inserts.

BACKGROUND AND DISCUSSION

This is part of the routine maintenance and repair of the sludge dryer.

Attachments:

Proposal #23799

PROPOSAL



CA Lic. #284930 OR Lic. #121420 NV Lic. #0055294 DIR#1000000183
5901 Ericson Way, Arcata, CA. 95521 • 707-822-8800

City of Rio Dell

#23799

09/25/2023

Attn: Derek

Email: taylorlord@cityofriodell.ca.gov

Project Name: RIO DELL WASTE WATER

O&M Industries proposes to supply labor and material to replace leaky seals on the sludge dryer gear drives.

Additionally we propose to change out customer supplied rotary's. While changing rotary's, we will also install new bearing inserts on the same end of the dryer.

Total Price \$18,019.00

Sales/Use Tax Included - Freight Not Included

MATERIAL COST SUBJECT TO CHANGES IN MARKET PRICE AND MATERIAL AVAILABILITY

Acceptance of proposal -The proposal as written, including O&M industries standard terms and conditions, are hereby accepted and you are authorized to do the work as specified. Should buyer default in making any payment required here under, and seller institutes legal proceedings, buyer agrees to pay all costs of collection including reasonable attorney's fees.

Interest on past due amounts will be charged at 1.5% per month on all past due amounts

Accepted by X _____ Date: _____

Print name: _____

Payment Terms: Net 30 ARI

Monthly Progress Payments based on % complete including materials stored at job site or shop and fabrication complete but not yet shipped.

Authorized Signature: Tom Benzinger
Project Manager: Tom Benzinger

Note: This proposal may be withdrawn by us if not accepted within 10 days.

Standard Exclusions:

- Permits & permit driven costs or fees
- Special inspection and/or associated costs
- Fire watch or fire suppression equipment
- Spotter if required
- Engineering
- Concrete / grout / foundation / anchor bolts
- Electrical and instrumentation
- Trash disposal
- Insulation & cladding
- Plumbing & piping
- Commissioning or startup assistance
- Connection to any fire or life safety systems
- Confined space work and/or associated costs
- Core drilling or saw cutting
- Excavation



- Any costs associated with the handling, removal, or disposal of hazardous materials
- Coordination drawings or coordinated shop drawings
- Overtime or premium time if required
- Full time safety person
- Roof & wall patching
- Removal and/or relocation of underground utilities, concrete foundations, etc. or any costs related to any underground obstructions
- Extra mobilizations
- Unloading of customer supplied equipment
- Warranty of customer supplied equipment
- Costs of bonds, testing, inspection or engineers fees
- Painting, galvanizing and powder coating unless called out in proposal

Standard Clarifications:

- Job access for O & M Industries including equipment access needed for its scope of work is the responsibility of the prime contractor and to be provided to O & M Industries at no cost
- All field dimensions are by others where work is furnished F.O.job site
- Claims or back charges for any material furnished by O & M Industries will not be considered unless O&M Industries is given prompt notice and the opportunity to:
 - Investigate, inspect and if required, replace or correct the alleged error to comply with the plans and specifications, or;
 - Compensate the owner/contractor at an agreed, reasonable cost not to exceed the quote price of the item involved.
- General contractor to set one (1) anchor bolt nut to grade on each anchor bolt group or cluster
- The cost for providing Waiver of Subrogation and primary wording on our general liability policy and the waiver of subrogation on our Workers Compensation policy is not included in this quote and will be billed as an additional cost if it is required on this project.
- No consequential damages. In no event shall either party be responsible to the other for punitive, special, indirect, incidental or consequential damages or injuries of any type (including, but not limited to downtime, loss of use or loss of profits) whether arising in contract, tort (including, without limitation, by reason of the other party's negligence, gross negligence or willful misconduct), strict liability or otherwise.

O&M Industries Standard Terms & Conditions

1. TERMS EXCLUSIVE

All Orders for the purchase of goods and/or services from O & M Industries (Seller) are and shall be conditioned upon the terms and conditions set forth in Seller's proposal or quote and shall include the standard terms and conditions set forth herein. Seller hereby rejects any and all terms in any purchase order or other document of Buyer which is in addition to, different from, or inconsistent with the terms and conditions set forth herein and/or in Seller's written proposal or quote. This document contains the entire agreement of the parties hereof and supersedes any prior written or oral agreements concerning the subject matter contained herein. This agreement shall not be binding upon the Seller until Seller's proposal is signed by one of its authorized representatives. There shall be no ratification, modification, termination, or waiver of this agreement or any of the provisions hereof, unless the same shall have been made in writing and signed by the Seller's authorized representative.



2. SPECIFICATIONS

If Seller submits any drawing or other specifications to buyer for approval, and Buyer does not disapprove of them within the time specified by Seller, Buyer will be deemed to have approved of such and Seller shall proceed with fulfilling the order. Buyer shall be responsible for any costs or delays incurred as a result of untimely objections or rejections of Seller drawings or specifications provided to Buyer.

3. SHIPMENT

Subject to paragraph 12 (RETURNS) herein, Seller shall ship the goods upon their completion. Seller shall delay shipment as reasonably requested by buyer in writing but Buyer shall pay reasonable storage fees and other damages that may be incurred due to the delay. The shipment or completion date for custom manufactured or fabricated goods and/or services is estimated and not guaranteed. Seller may ship the goods within a reasonable period either before or after the designated shipment date. Method and route of shipment are at O & M Industries (OMI) discretion unless Buyer supplies express written instructions. All shipments are insured at Buyer's expense and made at Buyer's risk. Title to any goods covered by this Contract shall pass to the Buyer when they are delivered to the common carrier or otherwise shipped by OMI. No claim for damages or shortages will be considered unless OMI and the carrier are notified in writing within three (3) days of delivery, and no claim for non-delivery will be considered unless OMI is notified in writing within ten (10) days of reasonable delivery time.

4. DELAY

Should project (any services performed by the Seller) be delayed for any reason for which the Seller is not responsible, then 90 days from the date of shipment of the equipment to the Buyer or 90 days into any delay shall be considered as date of completion for project, and terms of payment shall apply as of that date, notwithstanding anything herein contained to the contrary.

5. FORCE MAJEURE

Seller shall not be liable to Buyer for any loss or damage suffered by Buyer, directly or indirectly, as a result of Seller's failure due to delay in performing any term or condition hereof, where such failure or delay is caused by fire, insurrection or riot, labor troubles (including strikes and lockouts), wars, embargos, Government regulations, inability to obtain any license which may be required, interruption of or delay in transportation, inability to obtain materials, supplies, and equipment, accidents, explosions, acts of God, or other causes of like or different character beyond the Seller's control, including, but not without limitation, any failure of any Seller's supplier to make delivery due to any such cause.

6. RISK OF LOSS

Unless otherwise agreed to by written instrument signed by Seller, the goods shall be shipped ex-factory Seller's plant in Arcata, CA, and Buyer shall bear all risks of loss with respect to the goods that have been placed in the possession of a carrier.

7. INSPECTION

Before accepting the goods and/or services, Buyer shall have the right to inspect them at the time and place of delivery. Upon acceptance Buyer shall be deemed to have acknowledged that the goods and/or services comply with all specifications, representations and warranties of Seller, and to have waived any claim or cause of action against Seller with respect to the goods and or services.

8. WARRANTIES

Seller warrants goods manufactured and/or services performed by the Seller shall be free of defect in material and workmanship and that such goods and/or services conform to industry standards until the earlier of: (a) expiration of the ordinary useful life of the goods and/or services; (b) a period of one year from the completion of installation shipment of manufactured goods; or (c) if shipment of fabrication is delayed by Buyer, one year from the date of completion not to exceed 18 months, OMI does not warrant against damages due to corrosion, abrasion, normal wear and tear, production modification or product misapplication. Seller's liability under this warranty shall be limited to repair or replacement of the goods and/or services, and only after receiving prompt notification of an alleged defect and a reasonable opportunity to inspect and evaluate the cause of such. Buyer shall provide written notice within 5 days of discovery or 5 days from when the Buyer should have reasonably discovered such problem or defect. Failure to provide timely notice prejudices Seller's ability to properly investigate and evaluate the cause of alleged defects. Therefore, failure to notify Seller within the 5-day period shall be deemed a waiver of any warranty claim. The notice of defect shall include Buyer documentation that the goods and/or services have been used, stored, installed, maintained and/or operated in accordance with Seller's recommendations. This warranty does not extend to third-party products incorporated in the goods and/or services. Seller hereby transfers any third-party manufacture warranties, if such are transferable. THE WARRANTY PROVIDED FOR HEREIN IS EXCLUSIVE, AND IN LIEU OF, ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHER WARRANTY, WHETHER EXPRESSED OR IMPLIED. SELLER SHALL NOT HAVE ANY OTHER OBLIGATION WITH RESPECT TO THE GOODS AND/OR SERVICES, whether based on contract, negligence, strict liability, or otherwise. ORAL STATEMENTS made by Seller's employees or representatives DO NOT CONSTITUTE WARRANTIES, shall not be relied upon by Buyer, and are not part of the contract for sale. NO OTHER WARRANTIES are given beyond those expressly set forth in this document.

9. LIMITED LIABILITY

Seller shall not under any circumstances be liable for incidental, special, or consequential damages, such as, but not limited to: damage to or loss of property or equipment; loss of profits or revenue; costs of capital; or any other claims by Buyer's customers. The remedies set forth herein are exclusive, and the liability of the Seller with respect to the manufacture, sale, delivery, resale, installation, and/or use of any of the goods and/or services sold to Buyer, whether arising out of contract, negligence, strict liability, warranty, or otherwise, shall not exceed the price of the goods and/or services upon which liability is based.

10. INTELLECTUAL PROPERTY

No right or license is granted by the terms of this Contract to Buyer under any patent, copyright, registered design or other industrial property right except the right to resell the goods sold under this contract.



11. RETURNS

In no case may goods be returned without first obtaining the written permission of OMI.

12. TAXES AND DUTIES

Unless specified otherwise, Buyer shall pay all sales, use, and excise taxes, tariffs, duties, and other charges imposed by any county, state, and locality of other political subdivision in connection with the sale of the goods and/or services. For tax purposes, title to the goods shall pass from Seller to Buyer upon being loaded for shipment, whether by common carrier or Buyer's own truck.

13. PAYMENT

Unless otherwise set forth in a written instrument signed by Seller, Buyer shall tender full payment for the goods and/or services within 30 days of receipt of Seller's invoice. If Buyer delays shipment, Buyer shall pay the full amount of work completed to date within 30 days after the goods have been completed, including reasonable storage fees plus damages or fees Seller may incur as a result of the Buyer delayed shipment. Any balance not paid when due shall draw interest at the rate of 1.5% per month (18% A.P.R.) on the average daily balance until paid. Buyer shall be liable for all legal costs incurred by Seller in collecting any unpaid balance, including attorney's fees. All payments shall be made in United States currency. Further, Buyer agrees to provide adequate fire and risk insurance to fully indemnify Seller for any balance due in the event of loss or damage. OMI shall retain a security interest in all of the goods sold to buyer until the purchase price is fully paid. In the event that any such payment is not made promptly when due, OMI shall have all the rights and remedies of a secured creditor under the Uniform Commercial Code with respect to the goods delivered to the Buyer, in addition to any other rights and remedies available under applicable law. Buyer shall execute, at OMI request, any appropriate documents to perfect OMI's security interest granted under this Paragraph.

14. CANCELLATION

Buyer shall not have any right to cancel this agreement without Seller's prior written consent. If Seller elects to permit cancellation, Seller may require Buyer to pay a cancellation fee equal to total selling price, less the estimated direct labor and materials not expended, less the salvage values of materials already purchased, and any other costs or losses Seller may incur. If Buyer fails to make required payments, or breaches any of the other terms or conditions of the agreement, Seller shall have the right to terminate this agreement and withhold further shipments.

15. DEFAULT

In the event of Buyer's default, OMI may, at its option: (a) suspend OMI's work indefinitely until Buyers default is remedied; or (b) terminate OMI's work and receive from Buyer an amount equal to the gross profit to have been earned under this Agreement plus all costs and expenses accrued or incurred by OMI to the date of termination. The remedies provided for in this agreement shall not be deemed exclusive and OMI shall have in addition thereto all other remedies available at law and in equity.

16. CUMULATIVE REMEDIES and NON-WAIVER

The remedies provided for herein shall be cumulative and in addition to any other remedies allowed by law or in equity. The failure of Seller to exercise any remedy shall not constitute a waiver of the right to exercise that or any other remedy unless expressly waived in writing; and a waiver of any breach of any provision in this agreement shall NOT operate as a waiver of any subsequent breach of the same or any other provision.

17. INDEMNIFICATION

Buyer shall defend, indemnify, and hold Seller, its directors, officers, employees, and agents, harmless from any and all claims, expenses (including attorney fees), liabilities, obligations, losses, damages, actions, settlements, fees, suits, or proceedings of any nature arising out of and/or related to: (a) injuries or damages arising from or in connection with negligence of Buyer, Buyer's Agents or independent interests and/or failure to comply with Seller's use and maintenance recommendations related to the goods and/or work product; (b) and/or any intellectual property infringement related to goods and/or services provided in accordance with specifications and or drawings provided by Buyer. The provisions of this paragraph shall survive completion, termination, or cancellation of agreement or purchase order.

18. APPLICABLE LAW and JURISDICTION

This agreement and matters connected with the performance thereof shall be construed in accordance with, and governed by, the laws of the State of California, as if it were executed and performed entirely within the State of California. Venue in any litigation arising hereunder shall be in Humboldt County, California.

19. ATTORNEY FEES

In the event of breach by Buyer, Seller shall be entitled to recover legal fees and costs, including but not limited to reasonable attorney's fees, as well as pre-judgement interest.

20. SUBROGATION

No waiver of subrogation by OMI shall be effective unless signed by an officer or the president of OMI.

21. SUBCONTRACT

OMI shall be entitled to assign, subcontract, or sublet this Contract or any portion thereof.

22. MISCELLANEOUS

This written agreement is the entire agreement between the Buyer & Seller. No modifications shall be binding on Seller unless made in writing and signed by Seller. No claim or right arising out of a breach of this agreement can be discharged in whole or in part by a waiver or renunciation of the claim or right, unless memorialized in a written instrument signed by Seller and supported by separate consideration. Buyer shall not assign its rights or delegate its duties under this Sales Order without prior written consent for Seller.



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager

FROM: Karen Dunham, City Clerk for Derek Taylor, Wastewater Superintendent

DATE: August 15, 2023

SUBJECT: Purchase of Two 1060 Gallon Sodium Hypochlorite Tanks

RECOMMENDATION

Approve the purchase of two (2) Sodium Hypochlorite Tanks in the amount of \$9,508.00, not including freight charges estimated at \$1,500, from Core-Rosion Products.

BACKGROUND AND DISCUSSION

The Chlorine storage tanks are critical storage for disinfection of the wastewater effluent and are part of the Chlorine Generator Replacement Project through CalOES. The tanks shifted during the recent earthquakes causing them to leak. There were previous repairs done to the tanks but because of the current condition of the tanks and their age (estimated to be 10 years old), the tanks are in need of replacement.

ATTACHMENTS:

cc: Core-Rosion Products Quote



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

October 3, 2023

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager
SUBJECT: Authorize the Mayor to Sign Correspondence to Governor Gavin Newsom
Related to Little Hoover Commission Report on SB 1383 Implementation

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Mayor to sign the attached correspondence, or take no action.

BACKGROUND AND DISCUSSION

At the Humboldt Waste Management Authority’s (HWMA) September 14, 2023 meeting, a similar version of the attached correspondence was authorized to be sent to the Governor. The HWMA Board also recommended that each member agency consider issuing its own correspondence on the matter.

In June of 2023, California’s Little Hoover Commission published report number 274 titled “Reducing California’s Landfill Methane Emissions: SB 1383 Implementation.” The report highlights a number of SB 1383’s shortcomings and failures. The report also issues a number of recommendations, including pausing SB 1383’s implementation & re-examination of the legislation’s impact and implementation prospects in rural California.

Currently, the City of Rio Dell has an approved waiver for some, but not all of SB 1383’s requirements. The current waiver is in effect until the end of 2026 and is possibly extendable beyond that date. Due to the waiver, staff does not believe that the City is exposed to any potential regulatory fines in the near future; however, this is not the case for many of our neighboring jurisdictions.

The Little Hoover Commission, formally known as the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, is an independent state oversight agency created in 1962. The Commission's mission is to investigate state government operations and policy, and – through reports and legislative proposals – make recommendations to the Governor and Legislature to promote economy, efficiency and improved service in state operations. ///

*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*



October 3, 2023

The Honorable Gavin Newsom
State Capitol, Room 219
Sacramento, CA 94249-0001

RE: Support of The Little Hoover Commission Report 274: Reducing California's Landfill Methane Emissions: SB 1383 Implementation.

Dear Governor Newsom:

The City Council of the City of Rio Dell respectfully requests your consideration regarding the Little Hoover Commissions (LHC) Report 274 relating to SB 1383 implementation.

While the City of Rio Dell and our partner jurisdictions at the Humboldt Waste Management Authority (HWMA) are supportive of the overall goals of SB 1383, we support the LHC's report and agree with their conclusions that the current legislation and regulations potentially disadvantage rural Californians.

Humboldt County, like many other rural areas around the state, lacks the critical infrastructure necessary to comply with the current regulations. Many local jurisdictions have been unable to establish universal curbside collection as it is either operationally nonviable given our terrain, or the financial impacts to those potential rate payers would be disproportional and punitive given the anticipated inefficiency of routes in these locations.

While we recognize the state has created temporary waivers, those simply act as a reprieve from parts of the legislation and fail to help mitigate the problems rural counties have in developing new infrastructure needed for compliance. SB 1383 compliance in our county and rural areas like ours is not simply adding a new bin to existing collection routes, but creating infrastructure and a new ecosystem of waste management where it has not previously existed.

Additionally, our County lacks the processing capacity necessary to comply, and at the time of this letter there are no large-scale compost facilities within the county permitted to accept and process food waste material. This lack of local options has forced HWMA and its members to

solicit proposals from facilities outside the county, in our attempt to reach compliance, resulting in organic material potentially traveling upwards of 150 miles to a permitted facility. This means ratepayers in our area will not only lose the benefit of keeping organic waste local, but their rates will be disproportionately impacted because of their location.

While the City of Rio Dell is supportive of the goals the legislation sets for the state, we ask that you consider the potential impacts that non-compliance may have on rural jurisdictions and that you enact a pause on 1383 compliance enforcement actions for rural areas while the legislature works to develop and implement agreeable thresholds for rural county exemptions. This would allow pathways to compliance to still be developed and worked through, while ensuring rural areas do not implement programs simply for the sake of compliance that could have lasting negative effects on their ratepayers and the waste systems currently in place.

Sincerely,

Debra L. Garnes
Mayor
City of Rio Dell

- cc. Senator Mike McGuire
Assembly Member Wood
Meredith Matthews, Chair, Humboldt Waste Management Authority
Sara Sanders, League of California Cities
League of California Cities, cityletters@cacities.org



Fact Sheet: Reducing California’s Landfill Methane Emissions

Contact: LittleHoover@lhc.ca.gov

In 2016, the Legislature and Governor enacted SB 1383, which set an ambitious and laudable goal to divert large amounts of organic material out of landfills, reduce dangerous greenhouse gas emissions and improve the state’s air, water, and soil quality.

Sadly, California is falling short of its methane reduction goals. The state missed its 2020 target but is also poised to miss its 2025 target. The goals of SB 1383 are of utmost importance to ensuring a livable state. California must reduce its landfill methane emissions, and it must do so in a way that is transparent, compatible with its larger climate strategy, and has the buy-in of the Californians it protects.

