



AGENDA

Meeting of the
Scotts Valley City Council
REMOTE ACCESS ONLY
Date: November 17, 2021
Time: 6:00 pm

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	Zoom Videoconference https://us02web.zoom.us/j/83073744760 <i>See information below for how to participate.</i>	The agenda was posted 11-12-21 at City Hall and on the Internet at www.scottsvally.org .

PUBLIC ADVISORY REGARDING COVID-19 AND PUBLIC PARTICIPATION

On September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue teleconferencing during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees. In accordance with AB 361, the Scotts Valley City Council adopted Resolution No. 2007 on October 26, 2021, authorizing the continued use of teleconferenced meetings pursuant to AB 361. Elected Officials and City Staff Members will be participating remotely via videoconference.

Public Participation:

The meeting will be available on Zoom and broadcast through Community Television of Santa Cruz on Channel 25 and via their website at the following link: <https://communitytv.org/watch/> (be sure to click on Channel 25). For those wishing to participate via Zoom you can join the following ways:

- Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join. <https://us02web.zoom.us/j/83073744760>
- Or iPhone one-tap:
+16699009128,,88999122100# US (San Jose)
+12532158782,,88999122100# US (Tacoma)
- Or join by phone:
Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656
or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 830 7374 4760

Date: November 17, 2021

You will be given opportunities to provide public comment at the appropriate times throughout the meeting via Zoom. If you are participating via dial-up only, use *9 to raise your hand at the requested time.

How to comment via Zoom:

1. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted. Our usual time limits of 3 minutes per individual, or 5 minutes for an individual who is representing a group of three or more, will apply. Please note that per our standard practice, this is not a question and answer time, but simply a time for you to provide your comments to the Council.
2. There is an option on Zoom to raise your hand. Please click on this option when the Mayor announces that public comment will be taken. Zoom places people in line automatically. If you are participating via dial-up, you can raise your hand at the appropriate time by pressing *9. When it is your turn, the City Clerk will unmute you, and you will be able to make your comments based on the above time frames. Once your time is up, you will once again be muted and the next person in line will be given their opportunity to speak.

How to comment via email:

1. Members of the public may provide public comment by sending comments to the City Clerk via email at cityhall@scottsville.org.
2. Additional materials and emails must be received by 5:30 pm the day of the meeting and will be distributed to agenda recipients prior to the meeting.
3. Emails received after 5:30 pm the day of the meeting will not be included in the record.

ELECTED OFFICIALS	CITY STAFF MEMBERS
Derek Timm, Mayor Jim Reed, Vice Mayor Jack Dilles, Council Member Randy Johnson, Council Member Donna Lind, Council Member	Brian Haddix, Interim City Manager Kirsten Powell, City Attorney Steve Walpole, Chief of Police Taylor Bateman, Community Development Director Casey Estorga, Administrative Services Director Chris Lamm, Public Works Director/City Engineer Tracy Ferrara, City Clerk

MEETING NOTICE AND AGENDA PACKET MATERIALS

Notice regarding City Council Meetings:

The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 pm.

Agenda and Agenda Packet Materials:

The City Council agenda and the complete agenda packet are available for review by 5:00 pm the Friday before the Wednesday meeting on the Internet at the City's website: <http://scottsville.org/AgendaCenter>. Due to COVID-19, City Hall is closed to the public therefore, the agenda is only available for viewing online.

Televised Meetings:

City Council meetings are cablecast "Live" on Community Television of Santa Cruz County on Comcast Channel 25 and are also available livestream on the Community TV website at the following link: <https://communitytv.org/watch/>

Zoom Meetings/Webinars:

For those wishing to participate via Zoom you can join from a PC, Mac, iPad, iPhone or Android device by entering or clicking on the following URL:

<https://us02web.zoom.us/j/83073744760>

CALL TO ORDER	6:02 PM
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MOMENT OF SILENCE

ROLL CALL

COMMITTEE REPORTS

Council members are appointed to committees which are either City committees or committees dealing with other jurisdictions. This portion of the agenda allows the committee member to present oral or written reports to the Council regarding their committee assignments. It also allows the Council to make comments and give the committee member direction, as required.
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CITY MANAGER REPORT

PUBLIC COMMENT TIME

This is the opportunity for individuals to make and/or submit written or oral comments to the Council on any items within the purview of the Council, which are NOT part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda.
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ALTERATIONS TO CONSENT AGENDA

Council can remove or add items to the Consent Agenda.
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CONSENT AGENDA

The Consent Agenda is comprised of items which appear to be non-controversial. Persons wishing to speak on any items may do so raising their hand to be recognized by the Mayor.
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- A. Approve City Council minutes of 6-16-2021
- B. Approve the non-collection of fees associated with the Light Up the Night Event, being held at the Scotts Valley Community Center on December 4, 2021, and sponsored by the Exchange Club of Scotts Valley

ALTERATIONS TO REGULAR AGENDA

Council can remove or add items to the Regular Agenda.
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REGULAR AGENDA

- 1. Consider first reading and introduction of Ordinance No. 198 repealing and replacing Title 8, Chapter 8.12 (Refuse) to Implement SB 1383, Solid Waste, Recyclable Material, Organic Material and Excluded Waste Management (City Attorney Powell)
- 2. Discussion of continued virtual meetings for City Council and Appointed Boards, Future Hybrid Meetings and Reopening of City Facilities (City Attorney Powell and Administrative Services Director Estorga)

3. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

ADJOURNMENT

NOTICE

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5602 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

PROCEDURAL INFORMATION FOR THE PUBLIC

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN
APPROVAL OF A RESOLUTION:**

1. Move the Resolution number for approval.
2. Second the motion.
3. Vote by body, a roll call vote is not required.

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN
INTRODUCTION/ADOPTION OF AN ORDINANCE:**

1. Move the Ordinance number for introduction (or adoption).
2. Move the Ordinance be introduced by title only and waive the reading of the text.
3. Read the Ordinance title.
4. Second the motion.
5. Vote by body, a roll call vote is not required.

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN
PUBLIC COMMENT/PUBLIC HEARINGS:**

Unless otherwise determined by the presiding officer of the meeting:

1. Three minutes allowed per individual to speak.
2. Five minutes allowed per individual representing a group of three or more.



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MINUTES

Meeting of the Scotts Valley City Council

Date: June 16, 2021

Time: 6:00 pm

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	Zoom Videoconference	The agenda was posted 6-11-21 at City Hall and on the Internet at www.scottsvally.org .

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:02 pm.

MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT:

Derek Timm, Mayor
Jim Reed, Vice Mayor
Jack Dilles, Council Member
Donna Lind, Council Member
Randy Johnson, Council Member

CITY STAFF MEMBERS PRESENT:

Tina Friend, City Manager
Kirsten Powell, City Attorney
Steve Walpole, Chief of Police
Taylor Bateman, Community Development Director
Casey Estorga, Administrative Services Director
Scott Hamby, Interim Public Works Director
Tracy Ferrara, City Clerk

SPECIAL SET MATTERS

- (1) Mayor Timm presented a Mayor's Proclamation declaring June as LGBTQ Pride month in the City of Scotts Valley.
- (2) Fire Chief Ron Whittle and Fire Captain Greg Vandervoort from the Scotts Valley Fire Protection District gave a presentation on fire safety. They stated that the Fire District will perform property inspections to assist with fire safety.

COMMITTEE REPORTS

CM Dilles reported that the Santa Cruz County Integrated Waste Management Local Task Force met and discussed food waste recycling mandates that will be implemented by the State in January 2022.

CM Dilles reported that he attended the AMBAG meeting as an alternative for Mayor Timm, where the Board discussed the Regional Housing Needs Assessment (RHNA) report that is being prepared in response to State guidelines. He stated that surveys will be going out to local Planning Departments by July 1st requesting information related to the RHNA.

CM Dilles reported that as a member of the Santa Margarita Groundwater Agency, he attended a Groundwater Sustainability Conference, where they received information related to the success and failure of Groundwater Sustainability Plans that are required of agencies in California in order to maintain healthy water for the next forty years.

CM Dilles reported that the Affordable Housing Subcommittee met regarding Agenda Item 3, Bay Village, which will be discussed later.

CM Dilles reported that the Seniors Advisory Council met and discussed the rollout of the new State Master Plan for Aging and planning meetings locally in order to implement goals to be consistent with the Master Plan.

