

**WRIGHTWOOD
COMMUNITY
SERVICES DISTRICT**

February 5, 2019

**REGULAR BOARD
MEETING PACKET**

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

P.O. Box 218
Wrightwood, CA 92397

Notice

Regular Meeting of the Board of Directors
Tuesday, February 5, 2019-7pm
Wrightwood Community Building
1275 State Highway 2, Wrightwood, CA

Agenda

7:00 PM – Call to Order

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Public Comments *Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought to participate in the above-agenized public meeting, should be directed to the Chair at any time prior to the meeting. Under this item, any member of the public wishing to directly address the Board on any item of interest that is not within the subject matter jurisdiction of the Board may do so now. However, the Board is prohibited by law from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act. Any member of the public wishing to directly address the Board on any item listed on the agenda may do so when the item is being considered by the Board. Pursuant to Section 2.3.2 of Ordinance No 2017-1 adopted by the Board on July 1, 2017, the Chair may limit each speaker to a comment period of three (3) minutes or less.*
5. Agency Reports
6. Consent Calendar
 - 6a. January 1, 2018 Regular Board meeting Minutes
 - 6b. Board Resolution 2019-03 Michelle Mitchell
7. General Managers Report
8. January Financials
9. District Auditor: Discussion and Possible Action
10. Support Letter Wrightwood Fire Safe Council: Discussion and Possible Action
11. Mid-year 2018/19 Budget Review: Discussion and Possible Action
12. District Reserve Policy: Discussion and Possible Action
13. Solid Waste Recycling Update: Discussion and Possible Action
14. Directors Website Pictures: Discussion and Possible Action
15. Directors Comments
16. Future Board Meeting: Discussion and Possible Action March 5, 2019
17. Communications
18. Adjournment

The vision of the Wrightwood Community Services District is: To Empower our community to have local control by serving as a platform for community discussion, cohesion and action in the areas of parks and recreation, street lighting, solid waste and recycling and wastewater planning and engineering.

To promote and grow a vibrant parks and recreation department for our community.

To maintain and enhance our current infrastructure

To economize our solid waste process and maximize our efficiency in executing them

To protect our natural resources through evaluating community wastewater needs

To meet all these ends in a fiscally responsible manner

The mission of the Wrightwood Community Services District is to provide local governance in the areas of parks and recreation, street lighting, solid waste and recycling and waste water planning and engineering in a fiscally

ITEM 6A

REGULAR

BOARD MEETING
JANUARY 1, 2019

MINUTES

REGULAR BOARD MEETING

January 1, 2019
Wrightwood Community Building
1275 State Highway 2
Wrightwood, CA

MINUTES

Board Members: Wes Zuber, President
Leo Hordyk, Vice President
Natalie Lopiccolo, Member
Michelle Schneider, Member
Chuck Franklin, Member

Staff Present: Steven Kennedy, Attorney
Al Morrissette – General Manager
Michelle Mitchell - Secretary

Call to Order

President Zuber called the Meeting to order at 7:00 p.m.
Director Franklin conducted the Pledge of Allegiance

Roll Call

All members are present.

3. Approval of Agenda: The Board added Audit Discussion to the agenda to be placed between 5. Agency Reports and 6. Consent Calendar. Director Lopiccolo motioned to approve the agenda, Director Franklin seconded the motion with the addition of audit discussion. Agenda was approved unanimously.

4. Public Comment: None

5. Agency Reports:

Jim Cowen with Golden State Water Co spoke of what they accomplished in 2018 and what they have planned for 2019. In 2018 they finished a lot of the pipeline replacements. In 2019 they will be installing permanent generators. Water supply levels from 2018 we 15 feet lower than 2017.

6. Audit Discussion: General Manager Morrissette provided the Board with information from San Bernardino County Auditors Control Office stating they would do the district’s annual audit. On 12/21/18 he received an email from them stating they would be unable to do it. The first report of the audit is due on 1/31/18. The Board gave him the authority to hire a company to do the audit not to exceed \$6,000 without board approval. GM Morrissette is going to attempt to get an extension. Director Schneider motioned to approve, Director Lopiccolo seconded the motion. Motion approved unanimously.

7. Consent Calendar: Director Hordyk motioned to approve, Director Franklin seconded the motion. Consent calendar approved unanimously.

8. General Managers Report: General Manager stated he would like to bring the Capital Improvement Plan (CIP) to the Board next month. President Zuber requested that a draft be emailed to the board members to add and remove previous the next regular meeting. President Zuber asked how the porta potties are doing, GM Morrissette stated it has been great. Director Franklin would like to add locking devices for the bathrooms. Website has been launched but needs some more information put in. President Zuber would like to get formal pics of the board members, director Lopiccicolo is going to find a photographer.

9. December Financials: Most of the money has been collected. Director Franklin asked about the next payment for the skate park, it is due in April then one more payment after that. GM Morrissette stated that we also have an election payment due in January. Director Franklin asked about the CSDA due's and subscriptions of \$6,000.00. GM Morrissette stated it was an error and he is working on it. Director Franklin asked about the final 2017-2018 numbers from Cecelia, GM Morrissette stated he wasn't sure if CSA56 has done their final audit to finalize it.

10. Mid-year 2018/19 Budget Review: President Zuber suggested and Ad Hoc committee to review. The committee will consist of President Zuber, Director Franklin and GM Morrissette.

District Reserve Policy: GM Morrissette suggested the board have a couple of reserve targets such as general funds, parks and recreation, capital improvement and emergencies. This policy would delegate any reserve money at the end of the year. Item moved to March meeting to give the board time to review. No action.

11. Solid Waste Recycling Update: There will be requirements by the WCSD to file reports with the county and the state regarding recycling by the businesses in town. The board is considering the adoption of requiring all businesses to have trash pick-up. This may include air bnb's.

12. Directors Comments: Director Hordyk wished everyone a happy New Year. Director Schneider requested the Board get the agenda 5 days prior to the meetings.

13. Future Board Meetings and Agenda: Budget review, capital improvement plan, Wrightwood village trail.

14. Communications:

15. Adjournment:

President Zuber adjourned the meeting at 8:12 p.m.

Minutes approved: _____
President Wes Zuber

Date _____

ITEM 6 B

**BOARD RESOLUTION
2019-02**

MICHELLE MITCHELL

RESOLUTION NO. 2019-02
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT
IN GRATITUDE FOR THE SERVICE THAT MICHELLE MITCHELL PERFORMED AS A
MEMBER OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT TEAM

On this day February 5, 2019, The Board of Directors of the Wrightwood Community Services District wishes to express our gratitude for the service Michelle Mitchell performed during the Inagua year of the formation of this community services district.

Whereas we appreciate your dedication being a front line liaison between the District and the public which we serve. In doing so you helped to dispel rumors and misconceptions of the formation and purpose of this District, enabling the constituents to get acquainted with the District and its service to them.

Whereas you were vital in bridging the District with other agencies and entities, helping in the establishment of our independence from San Bernardino Special District.

Whereas we are grateful of your willingness to take on many tasks not originally part of your responsibilities and that you did so with determination and dedication to develop those tasks in a proactive and practical manner.

Whereas we appreciate your taking on the duties of Interim General Manager enabling the District to function seemingly effortlessly.

Leo Hordyk Vice-President

Wes Zuber President

Natalie Lopiccolo, Member

Michelle Schneider, Member

Chuck Franklin, Member

ITEM 7

GENERAL MANAGER

REPORT

GENERAL MANAGER REPORT

February 5, 2019

I thank Michelle Mitchell for her service to the District as our first Facilities/Office Assistant and wish her luck in her future endeavors. In accordance to District policy, I posted Michelle's position in the District office for a week prior to offering it to the public and Our Park/Building Maintenance employee Tammie Keen chose to interview for the position. After going through a week of direct training by Michelle to familiarize Tammie with our software and procedures, we confirmed the position change would be beneficial to both Tammie and the District and she assumed the position on Jan 28. I am seeking a new Park Maintenance Person.

I appreciate the assistance from our bookkeeper Cecilia Cummings in providing a quick response to the State Controller's inquiry of the 2017/18 Audit. The timeline for the audit is no later than end of June 2019 but we needed to submit the fiscal year 2017/18 Special Districts Financial Transactions Report prior to January 31, 2019, that task was accomplished. I also appreciate Board President Zuber for his help in contacting Eadie and Payne to potentially perform the first year audit. A representative from Eadie and Payne will be attending our Feb 5 (tonight) Board Meeting to answer question as the Board will possibly decide their firm as our auditor this evening.

Throughout the month, I have been working with the Division Manager of Fiscal and Administrative Services Special Districts Department to determine 1. Refund of potential funds withheld by Special Districts for possible future expenses. Those funds were withheld during the transfer of power and the balance to be returned by June 2018. 2. An audited accountability of those expenses withheld and 3. Resolve of the Frontier DSL billings we were paying as the cell phone bill each month, but I had discovered was an internet line to SB County Fire Station 14. I'm seeking reimbursement for \$574.98 for the misbilling and I asked for the billings associated with the District Phone through Verizon. This has yet to be fulfilled but I am determined to complete the task and get closure.

The six Port-A-Potties that are along the northern fence of the Community Building Parking lot have been helpful in relieving stress of the Vivian Null Park Restroom infrastructure by unlocking them during times of increase snow player traffic and inclement weather. Clearly we have had a large increase of snow player and visitor activity in our parks and parking lots during the month, and I am hopeful that absence of vandalism of our overall park facilities and the port-a-potties indicates that visitors are being appreciative of what we are providing.

On January 23, The Park Coordinator Adhoc Committee had me post the potential job duties in several Social Media sites seeking public comment. The committee anticipates reviewing comments and bring the discussion back to the Board in March.

The Mid-Year Budget Review Adhoc Committee met on January 25 and determined they needed more information set up in a parallel format enabling quicker review. President Zuber contacted our bookkeeper to create those documents and the committee met a second time on Feb 4.

Annual OSHA report was completed and submitted along with two LA County Registrar of Voters information update form request from different departments.

CR&R Manager Brent Speers met with me on January 29 to discuss the new State Recycling and reporting requirements and methodology. The primary change involves the WCSD reporting to the State through CalRecycle and not to the SB County. I will be in contact with Kathy Walsh who is an expert on these matters and a local resident.

I have been developing the Districts Capital Improvement Plan and should bring it to the Board at our March 5 Board Meeting.