In its 2023 report, [Reducing California’s Landfill Methane Emissions: SB 1383 Implementation](#), the Commission recommends California:

- Enact a temporary pause on SB 1383 implementation to address implementation concerns and fund an educational campaign that explains to Californians why the law’s requirements are important.
- Prevent conflicting state directives on waste processing, and produce consistent and clear guidelines on how to meet statutory and regulatory requirements.
- Require a multidisciplinary team to develop recommendations on how to expand market opportunities for recycled organic waste, and then work to implement those recommendations.
- Build in as much flexibility as possible for local governments to recycle organic waste, and let communities choose the best options for them.

- Support near-zero emission vehicles until commercially viable zero emission vehicles are available in the waste sector.
- Permanently exempt counties that produce less than 200,000 tons per year of waste from SB 1383 requirements, except to provide options at self-haul facilities for residents to separate their organic waste from their trash.
- Embrace a concept of keeping waste local and allow communities to be innovative with organic waste solutions.
- Position CalRecycle as an international expert and leader in solid waste management, including by facilitating exchange visits with other countries.
- Separate edible food recovery from SB 1383 implementation and conduct studies to better understand from where the edible waste is being initiated and create incentives for bottom-up solutions to prevent food waste.
- Help lower landfill methane emissions by fixing the small proportion of super-emitters that produce the majority of emissions.
- Develop a financial plan to implement SB 1383 and clearly communicate what that plan will cost, who will pay it, and what Californians will receive in return.

The Commission’s recommendations will help California navigate priorities among different branches of government, build multidisciplinary expertise into the rulemaking process, incorporate industry expertise without regulatory capture and recognize the different needs of different communities.

Last updated: June 2023



Reducing California's Landfill Methane Emissions: SB 1383 Implementation

Report #274 | June 2023



Milton Marks Commission on California State
Government Organization and Economy
www.lhc.ca.gov

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Dedicated to Promoting Economy and Efficiency in California State Government

The Little Hoover Commission, formally known as the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, is an independent state oversight agency.

By statute, the Commission is a bipartisan board composed of five public members appointed by the governor, four public members appointed by the Legislature, two senators and two assemblymembers.

In creating the Commission in 1962, the Legislature declared its purpose:

...to secure assistance for the Governor and itself in promoting economy, efficiency and improved services in the transaction of the public business in the various departments, agencies and instrumentalities of the executive branch of the state government, and in making the operation of all state departments, agencies and instrumentalities, and all expenditures of public funds, more directly responsive to the wishes of the people as expressed by their elected representatives...

The Commission fulfills this charge by listening to the public, consulting with the experts and conferring with the wise. In the course of its investigations, the Commission typically empanels advisory committees, conducts public hearings and visits government operations in action.

Its conclusions are submitted to the Governor and the Legislature for their consideration. Recommendations often take the form of legislation, which the Commission supports through the legislative process.

Contacting the Commission

All correspondence should be addressed to the Commission Office:

Little Hoover Commission
 925 L Street, Suite 805, Sacramento, CA 95814

(916) 445-2125 | LittleHoover@lhc.ca.gov

This report is available from the Commission's website at www.lhc.ca.gov.

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Letter from the Chair

June 8, 2023

The Honorable Gavin Newsom
Governor of California

The Honorable Toni Atkins
President pro Tempore of the Senate
and members of the Senate

The Honorable Brian Jones
Senate Minority Leader

The Honorable Anthony Rendon
Speaker of the Assembly
and members of the Assembly

The Honorable James Gallagher
Assembly Minority Leader

DEAR GOVERNOR AND MEMBERS OF THE LEGISLATURE:

Combatting climate change is perhaps the defining issue of our era, and California has long been a leader in that fight. In 2016, the state enacted a landmark reform in this area by passing SB 1383, which required the state to reduce the amount of organic material deposited into landfills. The stakes could not be higher. As it decomposes, organic material produces methane, which is extraordinarily efficient at trapping heat and contributing to climate change. In the effort to constrain climate change, no short-term step is as important as reducing methane emissions. The livability of our planet depends on it.

Yet California is falling short of its goals. The state missed its 2020 target, and is poised to miss its 2025 goal. Local governments – the front-line warriors in this fight – are struggling to implement the state’s program.

This report follows an extensive study process by the Commission. We held three hearings and convened an online roundtable of stakeholders – a process in which the Commission heard from more than two dozen stakeholders, including state officials, local government leaders, industry executives, environmental advocates, and others. Commission staff conducted dozens of additional background interviews and reviewed hundreds of documents.

As a result of this process, the Commission concluded that significant changes are needed if the state is to meet its target of reducing the amount of organic material going into landfills. We believe the state should reaffirm its goal, while reconsidering its method. Changes in law are needed. Additional funding is required. Local jurisdictions must be given a realistic amount of time to develop infrastructure. The unique requirements of rural California must be considered. Perhaps most important of all, everyday Californians must be educated about the critical need for change. No program of this magnitude succeeds without the public’s buy-in and belief.

The recommendations in this report present a critical opportunity to advance California’s fight against climate change. We hope and believe you will consider this report in that light – as a plea to fix what is wrong in the pursuit of a noble and critical challenge.

Sincerely,

Pedro Nava, Chair
Little Hoover Commission

■ Executive Summary

In 2016, California adopted stringent goals for reducing the amount of organic material deposited into landfills. Using 2014 as a baseline, the legislation required a reduction of 50 percent by 2020 and 75 percent by 2025. The purpose was to reduce methane emissions to make near-term improvements to climate change. Methane is a short-lived super pollutant that is extraordinarily efficient at trapping heat and thus contributing to climate change, and landfills are the largest point source of methane emissions in California.

California's ambitions far exceeded those of any other state, a fact of which the state should be proud. Sadly, however, California is falling short of its goals. The state missed its 2020 target and is poised to miss the 2025 target.

The state should recognize the importance of reducing methane emissions as part of the fight against climate change, but should consider changes in implementation that can advance the ultimate goal. Repeated failure to meet the goals of the program could undermine public confidence, increase noncompliance and delay mid-course policy corrections that are routine in projects of this size.

Part I: A Pause in Implementation

2020 Target Missed. The state missed its 2020 target to reduce the amount of organic material deposited into landfills by 50 percent below 2014 levels. Instead, the amount of organic waste going into landfills increased by a million tons from 2014 to 2020. Leaders at CalEPA said they were not surprised by this because until 2022, the regulations created to meet organic waste targets were not enforceable.

2025 Target in Doubt. California is unlikely to meet its 2025 goals. Even if state estimates of increased processing capacity are met, California is likely to be short of the necessary capacity by approximately 8 million tons a year. For reasons of both cost and

time, the state is highly unlikely to add sufficient capacity by 2025.

Local Governments Still Catching Up. More than a hundred local jurisdictions have sought an extension of the deadline for complying with the state's requirements.

A TEMPORARY PAUSE

Given these problems, we believe the Legislature should enact a temporary pause to the implementation of SB 1383. Successfully achieving the goals will require changes in law and regulation, additional funding, and creating a more holistic approach to reducing landfill methane emissions. Local jurisdictions must be given a fair and realistic amount of time to make necessary changes. Just as importantly, Californians must support the legislation and its goals. None of this can happen overnight, and it is worth taking the time to get it right.

We recommend the following steps be achieved during the temporary pause:

- Educate Californians about the importance of the goals.
- Improve coordination among state agencies.
- Create a multidisciplinary team to expand market opportunities for recycled organic waste.
- Reconfigure the relationship between state agencies and local governments to better reflect shared responsibility for solid waste management.
- Exempt low-population, low-waste counties from procurement requirements.
- Separate edible food recovery from SB 1383 implementation.
- Invest in repairing and upgrading the super-emitter facilities that produce the majority of landfill methane emissions.
- Develop a realistic financing plan based on holistic cost-benefit analysis understood and supported by Californians.

Recommendation 1: The state should enact a temporary pause on SB 1383 implementation while the recommendations cited above – and discussed in more detail throughout this report – are implemented.

Recommendation 2: The state should fund an educational campaign that explains to Californians why the SB 1383 requirements are important.

Part II: Conflicting Priorities

In order to achieve methane emission reductions, California must do something with the organic waste that is diverted from landfills.

The language in SB 1383 clearly identifies renewable natural gas as an end-use for methane. However, other state actions make plain that the state prioritizes zero-emission energy. Governor Newsom issued an executive order in September 2020 declaring a state goal for sales of zero-emission vehicles. The state subsequently developed a rule to speed the process for government vehicles, although many local governments were planning on fueling their waste collection fleets with renewable natural gas. Doing so would have helped them to meet a separate state requirement that local government procure specified amounts of end-products derived from diverted organic material, such as renewable natural gas.

Local governments are also concerned about how they will meet procurement requirements if they choose other end-products, such as mulch.

Recommendation 3: CalEPA, CalRecycle, and CARB should coordinate to prevent conflicting directives and produce consistent and clear guidelines.

Recommendation 4: The Legislature and Governor should require a multidisciplinary team

to develop recommendations on how to expand market opportunities for recycled organic waste.

Recommendation 5: The state should reconfigure the relationship between state agencies and local governments to better reflect statutorily-required shared responsibility for solid waste management.

Recommendation 6: The state should support near-zero emission vehicles until commercially viable zero emission vehicles are available in the waste sector.

Part III: Not Designed for Rural California

The legislation and regulations potentially disadvantage rural Californians. For example, the regulations require most jurisdictions to create curbside organics recycling programs, but many rural communities lack curbside trash pickup and paved roads that can accommodate heavy garbage trucks.

The state has created limited temporary waivers for some rural areas, but most of these waivers only exempt eligible communities from parts of the requirements, and only for a few years.

Recommendation 7: The state should permanently exempt counties that produce less than 200,000 tons per year of waste from SB 1383 requirements, including edible food recovery, except to provide options at self-haul facilities for residents to separate their organic waste from their trash.

Part IV: Missing Community-Centered Response

The state should carve out space for community organic waste recycling. This includes reclassifying those who pick up organic waste on a small scale

as something other than a hauler and designing regulations appropriate to the niche they fill.

Recommendation 8: The state should embrace a concept of keeping waste local, and allow communities to be innovative with organic waste solutions.

Part V: Missing Industry Expertise

Many industry experts discussed regulations and decisions that did not make sense from an operational perspective. In order to be compliant with regulations, for example, organic waste must be sent to facilities that can achieve a 75 percent organics recovery rate from a mixed waste stream. Industry officials say this is unrealistic in most facilities; the average recovery rate in 2020 was 42 percent, according to CalRecycle.

Recommendation 9: The state should position CalRecycle as an international expert and leader in solid waste management by facilitating exchange visits with other countries, externships inside and outside of government, and field-testing the regulations it proposes from these knowledge exchanges.

Part VI: Edible Food Recovery

SB 1383 requires the state to recover and redistribute at least 20 percent of edible food that otherwise would have been thrown away.

Organic waste comprises more than a third of the state's waste stream, and food comprises about 15 percent of municipal waste streams. However, slightly less than 4 percent of that food waste is potentially donatable: The rest is unfit for human consumption.

The Commission urges to the state to conduct a comprehensive analysis of the edible food recovery requirements.

Recommendation 10: The state should separate edible food recovery from SB 1383 implementation.

Part VII: Landfill Methane Emissions

A three-year survey of the state's point source methane emissions revealed that some facilities were leaking at levels six times previous estimates. However, the survey also revealed that a small number of facilities were responsible for nearly half of landfill methane emissions.

Recommendation 11: The state should help lower landfill methane emissions by fixing the small proportion of super-emitters that produce the majority of emissions.

- **The state should permanently fund satellites to monitor greenhouse gas emissions and integrate the findings from that data into its strategic planning for climate change adaptation.**

Part VIII: Insufficient Resources for Implementation

The legislation made CalRecycle responsible for oversight of this project, but did not supply the agency with adequate additional resources. Good governance requires sufficient staffing.

Recommendation 12: The state should conduct the holistic cost-benefit analyses discussed in this report, determine measurable outcomes, the costs to achieve those outcomes, and an outline of who will pay, and how, to meet those costs, and be transparent with Californians about what it is asking from them and what they will receive in return.

■ Introduction

In 2016, California's leaders enacted a once-in-two-generations reform to combat climate change. In passing SB 1383, the state set an ambitious and laudable goal to divert large amounts of organic material out of landfills, reduce dangerous greenhouse gas emissions and improve the state's air, water, and soil quality, as well as Californians' health. The change impacted every city and county, and required Californians to change habits so ingrained they had become muscle memory. Regulations subsequently adopted to implement the bill authorized fines of up to a \$10,000 per day for local governments that did not comply.

California set specific goals with short deadlines. Using 2014 as a baseline, SB 1383 required the state to reduce the amount of organic material deposited into landfills by 50 percent by 2020, and by 75 percent by 2025.¹ The purpose was to reduce methane emissions to make near-term improvements to climate change. Methane is a short-lived super pollutant that is extraordinarily efficient at trapping heat, and thus at contributing to climate change. Landfills are the largest point source of methane emissions in California,² and meeting the state's 2025 goal would achieve the environmental equivalent of removing 3 million cars from our roads.³

California's ambitions far exceeded those of any other state in the United States, a fact of which the state should be proud. Sadly, California is falling short of its goals. Despite the importance of diverting organic waste, the state not only missed its 2020 target, but sent a million tons of organic waste above the 2014 baseline to landfills.⁴ The Little Hoover Commission's review of the bill's implementation found that the state is poised to miss its 2025 target.

This report on organic waste disposal and its central role in responding to climate change is consistent with the state's ambitions, but seeks to focus attention on how changes in implementation can advance the ultimate goal. To date, California

has made insufficient progress to make the 2025 goal realistic. Keeping an unrealistic target could undermine public confidence, increase noncompliance, and delay adoption of mid-course policy corrections that are routine in projects of this size.

The outcomes are too important and the costs of failure too high to let this effort fade into irrelevance. The state must reduce its landfill methane emissions, and it must do so in a way that is transparent, compatible with its larger climate strategy, and has the buy-in of the Californians it protects.

Part I: A Pause in Implementation

In 2016, the Legislature and Governor enacted SB 1383, which sought to divert most organic waste away from landfills and into greenhouse gas reducing activities. Using 2014 as a baseline, the legislation required Californians to divert 50 percent of organic waste away from landfills by 2020 and 75 percent by 2025. It also required the state to recover and redistribute at least 20 percent of edible food that otherwise would have been thrown away. This is the largest change to how Californians throw away their waste since the enactment of the state's recycling program in 1989.

The objective of the bill was to provide tools to combat climate change through a focus on pollutants that exist in the environment for a shorter period of time than carbon dioxide but still greatly contribute to a warming planet. Such pollutants also cause health impacts. Particulate pollution and increased ozone levels have been linked to cancer, heart disease and asthma. The impact is especially pronounced in disadvantaged communities.

The Legislature charged the California Department of Resources Recycling and Recovery (CalRecycle), in consultation with the California Air Resources Control Board (CARB), to create the implementing

What Can Be Done with Organic Waste?

Organic waste can be used to create many useful products, including fuel, electricity, compost, and mulch. California regulations currently allow the following four uses for diverted organic waste:

Anaerobic Digestion: In anaerobic digestion, microorganisms break down organic waste in an oxygen-free environment. This creates digestate, a solid material that can be composted, and biogas, which can be used to produce electricity, heat, and low-carbon transportation fuel, notably compressed renewable natural gas. Anaerobic digesters are expensive and require maintenance and monitoring to prevent leaks, and the facilities must compost or otherwise dispose of the digestate.

Biomass Electricity Production: California's biomass energy plants primarily process woody and agricultural waste, and could service similar materials diverted from landfills. In this method of electricity generation, the organic material is converted into steam, which is then transferred into electricity.⁵ Some biomass electricity facilities also use the steam to create heat.

Two large hurdles currently hinder widespread adoption of this electricity production model. One is that California's biomass processing capacity is shrinking. The state could produce more than 800 megawatts (MW) of electricity from 66 facilities during biomass electricity's heyday in the early 1990s.⁶ Largely due to the end of government price supports in 1996, the state's production output has fallen to approximately 600 to 650 MW annually from 25 facilities, or 2.9 percent of the state's electrical generation capacity.⁷ The other hurdle is the state's turn toward zero-emission energy sources, discussed in further detail in the report.

Composting: California employs two methods for large-scale composting. About three-quarters of facilities use aerated windrow composting, in which organic waste is arranged into long rows and then aerated by mechanically turning the organic matter. Oxygen controls the temperature, kills pathogens, and speeds up the decomposition process. This type of composting requires large tracts of land, making it particularly expensive in California.

The other common method is aerated static pile composting, in which pipes pump oxygen into piles of organic matter. Organic matter can be piled into high vertical mounds instead of long horizontal rows, thus requiring less land than the other method. However, it requires more technology and careful monitoring than windrow composting, which raises costs. In both methods, naturally occurring microbes break down the organic waste into carbon dioxide, leachate, minerals, and stabilized organic matter, which we call compost.

Mulching: Mulch is material spread on the ground to protect or enrich soil. It can be made from many materials, including some that are inorganic. Commonly-used mulches are made from compost, forest waste, and landscape trimmings. Mulch is made by chipping and/or grinding this material into the desired size and density; some mulches are sterilized to prevent the spread of insects and disease.

regulations, specifying they could not go into effect before 2022. It also tasked CalRecycle with assessing the progress the waste sector and state and local governments had made toward meeting the waste reduction requirements by 2020. If the department found insufficient progress, the legislation authorized it to include additional incentives and requirements in the regulations, as well as the ability to recommend revisions to the goals to the Legislature. Finally, it authorized local jurisdictions to charge fees to cover the costs of compliance.⁸

WHERE ARE WE NOW?

The state missed its 2020 target and will likely miss its 2025 target. At least 126 local jurisdictions have taken advantage of a legislative extension for meeting SB 1383 requirements.

2020 Target Missed. The state missed its 2020 target to reduce the amount of organic material deposited into landfills by 50 percent below 2014 levels. Instead, the amount of organic waste going into landfills increased by a million tons from 2014 to 2020.⁹ California state environmental leaders explained that this was not unexpected: “Until this year, CalRecycle’s regulations to meet organic waste targets were not enforceable,” testified CalEPA Deputy Secretary Sheereen D’Souza in September 2022, “so it makes sense that the 2020 diversion rate required in 1383 was not met.”¹⁰

2025 Target in Doubt. California is unlikely to meet its 2025 goals. To do so, the state would need to divert 27 million tons of organic matter per year away from landfills. The state believes 9 million of that is edible food that can be recovered for human or animal use, contains fibers that can be converted into paper products, or is suitable as feedstock for biomass energy plants. The other 18 million tons will need to be processed, per CalRecycle’s regulations, at composting, anaerobic digestion, co-digestion, biomass electricity, and mulching facilities. As of 2020, the state anticipates that by 2025 it will only

have the capacity to process 10 million tons of that waste.¹¹

Building the additional infrastructure that would be needed to meet the goal is expensive. “The single largest factor impacting the cost of the proposed regulation is the projected amount of disposal that must be redirected to recovery activities,” wrote CalRecycle during the rulemaking process.¹²

Setting aside the cost, there is little hope the infrastructure could be planned, permitted, and constructed by 2025. A \$100 million anaerobic digester in Perris, California, for example, took six years to permit and construct.¹³ Even if this funding and speed were replicated elsewhere, the facilities would not be online until well after the 2025 deadline. Additionally, the time and money necessary to construct roads and other infrastructure needed to comply with the legislation in rural areas were not factored into the regulatory timeline and cost estimate.¹⁴

Local Governments Still Catching Up. Regulations required most local governments to adopt ordinances implementing the legislation and have an organic waste curbside collection program in place by January 2022. Noncompliance can be punished by fines ranging from \$500 to \$10,000 per day, depending on the violation. There are steps CalRecycle must take to help the local government attain compliance before it levies fines.