CM Dilles reported that the Monterey Bay Area Resources District met and they discussed e-bike incentives.

CM Lind reported that the Santa Cruz Metropolitan Transit District met and discussed increasing ridership of the Highway 17 bus. She stated that they are also working on getting e-busses online.

CM Lind reported that she is working on the 4th of July parade planning and announced that it will be in person this year with the annual fly-over.

CM Johnson reported that the Santa Cruz County Regional Transportation Commission met and discussed the wild animal crossing near Laurel Curve on Highway 17, which begins construction in September. They also discussed a trail feasibility study of the Capitola Trestle.

Mayor Timm reported that the Economic Recovery Subcommittee met and they are working on the future recovery of businesses post-COVID. He reported that a survey is being prepared for businesses in order to get communication back on how the Subcommittee can help. They are also working on promoting businesses in Scotts Valley.

CITY MANAGER REPORT

COVID-19 Update: June 15th was the long-anticipated date of the California's reopening and lifting of most pandemic restrictions. OSHA is slated to take up the issue of requirements for employee masking at its meeting tomorrow night (June 17). The Governor indicated that rules adopted will be effective immediately. The City Council Economic Recovery Committee is tracking and will push out a notice to our business list with an update on the rules.

City Staffing Update:

- Last week, we said good-bye to retiring Associate Planner Brenda Stevens. Brenda has been part of the Scotts Valley staff for 28 years in various roles. She interacted with thousands of residents, contractors and architects and served our community well. Brenda will be sorely missed. We wish her well in retirement!
- Last week, we also welcomed our new HR/Payroll Analyst Laurie Hardison. A Scotts Valley local, Laurie is filling a critical role to support operations of her home city. Welcome Laurie!

Outside the Frame Project: Scotts Valley is participating in an innovative collaboration of the four cities in the county and county parks. Called Outside the Frame, this project encourages our community to get outside and into our beautiful parks. Each Mayor helped identify artists who painted five 4' by 4' pictures frames. Each frame is installed along a hike in each city's parks, to create a unique art hike. The installation in Scotts Valley will be in Glenwood East Preserve and completed by Friday, June 18th. Mayor Timm will be leading Scotts Valley's art hike on Sunday, June 20th at 1:00 p.m. We encourage the community to join the art hike and

PUBLIC COMMENT TIME

Byron Clenenden, Scotts Valley resident, expressed concerns regarding fire mitigation on the Erba Lane hillside and stated that he misses having the landscape debris boxes on Erba Lane.

Gretchen Brune, Scotts Valley resident, expressed concerns regarding fire mitigation on the Erba Lane hillside.

Natasha Katznelson, Scotts Valley resident, expressed concerns regarding fire safety on Erba Lane.

ALTERATIONS TO CONSENT AGENDA

CM Dilles requested that a separate vote be taken on Items M and N as he has a conflict of interest related to those items.

Ilo Nilsson, Bluebonnet/Bean Creek Community, requested that Item F be moved to the regular agenda for public comment.

Mayor Timm stated that due to CM Dilles' conflict of interest, the consent agenda will be voted on in two sections with Items M and N to be voted in Section 2. He recommended that Item F be heard after Item 6 on the regular agenda due to the large number of public hearings on the regular agenda.

M/S: Lind/Reed

To approve Consent Agenda Section 1 as amended moving Item F to the regular agenda for discussion to be heard after Item 6.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

CONSENT AGENDA SECTION 1

- A. Approve City Council minutes of 5-19-21
- B. Approve check registers dated 5-28-21
- C. Authorize the Mayor to execute the Fourth Amendment to Professional Services Agreement with Logan & Powell, LLP
- D. Approve Resolution No. 1847.3 granting consent to the County of Santa Cruz for the renewal of the Santa Cruz County Tourism Marketing District in the City of Scotts Valley predicated on the continuation of exemption of not-for-profit organizations from the TMD
- E. Authorize the City Manager to execute a subrecipient agreement, with any changes or amendments approved by the City Attorney, with the Boys and Girls Clubs of Santa Cruz County for CDBG-CV funding
- G. Authorize the City Manager to execute a three-year agreement, in a form approved by the City Attorney and any amendments thereto, with NeoGov for a not-to-exceed amount of \$85,609.62 for human resources services
- H. Approve Resolution No. 1139.25 approving the Investment Policy for the City of Scotts Valley

- I. Approve Resolution No. 1007.34 making certain findings including the selection of the two factors stated in the Fiscal Impact section above and adopting the 2021/2022 appropriations limit of \$220,044,816
- J. Authorize the City Manager to execute a professional services agreement, and any amendments thereto, with HouseKeys, in a form approved by the City Attorney, for the administration of the City's Below Market Rate (BMR) Program in an amount not to exceed \$75,000
- K. Approve the following documents for Skypark Field Repairs:
 - (1) Authorize a budget expenditure appropriation in the amount of \$140,346 from the General Fund, including the contract cost of \$116,955, plus a 20% contingency in the amount of \$23,391.
 - (2) Authorize the City Manager to execute the attached agreement with K&D Landscaping, Inc., and any amendments thereto in a form approved by the City Attorney, for the Skypark Field Repair Project.
- L. Approve the ratified terms for the FY 2021/22-2023/24 Memoranda of Understanding between the City and the PBU and PSA groups and authorize the City Manager to sign once finalized and authorize the City Manager and the Administrative Services Director to take any administrative actions necessary to effectuate the terms and conditions of the agreements
- O. Approve the non-collection of fees for the Library Summer Reading Performance to be held at Siltanen Park on July 24, 2021 from 1:00 to 4:00 pm

CONSENT AGENDA SECTION 2

M/S: Lind/Reed

To approve Consent Agenda Section 2.

Carried 4/1 (AYES: Johnson, Lind, Reed, Timm; ABSENT: Dilles)

- M. Approve the following Polo Ranch documents:
 - (1) Resolution No.1830.07, to approve the Final Map, Tract No. 1575, PD07-006 APN'S 024-281-04 and 024-281-03;
 - (2) Resolution No. 960.89, authorizing execution of the Subdivision Improvement Agreement for the Polo Ranch Subdivision, Tract No. 1575, end of Santa's Village Road, APN 024-281-04; and
 - (3) Resolution No. 960.90, authorizing execution of the Subdivision Improvement Agreement for the Polo Ranch Subdivision, Tract No. 1575, end of Santa's Village Road, APN 024-081-04.
- N. Approve the non-collection of fees for Music In The Park concert at Siltanen Park on September 26, 2021

ALTERATIONS TO REGULAR AGENDA

M/S: Reed/Lind

To approve the Regular Agenda as amended moving Item F to the regular agenda for discussion to be heard after Item 6.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

REGULAR AGENDA

PUBLIC HEARING(S) (To be heard after 6:30 p.m.)

- PUBLIC HEARING: Pinewood Estates Landscape Maintenance Assessment District: Resolution No. 1213.35; Annual Engineer's Report Pinewood Estates**

PWD Hamby presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED – 7:13 PM

No one came forward.

PUBLIC HEARING CLOSED – 7:13 PM

M/S: Lind/Dilles

To approve Resolution No. 1213.35 ordering and authorizing the levy and collection of assessments therein pursuant to the Landscaping and Lighting Act of 1972 for the Pinewood Estates Landscaping Maintenance District.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

- PUBLIC HEARING: Skypark Open Space Maintenance Assessment District No. 1: Resolution No. 1555-SP-033; Annual Engineer's Report Skypark)**

CM Reed recused himself from this item due to a conflict of interest as he lives in the Skypark residential development.

PWD Hamby presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED – 7:18 PM

Rodney Stanton, Skypark resident, proposed that the City Council consider allowing residents to move their fences along the back of the residential properties that back up to the Linear Park so that there is less property for the City to maintain.

Gillian McGlaze, Skypark resident, did not have sound, however, CM Lind stated that Gillian had reached out to her to work with City staff in order to coordinate volunteers to do some of the work on the Linear Park.

PUBLIC HEARING CLOSED – 7:22 PM

In response to Mr. Stanton's question regarding expansion of lots, CA Powell stated that there are restrictions, limitations and legal hurdles related to the ability of the City to sell public open space or park land.

M/S: Lind/Dilles

To approve Resolution No. 1555-SP-033 ordering and authorizing the levy and collection of assessments therein pursuant to the Landscaping and Lighting Act of 1972 for the Skypark Open Space Maintenance Assessment District.