Thank You
Al Morrissette

ITEM 8

JANUARY 2019
FINANCIALS
DISCUSSION
AND
POSSIBLE ACTION

DEPOSITS AND DISBURSEMENTS FISCAL YEAR 2018/2019						
Month	Beginning Balance	Deposit	Total Disbursements	Payroll	Gross	Cash Available
7/1/2018	\$172,922.44	\$14,364.78	\$39,494.39	\$5,818.35	\$187,287.22	\$141,974.48
8/1/2018	\$141,974.48	\$17,050.79	\$35,184.57	\$5,504.73	\$159,025.27	\$118,335.97
9/1/2018	\$118,335.97	\$8,417.66	\$18,258.27	\$5,154.78	\$126,753.63	\$103,340.58
10/1/2018	\$103,340.58	\$6,918.24	\$20,478.21	\$6,612.54	\$110,258.82	\$83,168.07
11/1/2018	\$83,168.07	\$69,602.64	\$18,180.70	\$6,694.07	\$152,770.71	\$127,895.94
12/1/2018	\$127,895.94	\$148,692.33	\$23,122.17	\$5,956.46	\$276,588.27	\$247,509.64
1/1/2019	\$247,509.64	\$17,432.30	\$31,065.99	\$4,699.57	\$264,941.94	\$229,176.38
2/1/2019	\$229,611.65					
3/1/2019						
4/1/2019						
5/1/2019						
6/1/2019						
Estimate Cash Flow Statement			MONTHLY HOURS			
Current Bank Balance	\$229,176.38		GM	PARK	OFFICE	MONTH
Franchise Fee *	\$4,000.00		100	80	80	
Total Estimate Revenue	\$233,176.38		130.25	97.25	105.75	08/18/18
			117	82.75	95	09/18/19
Accounts Payable	Outstanding		152.75*	62.25**	102.75***	10/18/2018
Election Payment	\$0.00		46.25	87.5	115****	11/18/2018
Skate Park	\$27,000.00		116	82.5	104.25	12/1/2018
Total Estimated Expense	\$27,000.00		151.5	77.25	87.25	1/1/2019
Balance	\$206,176.38		Note: hours are 5 consecutive hours per work day. number of work days can vary dependent upon the days of the week, compared to the days of the month.			
			*GM help cover for Park Work, *GM create Special Board meeting agenda/packet			
			** position was vacant for a week *** help cover for Park Work			

Facility Rental Revenue		January 2019								
Group	Schedule	Rental Hours per Month	Community Building	Old Fire House	Parking Lot	Kitchen	Variance	Current Hourly Rate	Monthly Rental Payment	Variance Allocation
AA Wednesday	Weekly	7.5		X			No request	\$13.00	\$97.50	\$0.00
AA Sunday	Weekly	4		X			No request	\$13.00	\$52.00	\$0.00
Baha'I Faith	Temp Suspended	0								
CERT	Twice Monthly	2	X	X			No request	\$13.50		
Chamber of Commerce	N/A	0								
Chad Keel	Neighborhood Watch	1.5	X				Denied	\$13.50	\$20.25	\$0.00
Cooking W'Kids	Weekly	3				X	No request	\$50.00	\$50.00	\$0.00
Farmers Market	Weekly	16	X				No request	\$13.50	\$216.00	\$0.00
Fire Safe Council	Monthly	2		X			Yes	\$13.00	\$0.00	\$26.00
Gypsy Mamma	Craft Fair	0	X				No request	\$13.50	\$81.00	\$0.00
Inspire Charter Schools	Gingerbread Party	0	X				No request	\$13.50	\$47.25	\$0.00
Line Dancers	Weekly	8	X				Yes	\$13.50	\$0.00	\$108.00
Meet & Greet	Quarterly	0					Yes	\$13.50		
Pine Needle Quilt Guild	Monthly	3	X				No request	\$13.50	\$70.50	\$0.00
Service	Once	4	X			X	No request	\$13.50	\$79.00	\$0.00
Snowline Christian Academy	Dance	0	X				No request	\$13.50	\$47.25	\$0.00
Snowline Christian Academy	Dance Class	0	X				No request	\$13.50	\$40.50	\$0.00
Snowline Players	Auditions	2	X				Yes	\$13.50	\$0.00	\$27.00
Tri Community Co-Op	Every Other Week	7	X				No request	\$13.50	\$94.50	\$0.00
WWPOA	Meeting	3		X			No request	\$13.00	\$39.00	\$0.00
Wrightwood Center Stage	Concerts	2	X				No request	\$13.50	\$27.00	\$0.00
Monthly Total		65							\$961.75	\$161.00

			JANUARY 2019 DISBURSEMENTS AND DEPOSITS			
Check Number	Amount	Disbursement Date	P O Date	Payee	Account	
Autopay	\$102.12	1/3/2019	1/3/2019	EDD	Employee Benefit	
Autopay	\$95.63	1/3/2019	1/3/2019	EDD	Employee Benefit	
Credit Card	\$47.37	1/2/2019	1/2/2019	Stater Bros	T-paper	
Credit Card	\$1,267.95	1/8/2019	1/8/2019	Waxie	custodial supplies	
Credit Card	\$83.92	1/10/2019	1/10/2019	Stater Bros	T-paper	
1377	\$632.55	1/15/2019		SoCaGas	Com Bld	
1378	\$1,666.67	1/15/2019	1/23/2019	Room34	Website/final	
1379	\$1,651.00	1/15/2019	1/28/2019	CSDA	Annual membership	
1380	\$54.61	1/15/2019	1/23/2019	SoCal Edison	OFH/Museum	
1381	\$318.38	1/15/2019	1/24/2019	SoCal Edison	Com Bld	
1382	\$43.95	1/15/2019	1/19/2019	Turner Security	Com Bld	
1383	\$311.56	1/15/2019	1/23/2019	So Cal Edison	Street Lights	
1384	\$2,131.25	1/15/2019	1/31/2019	Kennedy	Attorney	
1385	\$174.12	1/15/2019	1/23/2019	CR&R	Com Bld	
1386	\$7,368.86	1/15/2019	1/23/2019	CR&R	Solid Waste	
Autopay	\$79.72	1/15/2019	1/15/2019	flagstar	Service Charge	
Autopay	\$179.88	1/16/2019	1/16/2019	Adobe	Reader	
1387	\$10,583.00	1/21/2019		SBC REGISTRAR	2017 2ND ELECTION PAYMENT	
1388	\$1,827.11	1/22/2019		SBC SOLID WASTE	Solid Waste	
Credit Card	\$587.58	1/22/2019	1/22/2019	Andy Gump	(6) Port-A-Pots	
Credit Card	\$569.59	1/22/2019	1/22/2019	School Outfitter	Rolling White Board	
Autopay	\$60.00	1/23/2019	1/23/2019	Intuit	QuickBooks	
1389	\$150.00	1/23/2019		Eleftera Thomas	Com Bld Kitchen Deposit Return	
1390	VIOD	1/29/2019	VOID	VOID	VOID	
1391	\$600.54	1/29/2019		Mountain Hardware	Com Bld paint/etc.	
1392	\$71.00	1/29/2019		Mike Jerkins	Facility use deposit refund	
1393	\$125.30	1/29/2019		Verizon	District Phones (2)	
1394	\$21.94	1/29/2019		Golden State Water	Old Fire House	
1395	\$148.15	1/29/2019		Golden State Water	Com Bld	
1396	\$112.24	1/29/2019		SoCaGas	Old Fire House	
Total	\$31,065.99					

Deposits			Payroll	
Date	Amount	Name	Check Number	Amount
1/3/2019	\$4,961.21	CR&R NOVEMBER	50079	\$184.07
1/10/2019	\$3,617.61	SBCGA01	500080	\$1,452.29
1/10/2019	\$4,578.70	SBCSLO1	50081	\$493.58
1/15/2019	\$21.54	SBCGA01	50082	\$246.42
1/15/2019	\$391.36	SBCSLO1	50083	\$1,394.18
1/15/2019	\$1,115.00	Rental	50084	\$435.27
1/18/2019	\$867.30	LAC PROP TAX	50085	\$493.76
1/22/2019	\$422.50	Rental	Total	\$4,699.57
1/23/2019	\$64.45	SBCGA01		
1/23/2019	\$1,392.63	SBCSLO1		
Total	\$17,432.30			

ITEM 9

DISTRICT AUDITOR
DISCUSSION
AND
POSSIBLE ACTION

SUPPORT MATERIAL IS A SEPARATE HANDOUT

ITEM 10
SUPPORT LETTER
FOR
WRIGHTWOOD
FIRE SAFE
COUNCIL
GRANT
DISCUSSION
AND
POSSIBLE ACTION

Wrightwood Community Services District

Charting Wrightwood's Destiny for Parks & Rec, Solid Waste and Streetlights

1275 Hwy2, Wrightwood, CA 92397 Mailing Address: POB 218, Wrightwood, CA 92379 Phone: 760 249-3205

January 29, 2019

California Climate Investments
Department of Forestry and Fire Protection

To Whom It May Concern,

The Wrightwood Firesafe Council (FSC), with assistance from Angeles National Forest (ANF), is submitting a Forest Health Program Grant Proposal that would enable them to complete the objectives of the vegetation management projects within the Sheep Creek watershed. Your engagement by funding these objectives enable the Council to align with other local agencies in the quest of completing the existing Big Pines Fuel Reduction Project and Wrightwood Project. Those projects objectives are to establish defensible space around structures in the Wrightwood Community and ANF.

The NEPA documents proposed both private and public lands' defensible space, fuel reduction, and increasing forest resilience to effects of fire and insects/pathogens. This proposal assists homeowners to complete defensible space treatments around their structures. In alignment with those points of concern, the treatments on adjacent federal lands are intended to protect organizational camps and infrastructure by completing the Blue Ridge Fuel break that runs parallel to Wrightwood. On public lands, treatments of stand thinning and fuel reduction are designed to increase forest health. Monitoring is proposed of effectiveness of fuel treatments, prey densities of California Spotted Owl, and erosion control measures.

The Wrightwood Community Services District is in support of the fulfillment of these projects and encourages you to grant the funds requested.

