

**CITY COUNCIL OF PARLIER  
REGULAR MEETING  
AGENDA**

**DATE:** THURSDAY, FEBRUARY 3, 2022  
**TIME:** 6:30 PM  
**PLACE:** Parlier City Hall  
1100 E. Parlier Avenue  
Parlier, CA 93648

Mayor Pro tem Pimentel will be attending by telephone from 305 Fett Street, Parlier, CA. 93648.

**CALL TO ORDER/WELCOME:**

**Roll Call:** Mayor Alma M. Beltran, Mayor Pro-Temp Trinidad Pimentel, Councilwoman Diane Maldonado, Council woman Sabrina Rodriguez, Council woman Cathryn "Kathy" Solorio, City Clerk Dorothy Garza and Treasurer Michelle Lopez.

**FLAG SALUTE:** Mayor Alma M. Beltran

**INVOCATION:**

**ADDITIONS/DELETIONS:**

**PRESENTATIONS/INFORMATIONAL:**

Ryan Jolley, City Auditor, Presentation of Fiscal Year 2020-2021 Financial Audit Report

**PUBLIC COMMENT:**

At this time any citizen may address the City Council on matters not appearing on the agenda that are within the jurisdiction of the City of Parlier. Speakers shall limit their comments to three (3) minutes unless extended by the Mayor. Please begin your comments by stating your name and City of residence.

The City Council is prohibited by law from taking collective formal action on matters raised during public that are not on the agenda, but individual council members may respond to anyone providing any public comment. No adverse conclusion should be drawn if the City Council does not respond to any public comment. Responses to public comment by individual city council members may or may not reflect the views of any other, or of a majority of council members. The Council may refer the matter to the City Manager or staff or request that it be placed on a future agenda.

**CONSENT CALENDAR:**

All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of items appearing on the Consent Calendar unless requested to be removed for separate discussion and acted on by separate vote.

1. Approve the Check Reports dated December 13, 2021 to January 31, 2022.
2. Approve the Minutes dated January 20, 2022.
3. Waive all fees and approve the use of the Senior Center for the Annual Parlier Lions Pancake Breakfast Drive Thru.
4. Adopt **Resolution 02-2022** Accepting Improvements and Authorizing Filing of the Notice of Completion for the Parlier 2021 Road Rehab Project.
5. Waive all fees and approve the use of the Senior Center for Ryan Lara Boy Scout of America Eagle Court of Honor Ceremony on February 8, 2022.

**REGULAR BUSINESS:**

6. Consideration and Necessary Action on Proposed Maps for Electoral City Council District Boundaries Based on 2020 Census.

**PUBLIC HEARING:**

- a. Mayor Beltran to open Public Hearing
- b. Public input/testimony for or against.
- c. Mayor Beltran to close Public Hearing

**RECOMMENDATION:** City Council to receive input on the proposed Maps for Electoral City Council District Boundaries Based on 2020 Census.

7. **SUBJECT:** Consideration and Necessary Action on Resolution Approving and Authorizing Execution of Amendment to Municipal Solid Waste Franchise Agreement Between City of Parlier and Mid Valley Disposal LLC.

**RECOMMENDATION:** Staff recommends that the City Council adopt **Resolution 03-2022**, Approving and Authorizing Execution of Amendment to Municipal Solid Waste Franchise Agreement Between City of Parlier and Mid Valley Disposal LLC.

8. **SUBJECT:** Second Reading and Adoption of Ordinance Adding Chapter 6.21 to Parlier Municipal Code Regarding Organic Waste.

**PUBLIC HEARING:**

- a. Mayor Beltran to open Public Hearing
- b. Public input/testimony for or against.
- c. Mayor Beltran to close Public Hearing

**RECOMMENDATION:** City Council to conduct public hearing and adopt Ordinance Adding Chapter 6.21 to Parlier Municipal Code Regarding Organic Waste.

**PUBLIC COMMENT ON CLOSED SESSION**

THIS PORTION OF THE MEETING IS RESERVED FOR PERSONS DESIRING TO ADDRESS THE COUNCIL ON AN ITEM WHICH IS TO BE CONSIDERED DURING CLOSED SESSION. SPEAKERS SHALL LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

**CLOSED SESSION:**

9. Public Employment Pursuant to Government Code Section 54957  
All Positions.

Potential Litigation Pursuant to Government Code Section 54956.9  
One (1) Case.

Pending Litigation Pursuant to Government Code Section 54956.9  
Juan Torres v. City of Parlier, Fresno County Superior Court Case No. 22CECG00075

**BRIEF COMMENTS: COUNCIL COMMUNICATIONS/COMMENTS:**

**CITY MANAGER:**

**CITY ATTORNEY:**

**CITY COUNCIL:**

**ADJOURNMENT**

**ADA NOTICE**

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 646-3545 ext. 227. Notification 48 hours prior to the meeting will enable the city to make arrangements to ensure accessibility to this meeting.

**DOCUMENTS**

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the front counter at City Hall located at 1100 East Parlier Avenue, Parlier, CA during normal business hours. In addition, most documents are posted on the City's website at [www.parlier.ca.us](http://www.parlier.ca.us)



CITY OF PARLIER

# Check Report

By Check Number

Date Range: 01/15/2022 - 01/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
ALE02	ALEMAN, BLANCA G.	01/20/2022	Regular	0.00	59.72	57889
CAM12	CAMPOS, YURI	01/20/2022	Regular	0.00	59.74	57890
BEL04	ERMALINDA BELTRAN	01/20/2022	Regular	0.00	59.98	57891
INF14	INFANTE, VERONICA	01/20/2022	Regular	0.00	59.96	57892
PAL06	PALACIOS, ROSALINDA	01/20/2022	Regular	0.00	60.02	57893
REY12	REYES, GUADALUPE	01/20/2022	Regular	0.00	105.22	57894
AM 01	AM CONSULTING ENGINEERS INC.	01/20/2022	Regular	0.00	15,800.00	57895
CAN05	CANON FINANCIAL SERVICES, INC.	01/20/2022	Regular	0.00	150.46	57896
CEN10	CENTRAL INDUSTRIAL AUTOMATION LLC.	01/20/2022	Regular	0.00	16,094.50	57897
COS03	COSTANZO & ASSOCIATES	01/20/2022	Regular	0.00	20,645.15	57898
REE01	EDDIE C. REED	01/20/2022	Regular	0.00	1,731.61	57899
FAS00	FASTENAL COMPANY	01/20/2022	Regular	0.00	120.42	57900
MID03	MID VALLEY DISPOSAL LLC	01/20/2022	Regular	0.00	39.66	57901
REN02	RENT A TOILET	01/20/2022	Regular	0.00	165.00	57902
UNI05	UNITY IT	01/20/2022	Regular	0.00	2,254.74	57903
AM 01	AM CONSULTING ENGINEERS INC.	01/24/2022	Regular	0.00	3,080.00	57904
CIT22	CITY OF PARLIER	01/24/2022	Regular	0.00	354.33	57905
LEM03	Jose Luis Lemus Morales	01/24/2022	Regular	0.00	15.00	57906
MID03	MID VALLEY DISPOSAL LLC	01/24/2022	Regular	0.00	682.94	57907
P.G01	PACIFIC GAS & ELECTRIC	01/24/2022	Regular	0.00	594.98	57908
PIO01	PIONEER EQUIPMENT CO.	01/24/2022	Regular	0.00	80.24	57909
SO 01	SOCALGAS	01/24/2022	Regular	0.00	87.08	57910
SPE01	SPENCE FENCE CO. ENTERPRISES	01/24/2022	Regular	0.00	1,700.00	57911
XLN01	XLNC Safety & Workwear, Inc.	01/24/2022	Regular	0.00	12,083.07	57912
AT&09	AT&T	01/28/2022	Regular	0.00	250.54	57913
ENE00	CHOICE PARTNERS, INC.	01/28/2022	Regular	0.00	2,564.00	57914
DEL00	DE LAGE LANDEN FINANCIAL	01/28/2022	Regular	0.00	5,766.09	57915
GOO02	GOODSUITE	01/28/2022	Regular	0.00	26.68	57916
HEA01	HEALTHWISE SERVICES, LLC	01/28/2022	Regular	0.00	200.00	57917
JIM05	JAMES K. ZWEIGLE	01/28/2022	Regular	0.00	351.40	57918
P.G01	PACIFIC GAS & ELECTRIC	01/28/2022	Regular	0.00	26,556.87	57919
SO 01	SOCALGAS	01/28/2022	Regular	0.00	3,945.32	57920
UN 01	unWIRED BROADBAND, INC.	01/28/2022	Regular	0.00	74.99	57921
A-C00	A-C ELECTRIC COMPANY	01/28/2022	Regular	0.00	413.48	57922
AT&02	AT&T MOBILITY	01/28/2022	Regular	0.00	751.32	57923
CEN10	CENTRAL INDUSTRIAL AUTOMATION LLC.	01/28/2022	Regular	0.00	4,160.00	57924
DAV09	DAVE TURNEY & ASSOCIATES, LLC	01/28/2022	Regular	0.00	844.94	57925
OLS01	DYLAN J. OLSON	01/28/2022	Regular	0.00	183.56	57926
REE01	EDDIE C. REED	01/28/2022	Regular	0.00	950.00	57927
EIN01	EINSTEIN SERVICES, LLC	01/28/2022	Regular	0.00	311.73	57928
FRE13	FRESNO COUNTY TREASURER	01/28/2022	Regular	0.00	188.43	57929
FRE04	FRESNO POLICE DEPARTMENT-RTC	01/28/2022	Regular	0.00	1,248.00	57930
J.G01	J.GARDNER & ASSOCIATES	01/28/2022	Regular	0.00	677.35	57931
MAT02	MATSON ALARM CO. INC.	01/28/2022	Regular	0.00	49.00	57932
MET01	METRO UNIFORM & ACCESSORIES	01/28/2022	Regular	0.00	1,186.93	57933
OFF01	OFFICE DEPOT	01/28/2022	Regular	0.00	322.29	57934
QUI02	QUILL CORPORATION	01/28/2022	Regular	0.00	1,629.62	57935
	**Void**	01/28/2022	Regular	0.00	0.00	57936
RIC02	Rick Wall	01/28/2022	Regular	0.00	1,375.00	57937
SHR00	SHRED-IT USA - FRESNO	01/28/2022	Regular	0.00	414.94	57938
SOU07	SOUTH COUNTY VETERINARY H	01/28/2022	Regular	0.00	171.00	57939
STA19	STATE OF CALIFORNIA	01/28/2022	Regular	0.00	404.00	57940
THE05	THE OFFICE CITY	01/28/2022	Regular	0.00	415.49	57941
T-M00	T-MOBILE	01/28/2022	Regular	0.00	54.22	57942

