



**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION
REGULAR MEETING AGENDA**

**Council Chamber
1424 Mission Street, South Pasadena, CA 91030**

September 28, 2021, at 7:00 p.m.

**PUBLIC ADVISORY:
THE CITY COUNCIL CHAMBERS WILL BE OPEN TO THE PUBLIC**

South Pasadena Natural Resources and Environmental Statement of Civility
As your appointed governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

Pursuant to Section 3 of Executive Order N-08-21, issued by Governor Newsom, the regular meeting of the Natural Resources and Environmental Commission September 28, 2021 will be conducted remotely and held by video conference.

Beginning in July, the City will resume in-person public meetings. The in-person/virtual hybrid meetings will maintain transparency and public access while protecting the health and safety of the public. Members of the public have the option to participate in-person or via Zoom using the following link:

Natural Resources and Environmental Commission
Zoom Meeting Information
Webinar ID: 856 5374 5396

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information accordingly; or
2. Click on the following unique Zoom meeting link:
<https://zoom.us/j/85653745396>; or
3. You may listen to the meeting by calling: +1-669-900-6833 and entering the Zoom Meeting ID and Passcode when prompted to do so.

For additional Zoom assistance with telephone audio, you may find your local number at:
<https://us02web.zoom.us/j/kcqijC6iQx>

PUBLIC COMMENT

The Natural Resources and Environmental Commission welcomes public input. Public comments will be taken live in one of two formats, in-person or via zoom. Members of the public may also submit their comments in writing for Natural Resources and Environmental Commission consideration, by emailing comments to: nrecpubliccomment@southpasadenaca.gov. **Public Comments must be received by 12:00 p.m., September 28, 2021** to ensure adequate time to compile and post. Written public comments will not be read aloud during the meeting.

CALL TO ORDER: Amy Davis Jones

ROLL CALL: Commissioners Rona Bortz, Michelle Hammond, Casey Law, William J. Kelly, Michael Siegel; Vice Chair Madeline C. Di Giorgi; Chair Amy Davis Jones.

COUNCIL LIAISON: Mayor Pro Tem Michael A. Cacciotti

STAFF PRESENT: Ted Gerber, Deputy Public Works Director
Arpy Kasparian, Water Conservation & Sustainability Analyst

PLEDGE OF ALLEGIANCE Amy Davis Jones

INTRODUCTION

1. City Manager Introduction - Arminé Chaparyan

PUBLIC COMMENTS AND SUGGESTIONS

The Natural Resources and Environmental Commission (NREC) welcomes public input. Comments will be taken live during the meeting, in person, or via zoom.

Pursuant to state law, the NREC may not discuss or take action on issues not on the meeting agenda, except that members of the NREC or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

2. Public Comment

PRESENTATION

3. Girl Scout Gold Award Presentation – Teja Moe

DISCUSSION ITEM

4. Mandatory Organic Waste Disposal Reduction Ordinance

ACTION ITEMS

5. Recommendation of Edible Food Recovery Program

Recommendation:

It is recommended that the Commission recommend to City Council to join the San Gabriel Valley Council of Governments’ Edible Food Recovery Program.

6. Ordinance amending Chapter 34 (Trees and Shrubs)

Recommendation:

It is recommended that the Commission remove the financial hardship definition from the proposed Trees and Shrubs Ordinance.

7. Approval of Minutes- Meeting of August 24, 2021

COMMUNICATIONS

8. City Council Liaison Communications

9. Commissioner Communications

10. Staff Liaison Communications

11. Upcoming Events

- Senior Citizen Dumpster Day – 10/11-10/15 for seniors, 10/16 for all
- LA County Smart Gardening Webinars - Various dates
(<https://www.ladpw.org/epd/sg/webinars.cfm>)
- MWD Turf Removal + CA Native Landscape Webinars - Various dates
(<https://greengardensgroup.com/turf-transformation/>)

ADJOURNMENT

FUTURE NREC MEETINGS

October 26, 2021	Council Chambers	7:00pm
November 23, 2021	Council Chambers	7:00pm

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

Prior to meetings, agenda related documents and complete agenda packets are available for public inspection online at <https://www.southpasadenaca.gov/government/boards-commissions/natural-resources-environmental-commission>.

ACCOMMODATIONS



The City of South Pasadena wishes to make all of its public meetings accessible to the public. Meeting facilities are accessible to persons with disabilities. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law.

9/23/21

Date

Arpy Kasparian

Arpy Kasparian

Water Conservation and Sustainability Analyst

ITEM 4

Redlined Ordinance Amending Chapter 16 (Garbage and Waste)
and Chapter 2 (Administration)

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
AMENDING SOUTH PASADENA MUNICIPAL CODE SECTION 16.1
("DEFINITIONS") AND SECTION 16.17 ("GENERALLY") OF CHAPTER 16
("GARBAGE AND WASTE") RELATING TO MANDATORY ORGANIC
WASTE DISPOSAL
AND ADDING A NEW ARTICLE V (ORGANIC WASTE DISPOSAL) TO
CHAPTER 16 ("GARBAGE AND WASTE") CONSISTENT WITH THE
STATE'S MODEL MANDATORY ORGANIC WASTE DISPOSAL
REDUCTION ORDINANCE
AND ADDING A NEW SECTION 2.99-29C ("RECOVERED ORGANIC
WASTE PRODUCT AND RECYCLED-CONTENT PAPER PROCUREMENT
REQUIREMENTS") OF CHAPTER 2 ("ADMINISTRATION") OF THE
SOUTH PASADENA MUNICIPAL CODE RELATING TO RECYCLED AND
ORGANIC WASTE PROCUREMENT

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their cities to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires cities to implement a Mandatory Commercial Recycling program; and

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires cities to implement a recycling program to divert Organic Waste from businesses

subject to the law, and requires cities to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including cities, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires cities to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption

WHEREAS, the adopted South Pasadena Green Action Plan (2019) and Climate Action Plan (2020) include action to implement and enforce SB 1383 organics and recycling requirement to reduce landfilled organics waste emissions 50% by 2022 and 75% by 2025, reduce residential and commercial waste sent to landfills by 50% by 2030 and 100% by 2045, and increase organics diversion from landfills.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Section 16.1 (“Definitions”) of Chapter 16 ("Garbage and Waste") of the South Pasadena Municipal Code is amended to read as follows:

16.1 Definitions.

The following words and phrases, wherever used in this chapter, shall be construed as follows:

(a) “Black/Gray Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Black/Gray Container Waste.

(b) “Black/Gray Container Waste” means Solid Waste that is collected in a Black/Gray Container that is part of a two-container or three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Black/Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

(c) “Blue Container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

(d) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities (and others).

(e) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

(f) “Combustible waste matter” ~~The term “combustible waste matter”~~ shall include and mean newspapers, magazines, books, clothes, shoes, hats, trimmings from lawns, trees, shrubs and flower gardens, pasteboard boxes, rags, paper, straw, sawdust, packing material shavings, wooden boxes and objects and all rubbish and refuse that will incinerate at one thousand four hundred to one thousand five hundred degrees Fahrenheit, except animal carcasses. No person shall place any such carcasses in any combustible waste matter receptacle.

(g) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

(h) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 16.1(tt) and 16.1(uuu) of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

(i) “Compliance Review” means a review of records by the City or its Designee to determine compliance with this ordinance.

(j) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

(k) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

(l) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

(m) “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

(n) “Contractor” ~~The word “contractor”~~ shall be construed to mean the person to whom the city council shall have awarded a contract, or shall have been otherwise authorized to receive, collect, carry, haul, transport and dispose of any and all garbage and waste matter within the city.

(o) “C&D” means construction and demolition debris.

(p) “Designee” means an entity that a City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

(q) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

(r) “Enforcement Action” means an action of the City to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

(s) “Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City’s, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City or its Designee for collection services.

(t) “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

(u) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

(v) “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

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

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

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

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

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

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

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

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

(z) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

(aa) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

(bb) “Food Waste” means Food Scraps, Food-Soiled Paper, and 100% fiber-based compostable dinnerware.

(cc) “Garbage-~~The word “garbage”~~ shall include and mean household refuse and leavings, offal, swill and any accumulation of animal and vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, birds, fruits and vegetables. “Garbage” does not include waste matter as defined in this section. Animal carcasses shall not be

included in this definition and shall not be deposited in any garbage receptacle, except carcasses of animals eaten on the premises.

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

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

(ff) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

(gg) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

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

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

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

the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

(kk) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

(ll) “Mixed Refuse/Recyclable Waste Stream” or “Mixed Refuse/Recyclable Waste” means Solid Waste that is collected in a Black/Gray Container that is part of a two-container Organic Waste collection service that includes Black/Gray Container Waste, Source Separated Recyclable Materials, or Source Separated Blue Container Organic Waste which are separated at a centralized facility, and prohibits the placement of Organic Waste in the Black/Gray Container.

(mm) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

(nn) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

(oo) “Noncombustible household refuse”. ~~The term “noncombustible household refuse”~~ shall mean and include bottles, cans, jars, crockery and similar noncombustibles which shall accumulate from general household usage and which have contained, or are designed to contain food. It shall not include unusually large or weighty items.

(pp) “Noncombustible waste matter”. ~~The term “noncombustible waste matter”~~ shall include and mean glass, broken brick, metal containers, plaster, crockery, stones, ashes, auto parts, cans or bottles, except those cans or bottles which have contained food, as defined above, and all rubbish, refuse and waste matter that will not incinerate through flames of fourteen hundred to fifteen hundred degrees Fahrenheit. The term shall not include items which, in the discretion of the city manager, are unusually large or weighty.

(qq) “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

(rr) “Non-Local Entity” means the following entities that are not subject to the City’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42), including special districts located within the boundaries of the City, including:

To Be Determined

(ss) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

(tt) “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

(uu) “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

(vv) “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

(ww) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

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

(yy) “Prohibited Container Contaminants”

(1) Where a three-container collection service has been implemented consisting of a Black/Gray Container, a Green Container, and a Blue Container, “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) discarded materials placed in the Black/Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

(2) Where a two-container collection service has been implemented for Source Separated Green Container Organic Waste and Mixed Refuse/Recyclable Waste, “Prohibited Container Contaminants” means the following: (i) discarded materials placed in a Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (ii) discarded materials placed in the Black/Gray Container that are identified as acceptable Source Separated Green Container Organic Waste, which are to be separately collected in City’s Green Container; and, (iii) Excluded Waste placed in any container.

(zz) “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

(aaa) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

(bbb) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

(ccc) “Regional Agency” means regional agency as defined in Public Resources Code Section 40181.

(ddd) “Regional or County Agency Enforcement Official” means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with the City Manager or their Designee.

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

(fff) “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

(ggg) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

(hhh) “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

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

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

(kkk) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

(lll) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

(1) Hazardous waste, as defined in the State Public Resources Code Section 40141.

(2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

(3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

(mmm) “Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Black/Gray Container Waste or other Solid Waste for the purposes of collection and processing.

(nnn) “Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

(ooo) “Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

(ppp) “Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

(qqq) “State” means the State of California.

(rrr) “Street”. ~~The word “street”~~ shall include all streets, highways, avenues, lanes, alleys, courts, places, squares, and other public ways in the city.

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

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

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

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

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

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

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

(vvv) “Uncontainerized Green Waste and Yard Waste Collection Service” or “Uncontainerized Service” means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator’s house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

(www) “Waste matter”. The term “waste matter” shall include combustible and noncombustible waste matter and noncombustible household refuse as defined in this section.