It was unclear how many local jurisdictions were in compliance at the time of this report’s publication, but it appeared that at least a quarter of local jurisdictions had either sought an extension of time from the state or for some other reason did not have an ordinance or organic waste curbside collection program in place.

Recognizing the difficulty facing local governments, the Legislature in 2021 pushed back state enforcement of regulations by up to three years

for local jurisdictions willing to file and adhere to an action plan known as an Intent to Comply.¹⁵ When CalRecycle and CalEPA testified before the Commission in September 2022, officials said more than 120 jurisdictions had filed for this opportunity to extend the deadline to adopt ordinances, adjust contracts with their waste management service providers, and make programmatic changes necessary to implement the legislation.¹⁶ As this report was finalized in the spring of 2023, Commission staff asked CalRecycle for updated information on local compliance rates. On May 12, 11 days before the Commission was scheduled to review the draft report, CalRecycle staff emailed Commission staff and said, “Unfortunately, we don’t have specific numbers for you, as we are currently conducting compliance evaluations which includes determining if the jurisdictions’ ordinances are compliant with SB 1383.” In the wake of the meeting at which the Commission considered the draft report, CalRecycle did not respond to the Commission’s request for

any additional updated information on this issue. However, CalRecycle did provide information to some news organizations. According to that information, as provided to the Commission by the news organizations, 445 of 614 local jurisdictions “already have residential food waste collection,” although it was not clear if that signified full compliance with the requirements of SB 1383. The remaining 169 jurisdictions – or 27 percent of the total – apparently did not have residential food waste collection. CalRecycle said that 126 jurisdictions – presumably a subset of the 169 – had used the formal extension process approved by the Legislature.¹⁷

A TEMPORARY PAUSE

The methane reduction goals of SB 1383 are of utmost importance to ensuring a livable state.

The Commission encountered a passionate community of devoted public servants, environmental champions, industry leaders who

Methane Reduction Matters

Carbon dioxide has long starred as the greenhouse gas receiving the most attention from California policymakers, and for good reason. Alone, it contributes approximately half of the greenhouse gases contributing to climate change and remains in the atmosphere for hundreds of years. We have to reduce carbon emissions in order for our children and grandchildren to have a livable planet. Unfortunately, reductions in carbon emissions will not effect immediate results in slowing and reversing climate change. For that, we must reduce short-lived climate pollutants, meaning gasses and particulate matter that live in the atmosphere for fewer than 20 years. Combined, these pollutants constitute the other half of greenhouse gas emissions contributing to climate change.

Even though methane remains in the atmosphere for only about 12 years, scientists consider it to be the worst contributor to climate change among short-lived pollutants. This is because methane is especially efficient at absorbing radiation (sunlight) and converting it to heat. In a 20-year timespan, one ton of methane will absorb and convert the same amount of energy as 75 tons of carbon dioxide. This highlights the importance of reducing methane to see short-term effects in climate change reversal. Finally, methane reacts with other pollutants in the atmosphere to create another climate pollutant, tropospheric ozone, which impairs the ability of plants to sequester carbon dioxide.

believe their role includes stewardship of the environment, and entrepreneurs willing to bet their livelihood on the idea that reducing methane emissions can be profitable and spur economic development. Despite differing perspectives, goals, and visions for the future, the Commission found the community largely to be engaging in good faith conversations and efforts to implement the legislation and reduce landfill methane emissions.

Californians must understand why they are making these changes and see how their actions impact the state’s outcomes. None of this can happen overnight, and it is worth taking the time to get it right.

However, given the problems outlined above, we believe the Legislature should enact a temporary pause to the implementation of SB 1383.

Successfully implementing the bill will require changes in law and regulation, additional funding, and creating a more holistic approach to reducing landfill methane emissions. Local jurisdictions must be given a fair and realistic amount of time to make necessary changes. Just as importantly, Californians must buy in to the legislation and its goals. Public works agencies have been diligent about updating Californians about changes to what waste they can put into which bin, but Californians must understand why they are making these changes and see how their actions impact the state’s outcomes. None of this can happen overnight, and it is worth taking the time to get it right.

The Commission believes it is particularly important that the state complete the following recommendations during the temporary pause:

- Educate Californians about the importance of the goals behind SB 1383 and how SB 1383 will create a path toward accomplishing those goals.
- Coordinate among its own agencies to prevent conflicting directives and create clear guidelines on meeting statutory and regulatory requirements, as well as to streamline permitting requirements to develop waste-processing infrastructure.
- Create a multidisciplinary team to expand market opportunities for recycled organic waste.
- Reconfigure the relationship between state agencies and local governments to better reflect statutorily-required shared responsibility for solid waste management.
- Exempt low-population, low-waste counties from procurement requirements.
- Separate edible food recovery from SB 1383 implementation to create an evidence-based initiative to prevent food waste and address hunger, while allowing infrastructure funding to be used for edible food recovery requirements until the law is revised.
- Invest in repairing and upgrading the super-emitter facilities that produce the majority of landfill methane emissions.
- Develop a realistic financing plan based on holistic cost-benefit analysis understood and supported by Californians.

Recommendation 1: The state should enact a temporary pause on SB 1383 implementation while the recommendations discussed above are implemented.

Recommendation 2: The state should fund an educational campaign that explains to Californians why the SB 1383 requirements are important.

Part II: Conflicting Priorities, Missing Perspectives Resulted in Confusing Regulations

The regulations implementing SB 1383 reflect a regulator caught in between administrative and legislative priorities, the exclusion of the input of the regulated, and the increasing need for a multidisciplinary, multi-departmental approach to rulemaking. At best, the regulations are confusing. At worst, they all but ensure noncompliance, deter investment, and contribute to mistrust in government.

The Commission's recommendations aim to navigate priorities among different branches of government, build multidisciplinary expertise into the rulemaking process, incorporate industry expertise without regulatory capture and recognize the different needs of different communities.

CONFLICTING POLICY PRIORITIES

In order to achieve methane emission reductions, California must do something with the organic waste that is diverted from landfills. The biggest policy clash in SB 1383 implementation is what to do with that waste: The bill's authors saw renewable natural gas as the logical end-use for organic waste, while the current administration does not.

Procurement Requirements

A market analysis found that there would not be enough demand for the anticipated organic deluge upon full implementation of SB 1383;¹⁸ the state's solution was to create demand by requiring local governments to acquire specific amounts of end products from California-permitted facilities.¹⁹ The amount each local government must obtain is determined by a population- and product-based formula, and local governments can choose any combination – so long as they meet their required

amount – of compost, mulch, renewable gas, and electricity from biomass conversion.²⁰

SB 1383 Promoted Renewable Natural Gas

The language in SB 1383 clearly identifies renewable natural gas as an end-use for methane. Renewable natural gas is pipeline-quality gas that is interchangeable with conventional natural gas.²¹ The legislation directed the California Energy Commission to develop recommendations for the development and use of renewable gas as part of its 2017 Integrated Energy Policy Report.²² The bill instructed state agencies to “significantly increase the sustainable production and use of renewable gas, including biomethane and biogas.”²³

The State Prioritizes Zero-Emission Energy

The implementing regulations duly created pathways for renewable natural gas to meet procurement targets. However, other state actions make plain that the state prioritizes zero-emission energy. Notably, Governor Newsom issued an executive order in September 2020 declaring a state goal that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035, with a 100 percent goal for medium- and heavy-duty vehicles by 2045.²⁴ “At present, zero-emission vehicle technologies are battery electric vehicles and hydrogen fuel cell electric vehicles,” advises CARB on its webpage.²⁵

To implement the executive order, the California Air Resources Board developed a rule to speed up the process for government vehicles: In most California counties, half of all new government trucks purchased by 2024 must be zero emission, and all new government truck purchases must be zero emission by 2027,²⁶ or follow a ZEV Milestones schedule that would require garbage trucks to be zero emission by 2039.²⁷ This matters because many local governments were planning on fueling their

International Goals

Other countries have adopted plans that are more ambitious than California's. South Korea, for example, banned landfilling organic waste in 2005. Households can purchase special biodegradable bags in which to put their waste then leave it outside for curbside pickup. In some places, households are assigned a barcode that is scanned when residents deposit their waste in local bins, and are charged based on how much they discard.²⁸ The country's food waste recycling rate increased from 2.6 percent in 1996 to just shy of 100 percent by 2022.²⁹ Similarly, Switzerland banned sending any type of waste to landfills in 2000. To manage their food and yard waste, residents can compost on their own property or drop it off at local collection centers. About half of the approximately 1.7 million tons of organic waste collected annually is recycled into other products.³⁰ By 2030, all European Union member states must ban the landfilling of waste that can be recycled.³¹

waste collection fleet with renewable natural gas to meet their procurement targets. This is especially relevant as zero-emission technology has yet to reach the point where it can cost-effectively power heavy trucks with routes that in some areas can encompass 180 miles per day, witnesses testified.

"It's a Lot of Mulch"

In addition to wondering how they will fuel their heavy fleets, local governments have concerns about how they will meet their procurement requirements. In its February 2018 report on forest management, the Little Hoover Commission outlined the challenges in expanding bioenergy facilities: The energy industry

is decentralizing with the expansion of Community Choice Aggregation and communities largely do not choose bioenergy; it's expensive; it's not zero emission; and energy companies neither need it nor want it.³²

Testifying on behalf of the Rural Counties Environmental Services Joint Powers Authority, Staci Heaton reiterated the political and financial challenges facing biomass-to-energy facilities, then discussed the practicalities of trying to meet the procurement requirements with mulch:

For example, Nevada County has a population of 101,242 and is required annually to procure 5,000 tons of recovered organic waste products, or around 20,000 cubic yards. If you're a football fan, you can think of that in terms of covering an entire football field with mulch up to the crossbars of the goalposts, which are 10 feet from the ground. In other words, it's a lot of mulch! It's especially a lot of mulch if you need to find people to take it off your hands and put it to use in a county where 30% of the acreage is national forest land.³³

Hydrogen: An Impractical Solution for 2025

Methane can be converted to hydrogen with zero carbon dioxide emissions if the right process is used and carbon dioxide is captured and stored underground. This is called "blue hydrogen." The hydrogen then can be used in fuel cells or to store energy.

However, this technology will not be deployed at scale in time to play a substantial role in meeting the SB 1383 target for 2025. According to the California Energy Commission (CEC), California has 63 light-duty and six heavy-duty retail hydrogen refueling stations operating in California, the vast majority in Los Angeles County. Another 30 light-duty and four heavy-duty refueling stations are currently planned or in construction.³⁴ To put these numbers into perspective, in 2021 the California

Energy Commission estimated there were more than 10,000 retail fuel stations in the state.³⁵ Even under ambitious expansion plans, the state’s hydrogen fuel network would remain a small sliver of the total. For example, the state’s Clean Transportation Program, in partnership with the private sector and funding from the Volkswagen Mitigation Trust Fund, is planning a network of 200 hydrogen refueling stations with the capacity to serve nearly 274,000 vehicles by 2027.³⁶ The California Department of Motor Vehicles reports there are more than 32 million cars and trucks registered in the state.³⁷

The state is in the process of evaluating ways to scale up production of low-carbon hydrogen. In February, 2023, for example, the California Energy Commission produced a draft report which includes an analysis of the role of hydrogen in California’s clean energy future. That report cited a future energy scenario developed by the California Air Resources Board “in which low-carbon hydrogen will help decarbonize the transportation and industrial sectors,” but notes that under that scenario, “the supply of low-carbon hydrogen would need to increase by 1,700-fold.” The Energy Commission report goes on to identify barriers to the widespread adoption of low-carbon hydrogen, including:

- Higher production costs than for fossil fuel-derived hydrogen.
- The need to scale up infrastructure and storage capacity.
- No state framework for blending low-carbon hydrogen into existing gas pipelines.
- The potential for fugitive hydrogen emissions.³⁸

The last point is particularly salient considering the purpose of SB 1383 was to combat climate change. Hydrogen is the smallest known molecule, making it easy to escape faulty containment methods. Once in the atmosphere, it extends the life of other greenhouse gases, including methane, by reacting with radicals that otherwise would neutralize

greenhouse gases. Over a 10-year period, hydrogen has a global warming effect about 100 times stronger than carbon dioxide.³⁹

Work on future use of hydrogen in California should and will continue. In 2022, the Legislature passed a bill requiring that by June 2024 the California Air Resources Board evaluate “the development, deployment, and use of hydrogen.” But while low-carbon hydrogen has promising implications for the future, it would be unrealistic and unreasonable to expect even the state government to meet the procurement requirements with hydrogen by 2025 given the factors noted above. Presenting it as a feasible alternative for local governments to have in place by 2025 is setting them up to fail.

Moving the Goalposts

The conflicting directives are seen as moving the goalposts by local governments, testified Ms. Heaton. It makes it difficult, if not impossible, for local governments to determine how to meet their procurement requirements. The state’s changing its priorities also prevents investment from both government and private sector investors. Writing about co-digestion at wastewater treatment plants (WWTP), one market analyst concluded:

...WWTPs cannot typically justify high-risk ventures that come at significant cost to their ratepayers. They are often unable to take on risk associated with a new technology or burdensome requirements for contract lengths, energy production guarantees, or similar contract terms. Furthermore, many communities cannot or will not agree to rate increases for upgrades perceived as unrelated to a WWTP’s core business.⁴⁰

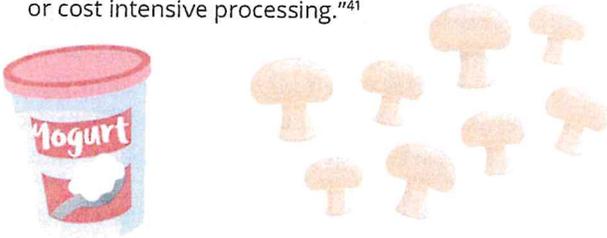
The goalposts may not be done moving. There is a type of hydrogen called green hydrogen, in which electricity derived from clean renewable energy is used to split water molecules into hydrogen and

International Innovations in Organic Waste Products

AUSTRIA: FROM WOODY WASTE TO ELECTRICAL CIRCUITS

Austrian researchers have discovered that the skin, called mycelium, from a type of mushroom grown on woody waste can replace the substrate in electrical chips. Substrate, usually made from plastic, insulates and cools the conductive metal in the circuit. While long-lasting when kept dry, the mycelium decomposes in two weeks when composted. Researchers are developing uses for the mycelium in wearable health monitors and electronic near-field communication tags.

There are qualities to the mycelium that provide advantages to other biodegradable materials, the researchers told CNN, "but most importantly, it can simply be grown from waste wood and does not need energy or cost intensive processing."⁴¹



THE NETHERLANDS: USING AI TO PREVENT COMMERCIAL FOOD WASTE

Dutch entrepreneurs are harnessing artificial intelligence to prevent food waste in commercial settings. One company has unveiled scanning technology that growers, distributors, and retailers can use to determine the shelf life of produce down to an accuracy, it says, of one day, even for the notoriously tricky avocado. Another company has developed a camera designed to scan trash cans in kitchen restaurants to analyze what is being thrown away, when, and at what stage in the preparation/cleanup process the waste occurs. Consequently, kitchens are able to adjust their processes and menus to minimize food waste.⁴²

GERMANY: OVERCOMING CONSUMER FEARS OF EXPIRED FOOD

A small grocery chain in Germany prevents 2,000 tons of food waste per year by selling expired and close-to-expired food at up to 80 percent off. It works with 700 farmers, logistics companies, and sellers to obtain its stock, and shares overstock with charities. Going beyond companies that focus on selling "ugly" (misshapen, discolored, or bruised) produce, the chain offers a wide variety of perishable products that might give others pause, such as yogurt. Supported by a German law that allows the sale of expired food as long as it's labeled as such, the grocery store tests taste, smell, consistency, and packaging before putting products on its shelves – and calls in a laboratory if there is any doubt. Beginning operations in 2017, the company initially was funded through crowd-sourcing and a loan from a bank cooperative focused on sustainability. By 2018, the company had made a €1.2 million profit –and tripled it the next year, showing it can be a profitable business model.⁴³



SPAIN: FISH SKINS TO FASHION

Spanish salmon smokeries discard more than 300,000 tons of salmon skin annually. Industry leaders realized that salmon skin could be turned into leather goods much like reptile skin, but did not know how to bring their idea to market.

The European Union solved this problem through funding designed to help small companies that lack the capacity for this type of research and development. The smokeries partnered with research centers, tanneries, and leatherwear producers in Spain, France, Italy, and Greece, ultimately creating salmon leather shoes and accessories that were well-received by the fashion industry. In developing environmentally-friendlier ways of processing the leather, ultimately the partnership reduced water consumption by 60 percent, processing time from 14 days to five, and the use of amines and sulfur-containing compounds to about a quarter of traditional leather processing techniques.⁴⁴



JAPAN: FROM FOOD SCRAPS TO CEMENT

Cement is responsible for 8 percent of the world’s human-caused carbon emissions; a Tokyo-based company is working to change that by replacing the limestone in cement with dried, compressed, and molded food scraps.

Roughly half of the carbon emissions during typical cement production comes from limestone calcination, meaning the limestone is broken down into calcium oxide and carbon dioxide. Another 40 percent comes from using fossil fuels to heat the limestone and other materials. Replacing the limestone and using clean renewable energy to create the cement not only can reduce deadly greenhouse gas emissions, but allows the finished product to be edible. While currently creating household goods and panels for emergency shelters, the company’s ultimate goal is to produce completed and furnished emergency shelters that could be used as a food source in a disaster.⁴⁵

NORWAY: USING AGRICULTURAL WASTE TO MIMIC HARDWOOD PROPERTIES

A Norwegian company, in conjunction with universities and research institutions, developed a wood treatment that both adds value to agricultural waste and prevents tropical deforestation. It uses agricultural byproducts to create furfuryl alcohol, which it then uses with heat to impregnate sustainably-sourced fast-growing softwoods, such as maple and Nordic pine. The resulting alterations to the wood’s cellular structure give the treated wood characteristics typically found in tropical hardwoods, protecting it from decay, moisture, and insects. This allows it to replace wood such as teak and mahogany for applications that require a particularly hard material.⁴⁶



oxygen: no methane required, no carbon dioxide to capture and store. The oxygen is able to be vented into the atmosphere. The bill discussed earlier that requires the state to evaluate the use of hydrogen, SB 1075, is about green hydrogen. Given Californians' preference for clean energy, it is not difficult to imagine the future of the state's hydrogen development centering on green hydrogen, raising the question of what will happen to investments in blue hydrogen.

The Commission does not mean to discourage the development of hydrogen fuel cells and other clean technologies. The Commission does not see it as a viable option, however, for local governments to meet their procurement requirements by 2025.

Recommendation 3: CalEPA, CalRecycle, and CARB should coordinate to prevent conflicting directives on waste processing, and produce consistent and clear guidelines on how to meet statutory and regulatory requirements. Additionally, they should work together and with other state agencies to streamline permitting requirements to construct necessary infrastructure.

Recommendation 4: The Legislature and Governor should require a multidisciplinary team to develop recommendations on how to expand market opportunities for recycled organic waste, and then work to implement those recommendations.

Recommendation 5: The state should reconfigure the relationship between state agencies and local governments to better reflect statutorily-required shared responsibility for solid waste management.