## Check Report

Date Range: 01/15/2022 - 01/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
TOR26	TORRES FENCE CO., INC.	01/28/2022	Regular	0.00	8,140.22	57943
UNI05	UNITY IT	01/28/2022	Regular	0.00	391.66	57944
WIL06	WILLDAN ENGINEERING	01/28/2022	Regular	0.00	1,540.00	57945
ZEE00	ZEE MEDICAL SERVICE CO.	01/28/2022	Regular	0.00	52.11	57946
SEA03	SEAL RITE PAVING & GRADING	01/31/2022	Regular	0.00	118,095.87	57947
VAL04	VALLEY EXCAVATION INC.	01/31/2022	Regular	0.00	5,920.73	57948
VSS01	VSS INTERNATIONAL INC.	01/31/2022	Regular	0.00	12,364.02	57949
PER01	CALPERS	01/20/2022	Bank Draft	0.00	7,797.42	DFT0000548
PER01	CALPERS	01/20/2022	Bank Draft	0.00	431.16	DFT0000549
PER01	CALPERS	01/20/2022	Bank Draft	0.00	19,569.98	DFT0000550

## Bank Code APBNK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	110	60	0.00	278,075.62
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	3	3	0.00	27,798.56
EFT's	0	0	0.00	0.00
	<b>113</b>	<b>64</b>	<b>0.00</b>	<b>305,874.18</b>

**All Bank Codes Check Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	110	60	0.00	278,075.62
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	3	3	0.00	27,798.56
EFT's	0	0	0.00	0.00
	<b>113</b>	<b>64</b>	<b>0.00</b>	<b>305,874.18</b>

**Fund Summary**

Fund	Name	Period	Amount
999	POOL FUND	1/2022	305,874.18
			<b>305,874.18</b>



## CITY OF PARLIER

## Check Report

By Check Number

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Vendor Number Payable #	Vendor Name Payable Type	Post Date	Payment Date Payable Description	Payment Type	Discount Amount Discount Amount	Payment Amount Payable Amount	Number
Bank Code: APBNK-APBNK							
ALE02	ALEMAN, BLANCA G.		01/20/2022	Regular	0.00	59.72	57889
<u>Retro1/14/22</u>	Invoice	01/20/2022	Retro 1/1/22 to 1/14/22		0.00	59.72	
CAM12	CAMPOS, YURI		01/20/2022	Regular	0.00	59.74	57890
<u>Retro1/14/22</u>	Invoice	01/20/2022	Retro 1/1/22 to 1/14/22		0.00	59.74	
BELO4	ERMALINDA BELTRAN		01/20/2022	Regular	0.00	59.98	57891
<u>Retro1/14/22</u>	Invoice	01/20/2022	Retro 1/1/22 to 1/14/22		0.00	59.98	
INF14	INFANTE, VERONICA		01/20/2022	Regular	0.00	59.96	57892
<u>Retro1/14/22</u>	Invoice	01/20/2022	Retro 1/1/22 to 1/14/22		0.00	59.96	
PAL06	PALACIOS, ROSALINDA		01/20/2022	Regular	0.00	60.02	57893
<u>Retro1/14/22</u>	Invoice	01/20/2022	Retro 1/1/22 to 1/14/22		0.00	60.02	
REY12	REYES, GUADALUPE		01/20/2022	Regular	0.00	105.22	57894
<u>Retro1/14/22</u>	Invoice	01/20/2022	Retro 1/1/22 to 1/14/22		0.00	105.22	
AM 01	AM CONSULTING ENGINEERS INC.		01/20/2022	Regular	0.00	15,800.00	57895
<u>2021-214</u>	Invoice	01/20/2022	EMERGENCY GEN SVS		0.00	620.00	
<u>2021-215</u>	Invoice	01/20/2022	TCP IMPROVEMENTS		0.00	2,850.00	
<u>2021-216</u>	Invoice	01/20/2022	REG COMPLIANCE 10/21		0.00	3,340.00	
<u>2021-217</u>	Invoice	01/20/2022	WWTP UPGRADE		0.00	3,880.00	
<u>2021-270</u>	Invoice	01/20/2022	EMERGENCY GENERATOR		0.00	490.00	
<u>2021-271</u>	Invoice	01/20/2022	TCP IMPROVMENTS		0.00	570.00	
<u>2021-272</u>	Invoice	01/20/2022	REG COMPLIANCE 10/21		0.00	2,020.00	
<u>2021-273</u>	Invoice	01/20/2022	WWTP UPGRADE		0.00	2,030.00	
CAN05	CANON FINANCIAL SERVICES, INC.		01/20/2022	Regular	0.00	150.46	57896
<u>27926422</u>	Invoice	01/20/2022	CONTRACT SVCS 1/20- 2/19		0.00	150.46	
CEN10	CENTRAL INDUSTRIAL AUTOMATION LLC.		01/20/2022	Regular	0.00	16,094.50	57897
<u>220110DM</u>	Invoice	01/20/2022	WWTP REPAIRS		0.00	500.00	
<u>220111DM</u>	Invoice	01/20/2022	WELL #9 EQUIPMENT		0.00	15,594.50	
COS03	COSTANZO & ASSOCIATES		01/20/2022	Regular	0.00	20,645.15	57898
<u>6881</u>	Invoice	01/18/2022	GENERAL LEGAL SVCS 12/21		0.00	9,190.18	
<u>6882</u>	Invoice	01/18/2022	COP RETAINER 12/21		0.00	3,000.00	
<u>6883</u>	Invoice	01/18/2022	SILICON RANCH 12/21		0.00	34.00	
<u>6884</u>	Invoice	01/18/2022	TRANSPARENT CA 12/21		0.00	238.00	
<u>6885</u>	Invoice	01/18/2022	RONALD AUSTIN 12/21		0.00	306.00	
<u>6886</u>	Invoice	01/18/2022	JOSE GARZA v COP 12/21		0.00	7,876.97	
REE01	EDDIE C. REED		01/20/2022	Regular	0.00	1,731.61	57899
<u>4622</u>	Invoice	01/20/2022	HERITAGE PARK REPAIRS		0.00	1,731.61	
FAS00	FASTENAL COMPANY		01/20/2022	Regular	0.00	120.42	57900
<u>CAFR317810</u>	Invoice	01/20/2022	SHOP SUPPLIES		0.00	120.42	
MID03	MID VALLEY DISPOSAL LLC		01/20/2022	Regular	0.00	39.66	57901
<u>2339574</u>	Invoice	01/20/2022	SBSC SERVICES		0.00	39.66	
REN02	RENT A TOILET		01/20/2022	Regular	0.00	165.00	57902
<u>39410</u>	Invoice	01/20/2022	PW RENTAL SVCS 2/22		0.00	165.00	
UNI05	UNITY IT		01/20/2022	Regular	0.00	2,254.74	57903
<u>363456</u>	Invoice	01/20/2022	BILLING SVCS 12/16 - 1/17		0.00	2,254.74	

## Check Report

Date Range: 01/15/2022 - 01/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
AM 01	AM CONSULTING ENGINEERS INC.	01/24/2022	Regular	0.00	3,080.00	57904
<u>2021-129</u>	Invoice	01/24/2022	PAR-101 DWSRF Preparation	0.00	2,280.00	
<u>2021-130</u>	Invoice	01/24/2022	PAR-102 Revision of Construction Doc	0.00	800.00	
CIT22	CITY OF PARLIER	01/24/2022	Regular	0.00	354.33	57905
<u>019-0470-003</u>	Invoice	01/24/2022	Utility Water-BAR	0.00	354.33	
LEM03	Jose Luis Lemus Morales	01/24/2022	Regular	0.00	15.00	57906
<u>00255461</u>	Invoice	01/24/2022	Hard Card Prints - Refund	0.00	15.00	
MID03	MID VALLEY DISPOSAL LLC	01/24/2022	Regular	0.00	682.94	57907
<u>2341172</u>	Invoice	01/24/2022	SBCS Services	0.00	682.94	
P.G01	PACIFIC GAS & ELECTRIC	01/24/2022	Regular	0.00	594.98	57908
<u>7615436697-5</u>	Invoice	01/24/2022	Utility PGE-BAR	0.00	594.98	
PIO01	PIONEER EQUIPMENT CO.	01/24/2022	Regular	0.00	80.24	57909
<u>BP89368</u>	Invoice	01/24/2022	Parts for Park	0.00	80.24	
SO 01	SOCALGAS	01/24/2022	Regular	0.00	87.08	57910
<u>170 690 9921 0</u>	Invoice	01/24/2022	Utility Gas-BAR	0.00	87.08	
SPE01	SPENCE FENCE CO. ENTERPRISES	01/24/2022	Regular	0.00	1,700.00	57911
<u>18469</u>	Invoice	01/24/2022	Fence for Centennial	0.00	1,700.00	
XLN01	XLNC Safety & Workwear, Inc.	01/24/2022	Regular	0.00	12,083.07	57912
<u>1015</u>	Invoice	01/24/2022	Nano Mister	0.00	12,083.07	
AT&09	AT&T	01/28/2022	Regular	0.00	250.54	57913
<u>000017621212</u>	Invoice	01/27/2022	VARIOUS SVCS 12/21 BAN67	0.00	135.04	
<u>000017621557</u>	Invoice	01/27/2022	PA SVCS 12/21 BAN64	0.00	94.12	
<u>000017621558</u>	Invoice	01/27/2022	WELL 2A SVCS BAN65	0.00	21.38	
ENE00	CHOICE PARTNERS, INC.	01/28/2022	Regular	0.00	2,564.00	57914
<u>72470</u>	Invoice	01/27/2022	ELEC ENERGY SVGS 11/21	0.00	2,564.00	
DELO0	DE LAGE LANDEN FINANCIAL	01/28/2022	Regular	0.00	5,766.09	57915
<u>75138271</u>	Invoice	01/27/2022	COPY MCHN SVCS 2/22	0.00	5,766.09	
GOO02	GOODSUITE	01/28/2022	Regular	0.00	26.68	57916
<u>INV142631</u>	Invoice	01/27/2022	COPY MCHN SVCS 12/21	0.00	15.68	
<u>INV143047</u>	Invoice	01/27/2022	COPY MCHN SUPPLIES	0.00	11.00	
HEA01	HEALTHWISE SERVICES, LLC	01/28/2022	Regular	0.00	200.00	57917
<u>0000110151</u>	Invoice	01/27/2022	SHARPS SVCS 12/21	0.00	200.00	
JIM05	JAMES K. ZWEIGLE	01/28/2022	Regular	0.00	351.40	57918
<u>4884</u>	Invoice	01/27/2022	PA PLUMBING SVCS	0.00	351.40	
P.G01	PACIFIC GAS & ELECTRIC	01/28/2022	Regular	0.00	26,556.87	57919
<u>23756-0-12-21</u>	Invoice	01/27/2022	ALL ELEC SVCS 12/21	0.00	22,943.11	
<u>52769-3-12-21</u>	Invoice	01/27/2022	STREET LIGHT SVCS 12/21	0.00	3,515.41	
<u>80980-1-12-21</u>	Invoice	01/27/2022	TRAFFIC LIGHT SVCS 12/21	0.00	98.35	
SO 01	SOCALGAS	01/28/2022	Regular	0.00	3,945.32	57920
<u>40818-12-21</u>	Invoice	01/27/2022	CC SVCS 12/21	0.00	689.85	
<u>60374-12-21</u>	Invoice	01/27/2022	PA GAS SVCS 12/21	0.00	554.47	
<u>64009-12-21</u>	Invoice	01/27/2022	PD GAS SVCS 12/21	0.00	543.63	
<u>69006-12-21</u>	Invoice	01/27/2022	CH CC GAS SVCS 12/21	0.00	1,509.85	
<u>70525-12-21</u>	Invoice	01/27/2022	SC GAS SVCS 12/21	0.00	294.28	
<u>73229-12-21</u>	Invoice	01/27/2022	TC GAS SVCS 12/21	0.00	197.99	
<u>73791-12-21</u>	Invoice	01/27/2022	CC2 GAS SVCS 12/21	0.00	11.14	
<u>73985-12-21</u>	Invoice	01/27/2022	CC1 GAS SVCS 12/21	0.00	144.11	
UN 01	unWIRED BROADBAND, INC.	01/28/2022	Regular	0.00	74.99	57921