Wes Zuber Board President

Date

CHUCK FRANLIN
DIRECTOR

MICHELLE SCHNIEDER
DIRECTOR

WES ZUBER
PRESIDENT

NATALIE LOPICCOLO
DIRECTOR

LEO HORDYK
VICE-PRESIDENT

ITEM 11

MID-YEAR 2018/19

BUDGET REVIEW

DISCUSSION

AND

POSSIBLE ACTION

MID YEAR BUDGET SUPPORT MATERIAL WILL BE RELEASE AFTER THE ADHOC BUDGET REVIEW
COMMITTEE MEET AND GIVES FINAL APPROVAL ON FEBRUARY 4

ITEM 10

DISTRICT RESERVE POLICY RESOLUTION 2019-01

DISCUSSION AND POSSIBLE ACTION

Last month, I brought to the Board the concept of establishing a Reserve Policy enabling the District to have further direction of Fiscal matters. Though there are no State mandates to do so, it is a good addition to our Fiscal control of Public Funds and community responsibility. The Board had a discussion and asked Mr. Kennedy to review the template presented last month and adjust where needed.

The policy presented to the Board tonight reflects the Board's previous comments and concerns through legal review. Further Board review and comments tonight are encouraged. It is not necessary to establish separate institutional bank accounts as these reserves would be separate bookkeeping divisions that can only be utilized under Board approval and direction.

Thank you

Al Morrissette
General Manager

RESOLUTION NO. 2019-01

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT
ESTABLISHING A POLICY FOR DISTRICT RESERVES

WHEREAS, the Wrightwood Community Services District ("District") is a public agency organized and operating as a Community Services District pursuant to California Government Code Section 61000 et seq.; and

WHEREAS, the District is authorized by Government Code Section 61100 to acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space; to acquire, construct, improve, maintain, and operate street lighting and landscaping on public property, public rights-of-way, and public easements; to collect, transfer, and dispose of solid waste and refuse, and provide solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities; and planning and engineering for the potential development of a regional wastewater treatment system should such be required by the Lahontan Regional Water Quality control Board; and

WHEREAS, the District is governed by a five-member Board of Directors ("Board") expressly authorized by Government Code Section 61040(a) to establish policies for the operation the District's functions and services; and

WHEREAS, the Board is also expressly authorized by Government Code Section 61112 to establish reserve accounts for the District's finances; and

WHEREAS, the Board seeks to manage the District's finances in such a manner that would result in the accumulation of funds to be utilized for a variety of District activities and to protect the District's customers and taxpayers from the financial impacts of catastrophic events and from fluctuations in District expenses; and

WHEREAS, this Board wishes to provide for the creation of certain unrestricted reserve accounts, and to set forth in writing the District's policy regarding the accumulation of reserves, the

purposes for which they may be expended, and the levels which the District should strive to maintain.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Wrightwood Community Services District hereby provides for the deposit of revenue into certain restricted funds, the, creation of certain unrestricted reserve accounts, and the accumulation and administration of reserves in each, as follows:

1. Unrestricted Reserves.

a) Reserve for Operations. A “Reserve for Operations” is hereby created for the District's general account, to which the Board may appropriate unrestricted District revenues. Each such Reserve for Operations may be utilized to pay the cost of operating the District’s general system, including unanticipated costs of operation. The District shall endeavor to maintain in each Reserve, for Operations an amount sufficient to pay for six months of normal operation but not less than three months of normal operation. However, funds appropriated to any Reserve for Operations may be accessed at any time for any other District purpose, upon approval by the Board by a 4/5ths vote which shall contain direction as to repayment or balance. Funds appropriated to a Reserve for Operations may be invested in the same manner as other District surplus funds, and the earnings thereon shall be credited to the fund for which the reserve is in place.

b) Reserve for Replacement. A “Reserve for Replacements” is hereby created for the District’s general account to which the Board may appropriate unrestricted District revenues. Each Reserve for Replacements may be utilized to replace the District’s physical plant, as needed. The District shall endeavor to maintain in each Reserve for Replacements an amount approximately equal to twenty-five percent (25%), not to exceed fifty percent (50%), of the total accumulated amount of depreciation of the District’s physical plant for the District's general system and as reflected in the annual audit of the District

Presented to the Board each year, plus 100% of the prior year's depreciation. However, the funds appropriated to each Reserve for Replacements may be accessed at any time for any other District purpose, upon approval by the Board by a 4/5ths vote which shall contain direction as to repayment or balance. Funds appropriated to a Reserve for Replacements may be invested in the same manner as other District surplus funds, and the earnings thereon shall be credited to the fund for which the reserve is in place.

c) Reserve for Disaster Response. A "Reserve for Disaster Response" is hereby created for the District's general account to which the Board may appropriate unrestricted District revenues. Each Reserve for Disaster Response may be utilized to procure such equipment and supplies, perform such repairs, employ such personnel, and take such other measures as may be necessary or appropriate in the event of a disaster or calamity requiring District response. The District shall endeavor to maintain in each Reserve for Disaster Response an amount approximately equal to Ten Percent (10%) of the original cost of the District's physical plant (the value of depreciable assets per the annual independent audit) for the District's general system and as reflected in the annual audit of the District presented to the Board each year. However, the funds appropriated to each Reserve for Disaster Response may be accessed at any time for any other District purpose, upon approval by the Board by a 4/5ths vote which shall contain direction as to repayment of balance. Funds appropriated to a Reserve for Disaster Response may be invested in the same manner as other District surplus funds, and the earnings thereon shall be credited to the fund for which the reserve is in place.

2. Additional Accounts. In addition to the unrestricted accounts identified above, the Board may approve the creation of such additional accounts, whether temporary or permanent (such as Capital Improvement Projects and system update/replacement projects identified in the Budget and/or associated with the District's Master Plan), as the Board deems necessary or appropriate, by amendment to this resolution or by simple motion. In such event, the Board will identify the purposes, for which such additional accounts are created, provide guidance as to the amount

which the District should endeavor to maintain in each such account, and establish the limits and restrictions pertaining thereto.

3. Annual Reports. Each year the District's General Manager shall provide the Board with a report indicating the beginning and ending balance for each of the reserve funds or accounts created pursuant to this resolution and the purposes for which expenditures have been made therefrom and shall make recommendations to replenish or augment fund or account balances as appropriate.

ADOPTED this ____ day of _____, 2019

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Board of Directors

Wrightwood Community Services District

ATTEST:

Secretary, Board of Directors

Wrightwood Community Services District

ITEM 11
SOLID WASTE AUTHORITY
WCSD'S
DIVERSION PROGRAMS
AND REPORTING

DISCUSSION
AND
POSSIBLE ACTION

On January 29, Brent Speers from CR&R Environmental Services met with me to discuss the revised CalRecycle requirement and reporting methods that directly involve our District and our CR&R Franchise Agreement.

Fortunately, CR&R services most commercial businesses within the WCDSD jurisdiction. Utilizing data from CR&R, we can establish a data base that distinguishes which commercial entity meets the State's reporting and implementation mandates and which ones do not. We will need to create some documents and forms to be distributed to all commercial enterprises within our district, but once implemented, the program should provide the monitoring and other requirement needed, including the annual reporting to CalRecycle.

Keep in mind that through our Franchise Agreement with CR&R, they already provide quarterly recycling reports to our agency that we include in our annual report to SB County Waste Management every June.

Tonight, the Board reviews and possibly approves two ordinances: ORDINANCE NO. 2019-01 ESTABLISHING MANDATORY COMMERCIAL SOLID WASTE SERVICE AND PROVIDING RULES AND REGULATIONS GOVERNING THE COLLECTION, HANDLING AND DISPOSAL OF COMMERCIAL SOLID WASTE. And ORDINANCE NO. 2019-02 ESTABLISHING A COMMERCIAL RECYCLING PROGRAM.

Business Commercial Recycling Requirements. A business (includes public entities) that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services. Businesses can take one or any combination of the following in order to reuse, recycle, compost or otherwise divert solid waste from disposal:

- Self-haul.
- Subscribe to a hauler(s).
- Arrange for the pickup of recyclable materials.
- Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

A property owner of a commercial business or multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

CalRecycle advises businesses to contact their local recycling coordinator to find out how to recycle in their community and if there are any specific requirements in their community. Communities may have mandatory commercial recycling ordinances with different thresholds or more specific business recycling requirements than the state law. The local recycling coordinator also may have related business opportunities and/or resources to share.

Recycling benefits identified by CalRecycle include:

- Opportunities for businesses or multifamily complexes to save money.
- Creating jobs in California by providing materials for recycling manufacturing facilities.
- Reducing greenhouse gas emissions.
- Keeping valuable materials out of landfills.

- Creating a healthy environment for the community and future generations by recovering natural resources.

Local Government Requirements. Each jurisdiction shall implement a commercial solid waste recycling program that consists of education, outreach and monitoring of businesses, that is appropriate for that jurisdiction and is designed to divert commercial solid waste from businesses, whether or not the jurisdiction has met the requirements of PRC Section 41780.

Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach and monitoring, and if applicable, enforcement efforts and exemptions, by providing updates in its electronic annual report.

CalRecycle Review. CalRecycle will review each jurisdiction's commercial recycling program that consists of education, outreach and monitoring. The following is an overview of the review process:

- An evaluation as part of its formal AB 939 review, conducted every two or four years pursuant to PRC 41825, of each jurisdiction's programs, which includes an annual jurisdiction site visit, review of the Electronic Annual Report, and other information a jurisdiction may deem relevant.
- If the jurisdiction is found to not have made a good-faith effort in implementing its programs, possibly including its mandatory commercial recycling program, CalRecycle can place the jurisdiction on a compliance order as part of the AB 939 review, and if it fails to adequately meet the conditions of the compliance order, then CalRecycle could consider a penalty hearing.

Thank You
Al Morrissette
General Manager

ORDINANCE NO. 2019-01

**AN ORDINANCE OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT
ESTABLISHING MANDATORY COMMERCIAL SOLID WASTE SERVICE
AND PROVIDING RULES AND REGULATIONS GOVERNING THE
COLLECTION, HANDLING AND DISPOSAL OF COMMERCIAL SOLID WASTE**

WHEREAS, the Board of Directors of the Wrightwood Community Services District (“District”) finds and declares:

A. That, pursuant to the California Integrated Waste Management Act of 1989 (public Resources Code Sections 40000 et seq.), the state has mandated that local agencies make adequate provisions for Solid Waste handling within their jurisdictions; and

B. That, pursuant to Condition No. 6 of Resolution No. 3245 of the Local Agency Formation Commission County of the County of San Bernardino (“LAFCO”), the District is authorized to collect, transfer, and dispose of solid waste and to provide solid waste handling services, including but not limited to source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code within the boundaries of the District; and

C. That, pursuant to State law, the District is authorized to execute its powers for the purpose of the collection or disposal of solid waste or refuse matter and may contract for the collection and disposal of solid waste or refuse matter;

NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Wrightwood Community Services District as follows:

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SECTION 2. DEFINITIONS.