- **The state should expand the list of compliance pathways and products eligible to count toward a jurisdiction's procurement requirements.**

- **The state should allow procurement of California-derived materials processed out of state.**
- **The state should allow woody waste chipped onsite to count toward procurement targets.**
- **Agencies inside and outside of CalEPA should work together to ensure that conflicting needs are addressed.**

In short: The state should build in as much flexibility as possible for local governments to recycle their organic waste, and let communities choose the best options for them.

Recommendation 6: The state should support near-zero emission vehicles until commercially viable zero emission vehicles are available in the waste sector.

Part III: SB 1383 Was Not Designed for Rural California

The legislation and regulations potentially disadvantage rural Californians. The 26 counties represented by the Rural Counties Environmental Services Joint Powers Authority contribute only 5 percent of the state's organic waste stream,⁴⁷ raising the question of whether the environmental and financial costs of complying with SB 1383 outweigh the benefits.

The regulations require most jurisdictions to create curbside organics recycling programs, but many rural communities lack curbside trash pickup (or curbs) and paved roads that can accommodate heavy garbage trucks. Instead, residents self-haul their refuse to local transfer stations. Few organics recycling facilities exist near rural communities, and the closest ones may lie outside of state borders, and therefore are unlikely to be licensed under a California permit as regulations require. Many rural jurisdictions are located in rugged terrain that lowers fuel efficiency and for which electric batteries

cannot yet accommodate, and experience extreme temperatures and weather events that can close roads seasonally. Many rural communities also contend with permanent wildlife populations; in these areas, leaving food waste curbside can lead to catastrophic consequences for both humans and wildlife.

The state has created limited temporary waivers for counties with less than 70,000 people; unincorporated census tracts with a population density of less than 50 people per square mile; jurisdictions with fewer than 7,500 people and that disposed of less than 5,000 tons of solid waste in 2014; and census tracts above 4,500. Most of these waivers only exempt eligible communities from parts of the requirements, and only for a few years.⁴⁸

The timeline required by SB 1383 and the estimated costs of implementation did not account for planning, permitting, and constructing new roads or paving existing roads to accommodate collection vehicles across the Sierra Nevada or Mojave Desert. Compliance means so much more for rural Californians than simply adding organic waste pickup to already-existing trash and recycling pickup.

Recommendation 7: The state should permanently exempt counties that produce less than 200,000 tons per year of waste from SB 1383 requirements, including edible food recovery, except to provide options at self-haul facilities for residents to separate their organic waste from their trash.

Part IV: Missing Community-Centered Response

California communities have other needs that can be better accommodated by a community-centered response to organic waste. One such solution is community composting. Community composting keeps the value-added product, compost, in the

community where the waste originated, benefiting residents who garden. This solution could also employ members of the community and provide teaching opportunities to local schoolchildren to instill environmentally-friendly habits.

There are myriad benefits to keeping organic waste hyperlocal. There are the obvious environmental benefits: a reduction in the amount of waste that must be transported long distances by heavy, low-mileage vehicles. The Commission learned about community composting efforts accessible by foot or bicycle, the cleanest method of waste collection.

This helps equalize the burden of solid waste; landfills and waste processing facilities – even the ones transforming organic waste into useful products – historically have been located such that waste typically flows from wealthier communities to lower-income communities. The state should do all it can to create a waste management system where, for example, Malibu’s waste stays in Malibu.

There are few reasons for state and local governments *not* to encourage these community efforts. However, entrepreneurs who try to create a business model from it report legal obstacles because waste technically belongs to the hauler who has the contract for the region – and one-person operations cannot, nor desire to, compete with multinational companies in bidding for contracts. Residents who choose to pay for the hyperlocal approach still have to pay for their jurisdiction’s mandatory organic waste pickup. Even volunteers working to establish drop-off locations in community locations report reticence to use public land for this purpose.⁴⁹

The Commission recommends carving out space for community organic waste recycling. This means reclassifying those who pick up organic waste on a small scale as something other than a hauler and designing regulations appropriate to the niche they fill. The state should consider a tax credit or some

The Potential of Satellite Monitoring

California is partnering with scientific, academic, and charitable institutions to deploy satellites to find and measure methane and carbon dioxide emissions and leaks, as well as 25 other environmental indicators.⁵⁰

Carbon Mapper, a nonprofit devoted to accelerating reductions in methane and carbon dioxide emissions, will launch two satellites in 2023, with a full constellation of satellites expected to be in place by the end of 2025.⁵¹ The goal is to be able to pinpoint methane and carbon dioxide emissions at the facility level in order to rapidly address leaks and better understand the sources and scale of these emissions.⁵² Additionally, this data should yield useful information to help policymakers make greenhouse gas reduction and climate change decisions, as well as influence new technology and strategies to combat emissions.⁵³ The data from this monitoring program will be made publicly available at no cost.

This initiative is California's first foray into using "homegrown satellites," as described by Governor Newsom,⁵⁴ to combat climate change. The state joins a growing international effort to use satellites to monitor and reverse climate change. Methane, carbon dioxide, and the other 25 environmental indicators represent only a small fraction of information this technology can provide. Other countries are using satellite monitoring to reduce fuel emissions from vehicles, ships, and trains by optimizing when and how trips are made.⁵⁵ They're tracking changes in forest and wildland ecosystems, ice and permafrost, and soil health.⁵⁶ They are incorporating satellites into early-warning systems for extreme events and improved forecasting models.⁵⁷ The possibilities for California to improve its natural resource and environmental health via satellite monitoring are promising.

Even with the latest technology and the brightest minds to analyze the data, there still is one catch to satellite monitoring, scientists say: It's useless without leaders willing to act on the information collected. The full promise of satellite monitoring depends on Californians' willingness to adapt to the lessons we learn from the data.

other financial incentive to ease the burden for those who pay a community provider to collect their organic waste. The state should create opportunities for community composting in state parks where practical, as well as incentives for local governments to allow public land to be used for the same purpose. Nonprofit organizations running community composting operations exist on a shoestring budget, so the state should take steps to ensure grant funding they receive is distributed in as short a timeframe as possible.

Recommendation 8: The state should embrace a concept of keeping waste local, and allow communities to be innovative with organic waste solutions.

- **The state should reclassify community composters and develop regulations targeted to their end product.**
- **The state should legally protect community compost operations by encouraging jurisdictions to develop contracts or carve-**

outs in franchise agreements for community composting.

- **The state should provide a tax credit or other incentive to households that use community composters while also being subscribed to their jurisdiction’s collection service.**
- **The state should expand regulatory permissions to allow community composting in parks.**
- **The state should expand funding opportunities to community-based composters and shorten the post-award processing time.**

Part V: Missing Industry Expertise

Many industry experts discussed regulations and decisions that did not make sense from an operational perspective or did not meet best practices. Sampling regulations, for example, are expensive and, as written, will not obtain a representative sample of the waste, study participants told the Commission.⁵⁸ The definitions for compost feedstock, the Commission heard, create poor quality and unsaleable compost. One example: Carpet technically is defined as compostable, but it has been decades since organic carpet was in widespread use, and composting facilities do not want the synthetic product that most people have.⁵⁹

Industry insiders said the in-state processing requirements and lack of geographic consideration hurt them, as rural waivers mostly apply to collection and not the processing requirements. Hauling organic waste to the nearest composting site, operators told the Commission, can require a lengthy journey over rugged terrain in low mileage trucks.⁶⁰

In order to be compliant with regulations, organic waste must be sent to facilities that can achieve a 75 percent organics recovery rate from a mixed waste stream. Industry officials say this is unrealistic in

most facilities; the average recovery rate in 2020 was 42 percent, according to CalRecycle.⁶¹ Further, study participants said, this requirement deters investment because if, for example, a facility only achieves a 70 percent recovery rate, jurisdictions won’t be allowed to send organic waste to them, and that’s a risk many investors do not want to take.⁶²

In short, study participants argued, a lack of familiarity with the operations of the facilities processing California’s waste resulted in some regulations that aren’t workable and can even be at cross-purposes with the state’s goals.

California previously has proven that it can lead the world on environmental concerns, and the Commission sees the potential for CalRecycle to become an international leader in solid waste management. It needs to build into its organizational culture at all levels familiarity with the industry, within California and the United States as well as abroad. The Commission is sensitive to the need to prevent agency capture, so it is recommending short-term interactions such as externships. Companies have indicated to the Commission that they would be happy to participate in such endeavors.

Naturally, the new ideas encountered and shared during these information exchanges would result in new regulations. To ensure feasibility, the proposed regulations should be field-tested in advance to the extent possible.

Recommendation 9: The state should position CalRecycle as an international expert and leader in solid waste management by facilitating exchange visits with other countries, externships inside and outside of government, and field-testing the regulations it proposes from these knowledge exchanges.

Part VI: Edible Food Recovery

On their face, the edible food recovery requirements sound like a great idea: Reduce landfill methane emissions and feed the hungry. However, while much is made of the fact that organic waste comprises more than a third – 35 percent – of the state’s waste stream, food comprises about 15 percent of municipal waste streams. And, according to the state’s own studies, slightly less than 4 percent of that food waste is potentially donatable: The rest is unfit for human consumption.⁶³

Typically, the food bank model is not to collect leftover food from local businesses. Food banks work with growers and manufacturers to obtain large amounts of food either as a donation or at wholesale prices. The food banks then deal with the logistics of transportation, warehousing, and distribution to individual food pantries, which distribute food to community members.⁶⁴ A significant percentage of these community members are children; children comprise nearly half of food insecure people in California.⁶⁵ So in addition to ensuring the right food is available where and when it is needed, food banks are concerned with food safety and a nutritious diet for the most vulnerable Californians. Day old-croissants from a chain restaurant don’t fit that bill, yet food banks are expected to expand their operations and the way they do business to help local governments follow the law. Again, the Commission wonders if this is the most effective use of taxpayer dollars, and there is no cost-benefit analysis to provide answers.

To answer this and other complex questions, the Commission recommends the state create an interagency or independent environmental analysis unit that can provide policymakers with vital information across multiple sectors of the state’s environment and economy to inform decision-making. If woody waste burned in bioenergy facilities is prohibited from counting toward procurement

requirements, for example, what are the consequences to the state’s forest health initiatives if local governments quite reasonably switch to activities that do count toward their organics procurement requirements?

Slightly less than 4 percent of that food waste is potentially donatable: The rest is unfit for human consumption.

The annual greenhouse gas emissions anticipated to be saved when SB 1383 is fully implemented may be equivalent to removing 3 million cars from the road, but California’s wildfire emissions in 2020 alone were equivalent to adding more than 24 million cars on the road for a year.⁶⁶ Should that information impact how California incentivizes what type of organic waste is burned in bioenergy facilities? The Commission believes good policymaking depends on it.

The Commission urges to the state to conduct a comprehensive analysis of the edible food recovery requirements. If so, is the state’s model the most effective way to redistribute food?

Recommendation 10: The state should separate edible food recovery from SB 1383 implementation. It should conduct studies to better understand from where the edible waste is being initiated. Once that factor is understood, it should create incentives for bottom-up solutions to prevent food waste and distribute unused food to the hungry in ways that meet communities’ needs instead of imposing top-down solutions. Until that happens, the state should consider infrastructure to meet current edible food recovery requirements as eligible for SB 1383 infrastructure funding.

Part VII: Landfill Methane Emissions

Aside from setting a goal of reducing methane emissions by 40 percent below 2013 levels as part of a suite of other goals to reduce short-lived climate pollutants, and the 20 percent edible food recovery requirement, SB 1383 did not identify measurable outcomes or the role it expected landfill diversion and livestock operations to play in achieving those goals.

The assumptions underlying SB 1383 appear to be that decomposing organics create methane; landfills are a leading contributor to the state’s methane inventory; therefore, diverting organics out of landfills will reduce the state’s methane emissions.

It’s not that simple, however, and digging into landfill data reveals nuance that needs to be addressed.

First, it is true that landfills are by far the largest point source of methane emissions in California.⁶⁷ A point source refers to a non-moving origin of emissions, whereas a mobile source refers to a moving origin, such as a vehicle or gas-powered leaf blower. Clusters of point sources with emissions too small to measure individually, such as gas stations, but that combined create a measurable effect are referred to as nonpoint or area sources.

In fact, a three-year survey of the state’s point source methane emissions conducted by NASA’s Jet Propulsion Laboratory (JPL), CARB, and the California Energy Commission revealed that the U.S. Environmental Protection Agency’s methodology that previously had been in use to estimate methane emissions had underestimated those from the solid waste industry. Some facilities were leaking at levels six times the estimates afforded by the federal government’s measure.⁶⁸

However, the survey also revealed that a small number of facilities were responsible for nearly

A \$40 Billion Price Tag

The estimated cost to implement SB 1383 steadily increased from the bill’s inception to implementation. A legislative analysis drafted in April 2016 stated its fiscal impact was “Unknown, but potentially millions of dollars.”⁶⁹ By August 2016, the fiscal impact had increased, with the analysis stating “unknown cost pressures, potentially in the tens of millions of dollars or more.”⁷⁰

The state’s 2018 Standardized Regulatory Impact Assessment (SRIA) summary estimated the costs of implementing the bill to be approximately \$20 billion, largely due to “the required expansion of solid waste infrastructure necessary to collect, process, and recycle 20 million tons of material that are currently landfilled.”⁷¹

By 2019, the gross cost of implementation under the state’s chosen implementation scenario was determined to be \$40 billion between 2019 and 2030.⁷² About 5 percent of this figure represents soft costs: the work local jurisdictions must do to create organic waste programs, educate the public, and ensure health, safety, and quality control measures are met. The other 95 percent represents the cost of disposing of organic waste, including constructing infrastructure.⁷³

half of landfill methane emissions. The researchers surveyed 436 landfills and composting facilities, and found persistent methane plumes from 32 of them: 30 landfills and two composting facilities.⁷⁴ These super-emitters, as they’re colloquially called, were responsible for 41 percent of landfill emissions.⁷⁵ Alone, they were responsible for 20 percent of CARB’s total 2016 methane inventory.⁷⁶

The Commission would like to see the data indicating that the best environmental benefits the state can achieve with \$40 billion come from rural Nevada County having an organic waste collection program instead of, for example, fixing the super-emitters. Addressing those 32 facilities creating 20 percent of the state's methane inventory would help the state make significant progress toward its goal of a 40 percent methane reduction.

The Commission also notes that two of the super-emitters were composting facilities. Without understanding and addressing the causes of the methane leaks at the composting facilities, how can the state be sure that diverting even more organic waste to composting facilities will decrease methane emissions?

Recommendation 11: The state should help lower landfill methane emissions by fixing the small proportion of super-emitters that produce the majority of emissions.

- **The state should permanently fund satellites to monitor greenhouse gas emissions and integrate the findings from that data into its strategic planning for climate change adaptation.**

Part VIII: The Legislation Did Not Include Sufficient Resources for Implementation

The Legislature's analysis of SB 1383 estimated the fiscal effect to be "potentially in the tens of millions of dollars or more" due to unknown cost pressures for programs to implement the strategies.⁷⁷

As discussed in the background of this report, the estimated price tag over an 11-year period is \$40 billion. CalRecycle testified that the Legislature had provided \$193 million in funds for organic recovery and recycling as part of larger circular economy

funding, plus an additional \$180 million in the 2022-23 budget.⁷⁸ Additionally, CalRecycle testified, the Legislature provided \$60 million in local assistance grants.⁷⁹

These are not insignificant sums, but they fall far short of \$40 billion, leaving the burden of the remainder on ratepayers. Yes, the state hopes to attract private investment to cover some of the \$40 billion, but investors will recoup their investment by charging for the services they provide, putting ratepayers on the hook again.

REGULATIONS EXCLUDE SOME EXISTING INFRASTRUCTURE

Given the hefty price tag attached to implementing the legislation, government officials expressed surprise that the regulations *de facto* excluded some existing infrastructure from counting toward procurement targets: wastewater co-digestion plants that already are converting methane into renewable natural gas.

The Los Angeles County Sanitation Districts testified that they have the infrastructure, expertise, and desire to process organic waste through their wastewater facilities, though they would need to scale up to meet the anticipated supply of organic waste. However, they cannot source their feedstock from facilities that meet the 75 percent organic waste requirement discussed earlier in the report, which means the renewable natural gas they produce doesn't "count." This effectively removes their infrastructure from the available pool to process organic waste – a problem when the state already lacks the capacity to process 45 percent of the organic waste it has mandated to be diverted.⁸⁰

PROCUREMENT REQUIREMENTS REPRESENT UNFUNDED MANDATE

Many stakeholders questioned whether the procurement requirements were an unfunded mandate. The state claims it is not, because local governments theoretically can obtain these products

without buying them from an outside organization. CalRecycle’s website advises:

Procurement does not necessarily mean that products must be purchased. Jurisdictions that own an organics recovery facility can procure end products for city and county use without a financial transaction. A jurisdiction may also acquire products in another way, such as free delivery or distribution of products from a hauler, and subsequently use or donate those products to meet its procurement target.⁸¹

This is a somewhat disingenuous read of the procurement requirements. Local governments with the ability to produce these products themselves will have to scale up to process an increased supply of organic waste. This will require investment in land, facilities, machinery, and labor, and it is difficult to see how local governments could secure these additional resources, presumably adhering to wage and hour laws and health and safety codes, without financial transactions. As for local governments without the capacity to produce these products: The Commission heard from many industry officials during its study process, but did not encounter any with a business model based on helping local governments meet their procurement targets for free.

Other Financial Concerns

There are other financial concerns with regard to the implementation of SB 1383. Currently, food banks are ineligible for infrastructure funding despite their need to expand operations.

The legislation made CalRecycle responsible for oversight of \$40 billion’ worth of facilities and operations, plus significant enforcement and outreach activities, all without supplying the department with adequate additional resources.⁸² Good governance requires sufficient staffing.

Finally, providing financial assistance via competitive grants hurts those who need the assistance the most: the smaller and less-resourced local governments who cannot afford grant writers.

There is too much at stake for the state to not have a solid financial plan to implement SB 1383. It should use the pause the Commission recommends in Recommendation 1 to develop a financial plan to implement the legislation and clearly communicate what that plan will cost, who will pay it, and what Californians will receive in return.

Recommendation 12: The state should conduct the holistic cost-benefit analyses discussed in this report, determine measurable outcomes, the costs to achieve those outcomes, and an outline of who will pay, and how, to meet those costs, and be transparent with Californians about what it is asking from them and what they will receive in return.

- **The Office of the Governor should ensure that the state’s financial experts across state government weigh in on the realistic costs of the strategy’s implementation.**
- **The state must give its agencies the necessary resources, including administrative resources, to successfully implement the changes the law requires.**
- **The state should not rely on competitive grants to meet basic requirements. Competitive grants redirect resources away from implementation and into competing. Additionally, they disadvantages less-resourced jurisdictions, which are the very ones that most need financial assistance.**
- **If private sector investment is part of the financial plan, then:**
 - **Be clear with Californians about what kind of returns these investors will expect, and**

who will pay for them, e.g. ratepayers, and what burden that will put on them.

- **Investors need stability and to know the rules won't change mid-stream, so the state must commit to using the facilities in which they invest.**
- **The state must create regulations that attract private investment and allow for reasonable profit. If there are benefits the state wants to achieve that cannot be achieved with market incentives, then don't plan on private investment in those areas.**

■ Appendix A: Letter from José Atilio Hernández, Commission Member

As one of the most recent appointees to the Commission, I first commend my fellow Commissioners and staff for working diligently to address the implementation of SB 1383 and the overall goal of diverting organic waste in order to reduce methane emissions, as well as other landfill issues. This report is inclusive and addresses many of the issues moving forward and is consistent with the Commission's mission to ensure government is more efficient and effective. Most importantly, the report clearly highlights the goals set by the Legislature that will not be met by 2025.

While I support most of the recommendations in the report, I respectfully dissent with regard to Recommendations 1, 7, and 12 for the following reasons.