## Check Report

Date Range: 01/15/2022 - 01/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
INV01247558	Invoice	01/27/2022	SC DATA SVCS 2/22	0.00	74.99	
A-C00	A-C ELECTRIC COMPANY	01/28/2022	Regular	0.00	413.48	57922
56007	Invoice	01/26/2022	Signal Light Repairs	0.00	413.48	
AT&02	AT&T MOBILITY	01/28/2022	Regular	0.00	751.32	57923
287289569526X0	Invoice	01/28/2022	PD MDT's	0.00	751.32	
CEN10	CENTRAL INDUSTRIAL AUTOMATION LLC.	01/28/2022	Regular	0.00	4,160.00	57924
211107DM	Invoice	01/26/2022	Well #9 Repairs	0.00	500.00	
211111DM	Invoice	01/26/2022	Well #9 Repairs	0.00	2,910.00	
211112DM	Invoice	01/26/2022	Well #6 Repairs	0.00	750.00	
DAV09	DAVE TURNEY & ASSOCIATES, LLC	01/28/2022	Regular	0.00	844.94	57925
7235	Invoice	01/26/2022	Pesticide Training	0.00	844.94	
OLS01	DYLAN J. OLSON	01/28/2022	Regular	0.00	183.56	57926
3948383	Invoice	01/28/2022	Boot Reimbursement	0.00	183.56	
REE01	EDDIE C. REED	01/28/2022	Regular	0.00	950.00	57927
4628	Invoice	01/26/2022	Pool/Park Svcs 1/22	0.00	950.00	
EIN01	EINSTEIN SERVICES, LLC	01/28/2022	Regular	0.00	311.73	57928
000008	Invoice	01/28/2022	Unit31 Repair/Travel/Parts	0.00	311.73	
FRE13	FRESNO COUNTY TREASURER	01/28/2022	Regular	0.00	188.43	57929
SO19043	Invoice	01/28/2022	RMS/JMS Fees	0.00	188.43	
FRE04	FRESNO POLICE DEPARTMENT-RTC	01/28/2022	Regular	0.00	1,248.00	57930
7169	Invoice	01/28/2022	Perishable Skills	0.00	606.00	
7174	Invoice	01/28/2022	Patrol Rifle Course	0.00	642.00	
J.G01	J.GARDNER & ASSOCIATES	01/28/2022	Regular	0.00	677.35	57931
10668	Invoice	01/28/2022	Police Stickers	0.00	677.35	
MAT02	MATSON ALARM CO. INC.	01/28/2022	Regular	0.00	49.00	57932
2305347	Invoice	01/28/2022	PD Alarm	0.00	49.00	
MET01	METRO UNIFORM & ACCESSORIES	01/28/2022	Regular	0.00	1,186.93	57933
241649	Invoice	01/28/2022	Gonzalez New Uniform	0.00	363.99	
241962	Invoice	01/28/2022	Gonzalez New Equipment	0.00	822.94	
OFF01	OFFICE DEPOT	01/28/2022	Regular	0.00	322.29	57934
220471243001	Invoice	01/26/2022	Canon Printer Ink	0.00	233.21	
818629	Invoice	01/28/2022	FIN-SUPPLIES	0.00	89.08	
QUI02	QUILL CORPORATION	01/28/2022	Regular	0.00	1,629.62	57935
1506634	Credit Memo	01/28/2022	Credit for Invoice 18580232	0.00	-215.67	
15632072	Invoice	01/28/2022	Office Supplies	0.00	66.45	
18580233(CREDI	Credit Memo	01/28/2022	Credit for invoice 18580233	0.00	-71.89	
19782461	Invoice	01/28/2022	Office Supplies	0.00	150.54	
19783228	Invoice	01/28/2022	Office Supplies	0.00	76.26	
19888882	Invoice	01/28/2022	Office Supplies	0.00	219.01	
20797541	Invoice	01/28/2022	Office Supplies	0.00	108.81	
20873998	Invoice	01/28/2022	Office Supplies	0.00	92.57	
21035810	Invoice	01/28/2022	Office Supplies	0.00	95.64	
21106723	Invoice	01/28/2022	Office Supplies	0.00	149.59	
21754503	Invoice	01/28/2022	Office Supplies	0.00	76.30	
21902256	Invoice	01/28/2022	Office Supplies	0.00	69.72	
22241706	Invoice	01/28/2022	Office Supplies	0.00	197.01	
22569166	Invoice	01/28/2022	Office Supplies	0.00	39.22	
22603582	Invoice	01/28/2022	Office Supplies	0.00	576.06	
	**Void**	01/28/2022	Regular	0.00	0.00	57936
RIC02	Rick Wall	01/28/2022	Regular	0.00	1,375.00	57937

## Check Report

Date Range: 01/15/2022 - 01/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
<u>22-004</u>	Invoice	01/28/2022	Use of Force Course - 11 Officers	0.00	1,375.00	
SHR00	SHRED-IT USA - FRESNO	01/28/2022	Regular	0.00	414.94	57938
<u>80007412358</u>	Invoice	01/28/2022	Shredding Svcs - Dec '21	0.00	414.94	
SOU07	SOUTH COUNTY VETERINARY H	01/28/2022	Regular	0.00	171.00	57939
<u>255758</u>	Invoice	01/28/2022	Surgical Svcs	0.00	171.00	
STA19	STATE OF CALIFORNIA	01/28/2022	Regular	0.00	404.00	57940
<u>553540</u>	Invoice	01/28/2022	Greenbrier Fingerprintig	0.00	89.00	
<u>558287</u>	Invoice	01/28/2022	Blood Alc Analysis	0.00	315.00	
THE05	THE OFFICE CITY	01/28/2022	Regular	0.00	415.49	57941
<u>1726186</u>	Invoice	01/28/2022	Note Pads/Calendars	0.00	31.59	
<u>1728024</u>	Invoice	01/28/2022	Folders/Binders	0.00	283.02	
<u>1728458</u>	Invoice	01/28/2022	Binders	0.00	65.28	
<u>1729142</u>	Invoice	01/28/2022	Mouse/Index Cards	0.00	35.60	
T-M00	T-MOBILE	01/28/2022	Regular	0.00	54.22	57942
<u>3507-12-21</u>	Invoice	01/26/2022	Well 9 Svc 12/21	0.00	54.22	
TOR26	TORRES FENCE CO.,INC.	01/28/2022	Regular	0.00	8,140.22	57943
<u>0150958-IN</u>	Invoice	01/26/2022	Fence on Zediker	0.00	8,140.22	
UNI05	UNITY IT	01/28/2022	Regular	0.00	391.66	57944
<u>363500</u>	Invoice	01/28/2022	IT Svcs/Sonic Wall	0.00	391.66	
WIL06	WILLDAN ENGINEERING	01/28/2022	Regular	0.00	1,540.00	57945
<u>335769</u>	Invoice	01/28/2022	Safety Services	0.00	1,540.00	
ZEE00	ZEE MEDICAL SERVICE CO.	01/28/2022	Regular	0.00	52.11	57946
<u>66224537</u>	Invoice	01/28/2022	Medical Supplies	0.00	52.11	
SEA03	SEAL RITE PAVING & GRADING	01/31/2022	Regular	0.00	118,095.87	57947
<u>2</u>	Invoice	01/31/2022	Safe Routes to School	0.00	34,944.66	
<u>3</u>	Invoice	01/31/2022	Safe Routes to School	0.00	83,151.21	
VAL04	VALLEY EXCAVATION INC.	01/31/2022	Regular	0.00	5,920.73	57948
<u>2736</u>	Invoice	01/31/2022	Chavez Elem Alley Repave	0.00	5,920.73	
VSS01	VSS INTERNATIONAL INC.	01/31/2022	Regular	0.00	12,364.02	57949
<u>20018579RR</u>	Invoice	01/31/2022	2021 Road Rehab Project 21-066	0.00	12,364.02	
PER01	CALPERS	01/20/2022	Bank Draft	0.00	7,797.42	DFT0000548
<u>16663580</u>	Invoice	01/19/2022	MISC UA LIABILITY 5-19	0.00	7,797.42	
PER01	CALPERS	01/20/2022	Bank Draft	0.00	431.16	DFT0000549
<u>16617368</u>	Invoice	01/19/2022	PEPRA - PD	0.00	431.16	
PER01	CALPERS	01/20/2022	Bank Draft	0.00	19,569.98	DFT0000550
<u>INV 1/1 - 1/14</u>	Invoice	01/20/2022	PERS CONTRIBUTIONS	0.00	19,569.98	

## Bank Code APBNK Summary

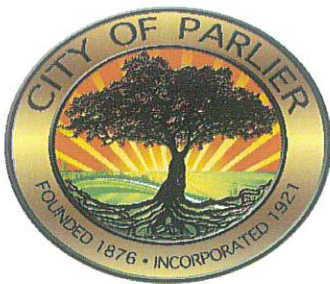
Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	110	60	0.00	278,075.62
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	3	3	0.00	27,798.56
EFT's	0	0	0.00	0.00
	<b>113</b>	<b>64</b>	<b>0.00</b>	<b>305,874.18</b>

**All Bank Codes Check Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	110	60	0.00	278,075.62
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	3	3	0.00	27,798.56
EFT's	0	0	0.00	0.00
	<b>113</b>	<b>64</b>	<b>0.00</b>	<b>305,874.18</b>

**Fund Summary**

Fund	Name	Period	Amount
999	POOL FUND	1/2022	305,874.18
			<b>305,874.18</b>



**MINUTES**  
**CITY COUNCIL OF PARLIER**  
**REGULAR MEETING**  
**THURSDAY, JANUARY 20, 2022**

Mayor Pro tem Pimentel will be attending by telephone from 305 Fett Street, Parlier, CA. 93648.