For the purpose of this Policy the following words and phrases shall have the meanings respectively ascribed to them by this section.

2.01 **Contractor/Hauler** - means a person, persons, firm or corporation authorized by contract with the District to provide solid waste collection services within the District.

2.02 **Detachable bin** - means a container provided by the hauler and designed for mechanical emptying and provided by the District or contractor where applicable for the accumulation and storage of solid waste.

2.03 **Garbage** - means a form of solid waste which is putrescible animal, fish, fowl, food, fruit or vegetable matter resulting from the cultivation, preparation, storage, handling, decay or consumption of such substance.

2.04 **Hazardous Waste** - means a waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may do either of the following:

2.04.01 Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

2.04.02 Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed.

2.05 **Place or Premises** - means every dwelling house, dwelling unit; apartment house or multiple-dwelling building; trailer or mobile home park; store; restaurant; rooming house; hotel; motel; office building; department store; manufacturing, processing or assembling shop or plant; and every other place or premises where any person resides, or any business is carried on or conducted within the District.

2.06 **Refuse** - means solid waste.

2.07 **Recyclable** - means any paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, or any item or material that has been separated from solid waste, and has an economic value, and is deposited in a recyclable material detachable bin provided by the District or in a privately-owned detachable bin and is designated to be recyclable material for either the District to collect, or customer to self-haul.

2.08 **Rubbish** - means a form of solid waste which is non-putrescible, useless, unused, unwanted or discarded material or debris, either combustible or noncombustible, including but not limited to paper, cardboard, grass, tree or shrub trimmings, straw, clothing, wood or wood products, crockery, glass, rubber, metal, plastic, construction material, and similar material.

2.09 **Solid Waste** - means all putrescible and non-putrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and

semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste. Solid waste does include recyclable material. Solid waste includes dirt, soil, rock, decomposed rock, gravel, sand, or other aggregate material.

2.10 **Solid Waste Collector** - means personnel employed by the District or contractors for the collection and disposal of solid waste.

2.11 **Standard Container** - means a metal, plastic or rubber container, twenty- to thirty-two- gallon capacity District, not to exceed a weight of fifteen pounds when empty, with side bail handles and a tight-fitting lid, designed and manufactured for the accumulation and storage of solid waste, or plastic and/or paper bags manufactured for the accumulation and storage of refuse. The top diameter of the container shall in no case be smaller than the diameter of the detachable bin at the bottom.

SECTION 3. DETACHABLE BIN REQUIREMENTS

3.01 Every owner, tenant, lessee or occupant of any premises where solid waste is generated shall maintain upon the premises sufficient number of Detachable bin for receiving and holding all solid waste generated between the times of removal. All solid waste on the premises shall be kept in said Detachable bin.

3.02 Every owner, operator, manager or person in charge of any hotel, restaurant, cafe, cafeteria, hospital, public dining room or other place where food is prepared for sale, sold or offered for sale for human consumption and every owner, operator, manager or person in charge of any store, market or other place where meat, fish, fowl, vegetables, fruit or any food is sold or offered for human consumption shall provide a separate standard container for receiving and holding all garbage created upon the premises between the times of collection; provided, however, the garbage may be placed in the same Detachable bin as rubbish if the garbage is drained and securely wrapped or sealed in plastic bags prior to placement in the container or bin. Any organic waste as described in Assembly Bill 1825 shall be subject to the District's organic waste recycling requirements as established by Ordinance No. 2019-0_.

3.03 Detachable bins, and/or garbage containers, shall be maintained in a clean and sanitary condition. It is unlawful for any person, firm or corporation to use solid waste containers that do not conform to the provisions of this policy or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. If, within five days after written notice of a violation of this section from the General Manager or designee, such container is not repaired or replaced as necessary, further service for the container may be suspended until the violation is corrected. The notice of violation shall be deemed served when securely attached to the container determined not in conformance with the provisions of this section.

SECTION 4. LOCATION OF DETACHABLE BIN REQUIREMENTS

4.01 At commercial properties serviced by the District, the detachable bin shall be placed as follows for collection:

4.01.01 Customers adjoining an alley shall place their detachable bin adjacent to but not within the alley, unless otherwise approved by the Hauler.

4.01.02 Customers may utilize one of established levels of collection service. Fees for different levels of service are set by resolution. In special circumstances, the General Manager or designee, may designate detachable bin location.

4.01.02.01 Curbside: Detachable bin shall be placed at the curbside, or equivalent, or adjacent to the alley before five-thirty a.m. on collection days. Sidewalks shall not be blocked.

4.01.02.02 Driveway: Detachable bin shall be placed adjacent to the driveway before five-thirty a.m. on collection days. Driveway clearance must be sufficient to accommodate collection equipment.

4.01.03 Detachable bin located in a permanent enclosure shall be made accessible to the hauler at the designated collection time. This includes removing locks and clearing obstructions so collection vehicle can easily access Detachable bin.

SECTION 5. PLACEMENT OF MATERIAL IN DETACHABLE BIN

5.01 The following shall govern the placement of material in Detachable bin for collection:

5.01.01 Wooden boxes, crates and other non-recyclable, bulky items shall be broken and flattened before being placed in a detachable bin or tied in a bundle no more than eighteen inches in diameter and four feet in length and placed beside the standard container.

5.01.02 Vacuum dust, sweepings and ashes shall be securely wrapped or enclosed in a bag prior to placement in the standard container.

5.01.03 Garbage shall be drained and wrapped in paper or secured in plastic bags prior to placement in the standard container.

5.01.04 Animal waste shall be wrapped.

5.01.05 Sharp-edged and pointed material such as glass and metal shall be packaged before placement in the detachable bin in such a way as to protect refuse handlers from being cut or wounded when handling the detachable bin and contents with ordinary care.

5.01.06 Tree trimmings shall be tied in bundles not more than eighteen inches in diameter nor more than four feet in length and shall include branches and logs no more than three inches in diameter or shall be cut in short lengths and placed in the standard containers. In areas serviced by the District, bundled tree trimmings shall be collected according to the contractor.

5.01.07 When filled, the standard container shall not weigh more than the limits specified for the container.

5.01.08 Placing recyclable material in solid waste bin is prohibited. Placement of material in detachable bin for collection shall be as follows:

5.01.08.01 All refuse must be placed in standard containers or detachable bin.

5.01.08.02 Garbage must be drained and securely wrapped or sealed in plastic bags prior to placement in containers or bins.

5.01.09 All detachable bins must be located in a county approved bin enclosure, or in an area approved by the hauler.

SECTION 6. REQUIRED SOLID WASTE REMOVAL

6.01 No person, persons, firm or corporation other than the District's authorized solid waste hauler acting pursuant to their contract with the District, solid waste collection crews or a person, or firm acting under the authority and within the limitation of a valid self-hauler permit issued pursuant to this policy, shall collect solid waste within the District.

6.02 No person, persons, firm or corporation other than the District or one of the District- authorized solid waste contractors acting pursuant to their contract with the District shall provide temporary bin service for solid waste.

6.03 Except as otherwise authorized by the General Manager or hauler, solid waste collection shall be provided from commercial property at a minimum of once a week.

6.04 Solid waste collection shall be provided not less than once a week except that at each business engaged in the sale or production of food and at each multifamily commercial property which receives bin service, such collection shall be provided not less than twice weekly. Commercial property includes, but is not limited to, apartment house, boarding house, rooming house, town house and condominium.

6.05 Every contractor authorized by the District Board to collect solid waste shall display his firm name and telephone number in legible letters not less than three inches in height on both sides of all trucks used to collect and transport refuse.

6.06 Every owner, lessee, tenant or occupant of commercial or commercial property, or other person/entity as determined by the hauler to be conducting business-like activity, shall remove, or cause to be removed, all solid waste created, produced or brought upon the premises according to the schedule by subscribing to the solid waste collection service of the District or the contractor authorized by the District Board to provide such service to that property; provided, however, one may provide one's own service pursuant to a self-hauler permit as provided in this policy for the removal of solid waste created by one's own activity as a commercial or commercial occupant, but not as a landlord for one's tenant or lessee.

6.07 Trucks used in the collection of rubbish shall have solid construction of the floor and body and shall be equipped with a close-fitting covering which shall be affixed in a manner that will prevent the dropping or blowing of any rubbish upon the highway during collection and transportation.

6.08 All trucks used in the collection and transportation of solid waste and rubbish shall be maintained in a clean, sanitary and neatly painted condition, and shall carry a shovel, broom, first-aid kit and fire extinguisher.

SECTION 7. REQUIREMENTS FOR SELF-HAULERS

7.01 Only occupants of commercial property located outside the Hauler's collection boundaries shall be allowed to self-haul and must obtain and maintain in full force and effect a self-hauler permit and shall provide solid waste removal service in accordance with said self-hauler permit.

7.02 Application for self-hauler permits shall be made to the General Manager, or designee, and shall be accompanied by a nonrefundable fee set by resolution.

7.03 The General Manager, or designee, shall issue the permit upon determining that the applicant is able to transport all solid waste in a safe and sanitary manner in accordance with the provisions of this section.

7.04 Such permit shall be effective for one year from the date of its issue.

- 7.05 If the application is denied by the General Manager, or designee, the applicant shall be provided with a full statement of the reasons for the denial.
- 7.06 A permit may be revoked by the General Manager, or designee, for any violation of law or for failure to comply with the provisions of this policy by providing the permittee with a written statement of the violations noted.
- 7.07 A denial or revocation may be appealed to the District's Board of Directors whose decision shall be final. Such appeal shall be filed with the District Clerk within ten days after the receipt of the General Manager's written notice of denial or revocation.
- 7.08 All solid waste removal pursuant to a valid self-hauler's permit shall be accomplished by the permit holder or the holder's own employees using the permittee's own equipment.
- 7.09 All solid waste removed pursuant to a self-hauler permit shall be deposited only at authorized and licensed solid waste disposal sites.
- 7.10 All equipment used by a self-hauler's permittee to remove solid waste shall comply with the requirements of Section 8 of this Ordinance.
- 7.11 Every holder of a self-hauler permit shall submit legible copies of landfill receipts to the General Manager, or designee, on or before the tenth of each month for solid waste deposits made during the previous month at authorized and licensed solid waste disposal sites.
- 7.12 All self-haulers must dispose of their solid waste a minimum of one time per week.