Recommendation 1. Cities and counties are working towards the landfill diversion goals. In some cases, they have sought to take advantage of extensions or temporary exemptions provided by the state, but I believe local jurisdictions remain committed to the goals. In the policy world, it is difficult in my view to pause the implementation of a program and then begin again. A policy this comprehensive needs multiple approaches to implementation, and local jurisdictions should continue to work on those approaches. Moreover, the state should consider augmenting specific technical training and assistance. The state may also wish to address the looming fees and penalties in a way that provides assistance to local jurisdictions without pausing implementation.

The State should be especially concerned about the effect a pause will have on emerging industries. Existing capacity does not equate to future investment and opportunity. For the past 25 years California has evolved its investment and support of converting Biomass into electricity, fuel, hydrogen or other forms of energy. SB 1383 has fast tracked investment and technology in this industry. A pause in implementation may send a counter-productive message to investors and companies.

Recommendation 7. In my view, policy should not be made by exemption. Smaller cities and counties should use best practices or develop their own strategies to meet the diversion goals. If they are still not able to meet the requirements of SB 1383, even with technical assistance from the state, they should explore ways to collaborate with other jurisdictions.

Recommendation 12. The Commission's goal is to make government more efficient and effective, and I am concerned that this recommendation may create duplication of effort. It seems that several cities and counties have already developed cost estimates with regard to this program, including administrative costs. The State may want to borrow from the education policy world and create communities of learning whereby different jurisdictions can partner and learn how to best meet diversion goals.

I thank the Commission for its time and effort on this critical issue, and look forward to implementing most of the recommendations in this report, which will help California achieve its goal of lowering landfill emissions.

-- José Atilio Hernández

Notes

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79. Rachel Machi Wagoner, Director, CalRecycle. September 8, 2022. Testimony to the Little Hoover Commission. <https://www.youtube.com/watch?v=CJbMlCa9lc>. 1:34:40.
80. Sharon Green, Legislative & Regulatory Programs Manager, Los Angeles County Sanitation Districts. July 6, 2022. Testimony to the Commission.
81. CalRecycle. Using Recycled Organics Products. <https://calrecycle.ca.gov/organics/slcp/procurement/>.
82. Marshall Graham, Zoe Heller, Cara Morgan, Erin Rodriguez, and Ashlee Yee, CalRecycle. July 20, 2022. Budget and resources discussion with Commission staff. Online meeting.

■ Little Hoover Commission Members

CHAIRMAN PEDRO NAVA | Santa Barbara

Appointed to the Commission by Speaker of the Assembly John Pérez in April 2013 and reappointed by Speaker of the Assembly Anthony Rendon in 2017 and again in 2021. Government relations advisor. Former State Assemblymember from 2004 to 2010, civil litigator, deputy district attorney and member of the state Coastal Commission. Elected chair of the Commission in March 2014.

VICE CHAIRMAN SEAN VARNER | Riverside

Appointed to the Commission by Governor Edmund G. Brown Jr. in April 2016 and reappointed in January 2018. Managing partner at Varner & Brandt LLP where he practices as a transactional attorney focusing on mergers and acquisitions, finance, real estate, and general counsel work. Elected vice chair of the Commission in March 2017.

DION ARONER | Berkeley

Appointed to the Commission by the Senate Rules Committee in April 2019. Partner for Aroner, Jewel, and Ellis. Former State Assemblymember from 1996 to 2002, chief of staff for Assemblymember Tom Bates, social worker for Alameda County, and the first female president of Service Employees International Union 535.

DAVID BEIER | San Francisco

Appointed to the Commission by Governor Edmund G. Brown Jr. in June 2014 and reappointed in January 2018. Managing director of Bay City Capital. Former senior officer of Genentech and Amgen, and counsel to the U.S. House of Representatives Committee on the Judiciary.

ANTHONY CANNELLA | Ceres

Appointed to the Commission by the Senate Rules Committee in March 2022. Civil engineer and principal with Northstar Engineering Group. Former State Senator from 2010 to 2018. Previously served on the Ceres City Council and was twice elected mayor of that city.

ASM. PHILLIP CHEN | Yorba Linda

Appointed to the Commission by Speaker of the Assembly Anthony Rendon in October 2021. Elected in November 2016 to represent 55th District. Represents portions of Los Angeles, Orange and San Bernardino counties and the cities of Brea, Chino Hills, Diamond Bar, La Habra, Industry, Placentia, Rowland Heights, Walnut, West Covina and Yorba Linda.

BILL EMMERSON | Redlands

Appointed to the Commission by Governor Edmund G. Brown Jr. in December 2018. Former senior vice president of state relations and advocacy at the California Hospital Association, State Senator from 2010 to 2013, State Assemblymember from 2004 to 2010, and orthodontist.

GIL GARCETTI | Los Angeles

Appointed to the Commission by Governor Gavin Newsom in November 2021. Professional photographer and author of ten books. Former Los Angeles County District Attorney, teaching Fellow at Harvard University's Kennedy School, and president of the California Science Center Foundation's Board of Trustees.

JOSÉ ATILIO HERNÁNDEZ | Burbank

Appointed by Speaker of the Assembly Anthony Rendon in April 2023. Founder and CEO of IDEATE California. Also, Founder and Board Chairman of ideateLABS non profit.

SEN. DAVE MIN | Irvine

Appointed to the Commission by the Senate Rules Committee in September 2021. Elected in November 2020 to represent the 37th Senate District. Represents Anaheim Hills, Costa Mesa, Huntington Beach, Irvine, Laguna Beach, Laguna Woods, Lake Forest, Newport Beach, Orange, Tustin, and Villa Park.

ASM. LIZ ORTEGA | San Leandro

Appointed to the Commission by Speaker of the Assembly Anthony Rendon in March 2023. Elected in November 2022 to represent the 20th Assembly District. Represents Hayward, San Leandro, most of Union City, portions of Dublin and Pleasanton, and several unincorporated communities.

JANNA SIDLEY | Los Angeles

Appointed to the Commission by Governor Edmund G. Brown Jr. in April 2016 and reappointed in February 2020. Partner at Ichor Strategies and appointed to the Board of the Los Angeles City Employee Retirement System ("LACERS"). Former general counsel at the Port of Los Angeles and city attorney at the Los Angeles City Attorney's Office.

SEN. SCOTT WILK | Santa Clarita

Appointed to the Commission by the Senate Rules Committee in April 2023. Elected in November 2016 to represent the 21st Senate District. Represents communities in the Antelope, Santa Clarita, and Victor Valleys.

Full biographies are available on the Commission's website at www.lhc.ca.gov.

**“DEMOCRACY ITSELF IS A PROCESS OF CHANGE, AND
SATISFACTION AND COMPLACENCY ARE ENEMIES OF
GOOD GOVERNMENT.”**

By Governor Edmund G. “Pat” Brown,
addressing the inaugural meeting of the Little Hoover Commission,
April 24, 1962, Sacramento, California



Milton Marks Commission on California State
Government Organization and Economy
www.lhc.ca.gov



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

October 3, 2023

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager
SUBJECT: Wastewater Superintendent

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file, or request additional information.

BACKGROUND AND DISCUSSION

The City's current Wastewater Superintendent is planning to retire from the City on January 2, 2024. The City has engaged in a recruitment effort for this position including interviews of two qualified applicants. At this time, the City has been able to extend a tentative offer of employment to a well qualified individual. Because of the current Wastewater Superintendent's generous advanced notification of his departure, this presents an excellent opportunity to temporarily overfill the Wastewater Superintendent position. This allows a period of time for knowledge transfer of this highly complex and unique function. If all goes well the new Wastewater Superintendent will be on boarded sometime in October. Due to multiple vacancies in the Wastewater Division, salary savings can be applied to cover this overlap without a budget adjustment.

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**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
12269	8/02/2023	[5381] ALTERNATIVE BUSINESS CONCEPTS	MONTHLY MAINTENANCE & COPIER CHARGES FOR JULY 2023 - City Hall & COPIER CHARGES FOR JULY 2023 - PD	1,734.93
12270	8/02/2023	[3975] AT&T - 5709	FAX LINE EXPENSES FOR JULY 2023 - PD, FAX LINE EXPENSES FOR JULY 2023 - CITY HALL	57.42
12271	8/02/2023	[5781] CALIFORNIA BUILDING OFFICIALS	Webinar - Overview of Non-Structural Requirement of the 2022 CRC - Kevin Caldwell	90.00
12272	8/02/2023	[2283] COASTAL BUSINESS SYSTEMS	DocStar Annual Software License Agreement Renewal Effective 8-1-23 to 7-31-24	508.04
12273	8/02/2023	[7218] DANIELSON, CANDIS	DEPOSIT REFUND	141.18
12274	8/02/2023	[2405] FORTUNA ACE HARDWARE	Sprinklers and Nozzle	121.45
12275	8/02/2023	[7406] GARCIA, MARCO & PUCHETA, JESSENIA	DEPOSIT REFUND	141.28
12276	8/02/2023	[2457] HUMBOLDT COUNTY CLERK-RECORDER	Copies	3.00
12277	8/02/2023	[2501] KEENAN SUPPLY	PVC Pipe and Bush	515.77
12278	8/02/2023	[3539] LEXIPOL LLC	CordicoShield Law Enforcement Wellness App	1,699.15
12279	8/02/2023	[4393] NYLEX.net. Inc.	Order and Install 5 Additional Licenses on Netmotion Server, NetMotion Mobility for Windows with Policy NAC Analytics Modules	1,188.65
12280	8/02/2023	[2601] PETERSON	Generator Repair at Corp Yard	2,877.38
12281	8/02/2023	[7307] REDWOOD TEEN CHALLENGE	(4 Guys) Cleared Trash Around House & Weed Whacked @ 601 Gunnerson Ln	600.00
12282	8/02/2023	[7189] SHARP AUTO GRAPHICS & SIGNS, INC.	Install provided graphics on Dodge Charger	250.00
12283	8/02/2023	[7185] STAPLES ADVANTAGE	Chair Mat, Brother Drum, Calculator Tape, Lexar Micro SD, Legal Folders w/ Fasteners	271.71
12284	8/02/2023	[2715] STEWART TELECOMMUNICATION	Phone Lines PD - September 2023	221.96
12285	8/02/2023	[5907] TUFTS POLYGRAPH AND INVESTIGATION	Polygraph Examination and Report - Sierra, Agustin	300.00
12286	8/09/2023	[0576] 101 AUTO PARTS	Wrenches	89.15
12287	8/09/2023	[2293] CITY OF FORTUNA	Police Dispatch August 2023	6,328.33
12288	8/09/2023	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 7/28/2023	150.00
12289	8/09/2023	[2283] COASTAL BUSINESS SYSTEMS	Contract Base Rate Charge for 8/8/2023 to 8/7/2024 Billing Period (DocStar)	2,006.00
12290	8/09/2023	[2889] EEL RIVER TRANSPORTATION & SALVAGE	Corp Yard Clean Up	35.00
12291	8/09/2023	[2385] EUREKA READYMIX	26.25 Tons 3/4 Bas Class 2 PU and 11.40 Tons Sand PU	638.29
12292	8/09/2023	[5839] DENNIS FLEMMING	CUSTOMER DEPOSIT REFUND	300.00
12293	8/09/2023	[2405] FORTUNA ACE HARDWARE	Distilled Water	3.24
12294	8/09/2023	[5052] GHD, INC	For Professional Services Rendered Through 6/30/2023 - Rio Dell Engineer Services, For Professional Services Rendered Through 7/29/2023 - Rio Dell Eel River Trail	9.14
12295	8/09/2023	[2501] KEENAN SUPPLY	PVC Gray Pipe, Tee and Bush	1.2
12296	8/09/2023	[2551] MIRANDA'S ANIMAL RESCUE	Animal Control for July 2023	1.00

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**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
12297	8/09/2023	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; CLEAN MOP HEAD, MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; CLEAN MOP HEAD, MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; PAPER TOWELS; ANTIBACTERIAL FOAM HAND SOAP; BATH TISSUES; CLEAN MOP HEAD, MAINTENANCE	435.54
12298	8/09/2023	[2601] PETERSON	Generator Repair	2,877.38
12299	8/09/2023	[4338] QUILL CORPORATION	Brother Toner, Epson Printer Rolls, Highlighters	247.80
12300	8/09/2023	[6349] RECOLOGY EEL RIVER	July Garbage Bags	210.00
12301	8/09/2023	[2659] RIO DELL PETTY CASH	Paint Samples; Care of Admin Car; Plates, Cups & Napkins	47.72
12302	8/09/2023	[4525] SHERLOCK RECORDS MGMT	STORAGE SERVICE FOR AUGUST 2023	144.80
12303	8/09/2023	[7316] SILKE COMMUNICATIONS SOLUTIONS, INC	Removal of Equipment from Explorer	1,256.00
12304	8/09/2023	[7585] SWEAT PANDA FORTUNA, LLC	Unlimited Month to Month Membership w/Auto Renew	477.00
12305	8/09/2023	[7262] ULINE, INC	Brooms and Shop Towels	299.29
12306	8/09/2023	[2750] USA BLUEBOOK	Ammonia Standard, USABB pH Buffer Pack, Solenoid Valve, USABBlueBook Settleometer Kit	750.68
12307	8/09/2023	[2779] WILDWOOD SAW	Stihl TS420 CutOff Saw	1,049.40
12308	8/09/2023	[2787] WYCKOFF'S	PVC Bushings and Glue	31.84
12309	8/15/2023	[5750] AERO-MOD	Rollers and Bearing Bolts (Belt Press)	7,180.94
12310	8/15/2023	[4063] CITY OF FERNDALE	Michael C. Stephen - BI/SIERRA - ROPD Applicant (Last 25%), Michael C. Stephen - BI/SIERRA - ROPD Applicant (Mileage)	403.01
12311	8/15/2023	[7425] CIVICPLUS LLC	Ultimate CivicEngage Open Subscription	3,892.50
12312	8/15/2023	[2340] DEPARTMENT OF JUSTICE ACCOUNTING	Fingerprint APPS, Fingerprint - FBI	49.00
12313	8/15/2023	[2889] EEL RIVER TRANSPORTATION & SALVAGE	Cancelled Tow Black Lexus 3rd Ave Dixie, Towing Services/Engine Removal & Van Relocation (6001 Gunnerson Ln Abatement)	267.50
12314	8/15/2023	[2385] EUREKA READYMIX	40.26 Tons 3/4 Base Class 2 PU and 14.29 Tons Sand	917.02
12315	8/15/2023	[2405] FORTUNA ACE HARDWARE	Cylinder Burr Tungsten Carbide	29.28
12316	8/15/2023	[7516] AIMEE D HOUSE	Travel for CAST Interview at HCCF, Travel for PBET Training, Travel for Interview & Interrogation Training	179.47
12317	8/15/2023	[6998] MAD RIVER COMMUNITY HOSPITAL	Routine Physical & Evaluation, Rapid 5 Urine Drug Screen	253.75
12318	8/15/2023	[5934] NORTH COAST JOURNAL, INC	Employment Opportunities Ads, Employment Opportunities Ads	462.00
12319	8/15/2023	[7167] NORTH PACIFIC CARDIOLOGY MEDICAL	Health Insurance Claim	45.00
12320	8/15/2023	[6825] OPTIMUM	INTERNET SERVICES AUGUST 2023	900.00
12321	8/15/2023	[6943] PACE SUPPLY CORP	Adapters and Bushings (C12 Tank Leak)	
12322	8/15/2023	[2601] PETERSON	Batteries (Corp Yard Generator)	
12323	8/15/2023	[3343] PITNEY BOWES RESERVE ACCOUNT	Postage Purchase for Reserve on 8/3 & 8/11/2023	
12324	8/15/2023	[7631] REMY MOOSE MANLEY, LLP	Professional Services throught 7/31/2023	
12325	8/15/2023	[6373] THATCHER COMPANY, INC.	Sierra Sani-Chor 330 G Tote, Deposit Return, Deposit Return	
123	8/15/2023	[2750] USA BLUEBOOK	Hydrant Diffuser	
123	8/15/2023	[2773] WCP SOLUTIONS	ANNUAL PAPER ORDER	

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**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
12328	8/15/2023	[2787] WYCKOFF'S	PVC Bushing, Adapters, Bushings, Tape, Saws and Tape	251.55
12329	8/15/2023	[2664] ROGERS MACHINERY INC	Installation, Goulds 3-Stage Bowl	21,395.88
12330	8/23/2023	[6038] ACCURATE TERMITE & PEST SOLUTIONS	RODENT & INSECT CONTROL @ 475 HILLTOP DR	220.00
12331	8/23/2023	[7237] BPR CONSULTING GROUP	Rio Dell Plan Check - AT&T Earthquake Damage Repair 420 Sequoia Ave, SFD ADD 375 Ogle Ave, PG&E Fence Replacement and Expansion 371 Berkeley St	1,866.82
12332	8/23/2023	[7625] CASTLE TIRE DISPOSAL, LLC	Tire Dump Day	537.59
12333	8/23/2023	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 8/11/2023	150.00
12334	8/23/2023	[6461] COMCATE	CODE ENFORCEMENT MANAGER RENEWAL AGREEMENT 8/2/23-8/1/24; ONE ADDITIONAL USER	3,371.57
12335	8/23/2023	[2356] DOWNEY BRAND LLP	For Services Rendered Throught July 31, 2023 - Permitting and Regulatory Issues	892.50
12336	8/23/2023	[2393] FASTENAL COMPANY	Tool Parts	296.20
12337	8/23/2023	[2405] FORTUNA ACE HARDWARE	Gopher and Mole Trap, Hex Nuts, Threaded Rod, Hex Nut Return, Bolts, (CORRECTION), Milwaukee 18V M18 FUEL 1/2 in. Cordless Brushless High Torque Impact Wrench. Tool Only	451.19
12338	8/23/2023	[4451] HARBOR FREIGHT TOOLS	Car Cleaning Products	139.76
12339	8/23/2023	[7475] LEAF CAPITAL FUNDING LLC	Lease of Kyocera TA 308ci Copier System	429.26
12340	8/23/2023	[5400] KRISTINA ANN LORIAUX	CUSTOMER DEPOSIT REFUND	7.12
12341	8/23/2023	[7635] NAPA AUTO PARTS FORTUNA	Oil Dry, Serpentine Belt, Alternator	369.35
12342	8/23/2023	[5934] NORTH COAST JOURNAL, INC	Employment Opportunities Ads, Employment Opportunities Ads	462.00
12343	8/23/2023	[2569] NORTH COAST LABORATORIES, INC.	ELAP Certification Fee, Total Coliform Bacteria 3X5 (Chloramine Testing), ELAP Certification Fee, Haloacetic Acids, THM by EPA 624	480.00
12344	8/23/2023	[6100] NORTHERN CALIFORNIA GLOVE	Gloves	220.50
12345	8/23/2023	[4393] NYLEX.net. Inc.	MONTHLY MAINTENANCE FOR SEPTEMBER 2023	3,230.00
12346	8/23/2023	[2319] OPTIMUM BUSINESS	PUBLIC WORKS INTERNET & CITY HALL/ PW PHONE SERVICES 8/10/23 - 9/09/23	144.67
12347	8/23/2023	[6943] PACE SUPPLY CORP	Bushing and Flange	139.89
12348	8/23/2023	[3343] PITNEY BOWES RESERVE ACCOUNT	Postage Purchased From Reserve on 7/11/2023	420.99
12349	8/23/2023	[7189] SHARP AUTO GRAPHICS & SIGNS, INC.	Remove Lettering & Install Provided Graphics on Ford F150	325.00
12350	8/23/2023	[7316] SILKE COMMUNICATIONS SOLUTIONS, INC	Removal of Equipment from Old Vehicle	471.00
12351	8/23/2023	[6037] WELLS FARGO VENDOR FIN SERV	KYOCERA COPIER PAYMENT FOR SEPTEMBER 2023	504.44
12352	8/23/2023	[2772] WENDT CONSTRUCTION, INC	Elm St Repair (Earthquake Damage), Elm St Repair (Earthquake Damage)	89,000.00
12353	8/23/2023	[5647] WHITCHURCH ENGINEERING, INC.	Review & Provide Engineering Services for Drainage Project Between Ogle and Bellevue Ave, Review & Provide Engineering Services for Drainage Project Between Ogle and Bellevue Ave	7,000.00
12354	8/23/2023	[2787] WYCKOFF'S	1/2" Galvanized 90 Degree Pipe, Nipple, Pipe	8
123	8/30/2023	[3975] AT&T - 5709	FAX LINE EXPENSES FOR AUGUST 2023 - PD, FAX LINE EXPENSES FOR JULY 2023 - CITY HALL	8
76				