**CALL TO ORDER/WELCOME:**

The City Council Regular meeting of Parlier was held in the City Council Chambers located at 1100 E. Parlier Avenue, Parlier, California 93648. Mayor Alma Beltran called the meeting to order at 6:30 P.M.

**ROLL CALL:**

**Present:** Mayor Alma M. Beltran, Councilwoman Diane Maldonado, Council woman Sabrina Rodriguez, Council woman Cathryn "Kathy" Solorio, City Clerk Dorothy Garza and Treasurer Michelle Lopez.

Mayor -Pro Temp Trinidad Pimentel attended the meeting via telephone from 305 Fett Street, Parlier, CA. 93648.

**Staff Present:** Police Chief David Cerda, City Attorney Neal Costanzo, Finance Director Ellie Velicescu, City Manager Sonia Hall, and Assistant Manager/Deputy City Clerk Bertha Augustine.

**FLAG SALUTE:** Mayor Alma M. Beltran

**INVOCATION:** None.

**ADDITIONS/DELETIONS:**

Add #6 adoption of Resolution 2022-01 authorizing the submittal of a funding application to the Land and Water Conservation Fund Grant Program, **M/S/C:** Motion by Maldonado, 2<sup>nd</sup> by S. Rodriguez, vote: 5-0 and carried.

**PRESENTATIONS/INFORMATIONAL:**

Service Award presentation to Felipa Tienda, 24 Years of Service.

City Manager Sonia Hall presented Felipa with a plaque in appreciation of her hard work and dedication for 24 years of Service to the City of Parlier.

\*There was a 15 minute break for a reception.

\*Council resumed the regular meeting at 6:54 P.M.

### **PUBLIC COMMENT:**

At this time any citizen may address the City Council on matters not appearing on the agenda that are within the jurisdiction of the City of Parlier. Speakers shall limit their comments to three (3) minutes unless extended by the Mayor. Please begin your comments by stating your name and City of residence.

The City Council is prohibited by law from taking collective formal action on matters raised during public that are not on the agenda, but individual council members may respond to anyone providing any public comment. No adverse conclusion should be drawn if the City Council does not respond to any public comment. Responses to public comment by individual city council members may or may not reflect the views of any other, or of a majority of council members. The Council may refer the matter to the City Manager or staff or request that it be placed on a future agenda.

### **Comments:**

Humberto Gomez Sr. addressed his concern to the council about gang activity. Suggested moneys for a Community Center for the west side of Parlier. City Manager Sonia Hall informed him that she applied for a grant for 15 acres of land.

### **CONSENT CALENDAR:**

All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of items appearing on the Consent Calendar unless requested to be removed for separate discussion and acted on by separate vote.

#### **\*Council**

1. Approved the Check Reports dated November 30, 2021 to December 13, 2021.
2. Approved the Minutes dated January 6, 2022.
3. Approved A Proclamation officially recognizing January 23 – 29, 2022 as School Choice Week in PARLIER.

**M/S/C:** Motion to approve item #1 of the Consent Calendar by 2nd by Maldonado,  
Vote: 4-1 abstain.

**M/S/C:** Motion to approve item #2 amending the minutes adding a statement made by Councilwoman Kathy Solorio that the "Council had nothing to hide" by Maldonado, 2<sup>nd</sup> by Solorio  
Vote: 5-0 and carried.

**M/S/C:** Motion to approve item #3 of the Consent Calendar by S. Rodriguez, 2<sup>nd</sup> by Maldonado,  
Vote: 5-0 and carried.

### **REGULAR BUSINESS:**

**\*Note: #4 is has been deleted.**

4. **SUBJECT:** Public hearing to consider a General Plan Amendment and Conditional Use Permit at 391 K Street.

#### **PUBLIC HEARING:**

- a. Mayor Beltran to open Public Hearing
- b. Public input/testimony for or against.
- c. Mayor Beltran to close Public Hearing

**RECOMMENDATION:** City Council to direct staff on how to proceed.

5. **SUBJECT:** Introduction and First Reading of Ordinance 2022-01 Adding Chapter 6.21 to the Parlier Municipal Code to Satisfy the Short-lived Climate Pollution Reduction Act of 2016, known as the Organic Waste Ordinance.

The City Council Introduced and First Reading of Ordinance 2022-01 Adding Chapter 6.21 to the Parlier Municipal Code to Satisfy the Short-lived Climate Pollution Reduction Act of 2016, known as the Organic Waste Ordinance.

**M/S/C:** Motion to introduce and First Reading of Ordinance 2022-01 by Maldonado, 2<sup>nd</sup> by Mayor Beltran, Vote: 5-0 and carried.

6. **SUBJECT:** Adoption of the Resolution 2022-01 authorizing the submittal of a funding application to the Land and Water Conservation Fund Grant Program.

The City Council adopted Resolution 2022-01 authorizing the submittal of a funding application to the Land and Water Conservation Fund Grant Program.

**M/S/C:** Motion to adopt Resolution 2022-01 by S. Rodriguez, 2<sup>nd</sup> by Solorio, Vote: 5-0 and carried.

7. Proclamation of Human Trafficking. National Human Trafficking Awareness and Prevention Month. Month of January 2022.

Breaking the chains part of Parlier location. Big event in Fresno. Recognizing Parlier's needs. Sonia would like a conference on Human Trafficking and Domestic Violence. Mayor Beltran elaborated on what has happened in Human Trafficking and would like to educate people on the subject.

**M/S/C:** Motion to approve the Proclamation on Human Trafficking by S. Rodriguez, 2<sup>nd</sup> by Pimentel, Vote: 5-0 and carried.

#### **PUBLIC COMMENT ON CLOSED SESSION**

THIS PORTION OF THE MEETING IS RESERVED FOR PERSONS DESIRING TO ADDRESS THE COUNCIL ON AN ITEM WHICH IS TO BE CONSIDERED DURING CLOSED SESSION. SPEAKERS SHALL LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

**CLOSED SESSION:** **(Closed Session was cancelled.)**

8. Public Employment Pursuant to Government Code Section 54957  
All Positions.



**BRIEF COMMENTS: COUNCIL COMMUNICATIONS/COMMENTS:**

**No Comments from**

**CITY MANAGER: Sonia Hall**

**CITY ATTORNEY: Neal Costanzo**

**CITY COUNCIL:**

**ADJOURNMENT**

Mayor Alma Beltran adjourned the Regular meeting at 7:56 P.M.

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Dorothy Garza – Parlier City Clerk

**Resolutions adopted: 2022-01**

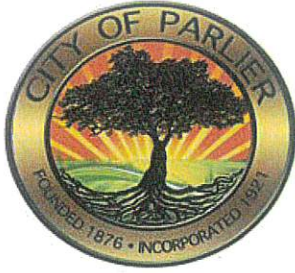
**Ordinances adopted : Introduced and First Reading of Ordinance 2022-01.**

**ADA NOTICE**

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 646-3545 ext. 227. Notification 48 hours prior to the meeting will enable the city to make arrangements to ensure accessibility to this meeting.

**DOCUMENTS**

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the front counter at City Hall located at 1100 East Parlier Avenue, Parlier, CA during normal business hours. In addition, most documents are posted on the City's website at [www.parlier.ca.us](http://www.parlier.ca.us)



AGENDA ITEM:

# 3

MEETING DATE:

02/03/2022

DEPARTMENT:

FINANCE DEPT

## REPORT TO CITY COUNCIL

### SUBJECT:

Request for considering the approval of allowing Parlier Lions Club to utilize the Senior Center for their Annual Parlier Lions Pancake Breakfast Drive Thru.

### RECOMMENDATION:

Staff recommends the City Council consider waiving all fees and approving the use of the Senior Center on February 20, 2022 from 7:30AM – 11:30AM for the Parlier Lions Club Annual Pancake Breakfast Drive Thru. A certificate of liability insurance and food handler's certificate has been provided.

### BACKGROUND:

This pancake breakfast is an annual breakfast fundraiser for the Lions Club to gather funds to continue to offer assistance to the local schools here and other local non-profit organization.

Prepared By:

Janet Ayala  
Account Tech II

Approved By:



Event Date: 2-20-2022

# FACILITY RENTAL APPLICATION

Applicant Name: (Parlier Lions Club) Anna HerreraPhone Number: 559-305-9652Applicant Address: P.O. Box 755Estimated Attendance: 50City: Parlier State: CA Zip Code: 93648Facility requested: Senior Center / Drive Thru.Alcohol at Event: ☐ Sold ☐ Free ☐ No☐ Community Center (500 Max)

(Due to COVID-19 events are at 25% capacity)

☒ Senior Center (200 Max)

	DATE	TIME BEGINS	TIME ENDS	TOTAL HRS
DECORATION/SETUP	FRIDAY	5:00pm	8:00pm	
EVENT <u>2/20/22</u>	SATURDAY <u>SUNDAY</u>	<del>3:00pm</del> <u>7:30 AM</u>	12:00am <u>11:30 AM</u>	<u>4 HRS</u>
KITCHEN USE	OPEN	OPEN	OPEN	OPEN
CLEANUP		12:00am	1:00am	

I agree to follow all rules, regulations and policies of the City of Parlier during the use of the City of Parlier facilities requested above. I understand that I am responsible for any, and all, repair costs for damages to the facility and surrounding areas. Denial of future use of any City of Parlier facility for a period of two (2) years and/or forfeiture of deposit shall occur if I do not comply with any rule, regulation, policy or requirement.