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

SECTION 2. Section 16.17 (“Generally”) of Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code is amended to read as follows:

16.17 Generally.

Every owner, tenant or occupant of any premises where garbage is created shall provide upon such premises one or more galvanized metal garbage receptacles, provided with outside handles and with tight-fitting galvanized metal covers, unless provided a receptacle or container by the City or its Designee for receiving and holding all garbage created upon such premises between the times of collection. Each receptacle at places other than an industrial establishment shall have a capacity of not less than five nor more than fifteen gallons. Receptacles provided by the City or its Designee shall have a capacity as determined by the City Manager or their Designee. No garbage receptacle shall be required where a garbage disposal has been installed on the premises under a permit obtained from the building department and approved by the city manager.

Every owner, tenant or occupant of any premises where waste matter is created shall provide, unless provided by the City or its Designee, in addition to garbage receptacles, one or more receptacles, each of a capacity of not more than forty-five gallons or which will weigh, when filled, not to exceed eighty pounds, for receiving and holding all waste matter created upon such premises between the times of collection.

All containers shall be maintained in good condition and repair. Any container which does not conform to the provisions of this article or which may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by the owner upon written notice mailed from the office of the city manager, unless the receptacle or container has been provided by the City, in which case the owner, tenant or occupant shall contact the City or its Designee to replace the receptacle.

SECTION 3. The following new Article V (Organic Waste Disposal) is added to Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code, which reads as follows:

ARTICLE V. ORGANIC WASTE DISPOSAL

16.50 Requirements for Single-Family Generators

(a) Single-Family Organic Waste Generators shall comply with the following requirements

(1) Shall subscribe to City's Organic Waste collection services for all Organic Waste generated as described below. City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c), except where limited by Sections 16.5 and 16.13.

(2) Shall participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.

(A) Where a three-container collection service has been implemented consisting of a Black/Gray Container, a Green Container, and a Blue Container, Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Black/Gray Container Waste in the Black/Gray Container. Generators shall not place materials designated for the Black/Gray Container into the Green Container or Blue Container.

(B) Where a two-container collection service has been implemented for Source Separated Green Container Organic Waste and Mixed Refuse/Recyclable Waste, Generator shall place only Source Separated Green Container Organic Waste in a Green Container. Generator shall place all other materials (Mixed Refuse/Recyclable Waste) in a Black/Gray Container.

16.51 Requirements for Commercial Business

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

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

(2) Participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below.

(A) Where a three-container collection service has been implemented consisting of a Black/Gray Container, a Green Container, and a Blue Container, Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Black/Gray Container. Generator shall not place materials designated for the Black/Gray Container into the Green Container or Blue Container.

(B) Where a two-container collection service has been implemented for Source Separated Green Container Organic Waste and Mixed Refuse/Recyclable Waste, Generator shall place all other materials (Mixed Refuse/Recyclable Waste) in a Black/Gray Container.

(c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 16.51(d)(1) and 16.51(d)(2) below) for employees, contractors, tenants, and customers, consistent with City's Blue Container, where applicable, Green Container, and Black/Gray Container collection service

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

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

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

(e) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 16.51(d) pursuant to 14 CCR Section 18984.9(b).

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

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

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

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

(j) Provide or arrange access for City or its agent to their properties during all Inspections conducted in accordance with Section 16.56 of this ordinance to confirm compliance with the requirements of this ordinance

(k) Accommodate and cooperate with City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 16.51(b)(2). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, where applicable, Green Containers, and Black/Gray Containers.

(l) At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, where applicable, Green Containers, and Black/Gray Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, and Black/Gray Containers subject to written notification to or approval by the City or its Designee.

(m) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c), except where limited by Sections 16.5 and 16.13.

(n) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 16.52.

16.52 Waivers for Generators

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

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

(2) Provide documentation that either:

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

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

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

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

(b) Physical Space Waivers. City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 16.51.

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

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

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

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

16.53 Requirements for Commercial Edible Food Generators

(a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

(b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

(c) Commercial Edible Food Generators shall comply with the following requirements:

(1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

(2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for:

(A) the collection of Edible Food for Food Recovery; or,

(B) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

(3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(4) Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

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

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

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

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

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

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

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

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

(6) No later than July 1 of each year commencing no later than July 1, 2022 for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the information recorded as required in Section 16.53(c)(5) as well as the amount and type of Edible Food that was not accepted by Food Recovery Organizations or services for donation.

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

16.54 Requirements for Food Recovery Organizations and Services and Regional Agencies

(a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

(1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

(2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

(3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

(4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

(b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

(1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

(2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

(3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

(c) Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

(d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than July 1.

(e) Food Recovery Capacity Planning

(1) Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, City, special district that provides solid waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

16.55 Requirements for Haulers and Facility Operators

(a) Requirements for Haulers

(1) Exclusive franchised hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

(A) Through written notice to the City annually on or before July 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Refuse/Recyclable Waste.

(B) Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Refuse/Recyclable Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2

(C) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 13 of this ordinance, and City's C&D ordinance.

(2) Exclusive franchised hauler authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with City.

(b) Requirements for Facility Operators and Community Composting Operations

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

(2) Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

16.56 Inspections and Investigations by City

(a) City representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings),

property owners, Commercial Edible Food Generators, haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section 16.51(a)(2) of this ordinance, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 16.51(k) of this ordinance.

(b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City’s employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for:

(1) access to an entity’s premises;

(2) installation and operation of Remote Monitoring equipment; or

(3) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

(c) Any records obtained by a City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

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

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

16.57 Enforcement

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

(b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek

recovery of unpaid administrative citations. City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

(c) Responsible Entity for Enforcement

(1) Enforcement pursuant to this ordinance may be undertaken by the City Manager or their Designee, legal counsel, or combination thereof.

(2) Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the City or its Designee, in consultation with the City Manager of their Designee.

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

(B) City Manager or their Designee(s) and/or Regional or County Agency Enforcement Official may issue Notices of Violation(s).

(d) Process for Enforcement

(1) City Manager or their Designees or Regional or County Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program, that may include Remote Monitoring. Section 16.56 establishes City's right to conduct Inspections and investigations.

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

(3) For incidences of Prohibited Container Contaminants found in containers, City or its Designee will issue a Notice of Violation and/or a notice of contamination to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within two (2) days after determining that a violation has occurred. If the City or its Designee observes Prohibited Container Contaminants in a generator's containers on more than two (2) consecutive occasion(s), beginning January 1, 2024, the City or its Designee have the right to assess contamination processing fees or contamination service charges on the generator, per the current franchise hauler rate schedule. This contamination service charge shall not be considered an administrative fine or penalty. Any disputes arising from the assessment of a contamination service charge shall be adjudicated pursuant to the customer complaint resolution process provided under the terms of any contract, agreement, or similar contractual authorization between the hauler and the City to collect Organic Waste.

(4) With the exception of violations of generator contamination of container contents addressed under Section 16.57(d)(3), City or its Designee shall issue a Notice of Violation and/or a notice of contamination requiring compliance within 60 days of issuance of the notice.

(5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Chapter 1A (Administrative Citations) of the City's Municipal Code. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows:

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

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

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

(f) Compliance Deadline Extension Considerations

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

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

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

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

(g) Appeals Process

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

(h) Education Period for Non-Compliance

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

(i) Civil Penalties for Non-Compliance

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

SECTION 4. The following new Section (2.99-29C) is added to Chapter 2 Administration, Article XI Purchasing, which reads as follows:

2.99-29C Recovered Organic Waste Product and Recycled-Content Paper procurement requirements.

(a) City departments, and direct service providers to the City, as applicable, must comply with the City's Recovered Organic Waste Product procurement policy adopted on **To Be Determined** and Recycled-Content Paper procurement policy adopted on **To Be Determined**.

SECTION 5. CEQA. The City Council hereby finds that the proposed Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It is found with certainty that there is no possibility this regulatory amendment mandating organics waste disposal reduction will have a significant negative effect on the environment. Contrarily, the amendment will have a positive effect on the environment by increasing recovery of edible food, reducing pollutants disposed of in landfills, and reducing greenhouse gas emissions.

SECTION 6. This ordinance shall take effect January 1, 2022, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

Attest:

City Clerk



Natural Resources & Environmental Commission Agenda Report

ITEM NO. _____

DATE: September 28, 2021

FROM: Ted Gerber, Deputy Public Works Director
Arpy Kasparian, Water Conservation & Sustainability Analyst

SUBJECT: **Recommendation to join the San Gabriel Valley Regional Edible Food Recovery Program**

Recommendation

It is recommended that the Commission recommends the City join the Regional Edible Food Recovery Program led by the San Gabriel Valley Council of Governments to comply with the edible food recovery component of Senate Bill 1383.

Background

In 2016, Senate Bill 1383 (Short-Lived Climate Pollutants) was signed into law in a statewide effort to reduce short-lived climate pollutants, namely methane emissions created by organic waste. The bill established targets to achieve a 75% reduction in disposal of organic waste by 2025. In addition, the bill aims to rescue at least 20% of edible food for the millions of Californians experiencing food insecurity. Pursuant to SB1383, jurisdictions are mandated to provide organics collection services and require all residents and businesses to divert organic waste (yard waste, food scraps, food-soiled paper, etc.) from landfills to recycling facilities. In addition, SB1383 requires jurisdictions to establish an edible food recovery program, conduct education and outreach to the community, procure recyclable and recovered organic waste products for use within the City, secure access to recycling and edible food recovery capacity, and monitor compliance and conduct enforcement. The California Department of Resources Recycling and Recovery (CalRecycle) is responsible for creating regulatory standards for SB 1383. Based on guidelines adopted by CalRecycle, regulations to meet statewide organics reduction and food recovery requirements will begin to take effect on January 1, 2022.

The San Gabriel Valley Council of Governments (SGVCOG) is a regional government planning agency, consisting of 31 incorporated cities including the City of South Pasadena, which aims to maximize the quality of life in the San Gabriel Valley. Many communities have shared issues and have developed a unified voice through the SGVCOG to maximize resources, achieve sustainable solutions, and advocate for regional and member interests.

Discussion/Analysis

In response to interest from several San Gabriel Valley cities, the SGVCOG took the lead on establishing a regional endeavor to comply with SB 1383's edible food recovery regulations. A Request-for-Proposals (RFP) was released on July 20, 2021 with a Scope of Work that includes

several components of the edible food recovery requirements including assessing potential food recovery agencies and their capacities for cities to utilize for SB 1383 requirements, identifying Tier 1 and Tier 2 food generators and assessing their current compliance with SB 1383's food recovery regulations, preparing guidance, assisting with education and outreach efforts, and implementing inspection and enforcement programs (Attachment). On September 16, 2021, the contract was awarded to SCS Engineers. To secure participation in the program and to begin the work, SGVCOG staff is currently executing memorandums of agreement (MOAs) with each participating city. The City of South Pasadena is one of 15 cities who have formally expressed interest in joining the program. These cities are:

Alhambra	Glendora	Pomona
Azusa	Irwindale	San Marino
Covina	La Canada Flintridge	South Pasadena
Duarte	Monrovia	Temple City
El Monte	Monterey Park	Walnut

With limited staff and resources, participation in this program would allow staff to complete the remaining components of SB 1383, including establishing a new citywide waste collection system and procuring recovered organic waste, by the January 1, 2022 deadline. Since the edible food recovery program is a continuous program, joining a regional endeavor that is maintained by a regional agency will ensure consistency, efficiency, and compliance regardless of any staff changes at the City level. This regional program would expand the City's resources and would optimize the City's efforts in edible food rescue. CalRecycle has expressed support and appreciation for the development of a regional approach for local jurisdictions to comply with SB 1383. For these reasons, City staff recommend executing an MOA with the SGVCOG to participate in all tasks of the regional program.

Regional Food Recovery Program Scope of Work

The scope of the Regional Food Recovery Program includes the four tasks (Tasks 1-4) and optional two tasks (Tasks 5-6) below.