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**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
12356	8/30/2023	[7625] CASTLE TIRE DISPOSAL, LLC	Tire Dump Day	3,456.27
12357	8/30/2023	[4063] CITY OF FERNDALE	Reimbursement for Background Investigation to Michael Stephen	635.31
12358	8/30/2023	[7425] CIVICPLUS LLC	Municode Meeting Premium Annual & Hub Stand Alone Purchase 7/25/2023-7/24/2024	3,240.00
12359	8/30/2023	[7636] CORE-ROSION PRODUCTS	25% Deposit on 2 Sodium Hypochlorite Tanks with Fittings	2,377.00
12360	8/30/2023	[2317] COUNTY OF HUMBOLDT ELECTIONS DEPT	General Election - November 2022	1,797.65
12361	8/30/2023	[2382] EUREKA OVERHEAD DOORS	Wayne Dalton Model CX2400 12'2 x 12'1 Door - Public Works Shop Door (Earthquake Damage)	2,652.00
12362	8/30/2023	[2405] FORTUNA ACE HARDWARE	Cut-Off Wheel	4.98
12363	8/30/2023	[4451] HARBOR FREIGHT TOOLS	Brushs, Tool Kit, Vise, Microfiber, Car Wash	348.14
12364	8/30/2023	[7459] HUMBOLDT COUNTY PUBLIC HEALTH	Immunizations and HEP Vaccines	222.00
12365	8/30/2023	[4570] SHRED AWARE	Shredding	74.26
12366	8/30/2023	[7185] STAPLES ADVANTAGE	Refund on Returned Folders Invoice# 7612038666-0-1	14.07
12367	8/30/2023	[7585] SWEAT PANDA FORTUNA, LLC	HP 94X Black Toner	636.00
12368	8/30/2023	[6993] VALLEY PACIFIC PETROLEUM SERVICES, INC.	Unlimited Month to Month Membership w/Auto Renewal,	635.33
12369	8/30/2023	[3917] VERIZON WIRELESS	Dyed Renewable Diesel	655.45
12370	8/30/2023	[2772] WENDT CONSTRUCTION, INC	Safety Phones PD & PW (& Mayor): Jul 17 - Aug 16, 2023 Misc Water Leaks (2/21/2023), 1485ft of Paving & Sidewalk Repair, Shut Off 2" Water Line @ Pacific & Elm St, Repair Leak & Patch Asphalt @ Sequoia	20,922.50
12371	8/30/2023	[2787] WYCKOFF'S	Pipe, Pipes, Terminal Kit, Crimping Plier, Cable Splice Kit	349.62
Total Checks/Deposits				232,841.62

Ref#	Date	Vendor	Description	Amount
9837246	8/02/2023	ELECTRONIC FUNDS TRANSFER	EFT ALLIED ADMINISTRATORS-DELTA DENTAL PAYMENT SEPT. FY2023-2024	-2,354.61
6310864	8/02/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR MISSIONSQUARE RETIREMENT PAYMENT FOR PPE 07/28/2023	-11,596.10
731962	8/03/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR AFLAC INSURANCE ONLINE PAYMENT FOR JULY 2023.	-1,751.70
330-912	8/07/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 07/28/2023	-2,561.37
3203354	8/07/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 07/28/2023.	-15,568.46
1017501	8/07/2023	ELECTRONIC FUNDS TRANSFER	EFT WEXBANK/SHELL FUEL CO PAYMENT FOR JULY/AUG 2023.	-4,029.46
3178	8/14/2023	WITHDRAWALS	DEPOSITED ITEM RETURNED	-185.60
6487987	8/15/2023	ELECTRONIC FUNDS TRANSFER	EFT MISSIONSQUARE RETIREMENT PAYMENT FOR PPE 08/11/2023	-11
9837248	8/16/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR BENEFIT BRIDGE/PUBLIC AGENCY COALITION ONLINE PAYMENT FOR SEPTEMBER FY 2023-2024	-28
9837247	8/17/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR PG&E ONLINE PAYMENT FOR AUGUST 2023	-26
9837246	8/18/2023	ELECTRONIC FUNDS TRANSFER	EFT DEARBORN LIFE INSURANCE PAYMENT FOR SEPT FY2023-2024.	0
025	8/21/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 08/11/2023.	-2
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**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
5221951	8/21/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 08/11/2023.	-16,141.34
9837250	8/21/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR VSP INSURANCE PAYMENT FOR SEPTEMBER FY2023-2024	-422.81
9837251	8/25/2023	ELECTRONIC FUNDS TRANSFER	EFT BANK OF AMERICA CREDIT CARD PAYMENTS - JULY/AUG 2023	-9,883.75
6086032	8/23/2023	ELECTRONIC FUNDS TRANSFER	EFT FOR AFLAC INSURANCE ONLINE PAYMENT FOR AUGUST 2023.	-1,825.22
4438	8/30/2023	WITHDRAWALS	DEPOSITED ITEM RETURNED	-140.80
ACH-E-CHECK	8/31/2023	WITHDRAWALS	DEPOSITED ITEM RETURNED	-200.00
Total EFT's/Bank Withdrawals				-136,468.93

Ref#	Date	Vendor	Description	Amount
TRX TO PR	8/17/2023	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 08/11/2023	-43,184.45
TRX TO LAIF	8/23/2023	TRANSFER FROM CHECK TO LAIF INVESTMENT ACCT	TRANSFER TO LAIF STATE INVESTMENT ACCOUNT	-2,250,000.00
TRX TO PR	8/31/2023	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 08/25/2023	-45,232.50
Total Transfer Between Accounts				-2,338,416.95

Ref#	Date	Vendor	Description	Amount
80923	8/14/2023	WITHDRAWALS	OFFICE DEPOSIT: OFFICE SUPPLIES	-35.08
81423	8/17/2023	WITHDRAWALS	OFFICE DEPOSIT: OFFICE SUPPLIES	-25.13
81423800	8/17/2023	WITHDRAWALS	OFFICE DEPOSIT: OFFICE SUPPLIES	-80.03
15938	8/30/2023	WITHDRAWALS	DEBIT CARD FOR POSTAGE TO MAIL U/B BILLS FOR JULY 2023	-518.32
Debit Card Withdrawals				-658.56

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Staff Highlights – 2023-10-03

City Council

City Manager

Held a mandatory pre-bid meeting on the Gateway Landscaping project. Three contractors attended.

Job advertisements, recruitments and interviews.

Review and discussions on plans for the Eel River Trail and ADA compliance.

Meeting & Tour with CalOES in person at City Hall to discuss Earthquake projects for Public Works.

Work with resident's representatives on easement issues at Painter Street.

Multiple meetings with Humboldt Area Foundation, Eel River Valley Long Term Recovery Group on earthquake recovery.

Attended meeting on the latest changes to the Humboldt County Climate Action Plan.

Various meetings on the subject of Organics Processing RFP and Vendors with HWMA and other member agencies.

Met with the Humboldt Gables Motel owner to discuss some low cost implementable changes to marketing Rio Dell.

City Clerk

Processed Eleven (11) Building Permit Applications:

735 Walnut Dr. – New Windows

130 Webster St. – 614 sq. ft. Residential Addition

348 Cherry Lane – Re-Roof Residence

326 First Ave. – Re-Roof Residence

87 Berkeley St. – Replace 2 water heaters and 2 wall furnaces

150 Butcher St. – Re-Roof Residence (Partial)

470 Fourth Ave. – Sewer Lateral

1275 Northwestern Ave. – Grading

221 Ogle Ave. – Re-Roof Residence

160 Monument Rd. – Earthquake Repairs



223 Belleview Ave. – Gas Water Heater

Processed Two (2) Business License Applications:
Ace Tree Enterprises, Inc. – Utility Tree Trimming
Sergio Valencia – Non-Resident Contractor

Misc.

Submitted CHF/CIRB Building Permit Report for August

Submitted U.S. Department of Census Employment Report for September

Attended a Beautification, Walkability & Pride Committee meeting on 9-15-23

Submitted Second Quarter Building Permit Report to County Assessor

Followed up with SCORE on LAWCX Renewal Payroll Survey questions

Submitted Address Verification letter to County Assessor for 1010 May Ave.

Attended Humboldt Eel River Long-Term Recovery Group meeting on 9/28/23

Finance Department

Coordinated surplus auction that is currently taking place on Gov Deals platform.

Met with CalOES reps regarding Earthquake claims and current List of Projects

Meeting with GHD to discuss the design of the Eel River Trail.

Staff worked with the City website host to ensure accessibility requirements were met.

Submitted Sanitary Sewer Evaluation Study Invoice #9

Created Resolution to accept ABC Police Grant

Working to update the City of Rio Dell Agency QAP Renewal per Caltrans guidelines with GHD

Assist cannabis businesses' with tax questions

Invoice #1 Rio Dell Pedestrian Connectivity Project

Provide updates to CleanCA reps updating progress on grants

Preparing to close out FY 22-23.

Contact County about revenues for FY 22-23



Public Works Water

Public Works Wastewater

Routine Collection system cleaning and maintenance.

3 Sewer lateral inspections.

Assisting utility crew with street patching and pothole repairs

Chloramine trial is going very well.

Ordered replacement Chlorine tanks and Scheduling delivery of Replacement Chlorine generator.

Generator Start up for Fern St lift station is complete. Both lift stations have new CAT generators and are operational.

Finishing up 3rd QTR compliance testing and Reporting.

Interview for Operator, Utility and Wastewater Superintendent positions.

Public Works Streets, Buildings and Grounds

Police Department

The Department had the following statistics for the period of August 30 to September 12, 2023. The summation of Calls for Service may greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

Officer	Calls for Service	Reports	Arrests
Allen	18	2	0
Conner	2	1	0
Beauchaine	31	3	1
Landry	47	6	5
Burns	48	1	1
House	57	5	1
Sierra	47	1	0
Fielder	7	0	0
Clark	36	2	N/A
Totals	230	21	8
Averages	16.4 per day	10.5 per week	4.0 per week
2022 Yearly Average	14.1 per day	12.7 per week	5.7 per week

Calls for Service at 355 Center Street



Type	Date	Time	Location	Primary Unit	Case #
415	09/21/2023	12:32:26	355 CENTER ST	R619	23-0000404
415FIGHT	09/21/2023	19:28:46	355 CENTER ST	R615	
VI	09/23/2023	00:55:27	355 CENTER ST	R618	

415 – Argument or general disturbance

415FIGHT – Physical fight in progress

VI – Parked vehicle investigation

R619 – Officer Aimee House

R615 – Officer Liam Burns

R618 – Officer Agustine Sierra

Officer Liam Burns turned in his notice to leave employment with the Rio Dell Police Department. His last day will be October 7, 2023. He is taking a position with the Arcata Police Department.

On September 17, 2023, Sergeant Beauchaine was contacted while off duty as a member of the County's Critical Incident Response Team. Sergeant Beauchaine spent the day in Hoopa assisting in the investigation of the shooting of an unarmed man by a California Highway Patrol Officer. Per new California law, the incident is also being investigated by the California Department of Justice in an effort to ensure transparency.

On September 22, 2023, Officers Burns and Sierra responded to a report of domestic violence. A man alleged that his girlfriend had taken his wallet when he declined to give her a ride to Eureka. When he attempted to get his wallet back, the girlfriend bit him on his upper arm. He showed the officers an obvious bite mark on right, upper arm. The girlfriend admitted to taking the wallet, but claimed that she was doing so only because she had given it to him and she was leaving the relationship. When she started to take the contents out, she claimed that the boyfriend tried to push her. Her response was to bite him. She went to jail for domestic violence.

On September 25, 2023, Corporal Landry responded to a home after a neighbor had made threats against the couple who lived there the night before. Corporal Landry was familiar with the neighbor and was aware that he had mental health problems. She learned that the neighbor had demanded that the husband come out of his house at about midnight. The neighbor was holding a baseball bat at the time. When the man declined to come out, the neighbor smashed the bat against a fence and then threw it at the house. He then obtained a step ladder and threw it at the house also. Corporal Landry and Chief Allen, tried to contact the neighbor that morning, but after a brief appearance, he retreated back into his house, telling the officers that if they came back, they were going to have to shoot him. Corporal Landry began work on an arrest warrant, while Chief Allen began to line up additional resources including the Humboldt County Crisis Negotiation Team and SWAT. Before it became necessary to enter the neighbor's house, however, he was spotted walking down the street. Corporal Landry and Chief Allen contacted him. They were able to de-escalate the subject and he was taken into custody without incident. He was booked at the jail for stalking, making criminal threats, and vandalism.



On September 19, 2023, Sergeant Beauchaine, Officer Sierra and Chief Allen responded to a residence for a report of a fight in progress. Officers arrived on scene and spoke with the victim who displayed injuries to his face and head areas. During the investigation officers responded to the suspects residence and the subject was arrested for Assault and Battery.

On September 28, 2023 Chief Allen assisted CHP with a possible road range incident where a firearm was pointed at another vehicle while driving southbound 101 near Metropolitan. Chief Allen located the suspect vehicle in the pullout near southbound 101 at the south Scotia exit. Chief Allen along with Fortuna PD performed a high risk stop on the vehicle and detained the subject for CHP. This investigation is ongoing.

The department received a grant from Alcoholic Beverage Control (ABC) to help reduce youth access to alcohol and increase safety in this community.

Code Enforcement - PD

During the time period of **September 2021 to September 2022**, the Department opened 182 vehicle abatement cases where the violations included inoperable, unregistered, or illegally parked vehicles. During the same time period, 129 of those cases were closed for voluntary compliance received from the registered owners and 53 vehicles were towed due to non-compliance.

During the time period of **September 2022 to September 2023** the Department opened 174 vehicle abatement cases where the violations included inoperable, unregistered, or illegally parked vehicles. During the same time period, 123 of those cases were closed for voluntary compliance received from the registered owners and 45 vehicles were towed due to non-compliance. There are currently 6 active vehicle abatement cases open and 2 of those vehicles have been towed.

Since September 1, 2023, the Department has opened 10 new vehicle abatement cases. 4 of these cases have been closed and 2 vehicles have been towed. There is a total of 6 active cases.

VEHICLE ABATEMENT CASES			
September 2021-2022			
Opened Cases	Closed Cases	Vehicles Towed	
182	129	53	
September 2022-2023			
Opened Cases	Closed Cases	Vehicles Towed	
174	123	45	
September 1, 2023- Present			
Opened Cases	Closed Cases	Vehicles Towed	Active Cases
10	4	2	6



During the time period of **September 2021 to September 2022**, the Department opened 52 code enforcement cases with a variety of violations. The common violations include: solid waste, junk vehicles, excessive vegetation, abandoned appliances, and animals running at large. During the same time period, 50 of those cases were closed for voluntary compliance received by the Property Owner and/or Occupants of the Property. 3 abatements were completed due to receiving no compliance from the Property Owners and/or Occupants.

During the time period of **September 2022 to September 2023**, the Department opened 64 code enforcement cases with a variety of violations. The common violations include: solid waste, junk vehicles, excessive vegetation, abandoned appliances, and animals running at large. During the same time period, 56 of those cases were closed for voluntary compliance received by the Property Owner and/or Occupants of the Property. 2 abatements were completed due to receiving no compliance from the Property Owner and/or Occupants.

Since September 1, 2023, the Department has opened 6 new code enforcement cases. 8 cases have been closed and 1 abatement was completed. There are 13 cases that were opened prior to the time periods listed above due to reoccurring violations. The Department currently has 21 active code enforcement cases.

CODE ENFORCEMENT CASES			
September 2021-2022			
Opened Cases	Closed Cases	Abatements Completed	
52	50	3	
September 2022-2023			
Opened Cases	Closed Cases	Abatements Completed	
64	56	2	
September 1, 2023- Present			
Opened Cases	Closed Cases	Abatements Completed	Active Cases
6	8	1	21

Community Development Department



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

October 3, 2023

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Presentation from the Humboldt Area Foundation + Wild Rivers Community Foundation on Resiliency and Recovery in the Eel River Valley Following the December 20, 2022 Ferndale Earthquake

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive the presentation and ask questions, if any.

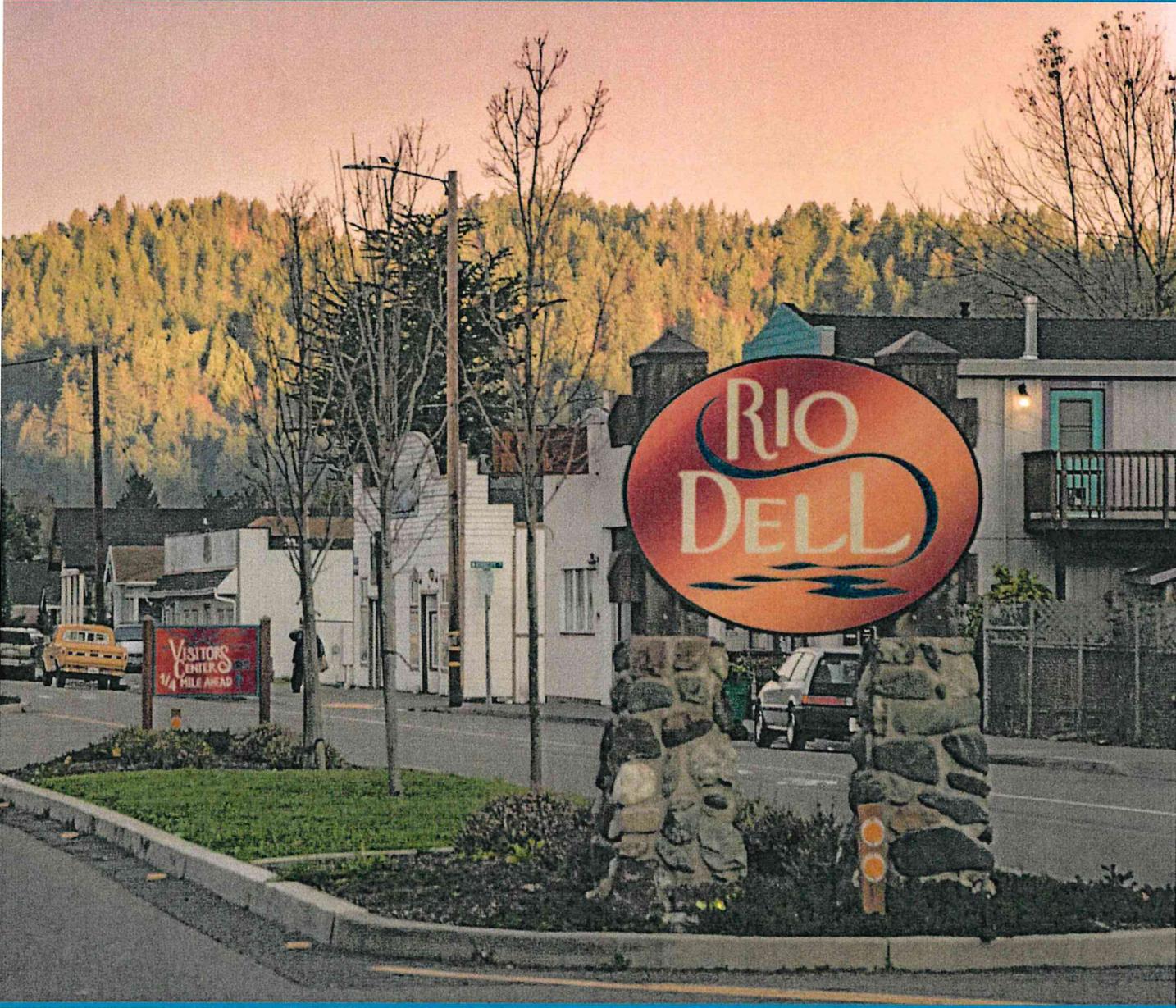
BACKGROUND AND DISCUSSION

The Humboldt Area Foundation + Wild Rivers Community Foundation staff will be present to provide a six-month report on the disaster recovery. Ali Lee (Via zoom), Amy Jester, Linda Stansberry and Jarad Petroske will present. Additional long-term recovery representatives from other organizations may also be present.