I understand that electrical power outlets are available at certain locations however; the city does not guarantee a supply of power at all times.

I understand that the City of Parlier will not be held responsible for items brought to this event, as requested in this application that becomes lost, stolen or damaged before, during or after the event. This is to include damage or loss due to any mechanical failure that may occur.

I understand that as the responsible party, I assume all liability for myself and event participants, invitees, and other guests for any form of negligence that may arise from the consumption of alcohol by the event participants, invitees, and other guests.

The City of Parlier reserves the right to require that the facility user provide adequate liability insurance coverage for the City and the user against claims for money or damages. The City requires a Certificate of Liability Insurance showing that adequate coverage is in effect before the event can be held.

The lessee shall save, keep and hold harmless the City of Parlier, its officers, agents, employees, and volunteers from all damages, costs or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason or in the course of use which may be occasioned by any willful or negligent act or omissions of the lessee, any of the lessee's employees, or guests. **The City of Parlier will not be held liable for any accident, injury, loss, or damage.**

	RATE	= TOTAL \$	PAID / OTHER
DEPOSIT  100.23101	<input type="checkbox"/> \$400.00 (CC) <input type="checkbox"/> \$200.00 (SC) <input type="checkbox"/> \$200.00 (Non-Profit)		
HALL USE  100.45200	<input type="checkbox"/> \$1500.00 (CC) <input type="checkbox"/> \$ 75.00 per HR(SC)		
CLEANUP  100.45200	<input type="checkbox"/> \$50.00 per hour after 1:00am		

**I have read and understood the above mentioned.**

Applicant's Signature: [Signature] Date: 12/16/21



8. Events involving exchange of monetary consideration (ex. purchase of a meal or meal ticket with any form of alcohol served as a part of the meal) require a license from the State of California Department of Alcoholic Beverage Control (ABC). The Parlier Police Department must grant approval for the permit prior to going to ABC. ABC will issue one (1) day permits to non-profit groups who wish to sell beer at fundraisers/events. ABC will not issue permits to private citizens or groups.

Parlier Police Department: 8770 S. Mendocino Ave., Parlier, CA 93648

Alcoholic Beverage Control: 3640 E. Ashlan Ave., Fresno, CA 93726

9. The total amount of alcohol to be served must be brought in all at once, prior to the start of the event. NO EXCEPTIONS! Kegs and cases cannot be combined for the total amount allowed. No hard liquor allowed – beer only. No glass containers, except for champagne bottles, are allowed. The amount of alcohol permitted per event is as follows for each facility:

Community Center: Four (4) kegs, equivalent to seven (7) – twenty-four (24) pack cases per one (1) keg or twenty-eight (28) – twenty-four (24) pack cases total. The total amount of cans permitted is six hundred seventy-two (672).

Senior Center: Two (2) kegs, equivalent to seven (7) – twenty-four (24) pack cases per one (1) keg or fourteen (14) – twenty-four (24) pack cases total. The total amount of cans permitted is three hundred thirty-six (336).

Community Center		
100% Capacity	4 Kegs	672 cans/12 oz
50% Capacity	2 Kegs	336 cans/12 oz
25% Capacity	1 Keg	168 cans/12 oz

Senior Center		
100% Capacity	2 Kegs	336 cans/12 oz
50% Capacity	1 Keg	168 cans/12 oz
25% Capacity	1/2 keg	84 cans/12 oz

10. A current City of Parlier business license, which can be obtained at the City of Parlier, is required for any and all persons or vendors hired to perform a service for your event. In the event that persons or vendors hired to perform a service for your event do not have a current City of Parlier business license, the renter's security deposit will be forfeited.
11. Each individual or group finding it necessary to cancel a reservation must do so IN WRITING, to the Facilities Department Office, at least sixty 24 hrs. days prior to the event date. All deposits will be returned if condition is met. Failure to give 24 hour written notice of cancelation will result in the forfeiture of all deposits, unless another individual or group rents the facility for that same date. Cancelations that meet the conditions will be subject to a \$35.00 cancelation fee. The City has the right to retain from the deposit such sums necessary.
12. Each individual or group renting a City facility shall observe, obey, and comply with all applicable laws, rules, and regulations and any specific use regulations. NO activity will be permitted which is in violation of City, County, State, or Federal statutes. Applicants must adhere to all City, Police, and Fire Department Codes.

#### Decorating / Setup / Kitchen Use / Cleanup

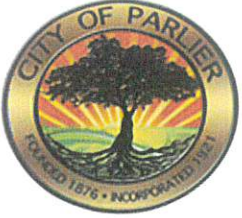
- The use of cellophane tape, adhesive tape, nails, thumb tacks, pins, staples, screws, etc., on tables, chairs, walls, lights etc., is not permitted. Only masking tape may be used to attach decorations.
- All decorations and materials must be removed immediately following the conclusion of the event. The City of Parlier is not responsible for damage to any decorations used in conjunction with a facility rental.
- Applicants who have requested decorating time must report to the facility at the time specified on the application. City personnel assigned to open the facility will leave the premises if applicant does not show within ten (10) minutes of the time requested. Personnel callback will constitute additional hours. The city has the right to retain from the deposit such sums necessary.
- City personnel will have available tables and chairs requested on the application. Applicant is responsible for the setup, cleaning and putting away of all tables and chairs used.
- All cooking and eating dishes and utensils must be supplied by the applicant and/or caterer. The applicant is responsible for the cleaning of the kitchen, if applicable to event.
- The applicant is responsible for cleanup of the facility rented. The City reserves the right to retain from the deposit such sums necessary to restore the facility or equipment to its prior condition.
- Throw away all paper products including tablecloths, cups, disposable plates, plastic ware, napkins etc.
- Wipe down all tables
- Be sure all trash and garbage are placed in trashcans. Empty all trash bags into dumpster
- No grease to be discarded in sink
- Refrigerator if used must be clean
- Pick up all paper towels from the floor of the restroom and put them in trash containers.
- The bar area must be thoroughly cleaned and returned to their original level of cleanliness.

Please contact the Facilities Department at 559-646-3545 X: 221 for questions.

Applicant's Signature: \_\_\_\_\_



Date: 12/16/2021



# BARTENDER CONFIRMATION FORM

## BARTENDER LIST

Date of Event: \_\_\_\_\_ Applicant: \_\_\_\_\_

I, the undersigned Bartender(s), while on duty will not consume any alcoholic beverages, and will adhere to the bar rules stated below. With this understanding, I accept the responsibility of Bartender for the event.

1. Bartender's Signature: \_\_\_\_\_ Time: \_\_\_\_\_

Print Name: \_\_\_\_\_

2. Bartender's Signature: \_\_\_\_\_ Time: \_\_\_\_\_

Print Name: \_\_\_\_\_

3. Bartender's Signature: \_\_\_\_\_ Time: \_\_\_\_\_

Print Name: \_\_\_\_\_

## ALCOHOLIC BEVERAGES

### NO HARD LIQUOR ALLOWED--BEER ONLY

The amount of alcohol permitted per event is 4 kegs or 672 cans. For can preference, 7 cases are equivalent of 1 keg. Kegs and cases may not be combined for the total amount allowed. The total amount of alcohol to be served must be brought in all at once, prior to the start of the event.

## BAR RULES

- A SECURITY GUARD WILL BE STATIONED AT BAR AT ALL TIMES.
- Be ready to show I.D.
- No hard liquor shall be served or consumed.
- 2 drink maximum per person at a time.
- Bartender shall not consume any liquor while he/she is bartending.

\_\_\_\_\_

12/16/2021

\_\_\_\_\_

Date





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/12/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> DSP Insurance Services, Inc. 1900 E. Golf Road, Suite 650 Schaumburg, IL 60173		<b>CONTACT</b> NAME: John Adams PHONE: (AAC No, Ext): 1-800-318-6705 FAX: (AAC No): 847-934-6186 E-MAIL: lionsclubs@dspins.com ADDRESS:	
<b>INSURED</b> Parlier Lions Club Parlier California		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: ACE American Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 22667	

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	ADDL SUBR INSR VVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Agg. Per Named Insured is \$2,000,000 GENL AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJ <input type="checkbox"/> LOC		HDOG72484757	09/01/2021	09/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		ISAH25550596	09/01/2021	09/01/2022	COMBINED SINGLE LIMIT (EA accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <b>EXCESS LIAB</b> OCCUR CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Provisions of the policy apply to the named insureds participation in the following activity during the policy period shown above: Parlier Lions Pancake Breakfast

The following persons or organizations granting use of real property, including structures thereon are included as Additional Insured(s), but only with respect to General Liability arising out of the use of premises by the insured shown above and not out of the sole negligence of said additional insured.

\*\*\* City of Parlier \*\*\*

PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES

<b>CERTIFICATE HOLDER</b> City of Parlier 1100 E. Parlier Ave. Parlier California 93648	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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**Recommendation:**

Move to accept the Notice of Completion for the construction contract for the **Parlier 2021 Road Rehab Project** with **VSS International, Inc.**, authorize the City Engineer to sign the Notice of Completion and the City Clerk to file the notice with the County Recorder's Office.

**Discussion:**

During the regular City Council Meeting on **June 1<sup>st</sup>, 2021**, the Council awarded the construction contract to **VSS International, Inc.** in the amount of **\$274,163.00** to provide construction services for the **Parlier 2021 Road Rehab Project**.

A final punch list job walk was conducted on **September 22, 2021** and no items were noted as needing correction or reconstruction.

A Notice of Completion will need to be recorded with the County Clerk Recorder's office now that the contractor has fulfilled his contractual obligation for construction of the project.