1. Project Management
2. Capacity and Compliance Assessments
 - a. Assess potential edible food recovery agencies in the participating cities' jurisdictions, identify and evaluate the processing capacity of such agencies, and identify and evaluate whether these agencies have existing contracts with the participating cities' food waste generators.
 - b. Calculate if additional capacity is needed for participating cities to recover the required amount of edible food, identify the infrastructure needed, and identify opportunities for participating cities to fund such infrastructure.
 - c. Identify participating cities' Tier 1 and Tier 2 food waste generators and assess their food recovery capacity and SB 1383 food recovery compliance statuses.

3. Public Outreach
 - a. Develop an outreach and education plan for participating cities' Tier 1 and Tier 2 food waste generators.
 - b. Outreach strategies include:
 - i. Direct email outreach
 - ii. Social media postings
 - iii. Website postings
 - iv. Regional educational workshops (with recordings available)
 - c. All outreach records will be provided to participating cities.
4. Final Report which will include details on:
 - a. Outreach efforts conducted
 - b. Assessments performed under the Capacity and Compliance tasks
 - c. Food recovery needs and operations of participating cities' Tier 1 and Tier 2 waste generators
 - d. Food recovery needs and operations of food recovery agencies in participating cities
 - e. Recommendations on the necessary steps that participating cities should consider to ensure SB 1383 compliance
5. Inspection Program Development (Optional Add-On)
 - a. Develop inspection program of Tier 1 and Tier 2 food waste generators and food recovery agencies.
6. Inspection Program Implementation (Optional Add-On)
 - a. Implement inspection program for Tier 1 generators beginning on January 1, 2022 and inspections for Tier 2 generators beginning on January 1, 2024 (the City of South Pasadena does not have Tier 2 food generators).

Timeline

- | | |
|------------------|---|
| October 7, 2021 | MOA between City of South Pasadena and SGVCOG must be executed for work to begin on time |
| January 1, 2022 | SB 1383 regulations take effect
All jurisdictions must adopt an organics recycling ordinance
Tier 1 food generators required to donate edible food |
| January 17, 2022 | Tasks 1-4 completed: compliance assessments, public outreach activities, and the Final Report |
| February 1, 2022 | SB 1383 deadline for jurisdictions to identify Tier 1 and Tier 2 generators, evaluate food recovery capacity and calculate if a processing gap exists, begin outreach and education to Tier 1 and Tier 2 generators |

- January 1, 2024 SB 1383 deadline for Tier 2 food generators to start donating edible food
Requires local jurisdictions to impose penalties for noncompliance on generators
- August 1, 2024 Tasks 5-6 completed: inspection program and implementation

Defining and Identifying Tier 1 and Tier 2 Food Generators

SB 1383 places commercial food generators into two tiers. Tier 1 businesses typically have more produce, fresh grocery, and shelf-stable foods to donate. Tier 2 businesses typically have more prepared foods to donate, which often require more careful handling to meet food safety requirements. See below for a list of the types of generators under each tier:

Tier 1 Food Generators

Required to Send Surplus Food to Food Organizations Starting January 1, 2022

- Supermarkets with revenue \geq \$2 million.
- Grocery Stores with Facilities \geq 10,000 sq. ft.
- Food Service Providers
- Food Distributors
- Wholesale Food Vendors

Tier 2 Food Generators

Required to Send Surplus Food to Food Organizations Starting January 1, 2024

- Restaurants with Facilities \geq 5,000 sq. ft. or 250+ seats
- Hotels with an On-Site Food Facility and 200+ Rooms
- Health Facilities with an On-Site Food Facility and 100+ Beds
- Large Venues and Events
- State Agency Cafeterias with Facilities \geq 5,000 sq. ft. or 250+ seats
- Local Education Agency with an On-Site Food Facility
- Non-Local Entities

The City of South Pasadena has five Tier 1 food generators and zero Tier 2 food generators. The five Tier 1 food generators are:

1. Bristol Farms – 606 Fair Oaks Ave.
2. Ralph’s Grocery – 1745 Garfield Ave.
3. Trader Joe’s – 613 Mission St.
4. Vons – 1129 Fair Oaks Ave.
5. Pavillions – 1213 Fair Oaks Ave.

Alternative

If the City does not participate in the regional program, City staff may need to take on the required edible food recovery tasks of SB 1383. City staff will need to ensure that the five Tier 1 food generators have a food donation program in place by January 1, 2022 and are keeping records of the amount of food donated and disposed. City staff must also identify local food

recovery organizations and establish a reporting procedure as these organizations are required to report the amount of food recovered to jurisdictions annually. City staff may need to form connections between the edible food generators and the food recovery organizations in the City. City staff must provide continuous outreach and education to all food generators and conduct inspections and report compliance to CalRecycle annually. Completing these tasks will require extensive staff time and resources.

Fiscal Impact

Funds contributed by each participating city will cover the total cost of the contract. The SGVCOG will also charge participating cities a 5% administrative fee to cover the SGVCOG's staff time to manage the Regional Food Recovery Program.

The total cost to participate in Tasks 1-4 is an amount not-to-exceed \$19,785.00 per city (including both consultant and 5% COG administrative fees). If all 15 participating cities follow through with approving the MOA, the amount will fall to \$15,828.00 per city for Tasks 1-4. The "amount not-to-exceed \$19,785.00" cost anticipates that up to 3 of the 15 participating cities will not follow through joining the effort. The cost to participate in Task 5 is \$2,299.00 per city and that the cost to participate in Task 6 is currently being calculated and will be finalized in October 2021. An amendment to the MOA will need to be executed at that time to include Tasks 5 and 6.

Currently, no funds have been allocated in the Public Works Department Fiscal Year 2021-2022 budget for the implementation of any SB 1383 requirements. Staff will seek funding sources for participation in the regional program from the General Fund Undesignated Reserves. Estimated costs for future staff efforts are unknown at this time.

Next Steps

1. If recommended, City staff will proceed with executing an MOA with SGVCOG to move forward with Tasks 1-4.
2. City staff will execute an amendment to the MOA for Tasks 5-6 when consultants have calculated final costs.
3. If not recommended, City staff will re-evaluate available resources.

Environmental Analysis

This project does not consist of operation, repair or maintenance of any existing utility facilities, therefore, per 2021 California Environmental Quality Act (CEQA) Statute and Guidelines, Article 19, Section 15301, this project is exempt from further CEQA analysis.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website.

Attachment: San Gabriel Valley Regional Food Recovery Program Request for Proposals

ATTACHMENT

San Gabriel Valley Regional Food Recovery Program

Request for Proposals and Scope of Work

REQUEST FOR PROPOSALS

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS REQUEST FOR PROPOSALS NO. 21-13 FOR THE SAN GABRIEL VALLEY REGIONAL FOOD RECOVERY PROGRAM

RFP Schedule (all times are in PDT)	
July 20, 2021	Request for Proposals (RFP) Issued
August 4, 2021 at 11:00am	Non-Mandatory Pre-Proposal Virtual Conference
August 6, 2021 at 5:00pm	Written Questions Due
August 19, 2021 at 3:00pm	Proposals Due
August 30, 2021	Virtual Oral Interviews (shortlisted proposers only)
September 6, 2021, Tentative	Notice of Intent to Award Issued
September 16, 2021, Tentative	Contract Approved
September 30, 2021, Tentative	Notice to Proceed

SECTION I: INSTRUCTIONS TO PROPOSERS

Non-Mandatory Pre-Proposal Virtual Conference

The SGVCOG will hold a Pre-Proposal Teleconference at the date and time listed above. Any prospective Proposer should plan to attend the Pre-Proposal Teleconference as the Teleconference will provide an overview of the RFP, services to be provided, and discuss expected outcomes. Attendance does not guarantee award of any contract.

Questions regarding the RFP will be accepted by the SGVCOG during the Teleconference and the written question time frame. Responses will be posted to PlanetBids.

Proposers will need to contact Carlos Garcia, Contracts Manager, via email at cgarcia@sgvco.org to register and receive the link to attend. The deadline to register is one hour prior to the conference. Emails received after this deadline may not receive the link to the Teleconference.

Background and Project Description

The San Gabriel Valley Council of Governments (SGVCOG) is seeking proposals to provide support to San Gabriel Valley cities and assist with their ongoing efforts in preparing for Senate Bill 1383's (Lara, 2016) food recovery components.

SB 1383 serves as a statewide effort to reduce emissions of short-lived climate pollutants and sets the following targets:

1. Reduce statewide disposal of organic waste by 50% by January 1, 2020 and by 75% by January 1, 2025 (based on 2014 levels).
2. Recover at least 20% of currently disposed edible food for human consumption by 2025.

The California Department of Resources Recycling and Recovery (CalRecycle) is responsible for creating regulatory standards for SB 1383. The finalized guidelines, which can be found on <https://www.calrecycle.ca.gov/organics/slcp/>, were previously approved by the Office of Administrative Law. Based on approved guidelines, regulations to meet statewide organics reduction and food recovery requirements will begin to take effect on January 1, 2022. Additionally, regulations may require local jurisdictions to impose penalties for noncompliance on regulated entities starting January 1, 2024.

Stated within Section 18991.1 of the SB 1383 adopted guidelines, cities must implement an edible food recovery program that educates commercial edible food generators, increases commercial edible food generator access to food recovery organizations and food recovery services, monitors commercial edible food generator compliance, and increases edible food recovery capacity if the analysis required by Section 18992.2 of the adopted guidelines indicates that the cities do not have sufficient capacity to meet their edible food recovery needs.

As a result, cities are mandated and directed to complete the following activities:

- **Section 18985.2 of the Adopted SB 1383 Guidelines:** Cities must develop a list of food recovery organizations and food recovery services operating within their jurisdictions and maintain the list on their websites on or before February 1, 2022. The list must be updated annually and includes each food recovery organization and each food recovery service's name, physical address, contact information, collection service area, and the types of food that they accept. Additionally, cities must provide commercial edible food generators, at least on an annual basis, with information about the cities' edible food recovery programs established pursuant to Section 18991.1 of the adopted guidelines, information about the commercial edible food generator requirements specified in Article 10 of the adopted guidelines, information about food recovery organizations and food recovery services operating within their jurisdictions, where a list of those food recovery organizations and food recovery services can be found, and information about actions that commercial edible food generators can take to prevent the creation of food waste.
- **Section 18985.3 of the Adopted SB 1383 Guidelines:** Cities must include all relevant documents supporting its outreach and education compliance with Article 4 of the adopted guidelines in the Implementation Record required by Section 18995.2 of the adopted guidelines, including but not limited to:
 - Copies of the information provided to comply with Article 4 of the adopted guidelines, including flyers, brochures, newsletters, invoice messaging, and website and social media postings.