Attachments: "Resilience and Recovery in the Eel River Valley"

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Resilience and Recovery in the Eel River Valley



A six-month report on disaster recovery following the Dec. 20, 2022, Ferndale Earthquake





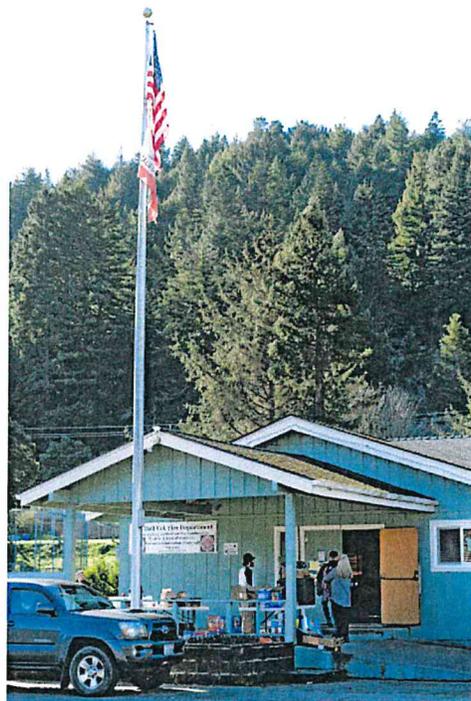
Introduction

On Dec. 20, 2022, and Jan. 1, 2023, earthquakes, measuring magnitude 6.4 and 5.4 respectively, struck one of California's most beautiful, dynamic yet economically distressed rural regions: Humboldt County's Eel River Valley. Writing in the Eureka Times-Standard, Lori Dengler, professor emerita of Geology from Cal Poly Humboldt, said the Dec. 20 quake produced the third-highest shaking ever recorded in a California earthquake.

According to the Associated Press, the quake left two dead, injured at least 12 people, left thousands without water or power and damaged scores of buildings. The quake is commonly referred to as the Ferndale Quake. While Ferndale, Calif., did receive serious damage, the largest impact struck the people of Rio Dell, Calif. (pop. 3,400). Almost immediately, the Humboldt Area Foundation + Wild Rivers Community Foundation (HAF+WRCF) received reports of residents in need of housing, food, and materials for basic repairs.

While the State of California declared the event a disaster, the federal government did not issue a Presidential Federal Emergency Management Agency (FEMA) declaration for the Ferndale Earthquake. The lack of a federal declaration furthers robust analysis, including by Congress, that FEMA policy is both inequitable in its formulas to assess rural areas while also exacerbating economic disparity. FEMA did, however, address economic disparity on March 8, 2023, by making a declaration (FEMA-4692-DR) for the Bear River Band of the Rohnerville Rancheria Earthquake on Dec. 20, 2022.

As a community foundation dedicated to supporting the four-county region of Humboldt, Del Norte, and Trinity counties in California, and Curry County in Southern Oregon, HAF+WRCF supports disaster response, recovery, and resilience with the Disaster Response & Resilience Fund.



Volunteers provide food at Rio Dell Fire Department for residents affected by the earthquakes. Photo by James Adam Taylor.

Within two weeks of the initial Dec. 20 quake, more than \$300,000 in donations poured into the Foundation from individual donors and philanthropic partners. By March 2023, HAF+WRCF announced \$1.2 million was available from the Disaster Relief and Resilience Fund for nonprofit organizations, tribes and government entities helping quake victims. Thanks to generous donors and philanthropic partners, the Foundation has been able to support important partnerships to bolster residents affected by the quakes.

This report highlights the successes and ongoing funding needs identified through the work of the Foundation and its community partners.



Timeline of Events

- Dec. 20, 2022** - A magnitude 6.4 earthquake strikes off the coast of Ferndale, Calif., severely impacting the City of Rio Dell's housing and businesses.
- Dec. 20, 2022** - HAF+WRCF's Community Response Team begins response efforts.
- Dec. 20, 2022** - Gov. Gavin Newsom proclaims state of emergency for Humboldt County.
- Jan. 1, 2023** - A magnitude 5.4 earthquake strikes the same region, further damaging Ferndale's main bridge and regional wastewater systems.
- Jan. 5, 2023** - County of Humboldt establishes the Earthquake Recovery Line, closes congregate shelters, and opens non-congregate shelters.
- Jan. 9, 2023** - Senator Mike McGuire, Assemblymember Jim Wood, California Office of Emergency Services, California Department of Housing & Community Development host Virtual Town Hall announcing \$3 million in aid for affected residents.
- Jan. 12, 2023** - County of Humboldt reports quake damage is unlikely to meet threshold for federal emergency declaration.
- Feb. 10, 2023** - Small Business Association (SBA) approves \$5 million in federal disaster loans.
- March 5, 2023** - HAF+WRCF announces \$1.2 million in quake recovery funds.
- March 8, 2023** - Federal Government declares a disaster for the Bear River Band of the Rohnerville Rancheria and FEMA-4692-DR is activated.
- March 17, 2023** - Humboldt Eel River Long-term Recovery Group is stood-up by Hope Crisis Response Network, HAF+WRCF, County of Humboldt, and City of Rio Dell: www.humboldtrecovey.org
- March 2023** - Habitat for Humanity Yuba/Sutter signs agreement with the County of Humboldt to address housing needs of renters and income property owners, primarily in Rio Dell, due to the earthquakes.
- April 19, 2023** - Disaster Case Management begins in Rio Dell, providing Humboldt earthquake recovery for individuals with "Unmet Individual Needs" in collaboration with the Humboldt LTRG
- May 23-24, 2023** - California Office of Emergency Services Seismic Safety Commission holds hearings in Rio Dell.



Situation Summary

The County of Humboldt's and City of Rio Dell's response and current recovery processes have relied on creative solutions for leveraging resources, community collaborations, volunteers, and in-kind and monetary donations. Despite both the good work and good will, gaps exist mostly around housing repairs and housing replacements.

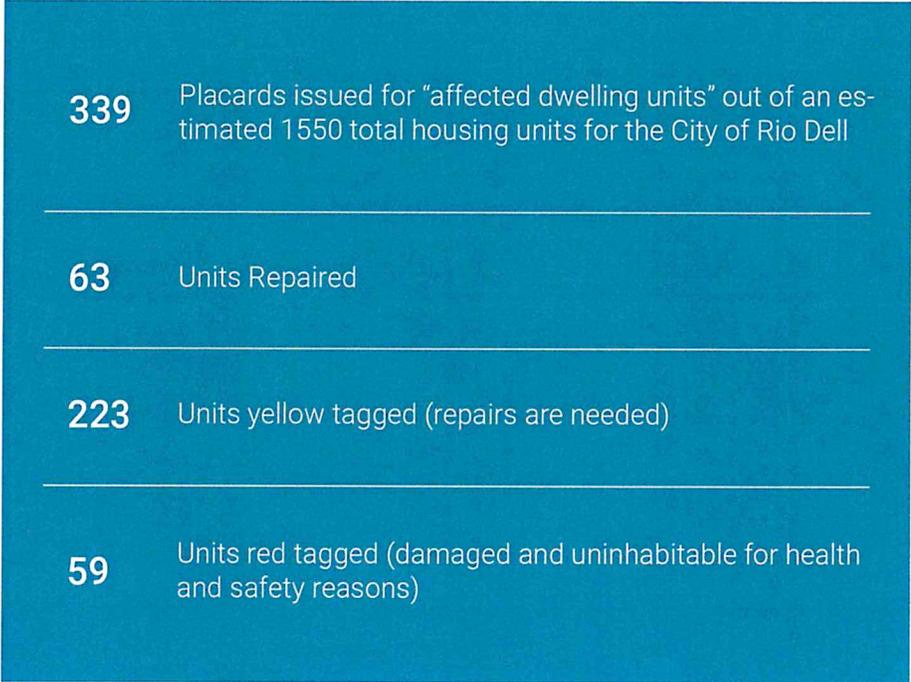
Housing

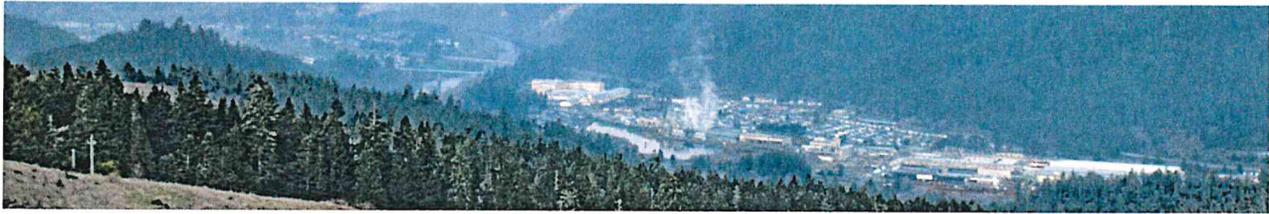
Both earthquakes and their aftershocks prompted evacuations for renters and homeowners due to unsafe living conditions. The earthquakes left the Eel River Valley communities emotionally shaken and mentally strained. Extreme winter storm events that followed the quakes layered on stressors and damages as earthquake evacuees sheltered at family and friends' homes, and at local motels thanks to aid from the County of Humboldt's housing voucher program and grants from the Foundation.

Earthquake Recovery Dashboard

The County of Humboldt's Office of Emergency Services established the 2022 December Earthquake Recovery Dashboard and regularly updates with new information.

As of June 14, 2023, nearly six months after the first earthquake:





Assessing Long-Term Recovery

In March, 2023, the Humboldt Eel River Valley Long Term Recovery Group (LTRG) formed as a cooperative body made up of representatives from many faith-based, nonprofit, government, business, and other organizations working in local communities to assist individuals and families.

The Long-Term Recovery Group includes the following organizations:

- Arcata Economic Development Corporation
- Arcata House Partnership
- Area 1 Agency on Aging
- Centro del Pueblo
- Changing Tides Family Services
- City of Rio Dell
- Coast Central Credit Union
- County of Humboldt Office of Emergency Services
- Episcopal Diocese of Northern California
- Food for People, the Food Bank for Humboldt County
- Foggy Bottom Boys
- Habitat for Humanity
- Hope Crisis Response Network
- Humboldt Area Foundation + Wild Rivers Community Foundation
- Humboldt Redwood Group
- Humboldt Made
- LatinoNet's Promotores
- McLean Foundation
- North Coast Grantmaking Partnership
- Paso a Paso (Providence St. Joseph Hospital)
- Redwood Lumber & Supply Company
- Redwood Region Economic Development Commission
- RH Construction
- Rio Dell Community Resource Center
- Rio Dell-Scotia Chamber of Commerce
- St. Alban's Episcopal Church
- St. Francis Episcopal Church
- United Policyholders



Vasu Singhania participates in food distribution to community members. Photo by James Adam Taylor



Food for People staff and volunteers distribute emergency foods in Rio Dell and Fortuna

While the Foundation supports nonprofit organizations and groups doing charitable work with the Disaster Response and Resilience Fund, the Disaster Case Management team addresses individual unmet needs regarding the recent earthquakes.

Disaster Case Management

Beginning April 17, 2023, case workers trained in Disaster Case Management by Catholic Charities of the Santa Rosa Diocese began receiving referrals and conducting intake assessments—sometimes meeting at the Rio Dell Community Resource Center and sometimes meeting closer to where people have temporarily moved outside the Eel River Valley. Case workers meet with residents to assess unmet needs with the goal of restoring and stabilizing residents' lives as quickly as possible.

The bilingual (Spanish and English) DCM Team can be reached at 707-382-5890, Monday through Friday from 10 a.m. to 4 p.m.

(Source: <https://humboldt.gov/3379/2022-Earthquake-Recovery>)

HAF+WRCF Senior Program Officer Holly Hensher delivers emergency supplies to Rio Dell community members.



Looking Forward

HAF+WRCF continues to be a part of the Humboldt LTRG and the earthquake recovery process to help address community gaps as they arise. With Centro del Pueblo and Think Place, the Humboldt LTRG is planning a bilingual Spanish and English community visioning as part of assembling the disaster recovery puzzle. The gathering will be a time for sharing and imagining Rio Dell's future after the earthquakes.

Disaster recovery is a process that can take anywhere from one year to many years. It's a process that requires continued patience, creative solutions, and hard work together. More community collaboration is essential for the recovery journey.

HAF+WRCF Policy Director Amy Jester and Food for People's Operation Manager Jose Mendez drop off storm support supplies to Mattole Valley Family Resource Center.

Funding Overview and Partnership

By end of February 2023, HAF+WRCF granted over \$500,000 in earthquake response efforts. In March, HAF+WRCF set aside \$1.2 million from its Disaster Response, Recovery, and Resiliency Fund to support recovery in Rio Dell, Calif., and surrounding communities in the Eel River Valley.

Below are a few grant highlights:

Jan. 2023

\$50,000 to Humboldt Made, \$2,489 to the Mattole Valley Resource Center, and \$5,000 to Pay it Forward Humboldt for immediate disaster response.

Feb. 2023

\$13,000 to Pay It Forward Humboldt for disaster recovery work, including meeting critical needs for vulnerable evacuees.

Apr. 2023

\$360,000 to the Hope Crisis Response Network (HCRN) for reconstruction of owner-occupied homes damaged by the quake. Work is being done in conjunction with Rhyen Heussler of RH Construction. Simultaneously, renters and income property owners are working with Habitat for Humanity for repair and relocation assistance. Habitat for Humanity's work is not funded by the Foundation.

\$30,000 to the Humboldt Eel River Valley Long-Term Recovery Group (LTRG) to support recovery efforts.

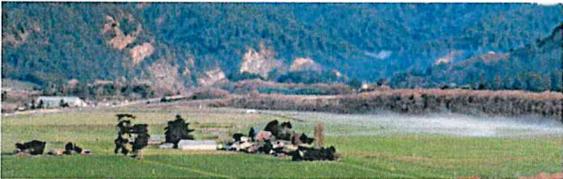
May 2023

\$388,000 to the Arcata House Partnership to support the organization's bi-lingual (Spanish-English) Disaster Case Management Team. Arcata House Partnership works with Changing Tides Family Services, Pay It Forward Humboldt, and the Humboldt Eel River Valley LTRG to provide support for individual unmet needs.

June 2023

\$25,000 for the Humboldt Community Organizations Active in a Disaster (COAD) to support the group's disaster resilience efforts.

\$3,000 to the Humboldt Eel River Valley LTRG to continue supporting the group's recovery efforts.



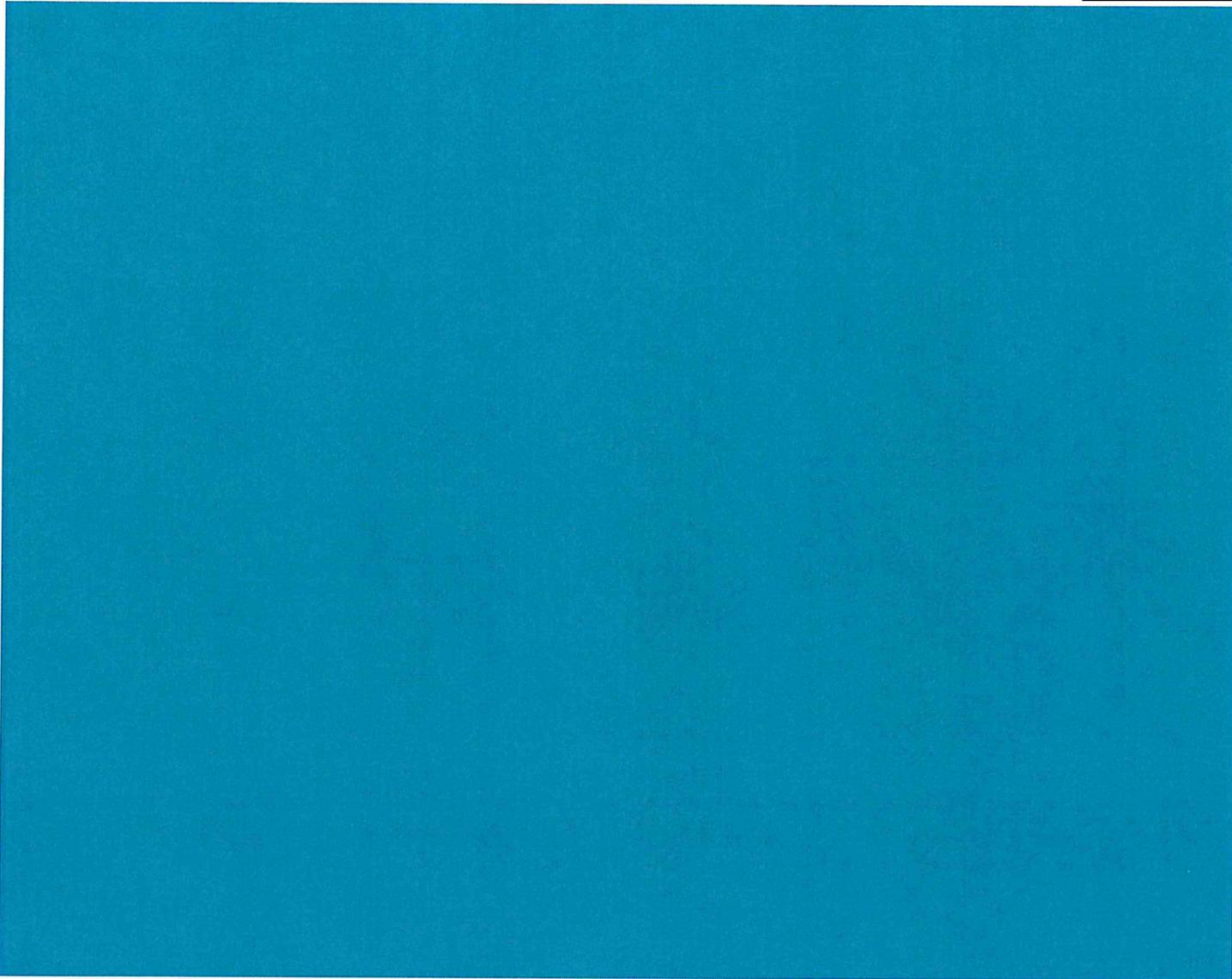
Thank you to the many donors and philanthropic partners who made these grants possible.