Carried 4/1 (AYES: Dilles, Johnson, Lind, Timm; ABSENT: Reed)

3. **PUBLIC HEARING: Consider approval for a Planned Development Zoning Permit, Land Division, Design Review Application and Environmental Review in the High Density Residential General Plan and Zoning District for a ten-lot subdivision for the construction of ten units (six detached single-family dwellings and two attached duet/duplexes) and related site improvements on a 1.04 acre site located on Erba Lane (No Situs), APN's 022-481-18 and 022-481-22**

CDD Bateman introduced Paula Bradley, Planning Consultant, who presented the written staff report, provided a PowerPoint presentation and responded to questions from Council.

Charlie Eadie, Applicant Representative, spoke regarding the project and responded to questions from Council.

Larry Abitbol, Property Owner/Applicant, spoke regarding the project and the proposed art component, and responded to questions from Council.

PUBLIC HEARING OPENED – 8:27 PM

Matt Morras, spoke in support of the project.

Natasha Katznelson, spoke in opposition of the project due to pedestrian and vehicle traffic concerns, parking overflow impacts and water impacts.

Carol Netzley, expressed concerns about water and traffic, and encouraged rentals instead of home ownership.

Eric Brune, expressed concerns about pedestrian and vehicles traffic, fire-house safety, park access and off-site parking.

PUBLIC HEARING CLOSED – 8:41 PM

After Council discussion regarding affordable housing, the following change was made to condition number 49 of the Conditions of Approval as follows:

49. ~~Pursuant to Section 14 of the Scotts Valley Municipal Code the project shall comply with all applicable affordable housing requirements including the dedication of units and payment of in-lieu fees.~~

Before a Final Map is recorded, the developer shall enter into an Affordable Housing Agreement with the City. The Agreement shall include either one of the two following options as mutually agreed upon by the City and the developer. In the event City staff and the developer cannot agree on the option, the City Council shall be the final decision maker on the appropriate option.

Option #1 would require one low-income unit and one-moderate income unit to be provided. These two units would be 3-bedroom rental units. There would be no in-lieu fee required because the applicant will be providing 2 units rather than the 1 required unit.

Option #2 would require the provision of one 3-bedroom low-income unit. The in-lieu fee would be used to subsidize the difference between the affordable sales price of a moderate-income unit and the affordable sales price of a low-income unit. In the event the in-lieu payment is more than the price differential, the excess funds shall be paid to the City as the project's in-lieu fee contribution. In the event the in-lieu payment is less than the price differential, the developer shall be responsible for the shortfall to provide a low-income unit.

M/S: Lind/Dilles

To approve Resolution No. 1997 approving the Mitigated Negative Declaration for a ten-lot subdivision in the High Density Residential General Plan and Zoning District for ten units (six detached single-family dwellings and two attached duet/duplexes), and related site improvements on a 1.04-acre site located on Erba Lane (no situs), APN's 22-481-18 AND 22.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

M/S: Lind/Dilles

To approve first reading and introduction of Ordinance No. 16-ZC-230 approving a Planned Development District Overlay (PD19-001) for the "Bay Village Planned Development" for a ten-lot subdivision in the High Density Residential General Plan and Zoning District for ten units (six detached single-family dwellings and two attached duet/duplexes), and related site improvements on a 1.04-acre site located on Erba Lane (no situs), APN's 22-481-18 AND 22, and waive the reading thereof.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

M/S: Lind/Reed

To approve Resolution No. 1997.1 approving a Land Division (LD09-001) for the “Bay Village Planned Development” for a ten-lot subdivision in the High Density Residential General Plan and Zoning District for ten units (six detached single-family dwellings and two attached duet/duplexes), and related site improvements on a 1.04-acre site located on Erba Lane (no situs), APN’s 22-481-18 AND 22 as amended above with the changes to condition number 49 in the Conditions of Approval.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

M/S: Lind/Dilles

To approve Resolution No. 1997.2 approving Planned Development Permit (PD19-001) and Design Review (DR19-005) for the “Bay Village Planned Development” for a ten-lot subdivision in the High Density Residential General Plan and Zoning District for ten units (six detached single-family dwellings and two attached duet/duplexes), and related site improvements on a 1.04-acre site located on Erba Lane (no situs), APN’s 22-481-18 AND 22 as amended above with the changes to condition number 49 in the Conditions of Approval.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

4. **PUBLIC HEARING: Consider approval for a Planned Development Zoning Permit, Minor Land Division, Environmental Review and Design Review Application in the High Density Residential General Plan and Zoning District for a three-lot subdivision and a common parcel, for two new single-family dwellings and a new detached two-car garage for the existing single-family dwelling on a 0.43-acre site located at 4303 B Scotts Valley Drive, APN 022-902-11**

CDD Bateman introduced Paula Bradley, Planning Consultant, who presented the written staff report, provided a PowerPoint presentation and responded to questions from Council.

Rick Hochler, Owner/Developer, spoke regarding the project and responded to questions from Council.

PUBLIC HEARING OPENED – 9:46 PM

No one came forward.

PUBLIC HEARING CLOSED – 9:45 PM

CM Dilles expressed concerns regarding parking and recommended a parking easement on the existing property.

M/S: Johnson/Lind

To approve Resolution No. 1998 approving the Negative Declaration for the 4303 B Scotts Valley Drive Planned Development for a three-lot Subdivision and a Common Parcel in the High Density Residential General Plan and Zoning District for two single-family homes and a detached two-car garage for the existing single-family home and related site improvements on a 0.43 acre site located at 4303 B Scotts Valley Drive, APN 022-902-11.

Carried 4/1 (AYES: Johnson, Lind, Reed, Timm: NOES: Dilles)

M/S: Johnson/Reed

To approve first reading and introduction of Ordinance No. 16-ZC-231 approving a Planned Development District Overlay (PD19-004) for the 4303 B Scotts Valley Drive Planned Development for a three-lot Subdivision and a Common Parcel in the High Density Residential General Plan and Zoning District for two single-family homes and a detached two-car garage for the existing single-family home and related site improvements on a 0.43 acre site located at 4303 B Scotts Valley Drive, APN 022-902-11, and waive the reading thereof.

Carried 4/1 (AYES: Johnson, Lind, Reed, Timm: NOES: Dilles)

M/S: Johnson/Reed

To approve Resolution No. 1998.1 approving a Minor Land Division No. MLD19-002 for the 4303 B Scotts Valley Drive Planned Development for a three-lot Subdivision and a Common Parcel in the High Density Residential General Plan and Zoning District for two single-family homes and a detached two-car garage for the existing single-family home and related site improvements on a 0.43 acre site located at 4303 B Scotts Valley Drive, APN 022-902-11.

Carried 4/1 (AYES: Johnson, Lind, Reed, Timm: NOES: Dilles)

M/S: Johnson/Reed

To approve Resolution No. 1998.2 approving Planned Development Permit PD19-004 and Design Review DR19-014 for the 4303 B Scotts Valley Drive Planned Development for a three-lot Subdivision and a Common Parcel in the High Density Residential General Plan and Zoning District for two single-family homes and a detached two-car garage for the existing single-family home and related site improvements on a 0.43 acre site located at 4303 B Scotts Valley Drive, APN 022-902-11.

Carried 4/1 (AYES: Johnson, Lind, Reed, Timm: NOES: Dilles)

5. PUBLIC HEARING: Consider approval of Wastewater Rates for FY 2021/22 through FY 2025/26

CM Friend presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED – 10:05 PM

No one came forward.

PUBLIC HEARING CLOSED – 10:05 PM

M/S: Johnson/Lind

To approve Resolution No. 1198.73 establishing new wastewater rates for Fiscal Years 2021/22, 2022/23, 2023/24, 2024/25 and 2025/26.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

REGULAR AGENDA (resumed)

**6. Policy Direction on Use of American Rescue Plan Act (ARPA) Funds
(Administrative Services Director Estorga)**

ASD Estorga presented the written staff report and responded to questions from Council.