- The date, and to whom the information was disseminated or direct contact made. If a jurisdiction provides mass distribution through mailings, or bill inserts, it shall provide the date, a copy of the information, and the type and number of accounts receiving the information.
 - If the requirements of Article 4 of the adopted guidelines were met solely through the use of electronic media, the record shall include a copy, with dates posted, of social media posts, emails, or other electronic messages.
 - If a jurisdiction relies on a designee, as allowed in Section 18981.2 of the adopted guidelines, it shall include a copy of the materials distributed by the designee.
- **Section 18990.2 of the Adopted SB 1383 Guidelines:** Cities cannot implement or enforce an ordinance, policy, or procedure that prohibits the ability of a generator, food recovery organization, or food recovery service to recover edible food that could be recovered for human consumption.
- **Section 18991.2 of the Adopted SB 1383 Guidelines:** Cities must include all documents supporting its compliance with Section 18991.1 of the adopted guidelines in the Implementation Record as required by Section 18995.2 of the adopted guidelines, including at a minimum:
 - A list of commercial edible food generators in their jurisdictions that have a contract or written agreement with food recovery organizations or services pursuant to Section 18991.3(b) of the adopted guidelines.
 - A list of food recovery organizations and food recovery services in their jurisdictions and their edible food recovery capacity.
 - Documentation of the actions that the jurisdictions have taken to increase edible food recovery capacity.
- **Section 18992.2 of the Adopted SB 1383 Guidelines:** If a county identifies that new or expanded capacity is needed to recover the required amount of edible food, cities must submit an implementation schedule to CalRecycle that demonstrates how they will ensure that there is enough new or expanded capacity to recover the required amount of edible food within their jurisdictions by the end of the reporting period set forth in Section 18992.3 of the adopted guidelines. The implementation schedule must include timelines and milestones for planning efforts to access additional new or expanded capacity, including but not limited to obtaining funding for edible food recovery infrastructure, modifying franchise agreements, demonstrating other means of financially supporting the expansion of food recovery capacity, or identifying facilities, operations, and activities inside the county that can be used for additional capacity. Cities that are contacted by the county regarding the lack of edible food recovery capacity must respond to the county's request for information necessary to comply with the requirements within 120 days.
- **Section 18994.1 of the Adopted SB 1383 Guidelines:** Cities must report to CalRecycle on their implementation and compliance with the requirements of the adopted guidelines. By April 1, 2022, cities must submit a copy of ordinances or other enforceable mechanisms

adopted pursuant to the adopted guidelines, reporting items identified in Section 18994.2(b) of the adopted guidelines, and the name, mailing address, phone number, and email address of the designated points-of-contact at the cities responsible for receiving communications regarding SB 1383 compliance. Cities must also provide the name and address of the agent designated by the jurisdictions for the receipt of service of process from CalRecycle for the purposes of enforcement of the SB 1383 regulations if agent is different from the designated points-of-contact.

- **Section 18994.2 of the Adopted SB 1383 Guidelines:** Cities must report the information required to CalRecycle according to the following schedule:

- On or before October 1, 2022, cities must report for the period of January 1, 2022 through June 30, 2022.
- On or before August 1, 2023, and on or before August 1 of each year thereafter, cities must report for the period covering the entire previous calendar year.

Cities must report the following regarding its implementation of the edible food recovery requirements of Article 10 of the adopted guidelines:

- The number of commercial edible food generators located within their jurisdictions.
- The number of food recovery services and organizations located and operating within their jurisdictions that contract with or have written agreements with commercial edible food generators for food recovery.
 - Cities must require food recovery organizations and services that are located within their jurisdictions and contract with or have written agreements with commercial edible food generators pursuant to Section 18991.3(b) of the adopted guidelines to report the amount of edible food in pounds recovered by the service or organization in the previous calendar year to the jurisdictions.
- Cities must report on the total pounds of edible food recovered by food recovery organizations and services pursuant to Subdivision (h)(2)(A) of Section 18994.2 of the adopted guidelines.

Cities, in collaboration with counties, must report on the food recovery capacity regarding the tons estimated to be generated for landfill disposal, the amount of capacity verifiably available to the county and cities within the county, the amount of new capacity needed, and locations identified for new or expanded facilities.

Cities must also report the following regarding their implementation of the compliance, monitoring, and enforcement requirements specified in Articles 14-16 of the adopted guidelines:

- The number of inspections conducted by type for commercial edible food generators and food recovery organizations.

- The number of complaints pursuant to Section 18995.3 of the adopted guidelines that were received and investigated, and the number of Notices of Violation issued based on investigation of those complaints.
 - The number of Notices of Violations issued, categorized by the type of entity subject to the adopted guidelines.
 - The number of penalty orders issued, categorized by the type of entity subject to the adopted guidelines.
 - The number of enforcement actions that were resolved, categorized by the type of regulated entity.
- **Section 18995.1 of the Adopted SB 1383 Guidelines:** Beginning January 1, 2022, cities must conduct inspections of Tier 1 commercial edible food generators and food recovery organizations and services for compliance with the adopted guidelines. Inspections of Tier 2 commercial edible food generators for compliance with the adopted guidelines must begin on January 1, 2024.
 - Beginning January 1, 2022, cities must investigate complaints as required under Section 18995.3 of the adopted guidelines.
 - Beginning January 1, 2022, and until December 31, 2023, cities must provide educational materials describing the applicable requirements of the adopted guidelines in response to violations.
 - Beginning January 1, 2024, cities must enforce the adopted guidelines pursuant to Sections 18995.4 and 18997.2 of the adopted guidelines in response to violations. Details of SB 1383 enforcement procedures can be found in Section 18995.4 of the adopted guidelines.
 - Cities must conduct a sufficient number of inspections of entities to adequately determine overall compliance with the adopted guidelines. Cities may prioritize inspections of entities that they determine are more likely to be out of compliance.

Cities must generate a written or electronic record for each inspection and compliance review conducted pursuant to the adopted guidelines. Each record must include the subject or subjects of the inspection, including the name or account name of each person or entity, the date of the inspection or compliance review, the person(s) who conducted the action, findings regarding SB 1383 compliance, including any Notices of Violation or educational materials issued, and other evidence supporting the findings such as photographs and records. Documentation of all inspections and compliance reviews, as well as all other records of enforcement, must be maintained in the Implementation Record required by Section 18995.2 of the adopted guidelines.

- **Section 18995.2 of the Adopted SB 1383 Guidelines:** Cities must maintain all records required by the adopted guidelines, including both organic waste and food recovery components, in the Implementation Record. Each city must store the Implementation Record in one central location, physical or electronic, that can be readily accessed by CalRecycle. Upon request by CalRecycle, the cities must provide access to the Implementation Record within 10 business days. All records and information must be

included in the Implementation Record within 60 days of the creation of the record or information. All records must be retained by the cities for 5 years.

- **Section 18995.3 of the Adopted SB 1383 Guidelines:** Cities must provide a procedure for the receipt and investigation of written complaints of alleged violations of the SB 1383 regulations. Cities must allow for the submission of anonymous complaints. The procedure must provide that complaints be in writing and include the name and contact information of the complainant (if not anonymous), the identity of the alleged violator (if known), a description of the alleged violation including location(s) and all other relevant facts known to the complainant, any relevant photographic or documentary evidence supporting the allegations, and the identity of witnesses (if known). A jurisdiction must commence an investigation within 90 days of receiving a complaint if a jurisdiction determines that the allegations, if true, would constitute a violation of SB 1383 regulations. The jurisdiction must provide a procedure to notify a complainant of the results of their complaint if the identity and contact information of the complainant are known.

The selected consultant shall implement activities that support participating cities to comply with the aforementioned mandates. The Proposer is strongly recommended to review the SB 1383 guidelines prior to submitting proposal documents. A standard Scope of Work can be found in this RFP.

The project is jointly funded by the Cities of Alhambra, Azusa, Covina, Duarte, El Monte, Glendora, Irwindale, La Cañada Flintridge, Monrovia, Monterey Park, San Marino, South Pasadena, Temple City, and Walnut. Additional cities in the SGVCOG's jurisdiction may elect to participate in the project prior to the issuance of the Notice to Proceed. The Proposer should expect up to 5 additional cities to join this regional endeavor between the proposal submission date and the award of the contract.

This RFP and the Proposer's proposal will become part of the Agreement when said Agreement is fully executed by the Proposer and the SGVCOG. A standard scope of work is included in this RFP. A detailed scope and deliverables will be developed during negotiations with the selected Consultant.

Schedule of Work

Based on mandates set forth by the adopted guidelines, the SGVCOG is seeking a completed project (Tasks 1-4 indicated in the scope of work without the optional add-ons in the Scope of Work) **by January 17, 2022**. The addition of Tasks 5 and 6 may extend the Schedule of Work until August 1, 2024. These additional tasks are envisioned to be annual contracts with annual options to extend through August 1, 2024.

Scope of Work*

Task 1 Project Management

Task 1.1 Kickoff Meeting

The Consultant shall conduct a kickoff meeting with the SGVCOG and CalRecycle staff. The primary objectives will be to review scope, schedule, project goals, and key issues. The SGVCOG will be responsible for inviting CalRecycle staff to participate in the Kickoff Meeting.

Deliverables: Meeting notes and materials for kickoff meeting.

Task 1.2 Project Team Coordination

Biweekly project team meetings, regular phone and e-mail correspondence, and other communications with the SGVCOG to ensure that the tasks listed in this SOW stay on schedule and within budget.

Deliverables: Meeting notifications, agendas, and notes.

Task 1.3 Project Management Update Meetings

The Consultant shall facilitate approximately 6-8 meetings with the SGVCOG and representatives of participating cities to solicit feedback on draft deliverables.

Deliverables: Meeting notifications, agendas, notes, and other relevant drafts and documents.

Task 2 Capacity and Compliance Assessments

Task 2.1 Food Recovery Agencies and Organizations Capacity Assessment

The Consultant shall assess potential edible food recovery agencies and organizations in and around the participating cities' city limits, identify and evaluate the processing capacity of such agencies and organizations, identify and evaluate whether these agencies and organizations have existing contracts and written agreements with participating cities' commercial edible food waste generators, and provide a detailed report. Additionally, the Consultant shall calculate if additional capacity is needed for participating cities to recover the required amount of edible food, identify the infrastructure needed to operate an edible food recovery program in the San Gabriel Valley, and identify opportunities for participating cities to fund such infrastructure.

Deliverables: A detailed report containing a list of edible food recovery agencies and organizations in and around the participating cities' city limits to provide for

participating cities' edible food waste generators that comply with SB 1383, and an assessment of the requirements associated with the collected edible food or expand collection of edible food. Additionally, the report should include information on the processing capacity of the food recovery agencies and organizations in and around the participating cities' city limits and whether these agencies and organizations have existing contracts and written agreements with the participating cities' commercial edible food waste generators. The report must also include details on whether additional capacity is needed for participating cities to recover the required amount of edible food, the infrastructure needed to operate an edible food recovery program in the San Gabriel Valley and opportunities for participating cities to fund such infrastructure. The report shall be compiled in the form of one regional document, with the information on each participating city formatted by sections.

Task 2.2 Tier 1 and Tier 2 Edible Food Waste Generators Compliance Assessment
The Consultant shall identify participating cities' Tier 1 and Tier 2 edible food waste generators and assess the generators for their existing food recovery capacity and their current compliance statuses, including whether or not the generators have existing contracts or written agreements with food recovery services or organizations, with SB 1383's edible food recovery regulations.

Deliverables: A detailed report providing details on participating cities' Tier 1 and Tier 2 edible food waste generators, their statuses on their participation in edible food donation programs, and their SB 1383 food recovery compliance statuses of such edible food donation programs. The report shall be compiled in the form of one regional document, with the information on each participating city formatted by sections.

Task 3 Public Outreach

Task 3.1 Develop Outreach and Education Plan
The Consultant shall develop and propose an outreach and education plan and timeline for participating cities' Tier 1 and Tier 2 edible food waste generators and stakeholder groups and specify plans to incorporate communication, marketing, and outreach/education efforts. Please note that all outreach efforts must be conducted, by law, before February 1, 2022. The plan shall include email notifications to participating cities' Tier 1 and Tier 2 edible food waste generators, social media and website postings, and five (5) regional educational workshops (with recording available). The Consultant shall also create materials for the outreach and education plan based on resources provided by CalRecycle and the Los Angeles County Department of Public Works, including flyers, brochures,

presentations, and website and social media templates. All materials must be provided in traditional Chinese, English, and Spanish.

Deliverables: Multilingual outreach and education materials and a detailed plan on comprehensive outreach and education efforts for participating cities' Tier 1 and Tier 2 edible food waste generators and stakeholder groups.