**Summary of Change Orders:**

Change Order No.	Bid Item No.	Brief Description	Proposed Item Cost	Approved Item Cost	Comments
01	n/a	Additional Striping	\$13,644.75	\$13,644.75	Parlier Ave. extended from Avila to Newmark Ave.
02	n/a	Additional Crosswalks	\$1,560.00	\$1,560.00	High Visibility Crosswalks needed at Avila & Parlier intersection.
03	4	Balance of Quantities	\$25,079.20	\$25,079.20	Parlier Ave. extended from Avila to Newmark Ave.
<b>Change Order Total:</b>				<b>\$40,283.95</b>	

Original Bid Amount: \$274,163.00  
 Final Bid Amount: \$274,163.00  
 Approved Change Orders: \$40,283.95  
 Change Order %: 14.69%  
 Final Contract Total: \$314,446.95

The Engineer's opinion of probable construction costs for this project prior to bid opening was \$317,593.10.

**RECORDING REQUESTED  
AND RETURN TO:**

City of Parlier  
1100 E. Parlier Ave.  
Parlier, CA 93648  
FREE RECORDING: Govt. Code 6103

**NOTICE OF COMPLETION**

**NOTICE IS HEREBY GIVEN:**

1. That the City of Parlier, California, a Municipal Corporation, whose address is 1100 E. Parlier Ave., is the owner of the real property, public works or structure hereinafter described.
2. That on the 22<sup>nd</sup> day of September 2021, a work of improvement on real property hereinafter described was completed pursuant to a contract to which Division 2, Part 3, Chapter 1, Article 4, of the Public Contract Code applies.
3. That the name of the contractor who performed said work of improvement pursuant to such contract with the City of Parlier is VSS International, Inc, whose address is 3785 Channel Drive West Sacramento, CA 95691, and that Western Surety Company is the surety on said contract.
4. That the real property or public work or structure is described as follows:  
Applying fiberized black rock micro-surfacing, asphalt micro-grinding, striping, and installation of signage.
5. That the Nature of the owner's interest or estate is: In Fee
6. That Resolution No. \_\_\_\_ authorizing acceptance of construction of said project, is attached.

Date: \_\_\_\_\_

City of Parlier  
A Municipal Corporation

STATE OF CALIFORNIA)

)ss

COUNTY OF FRESNO)

The undersigned being duly sworn says: That he is the City Engineer of the City of Parlier, a Municipal Corporation, and gives notice for and on behalf of said Municipal Corporation, that he has read the foregoing notice and knows the contents thereof, and the same is true of his own knowledge.

By: \_\_\_\_\_  
Javier Andrade, City Engineer

STATE OF CALIFORNIA)

)ss

COUNTY OF FRESNO )

Subscribed and sworn (or affirmed) to before me on this \_\_\_\_\_ day of February 2022, by Javier Andrade, who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct. Witness my hand and official seal.

---

Notary Public in and for the County of Fresno, State of California

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Commission Expiration Date

**No Fee – Gov't. Code Sections 6103 & 27383**

# PARLIER 2021 ROAD REHAB PROJECT

The project consist of applying fiberized black rock micro-surfacing, asphalt micro-grinding, striping, and installation of signage, that the contractor that completed said work was VSS International, Inc. and that the name of the surety for said contractor was Western Surety Company.

Javier Andrade, City Engineer Date \_\_\_\_\_

Javier Andrade, being duly sworn, deposes and says: That he is the City Engineer of the City of Parlier, and makes this verification for and on behalf of said City; that he has read the foregoing notice and knows the contents thereof and the facts thereon stated are true.

---

Javier Andrade
Date



**RESOLUTION NO. 2022- \_\_\_\_**

**CITY OF PARLIER**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARLIER, CALIFORNIA,  
ACCEPTING IMPROVEMENTS AND AUTHORIZING FILING OF THE NOTICE OF  
COMPLETION FOR THE PARLIER 2021 ROAD REHAB PROJECT.**

**WHEREAS**, VSS International, Inc. has completed the work for the Parlier 2021 Road Rehab Project; and

**WHEREAS**, the City Public Works Inspector has inspected the improvements required by the City and all improvements required by the City have been completed; and

**WHEREAS**, the City Engineer recommends acceptance of the Parlier 2021 Road Rehab Project and requests Council to authorize the City Engineer to record the Notice of Completion for the Project.

**NOW THEREFORE, IT IS HERBY RESOLVED** by the City Council of the City of Parlier as follows:

1. Accept the Parlier 2021 Road Rehab Project and requests Council to authorize the City Engineer to record the Notice of Completion.

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly and regularly adopted by the City Council of the City of Parlier at a meeting thereof held on the 3<sup>rd</sup> day of February, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

Alma M. Beltran, Mayor

**ATTEST:**

---

Dorothy Garza, City Clerk

AGENDA ITEM: #7

MEETING DATE: February 3, 2022

DEPARTMENT: Administration

## **REPORT TO THE CITY COUNCIL**

### **SUBJECT:**

Consideration and Necessary Action on Resolution Approving and Authorizing Execution of Amendment to Municipal Solid Waste Franchise Agreement Between City of Parlier and Mid Valley Disposal LLC.

### **RECOMMENDATION:**

Council to adopt Resolution.

### **BACKGROUND:**

Compliance with SB 1368, requiring the segregation and recycling of specific organic and other waste as defined by that provision or the regulations adopted pursuant to that Act requires Mid Valley to provide additional services.

The recycling requirement for organic waste further requires Mid Valley to incur additional cost in providing the additional service related to implement this newly enacted requirement to recycle organic waste. The amendment specifies the additional tasks Mid Valley is to perform and provides for additional compensation for performing those tasks

### **RECOMMENDATION:**

Council to adopt Resolution.

Prepared by:

---

Neal E. Costanzo, City Attorney

RESOLUTION NO. 2022-\_\_\_\_

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PARLIER APPROVING AND AUTHORIZING EXECUTION  
OF AMENDMENT TO MUNICIPAL SOLID WASTE FRANCHISE  
AGREEMENT BETWEEN CITY OF PARLIER AND MID VALLEY  
DISPOSAL LLC**

---

WHEREAS, to comply with the mandate of SB 1368, the City of Parlier (City) has or will adopt an ordinance requiring the segregation and recycling of organic and other waste as defined by that provision or the regulations adopted pursuant to that provision; and

WHEREAS, the ordinance will require Mid Valley Disposal LLC (Mid Valley) to perform additional tasks, work and educational outreach and otherwise provide additional services over and above those provided for by the Franchise Agreement; and

WHEREAS, the amendment to the Municipal Solid Waste Franchise Agreement attached and incorporated by reference as Exhibit A identifies the additional functions, duties and tasks to be performed by Mid Valley and the increase in compensation payable to Mid Valley by the City for the performance of these additional services.

NOW, THEREFORE, be it resolved as follows:

1. The foregoing recitals are true and correct.
2. The amendment to the Municipal Solid Waste Franchise Agreement has been reviewed and is approved by this City Council.
3. The Mayor is authorized to execute the amendment to the Municipal Solid Waste Franchise Agreement on behalf of the City of Parlier

\*\*\*\*\*

The foregoing Resolution was adopted and approved at a regular meeting of the City Council of the City of Parlier held on January \_\_\_\_, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

---

Alma Beltran, Mayor, City of Parlier

ATTEST:

---

Bertha Augustine, Deputy City Clerk, City of Parlier

## CITY OF PARLIER

Description of Service	Fees Paid to Mid Valley		
	7/1/2021	Increase for SB1383	3/1/2022
Residential - 96/96/96	\$20.83	\$2.37	\$23.20
Residential - Per additional 96 refuse	\$4.74	\$3.96	\$8.70
Residential - Snr Ctzn - 64/96/96	\$15.23	\$2.47	\$17.70
Residential - Snr Ctzn - Per additional 96 refuse	\$5.51	\$1.49	\$7.00
<b>Cart Contamination 1st Occurance</b>	<b>new</b>		<b>\$15.00</b>
<b>Cart Contamination 2nd or more Occurance</b>	<b>new</b>		<b>\$25.00</b>
Commercial - Cart 1x	\$21.73	\$2.77	\$24.50
<b>Commercial - Cart 2x</b>	<b>new</b>		<b>\$38.00</b>
Commercial - 2 CU YD 1x	\$64.36	\$7.34	\$71.70
Commercial - 2 CU YD 2x	\$125.13	\$13.87	\$139.00
Commercial - 2 CU YD 3x	\$174.35	\$20.05	\$194.40
Commercial - 3 CU YD 1x	\$103.07	\$8.93	\$112.00
Commercial - 3 CU YD 2x	\$163.13	\$18.87	\$182.00
Commercial - 3 CU YD 3x	\$223.18	\$25.82	\$249.00
Commercial - 4 CU YD 1x	\$132.75	\$14.87	\$147.62
Commercial - 4 CU YD 2x	\$199.70	\$22.80	\$222.50
Commercial - 4 CU YD 3x	\$266.62	\$30.72	\$297.34
Commercial - 6 CU YD 1x	\$169.74	\$19.52	\$189.26
Commercial - 6 CU YD 2x	\$299.03	\$34.39	\$333.42
Commercial - 6 CU YD 3x	\$428.33	\$49.26	\$477.59
Recycling - 95 gallon cart	\$5.75	\$1.75	\$7.50
Recycling - Com 2 YD /1X	\$39.41	\$4.53	\$43.94
Recycling - Com 3 YD /1X	\$63.46	\$6.24	\$69.70
Recycling - Com 3 YD /2X	\$90.01	\$10.35	\$100.36
Recycling - Com 3 YD /3X	\$116.56	\$13.40	\$129.96
Recycling - Com 6 YD /1X	\$94.38	\$10.85	\$105.23
Recycling - Com 6 YD /2X	\$125.82	\$18.30	\$144.12
Recycling - Com 6 YD /3X	\$238.17	\$27.39	\$265.56
Organics 95 1x	\$18.37	\$2.03	\$20.40
Organics 95 2x	\$32.14	\$3.66	\$35.80
Organics 95 3x	\$45.92	\$5.28	\$51.20
Organic 2 YD 2x	\$55.10	\$31.90	\$87.00
Organic 2 YD 3x	new		\$136.00
<b>Bin Contamination 1st occurrence</b>	<b>new</b>		<b>\$25.00</b>
<b>Bin Contamination 2nd or more occurrence</b>	<b>new</b>		<b>\$45.00</b>
Roll Off - Hauling and exchange, per box	\$210.65	\$24.35	\$235.00
Delivery Fee, per box	\$37.81	\$6.19	\$44.00
Tonnage Fee, per box	as billed		as billed
Enclosure Access	\$19.45	\$2.55	\$22.00
Locking Lid Fee	\$21.61	\$2.39	\$24.00
Push/Pull Charge	\$16.20	\$1.80	\$18.00
Extra Pick Up, per Cubic Yard			
Municipal Solid Waste	\$16.20	\$1.86	\$18.06
Recycle	\$10.81	\$1.24	\$12.05
Organics	\$14.04	\$1.61	\$15.65

removed 1 yard service

added 2yd organics 3x week  
removed 3 and 4yd organics bins

**AMENDMENT TO  
SOLID WASTE COLLECTION, TRANSPORTATION, AND FRANCHISE  
AGREEMENT FOR DISPOSAL SERVICES**

This Amendment to Solid Waste Collection, Transportation, and Franchise Agreement For Disposal Services ("Second Amendment") is made and entered on \_\_\_\_\_, 2021, by and between the City of Parlier ("City") and Mid Valley Disposal LLC (Franchisee) and collectively "Parties."

**WHEREAS**, in 2016, Governor Brown signed into law SB1383 that establishes regulatory requirements for Cities, Generators, Solid Waste facilities, and other entities to support achievement of State-wide reduction in short lived climate pollutants; and

**WHEREAS**, City has requested and Franchisee has agreed to implement new programs and services related to SB1383 requirements.

**WHEREAS**, modifications to the Agreement are necessary as a result of the State's passage of SB 1383.

**AGREEMENT**

**SECTION 1: DEFINITIONS:**

"Prohibited Container Contaminants" means the following: (i) Discarded Materials placed in the Blue Container that are not identified as acceptable materials for the Blue Containers; (ii) Discarded Materials placed in the Green Container that are not identified as acceptable for the Green Container; (iii) Discarded Materials placed in the Gray Container that are acceptable to be placed in Green Containers and/or Blue Containers ; and (iv) Excluded Waste placed in any Container.

"SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which establishes 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.

**SECTION 2: SB1383 PROGRAMS**

Franchisee shall perform the services set forth in Attachment B entitled "SB1383 Compliance Programs" attached hereto incorporated into the Agreement.

SECTION 3. The rates attached as Attachment A to this amendment shall become effective March 1, 2021. In consideration of the rate increases reflected by Exhibit A, Franchisee shall waive the right to recover any Cost of Living Adjustment as provided by Section 13, B, of the Franchise Agreement for Fiscal Year 2021-2022.

SECTION 4. Except as amended by this Second Amendment, all terms and conditions of the Franchise Agreement continue in full force and effect.

SECTION 5. This Amendment to shall be effective on the date of its adoption by the Parlier City Council.

**CITY OF PARLIER**

**MID VALLEY DISPOSAL LLC**

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT A  
RATES**



**ATTACHMENT B**  
**SB1383 COMPLIANCE PROGRAMS**

To support the City in complying with regulations under SB1383, Franchisee shall implement the programs identified in this Exhibit. These programs are designed to meet the implementation and education requirements of SB1383 and help the City achieve annual diversion requirements set by CalRecycle. The City's actual annual diversion rate depends on participation of businesses and residents, their respective adherence to program requirements and local code, the City's enforcement of applicable codes, and the City's implementation of other programs outside the scope of this Agreement. Accordingly, City shall amend or update the City code to incorporate requirements necessary for the implementation of these programs.

**1. Collection Requirements and Container Labeling**

Franchisee shall provide a 3-container collection program for Solid Waste, Recyclable Materials, and Organic Waste. Collection containers shall be Grey (Solid Waste), Blue (Recyclable Materials), and Green (Organic Waste). Hardware such as hinges and wheels may be different colors.

New containers or lids placed by Franchisee shall meet the requirements of 14 CCR Section 18984.8 and include language or graphic images, or both, that indicate the primary materials accepted and the primary materials prohibited in that container. Labels shall clearly indicate items that are Prohibited Container Contaminants for each container.

**2. Education and Outreach**

To promote public education about recycling requirements, Franchisee shall create public education materials and conduct education programs and activities described in this Section.

Annual Notice: Franchisee shall prepare and distribute to each Generator in the City a mailer that includes information specified in 14 CCR Section 18985.1(a). Such mailer shall be distributed by Franchisee to all Residential and Commercial mailing addresses including individual Multi-Family Dwelling Units. Franchisee shall also make this notice available in an electronic format through the Franchisee's website.

Instructional Service Guide: Franchisee shall prepare a service guide that describes available services, including how to place Containers for Collection, which materials should be placed in each Container and prohibited materials, and provides Collection holidays

Property Owners and Businesses: Franchisee shall annually provide Property Owners and Commercial Business owners with public education materials in electronic format for their distribution to all employees, Franchisees, tenants, and Customers of the properties and businesses. The Franchisee's public education materials shall include, at a minimum, information about Organic Waste recovery requirements and proper sorting of Discarded

Materials. A Commercial Business or Multi-Family Property Owner may request these materials more frequently than the standard annual provision if needed to comply with the requirement of 14 CCR Section 18984.10 for Commercial Businesses and Multi-Family Property Owners to provide educational information to new tenants and employees before or within fourteen (14) days of occupation of the Premises. In this case, the Commercial Business or Multi-Family Property Owner may request delivery of materials by contacting the Franchisee's customer service department not later than two (2) weeks in advance of the date that the materials are needed.

Technical Assistance Program: Franchisee shall provide ongoing technical assistance for Commercial and Multi-family generators that are required to participate in source separated recycling under applicable laws including AB 341, AB 1826, and SB 1383 and corresponding regulations. Technical assistance may include on-site training, instructional guides, printed or electronic materials and other resources that satisfy regulation requirements.

### **3. Waste Evaluations**

Contamination Monitoring: Franchisee shall perform contamination inspections by utilizing on-board monitoring systems or physical container inspections. For physical container inspections, Franchisee's personnel shall lift the Container lid and observe the contents. For Collection vehicles equipped with a video camera and monitoring system, Franchisee's personnel shall observe, via the hopper video camera and monitoring system, the contents of the Containers as the materials are emptied into the vehicle. Upon finding Prohibited Container Contaminants in a Container, Franchisee shall follow the contamination noticing procedures set forth below.

Waste Characterizations: Franchisee shall, at its sole expense, conduct waste evaluations that meet the requirements of 14 CCR Section 18984.5(c). The Franchisee shall conduct waste evaluations for contaminants at least twice per year and the studies shall occur in two distinct seasons of the year. Franchisee shall provide adequate notice to City of when waste evaluations will occur, and City reserves the right to observe waste evaluations.

Contamination Notifications: If the sampled weight of Prohibited Container Contaminants exceeds twenty-five percent (25%) of the measured sample for any material stream, the Franchisee shall notify City within fifteen (15) working days. Franchisee may perform targeted waste audits to determine the source of contaminants and provide technical assistance to those generators, or notify all generators of their obligation to properly source separate materials. The Franchisee may provide this information by placing a written notice on the Generators' Containers or the gate or door of the Premises; and/or by mail, e-mail, or electronic message to the applicable Generators.

Franchisee will coordinate with City to develop procedures regarding alleged violations of these recycling programs.

#### **4. Procurement**

At City's option, Franchisee will make available up to 1,000 tons of compost or mulch for City to purchase to help meet its procurement requirements. Franchisee also agrees to provide City with any available procurement credits from renewable fuel purchases used by vehicles within City.

#### **5. Waivers**

The City shall be responsible for granting waivers to commercial or multi-family generators that meet the de minimis requirements subject to the requirements under SB1383, pursuant to 14 CCR Section 1898411, or other requirements that may be specified by City. This includes physical space waivers where services may be impacted.

Franchisee shall provide City with required generator information on services and activity that is needed as part of the waiver application. Franchisee may also assist generators with waiver applications or submit on their behalf.

#### **6. Edible Food Recovery**

Franchisee shall provide City with necessary data and reporting to determine Tier 1 and Tier 2 commercial edible food generators within the City.

At least annually, the Franchisee shall ensure Commercial Edible Food Generators receive the following information:

- Information about the City's Edible Food Recovery program;
- Information about the Commercial Edible Food Generator requirements under 14 CCR, Division 7, Chapter 12, Article 10;
- Information about Food Recovery Organizations and Food Recovery Services operating within the City, and where a list of those Food Recovery Organizations and Food Recovery Services can be found; and,
- Information about actions that Commercial Edible Food Generators can take to prevent the creation of Food Waste.

#### **7. Reporting**

Franchisee will provide the data or prepare reports required to meet quarterly and annual SB1383 requirements which includes:

- The number of generators that receive organic waste collection service
- The number of route reviews conducted for prohibited container contaminants
- The number of times notices, violations, or targeted education materials were issued to generators for prohibited container contaminants.
- The results of waste evaluations performed to meet the container contamination minimization requirements and the number of resulting targeted route reviews

- The number of commercial edible food generators located within the jurisdiction

AGENDA ITEM: # 8

MEETING DATE: February 3, 2022

DEPARTMENT: Administration

## REPORT TO THE CITY COUNCIL

### **SUBJECT:**

Public Hearing, Second Reading and Adoption of Ordinance Adding Chapter 6.21 to Parlier Municipal Code Regarding Organic Waste.

### **RECOMMENDATION:**

Conduct public hearing, adopt ordinance.

### **BACKGROUND:**

The Legislature has mandated to adoption of an ordinance requiring most persons or businesses that generate any form of solid waste recycle what is known as organic waste – essentially food waste – and dispose of that in a separate bin or container for that purpose. The proposed ordinance requires that food and other similar waste for most residents and businesses must be recycled by requiring homeowners and businesses to segregate that waste from the other waste in a separately provided receptacle. The receptacle is collected and its contents disposed of in the usual manner by Mid Valley Disposal LLC (Mid Valley), and affected customers are provided with the necessary separate receptacle for that purpose by Mid Valley pursuant to the terms of the Franchise Agreement that exists between the City and Mid Valley. The ordinance simply provides the additional bin for newly required recycled material and imposes the obligation to process that waste on Mid Valley. It includes fines for failure to comply, which are not enforceable until 2024.

### **RECOMMENDATION:**

Conduct public hearing, adopt ordinance.

Prepared by:

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Neal E. Costanzo, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARLIER  
ADDING CHAPTER 6.21 TO THE PARLIER MUNICIPAL CODE TO  
SATISFY THE SHORT-LIVED CLIMATE POLLUTION REDUCTION  
ACT OF 2016, KNOWN AS THE ORGANIC WASTE ORDINANCE**

**WHEREAS**, the City is required by law, SB 1368, to adopt regulations relating to organic and other waste deemed by the Legislature to be short-lived climate pollution sources.

**NOW, THEREFORE**, the City Council of the City of Parlier does hereby ordain as follows:

**Section 1.** Chapter 6.21 of Title 6 of the Parlier Municipal Code is hereby added to read as follows:

**Chapter 6.21, Title 6**

**ORGANIC WASTE**

**Sections:**

- 6.21.010 Purpose and Findings.
- 6.21.020 Definitions.
- 6.21.030 Requirements for Single Family Generators
- 6.21.040 Requirements for Commercial Businesses
- 6.21.050 Waivers for Generators
- 6.21.060 Requirements for Commercial Edible Food Generators
- 6.21.070 Self-Hauler Requirements
- 6.21.080 Inspections by Jurisdiction
- 6.21.090 Enforcement
- 6.21.100 Compliance with CALGreen Requirements
- 6.21.110 Model Water Efficient Landscaping Ordinance

**6.21.010 Purpose and Findings.**

SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations.

**6.21.020 Definitions.**

For purposes of this Chapter, the following definitions shall apply:

- (a) "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
- (b) "CalRecycle" means California's Department of Resources Recycling and Recovery.

- (c) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- (d) "City" means the City of Parlier. The word "City" shall include the entity or person holding a franchise agreement with the City for collecting and disposal of solid waste and recycling services.
- (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, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- (f) "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 3(ss) and 3(tt) of this ordinance 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) "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants.
- (h) "C&D" means construction and demolition debris.
- (i) "Designee" means an entity that a Jurisdiction contracts with or otherwise arranges to carry out any of the Jurisdiction's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (j) "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (k) "Enforcement Action" means an action of the Jurisdiction to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (l) "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 Jurisdiction 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 Jurisdictions, 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 Jurisdiction, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

(m) "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).

(n) "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

(1) A food bank as defined in Section 113783 of the Health and Safety Code;

(2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

(3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

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

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

(o) "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

(p) "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

(q) "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).

(r) "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, and pizza boxes.



(s) "Food Waste" means Food Scraps and Food-Soiled Paper.

"Green waste" means leaves, grass clippings, brush, branches and other forms of organic matter generated from landscapes and gardens, separated from other forms of solid waste.

(t) "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

(u) "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is not acceptable for placement in a Blue or Green Container as part of a three-container collection service.

(v) "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

(w) "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).

(x) "Inspection" means a site visit where a Jurisdiction reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

(y) "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.

(z) "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

(aa) "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).

(bb) “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.

(cc) “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).

(dd) “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.

(ee) “Organic Waste” includes Greenwaste and Food Waste.

(ff) “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).

(gg) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the Jurisdiction’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the Jurisdiction’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in Jurisdiction’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

(hh) “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).

(ii) "Recyclables" means those materials that by way of collecting, sorting, cleansing, treating, and reconstituting materials would otherwise become solid waste, and by processing can be returned to the economic mainstream in the form of raw materials for new, reused, or reconstituted products. Recyclables include, but are not limited to, newsprint, mixed paper, aluminum, plastics, glass, metal, cardboard, chip board, junk mail, magazines, newspaper, books, computer paper, and the like.

(jj) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

(kk) “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).

(ll) "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).

(mm) "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.

(nn) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

(oo) "Self-Hauler" means a person, who hauls Solid Waste, he or she has generated using the generator's own equipment.

(pp) "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.

(qq) "Source Separated" means the segregation, by the generator, of materials designated for separate collection for some form of recycling, processing, recovery, or reuse.

(rr) "State" means the State of California.

(ss) "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).

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

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

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

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

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

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

#### **6.21.030 Requirements for Single Family Generators.**

Every person owning or occupying a residence or commercial establishment shall subscribe to solid waste, organic waste, and segregated recyclable collection. City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the Jurisdiction.

#### **Requirements for Source Separating Solid Waste.**

A. All residential and commercial generators of Solid Waste shall be required to source separate materials into Grey, Blue, and Green containers.

B. Generators shall place Source Separated Organic Waste, including Food Waste, in the Green Container; Segregated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

C. Generators shall not place Prohibited Container Contaminants in any container. City and City's authorized recycling agent reserve the right to inspect containers to determine if Prohibited Container Contaminants are present and issue a warning or assess penalties and fines under this chapter.

**6.21.040 Requirements for Commercial Businesses.**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

(a) Subscribe to City's three-container collection services. City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the Jurisdiction.

(b) 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 Jurisdiction's Blue Container, Green Container, and Gray Container collection service.

(c) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

(1) A body or lid that conforms with the container colors provided through the collection service provided by Jurisdiction, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

(d) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements pursuant to 14 CCR Section 18984.9(b).

(e) To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the Jurisdiction's Blue Container, Green Container, and Gray Container collection service.

(f) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

(g) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.

(h) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

(i) Provide or arrange access for Jurisdiction or its agent to their properties during all Inspections conducted in accordance with this ordinance to confirm compliance with the requirements of this ordinance.

(j) Accommodate and cooperate with Jurisdiction'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 this ordinance.

(k) 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).

(l) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements in this ordinance.

#### **6.21.050 Waivers for Generators.**

(a) De Minimis Waiver: City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described below.

Commercial Businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section (a)(2) below.

(2) Provide documentation that either:

(A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) Notify Jurisdiction if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every 5 years, if Jurisdiction has approved de minimis waiver.

(b) Physical Space Waiver: City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the Jurisdiction has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this ordinance.

A Commercial Business or property owner may request a physical space waiver through the following process:

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

(2) Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.

(3) Provide written verification to Jurisdiction that it is still eligible for physical space waiver every five years, if Jurisdiction has approved application for a physical space waiver.

#### **6.21.060 Requirements for Commercial Edible Food Generators.**

(a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 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 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 Jurisdiction's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

(C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

(i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

(ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

(iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

(d) Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

#### **6.21.070 Self-Hauler Requirements.**

(a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that Jurisdiction otherwise requires generators to separate for collection in the Jurisdiction's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2.



(b) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Solid Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the Jurisdiction. The records shall include the following information:

(1) Delivery receipts and weight tickets from the entity accepting the waste.

(2) The amount of material in cubic yards or tons transported by the generator to each entity.

(3) If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

(d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 12(c) to Jurisdiction if requested.

(e) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 12(c) and (d).

#### **6.21.080 Inspections by City.**

(a) City representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow Jurisdiction to enter the interior of a private residential property for Inspection.

(b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment (optional); or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

(1) Any records obtained by a Jurisdiction during its 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.

(2) City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

(3) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

**6.21.090 Enforcement.**

(a) Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

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

(c) Responsible Entity for Enforcement.

(1) Enforcement pursuant to this ordinance may be undertaken by the City Enforcement Official, which may be the city manager or their designated entity, legal counsel, or combination thereof.

(2) Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the Jurisdiction, in consultation with City Enforcement Official.

(A) City Enforcement Official(s) (and Regional or County Agency Enforcement Official, if using) will interpret ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.

(B) City Enforcement Official(s) (and Regional or County Agency Enforcement Official, if using) may issue Notices of Violation(s).

(d) Process for Enforcement.

(1) City Enforcement Officials or Regional or County Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Section 6.21.080 establishes Jurisdiction's right to conduct Inspections and investigations.

(2) City may issue an official notification to notify regulated entities of its obligations under the ordinance.

(3) For incidences of Prohibited Container Contaminants found in containers, City will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within five (5) days after determining that a violation has occurred. If the Jurisdiction observes Prohibited Container Contaminants in a generator's containers on more than three (3) consecutive occasion(s), the Jurisdiction may assess contamination processing fees or contamination penalties on the generator.

(4) With the exception of violations of generator contamination of container contents addressed under Section 17(d)(3), Jurisdiction shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

(5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, Jurisdiction shall commence an action to impose penalties, via an administrative citation and fine, pursuant to this ordinance. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the Jurisdiction or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

(e) Penalty Amounts for Types of Violations.

The penalty levels are as follows:

(1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.

(2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.

(3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

(f) Factors Considered in Determining Penalty Amount.

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

- (1) The nature, circumstances, and severity of the violation(s).
- (2) The violator's ability to pay.
- (3) The willfulness of the violator's misconduct.
- (4) Whether the violator took measures to avoid or mitigate violations of this chapter.
- (5) Evidence of any economic benefit resulting from the violation(s).
- (6) The deterrent effect of the penalty on the violator.

(7) Whether the violation(s) were due to conditions outside the control of the violator.

(g) Compliance Deadline Extension Considerations.

The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 17 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

(1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

(2) Delays in obtaining discretionary permits or other government agency approvals;  
or,

(3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(h) Appeals Process.

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with Jurisdiction's procedures in the Jurisdiction's codes for appeals of administrative citations. Evidence may be presented at the hearing. The Jurisdiction will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(i) Education Period for Non-Compliance.

Beginning January 1, 2022 and through December 31, 2023, Jurisdiction will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if Jurisdiction determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(j) Civil Penalties for Non-Compliance.

Beginning January 1, 2024, if the Jurisdiction determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 17, as needed.

**6.21.100 Compliance with CALGreen Requirements.**

(a) Persons applying for a permit from the Jurisdiction 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 or more stringent requirements of the Jurisdiction. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

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

(b) For projects covered by CALGreen or more stringent requirements of the Jurisdiction, the applicants must, as a condition of the Jurisdiction's permit approval, comply with the following:

(1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-, three-plus, or two-container collection program offered by the Jurisdiction, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-, three-plus, or two-container collection program offered by the Jurisdiction, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with City's C&D ordinance and all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

**Section 2.** California Environmental Quality Act: The City Council having considered the Staff Report and all public comments, has determined that this ordinance is not a project under the California Environmental Quality Act because the ordinance has no potential for resulting in a physical change in the environment. Since the ordinance is not a project, no environmental documentation is required.

**Section 3.** Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase

thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

**Section 4.** Effective Date and Posting of Ordinance: The Clerk of the City of Parlier shall cause a summary of this Ordinance to be published at least once within fifteen (15) days after its passage in a newspaper of general circulation in Fresno County with the names of those City Council Members voting for or against the Ordinance.

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INTRODUCED at a regular meeting on January 20, 2022.

PASSED and ADOPTED, at a regular meeting of all Council on February 2, 2022, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

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Alma Beltran, Mayor of the City of Parlier

ATTEST:

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Bertha Augustine  
Deputy City Clerk of the City of Parlier