The following Bluebonnet Lane residents requested that the City Council provide funding for Bluebonnet Lane improvements:

Ilo Nilsson
Kathryn Griffio
Jolie Witten-Hannah

M/S: Johnson/Lind

To approve Resolution No. 1999 regarding the Receipt and Use of the Coronavirus State and Local Fiscal Recovery Funds from the American Rescue Plan Act of 2021

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

F. Approve the following FY 2021-22 Annual Budget resolutions:

- (1) Resolution No. 630.41 approving the final FY 2021-22 Annual Budget and making appropriations for the amounts budgeted.**
- (2) Resolution No. 1501.28 approving the continued collection of the Utility Users' Tax for FY 2021-22.**
- (3) Resolution No. 1932.2 approving a minimum reserve policy for the City's General Fund, General CIP Fund, Recreation Enterprise Fund and Wastewater Enterprise Funds (Council Policy No. 04-17)**

ASD Estorga presented the written staff report and responded to questions from Council.

Karin Meyer, Bluebonnet Neighborhood Safety Committee, gave a PowerPoint presentation and stated that the Bluebonnet neighbors are requesting the following recommendations be included in the FY 2021/22 Budget and CIP, at a cost of \$60,000, as an amendment to the Council approvals tonight in order to resolve the concerns of the Bluebonnet Lane Neighbors:

- Provide Class IV bike lanes to separate bikes and pedestrians from vehicles;
- Narrow car lanes to NACTO standards for traffic calming;
- Provide a raised crosswalk at the Monteville path for seniors and children to cross safely;
- Provide pavement resurfacing to quiet road noise

CM Friend spoke regarding the prioritization of projects in the ATP based on criteria and data. She also spoke regarding the requested mid-block crosswalk and lane widths, which would both need to be analyzed fully before anything can happen. She then reviewed the steps that have been taken by the City in response to neighborhood concerns, which include: (1) Installation of a downhill speed sign; (2) Worked with Santa Cruz Metropolitan Transit District to install a speed bump for cars existing the Metro onto Bluebonnet Lane; (3) Extension of the sidewalk by 430 feet to have a complete sidewalk on Bluebonnet Lane; (4) Modification of a City Ordinance to allow for traffic enforcement in the Metro parking lot; and (5) Striping refreshed on Bluebonnet Lane.

M/S: Reed/Dilles

In accordance with the Scotts Valley Municipal Code, the Council voted to continue the City Council meeting past 11:00 pm.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

Gina Cole, Bike Santa Cruz County, spoke in support of a mid-block crossing on Bluebonnet Lane as she does not feel that a mid-block crossing is a problem based on her research.

M/S: Lind/Reed

To approve Resolution No. 630.41 approving the final FY 2021-22 Annual Budget and making appropriations for the amounts budgeted

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

M/S: Lind/Dilles

To approve Resolution No. 1501.28 approving the continued collection of the Utility Users' Tax for FY 2021-22.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

M/S: Lind/Dilles

To approve Resolution No. 1932.2 approving a minimum reserve policy for the City's General Fund, General CIP Fund, Recreation Enterprise Fund and Wastewater Enterprise Funds (Council Policy No. 04-17).

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

7. Future Council agenda items

None.

CLOSED SESSION: Mayor Timm announced that City Council would be going into closed session to discuss the following:

- (1) Conference with labor negotiator re employee negotiations with Service Employees International Union (SEIU), Mid-Management Group and Management/Confidential Group.

Legal Authority: Government Code Section 54957.6

Name of Case: N/A

Staff Present: City Manager, City Attorney, Administrative Services Director

ADJOURNMENT

The meeting adjourned at 11:08 pm.

Approved: _____
Derek Timm, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 17, 2021

TO: Honorable Mayor and City Council

FROM: Chris Lamm, Public Works Director/City Engineer

**SUBJECT: REQUEST FOR NON-COLLECTION OF FEES FOR THE
LIGHT UP THE NIGHT EVENT SPONSORED BY THE
EXCHANGE CLUB OF SCOTTS VALLEY**

SUMMARY OF ISSUE

Until recently, the Light Up the Night Event has been an annual event sponsored by the Scotts Valley Parks & Recreation Advocates. With the loss of the Advocate's funding, the Scotts Valley Exchange Club has generously offered to take on the task of coordinating and putting on the event at the Scotts Valley Community Center on December 4th. This is an event that has been very well attended and enjoyed by our community for years.

The Exchange Club is requesting that City Council consider not collecting permit fees associated with the event, including the facility fee for use of the Community Center. The fees for this event have been waived in the past.

FISCAL IMPACT

The fiscal impact associated with this action will result in a loss of General Fund revenue in the amount of \$1,210.

STAFF RECOMMENDATION

It is recommended that Council approve the non-collection of fees associated with the Light Up the Night Event, being held at the Scotts Valley Community Center on December 4, 2021, and sponsored by the Exchange Club of Scotts Valley.

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November 10, 2021

Victor Alejandro
President, Exchange Club of Scotts Valley
1323 Weston Rd.
Scotts Valley, CA 95066

Dear City of Scotts Valley,

The Exchange Club of Scotts Valley, in partnership with other Community Service Organizations, are proposing to Host a Tree Lighting event in the Community Center of Scotts Valley on December 4th, 2021.

This allows the Community to gather in the spirit of giving to a local non-profit, Valley Churches United, as well as celebrate the Holiday spirit.

This is a request to waive the normal fees associated for the use of the Community Center to allow a higher contribution to the causes we care about.

There are other vendor expenses that are unavoidable. Any additional expense would lessen the likelihood that this would be a feasible endeavor.

We look forward to partnering with the City of Scotts Valley for a wonderful gathering of the Community in support of this year's Tree Lighting event.

Please let me know if a waiver of the fees is approved, or if any further review is required to obtain that approval.

Best regards,

A handwritten signature in black ink, appearing to read 'Victor', with a stylized flourish extending from the end.

Victor Alejandro

President, Exchange Club of Scotts Valley

c: 408-410-1566

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 17, 2021

TO: Honorable Mayor and City Council

FROM: Kirsten Powell, City Attorney

SUBJECT: **INTRODUCTION OF ORDINANCE NO. 198 IMPLEMENTING SB 1383, MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE**

SUMMARY OF ISSUE

At the March 17, 2021 City Council meeting, City staff presented information regarding organics recycling as required by Senate Bill 1383. The State passed Senate Bill 1383 (SB1383) in 2016 to reduce organic waste disposal by 75% and increase edible food recovery by 20% by 2025. SB 1383 also requires all businesses, residents, and multi-family apartments to have access to recycling programs that capture food scraps and landscaping waste, among other organic waste materials. Under this law, jurisdictions must provide organics recycling service to nearly all residents and businesses. Jurisdictions must also develop or expand existing organic collection systems in all sectors and plan for adequate organic processing. Additionally, jurisdictions must implement other requirements, such as contamination monitoring, record keeping, and reporting.

As directed by SB 1383, the California Department of Resources Recycling and Recovery (CalRecycle) developed prescriptive regulations to achieve the State's goals. The regulations comprise 127 pages and place requirements on multiple entities including cities, counties, special districts, residential households, commercial businesses, business owners, multi-family property owners or managers, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets. The SB 1383 Regulations require cities, counties and special districts that provide Solid Waste collection services to adopt and enforce an ordinance or an enforceable mechanism to implement relevant provisions of the regulations. Staff has prepared the attached ordinance to comply with this requirement. A summary of the key provisions is also attached.

The language in the new ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption. The SB 1383 Regulations include separate requirements for procurement of materials, such as a specified amount of compost or other material recovered from organic waste processing and procurement of recycled content paper. These separate requirements can be satisfied without action by the City Council.

FISCAL IMPACT

The introduction and adoption of this Ordinance will have no direct fiscal impact on the City. The overall implementation of SB 1383 will cause increased costs for the waste hauler and the City. Solid Waste collection rate increases have occurred and are expected to increase over a period of several years.

STAFF RECOMMENDATION

Staff recommends that the City Council hold the first reading and introduction Ordinance No. 198 repealing and replacing Title 8, Chapter 8.12 (Refuse) to Implement SB 1383, Solid Waste, Recyclable Material, Organic Material and Excluded Waste Management.

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Summary of Proposed Chapter 8.12 of the Scotts Valley Municipal Code

The text of Chapter 8.12 is based largely on a model ordinance developed by CalRecycle to assist local governments in complying with its SB 1383 Regulations. The regulations and ordinance are very detailed. This summary provides a general description of the key requirements.

8.12.010 Definitions

This section adopts definitions of the various terms used in the SB 1383 Regulations that the City is required to follow in administering the ordinance.