- Amalgamated Foundation
- California Wellness Foundation
- Coastal Community Foundation of South Carolina
- Evelyn & Walter Haas Jr. Fund
- GlobalGiving
- Humboldt Health Foundation
- James Irvine Foundation
- Marin Community Foundation
- National Philanthropic Trust
- Sacramento Region Community Foundation
- Sierra Health Foundation
- Silicon Valley Community Foundation
- The California Endowment
- Two Anonymous Foundations

About the Disaster Response & Resilience Fund

The Disaster Response & Resilience Fund supports residents of Humboldt, Trinity, Del Norte, and Curry counties, as well as adjoining Tribal lands during current and future disasters, including public health emergencies such as the COVID-19 pandemic, fires, earthquakes, flooding, and other natural and man-made disasters. Grants support non-profit organizations, public benefit organizations (including churches, educational organizations/schools, hospitals, government units, tribal governments, etc.), groups working with a qualified fiscal sponsor, and other organizations and groups working on charitable projects. There is no written application process required. Organizations in need can call or email to get connected to a Program Officer. Access can also be found on the online Grants Portal.

You can support the Disaster Response & Resilience Fund here: www.hafoundation.org/disaster



Contacts

For grant and other Community Solutions information, please contact our Community Solutions and Programs staff:

Craig Woods craigw@hafoundation.org

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Photos courtesy of James Adam Taylor, made possible through the support of HCAOG and the REAP Grant. Cover photo by Kevin LoMiglio.



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(707) 442-2993 | (707) 465-1238



*675 Wildwood Avenue
Rio Dell, CA 95562*

TO: Mayor and Members of the City Council
FROM: Karen Dunham, City Clerk
THROUGH: Kyle Knopp, City Manager
DATE: October 3, 2023
SUBJECT: Unmet Transit Needs Public Hearing

RECOMMENDATION

Open the public hearing and receive input on any unmet transit needs in the community. Close the public hearing and make a motion to direct staff to send a letter to the Humboldt County Association of Governments (HCAOG) relaying the comments made during the public hearing regarding unmet transit needs.

Stevie Luther from HCAOG will be available via Zoom to provide a brief presentation and answer questions.

BACKGROUND AND DISCUSSION

Each year, as established by the California Transportation Development Act (TDA), the Humboldt County Association of Governments (HCAOG) is required to conduct a citizen participation process to identify any “unmet transit needs” within Humboldt County. This process is required prior to allocations of TDA funding for the following fiscal year. All comments deemed to meet the definition of an unmet transit need will then be analyzed to determine if the need is “reasonable to meet.”

In addition to the County unmet transit needs hearing, HCAOG recommends each entity conduct a separate hearing to receive comments specific to their jurisdiction.

HCAOG’s Social Services Transportation Advisory Council (SSTAC) leads the public participation process and considers all public testimony and input, determines if the suggestions meet the adopted definition of an unmet transit need, and applies adopted criteria to determine if the need is “reasonable to meet”. At the end of the process, the Social Services Transportation Advisory Council will forward their findings to the HCAOG board for consideration.

TDA funds must be allocated first to unmet transit needs, which are found to be reasonable to meet within a jurisdiction, before any remaining funds can be allocated for non-transit purposes, such as bicycle and pedestrian facilities or streets and roads.

Attachments:

- Citizen Participation Process for Assessing Unmet Transit Needs
- Unmet Transit Needs Definition and Reasonable to Meet Criteria
- Notice of Public Hearing



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS
Regional Transportation Planning Agency
Humboldt County Local Transportation Authority
Service Authority for Freeway Emergencies
611 I Street, Suite B
Eureka, CA 95501
(707) 444-8208
www.hcaog.net

Citizen Participation Process for Assessing Unmet Transit Needs

Transportation Development Act

The Humboldt County Association of Governments (HCAOG) is responsible for allocating Transportation Development Act (TDA) funds within the region. The TDA provides two major sources of funding, Local Transportation Funds (LTF) derived from a ¼ cent of the general sales tax and State Transportation Assistance Funds (STAF) derived from a tax on diesel fuel. Together, these TDA funds provide a significant revenue source for public transit in Humboldt County. The Unmet Transit Needs process is carried out annually to identify and evaluate any potential needs that are not being met through existing public transportation services. HCAOG is required to assess unmet transit needs prior to allocating LTF money for non-transit purposes, while STA is programmed to the Humboldt Transit Authority and Arcata and Mad River Transit.

Each jurisdiction has their own LTF account. Eureka and Arcata use the entirety of their LTF allocation for transit purposes. The County of Humboldt, Cities of Fortuna, Rio Dell, Blue Lake and Trinidad have funds remaining after paying their share for eligible transit uses. In these cases, the TDA allows LTF to be applied to local streets and roads budgets, including pedestrian and bicycle projects. In Ferndale, there are no eligible public transit services and the LTF allocation is applied to non-transit purposes.

Public Process to Make a Finding

HCAOG’s Social Services Transportation Advisory Council (SSTAC) leads the UTN process. Although only one hearing is required, public meetings are held to ensure residents in each jurisdiction are heard. The SSTAC considers all public testimony and input, determines if the suggestions meet the adopted definition of an unmet transit need and applies adopted criteria to determine if the need is “reasonable to meet”.

After comments close on December 31, the SSTAC will consider all the comments at their meeting on February 2023, direct staff on any needs to further analyze, and in April 2023 forward one of the following findings to the HCAOG board for consideration:

- (a) there are no unmet transit needs; or
- (b) there are no unmet transit needs which are “reasonable to meet”; or
- (c) there are unmet transit needs, including those that are “reasonable to meet”

Potential Impacts to Local Transportation Funding

If HCAOG adopts finding (c), then the unmet transit needs shall be funded before any allocation is made for non-transit purposes (i.e. streets and roads) within the jurisdiction. Funds for new or expanded transit services can be set-aside from sources other than TDA funds. For instance, in 2018 the HCAOG Board voted to set aside Low Carbon Transit Operations Program (LCTOP) funds for late-night weekday service on the Redwood Transit Service. The service was found based on ridership at that time to be an unmet transit need reasonable to meet, but could not be funded due to insufficient Local Transportation Funds available to all required entities. When COVID hit and ridership plummeted, these LCTOP funds were repurposed to support free fares.

Examples of Past Public Input and Findings

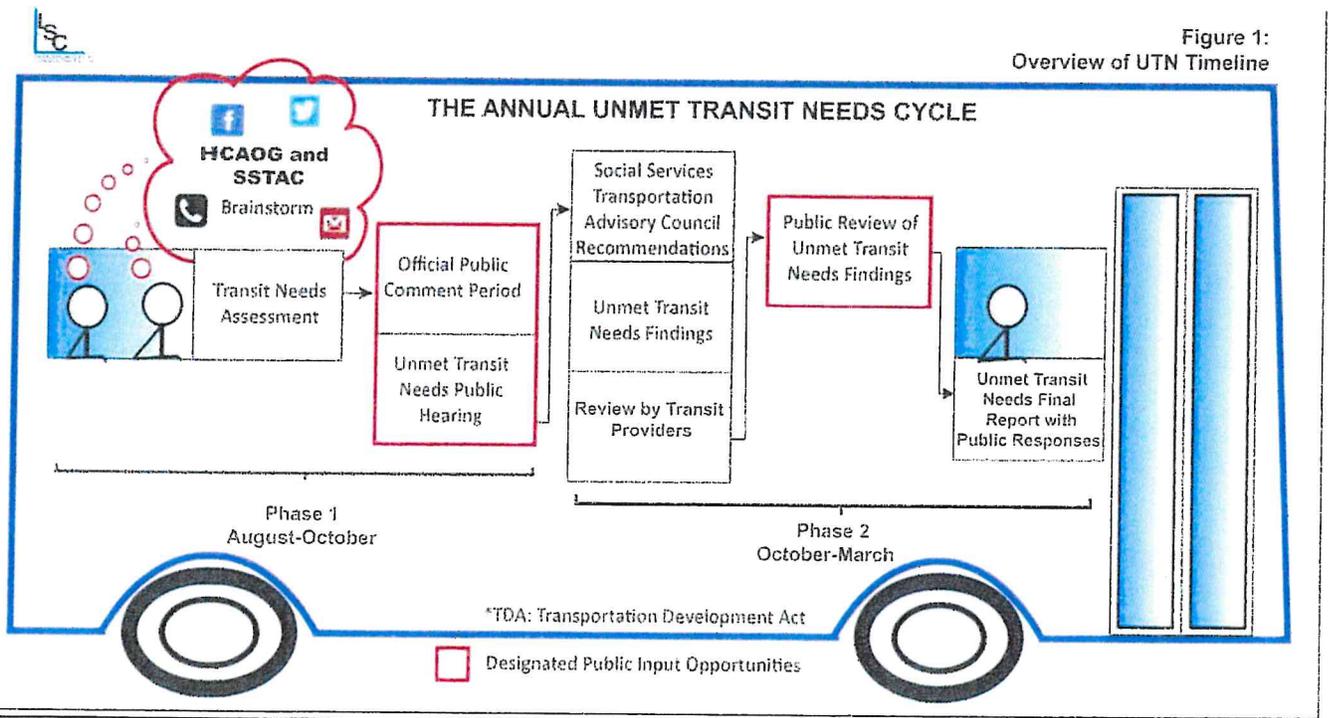
As a result of UTN findings in 2015-16, new transit services began to Tish Non-Village (Bear River Rancheria) and along Old Arcata Road. Both services were discontinued after two years because not enough people used the new service to sustain it.

Public comments often ask for later night service, Sunday service, more frequent peak service between McKinleyville-Arcata-Eureka, and bus service to rural communities. Based on existing ridership, each of these fail to meet the required 10% farebox return ratio -- meaning there are not enough projected transit riders to meet minimum performance criteria necessary to sustain the services. If these conditions change, the Humboldt Transit Authority does not need a formal UTN finding to start new services.

Comments received through this annual process can provide valuable feedback to transit operators. For example, in 2021 several people commented that they needed a westbound bus stop near Titlow Hill for their children to get to school in Arcata on the Willow Creek Intercity line. The operational request was sent to Humboldt Transit Authority and HTA was able to set up a trial flag stop for use during the school year. Not all operational requests can be accommodated, but agencies make every effort to respond. In addition, public comments made during the Unmet Transit Needs process can be beneficial as a record of community need and help secure grant-funded opportunities such as first-last mile mobility solutions to expand access to transit.

Opportunities for Public Comment on Unmet Transit Needs

- The form linked at the project page: <https://hcaog.net/documents/unmet-transit-needs> or visit the survey directly at <https://bit.ly/humboldttransit>
- At one of the advertised public meetings;
- Written comments and/or feedback gathered from staff during direct outreach;
- Comment submittals by email or telephone: [stephen.luther@hcaog.net/444-8208](mailto:stephen.luther@hcaog.net)



UNMET TRANSIT NEEDS DEFINITION & REASONABLE TO MEET CRITERIA

Unmet transit needs are, at a minimum:

- (1) Trips requested from residents who do not have access to public transportation, specialized transportation, or private transport services or resources for the purpose of traveling to medical care, shopping, social/recreational activities, education/training, and employment; or
- (2) Proposed public transportation, specialized transportation, or private transport services identified in the following, but not limited to: a Transportation Development Plan, Regional Transportation Plan, Coordinated Public Transit–Human Services Transportation Plan.

HCAOG Plans can be found at: <http://hcaog.net/library>

Additionally, unmet transit needs do not include:

- ❖ Improvements funded or scheduled for implementation in the next fiscal year. Two potential new services that will be reevaluated this year are:
 - Express bus service between McKinleyville and Eureka during peak hours
 - Late Night Weekday Service on the Regional Transit System
- ❖ Minor operational improvements or changes such as bus stops, schedules, and minor route changes. Minor operational improvements are changes to service which do not affect the operating cost of the transit service either by requiring additional staff and/or additional vehicle hours of service or miles of service.
- ❖ Trips for primary or secondary school transportation
- ❖ Sidewalk improvements or street and road needs

Reasonable to meet criteria:

- (1) To be considered “reasonable to meet”, a service must be operationally feasible and financially sustainable, as defined below:
 - a) The service must have adequate roadways, and must be safe to operate.
 - b) Enough money should be available from identified sources of funding to pay for the marginal operating costs of the service continuously for three years.
- (2) The service must be projected to meet a minimum “marginal farebox-return-ratio” of 10 percent within 2 years. If multiple competing services are requested, other factors may also be considered such as estimated subsidy per passenger trip and passengers per vehicle hour of service. For new service, ridership and farebox-return-ratio thresholds will be considered.
- (3) Pursuant to the requirements of TDA Statutes (Public Utilities Code Section 99401.5c, a determination of needs that are “reasonable to meet” shall not be made by comparing unmet transit needs with the need for streets and roads, for the allocation of TDA funds.
- (4) Once a service is determined to be "reasonable to meet" and is implemented, it can be expected that the ridership in the first 1-2 years of the new service will be less than the projected optimal ridership. Ridership should be evaluated at 6-month intervals to determine if service is meeting performance standards adopted by the transit provider, and specifically, whether the service meets a minimum 10 percent marginal farebox-return-ratio. If the service is being adequately promoted and fails to be within 60 percent of the identified standards after six months, 90 percent with the first year, or 100 percent within two years, the service may be cancelled and deemed "no longer reasonable to meet." An exception to this rule is when a community or group is willing to participate in sharing the ongoing cost of the new service.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Rio Dell City Council will hold a Public Hearing on **Tuesday, October 3, 2023, at 6:00 p.m.** or soon thereafter, in the City Hall Council Chambers at Rio Dell City Hall, 675 Wildwood Avenue, Rio Dell, California.

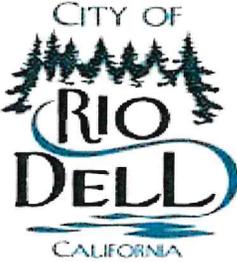
THE PURPOSE OF THE PUBLIC HEARING WILL BE TO DISCUSS:

1) UNMET TRANSIT NEEDS

The Public Hearing will give citizens the opportunity to make their comments known. If you are unable to attend the Public Hearing, you may direct your written comments to the City Clerk, City of Rio Dell, 675 Wildwood Avenue, Rio Dell, CA 95562 or via email at publiccomment@cityofriodell.ca.gov or by calling the toll-free number at **1-888-474-4499**. Enter meeting ID **987-154-0944** and listen for the prompts to join the meeting.

All members of the community are encouraged to attend.

Karen Dunham, CMC
City Clerk
Posted 9/27/23



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

October 3, 2023

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager
SUBJECT: Discussion and Possible Action on Exercise Station Location

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the proposed relocation or provide alternate direction to staff.

BACKGROUND AND DISCUSSION

As part of the Clean California Gateway Grant, the City is working on the installation of an ADA accessible exercise station. Previously the station was to be located in Memorial Park. However, after much troubleshooting there are simply no viable locations for the station in memorial park due to tree roots, overhead power lines and other limitations.

The Clean California Ad Hoc Committee of Garnes and Carter met to discuss a relocation. The committee agreed the ideal alternate location was at the “Triangle Garden Park” on the south side of Side Street. The City requested and was approved for a scope change since this location is outside of the original Clean California grant perimeter by approximately 80 feet. Additionally, the Blue Star memorial rock is proposed to be moved across the street to Memorial Park in order to make way for an ADA accessible pathway for the exercise station.

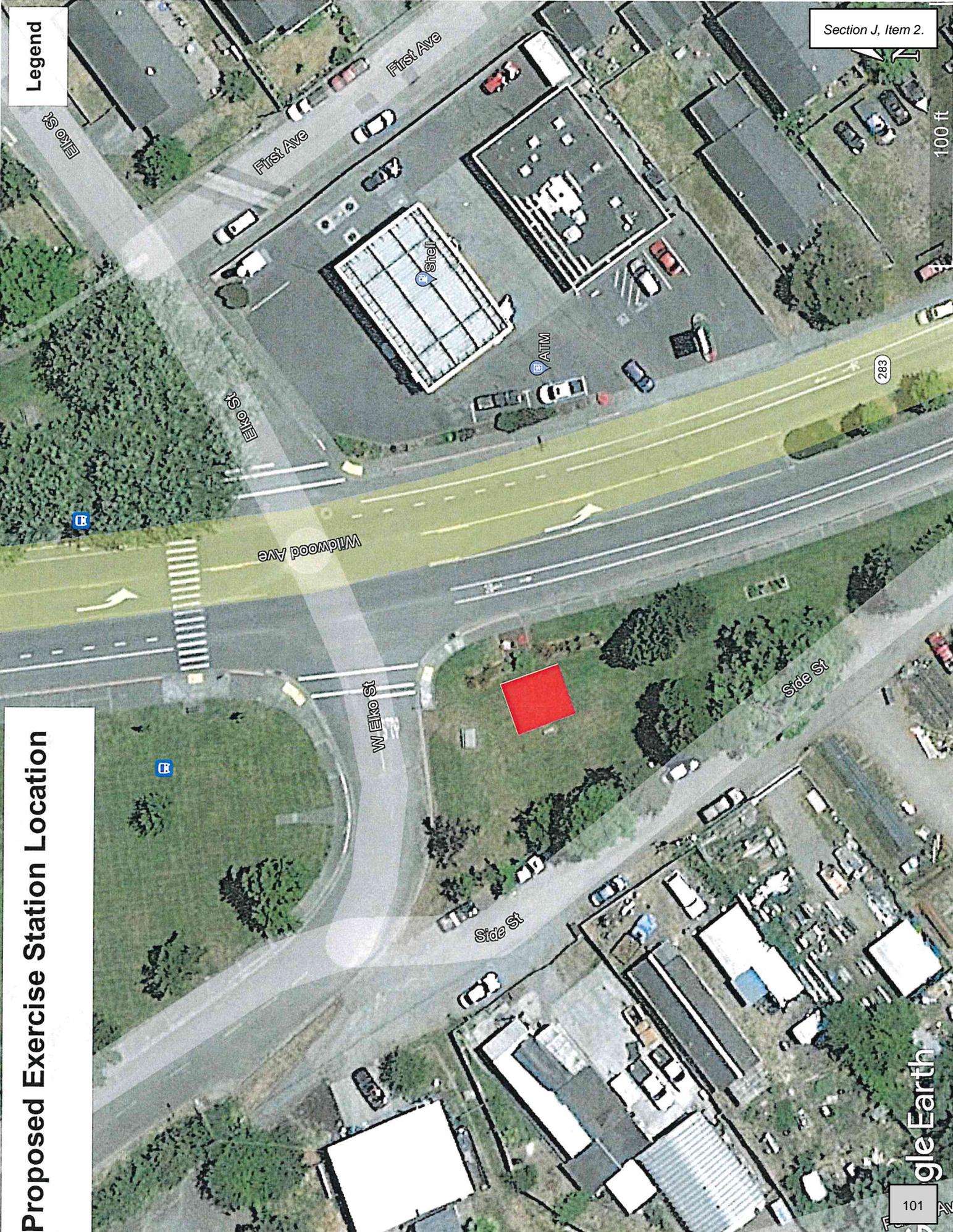
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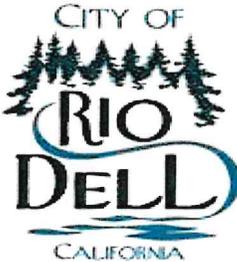
Legend

Section J, Item 2.

100 ft

Proposed Exercise Station Location





*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

October 3, 2023

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager
SUBJECT: Discussion on Management Analyst Position

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Discuss, consider and provide direction to staff, if any.

BACKGROUND AND DISCUSSION

The City Manager would like to discuss possible changes to the personnel allocation in the City, including a possible recommendation to alter or eliminate the management analyst position and the creation of a similar position that is more focused on public works project and departmental management.

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