Task 3.2 Implement Outreach and Education Plan

Upon approval by the SGVCOG, the Consultant shall implement the proposed outreach and education plan. The Consultant shall provide records of all outreach and education efforts, along with copies of the utilized marketing materials, that were conducted. The records shall include the date and to whom the information was disseminated or direct contact made.

Deliverables: Weekly reports and updates on conducted outreach and education efforts, including emails, presentations, individuals/entities outreached, outcomes/relevant documents, and copies of the utilized marketing materials.

Task 4 **Final Report**

Task 4.1 Final Report Deliverable

The Consultant shall compile a Final Report that includes details on the outreach efforts that were conducted, the assessments that were performed under Task 2, the food recovery needs and operations of participating cities' Tier 1 and Tier 2 waste generators, the food recovery needs and operations of food recovery agencies and organizations in and around the San Gabriel Valley, and recommendations on the necessary steps that participating cities should consider to ensure SB 1383 compliance.

Deliverables: Final report detailing the outreach efforts that were conducted, the assessments that were performed under Task 2, the food recovery needs and operations of participating cities' Tier 1 and Tier 2 waste generators, the food recovery needs and operations of food recovery agencies and organizations in and around the San Gabriel Valley, and recommendations on the necessary steps that participating cities should consider to ensure SB 1383 compliance.

Task 5 **Inspection Program Development (Optional Add-On)****

Task 5.1 Develop Inspection Schedule and Plan

Based on the information identified in Task 2, the Consultant shall develop a schedule and plan to implement a program, including a mechanism that allows for the submission of anonymous complaints and determining the validity of those

complaints based on Section 18995.3 of the adopted guidelines, to conduct inspections of participating cities' Tier 1 commercial edible food generators and food recovery organizations and services for compliance with the adopted SB 1383 guidelines. Please note that cities must conduct inspections of Tier 1 commercial edible food generators and food recovery organizations and services for compliance beginning January 1, 2022. Inspections of Tier 2 commercial edible food generators for compliance with the adopted guidelines must begin on January 1, 2024. By law, the Consultant does not have authority to issue citations; however, the Consultant shall develop an effective method to quickly and effectively inform participating cities to issue educational materials and/or citations in the event that noncompliance is identified during inspections. Between January 1, 2022 and December 31, 2023, cities must provide educational materials describing the applicable requirements of the adopted guidelines in response to violations. Starting on January 1, 2024, cities must enforce the adopted guidelines pursuant to Sections 18995.4 and 18997.2 of the adopted guidelines in response to violations.

Deliverable: A report detailing the proposed schedule and plan to implement an inspection program in participating cities, including details of an effective method to quickly and effectively inform participating cities to issue educational materials and/or citations in the event that noncompliance is identified during inspections. The report must be presented to the SGVCOG and participating cities for review before November 29, 2021.

Task 6 Inspection Program Implementation (Optional Add-On)**

Task 6.1 Implement Inspection Schedule and Plan

Upon the approval by the SGVCOG and participating cities, the Consultant shall begin implementing the inspections beginning January 1, 2022. The Consultant shall document the number of inspections conducted by type for commercial edible food generators and food recovery organizations, the number of complaints pursuant to Section 18995.3 of the adopted guidelines that were received and investigated, and the number of Notices of Violations issued (in partnership with participating cities) based on investigation of those complaints. Additionally, the Consultant shall, in partnership with participating cities, document the number of Notices of Violation, penalty orders, and enforcement actions that were resolved, categorized by type of entity subject to the adopted guidelines.

Deliverable: Documentation of the number of inspections conducted by type for commercial edible food generators and food recovery organizations, the number of complaints pursuant to Section 18995.3 of the adopted guidelines that were received and investigated, and the number of Notices of Violations issued (in partnership with participating cities) based on investigation of those complaints.

Additionally, the Consultant shall, in partnership with participating cities, provide documentation of the number of Notices of Violation, penalty orders, and enforcement actions that were resolved, categorized by type of entity subject to the adopted guidelines. Such documents shall be provided on a monthly basis.

**The Scope of Work may be amended after the issuance of the Notice to Proceed to include additional assistance to participating jurisdiction(s) with specific needs, such as identifying food deserts, additional marketing and outreach support, and kitchen/busboy training.*

***Tasks 5 and 6 may be added to the Scope of Work depending on the interest of each participating city. Please do provide an estimate cost for Tasks 5 and 6 and list out the assumptions that were utilized in developing the pricing. Also, please provide the potential assumptions that could impact the pricing based on the information gathered when completing Tasks 1-4 of the Scope of Work.*

Examination of Proposal Documents

By submitting a proposal, Proposer represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve SGVCOG's objectives. Proposer is prepared to comply with all statutes and regulations applicable to the work to be performed.

Addenda

The SGVCOG reserves the right to revise the RFP documents. Any changes to the requirements of this RFP will be made by written addendum. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. Addenda will be posted on SGVCOG's online bidding system, Planet Bids, and will be available for downloading. It is the responsibility of Proposers and other interested parties to check the online bidding system regularly during the solicitation period for updated information.

The SGVCOG will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Proposers shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP, and be rejected.

SGVCOG Contact

All communication and/or contact with SGVCOG staff regarding this RFP are to be directed to the following:

***Carlos Garcia, Contracts Manager
San Gabriel Valley Council of Governments
4900 Rivergrade Road, Suite A120
Irwindale, California 91706
Email: cgarcia@sgvcog.org***

Commencing on the date of the issuance of this RFP, and continuing until award of the contract or cancellation of this RFP, no proposer, subcontractor, lobbyist or agent hired by the proposer shall have any contact or communications regarding this RFP with SGVCOG staff; member of the Technical Evaluation Committee (TEC) for this RFP; or any contractor on Proposer involved with the procurement, other than the Contracts Manager named above, or unless expressly permitted by this RFP. Contact includes telephone, electronic mail (e-mail) or formal written communication. Any proposer, subcontractor, lobbyist or agent hired by the proposer that engages in such prohibited communications may result in disqualification of the proposer at the sole discretion of SGVCOG.

Questions and Requests for Clarifications

- Examination of Documents
 - Proposers and other interested parties are encouraged to promptly notify the SGVCOG of any apparent errors or inconsistencies in the RFP, inclusive of all attachments, exhibits and appendices. Should a Proposer require clarifications to this RFP, the Proposer shall notify the SGVCOG in writing in accordance with the “Submission of Proposals” section below. Should it be found that the point in question is not clearly and fully set forth in the RFP, the SGVCOG will issue a written addendum clarifying the matter, which will be posted on the SGVCOG’s online bidding system, Planet Bids.
- Submitting Requests
 - All questions regarding this RFP must be submitted in writing via the SGVCOG’s online bidding system, PlanetBids by the date and time listed in the RFP Schedule. No other questions will be received after the deadline. Only written inquiries transmitted online will be considered. All questions and answers, including questions that could not be specifically answered at the Pre-Proposal Conference event will then be posted on the SGVCOG’s online bidding system, Planet Bids.
 - Under no circumstances should prospective Proposers discuss with, or inquire of any SGVCOG Proposers, employees (except for SGVCOG contact as identified in the “SGVCOG Contact” Section), city and county employees or elected officials including the SGVCOG Governing Board and Committee on any matter relating to this solicitation.

Submission of Proposals

Proposer shall submit one (1) PDF format proposal via SGVCOG’s online bidding system on PlanetBids on by the date and time listed in the RFP Schedule.

Acceptance of Proposals

- (1) SGVCOG reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in any proposals.

- (2) SGVCOG reserves the right to amend, withdraw, or cancel this RFP at any time without prior notice, and it makes no representations that any contract will be awarded to any Proposer responding to this RFP.
- (3) SGVCOG reserves the right at its sole discretion to modify this RFP should the SGVCOG deem that it is in its best interests to do so.
- (4) Proposals received by SGVCOG are public information and will be made available to any person upon request after the entire proposal evaluation process has been completed.
- (5) Submitted proposals are not to be copyrighted.

Pre-Contractual Expenses

- The SGVCOG shall not, under any circumstances, be liable for any pre-contractual expenses incurred by any Proposer in preparation of its proposals.
- Pre-contractual expenses are defined as expenses incurred by the Proposer in:
 - Preparing its proposal and related information in response to this RFP;
 - Submitting that proposal to SGVCOG;
 - Negotiating with SGVCOG any matter related to this proposal;
 - Cost associated with interviews, meetings, travel or presentations; and
 - Any other expenses incurred by Proposer prior to date of award, if any, of the Agreement, and a formal notice to proceed.

Conflict of Interest

Proposer agrees to avoid organizational conflicts of interest. An organizational conflict of interest means that due to other activities, relationships, or contracts, the Proposer is unable, or potentially unable, to render impartial assistance or advise the SGVCOG; Proposer's objectivity in performing the work identified in the specifications is, or might be, otherwise impaired; or the Proposer has an unfair competitive advantage. Proposer is obligated to fully disclose to SGVCOG in writing of any Conflict of Interest issues as soon as they are known to the Proposer. All disclosures must be disclosed at the time of Proposal submittal.

Proposer agrees to comply with the SGVCOG's Code of Conduct as it relates to Third Party contracts which is hereby referenced and by this reference is incorporated herein. Proposer agrees to include these requirements in all of its subcontracts.

Small Business Enterprise Program Participation

There is no SBE goal that has been developed for this project.

Period of Performance

Performance under a contract awarded pursuant to this RFP is estimated to commence in accordance with the "Schedule of Work" section.

Contract Type and Compensation

- The Proposer's compensation for the work as identified in the Scope of Work, will be on a Lump Sum by task basis.
- Tasks 1-4 as detailed in the Scope of Work will be issued as Task Order 1. Subsequent Task Orders will be issued at a later date for Tasks 5-6 as the SGVCOG discerns the level of interest from participating cities.
- The Task Order issued under Lump Sum should include compensation for all work and deliverables, including travel, equipment and all project-related costs. Even though the method of payment to Proposer will be on a Lump Sum basis, a detailed labor cost breakdown shall be provided identifying hourly rates for each professional and administrative staff person who will be committed to this Project (prime and subconsultants), including fringe and overhead costs. This information will be used to determine the reasonableness of Proposer's estimate and for pre-/post-award audit purposes when appropriate.

Taxes

The Proposer's work activities are subject to applicable state and local taxes. However, the SGVCOG is exempt from the payment of federal excise and transportation taxes.

General Terms and Conditions

- Appendix A contains a copy of the anticipated professional services agreement including the general terms and conditions of an agreement to provide Services for this Project.
- The SGVCOG reserves the right to modify the professional services agreement to the extent that it deems necessary either before or during any negotiations with the selected Proposer.
- The Proposer is expected to review the general terms and conditions and acknowledge their acceptance of Appendix A in the Proposal Cover letter (or their objections to specific parts of Appendix A) as a mechanism to expedite the contract negotiation process.
- The intent of the SGVCOG is to negotiate and enter into agreement with a Proposer for the identified project as soon as possible after the SGVCOG's Governing Board has approved the recommendations of the selection committee as later described in SECTION II "Evaluation Criteria" below.
- To accommodate a possible delay in reaching a contract agreement, all parts of the Proposal and especially the offer of key personnel as described in the RFP shall be valid for one hundred eighty (180) days after submittal of the Proposal.

Key Personnel

It is imperative that the key personnel providing the services have the background, experience, and qualifications to prepare and complete the Project. The SGVCOG reserves the right to approve all key personnel individually for work on the contract. The Proposer must identify all proposed key personnel.

All key personnel shall be named in the proposal. After a contract is signed, the Proposer may not replace key personnel without written agreement of the SGVCOG. The SGVCOG must approve replacement staff before a substitute person is assigned to the Project. The SGVCOG reserves the right to request that the Proposer replace a staff person assigned to the contract should the SGVCOG consider such a replacement to be for the good of the project. Replacement staff would be subject to the SGVCOG written approval prior to assignment to the team.

Office Location/Travel

It is not the intent of the SGVCOG to provide office space for Proposer's personnel at the SGVCOG office. The SGVCOG does not intend to reimburse the Proposer for personnel relocation under a contract on this solicitation. Specialty staff identified in the proposal that are needed for specific assignments on the contract may, with the SGVCOG written approval in advance, be eligible for reimbursement for all reasonable, normal costs associated with travel outside their home office.

Evaluation Procedure

The SGVCOG will form a Technical Evaluation Committee (TEC) to evaluate the received proposals. Proposers should carefully align the proposed staff hours for each task. Each TEC member will evaluate each proposal using a 100-point scale and the evaluation criteria to calculate a score for each consultant, then rank the consultants by the scores. The TEC will convene to discuss their rankings and may shortlist top-ranked proposers for oral interviews. TEC members will be allowed to revise their scores based on the information and clarifications received through discussion with other TEC members, reference checks, and consultant interviews.

Award

At the conclusion of this process, SGVCOG staff will submit the recommendation of the TEC to the Executive Director for approval and award of contract. SGVCOG reserves the right to award this contract to one (1) Proposer, and to award without discussions.

Protest Procedures

The SGVCOG has prepared written protest procedures that are applicable to its solicitations and a copy of the procedures may be obtained by contacting the SGVCOG Contracts Manager identified in this RFP.

Notification of Award and Debriefing

Proposers who submit a proposal in response to this RFP shall be notified via PlanetBids of the contract award. Such notification shall be made no later than the close of business the fifth (5th) business day after the notice of intent to award is issued by the SGVCOG.

Proposers who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Proposers who wish to be debriefed must request

the debriefing in writing or electronic mail. Debriefings will not be scheduled until the contract is fully executed.

End Instructions to Proposers

SECTION II: EVALUATION CRITERIA

Proposal Evaluation Criteria (100 Points Total)

- Technical Proposal (30 Points)
 - Technical experience in performing similar projects.
 - Demonstrated history of working together and cooperation amongst team members, including proposed subconsultants.
 - Demonstrated record of meeting budget and schedule.
 - Financial strength and stability of the firm; strength, stability, experience and technical competence of subcontractors.
- Staffing and Project Organization (30 Points)
 - Qualifications of project team, including the team's relevant past experience in projects of a similar nature.
 - Key personnel's level of involvement in performing related work.
- Work Approach and Cost Effectiveness (40 Points)
 - Depth of how Proposer understands the Project.
 - Thoughtfulness of approach and clear understanding of what is required to develop a Regional Food Recovery Program.
 - Identification of issues/problems likely to be encountered and solutions.
 - Innovative approaches/enhancements to similar projects.
 - The overall cost of the proposal.
 - The cost effectiveness compared to the proposed quality of work and cost efficiencies presented to the SGVCOG.

SECTION III: SUBMITTAL REQUIREMENTS

Proposal Format and Content

- Format
 - Proposals should be printed with a standard font type no less than 11-point in size, single-space and on 8 1/2" x 11" size paper, no less than 1/2-inch margins. Charts and schedules may be included in 11" x 17" format. Graphics font shall be a minimum of 10 point. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed twenty-five (25) pages in length, excluding the cover letter, table of contents, appendices, resumes, or required forms.
 - Hard section break is not required. However, excess pages will not be read and included in the scoring.

- Cover Letter
 - Cover letter shall be limited to two (2) pages maximum and shall be addressed to Carlos Garcia, Contracts Manager, and at a minimum, must contain the following:
 - Identification of person that has authority to negotiate with SGVCOG and to execute on behalf of the Proposer any agreement that may result from such negotiations. Identification shall include SBE status, legal name of company, corporate address and telephone number. Include name, title, address, telephone number and email address of the individual who will be responsible for any negotiations with SGVCOG and any contact person for the Proposer during the period of proposal evaluation.
 - Acknowledgement that the Proposer is obligated by any and all RFP addenda.
 - A statement to the effect that the proposal submitted shall remain valid for a period of not less than one hundred eighty (180) days from the date of submittal.
 - A statement to the effect that the Proposer is committed to meeting or exceeding the established SBE goal.
 - A statement acknowledging acceptance of the terms and conditions contained in Appendix A – Sample Services Agreement or stating objections to specific parts of Appendix A.
 - Signature of a person authorized to bind The Proposer to the terms of the RFP.
 - A signed statement attesting that all information submitted with the proposal is true and correct.
- Technical Proposal
 - Qualifications, Related Experience, and References of the Proposer
 - This section should explain the ability of Proposer to satisfactorily perform the required work as a result of experience in performing work of a similar nature to that identified in the RFP; demonstrated knowledge of the San Gabriel Valley; familiarity with the SB 1383 regulations; and staffing capability and proven record of meeting schedules on similar type projects. In this section, the Proposer should:
 - Provide a profile of the firm, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size and location of offices; and number of employees.
 - Provide a detailed description of the firm’s financial condition, including any bankruptcy, pending litigation, outstanding claims in excess of twenty-five thousand dollars (\$25,000) for or against the firm; planned office closures; or impending mergers and acquisitions.
 - Describe the firm’s experience in performing similar projects.

- Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who are most knowledgeable about the work performed. Proposer may also supply references from other work not cited in this section as related experience.
- Proposed Staffing and Project Organization
 - This section of the Proposal should establish the method that will be used by the Proposer to organize and provide the services and manage the project. In addition, this section should also identify key personnel to be assigned and their qualifications and experience, availability, and current workload. Proposer should:
 - Provide education, experience, and applicable professional credentials of project staff.
 - Include brief resumes with relevant experience (not more than two [2] pages each) for key staff.
 - Identify key personnel proposed to perform the work in the specified tasks. Include the person's name, current location, and proposed position for this project, current assignment, and level of commitment to that assignment, availability for this assignment and how long each person has been with the Proposer.
 - Include a project organization chart that clearly delineates communication/reporting relationships among the project staff, including subconsultants. The organization chart must include the name, title and Proposer affiliation for all persons listed.
 - Include a statement that key personnel will be available to the extent proposed for the duration of the services and an acknowledgement that no person designated as key personnel shall be removed or replaced without the prior written concurrence of SGVCOG.
- Proposed Work Plan
 - Proposer shall provide a unique and creative narrative that addresses the Scope of Work for this Project and demonstrates that the Proposer understands the San Gabriel Valley Regional Food Recovery Program's objectives.
 - Additionally, the Proposer's Work Plan shall outline the specific activities that would be undertaken in completing the Scope of Work and specify who in the firm would perform them, identify methods that Proposer will use to ensure quality control as well as budget and schedule control for the project, and identify any special issues or problems that are likely to be encountered in a project of this type and how the Proposer would propose to address them.

- The Proposer is encouraged to propose enhancements or procedural or technical innovations to the Scope of Work that do not materially deviate for the objectives.

Proposal Forms (Refer to Appendix B)

This section shall include the Forms contained in Appendix B to this RFP. Consultant shall completely fill out and sign, where applicable, the forms contained therein. If a form is not applicable, Proposer shall submit the form, clearly marked as “Not Applicable”. The forms shall not be counted towards the proposal page limit. These forms should be submitted with the Proposal.

Cost and Price Proposal (Refer to Appendix C)

Proposer are asked to submit a cost proposal and can be located on PlanetBids in Excel format. Please complete this document according to the instructions contained therein. Should Proposers have any questions on this document, we request that Proposers utilize the Q&A function of this RFP to address any questions or discrepancies. The SGVCOG may make modifications to this Appendix at its sole discretion.



Natural Resources & Environmental Commission Agenda Report

ITEM NO. _____

DATE: September 28, 2021
FROM: Shahid Abbas, Public Works Director
SUBJECT: Reconsider the Proposed Permit Fee Reduction

Recommendation

It is recommended that the Commission remove the financial hardship definition from the proposed Trees and Shrubs Ordinance.

Background

On June 22, 2021, the Natural Resources and Environmental Commission (NREC) recommended the following proposed changes:

1. Provide leniency in permit fees and categorization for the residents experiencing financial hardships.
2. Clarification of the description of the ordinance in various sections throughout the chapter.
3. Clean up replacement tree requirements.

The Mayor has requested that the Commission reconsider the proposed financial hardship due to the potential impacts on other fees in the City to be reduced.

Fiscal Impact

The proposed South Pasadena Municipal Code amendments to Chapter 34 are expected to have no fiscal impact.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. South Pasadena Ordinance
2. Summary of Proposed Changes

ATTACHMENT 1

City of South Pasadena Municipal Code, Chapter 34 (Trees and Shrubs)

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF SOUTH PASADENA AMENDING SECTIONS 34.1 (“DEFINITIONS”), 34.5 (“TREE TRIMMING PERMIT APPLICATIONS”), 34.6 (“PROCEDURE FOR CONSIDERATION OF TREE TRIMMING”), 34.10 (“PROCEDURE FOR CONSIDERATION OF TREE REMOVAL APPLICATIONS”), 34.11 (“CRITERIA FOR APPROVING TREE REMOVAL PERMIT APPLICATIONS”), OF CHAPTER 34 (“TREES AND SHRUBS”) OF THE CITY OF SOUTH PASADENA MUNICIPAL CODE

The people of the City of South Pasadena do hereby ordain as follows:

SECTION 1. Section 34.1(“Definitions”) of Chapter 34 ("Trees and Shrubs") of the South Pasadena Municipal Code is amended to read as follows:

“34.1 Definitions.

As used in this chapter:

- (a) "Caliper" means the diameter of the trunk of a tree measured at four feet above natural grade. In the case of multi-trunked trees, "caliper" is the sum of each trunk measured at four feet above the grade.
- (b) "Certified arborist" means a professional in tree care industry who has received their arborist certification through the International Society of Arboriculture.
- (c) "City arborist" means a certified arborist designated by the director.
- (d) "Commission" means the natural resources and environmental commission (NREC).
- (e) "Damage" means any action taken which causes injury, disfigurement, or death of a tree.
- (f) "Deadwood" means limbs, branches or a portion of a tree void of green leaves during a season of the year when green leaves should be present.
- (g) "Development" shall be defined per the city zoning code, SPMC 36.700.020.
- (h) "Director" means public works director.
- (i) "Drip line" means a series of points formed by the vertical dripping of water from the outermost branches and leaves of a tree.
- (j) "Financial Hardship" means for residents who are currently in the Rubbish and Water Low-Income Program.
- (k) "Front yard" means that portion of private property as designated in the city zoning code.

- (l) "Heritage tree" means a tree of historical value because it is a South Pasadena historical landmark. A heritage tree may be located on private or public property.
- (m) "Intentional violation" means a violation of this chapter (Trees and Shrubs) that is committed by any person or entity who has actual or presumed knowledge of, or who has previously violated, its provisions. A commercial certified arborist/tree trimmer, a real estate developer, a general contractor, or anyone who has previously filed an application for a tree trimming or tree removal permit in the city shall be presumed to know the provisions of this chapter.
- (n) "ISA" means the International Society of Arboriculture.
- (o) "Mature tree" means any variety of tree that has a caliper of at least four inches or more.
- (p) "Native species tree" means any species of tree native to Southern California as defined by ordinance or resolution adopted by the city council.
- (q) "Oak tree" means species of tree of the genus *Quercus*.
- (r) "Planning review authority" means the individual or official city body (director of planning and building, design review board, cultural heritage commission, planning commission or city council) identified by the city zoning code as having responsibility and authority to review and approve or disapprove the development permit applications described in Article 6 of the city zoning code (Zoning Code Administration).
- (s) "Protected shrub" means a woody plant that is over 16 feet in height, which has one or more trunk(s) equal to or greater than a four-inch diameter.
- (t) "Protected tree" means a heritage tree, mature oak tree, mature native species tree, significant tree, or protected shrub.
- (u) "Protection" means the safeguarding of trees through proper treatment.
- (v) "Real estate developer" means a person or entity that is engaged in the business of constructing or rehabilitating commercial or residential structures within the city for sale or lease to third parties.
- (w) "Removal" means uprooting, cutting or severing of the main trunk of a tree.
- (x) "Shrub" means a woody plant that is less than 16 feet in height and may be multi-stemmed.
- (y) "Significant tree" means any variety of tree that has a caliper of one foot or more.
- (z) "Standard of care" means compliance with ANSI standards for tree care, irrigation, and maintenance, including trimming of foliage for tree or shrub.
- (aa) "Tree" means a woody perennial usually having one dominant trunk and a mature height greater than 16 feet.

(bb) "Trimming" means cutting into the live wood of a tree or shrub to remove limbs and/or branches.

(cc) "ANSI" means American National Standards Institute."

SECTION 2. Sections 34.5("Tree trimming permit applications") and 34.6 ("Procedure for consideration of tree trimming") of Chapter 34 ("Trees and Shrubs") of the South Pasadena Municipal Code are amended to read as follows:

"34.5 Tree trimming permit applications.

(a) A tree trimming permit shall be required if:

(1) More than 10 percent of the live foliage or limbs of a mature oak tree or mature native species tree will be removed within a 12-month period; or

(2) More than 20 percent of the live foliage or limbs of any heritage tree will be removed within a 12-month period.

(3) All other trees do not require permits, but shall be pruned per ISA standards.

(b) Any person applying for a tree trimming permit shall file with the director an application in writing on a form furnished by the director. The application shall contain the following information:

(1) The name and residence or business address of the applicant;

(2) The location and description of the property on which the trees are located;

(3) A description of the proposed work including the reason for tree trimming. Photographs may be provided as exhibits, if desired;

(4) The name and state contractor's license number of the person who will perform the work. Permits shall only be issued to persons possessing a C-27 or C-61 (D-49) state contracting license;

(5) Additional information as the director may require.

(c) The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. (Ord. No. 2328, § 1 (part), 2019.)

(d) Where a financial hardship is determined, the City at its discretion may give an applicant a discount of 40% on:

(1) Permit/application fees

(2) Inspection fees

34.6 Procedure for Consideration of Tree Trimming/~~Tree Removal~~ Applications.

(a) For tree trimming permit applications associated with development:

(1) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the property to be developed. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director. The notification process may be waived if noticing associated with the development is being sent as required by the planning review authority and such notice specifically identifies the proposed trimming of trees.

(2) The director, after considering the application pursuant to the criteria set forth in SPMC 34.7, and any comments received from interested residents, shall provide the planning review authority with recommendations and conditions of approval associated with the proposed tree trimming application. The director's recommendations and conditions of approval shall be considered advisory to the planning review authority's decision associated with the development.

(3) When tree trimming permits associated with development are referred to the commission, the commission shall provide the planning review authority with recommendations and conditions of approval associated with the proposed tree trimming application. The commission's recommendations and conditions of approval shall be advisory to the planning review authority decision associated with the development.

(4) Tree trimming associated with development shall only be conditionally approved subject to the applicant receiving their development building permit and paying all fees associated with the tree trimming as established by resolution of the city council. Upon the planning review authority's approval of the development application and applicable conditions of approval, and payment of all required fees, the applicant shall be issued a tree trimming permit.

(b) For tree trimming permit applications not associated with development:

(1) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the subject property. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director.

(2) Upon expiration of the 15-day period, the application shall be reviewed by the director, who shall, after considering the application pursuant to the criteria set forth in SPMC 34.7, and any comments received from interested residents, approve, conditionally approve, or deny the application. The decision of the director shall be made in writing and provided to the applicant and to any interested persons who commented on the application.

(3) The decision of the director shall take effect 15 calendar days after the date of mailing of the decision to the applicant and any interested persons to allow for the filing of any

appeals. Unless the director's decision is appealed to the commission, upon payment of all fees associated with the tree trimming as established by resolution of the city council, the applicant shall be issued a tree trimming permit.

(c) The director may refer any application for a tree trimming permit to the commission for any of the following reasons:

- (1) The city receives reasonable objections during the notification period; or
- (2) An appeal of the director's decision has been filed in accordance with this chapter; or
- (3) At the discretion of the director.

Should the application be referred to the commission, the commission shall make its recommendation (if the permit application is associated with development) or decision (if the permit application is not associated with development) during a noticed public meeting. A decision of the commission shall not take effect until 15 calendar days after the date of the public meeting have elapsed to allow for the filing of an appeal.”

SECTION 3. Sections 34.10 (“Procedure for consideration of tree removal applications”) and 34.11 (“Criteria for approving tree removal permit applications”) of Chapter 34 (“Trees and Shrubs”) of the South Pasadena Municipal Code are amended to read as follows:

34.10 Procedure for Consideration of ~~Tree Trimming~~/Tree Removal applications.

(a) For tree removal permit applications associated with development:

- (1) The applicant shall be responsible for all fees associated with the tree removal application review and processing in accordance with the fees established by resolution of the city council.
- (2) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the subject property. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director. The notification process may be waived if noticing associated with the development is being sent as required by the planning review authority and such notice specifically identifies the proposed removal of trees.
- (3) The director, after considering the application pursuant to the criteria set forth in SPMC 34.11 and any comments received from interested residents, shall provide the planning review authority with recommendations and conditions of approval associated with the proposed tree removal application. The director's recommendations and conditions of approval shall be considered advisory to the planning review authority's decision associated with the development.
- (4) When tree removal permits associated with development are referred to the commission, the commission shall provide the planning review authority with

recommendations and conditions of approval associated with the proposed tree removal application. The commission's recommendations and conditions of approval shall be advisory to the planning review authority decision associated with the development.

(5) Tree removals associated with development shall only be conditionally approved subject to the applicant receiving their development building permit, paying all fees associated with the tree removal as established by resolution of the city council, and paying a deposit for the required replacement trees, in an amount sufficient to cover the cost of all required replacement trees, as determined by the city's arborist. Upon the planning review authority's approval of the development application and satisfaction of all conditions of approval, and payment of all required fees, the applicant shall be issued a tree removal permit. Upon the applicant's proof to city's satisfaction that the applicant has complied with the approved tree replacement plan, the city shall reimburse applicant's replacement tree deposit. Should applicant fail to plant any replacement tree in accordance with the approved replacement tree plan, the city shall retain the amount of the replacement tree deposit necessary to cover the cost to plant any required replacement trees in alternative locations within the city (public right-of-way, park, etc.), as permitted by this chapter.

(b) For tree removal permit applications not associated with development:

(1) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the subject property. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director.

(2) Upon expiration of the 15-day period, the application shall be reviewed by the director, who shall, after considering the application pursuant to the criteria set forth in SPMC 34.11, and any comments received from interested residents, approve, conditionally approve, or deny the application. The decision of the director shall be made in writing and provided to the applicant and to any interested persons who commented on the application.

(3) The decision of the director shall take effect 15 calendar days after the date of mailing of the decision to the applicant and any interested persons to allow for the filing of any appeals. The applicant shall be issued a tree removal permit following its payment of all fees associated with the tree removal as established by resolution of the city council and payment of a deposit sufficient to cover the cost of all required replacement trees as determined by the city's arborist, unless the director's decision is appealed to the commission. Upon the applicant's proof to the city's satisfaction that the applicant has complied with the approved tree replacement plan, the city shall reimburse applicant's replacement tree deposit. Should the applicant fail to plant any replacement tree in accordance with the approved replacement tree plan, the city shall retain the amount of the replacement tree deposit necessary to cover the cost to plant any required replacement trees in alternative locations within the city (public right-of-way, park, etc.), as permitted by this chapter.

(c) The director may refer any tree removal permit to the commission for decision for any of the following reasons:

- (1) The applicant is proposing to remove three or more healthy nonnative significant trees; or
- (2) The applicant is proposing to remove any healthy significant oak trees or significant native species trees; or
- (3) The applicant is proposing to remove any heritage tree; or
- (4) The city receives reasonable objections during the notification period; or
- (5) An appeal of the director's decision has been filed in accordance with this chapter; or
- (6) At the discretion of the director.

Should the application be referred to the commission, the commission shall make its recommendation (if the application is associated with development) or decision (if the application is not associated with development) during a noticed public meeting. A decision of the commission shall take effect 15 calendar days after the date of public meeting to allow for the filing of any appeals.

34.11 Criteria for approving tree removal permit applications.

(a) Subject to the imposition of conditions pursuant to subsection (b) of this section, a tree removal permit may be issued in any one of the following instances:

- (1) Where the tree poses a reasonable risk of injury or harm to persons or property or is substantially interfering with the structural integrity or the use of an existing structure (including, but not limited to, a fence or wall), swimming pool, or building and there is no feasible and reasonable alternative to mitigate the interference.
- (2) Where, upon taking into account the size, shape, topography and existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner. Redesign of any proposed development as an alternative to removal of an existing protected tree does not create an unreasonable hardship.

(3) Where a financial hardship is determined, the City at its discretion, may give an applicant a discount of 40% on:

- i. Permit/application fees
- ii. Inspection fees
- iii. Tree replacement fees

(4) Where a written determination has been made by a certified arborist, after a visual inspection or scientific evaluation, that the tree is so diseased or damaged that it is no

longer viable or is a threat to persons or property, including to other trees. The director or commission may waive the requirement for a certified arborist's written statement when the tree can reasonably be determined to be dead by a layperson's visual inspection or when, after conducting an inspection of the tree, the director determines that the tree poses an obvious and imminent threat to life or property.

(5) For the removal of a significant or mature tree, where the proposed replacement tree(s) are of greater value or provide greater benefits than the tree proposed for removal.

(b) A tree removal permit may be conditioned upon the replacement or transplanting of the tree either on or off site. Such replacement or transplanting shall be subject to the following provisions:

(1) Designation by the director or the commission of the number, size, species, and location of replacement tree(s) proposed for removal, the significance of the tree(s) on the lot as viewed from a public right-of-way, the size of the lot, and the number of existing trees on the lot.

(2) Because of its size and/or significance, a single tree proposed to be removed may be required to be replaced with multiple trees. If the subject property cannot accommodate multiple trees, alternative locations within the city (public right-of-way, park, etc.) may be designated.

(3) If a replacement tree is required, the property owner must agree to accept the conditions of replacement by his or her signature on the permit application and make the replacement tree deposit (per SPMC 34.10(a)(5) or (b)(3)) before issuance of the permit.

(4) When the work designated in the permit is completed, the applicant shall contact the public works department for an inspection of the work. Any tree removal will require complete removal and grinding of the stump and backfilling of the hole.

(5) Should a designated replacement or transplanted tree not survive for a period of two years, the applicant shall be required to replace it with another tree or pay to the city the full cost of replacing the tree at a location to be determined by the city.

(6) Where the permit allows or requires the replacement or transplanting of tree(s), the director or commission may, in their discretion, as an alternative to subsection (b)(5) of this section, require the applicant to post a bond or surety for a five-year period against the survival of the tree(s). The amount of the bond or surety shall be in accordance with the "Guide for Plant Appraisal" (ISA publication, most recent edition).

(7) Unless otherwise stated in the conditions of approval, the tree removal permit shall be valid for a period of one year with the planting of any new trees on the applicant's property to occur during the next planting season as determined by ANSI standards and local climate conditions.

34.12-5 Replacement tree requirements.

The number of replacement trees is determined by the size of the existing tree(s) approved for removal, unless otherwise determined by the director in accordance with this chapter.

(a) Listed below are the replacement tree requirements for permitted tree removal not associated with development:

(1) For replacement of significant trees, one 24-inch box replacement tree shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:

- i. One 24-inch box replacement tree shall be required for each tree removed with a caliper of less than 10 inches.
- ii. Two 24-inch box replacement trees shall be required for each tree removed with a caliper between 10 and 20 inches.
- iii. Three 24-inch box replacement trees shall be required for each tree removed with a caliper between ~~20~~ 21 and ~~30~~ 31 inches.
- iv. Four 24-inch box replacement trees shall be required for each tree removed with a caliper between ~~30~~ 32 and ~~40~~ 42 inches; and so forth.

(2) For replacement of mature oak trees, mature native species trees, and heritage trees, two 24-inch box native species replacement trees shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:

- i. Two 24-inch box native species replacement trees shall be required for each tree removed with a caliper of less than 10 inches.
- ii. Four 24-inch box native species replacement trees shall be required for each tree removed with a caliper between 10 and 20 inches.
- iii. Six 24-inch box native species replacement trees shall be required for each tree removed with a caliper between ~~20~~ 21 and ~~30~~ 31 inches.
- iv. Eight 24-inch box native species replacement trees shall be required for each tree removed with a caliper between ~~30~~ 32 and ~~40~~ 42 inches; and so forth.

(b) Listed below are the replacement tree requirements for permitted tree removals associated with development:

(1) For replacement of significant trees, one 24-inch box replacement tree shall be required for each six-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:

- i. One 24-inch box replacement tree shall be required for each tree removed with a caliper of less than 6 inches.
- ii. Two 24-inch box replacement trees shall be required for each tree removed with a caliper between 6 and 12 inches.
- iii. Three 24-inch box replacement trees shall be required for each tree removed with a caliper between ~~12~~ 13 and ~~18~~ 19 inches.
- iv. Four 24-inch box replacement trees shall be required for each tree removed with a caliper between ~~18~~ 20 and ~~24~~ 26 inches; and so forth.

(2) For replacement of mature oak trees, mature native species trees, and heritage trees, two 24-inch box native species replacement trees shall be required for each six-inch increment of the diameter of the existing tree proposed for removal, or portion thereof. For example:

- i. Two 24-inch box native species replacement trees shall be required for each tree removed with a caliper of less than six inches.
- ii. Four 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 6 and 12 inches.
- iii. Six 24-inch box native species replacement trees shall be required for each tree removed with a caliper between ~~12~~ 13 and ~~18~~ 19 inches.
- iv. Eight 24-inch box native species replacement trees shall be required for each tree removed with a caliper between ~~18~~ 20 and ~~24~~ 26 inches; and so forth. (Ord. No. 2328, § 1 (part), 2019.)

SECTION 4. CEQA. The City Council hereby finds that the proposed Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §

15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility this regulatory amendment clarifying the existing procedure for obtaining tree trimming and removal permits and providing for reduced fees to accommodate an applicant who is financially burdened may have a significant effect on the environment.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code Section 36937.

SECTION 6. This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

Attest:

Lucie Colombo, CMC, CPMC
City Clerk

**CITY OF SOUTH PASADENA
OFFICE OF THE CITY CLERK**

CERTIFICATION OF ORDINANCE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS

CITY OF SOUTH PASADENA)

I, Lucie Colombo, CMC, CPMC, City Clerk of the City of South Pasadena, do hereby certify that Ordinance No. xxxx, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on October 6, 2021, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this 20th day of October 2021, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES:

NOES:

ABSENT:

ABSTAIN:

Lucie Colombo, CMC, CPMC
City Clerk

ATTACHMENT 2

City of South Pasadena Municipal Code, Chapter 34 (Trees and Shrubs)

Summary of Proposed Changes

SPMC Code Section	Existing Ordinance	Proposed Ordinance
Definitions 34.1	Addition	(j) "Financial Hardship" means for residents who are currently in the Rubbish and Water Low-Income Program."
Tree Trimming Permit applications 34.5(a)(3)	Addition	All other trees do not require permits, but shall be pruned per ISA standards.
Tree Trimming Permit applications 34.5(d)(1); (2)	Addition	(d) Where a financial hardship is determined, the City at its discretion may give an applicant a discount of 40% on: (1) Permit/application fees (2) Inspection fees
Procedure for Consideration of Tree Trimming/Removal Applications. 34.6(a)	Clarification	Procedure for Consideration of Tree Trimming Applications
Procedure for Consideration of Tree Trimming/Tree Removal Applications. 34.10	Clarification	Procedure for Consideration of Tree Removal Applications
Procedure for consideration of tree trimming. 34.11 (3)	Addition	Where a financial hardship is determined, the City at its discretion, may give an applicant a discount of 40% on: i. Permit/application fees ii. Inspection fees iii. Tree replacement fees

<p>Replacement tree requirements.</p> <p>Listed below are the replacement tree requirements for permitted tree removal NOT associated with development: For replacement of significant trees, one 24-inch box replacement tree shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:</p> <p>34.12-5(a)(1)</p>	<p>Clarification</p>	<p>iii. Three 24-inch box replacement trees shall be required for each tree removed with a caliper of between 20 21 and 30 31 inches.</p> <p>iv. Four 24-inch box replacement trees shall be required for each tree removed with a caliper of between 30 32 and 40 42 inches; and so forth.</p>
<p>For replacement of mature oak trees, mature native species trees, and heritage trees, two 24-inch box native species replacement trees shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:</p> <p>34.12-5(a)(2)</p>	<p>Clarification</p>	<p>iii. Six 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 20 21 and 30 31 inches.</p> <p>iv. Eight 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 30 32 and 40 42 inches; and so forth.</p>

<p>Replacement tree requirements.</p> <p>Listed below are the replacement tree requirements for permitted tree removal associated with development:</p> <p>For replacement of significant trees, one 24-inch box replacement tree shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:</p> <p>34.12-5(b)(1)</p>	<p>Clarification</p>	<p>iii. Three 24-inch box replacement trees shall be required for each tree removed with a caliper between 13 and 19 inches.</p> <p>iv. Four 24-inch box replacement trees shall be required for each tree removed with a caliper between 20 and 26 inches; and so forth.</p>
<p>For replacement of mature oak trees, mature native species trees, and heritage trees, two 24-inch box native species replacement trees shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:</p> <p>34.12-5(b)(2)</p>	<p>Clarification</p>	<p>iii. Six 24-inch box native species replacement trees shall be required for each tree removed with a caliper between 13 and 19 inches.</p> <p>iv. Eight 24-inch box native species replacement trees shall be required for each tree removed with a caliper between 20 and 26 inches; and so forth.</p>

ITEM 7

Approval of Minutes – Meeting of August 24, 2021

**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION – REGULAR MEETING
MINUTES – August 24, 2021**

CALL TO ORDER:

The meeting was called to order at 7:03p.m. Present at the time of roll call were: Commissioner Casey Law, Commissioner Michael Siegel, Commissioner Bill Kelly, Commissioner Rona Bortz, Chair Amy Jones, and Mayor Pro Tem Michael Cacciotti. Commissioner Michelle Hammond and Vice Chair Di Giorgi had excused absences. Staff present: Ted Gerber, Deputy Public Works Director, and Arpy Kasparian, Water Conservation and Sustainability Analyst.

1) GENERAL PUBLIC COMMENT

No public comments.

INFORMATIONAL ITEM:

2) Draft 2020 Urban Water Management Plan

Deputy Director, Ted Gerber, presented the Draft 2020 Urban Water Management Plan to the commission for review. The plan is developed every five years and evaluates the City's water supply for the next 25 years. South Pasadena has met and exceeded water conservation plans over the past five years. Gerber answered questions from the commissioners regarding water supply, water sources, projected rainfall/drought, conservation efforts, etc.

PUBLIC COMMENT

No public comments.

ACTION ITEMS:

3) Recommendation of Waste Hauling Service Level

Sustainability Analyst, Arpy Kasparian, presented the Athens Ad Hoc Committee's request for a recommendation of a waste hauling service level: to either continue with the current backyard service or to switch to a curbside service level. Kasparian summarized the differences between the service levels and Commissioner Kelly commented on behalf of the Athens Ad Hoc Committee. The commission discussed the options and ultimately concluded to recommend the curbside service level based on the potential financial and environmental benefits. The commission also discussed the potential rates for the City's Hard-to-Service Areas and requests to be consulted again once the rates have been provided by Athens Services.

PUBLIC COMMENT

No public comments.

MOTION BY COMMISSIONER SIEGEL, SECOND BY COMMISSIONER BORTZ, MOTION CARRIED 5-0, TO RECOMMEND THE CURBSIDE 3-BARREL WASTE SERVICE LEVEL

4) Approval of Minutes- Meeting of July 27, 2021

PUBLIC COMMENT

No public comments.

MOTION BY COMMISSIONER KELLY, SECOND BY COMMISSIONER SIEGEL, MOTION CARRIED 5-0, TO APPROVE MINUTES

COMMUNICATIONS:

5) City Council Liaison Communications

Mayor Pro Tem M. Cacciotti left the meeting at 7:12pm.

6) Commissioner Communications

Commissioner Kelly had no comments. Commissioner Bortz had no comments. Commissioner Law provided an update on preparations for extreme heat events. The City will be updating its Emergency Operations Plan within the next few months and will include the NREC to participate. Commissioner Siegel had no comments. Chair Jones shared that LA County will be doing a Parks Assessment and encouraged commissioners to participate.

7) Staff Liaison Communications

Kasparian updated the commission on the gas-powered leaf blower ordinance and the accompanying outreach plan including an upcoming webinar and electric leaf blower demonstration. Gerber provided additional updates on the upgraded leaf blower ordinance.

8) Upcoming Events

- Transitioning to Electric Landscaping Equipment – Webinar – 8/26/21
- LA County Smart Gardening Webinars – Various dates
(<https://www.ladpw.org/epd/sg/webinars.cfm>)
- MWD Turf Removal + CA Native Landscape Webinars – Various dates
(<https://greengardensgroup.com/turf-transformation>)

ADJOURNMENT:

Chair Jones adjourned the meeting at 8:14p.m.

I HEREBY CERTIFY that the foregoing minutes were adopted by the Natural Resources and Environmental Commission of the City of South Pasadena at a meeting held on September 28, 2021.

Amy Jones, Chair

ITEM 11

Upcoming Events

Senior Citizen Dumpster Day

Week of October 11-15, 2021

Senior Citizens ages 60 and over
(Verification of age may be asked at the time of pick up.)

No hazardous waste will be accepted.

(No TVs, computers, electronics, etc.)

Senior Citizen residents can have large furniture or appliances
picked up from their homes for FREE.

**Seniors are asked to have all items collected and readily
available in an OUTDOOR area near trash containers.**

Items will be picked up on the same day as regular rubbish pick
up the week of October 11-15, 2021.

SPACE IS LIMITED

NOTE: Delinquent Athens customers are not eligible.

RESERVATIONS ARE REQUIRED.

Please call the South Pasadena Senior Center at (626) 403-7360
Monday through Friday; 8:00 a.m. to 5:00 p.m.

DEADLINE FOR ALL RESERVATIONS: Friday, October 8, 2021 by 12:00 p.m.

All other residents can participate in the drive thru service
on Saturday, October 16, 2021 from 8:00 a.m. to 2:00 p.m.
(on Arroyo south of Mission)

For questions or concerns with pick up, please contact:
Leaonna DeWitt, Public Works Department
(626) 403-7240 or LDeWitt@southpasadenaca.gov



Athens Services

1-888-336-6100