8.12.110 Single Family Requirements

As required by the SB 1383 Regulations this section provides that residents must 1) Have access to an organics recycling program--cart with appropriate lid color that accepts landscaping and food waste, 2) Place all organic waste in their curbside organics recycling container, 3) Place all recyclables in recycling cart, and 4) not contaminate carts with materials that do not belong in the cart.

8.12.120 Commercial and Multi-Family Requirements

Commercial and Multi-family properties must 1) Have access to an organics recycling program (cart or dumpster with appropriate lid color that accepts landscaping and food waste), 2) Place all organic waste in organics recycling container, 3) Place all dry recyclables in recycling, 4) not contaminate carts with materials that do not belong in the cart, 5) Businesses must train staff on which materials are acceptable in the recycling and organics recycling programs, 6) Businesses must include signage and color-coded lids on recycling and organics recycling bins in customer-facing locations such as lobbies or dining areas at fastcasual locations, and 7) Periodically monitor for contamination of recycling and organics recycling streams.

8.12.130 Waivers for Residential and Commercial Generators

Businesses that do not generate high volumes of organics waste as defined in this section or do not have adequate space in their trash enclosure may apply for a compliance waiver from the City.

8.12.140 Commercial Edible Food Generator Requirements

Certain food service businesses must make arrangements with edible food recovery operations to recover edible food. Tier 1 businesses will be required to make arrangements to recover edible food by 2022. Tier 2 businesses will be required to have edible food recovery programs by 2024.

8.12.150 Requirements for Food Recovery Organizations and Services

These entities will be required to document their edible food recovery activities.

8.12.160 Hauler and Facility Operator Requirements

The City's exclusive franchise hauler must provide organics recycling service and transport organics to an organics waste processing facility. Haulers and organics facility operators must provide reports to the City upon request within 60 days.

8.12.170 Self-Hauler Requirements

Businesses are allowed to self-haul their organic waste, such as spoiled produce from a grocery store or landscaping waste handled by a landscaping contractor, provided the materials are taken to a recycling facility and that the business provides the City with reports upon request.

8.12.200 Non-Local Entities and Local Education Agency Requirements

Non-local entities (such as special districts) and local education agencies shall comply with requirements 14 CCR Chapter 12, Article 5 and shall comply with Food Recovery requirements of Section 8.12.140.

8.12.210 Inspections and Investigations by City

City officials or their designee are authorized to enter into non-residential properties to assess compliance of provisions outlined in this Article.

ORDINANCE NO. 198

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY REPEALING AND REPLACING TITLE 8, CHAPTER 8.12 (REFUSE) TO IMPLEMENT SB 1383, SOLID WASTE, RECYCLABLE MATERIAL, ORGANIC MATERIAL AND EXCLUDED WASTE MANAGEMENT

BE IT ORDAINED by the City Council of the City of Scotts Valley as follows:

Section 1. Chapter 8.12 of Title 8 of the Scotts Valley Municipal Code, entitled “Refuse,” is hereby repealed in its entirety and is of no further force or effect.

Section 2. A new Chapter 8.12 of Title 8 of the Scotts Valley Municipal Code, entitled “” is hereby adopted to read as follows:

“Chapter 8.12 – Solid Waste, Recyclable Material, Organic Material and Excluded Waste Management

8.12.010	Definitions
8.12.020	Regulations for Accumulation
8.12.030	Burying and Burning of Materials
8.12.040	Unauthorized Use and Handling of Receptacles
8.12.050	Period of Accumulation Limited
8.12.060	Minimum Service—Containers
8.12.070	Materials Transportation
8.12.080	Collection
8.12.090	Placing for Collection
8.12.100	Emergency Removal
8.12.110	Single Family Requirements
8.12.120	Commercial and Multi-family Requirements
8.12.130	Waivers for Residential and Commercial Generators
8.12.140	Commercial Edible Food Generators Requirements.
8.12.150	Requirements for Food Recovery Organizations and Services
8.12.160	Hauler and Facility Operator Requirements
8.12.170	Self-Hauler Requirements
8.12.180	Compliance with CALGreen Recycling Requirements
8.12.190	Model Water Efficient Landscaping Ordinance Requirements
8.12.200	Non-Local Entities and Local Education Agency Requirements
8.12.210	Inspections and Investigations by City
8.12.220	Enforcement
8.12.230	Effective Date

8.12.010 - Definitions.

Words used in this chapter are defined as hereinafter provided, as follows:

- (a) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- (b) "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities, counties, special districts, and other regulated entities.
- (c) "City" means the City of Scotts Valley, California, a political subdivision of the State of California, and its duly authorized representatives.
- (d) "City Enforcement Official" means the city code enforcement officer, city manager, or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing the chapter. See also "County Agency Enforcement Official".
- (e) "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling with five or more units, or as otherwise defined in 14 CCR Section 18982(a)(6); with the exception that Multi-Family is excluded from this definition. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this chapter.
- (f) "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Definitions (xxx) and (yyy) of this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (g) "Compliance Review" means a review of records by the City to determine compliance with this chapter.
- (h) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this chapter, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- (i) "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

- (j) "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (k) "County" means the County of Santa Cruz, California.
- (l) "County Agency Enforcement Official" means an authorized designee of the County of Santa Cruz in the Health Services Agency or other departments who is/are partially or whole responsible for enforcing the chapter.
- (m) "Customer" means the person who receives the collection contractor's services and to whom the Exclusive Hauler submits its billing invoice to and collects payment from for collection services provided to a premises. The Customer may be either the occupant, owner, or property manager of the premises.
- (n) "C&D" means construction and demolition debris.
- (o) "Dead animals" means those animals that die naturally, from disease, or are accidentally killed, but shall not mean condemned animals or parts of animals from slaughterhouses or similar places.
- (p) "Designee" means an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities of this chapter as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (q) "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (r) "Enforcement Action" means an action of the City to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (s) "Enforcement Entity" means an appointed designee for the enforcement of this chapter. A designee may be the City Enforcement Official, County Enforcement Official, or other designee.
- (t) "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or

accepted at the facility by permit conditions, waste that in City's or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City or its Designees to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, and household batteries when such materials are defined as allowable materials for collection through the City's collection programs and the Generator or Customer has properly placed the materials for collection pursuant to instructions provided by City or Exclusive Hauler for collection services.

- (u) "Exclusive Hauler" means the collection contractor that has been granted the exclusive rights to collect Recyclable Materials, Organic Materials, Solid Waste, and C&D in the City through the agreement entered into by the collection contractor and the City.
- (v) "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (w) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (x) "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (y) "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

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

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

- (z) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (aa) “Food Scraps” means those discarded materials that will decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) discarded paper (including paper containers and cartons) that is contaminated with Food Scraps and compostables; (iv) fruit waste, grain waste, dairy waste, meat, and fish waste; and, (v) vegetable trimmings, houseplant trimmings and other compostable organic waste common to the occupancy of Residential dwellings. Food Scraps are a subset of Organic Waste. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (bb) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (cc) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- (dd) “Food Waste” includes Food Scraps and Food-Soiled Paper, and includes Compostable Plastics, unless City, its Designee, or Exclusive Hauler excludes Compostable Plastics in the Organic Materials Containers.
- (ee) “Generator” means any person whose act first causes discarded materials to become subject to regulation under this chapter 8.12 of the City Code or under federal, State, or local laws or regulations.
- (ff) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (gg) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

- (hh) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (ii) “Inspection” means a site visit where a City or its Designee reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (jj) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.
- (kk) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.
- (ll) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (mm) “Materials” means any item falling under the definitions of Solid Waste, Recyclable Material, Organic Material, and Excluded Waste.
- (nn) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises

do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses. Residential premises with fewer than five (5) dwelling units shall be considered Single-Family.