SECTION 8. VEHICLE REQUIREMENTS FOR CONVEYANCE OF SOLID WASTE

- 8.01 Commercial motor vehicles shall not be used in the transportation of solid waste upon or along any public street or highway of the District; provided, however, commercial self-haulers as provided in Section 7 of this Ordinance may utilize such vehicles upon the condition that the solid waste is so contained as to prevent it from leaking, dripping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported.
- 8.02 Trucks used in the collection and transportation of solid waste shall have bodies of watertight metal construction which shall be leak proof and shall be equipped with a close-fitting cover, which shall be affixed in a manner that will prevent dropping, spilling or other loss of solid waste upon the highway during collection and transportation. In lieu of such watertight bodies and covers, separate metal containers with tight-fitting, clamp-on lids may be used.

SECTION 9. COLLECTION PERIODS

- 9.01 Solid waste collection from commercial properties shall be provided by all haulers a minimum of once a week.
- 9.02 Contractors shall provide collection service to all commercial premises at least once a week; provided, however, collection must be made at least twice a week to those establishments generating garbage; and further provided that nothing in this subsection shall prohibit the contractor from collecting solid waste at a more frequent rate.
- 9.03 Solid waste will not be collected on Sundays except in emergencies and as approved by the General Manager or hauler.

SECTION 10. PROHIBITION AGAINST SCAVENGING

10.01 It shall be unlawful for any person other than the owner or agent or employee of the owner of a solid waste or recyclable material detachable bin, a solid waste hauler or the person or agent or employee of the person for whom a solid waste or recyclable material detachable bin is contracted or placed to collect refuse or recyclable material to rummage in, disturb, interfere, scavenge, or remove refuse or recyclable material from officially designated refuse and recyclable containers

SECTION 11. DUMPING, PLACING, BURNING AND BURIAL RESTRICTIONS

11.01 No person shall throw, drop, leave, dump, bury, burn, place, keep, accumulate or otherwise dispose of any waste matter, including but not limited to garbage, hazardous waste, refuse, recyclable materials, rubbish, or solid waste as defined in Section 2 of this Ordinance upon any lot, land, street, alley, water or waterway, either with or without intent to later remove same.

11.02 Solid waste may not be buried on any lot in the District. This Section shall not be interpreted to prohibit composting of yard waste.

SECTION 12. UNSIGHTLY SOLID WASTE DEEMED NUISANCE

12.01 Solid waste, which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, is a public nuisance within the meaning and subject to the provisions of this policy.

SECTION 13. PROPERTY OWNER ALLEY CLEARANCE DUTIES

13.01 No person owning, leasing or occupying property adjoining any public alley in the District shall fail, refuse or neglect to keep that portion of such alley between the centerline thereof and the property line of such property free from solid waste.

SECTION 14. ACCUMULATION OF WASTE MATTER RESTRICTED

14.01 No person owning or occupying any building, lot or premises in the District shall suffer, allow or permit to collect and remain upon such lot or premises any solid waste; provided, however, that this provision shall not be construed as interfering with building under a building permit, or wood neatly piled for kitchen or household use.

SECTION 15. RESTRAINT OF ANIMALS TO PROTECT COLLECTORS

15.01 Any occupant owning or possessing an animal on the premises which may bite or attempt to bite a solid waste hauler while engaged in collecting refuse shall be required to secure the animal(s) or place the Detachable bin in such manner that such animal shall not constitute a hazard or to endanger a solid waste hauler. In addition to any criminal penalties specified in this code, failure to adhere to the requirements of this section shall be cause for suspension of collection service during such time as there exists any such danger or hazard. Suspension of service pursuant to this section shall not relieve any person or firm of the duty to pay solid waste collection charges during such period of suspension.

SECTION 16. REGULATION-MAKING POWERS

16.01 The Board of Directors is authorized to make such rules and regulations not inconsistent with the provisions of this policy so as to effect efficient collection and removal of waste material by the District or its duly authorized contractors.

SECTION 17. COLLECTION AREAS

17.01 A mandatory collection area located within the boundaries of the District, as presently constituted at time of Ordinance passage, and as amended in the future by LAFCO, is established and shall consist of:

17.01.01 All multi-family units of five (5) or more.

17.01.02 All developed properties classified as industrial or commercial.

17.01.03 All institutional entities, such as schools and government buildings.

17.02 Other mandatory collection areas may be established by Ordinance by the District as found to be necessary for the public health and welfare or required to implement state laws.

SECTION 18. COLLECTION CHARGES

18.01 The District Board shall by separate resolution fix and, from time-to-time, amend the various charges related to solid waste collection.

SECTION 19. LIABILITY FOR PAYMENT OF FEES MANDATORY COLLECTION

19.01 Each owner, occupant or person in possession, charge or control of any collection premises located in a mandatory collection area is hereby made liable jointly and severally for the payment of the solid waste collection, processing and disposal fees levied against such premises for required solid waste collection, processing and disposal services, irrespective of the actual use of the service provided by the District or grantee. Services made available to those premises required to receive such service shall be considered as services utilized. It shall be the primary duty of the owner of such premises to provide for the payment of the services.

SECTION 20. BILLING CYCLE AND PENALTY FOR DELINQUENT PAYMENTS

20.01 Solid waste collection fees may be billed and paid in advance on a monthly basis. Payment shall be due upon, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

SECTION 21. DISCONTINUATION OF SERVICES

21.01 The District or hauler may discontinue service for any customer whose account remains unpaid for sixty (60) days after the date of billing as long as the customer has received a notice on a form approved by the General Manager or designee stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

SECTION 22. FEE A CIVIL DEBT

22.01 The fees levied for service for solid waste collection shall constitute a civil debt and liability owing to the District and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

SECTION 23. LIEN FOR NINETY (90) DAY DELINQUENCIES

23.01 Mandatory collection fees authorized pursuant to this article which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by the District as provided herein.

23.02 Once a year, the Board of Directors shall cause to be prepared a report of delinquent fees. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto.

23.03 The Board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

23.04 At the hearing, the Board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

23.05 The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a Bonafede purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SECTION 24. INSPECTION OF PREMISES – POLICY ENFORCEMENT

24.01 The duly authorized representative of the District shall visit all commercial premises within the District from time to time to examine the sanitary conditions of the premises to determine whether the provisions of this policy and state laws are being complied with. The General Manager, or designee, shall enforce the provisions of this policy and properly notify any owner or occupant of any violations of this policy. Such notice whenever possible shall be affixed to a detachable bin and/or delivered in person

SECTION 25. ALTERNATE ENFORCEMENT

25.01 Notwithstanding the provisions of this policy prescribing specified action in the event of a violation, any other appropriate criminal or civil action may be maintained against the violation and against any person maintaining or permitting the violation.

SECTION 26. APPEALS

26.01 A business who desires to appeal the notice set forth in this Ordinance may appeal to the Board of Directors within the twenty (20) calendar days of the post-mark of the Warning Notice by filing a timely written appeal with the General Manager. Timely appeal shall not stay any further solid waste collection or responsibility to pay therefore. The General Manager shall set the matter for hearing before the Board of Directors and shall notify the Appellant by mail of the date set for such hearing, at least fifteen (15) days prior to said date. If the Appellant resides outside the District, the above period of notice by mail before the hearing shall be at least twenty-five (25) days. The Appellant shall have the right to appear in person or by an agent, designated in writing, at the hearing, and present oral, and/or written, evidence. The Board of Directors shall decide the appeal and shall issue its decision, which shall be in writing and be legally binding.

26.02 The Board of Directors shall have authority to make reasonable adjustments in the amount billed or to excuse payment altogether as well as authority to grant ancillary relief. The Board of Directors shall have authority to determine that the Hauler shall not be entitled to any payment from the business owner affected. The Board of Directors shall have no authority to award monetary damages, costs or attorney's fees.

SECTION 27. PENALTIES

27.01 It shall constitute an infraction for an owner as defined above to fail to sign up for or to timely pay for solid waste & recycling collection service or to otherwise violate any provision of this ordinance and upon conviction of such violation shall be subject to a fine of \$250.00 for the first offense; \$500.00 for a second violation within a one (1) year period and \$1,000.00 for a third or subsequent violation within a one (1) year period. The additional remedies, penalties and procedures for violations and for recovery of costs related to enforcement provided for in this Ordinance are incorporated herein by this reference. The owner shall also be subject to court action to pay for solid waste collection service furnished to the business located thereon.

SECTION 28. SEVERABILITY

28.01

If any section, subsection, sentence, clause or phrase of this policy is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy. The District Board declares that it would have passed this policy and each section, subsection, clause or phrase hereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 29. PUBLICATION AND POSTING

29.01

The Secretary of the Board is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation printed and a copy of the full text must be posted at the District office at least five (5) days prior to the meeting. The full text of this Ordinance must be published within ten (10) days after adoption with the names of the directors voting for and against the adoption and must likewise be posted at the District office.

SECTION 30. EFFECTIVE DATE

30.01 This Ordinance shall become effective thirty (30) days after its adoption.

APPROVED AND ADOPTED this ____ day of _____, 2019.

President of the Wrightwood
Community Services District and
of the Board of Directors thereof.

STATE OF CALIFORNIA)

)

COUNTY OF SAN BERNARDINO)

I, _____, Secretary of the Board of Directors of the Wrightwood Community Services District, do hereby certify that the foregoing Ordinance, being Ordinance No. 2019-0_ was duly adopted by the Board of Directors of said District at a regular meeting of said Board held on _____, 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Secretary of the Wrightwood
Community Services District and
of the Board of Directors thereof.

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE

WRIGHTWOOD COMMUNITY SERVICES DISTRICT

ESTABLISHING A COMMERCIAL RECYCLING PROGRAM

WHEREAS, Condition No. 6 of Resolution No. 3245 of the Local Agency Formation Commission of the County of San Bernardino County (“LAFCO”) authorizes the Wrightwood Community Services District (“District”) to collect, transfer, and dispose of solid waste and to provide solid waste handling services, including but not limited to source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code within the boundaries of the ; and

WHEREAS, the District’s Board of Directors (“Board”) is required to comply with state recycling law, the California Integrated Waste Management Act of 1989 (also known as AB 939 and found at Public Resources Code Section 40000 et seq.), including the requirement that each city and county in California divert 50 percent, or the maximum amount feasible, of recyclable materials from landfills.