- (oo) “MWELO” refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.
- (pp) “Non-Compostable Paper” includes, but is not limited to, paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- (qq) “Non-Local Entity” means the following entities that are not subject to the Jurisdiction’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
 - (1) Special district(s) located within the boundaries of the City.
 - (2) Federal facilities, including military installations, located within the boundaries of the City.
 - (3) Prison(s) located within the boundaries of the City.
 - (4) Facilities operated by the State park system located within the boundaries of the City.
 - (5) Public universities (including community colleges) located within the boundaries of the City.
 - (6) County fairgrounds located within the boundaries of the City.
 - (7) State agencies located within the boundaries of the City.
- (rr) “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (ss) “Organic Materials” means Yard Waste, Food Waste, lumber, and wood waste.
- (tt) “Organic Materials Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Materials.
- (uu) “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, Yard Waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

- (vv) "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (ww) "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (xx) "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (yy) "Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Recyclable Materials Container that are not identified as acceptable Source Separated Recyclable Materials for the City's Recyclable Materials Container; (ii) discarded materials placed in the Organic Materials Container that are not identified as acceptable Source Separated Organic Materials for the City's Organic Materials Container; (iii) discarded materials placed in the Solid Waste Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Materials to be placed in City's Organic Materials Container and/or Recyclable Materials Container; and, (iv) Excluded Waste placed in any container.
- (zz) "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (aaa) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (bbb) "Recyclable Materials" means materials authorized by Exclusive Hauler listing.
- (ccc) "Recyclable Materials Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
- (ddd) "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- (eee) "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Recyclable Materials Containers, Organic Materials Containers, and Solid Waste Materials Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

- (fff) “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- (ggg) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (hhh) “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- (iii) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- (jjj) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (kkk) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A). Self-hauler also includes a landscaper.
- (III) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (mmm) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- (nnn) "Solid Waste Materials Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Solid Waste.
- (ooo) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the chapter, Source Separated shall include separation of materials by the Generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Solid Waste for the purposes of collection and processing.
- (ppp) "Source Separated Organic Materials" means Source Separated Organic Materials that can be placed in an Organic Materials Container that is specifically intended for the separate collection of Organic Waste.
- (qqq) "Source Separated Recyclable Materials" means Source Separated Recyclables Materials that can be placed in a Recyclable Materials Containers that is specifically intended for the separate collection of Recyclable Materials. Source Separated Recyclable Materials.
- (rrr) "State" means the State of California.
- (sss) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(ttt) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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

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

(uuu) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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

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

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

(www) "Yard Waste" means tree trimmings, grass cuttings, dead plants, leaves, branches and dead trees (not more than three (3) inches in diameter), garden and tree fruits and vegetables, and similar materials generated and Source Separated from other materials at the Premises.

8.12.020 - Regulations for accumulation.

It is unlawful for any person to deposit, keep, accumulate, or permit or cause any material to be deposited, kept, or accumulated upon any lot or parcel of land, streets, and

alleys or drives, unless the same is kept, deposited, or allowed to accumulate in galvanized metal receptacles provided with handles, or acceptable plastic containers.

Storage within buildings, or outside and within five feet of a combustible surface, must be within a metal receptacle. Storage of combustibles within a building in individual containers of one and one-half cubic yards or greater shall be provided with a one-hour occupancy separation from the remaining area of the building or protected by an automatic fire sprinkler head(s). Outside storage within five feet of combustible surfaces may be allowed when protected by an automatic fire sprinkler head.

Receptacles shall have a capacity of not less than twenty gallons, nor more than six yards, unless an approved container of larger size is provided by the Exclusive Hauler, and the receptacles shall be provided with close-fitting lids or covers which shall be kept closed at all times except when necessarily opened to permit deposit or removal of material. Container shall be kept in sanitary condition by owners and free of holes that might cause leakage or the emission of any offensive vapors, gases or odors. No container shall be placed in any manner such that the container impedes normal vehicular traffic, public transportation or pedestrian or wheelchair access to public rights-of-way. No material containers shall be placed at curbside or other location visible to the public more than twenty-four hours preceding the day of scheduled collection by the Exclusive Hauler and shall be removed from the curbside or any other location visible to the public within twenty-four hours the day immediately following the scheduled collection by the contractor.

8.12.030 - Burying and burning of materials.

No person shall place any solid waste, recyclable material, organic material, or excluded waste upon or beneath the surface of any premises. No person shall burn any materials, except that dry waste may be burned by owners or producers thereof on privately owned property, when the hours and conditions of such burning have been approved in advance by the Monterey Bay Air Resources District. No person shall burn any material which shall cause an obnoxious odor.

8.12.040 - Unauthorized use and handling of receptacles.

- (a) It is unlawful for any person to deposit, keep, accumulate or permit or cause any material to be deposited, kept or accumulated in any material container owned or rented by any owner, resident or tenant, except that prior permission be obtained from the owner or renter of the material container.
- (b) No person other than the owner, his agents or employees or the contractor shall handle any source separated or solid waste containers or remove the contents thereof from the location where the same has been placed by such owner or his agent.

8.12.050 - Period of accumulation limited.

Every person occupying or who owns property occupied by others where there is any accumulation of Source Separated Organic Material and Solid Waste materials shall dispose of the materials in some lawful manner at least once each calendar week. In cases of premises containing more than one dwelling unit, pick-up must be at least once per week per unit with the container equal to at least one twenty gallon container per unit.

8.12.060 - Minimum service—Containers.

- (a) Commercial, business, apartments, multi-family, and industrial manufacturing occupancy must have the minimum of once-a-week service. Each separate occupancy shall have its own containers, or access to a container large enough to dispose of all material generated by all occupancies using the container.
- (b) Each commercial, business, industrial, apartment, multi-family, or manufacturing occupancy shall maintain its material container(s) in an area(s) approved by the Community Development Director or duly appointed assistant, hereafter known as "agent of the city" or "agent" in accordance with the following criteria: containers shall be within an enclosure(s) constructed and consisting of a concrete floor or asphalt no less than six inches in depth, surrounded by a minimum five-foot sight-obscuring wall or fence and having a gate (unless otherwise determined to be unnecessary for proper access), and of a size approved by the "agent" as safe and adequate for the intended use. The fence, gate and surface inside the enclosure must be kept in sound repair.
- (c) Commercial, business, apartments, multi-family, and industrial manufacturing shall provide adequate, accessible, and convenient areas for collecting and loading materials.
- (d) Multi-Family External Storage Requirements. Multi-Family residential solid waste, recycling and organics receptacles must be stored in a trash enclosure or trash room for all units without access to an individual garage. Trash enclosures/trash rooms must be distributed throughout larger complexes so that no resident will have to travel more than 250 feet to reach a trash enclosure/trash room. Trash enclosures/trash rooms for multi-family unites must observe requirements of the current California Building Code regarding accessibility to solid waste collection receptacles for persons with disabilities as required by CCR Title 24, Part
- (e) Commercial External Storage Requirements. Capacity of trash enclosure areas must have adequate storage space for waste and recycling. Compactors, composting systems, food waste bins, and fats, oils and grease bins should also be stored in an enclosure or inside a building. Trash enclosures used by food-related facilities must provide sufficient space for separate food/organics bins and grease barrel/tallow bin. Trash enclosures shall be designed based on the size of the bins, the number of bins, the tenant or property use, but should remain under 500sf. If additional capacity is required, another trash enclosure must be added.

8.12.070 - Materials transportation.

No materials shall be removed and carried on and along a public right-of-way of the city except that same be carried, conveyed or hauled in conveyances so constructed as to be dustproof, and so arranged as not to permit dust or other matter to sift through or fall upon a public right-of-way. The contents of such conveyances must be completely covered and enclosed so as to prevent the contents from being blown upon the public right-of-way and adjacent lands.

8.12.080 - Collection.

- (a) It is unlawful for any person other than the City or Exclusive Hauler to engage in the business of collection, disposing of, transporting, carrying or conveying through the

public right-of-way of the city any matter offensive to the sight, provided, however, that material collection or disposal contractors when serving the municipalities county material collection district, state or federal institutions or any person in the employ of such governmental agencies may haul such materials and provided no loss occurs from such vehicles upon the public right-of-way. Nothing shall prevent a producer from hauling his own materials to a designated disposal site.

- (b) Exclusive Hauler shall have the sole and exclusive right for material collection services provided for in this code as it relates to all residential areas, to each single-family dwelling, to all multiple apartment units, to all commercial, business, industrial, and manufacturing establishments, located within the city boundaries of this city, with the following exceptions:
 - (1) That whenever a commercial, business, industrial or manufacturing establishment produces rubbish or debris that has resaleable value, it may negotiate with a scavenger company other than the contractor under contract with the city, for the opportunity of selling these specific items. The scavenger company providing this service must receive a permit issued by the fire chief or delegated representative and obtain a business license pursuant to Title 5 of this Code.
 - (2) In those cases where a commercial, business, industrial or manufacturing establishment can show to the satisfaction of the fire chief or delegated representative that the contractor under contract with the city cannot provide the necessary service required by said establishment, the fire chief may grant a permit for a scavenger company other than the contractor to provide service to the establishment. Scavenger company requesting this permit must also obtain a business license pursuant to Chapter 5.04 of this Code.

8.12.090 - Placing for collection.

The Exclusive Hauler shall collect and remove, from all places and premises in the city, all material which is contained in a receptacle of the type or kind prescribed by this chapter, located no more than fifty feet from face of curb or curb line of a public right-of-way or private alley accessible to the contractor.

8.12.100 - Emergency removal.

Nothing in this chapter shall be deemed to prohibit the removal and hauling by any unlicensed person of materials considered by the health officer or fire chief to constitute a health menace of such nature as necessary to be ordered by any of said officers to be promptly removed.

8.12.110– Single Family Requirements.

- (a) Owner, occupant, or property manager of Single-Family premises, except those that meet the Self-Hauler requirements in 8.12.170 of this chapter shall subscribe to the City's Source Separated and Solid Waste collection services for all Recyclable Materials, Organic Materials, and Solid Waste generated as described below in Section (b). City or its Designee shall have the right to review the number and size of a Recyclable Materials Containers, Organic Materials Containers, and Solid Waste Containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, owner,

occupant, or property manager of Single-Family premises shall adjust its service level for its collection services as requested by the City or its Designee. Owner, occupant, or property manager may additionally manage their Source Separated and Solid Waste by preventing or reducing their discarded materials, by managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- (b) Generators shall participate in the City's Source Separated and Solid Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.
- (c) Generators shall place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container. Generators shall not place materials designated for the Solid Waste Container into the Recyclable Materials Container or Organic Materials Container.

8.12.120 – Commercial and Multi-family Requirements.

- (a) Commercial Businesses and Multi-Family Residential Dwellings shall comply with the following requirements:
 - (1) Subscribe to City's Source Separated and Solid Waste collection services and comply with requirements of those services as described below in 8.12.120(b), except Commercial Businesses and Multi-Family Residential Dwellings that meet the Self-Hauler requirements in 8.12.170 of this chapter. City or its Designee shall have the right to review the number and size of a Commercial Business's or Multi-Family Residential Dwellings' Source Separated and Solid Waste containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, owner, occupant, or property manager of Commercial Businesses and Multi-Family Residential Dwellings shall adjust their service level for their collection services as requested by the City or its Designee.
 - (2) Except Commercial Businesses and Multi-Family Residential Dwellings that meet the Self-Hauler requirements in Section 8.12.170 of this chapter, participate in the City's Source Separated and Solid Waste collection service(s) by placing designated materials in designated containers. Commercial and Multi-Family Generators shall place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Containers Generator shall not place materials designated for the Solid Wastes Container into the Organic Materials Container or Recyclable Materials Container.
 - (3) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with City's Source Separated and Solid Waste collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with Section 8.12.170.

- (4) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and proper sorting of Source Separated Materials.
 - (5) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Materials and separate from Solid Waste and the location of containers and the rules governing their use at each property.
 - (6) Provide or arrange access for City or its Designee to their properties during all Inspections conducted in accordance with 8.12.210 of this chapter to confirm compliance with the requirements of this chapter.
 - (7) Accommodate and cooperate with City's or its Designee's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate Generator's compliance with 8.12.210(b). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Source Separated and Solid Waste Materials Containers.
 - (8) At Commercial Business's or Multi-Family Residential Dwelling's option and subject to any approval required from the City or its Designee implement a Remote Monitoring program for Inspection of the contents of its Source Separated and Solid Waste Materials Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Source Separated and Solid Waste Materials Containers subject to written notification to or approval by the City or its Designee.
 - (9) If a Commercial Business or Multi-Family Residential Dwelling wants to self haul, meet the Self-Hauler requirements in 8.12.170 of this chapter.
- (b) Commercial Businesses shall also comply with the following requirements:
- (1) Provide containers for the collection of Source Separated materials in all indoor and outdoor areas where containers for Solid Waste are provided for customers, for materials generated by that Commercial Business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the Commercial Business does not have to provide that particular container in all areas where solid waste containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Commercial Business shall have either:
 - (i) A body or lid that conforms with the container colors provided through the collection service provided by the Exclusive Hauler, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply

with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

- (ii) Existing containers shall be clearly marked with educational signage indicating the appropriate material types to be placed in each container in accordance with requirements of the Exclusive Hauler's collection program. Commencing January 1, 2022, new containers shall have container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container pursuant 14 CCR Sections 18984.8 and 18984.9.
- (2) To the extent practical through education, training, Inspection, and/or other measures, shall prohibit employees from placing materials in a container not designated for those materials per the City's Separated Source and Solid Waste collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with 8.12.170.
- (3) Periodically inspect Separated Source and Solid waste containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (4) For Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators, comply with Food Recovery requirements, pursuant to 8.12.140.
- (c) Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

8.12.130 – Waivers for Residential and Commercial Generators.

- (a) De Minimis Waivers. The City may waive a Commercial Business' or Multi-Family Residential Dwellings' obligation to comply with some or all of the Source Separated Material requirements of this chapter if the Commercial Business or Multi-Family Residential Dwellings provides documentation that it generates below a certain amount of Recyclable Materials and Organic Materials as described in 8.120.130(a)(2) below. Commercial Businesses or Multi-Family Residential Dwellings requesting a de minimis waiver shall:
 - (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in 8.12.130(a)(2) below.
 - (2) Provide documentation that either:
 - (A) The Commercial Business' or Multi-Family Residential Dwellings' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recyclable Materials Container and/or Organic Materials Container comprises less than 20 gallons per week per applicable container of the Commercial Business's or Multi-Family Residential Dwellings' total waste; or,

- (B) The Commercial Business' or Multi-Family Residential Dwellings' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recyclable Materials Container and/or Organic Materials comprises less than 10 gallons per week per applicable container of the Commercial Business's or Multi-Family Residential Dwellings' total waste.
- (3) Notify City if circumstances change such that Commercial Business's or Multi-Family Residential Dwelling's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
- (4) Provide written verification of eligibility for de minimis waiver every 5 years, if City has approved de minimis waiver.
- (b) Physical Space Waivers. City may waive a Commercial Business's or Multi-Family Residential Dwelling's or property owner's obligations to comply with some or all of the Recyclable Materials and/or Organic Waste collection service requirements if the City has reliable evidence from its own staff, the Exclusive Hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of 8.12.120.

A Commercial Business or Multi-Family Residential Dwelling owner or property owner may request a physical space waiver through the following process:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- (2) Provide documentation that the premises lacks adequate space for Recyclable Materials Containers and/or Organic Materials Containers including documentation from its Exclusive Hauler, licensed architect, or licensed engineer.
- (3) Provide written verification to City that it is still eligible for physical space waiver every five years, if City has approved application for a physical space waiver.
- (c) The Department of Public Works will review and approve of waivers by City.

8.120.140 – Commercial Edible Food Generators Requirements.

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024 pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators providing food service shall comply with requirements of this Section, commencing January 1, 2024. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:

- (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (d) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).
- 8.12.150 – Requirements for Food Recovery Organizations and Services.
- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14

CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services shall inform Generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than January 31.
- (e) In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, City or its Designee, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City or its Designee shall respond to such request for information within 60 days, unless another timeframe is otherwise specified by the City.

8.12.160 – Hauler and Facility Operator Requirements.

(a) Requirements for Haulers

- (1) The Exclusive Hauler providing Single-family, Multi-family Residential Dwellings, and Commercial Recyclable Materials, Organic Waste, C&D, and Solid Waste collection services to Generators within the City's boundaries shall meet the following requirements and standards:
 - (A) Transport:(i) Source Separated Recyclable Materials to a facility that recovers Recyclable Materials; (ii) transport Source Separated Organic Materials to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2; and (iii) Solid Waste to a Disposal facility; and all facilities shall be approved by the City through the Exclusive Hauler's collection agreement with the City.
- (2) The Exclusive Hauler authorized to collect Source Separated Materials and Solid Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into by the Exclusive Hauler and the City.

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

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

8.12.170 – Self-Hauler Requirements.