WHEREAS, such wastes are creating conditions which threaten the public health, safety, and well-being by potentially contributing to air, water, land pollution, and the general deterioration of the environment;

NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Wrightwood Community Services District as follows:

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SECTION 2. PURPOSE, INTENT AND FINDINGS

2.01 The District is a public agency created under the Community Services District Law, California Government Code Section 61000 et seq. California Government Code, Sections 25827 and 25828 authorize the comprehensive collection of solid waste in unincorporated areas and require payment therefore by those persons and properties benefited thereby, to, among other purposes, promote recycling and diversion of solid waste from landfill by requiring businesses, non-residential properties, and commercial buildings to source separate recyclable materials from all other solid waste for recycling and diversion from landfill and provide for the collection of recyclable materials.

2.02 Comply with state recycling law, the California Integrated Waste Management Act of 1989 (also known as AB 939 and found at Public Resources Code Section 40000 et seq.), including the requirement that each city and county in California divert 50 percent, or the maximum amount feasible, of recyclable materials from landfills.

2.03 Establish requirements for recycling of recyclable materials generated by commercial facilities, properties and special events, in order to increase the diversion of recyclable and compostable materials from landfill disposal, thus reducing greenhouse emissions, minimizing waste and helping to ensure the maintenance, restoration, enhancement, and protection of the environment, including natural resources.

2.04 Provide an enforcement mechanism to ensure that business, commercial, non-residential properties, and multifamily dwellings provide for the proper collection of recyclable materials and provide protections against illegal scavenging of materials.

2.05 Provide an exemption for generators who self-haul, donate or sell their recyclables, as well as provide an exemption process for those businesses that have major site constraints or generate a minimum level of material.

2.06 The District continues to make progress in maintaining the disposal reduction requirements of the state recycling law, but additional efforts, particularly in the recycling of plastic, paper, cardboard, glass, and other recyclable materials generated by businesses, will assist the District in maintaining and exceeding the goal of diverting waste from landfill disposal.

2.07 Efforts by the District and the private sector to encourage voluntary diversion of commercial and special event recyclable materials have not achieved desired levels of diversion. Additional efforts are necessary to ensure continued compliance with the requirements of the state recycling law and to ensure maximum recovery of valuable resources.

2.08 In adopting this Ordinance, the District agrees to be subject to the terms of this Ordinance for all of the District's non-residential facilities and properties, including parks and District buildings, as well as District sponsored or partnered special events.

2.09 This Ordinance requires diversion of District identified recyclable materials by businesses, commercial facilities, commercial properties, and multi-family dwelling units.

SECTION 3. DEFINITIONS

3.01 **Business** - means any commercial entity, public entity, or other entity as determined by the hauler, that generates commercial solid waste including, but not limited to: a firm, partnership, proprietorship, joint-stock company, corporation or association that is organized as a for-profit or nonprofit entity, strip mall, (e.g. property complex containing two or more commercial entities), industrial facility, school, school district, special district or a federal, state, local, regional agency or facility. For the purposes of this Ordinance, "business" also includes multifamily residential dwellings.

3.02 **Collect or Collection** - means to take physical possession of and remove Recyclable Materials at the place of generation.

- 3.03 **Commercial Solid Waste** - means all putrescible and non-putrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste does not include hazardous waste. Solid waste does include recyclable material. Solid waste includes dirt, soil, rock, decomposed rock, gravel, sand, or other aggregate material.
- 3.04 **Compost** - is defined in state law (Public Resources Code Section 40116) as the product resulting from the controlled biological decomposition of organic wastes that are Source Separated from the municipal waste stream, or which are separated at a centralized facility.
- 3.05 **Compostable Material** - means green waste and other material that can be broken down into, or otherwise become part of, usable Compost in a safe and timely manner, such as for use as soil-conditioning material. Compostable Material also includes waste such as food scraps, soiled paper and plant trimmings. Compostable Material (California Public Resources Code Section 40116) includes vegetable, yard and wood wastes which are not hazardous waste.
- 3.06 **Contamination** - means placement of, with the intent to discard, inappropriate Solid Waste materials in a container designated for Recyclable Materials or Compostable Materials.
- 3.07 **Customer** - means a Generator that arranges or subscribes for Solid Waste removal services and/or Recycling services with a Franchised Hauler. In the event Businesses share Solid Waste or Recycling containers and/or service, Customer refers only to the entity that arranges for the service.
- 3.08 **Detachable Bin** - means a container provided by the hauler and designed for mechanical emptying and provided by the District or contractor where applicable for the accumulation and storage of recyclable materials.
- 3.09 **Disposal** - means the final disposition of Solid Waste at a permitted solid waste disposal facility, as defined in California Public Resources Code Section 40192.
- 3.10 **Diversion or Divert** - means the reduction or elimination of Solid Waste from solid waste disposal in accordance with California Public Resources Code Section 41024.
- 3.11 **Force Majeure** - means the inability of a party to provide the services or perform the obligations required under this Agreement due to causes beyond their reasonable control including, but not limited to, compliance with any Government law or regulation, acts of God, fires, strikes, lockouts, national disasters, wars, riots, transportation problems and/or any other cause whatsoever beyond the reasonable control of the parties, provided that the party has prudently and promptly acted to take any and all steps that are within the part's control to ensure performance. Excessive levels of Contamination (greater than 20% Solid Waste) shall not be considered grounds for Force Majeure.
- 3.12 **Franchised Hauler** - means a Hauler holding a franchise, contract, license or permit issued by the District and provides Solid Waste handling services as authorized under Exclusive Franchise Agreement between the District and CR&R entered into on _____, 2017.
- 3.13 **General Manager** - means the General Manager of the District, including his or her designee.
- 3.14 **Generator** - means an owner of a Commercial Facility(ies) or Business, as defined in this section, which generates Solid Waste including Recyclable Materials or Compostable Materials. Generator includes tenants, property managers for facilities with leased space, employees and contractors of a Generator, if applicable.

3.15 **Hauler/Contractor** - means any person or commercial entity which lawfully collects, hauls or transports Solid Waste by use of any means including, but not limited to, a dumpster truck, roll-off truck, side-load, front-load, rear-load garbage truck or a trailer.

3.16 **Multifamily Residential Property** - means any multifamily dwelling, building or group of buildings that contain(s) five or more individual dwelling units on a single parcel. Multifamily complexes include, but are not limited to, apartment complexes, mobile home parks, senior housing/care facilities and condominium complexes.

3.17 **Mixed Waste Processing** - means processing Solid Waste that contains Recyclable and/or Compostable Materials and Trash.

3.18 **Recycle or Recycling** - means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise be disposed of as Solid Waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place as defined in Public Resources Code Section 40180.

3.19 **Recyclable Materials** - means materials that have been separated from the solid waste stream prior to disposal and returning them for use or reuse in the form of raw materials for new, used or reconstituted products, which meet the quality standard necessary to be used in the market place and that are not landfilled. Recyclable Materials include any materials identified by the General Manager for which a market exists including, but not limited to: plastic bottles and jars, aluminum and bi-metal (tin) cans, paper, cardboard, glass, newspaper, metal and wood.

3.20 **Scavenging or Scavenger** - means the uncontrolled and unauthorized removal of Recyclable Materials at any point in the Solid Waste management system.

3.21 **Self Recycler** - means a Generator that accomplishes Recycling activities and/or participates in Recycling programs without utilizing a Franchised Hauler and without violating the provisions of Exclusive Franchise Agreement between the District and the Franchised Hauler.

3.22 **Solid Waste** - means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid material. Solid waste includes dirt, soil, rock, decomposed rock, gravel, sand, or other aggregate material.

3.23 **Source Separated or Source Separation** - means the process of removing Recyclable Materials and/or Compostable Materials from Solid Waste at the place of discard generation, prior to collection, into separate containers that are separately designated for Recyclable Materials or Compostable Materials for the purposes of Recycling.

3.24 **Source Separated Recycling Facility** - means a Recycling, material recovery or re-use facility that is fully licensed, certified and eligible under federal, state and local laws and regulations, and includes those material recovery or reuse facilities or operations that receive, process and transfer to market Recyclable and/or Compostable Materials that have been Source Separated from the Solid Waste stream. The Recycling Facility may be located at a Landfill. Source Separated Recycling Facility also means a facility that produces Compost.

3.25 **Trash** - means Solid Waste which is discarded separately from Recyclable Materials and/or Compostable Materials.

SECTION 4. BUSINESS RECYCLING REQUIREMENTS

4.01 Each Generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this Ordinance. Each Generator shall:

4.01.01 Subscribe to a Source Separated Recycling Service with the Franchised Hauler authorized to provide service for the area in which the Business is located; or

4.01.02 Subscribe to a Solid Waste and Recycling Service with a Franchised Hauler authorized to provide service for the area in which the Business is located, that may include Mixed Waste Processing that yields diversion results comparable to Source Separation; or

4.01.03 Self-Recycle and annually certify compliance with this Ordinance, and complete and retain on-site a Self-Recycling Log verifying Recycling activities; or

4.01.04 Comply under the conditions of an approved exemption.

4.02 Each Generator shall use, and maintain in good order, containers provided by the Hauler to collect and store Recyclable Materials and shall designate areas to collect and/or store Recyclable Materials, unless Recycling service is provided through a Mixed Waste Processing Facility.

4.03 Each Generator shall place all Recyclable Materials for collection in containers with a lid and conforming to the following requirements, unless Recycling service is provided through a Mixed Waste Processing Facility. No container shall be loaded beyond its capacity. It shall be the Generator's responsibility to keep the containers used for the storage and collection of Recyclable Material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No Recyclable Material shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for Collection.

SECTION 5. FRANCHISED HAULERS

5.01 General Requirements for Franchised Haulers providing Source Separated Recycling Services:

5.01.01 Franchised Haulers shall offer Collection service and containers for Recyclable Materials sufficient to accommodate the quantity and types of Recyclable Materials to all of its Customers and shall provide Recycling Services as described in this Section of this Ordinance.

5.01.02 Franchised Haulers shall identify containers for Recyclable Materials with their name, recognizable corporate or company logo, and phone number of the Franchised Hauler that is legible from a distance of 50 feet.

5.01.03 Franchised Haulers shall equip and provide containers for Recyclable Materials, with locks and/or other suitable features, where feasible and when necessary, to prevent Scavenging. They shall conduct all activities in accordance with applicable laws, County codes and regulations, and best management practices.

5.01.04 Franchised Haulers shall not take a Customer's Source Separated Recyclable Materials to a Landfill or other site for Disposal. Such materials shall be taken to a Recycling Facility or Franchised Haulers shall make other arrangements for recycling the materials instead of Disposal. The Franchised Haulers shall maintain receipts documenting that the Generator's Recyclable Materials have been properly delivered, as well as any documentation evidencing an event of Force Majeure which prevented the proper Collection and/or delivery of Recyclable Materials.

5.01.05 A Franchised Hauler may charge a penalty fee to a Customer when Recyclable Materials are not adequately Source Separated from Solid Waste. Adequate Source Separation is twenty percent (20%) Contamination or less. A penalty fee may only be charged after meeting the following requirements:

5.01.05.01 The Franchised Hauler shall notify the Customer of noncompliance in writing twice, explaining the reason for noncompliance and explaining how the Customer may comply; and

5.01.05.02 The Franchised Hauler shall make at least one visit to the Customer's place of Business to show the Customer how to comply; and

5.01.05.03 The Franchised Hauler shall notify the District's General Manager, or designee, in writing on non-compliance, documenting non-compliance and the steps taken above.

5.01.06 The Franchised Hauler shall only charge a penalty fee in the amount approved by the General Manager, or designee.

5.01.07 A Franchised Hauler may cancel Recycling service when Recyclable Materials continue to not be adequately Source Separated from Solid Waste, as defined above, only after assessment of at least two penalties by the Franchised Hauler, and shall notify the District's General Manager, or designee.

5.02 Source Separated Recycling Services provided by Franchised Haulers, shall include, at a minimum, the following:

- 5.02.01 Bi-weekly collection of non-Compostable Source Separated Recyclable Materials or as approved by the General Manager;
- 5.02.02 Collection of Compostable Source Separated Recyclable Materials at a minimum of one time per week or more often, as approved by the General Manager, if applicable;
- 5.02.03 Utilization of Recycling receptacles which comply with District's standards.
- 5.02.04 Appropriate signage on all Recycling receptacles, containers, chutes and/or enclosures which allow users to clearly and easily identify which containers to use for Recyclable Materials, Compostable Materials or Trash.
- 05.03 Reporting. Franchised Haulers providing Source Separated Recycling services shall provide quarterly reports on the dates and in the format prescribed by the General Manager, such reporting may include, but is not necessarily limited to:
- 5.03.01 A list of Customers they have in the approved franchise area; the name, address and account number of the facility serviced; and the name of the Generator and/or Customer for Solid Waste and/or Recyclable Materials management;
- 5.03.02 The volume per month of trash collection service provided to the Business, Commercial Facility or property;
- 5.03.03 The cumulative volume, calendar year-to-date, of trash collection service provided to the Business, Commercial Facility or property;
- 5.03.04 The volume per month of non-Compostable Source Separated Recyclable Materials collection service provided to the Business, Commercial Facility or property;
- 5.03.05 The cumulative volume, calendar year-to-date, of non-Compostable Recyclable Materials collection service provided to the Business, Commercial Facility or property;
- 5.03.06 The volume per month of Compostable Recyclable Materials collection service provided to the Business, Commercial Facility or property;
- 5.03.07 The cumulative volume, calendar year-to-date, of Compostable Recyclable Materials collection service provided to the Business, Commercial Facility or property;
- 5.03.08 The total volume per month of combined refuse collection and Recycling collection service provided to the Business, Commercial Facility or property;
- 5.03.09 The cumulative volume, calendar year-to-date, or combined refuse collection and Recycling collection service provided to the Business, Commercial Facility or property;

- 5.03.10 The location of the Source Separated Recycling Facility(ies) to which the Source Separated Recyclable Materials were taken during the previous quarter, including the tonnage of Source Separated Recyclable Materials delivered to such facility each month; and
- 5.03.11 Information about changes in Recycling such as new customers or cancellations, including business name and address.
- 5.03.12 The initial quarterly reporting periods shall be as follows:

Reporting Period	Due Date
January 1 – March 31	May 1
April 1 – June 30	August 1
July 1 – September 30	November 1
October 1 – December 31	February 1

5.04 General Requirements for Franchised Haulers providing Mixed Waste Recycling Services:

5.04.01 Franchised Haulers shall offer Collection service and containers as described in their respective individual Franchise Hauler Agreement.

5.04.02

Franchised Haulers shall not take a Customer’s mixed waste to a landfill or other site for disposal prior to processing through a Mixed Waste Processing Facility or make other arrangements for processing the mixed waste instead of Disposal. The Franchised Hauler shall only deliver mixed waste collected for Recycling to a Mixed Waste Processing Facility and not to any other facility or location. The Franchised Haulers shall maintain receipts documenting that the Generator’s mixed waste has been properly delivered, as well as any documentation evidencing an event of Force Majeure which prevented the proper collection and/or delivery of mixed waste to the designated Mixed Waste Processing Facility.

5.05 Reporting. Franchised Haulers providing mixed waste Recycling services shall provide quarterly reports on the dates and in the format prescribed by the General Manager, such reporting may include, but is not necessarily limited to:

5.04.01 A list of Customers they have in the approved franchise area; the name, address and account number of the Business serviced; and the name of the Generator and/or Customer for Solid Waste management;

5.04.02 The volume per month of mixed waste Collection service provided to the Business, Commercial Facility or property;

5.04.03 The cumulative volume, calendar year to date, of mixed waste Collection service provided to the Business, Commercial Facility or property;

5.04.04 The location of the Mixed Waste Recycling Facility(ies) to which the mixed waste was taken for processing during the previous quarter; and

5.04.05 Information about changes in service such as new Customers or cancellations including Business name and address.

5.04.06 The initial quarterly reporting periods shall be as follows:

Reporting Period	Due Date
January 1 – March 31	May 1
April 1 – June 30	August 1
July 1 – September 30	November 1
October 1 – December 31	February 1

SECTION 6. SELF RECYCLING

6.01 Nothing in this Ordinance shall preclude any Generator from Self-Recycling Recyclable Materials generated at a place of Business or Multi-Family Residential Property. A Self-Recycler must accomplish Recycling activities and/or participate in Recycling programs, certify compliance with this Ordinance as prescribed by the General Manager, and complete and retain on-site a Self-Recycling Log listing materials and the volume or weight of material Recycled. The Self Recycling Log shall be made available to the General Manager or General Manager’s designee upon request. At a minimum, the Generator shall provide the following information on the Self-Recycling Log:

6.01.01 The name, address and telephone number of the Generator’s representative responsible for certification.

6.01.02 For Source Separated Recycling, a list of the types of Recyclable Materials generated and managed.

6.01.03 For Mixed Waste Processing, the amount of volume or weight of Solid Waste delivered to a Mixed Waste Processing Facility.

6.01.04 The name and address of the Recycling Facility or Mixed Waste Recycling Facility used.

6.01.05 The Generator shall maintain receipts supporting information provided on the District's Self-Recycling Log and documenting that the Generator's Recyclable Materials have been properly delivered, as well as any documentation evidencing an event which prevented the proper delivery of Recyclable Materials. Such documents shall be provided to the District within ten (10) days of a request by the General Manager, or designee. Additionally, these documents will be made available for inspection by the General Manager, or designee, at the place of business during normal business hours and maintained for not less than three years.

6.02 The General Manager may restrict or prohibit Self-Recycling by a Generator if the General Manager determines, after providing notice and an opportunity for a hearing, that the Generator's Self Recycling activities violate the provisions of this Section or any other applicable law, ordinance or regulation.

6.03 Sale or Contribution. Nothing in this Ordinance shall preclude any Generator from selling or exchanging at fair market value, for reuse or Recycling, Source Separated Recyclable Materials generated from that Business, Commercial Facility or property in compliance with exclusive Franchise Agreement between the District and the Franchised Hauler.

6.04 Donation or Gift. Nothing in this Ordinance shall preclude any Generator from donating or gifting to a non-profit agency, for reuse or Recycling, Source Separated Recyclable Materials generated from that Business, Commercial Facility or property in compliance with exclusive Franchise Agreement between the District and the Franchised Hauler. Receipts for donated or gifted recyclables shall still be provided per Section 6.01.05.

SECTION 7. CERTIFICATION

7.01 Any Business that does not subscribe to a Source Separated Recycling Service or Mixed Waste Processing Service with the designated Franchised Hauler, or has otherwise complied with the conditions of an approved exemption, shall certify annually by the method prescribed by the General Manager that the Business; (i) is exempt from the Recycling provisions of this Ordinance; or (ii) has documented the implementation of its Recycling activities and/or Recycling program participation.

SECTION 8. OWNERSHIP/SCAVENGING OF RECYCLABLE MATERIALS

8.01 All Recyclable Materials placed in containers for Recyclable Materials provided by any Franchised Hauler shall be considered owned by and be the responsibility of the Franchised Hauler. Without permission of the Franchised Hauler, no person shall collect Recyclable Materials placed in such containers by Customers or Generators.

8.02 All Recyclable Materials placed in Recyclable Materials containers provided or owned by the Generator, shall be considered owned by and be the responsibility of that Generator until the material is placed at a Franchised Hauler's designated point of Collection or in containers otherwise described in this Ordinance.

8.03 No person other than the person, or Business designated by the Generator of the Recyclable Materials to collect the Recyclable Materials, shall remove or otherwise interfere with Recyclable Materials which have been placed at a designated Recycling or Recycling Materials collection location. Except as authorized under exclusive Franchise Agreement between the District and Hauler, it shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organizing or directing the collection, removal or transportation of Recyclable Materials without being a Franchised Hauler.

SECTION 9. EXEMPTIONS

9.01 The following may be exempt from all or portions of the requirements of this Ordinance:

9.01.01 Recyclable Materials Generators are not required to subscribe for Recycling services or Self-Recycle if the Generator certifies that there are no Recyclable Materials being generated by any activities in the Generator's Business, Commercial Facility or non-residential property.

9.01.02 Generator may not be required to subscribe for Recycling services or Self-Recycle if the Hauler determines after a site assessment that either:

9.01.02.01 There is inadequate storage space for automatic lift containers, bins, or roll-off bins for Recyclable Materials on-site and that it is infeasible for the Generator to share automatic lift containers, bins or roll-off bins for Recyclable Materials with a Generator on an adjoining property; or

9.01.01.02 Compliance with this Ordinance will result in a violation of county zoning ordinances or regulations for minimum parking spaces.

9.01.03 However, if after a site assessment, the Franchised Hauler determines that it is feasible for Recycling containers to be placed either on-site or shared with an adjoining Business or property, then the Generator will not be exempted from these requirements and will be responsible for full compliance with this Ordinance.

9.01.04 Remote Area: Generators from a specific geographic area may not be required to comply with this Ordinance if the Franchised Hauler demonstrates, and the General Manager concurs, in writing, that a Source Separated Recycling Service is not economically feasible within a specific geographic area.

9.01.05 Outside Approved Franchised Areas: Generators from all areas not included within the areas delineated as Franchised Areas on the Approved Boundary Map for the District, shall not be required to comply with this Ordinance.

9.02 Exemption Application. If the Generator or Franchised Hauler seeks an exemption, an application for such exemption shall be submitted in the form prescribed by the General Manager. After reviewing the exemption request, and after an on-site review, if applicable, the General Manager shall either approve or disapprove the exemption request.

9.03 Cancellation of Recycling Service by a Franchised Hauler is not an exemption under this Ordinance.

SECTION 10. OTHER ACTIONS AND REMEDIES

10.01 **No Other Powers Affected** - This Ordinance does not do any of the following:

10.01.01 Otherwise affect the authority of the General Manager, or his/her designee, to take any other action authorized by any other provision of law.

10.01.02 Restrict the power of a District Attorney or the Attorney General to bring in the name of the people of California, any criminal proceeding otherwise authorized by law.

10.01.03 Affect in any way existing contractual arrangements, including franchises, permits or licenses, previously granted or entered into between the Franchised Hauler and County.

10.02 **Cumulative Remedies** - Any remedy provided under this Ordinance is cumulative to any other remedy provided in equity or at law. Nothing in this Ordinance shall be deemed to limit the right of the County or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the County or its authorized collection agent(s). The fees and penalties imposed under this Ordinance shall constitute a civil debt and liability owing to the County from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law.

10.03 **Liability** - Nothing in this Ordinance shall be deemed to impose any liability upon the District or upon any of its officers or employees, including without limitation, under the Comprehensive Environmental Response, Compensation and Liability act of 1980 (CERCLA).

SECTION 11. FORMS, REGULATIONS AND GUIDELINES

11.01 The General Manager may adopt necessary forms, rules, regulations and guidelines which may be necessary or desirable to aid in the administration of the provisions of this Ordinance, including all necessary policies and procedures for the issuance of the permits, administration of this Ordinance, collection of fees and bonds and/or indemnities, or proof(s) of insurance.

SECTION 12. HAULER ENTITLED TO PAYMENT FOR SERVICES RENDERED

12.01 The Hauler shall be entitled to payment from the Owner for services rendered and in the amounts as specified in a Resolution or Resolutions adopted by the Board. A failure to make timely payment for any service rendered by the Hauler shall constitute a violation of this ordinance and be subject to the penalty provisions herein included.

SECTION 13. LOCATION OF DETACHABLE BIN REQUIREMENTS

13.01 At commercial properties serviced by the District, the detachable bin shall be placed as follows for collection:

- 13.01.01 Customers adjoining an alley shall place their detachable bin adjacent to but not within the alley, unless otherwise approved by the Hauler.
- 13.01.02 Customers may utilize one of established levels of collection service. Fees for different levels of service are set by resolution. In special circumstances, the General Manager or designee, may designate detachable bin location.
 - 13.01.02.01 Curbside: Detachable bin shall be placed at the curbside, or equivalent, or adjacent to the alley before five-thirty a.m. on collection days. Sidewalks shall not be blocked.
 - 13.01.02.02 Driveway: Detachable bin shall be placed adjacent to the driveway before five-thirty a.m. on collection days. Driveway clearance must be sufficient to accommodate collection equipment.
- 13.01.03 Detachable bin located in a permanent enclosure shall be made accessible to the hauler at the designated collection time. This includes removing locks and clearing obstructions so collection vehicle can easily access detachable bin.

SECTION 14. COLLECTION AREA

14.01 A mandatory collection area located within the boundaries of the District, as presently constituted at time of Ordinance passage, and as amended in the future by LAFCO, is established and shall consist of:

- 14.01.01 All multi-family units of five (5) or more.
- 14.01.02 All developed properties classified as industrial or commercial.
- 14.01.03 All institutional entities, such as schools and government buildings.
- 14.01.04 All other entities determined by the hauler to be businesses.

14.02 Other mandatory collection areas may be established by Ordinance by the District as found to be necessary for the public health and welfare or required to implement state laws.

SECTION 15. LIABILITY FOR PAYMENT OF FEES MANDATORY COLLECTION

15.01 Each owner, occupant or person in possession, charge or control of any collection premises located in a mandatory collection area is hereby made liable jointly and severally for the payment of the recycling collection, processing and disposal fees levied against such premises for required solid waste collection, processing and disposal services, irrespective of the actual use of the service provided by the district or grantee. Services made available to those premises required to receive such service shall be considered as services utilized. It shall be the primary duty of the owner of such premises to provide for the payment of the services.

SECTION 16. BILLING CYCLE AND PENALTY FOR DELINQUENT PAYMENTS

16.01 Solid waste collection fees may be billed and paid monthly. Payment shall be due upon, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

SECTION 17. DISCONTINUATION OF SERVICE

17.01 The District or hauler may discontinue service for any customer whose account remains unpaid for sixty (60) days after the date of billing as long as the customer has received a notice on a form approved by the director of the county stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

SECTION 18. FEE A CIVIL DEBT

18.01 The fees levied for service for solid waste and recyclables collection shall constitute a civil debt and liability owing to the District and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

SECTION 9219. LIEN FOR NINETY (90) DAY DELINQUENCIES

19.01 Mandatory collection fees authorized pursuant to this Ordinance which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by the District as provided herein.

19.02 Once a year, the Board of Directors shall cause to be prepared a report of delinquent fees. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto.

19.03 The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

19.04 At the hearing, the Board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

19.05 The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county tax assessor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a Bonafede purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SECTION 20. APPEALS

20.01 A business who desires to appeal the notice set forth in this Ordinance may appeal to the Board within the twenty (20) calendar days of the post-mark of the Warning Notice by filing a timely written appeal with the General Manager. Timely appeal shall not stay any further solid waste collection or responsibility to pay therefore. The General Manager shall set the matter for hearing before the Board and shall notify the Appellant by mail of the date set for such hearing, at least fifteen (15) days prior to said date. If the Appellant resides outside the District, the above period of notice by mail before the hearing shall be at least twenty-five (25) days. The Appellant shall have the right to appear in person or by an agent, designated in writing, at the hearing, and present oral, and/or written, evidence. The Board shall decide the appeal and shall issue its decision, which shall be in writing.

20.02 The Board shall have authority to make reasonable adjustments in the amount billed or to excuse payment altogether as well as authority to grant ancillary relief. The Board shall have authority to determine that the Hauler shall

not be entitled to any payment from the business owner affected. The Board shall have no authority to award monetary damages, costs or attorney's fees. The Owner or person affected may appeal the decision of the Board to the Board within thirty (30) days of the mailing of the written decision of the Board.

SECTION 21. PENALTIES

21.01 It shall constitute an infraction for an owner as defined above to fail to sign up for or to timely pay for solid waste and recycling collection service or to otherwise violate any provision of this ordinance and upon conviction of such violation shall be subject to a fine of \$250.00 for the first offense; \$500.00 for a second violation within a one (1) year period and \$1,000.00 for a third or subsequent violation within a one (1) year period. The additional remedies, penalties and procedures for violations and for recovery of costs related to enforcement provided for in this Ordinance are incorporated herein by this reference. The owner shall also be subject to court action to pay for solid waste collection service furnished to the business located thereon.

SECTION 22. DISCLAIMER OF LIABILITY

22.01 The degree of protection required by this Ordinance is considered to be reasonable for regulatory purposes. The standards set forth in this Ordinance are minimal standards and do not imply that compliance will ensure safe handling of Solid Waste and Recyclable Materials. This Ordinance shall not create liability on the part of the District, or any of its officers or employees for any damages that result from reliance on this Ordinance or any administrative decision lawfully made in accordance with this Ordinance. All persons handling discarded materials within the boundaries of the District should be and are advised to conduct their own inquiry as to the handling of such materials. In undertaking the implementation of this Ordinance, the District is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SECTION 23. DUTIES ARE DISCRETIONARY

23.01 Subject to the limitations of due process and applicable requirements of State or federal laws, and notwithstanding any other provisions of this Ordinance, whenever the words "shall" or "must" are used in establishing a responsibility or duty of the District, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

SECTION 24. SEVERABILITY

24.01 If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 25. PUBLICATION AND POSTING

25.01 The Secretary of the Board is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation printed and a copy of the full text must be posted at the District office at least five (5) days prior to the meeting. The full text of this Ordinance must be published within ten (10) days after adoption with the names of the directors voting for and against the adoption and must likewise be posted at the District office.

SECTION 26. EFFECTIVE DATE

26.01 This Ordinance shall become effective thirty (30) days after its adoption.

APPROVED AND ADOPTED this 5 day of February 2019.

President of the Wrightwood
Community Services District and
of the Board of Directors thereof.

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO)

I, _____, Secretary of the Board of Directors of the Wrightwood Community Services District, do hereby certify that the foregoing Ordinance, being Ordinance No. 2019-0_ was duly adopted by the Board of Directors of said District at a regular meeting of said Board held on _____, 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ATTEST: _____

Secretary of the Wrightwood
Community Services District and
of the Board of Directors thereof.

SEAL

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DIRECTORS

WEBSITE PICTURES

DISCUSSION

AND

POSSIBLE ACTION

ITEM 15

DIRECTORS

COMMENTS

ITEM 16

FUTURE BOARD MEETINGS

AND

AGENDA ITEMS

MARCH 5, 2019

ITEM 17

CORRESPONDENCE

ITEM 18

AJOURNMENT