- (a) Self-Haulers shall Source Separate all materials in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste that is mixed with Solid Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated materials to facilities that recover those materials. Alternatively, Self-Haulers may haul Organic Waste that is mixed with Solid Waste to a High Diversion Organic Waste Processing Facility.
- (c) Self-Haulers that are owners or property managers of Commercial Businesses and Multi-Family Residential Dwellings shall keep a record of the amount of Recyclable Materials and Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Recyclable Materials Organic Waste; this record shall be subject to Inspection by the City or its Designee. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the Recyclable Materials, Organic Waste, or Solid Waste.

- (2) The amount of material in cubic yards or tons transported by the Generator to each entity.
- (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Recyclable Materials, Organic Waste, or Solid Waste.
- (d) Self-Haulers that are owners or property managers of Commercial Businesses and Multi-Family Self-Haulers shall provide information collected in 8.120.260(c) to City or its Designee, if requested.
- (e) A Single-Family Generator that self hauls Recyclable Materials, Organic Waste, or Solid Waste is not required to record or report information in 8.120.260(c) and (d).

8.12.180 – Compliance with CALGreen Recycling Requirements.

Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen and enforced by the City Municipal Code Section 15.04.060 and Chapter 17.51.

Project applicants shall refer to City's building and/or planning divisions for complete CALGreen requirements.

8.120.190 – Model Water Efficient Landscaping Ordinance Requirements.

Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with an applicable landscape area, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO and any revised requirements of 23 CCR, Division 2, Chapter 2.7.

8.120.200 – Non-Local Entities and local education agency requirements.

- (a) Non-Local Entities and Local Education Agencies shall comply with requirements 14 CCR Chapter 12, Article 5 to prevent and reduce the generation of Organic Waste.
- (b) Local Education Agencies with on-site Food Facility shall comply with Food Recovery requirements of 8.120.230 of this chapter.

8.120.210 – Inspections and Investigations by City.

- (a) City representatives or its Designee representatives are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this chapter by Single-Family Generators, Commercial Businesses, Multi-Family Residential Dwellings, property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, and other entities regulated hereunder subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business and Multi-Family Residential

Dwellings containers for compliance with 8.12.120(b) of this chapter, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses and Multi-Family Residential Dwellings shall accommodate and cooperate, if applicable, with the Remote Monitoring pursuant to 8.12.120 of this chapter.

- (b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's or its Designee's employee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described.
- (c) Any records obtained during Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this chapter, including receipt of anonymous complaints.

8.120.220 – Enforcement.

- (a) Violation of any provision of this chapter shall be enforced in accordance with Title 4 of this Code. Violations of any provision of this chapter constitute grounds for issuance of a Notice of Violation and assessment of a fine. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The Enforcement Entity may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of Entity's resources.
- (b) Responsible Entity for Enforcement
 - (1) Enforcement Entity's pursuant to this chapter may be undertaken by the City Enforcement Official, County Agency Enforcement Official, or combination thereof, see Definitions Section 8.12.010 (d) and (l).
 - (A) The Enforcement Entity will interpret this chapter; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
 - (B) The Enforcement Entity's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.
 - (C) The Enforcement Entity may issue Notices of Violation(s).

(c) Process for Enforcement

- (1) The process for enforcement shall be in accordance with Chapter 4 of the Scotts Valley Municipal Code. The Enforcement Entity will monitor compliance through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Chapter 8.12.210 establishes City's right to conduct Inspections and investigations.
- (2) The Enforcement Entity may issue an official notification to notify regulated entities of its obligations under this chapter.
- (3) Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

(d) Penalty Amounts for Types of Violations

The penalty levels follow City Municipal Code Section 4.14.070.

(e) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the Enforcement Entity determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to 8.120.310, as needed.

8.12.230 – Effective Date.

This chapter shall be effective commencing on January 1, 2022."

Section 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

Section 3. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. CEQA COMPLIANCE. The City Council finds and determines that the enactment of this Ordinance is exempt from the California Environmental Quality Act ("CEQA" Cal.Pub.Res.Code Section 21000 et seq.) and the State CEQA Guidelines (Cal.Code of Regs. Title 14, Section 15000 et seq.) in accordance with CEQA Guidelines Section 15061(a)(3) as there is no possibility that the activity in question may have a significant effect on the environment. Therefore, no environmental assessment is required or necessary.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2022. Prior to the expiration of 15 days from the date of adoption, this Ordinance shall be published in three public places within the City.

This ordinance was introduced on the 17th day of November, 2021, and was passed and adopted by the City Council of the City of Scotts Valley on the 1st day of December, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Derek Timm, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 17, 2021

TO: Honorable Mayor and City Council

FROM: Kirsten M. Powell, City Attorney

SUBJECT: **DISCUSSION OF CONTINUED VIRTUAL MEETINGS FOR CITY COUNCIL AND APPOINTED BOARDS, FUTURE HYBRID MEETINGS AND REOPENING OF CITY FACILITIES**

SUMMARY OF ISSUE

On October 26, 2021, the City Council passed Resolution No. 2007, authorizing continued virtual meetings. Pursuant to AB 361, legislative bodies may use teleconferencing to conduct public meetings during a proclaimed State of Emergency, as defined under the California Emergency Services Act, if one of the following circumstances apply: (A) State or local officials have imposed or recommended measures to promote social distancing; (B) The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Resolution No. 2007 relied upon the State of Emergency the Governor proclaimed on March 4, 2020 which is still in effect today, the recommended measures to promote social distancing and the community transmission rate in Santa Cruz County which was moderate at the time. The State of Emergency is still in place. Health officials are still recommending measures to promote social distancing. Due to the Delta variant, the transmission rate in Santa Cruz County is now significant. As a result, holding public meetings of the City Council or other appointed bodies in person continues to present imminent risks to the health and safety of attendees.

At the last meeting, the City Council requested that staff look into the possibility of reopening City facilities to the public and holding hybrid meetings. Staff has been researching what is required for those items and will provide an update at the meeting and seek direction from the City Council.

FISCAL IMPACT

There is no fiscal impact associated with continuing virtual meetings.

STAFF RECOMMENDATION

Receive staff report and provide guidance on limited reopening of City facilities and hybrid meetings and adopt Resolution No. 2007.1.

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RESOLUTION NO. 2007.1

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY
AUTHORIZING THE CONTINUED USE OF TELECONFERENCED MEETINGS
PURSUANT TO ASSEMBLY BILL 361**

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency, pursuant to the Emergency Services Act, in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain requirements of Government Code section 54950 *et seq.*, the Ralph M. Brown Act ("Brown Act"), in order to allow local legislative bodies to conduct meetings telephonically or electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, providing that the provision suspending the Brown Act requirements in Executive Order N-29-20 would remain in effect through September 30, 2021, at which point the suspension would expire; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue teleconferencing during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees;

WHEREAS, the State of Emergency proclaimed by the Governor on March 4, 2020, remains in effect; and

WHEREAS, state and local officials have imposed and/or recommended measures to promote social distancing, as demonstrated by both the California Department of Public Health's and the Santa Cruz County Health Officer's recommendations that all individuals wear masks indoors; and

WHEREAS, since early August, the highly contagious delta variant has caused increased community transmission and rates of hospitalizations within the County; and

WHEREAS, according to the CDC, community transmission of COVID-19 in Santa Cruz County is now significant due to the unpredictable nature of the virus and potential proliferation of COVID-19 variants; and

WHEREAS, on October 26, 2021, the City Council of the City of Scotts Valley passed Resolution No. 2007 to continue the use of virtual meetings; and

WHEREAS, the City Council of the City of Scotts Valley hereby finds and determines that the above conditions continue to create an imminent risk to the health and safety of attendees should they be required to attend meetings in person in a shared indoor public meeting space; and

WHEREAS, the City Council wishes to authorize remote meetings as set forth in this Resolution.

NOW THEREFORE, be it resolved by the City Council of the City of Scotts Valley as follows:

A. The City hereby acknowledges the Governor of the State of California's Proclamation of State of Emergency related to the COVID-19 pandemic remains in effect; and

B. The City finds that due to the continued threat of COVID-19 transmission in the community, holding in person meetings for the City Council and other appointed bodies of the City of Scotts Valley would present imminent risks to the health or safety of attendees.

C. The City Council and other appointed bodies of the City of Scotts Valley are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

D. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty days from the adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and the appointed bodies of the City of Scotts Valley may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 17th day of November, 2021 by the following vote:

AYES:

NOES

ABSENT:

ABSTAIN:

Approved: _____
Derek Timm, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk