Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.

CITY OF OXNARD CALIFORNIA

AGENDA
OXNARD CITY COUNCIL
PUBLIC WORKS AND TRANSPORTATION COMMITTEE
Council Chambers, 305 West Third Street
April 11, 2023
Regular Meeting - 8:30 PM to 10:00 PM

Zoom details to call-in for public comment during a meeting:

1. **Dial Phone Number: (888) 475-4499**
2. **Enter Meeting ID: 850 6081 0365**
3. **Passcode: 380688**

If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom call-in steps listed above. Once the presiding officer calls for public speakers, press *9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room. Press *6 when asked to unmute. Listen to the instructions provided virtually on the phone while on hold in the zoom waiting room. Please note that there is a slight time delay when viewing the meeting via television.

IN ACCORDANCE WITH ASSEMBLY BILL 2449, MEMBERS OF THE LEGISLATIVE BODY MAY MEET IN-PERSON OR REMOTELY. TO PARTICIPATE REMOTELY VISIT WWW.OXNARD.ORG.

To find out how you may provide public comment, please refer to the instructions below or at **www.https://www.oxnard.org/city-meetings/**.

The public may view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings of the meeting are typically available online following the meeting at the City's website at www.oxnard.org/city-meetings.

*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card to the City Clerk.

2. EMAIL COMMENTS OR SIGN UP TO SPEAK REMOTELY BEFORE THE MEETING

   a. Submit a request to speak remotely by no later than 3 p.m. on the day of the meeting by using the form available at **www.oxnard.org/citymeetings**.
   b. Submit an email to **cityclerk@oxnard.org** no later than 3 p.m. on the day of the meeting (indicate the agenda item number in the subject line). All email correspondence will be forwarded to the legislative body prior to the start of the meeting and made part of the legislative record.
   c. Contact the City Clerk's Office at (805) 385-7803 to submit your request.

3. PROVIDING PUBLIC COMMENTS REMOTELY DURING THE MEETING

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item Time Estimates include: (Minutes for Presentation + Council Discussion + Public Comment)

a. To provide public comment during the meeting dial (888) 475-4499 and enter the Meeting ID and Passcode listed above as the Zoom details for this meeting. When the presiding officer announces the particular item on the agenda you want to speak on, press *9 to raise your hand while in the zoom waiting room. Once called on, press *6 to unmute your phone.
b. Public comments on agenda items will be taken following the announcement of the item. After the item is announced, members of the public may register or otherwise be recognized for the purpose of providing public comment.

Please review the Zoom instructions on the registration page to help ensure there are no technical difficulties during your comments and help you understand public comment procedures using Zoom. Detailed participation instructions can be found at www.oxnard.org/city-meetings.

In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

* The City has filed pre-election and post-election lawsuits regarding the validity of Measure M.

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE
Consideration of Teleconference Participation pursuant to Assembly Bill 2449.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. After 30 minutes, if all speakers have not had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

C. CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the Public Works & Transportation Committee approve the minutes of the March 28, 2023 regular meeting as presented.
Contact: Rose Chaparro, (805) 385-7805

D. REPORTS

1. Public Works Department
SUBJECT: Updates to the Five Year Capital Improvement Program for Fiscal Years 2022-2027. (20 minutes)
RECOMMENDATION: That the Public Works and Transportation Committee recommend that the City Council:

1. Approve and adopt updates to the 2022-2027 City of Oxnard Five Year Capital Improvement Program; and

2. Authorize project budget appropriations of $2,000,000 in Fiscal Year 2022-23 from the Capital Growth Fees Fund for the Fire Station 4 Rebuild Project (C1702/172201).

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/KuXPw_vFe2M
Contact: Michael Wolfe, (805) 385-8055

2. Public Works Department
SUBJECT: State of California's Corrective Action Plan for the City of Oxnard's Solid Waste Operations. (10 minutes)
RECOMMENDATION: That the Public Works and Transportation Committee recommends that the City Council receive and file the State of California Senate Bill 619 Corrective Action Plan (CAP) for the City of Oxnard's Solid Waste Operations.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/PaHww75yK2k
Contact: Michael Wolfe, (805) 385-8055

E. ITEMS FOR FUTURE AGENDAS

F. ADJOURNMENT

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
AGENDA REPORT

CONSENT AGENDA
AGENDA ITEM NO. C.1

DATE: April 11, 2023

TO: Public Works and Transportation Committee

FROM: Rose Chaparro, City Clerk, (805) 385-7805, rose.chaparro@oxnard.org

SUBJECT: Approval of Minutes.

RECOMMENDATION

That the Public Works & Transportation Committee approve the minutes of the March 28, 2023 regular meeting as presented.

BACKGROUND

Approval of Minutes.

STRATEGIC PRIORITIES

This agenda item is a routine operational item.

FINANCIAL IMPACT

There is no financial impact.

Prepared by: Rose Chaparro, City Clerk

ATTACHMENTS

1. MINUTES 03 28 2023 Public Works & Transportation

MINUTES
OXNARD CITY COUNCIL
PUBLIC WORKS AND TRANSPORTATION COMMITTEE
Regular Meeting
March 28, 2023

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

At 8:30 p.m., Chair Bert E. Perello called to order the regular meeting of the Oxnard City Council Public Works & Transportation Committee in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Chair Bert Perello and Member John C. Zaragoza were present in person.

Staff members present in person were Alexander Nguyen, City Manager; Michelle (Elle) McCarron, Assistant City Attorney; Michael Wolfe, Public Works Director; Brian Yanez, Assistant Public Works Director; Steve Howlett, Assistant Public Works Director; Joseph Marcinko, Assistant Public Works Director; Omar Castro, Water Division Manager; Timothy Beaman, Supervising Civil Engineer; Debbie O'Leary, Transportation Planner; Dee Lai, Assistant City Clerk; and Rose Chaparro, City Clerk.

Rachel Om, Chelsea Richer, Matt Benjamin consultants with Fehr and Peers; as well as Steve Gagnon, Cleo Koenig, Gina DePinto consultants with Raftelis participated via videoconference.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA (None received.)

C. CONSENT AGENDA

1. City Clerk Department
   SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the Public Works & Transportation Committee approve the minutes of the March 14, 2023 regular meeting as presented.

It was moved by Member Zaragoza, seconded by Chair Perello, to approve the meeting minutes as presented. VOTE: Perello and Zaragoza voted in favor, the motion carried 2-0.

D. REPORTS

1. City Attorney Department
   SUBJECT: Easement Deed For Water Facilities from the Vacca Family Trust to the City of Oxnard (APN: 157-0-010-090).
   RECOMMENDATION: That the Public Works and Transportation Committee recommend the City Council approve the Easement Deed for Water Facilities from the Vacca Family Trust and authorize the Mayor to execute the Certificate of Acceptance attached to the easement, identified at APN 157-0-010-090, located on the north side of the 101 freeway at Springville Road in the City of Camarillo.

DRAFT

Michael Wolfe, Public Works Director and Timothy Beaman, Supervising Civil Engineer answered the Committee's questions. No public comments were received. Discussion ensued among the Committee and staff.

It was moved by Chair Perello, seconded by Member Zaragoza, to approve the recommended action as presented. VOTE: Perello and Zaragoza voted in favor; the motion carried 2-0.

2. Public Works Department
SUBJECT: Amended Budget Appropriations for Public Works for Fiscal Year 2022-23.
RECOMMENDATION: That the Public Works and Transportation Committee recommend that the City Council approve:

1. A project budget appropriation from insurance proceeds in the amount of $272,636 within the General Fund (101) for the Durley Park Concessions Building Repairs Project (TBD);

2. Fiscal Year 2022-23 budget appropriations from the available fund balance in the amount of $75,000 from the General Fund (101) to the Stormwater Fund (114) for stormwater related expenses; and

3. Fiscal Year 2022-23 budget appropriations from the available fund balance for an amount not to exceed $500,000 from the Fleet Maintenance Fund (741) for any unanticipated fuel increases through June 30, 2023.

Michael Wolfe, Public Works Director; Brian Yanez, Assistant Public Works Director; and Steve Howlett, Assistant Public Works Director presented and answered the Committee's questions. No public comments were received. Discussion ensued among the Committee and staff.

It was moved by Member Zaragoza, seconded by Chair Perello, to approve the recommended action as presented. VOTE: Perello and Zaragoza voted in favor; the motion carried 2-0.

3. Public Works Department
SUBJECT: First Amendment to Agreement A-8396 with LSY Enterprise Inc. for On-Call Professional Engineering Services.
RECOMMENDATION: That the Public Works and Transportation Committee recommend that the City Council approve and authorize the execution of an Amendment to a Professional Services Agreement with LSY Enterprise Inc. in the amount of $500,000 for a new not to exceed contract amount of $1,500,000 for On-Call Professional Engineering Services.

Michael Wolfe, Public Works Director was available to answer the Committee's questions.

No public comments were received. Discussion ensued among the Committee and staff.

It was moved by Member Zaragoza, seconded by Chair Perello, to approve the recommended action as presented. VOTE: Perello and Zaragoza voted in favor; the motion carried 2-0.

4. Public Works Department
SUBJECT: Sustainable Transportation Plan.
RECOMMENDATION: That the Public Works and Transportation Committee:
1. Provide comments on the Sustainable Transportation Plan; and
2. Recommend that the City Council adopt the Sustainable Transportation Plan.

Michael Wolfe, Public Works Director introduced Rachel Om and Chelsea Richer consultants with Fehr and Peers who presented and answered the Committee's questions. Public comments were received from Bryan Rodriguez. Discussion ensued among the Committee and staff.

It was moved by Chair Perello, seconded by Member Zaragoza, to approve the recommended action as presented. VOTE: Perello and Zaragoza voted in favor; the motion carried 2-0.

5. Public Works Department
SUBJECT: Water Rates Update Report.
RECOMMENDATION: That the Public Works & Transportation Committee recommend that the City Council receive and file the Water Rates Update Report.

Joseph Marcinko, Assistant Public Works Director presented and answered the Committee's questions. Public comments were received from Holly. Discussion ensued among the Committee and staff.

It was moved by Member Zaragoza, seconded by Chair Perello, to approve the recommended action as presented. VOTE: Perello and Zaragoza voted in favor; the motion carried 2-0.

E. ITEMS FOR FUTURE AGENDAS (No requests were made.)

F. ADJOURNMENT
There being no further business on the agenda, and without objection, Chair Perello adjourned the meeting at 10:02 p.m.

ROSE CHAPARRO	BERT E. PERELLO
City Clerk	Cha

CITY OF OXNARD CALIFORNIA

PUBLIC WORKS AND TRANSPORTATION COMMITTEE AGENDA REPORT

REPORTS
AGENDA ITEM NO. D.1

DATE: April 11, 2023

TO: Public Works and Transportation Committee

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Updates to the Five Year Capital Improvement Program for Fiscal Years 2022-2027. (20 minutes)

RECOMMENDATION

That the Public Works and Transportation Committee recommend that the City Council:

1. Approve and adopt updates to the 2022-2027 City of Oxnard Five Year Capital Improvement Program; and

2. Authorize project budget appropriations of $2,000,000 in Fiscal Year 2022-23 from the Capital Growth Fees Fund for the Fire Station 4 Rebuild Project (C1702/172201).

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/KuXPw_vFe2M

BACKGROUND

The City Council approved and adopted the 2022-2027 City of Oxnard Five Year Capital Improvement Program on May 3, 2022. The purpose of a capital improvement program (CIP) is to provide an overview of the City's current and reasonably anticipated construction and repair needs over the next five years. The CIP currently has approximately 140 funded projects listed over the five years, and the total cost of all projects, including prior appropriations, is approximately $700 million. This is inclusive of the American Rescue Plan Act (ARPA) funds that were appropriated to capital projects in this past year.

Since the adoption of the 2022-2027 CIP, staff has received updates to projects, which are outlined below.

At the City Council meeting on February 7, 2023, staff presented information about CIP projects and ARPA funding with regards to slowing the pace of CIP projects, among other activities, based upon several factors. Information related to the discussion on February 7th is also contained in this staff report.

DISCUSSION

The following are proposed updates to the 2022-2027 CIP:

Table 1. Updates

#	CIP Title	CIP Page Number	Proposed Changes
1	Fire Station 4 Rebuild	6	**Modify Funding:** Move $2,000,000 from FY 23-24 Capital Growth Fees-Residential into FY 22-23
2	Wastewater OWTP: Electrical Improvements	106	**Merge with OWTP Reliability Improvements Project on page 116**
3	Wastewater OWTP: Motor Control Center (MCC) Construction	111	**Merge with OWTP Reliability Improvements Project on page 116**
4	Wastewater OWTP: New Maintenance Storage Building	112	**Merge with OWTP Reliability Improvements Project on page 116**
5	Wastewater OWTP: Reliability Improvements	116	Originally six separate projects, the OWTP Reliability Project Replace and repair equipment identified at facilities that are vital to reliable Wastewater Treatment Plant operations including structural repairs, headworks odor control, anaerobic digester, site piping, electrical building, standby generator and maintenance building. **Change Project Funding due to merging of projects**: $64,960,800 approved by City Council on June 7, 2022
6	Wastewater OWTP: Site Security Improvements	117	**Merge with OWTP Reliability Improvements Project on page 116**
7	Wastewater OWTP: System SCADA Improvements	118	**Merge with OWTP Reliability Improvements Project on page 116**

The Fire Station 4 Rebuild project (Item 1 in Table 1 above) has been prioritized by the Fire Department as a result of new development in north Oxnard and is in need of design funds sooner than originally anticipated. The design contract is anticipated to be awarded this fiscal year. Therefore, staff recommends bringing forward $2M of funding originally scheduled to be used in FY 23-24 into FY 22-23.

For Items 2 through 7 in Table 1 above (Oxnard Wastewater Treatment Plant (OWTP) projects), the proposed changes reflect the combination of several projects into one larger project. This larger project, the OWTP Reliability Improvement Project, was awarded to a contractor at the June 7, 2022, City Council meeting. The

above changes are just administrative clean-up items to document the consolidation of projects.

Table 2. Additions

#	CIP Title	Page Number	Proposed Additions
1	Wastewater OWTP: Secondary Clarifiers Rehabilitation	TBD	**Project Description**: Replacement of mechanical equipment in the secondary clarifiers at the OWTP. Following the design phase two of the eighteen tanks will be rehabbed each year on a rotating basis. **Project Funding**: $100,000 in FY 23-24; $400,000 in FY 24-25
2	Water Production: Well 20 Rehabilitation	TBD	**Project Description**: Metal shavings were found in a screen of Well 20 indicating an issue with the pump impellers. Phase 1 of this project will be exploratory assessment of the pump and casing. Phase 2 will include above ground pipework improvements and installation of a flow meter. **Project Funding**: $150,000 in FY 23-24; $600,000 in FY 24-25
3	Citywide Security Cameras	TBD	**Project Description**: Update and add security cameras across all city facilities/locations and will be managed via a holistic cloud solution and service provider. **Project Funding**: $2,000,000 ARPA Funding; $750,000 in FY 23-24; $1,250,000 in FY 24-25
4	Durley Park Concession Building Repairs	TBD	**Project Description**: Roof, ventilation, exterior, interior, and electrical repairs resulting from fire damage to the building. **Project Funding**: $322,636 Insurance claim

For the projects in Table 2 above, the Planning Commission is scheduled to review them for the required 65401 finding at their April 20, 2023, meeting date.

Projects completed since the City Council approved the two-year CIP on May 2, 2022:

1. Ormond Beach Neighborhood Street Resurfacing
2. Council Chambers Remodel
3. Traffic Signal Modifications
4. Perkins Road Parking Lot Improvements
5. Central Trunk Sewer Manhole Replacement - Phase I
6. Lift Station 28 Demolition
7. AWPF TOC Analyzers
8. Recycled Water Pipeline - Hueneme Phase 2
9. Arterial Street Resurfacing
   a. East Doris Ave Reconstruction
   b. Teal Club Road Street Improvements

c. Patterson Road Street Improvements
d. Second Street Improvements
e. Saviers Road Preventative Maintenance
f. Wooley Road Preventative Maintenance

10. Neighborhood Street Resurfacing
    a. La Colonia Neighborhood Street Improvements - Phase II
    b. Rice Avenue Commercial Neighborhood Street Improvements
11. Citywide Alley Resurfacing
    a. HERO Alley Reconstruction - Phase I
    b. HERO Alley Reconstruction - Phase II
12. Park Improvements
    a. Thompson Park, Johnson Creek Park, and Sierra Linda Park Playground Improvement Projects
    b. Garden City Acres Park Improvement Project
    c. Southwinds Park Basketball Court Resurfacing
    d. Beck Park Basketball Court Resurfacing

On March 29, 2022, as part of the Council's action on ARPA projects, the City Manager (or designee) is authorized to approve budget appropriations necessary to recognize revenue and appropriate funding for all ARPA projects. As such, the following projects will have an increase in ARPA funds in the CIP, pursuant to the discussion on February 7, 2023, with the City Council (the numbers reflect the numbering system used in the attachments to the February 7, 2023, staff report):

33. Olympic Skatepark in Colonia (22AR33) - an additional $1.5M of ARPA
46. Oxnard Tennis Center (22AR46) - an additional $1.0M of ARPA
54. Fire Stations 2,3&5 Architectural Design (22AR54) - an additional $2.0M of ARPA
67. 305 W 3rd St.(22AR67) - an additional $100,000 of ARPA
81. Stormwater Catch Basins Full Capture Devices (Edison Canal/Channel Is Harbor (22AR81) - an additional $500,000 of ARPA

Based upon the information presented to the City Council meeting on February 7, 2023, the following CIP projects will remain in the CIP (or be added to the next CIP as may be necessary) as unfunded projects. These projects are available for the City Council's consideration to fund at a later date, assuming available staff resources to move forward the project (the numbers reflect the numbering system used in the attachments to the February 7, 2023 staff report):

15. Saviers Rd Corridor: conceptual plan for widening sidewalks, landscape, lighting
17. River Ridge Playing Fields: parking improvements & permanent power (not in Parks & Rec Master Plan)
24. Colonia Park: repair and resurface pool, renovation of locker rooms, construction of new public restrooms, basketball court resurfacing (resurfacing project, Parks & Rec Master Plan, pg 215)
25. Johnson Creek Park: renovation of snack bar, restrooms, and baseball fields (not in Parks & Rec Master Plan)
27. River Ridge Playing Fields: permanent bleachers & stage area; 50% of $200,000 total cost (not in Parks & Rec Master Plan)
52. Bike / Pedestrian project: Path along the SCR-3 levee road north of the River Ridge Golf Course between Ventura Rd and Victoria Rd
53. City-wide ADA tree and sidewalk improvements
59. Bike / Pedestrian project: Wooley Rd Protected Bike Lanes
71. Electrical Plant Water Quality Capture Project
72. Phase 1 Design: College Park-Oxnard Regional Stormwater Capture Project
73. Phase 1 Design: Driffill Elementary School-Oxnard Regional Stormwater Capture Project
74. Phase 1 Design: Frank Intermediate School-Oxnard Regional Stormwater Capture Project

76. Storm Drain: Diamond Bar
79. Phase 1 Design: East Village/Del Sol Park diversion and infiltration-Oxnard Regional Stormwater Capture Project
80. Phase 1 Design: Ventura Road and 2nd St. diversion and infiltration-Oxnard Regional Stormwater Capture Project
82. AWPF-Oxnard Regional Stormwater Capture Project Wetland Storage & Sewer Diversion Pilot
83. Phase 1 Design: Riverpark basin - recycled water storage project

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

For the FY 2022-23 Adopted CIP Budget, staff recommends moving funds from FY 2023-24 to the current FY 2022-23 as follows:

CIP Project	Fund	FY 2022-23 Adopted CIP Budget	FY 2022-23 Revised CIP Budget
Fire Station 4 Rebuild (C1702/172201)	Capital Growth Fees-Residential	$0	$2,000,000 from FY 23-24

The Durley Park Concession Building Repairs Project is scheduled for Council on April 18, 2023, for approval of funding from insurance proceeds and will impact the FY 2022-23 CIP Budget.

Fiscal impacts to the FY 2023-24 Adopted CIP Budget will be included in the Proposed Budget for Fiscal Year 2023-24 during the budget process.

Prepared by: Michael Wolfe, Public Works Director

ATTACHMENTS

1. Presentation
2. February 7, 2023 Council Staff Report

Updates to the Five Year Capital Improvement Program for Fiscal Years 2022-2027

Public Works and Transportation Committee
April 11, 2023

City Council
May 2, 2023

Michael L. Wolfe, P.E.
Director of Public Works

CITY OF OXNARD CALIFORNIA

RECOMMENDATION

That the Public Works and Transportation Committee recommend that the City Council:

1. Approve and adopt updates to the 2022-2027 City of Oxnard Five Year Capital Improvement Program; and
2. Authorize project budget appropriations of $2,000,000 in Fiscal Year 2022-23 from the Capital Growth Fees Fund for the Fire Station 4 Rebuild Project (C1702/172201).

That the City Council:

1. Approve and adopt updates to the 2022-2027 City of Oxnard Five Year Capital Improvement Program; and
2. Authorize project budget appropriations of $2,000,000 in Fiscal Year 2022-23 from the Capital Growth Fees Fund for the Fire Station 4 Rebuild Project (C1702/172201).

BACKGROUND

- 5/3/22: City Council approved the 2022-2027 Five Year CIP
  - Two year CIP (funding for FY 22/23 and 23/24)
- City's CIP currently has approximately 140 funded projects
- Over the five years - total cost of all projects, including prior appropriations, is approximately $700 million
- Includes American Rescue Plan Act (ARPA) funds that were appropriated to capital projects

Mid-cycle adjustments (2-year CIP) -

- Fire Station #4 project
  - Project timeline
  - Moving $2M forward from FY 23/24 into FY 22/23
- Combining Oxnard Wastewater Treatment Plant (OWTP) projects
  - Already awarded as combined project
  - Clean-up item (6 projects into 1)
- Adding four projects

Proposed additions:

#	CIP Title	Page Number	Proposed Additions
1	Wastewater OWTP: Secondary Clarifiers Rehabilitation	TBD	**Project Description**: Replacement of mechanical equipment in the secondary clarifiers at the OWTP. Following the design phase two of the eighteen tanks will be rehabbed each year on a rotating basis. **Project Funding**: $100,000 in FY 23-24; $400,000 in FY 24-25
2	Water Production: Well 20 Rehabilitation	TBD	**Project Description**: Metal shavings were found in a screen of Well 20 indicating an issue with the pump impellers. Phase 1 of this project will be exploratory assessment of the pump and casing. Phase 2 will include above ground pipework improvements and installation of a flow meter. **Project Funding**: $150,000 in FY 23-24; $600,000 in FY 24-25
3	Citywide Security Cameras	TBD	**Project Description**: Update and add security cameras across all city facilities/locations and will be managed via a holistic cloud solution and service provider. **Project Funding**: $2,000,000 ARPA Funding: $750,000 in FY 23-24; $1,250,000 in FY 24-25
4	Durley Park Concession Building Repairs	TBD	**Project Description**: Roof, ventilation, exterior, interior, and electrical repairs resulting from fire damage to the building. **Project Funding**: $322,636 Insurance claim

Additional Information -

- Completed projects since CIP was approved
  - Street resurfacing
  - Water
  - Wastewater
  - Parks project
  - Traffic Signals
- February 7th discussion on slow-down and CIP projects
  - Additional ARPA funding recommendations for five projects
  - CIP projects moved to unfunded

Proposing to move funds from FY 2023-24 to the current FY 2022-23 for the following:

CIP Project	Fund	FY 2022-23 Adopted CIP Budget	FY 2022-23 Revised CIP Budget
Fire Station 4 Rebuild (C1702/172201)	Capital Growth Fees-Residential	$0	$2,000,000 from FY 23-24

Other appropriations/changes will be part of the FY 23-24 budget process, if necessary

CITY OF OXNARD CALIFORNIA

QUESTIONS

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. L.2

DATE: February 7, 2023

TO: City Council

FROM: Alexander Nguyen, City Manager, (805) 385-7430, alexander.nguyen@oxnard.org

SUBJECT: Conduct an Oral Discussion Regarding Shifting Gears; Making Adjustments to Align with Economic and Social Circumstances, and Make Decisions to Modify American Rescue Plan Act (ARPA) Projects, Council Priorities, and the Outlook on the City's Restoration Budgets. (120 minutes)

RECOMMENDATION

That the City Council conducts a robust oral discussion and deliberation regarding the following:

1. The need for the City to shift gears and make adjustments to align with economic and social circumstances;
2. Modify ARPA projects;
3. Modify the timelines of Council priorities from five to seven years; and
4. Extend the Restoration Budgets from three to five years.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/qaD0euj5YbE

BACKGROUND

In March 2021 the City Council set its five-year priorities (Attachment A).

In the 2021-2022 fiscal year budget the Council set the outlook for three years of "Restoration Budgets" for the City, with the newly approved Measure E funding, to catch up on restorations to the City's deferred maintenance, programs, and services.

In March 2021 Congress passed legislation that provided one-time funding to all Cities and Counties in the nation via the American Rescue Plan Act, with certain restrictions and deadlines for use. Oxnard received $59.4M.

DISCUSSION

In the immediate aftermath of the global COVID pandemic, the world economy is in turbulent flux, supply chains are disrupted, inflation has spiked, and most, if not all, sectors of the economy are experiencing a significant labor shortage. Local governments are not immune from these external forces. Therefore, we must recognize this and shift gears to adjust to the pace these phenomenon force upon our day-to-day operations as well as our larger scale projects.

To set and meet realistic expectations:

We will recommend modifying ARPA projects to ensure compliance with the funding's deadlines; the modification recommendation chart is Attachment B.

We will recommend modifying the timelines of our current Capital Improvement Projects in order to balance our expected deadlines with our capacity to deliver projects (Attachment C).

We will recommend modifying the timelines of the Council's priorities from five to seven years.

We will recommend modifying the outlook of Restoration Budgets from three to five years.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to reinforce, stabilize, improve, and strengthen the organizational foundation of the City in order to build a modern, high-functioning City government that effectively and efficiently supports the operating departments in providing high-quality services and programs for our residents and businesses.

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

The adjustments and modifications recommended do not exceed the ARPA funding or the City's approved budget.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Alexander Nguyen, City Manager

ATTACHMENTS

1. Attachment A: 3.16.21_City Council 5-Year Priorities_FINAL
2. Attachment B: ARPA Recommended Modifications - February 2023
3. Attachment B: ARPA Investment List - March 29, 2022
4. Attachment C: Current CIP List - February 2023
5. Attachment D: 2.7.23_City Council Shifting Gears Oral Discussion

CITY OF OXNARD CALIFORNIA

PUBLIC WORKS AND TRANSPORTATION COMMITTEE AGENDA REPORT

REPORTS
AGENDA ITEM NO. D.2

DATE: April 11, 2023

TO: Public Works and Transportation Committee

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: State of California's Corrective Action Plan for the City of Oxnard's Solid Waste Operations. (10 minutes)

RECOMMENDATION

That the Public Works and Transportation Committee recommends that the City Council receive and file the State of California Senate Bill 619 Corrective Action Plan (CAP) for the City of Oxnard's Solid Waste Operations.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/PaHww75yK2k

BACKGROUND

State of California Senate Bill 1383 (SB 1383) also known as the Short-Lived Climate Pollutants (SLCP) law, was signed on September 9, 2016. SB 1383 requires jurisdictions to increase diversion of organic waste from landfills and meet the statewide target to divert organic landfill disposal by 75% in 2025. The law took effect on January 1, 2022, and required compliance with a majority of its provisions by that date. The City and many other local jurisdictions have struggled to comply with SB 1383's deadlines due to the lack of existing local infrastructure to process organic waste, disruption of supply chains by the Covid-19 pandemic, staffing shortages and a lack of funding from the State for this unfunded mandate.

To provide jurisdictions with relief from penalties for not complying with SB 1383 requirements by January 1, 2022, the State of California passed Senate Bill 619 (SB 619) on October 5, 2021. SB 619 allowed the City to submit a Notice of Intent to Comply (NOIC), proposing a timeline for execution of the provisions required by SB 1383 to avoid civil penalties from the California Department of Resources Recycling and Recovery (CalRecycle) for non-compliance. The City Council passed Resolution No. 15,542 in order for staff to submit the NOIC to CalRecycle. The NOIC was submitted to CalRecycle on March 1, 2022 (Attachment 1).

DISCUSSION

In November 2022, CalRecycle issued a draft Corrective Action Plan (CAP) to the City of Oxnard (City) outlining 30 tasks in order for the City to come into compliance with SB 1383. The City of Oxnard is one of 160 California cities that have been issued a CAP. Environmental Resources (ER) staff and CalRecycle staff worked to finalize the CAP's tasks and target completion dates and concurred to a proposed agreement on February 7, 2023. On March 6, 2023, CalRecycle issued the final CAP to the City (Attachment 2). All tasks must be completed no later than March 1, 2024. Currently, ER staff is confirming the completion of 9 tasks.

The remaining 21 tasks need to be completed by March 1, 2024.

Staff's major challenges will be:

1. The biggest SB 1383 compliance challenge is getting residential, multi-family, and commercial waste generators to comply with the new State mandates. Despite numerous attempts to inform our customers, we have yet to reach the State's mandated thresholds for organics and recycling services. The following are highlights of the City's outreach efforts conducted to date:

   a. Mailed four separate letters asking muti-family and commercial generators to sign-up for organic and non-organic recycling service or apply for a waiver if eligible
      i. 1st letter - mailed March 2016
      ii. 2nd letter - mailed March 2017
      iii. 3rd letter - mailed June 2017
      iv. 4th letter - mailed January 2022

   b. After mailings, staff followed up with phone calls in 2020 and 2021
   c. Mail inserts were sent to generators in their October, November and December 2021 and January 2022 utility bills informing them of the new organic waste recycling mandates
   d. ER Staff has hosted information booths, passed out flyers and conducted presentations on SB 1383 at over 25 community events including farmers markets, neighborhood council meetings, service club meetings, neighborhood clean-up events, car shows and food truck events

2. ER Staff must conduct annual route reviews of all commercial and residential waste collection routes. Organic and non-organic recycling waste containers will be randomly selected and inspected for prohibited items. Waste generators who place prohibited items in a container will be notified of the violation and information will be provided to minimize contamination of the organic and non-organic recycling waste stream.

3. CalRecycle has calculated the City's annual organic waste product procurement target at 16,374 tons. The City will have to identify additional organic waste product procurement opportunities to meet our procurement target. ER staff will work with other City departments to expand the use of recovered organic waste products throughout all City divisions. The City will enter into agreements requiring direct service providers procure organic waste products and provide written documentation of procurement. The City may also procure organic waste products for giveaway to residents and may offer rebates to commercial customers who agree to acquire and use organic waste products on behalf of the City.

4. SB 1383 requires the State, by 2025, to recover 20 percent of edible food for human consumption that would otherwise be disposed of. To achieve this goal the City will partner with the County of Ventura and participating cities to create and develop the Ventura County Regional SB 1383 Food Recovery Plan to work with commercial edible food generators and food sharing non-profits to recover edible food (MOU with the County Attachment 3).

In order to comply with the State mandates, ER staff will be reaching out directly to commercial, industrial and residential customers to help bring them into compliance. Communications will be done in person and by mail through the United States Postal Service. ER staff will visit non-compliant multi-family and commercial generators and begin issuing Notice of Violations (NOV) (Attachment 4). The NOV process will work as follows:

1. **1st NOV** - allows the generator 20 days to come into compliance by starting service for non-organic and organic waste recycling or submitting proof of eligibility for a waiver (waiver eligibility to be determined by ER staff).

2. **2nd NOV** - if no action is taken within the first 20 days of the first issued NOV, ER staff will issue the generator a second NOV through a formal letter via certified mail and allow an additional 20 days to comply.
3. **3rd NOV** - if no action is taken after the second NOV, a third and final NOV will be issued through a formal letter via certified mail or hand-delivered allowing an additional 20 days to comply for a total of 60 days from the first NOV.

If no action is taken by a multi-family or commercial generator after the third NOV, per Section 19-162(D) of Oxnard's City Code, the City will automatically provide the necessary services in order to comply with the non-organic and organic waste recycling requirements of SB 1383. The addition of non-organic and organic waste recycling services will be reflected in the waste generator's utility bill. Costs will vary depending on the required services in order for the generator to come into compliance.

Failure to comply with SB 1383 by March 1, 2024, will result in the City being issued administrative civil penalties of no less than $500 and no more than $10,000 per violation per day from CalRecycle depending on the severity of the violation. Additionally, Section 18996.9 of SB 1383 gives CalRecycle the authority to directly issue a NOV and administrative civil penalties to a waste generator for failing to comply with the new State mandates.

While not a direct requirement of State's SB 1383, the City continues to explore opportunities with Colony Energy Partners for processing organic waste at Del Norte Recycling and Transfer Station (Del Norte). Currently, organic waste received to Del Norte is hauled to facilities in Santa Paula and Simi Valley. The exploration of locally addressing the organic waste includes options to have an organic waste recycling facility for processing at the Del Norte. The recovered and recycled organic waste can be used as feedstock, in the production of renewable energy and as compost/fertilizer. If constructed, the facility will enable the City to reduce its costs of transportation and disposal of green and food waste currently collected by the City. As staff progresses on this, updates will be provided to the City Council.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

There is no fiscal impact for the recommended action. Any new services to customers required by SB 1383 will be charged per the current rate model, when applicable.

It should be noted that in order for the City to comply with all aspects of the State's mandate, the City will need to procure additional materials and equipment in compliance with SB 1383, which may result in additional funding requests in future recommended operating budgets.

Prepared by: Brian Yanez, Assistant Public Works Director, Roberto Serrato, Recycling Manager

ATTACHMENTS

1. Executed NOIC and Resolution - City of Oxnard
2. Oxnard_CAP_Final
3. County Food Recovery Plan MOU
4. Notice of Violation
5. Presentation

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 15,542

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD SERVES AS A NOTICE OF INTENT TO COMPLY WITH SENATE BILL 1383, SECTION 14 CCR - 18997.3.

WHEREAS, the City of Oxnard determines in good faith that the provisions of Senate Bill 1383 would cause the City to incur administrative penalties as defined under Section 18997.3 in violation of the timely execution of some aspects of the requirements resulting in minor violations. Minor violations may include, but are not limited to failure to meet some of the provisions under Sections 17403.0 through 18995.4.

WHEREAS, the City of Oxnard determines in good faith that the provisions of Senate Bill 1383 would cause the City to incur administrative penalties as defined under Section 18997.3 in violation of the timely execution of some aspects of the requirements resulting in moderate violations. Moderate violations may include but are not limited to failure to meet most of the provisions under Sections 17403.0 through 18995.4.

WHEREAS, the City of Oxnard determines in good faith that the provisions of Senate Bill 1383 would cause the City to incur administrative penalties as defined under Section 18997.3 in violation of the timely execution of some aspects of the requirements resulting in major violations. Major violations may include but are not limited to failure to meet all of the provisions under Sections 17403.0 through 18995.4.

In ACCORDANCE WITH, Senate Bill 1383, the City of Oxnard shall make reasonable efforts in a mutually agreeable fashion to maintain to the maximum extent practicable its original intent without violating the provisions of the Bill, thereby causing the imposition of administrative penalties. These provisions include but are not limited to the following:

- Timely execution of enforceable mechanisms,
- Timely adoption of an updated solid waste ordinance,
- Timely implementation of container labeling and color requirements,
- Timely enforcement of edible food waste generator and recovery organizations tracking, education and monitoring,
- Timely determination of technologies that constitute a reduction in landfill disposal with Ventura County, including adequate organic waste capacity,
- Completion of the issuance of waivers,
- Complete records of education and outreach requirements,
- Complete records of 3rd party and self-haulers operating within city limits,
- An adopted Model Water Efficient Landscape Ordinance,
- Compliance with procurement requirements,

- Significant participation of organics and food scraps collections among covered businesses.

PURSUANT TO SB 619, the City of Oxnard determines in good faith that meeting all of the provisions of SB 1383 in its entirety is unfeasible due to the following reasons:

- Cities were given only 13 months to fully prepare for this extremely complex and far-reaching legislation
- Ventura County still fails to have a viable option for organics processing, including no facility with anaerobic digestion capabilities
- Due to COVID 19 pandemic, many businesses have experienced great hardship and therefore are unable to absorb increased costs associated with food waste collection services
- Due to the older nature of the City of Oxnard's infrastructure, many businesses, including most multifamily complexes do not have sufficient capacity inside existing enclosures to accommodate the necessary extra bins required to collect organics
- Due to COVID 19 pandemic, progress towards the adoption of ordinances or enforceable mechanisms has been delayed
- Due to COVID 19 pandemic, the City of Oxnard has experienced supply chain delays resulting in inventory issues

IN ACCORDANCE WITH Senate Bill 619, the City of Oxnard proposes the following timeline for execution of the provisions required by SB 1383 as follows:

- By March 1, 2022, the City Council will adopt an enforceable mechanism(s) and updated solid waste ordinance reflective of requirements in SB 1383
- By June 30, 2022, the City will have finalized the issuance of all waivers and have a conforming reporting mechanism
- By June 30, 2022, the City will have formalized a plan for procurement pursuant to SB 1383 requirements
- By September 30, 2022, the City will have established its edible food recovery program in collaboration with the other 7 cities and the County of Ventura
- By July 1, 2023, the City will be on track to replace and/or modify all collection equipment to conform with provisions in SB 1383
- By the end of 2022, the City will have identified and/or received records from 3rd party and self-haulers
- The City of Oxnard has received Council approval to begin negotiations with a firm to develop vacant property adjacent to the Del Norte Regional Recycling and Transfer Station into a regional organics receiving and processing facility. The City estimates completion of a facility by the end of 2025
- By the end of 2022, the City will have a robust commercial food scraps collection program in place

PASSED, APPROVED and ADOPTED this 1st day of March, 2022, by the following vote:

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

John C. Zaragoza, Mayor

ATTEST:

R. Chaparro 3/1/22
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CalRecycle SB 619
Notification of Intent to Comply Narrative
City of Oxnard

(1) Select using the checkboxes below or write in the continuing violations for each applicable regulatory section. For each selection, please describe the specific violations related to the regulatory section.

(A) 14 CCR section 18984 Combined Organic Waste Collection Services. This requirement is not included since the requirements are further specified in sections 18984.1-18984.11.

X (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services

- Single-family residential organic waste collection services are nearly 95% implemented
  - Identified sections of routes are being addressed on a case-by-case basis
    - Identify those accounts by January 30, 2022
    - Notify those accounts of their options/requirements by February 18, 2022
    - Supply those accounts with organic waste collection services by March 31, 2022 (depends upon supply chain & available inventory)
    - Identify contamination and/or other violations by way of "lid lifts" starting mid-January 2022

- Multi-family and Commercial business organic waste collection services will be phased in throughout 2022
  - There are approximately 500 Multi-family and 2000 Commercial businesses that fall under AB 1826 $\leq$ 2 cubic yard threshold
  - Approximately 95% of those accounts remain non-compliant with AB 1826 and thus SB 1383 as well.
    - Non-compliant accounts will be sent notification via certified mail by February 1, 2022
    - Accounts will have until March 31, 2022, to subscribe to service

- All accounts remaining out of compliance by July 1, 2022, will receive a Notice of Violation with a 60-day Notice to Comply. Per SB 1383, no penalties can be levied until January 1, 2024.
- All accounts that are eligible for a waiver will be identified, approved, or denied their application and tracked by July 1, 2022

X (H) 14 CCR section 18984.7 Container Color Requirements

- All single-family residential containers conform with color requirements
- Commercial bins currently do not conform with color requirements
    - Commercial bins will be repainted to conform with color requirements starting July 1, 2022
    - All newly purchased commercial bins will conform with color requirements starting July 1, 2022 with phased completion prior to the deadline January 1, 2036

X (I) 14 CCR section 18984.8 Container Labeling Requirements

- The majority of single-family residential containers conform with labeling requirements
- All newly purchased residential containers will conform with labeling requirements starting July 1, 2022 with phased completion prior to the deadline January 1, 2036
- Commercial bins currently do not conform with labeling requirements
    - Commercial bins will be repainted to conform with labeling requirements starting July 1, 2022
    - All newly purchased commercial bins will conform with labeling requirements starting July 1, 2022 with phased completion prior to the deadline January 1, 2036

X (P) 14 CCR section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

- The jurisdiction currently complies with the majority of the requirements as specified in 14 CCR section 18988.1 - 18988.3
    - For the purposes of the NOIC, the jurisdiction may not fully comply with the recordkeeping requirements, including, but not limited to
        - A record of hauler compliance, including copies of all haulers reports, copies of all written approvals, denials, and revocations, and/or a

comprehensive record that includes the dates of activities, hauler name, and the type of the action taken by the jurisdiction.

- All Hauler Records, including the provisions specified in this section, shall be addressed by the jurisdiction by December 31, 2022

X (W) 14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target

- Jurisdiction will not meet the Recovered Organic Waste Product Procurement Target of 16,374 tons per year in 2022.
- On or before March 31, 2022, the Jurisdiction's SB 1383 Implementation Point of Contact will
  - provide the designated Department leads (i.e. Purchasing/Procurement, Fleet, Facilities, and Parks and Recreation) a form to report on any written and/or adopted policies
  - provide the designated Department leads (i.e. Purchasing/Procurement, Fleet, Facilities, and Parks and Recreation) a form to report quantities, sources and greenhouse gas emissions reduction conversion/calculations
- The designated Department leads (i.e. Purchasing/Procurement, Fleet, Facilities, and Parks and Recreation) will have until July 15, 2022 to provide this information to the Jurisdiction's SB 1383 Implementation Point of Contact to be included in the August 1, 2022 Annual Report

X (X) 14 CCR section 18993.2. Recordkeeping Requirements for Recovered Organic Waste Procurement Target

- Refer to the previous section

X (Y) 14 CCR section 18993.3. Recycled Content Paper Procurement Requirements

- Refer to the previous section

X (Z) 14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement

- Refer to the previous section

(2) A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation, if applicable.

- Limited resources. Because this is an unfunded mandate, the City of Oxnard has not had sufficient resources to complete the required work applicable to the population of

over 200,000 residents, 37,000 households, 2,500 commercial businesses, and nearly 500 multi-family properties.

(i) Despite the efforts to fully staff the Division with adequate staffing resources, recruitments have failed and the lack of applicants during the Covid-19 Pandemic has limited the Division's capacity to just two (2) full-time employees (FTEs) responsible for AB 341 (post-Jurisdictional Compliance Order and Local Implementation Plan 2018 - 2021), AB 1826, SB 1383 implementation plans and outreach / education, in addition to other duties as assigned which include but are not limited to the following

1) General Program Outreach and Education
2) Enforcement of existing local ordinances
3) Service change requests, initiating new service
4) Reviewing newly planned projects via the Design Advisory Committee and Community Development Plan Check
5) Supervising special events
6) Participating in Department-directed special projects, events and reporting
7) Interfacing with the City Manager's Public Information Office
8) Responding to customer inquiries
9) Managing customer account database
10) Applying for and administering grant programs, such as the City-County Beverage Container Redemption and Used Motor Oil Recycling

(ii) The Collection, MRF and Transfer operations are also struggling with COVID-related absences and difficulty filling 16 current vacancies due to current job market.

(iii) Amount of additional responsibilities pursuant to the implementation of of SB 1383 including, but not limited to

1) The fact that the City of Oxnard is not just the jurisdiction, but also the Collection hauler, MRF processing and transfer facility
2) Coordinating with Collection's to ensure adherence with three-container waste collection services

3) Coordinating with Collection's to ensure adherence to container color and labeling requirements
4) Conducting route reviews and insuring contamination minimization
5) Coordinating responsible party's recordkeeping requirements
6) Coordinating Waiver issuance
7) Conducting Outreach and Education regarding
    a) Organic Waste Recovery activities
    b) Edible Food Recovery activities
8) Recordkeeping for
    a) Organic Waste Recovery activities
    b) Edible Food Recovery activities
9) Outreach to and recordkeeping of Self and 3rd party haulers' activities
10) Coordinating the jurisdiction's achievement of the Recovered Organic Waste Procurement Targets
11) Semi-annual and Annual reporting
12) Enforcement of violations/Code Enforcement

- Lack of adequate Organic Waste Processing in the region.
    (i) Despite the region's continued and long-standing efforts to approve and construct the necessary infrastructure to collect, process and recover organic waste, there is no such facility at this time
    (ii) The City of Oxnard is currently working opportunities for local organic processing, however, such an investment will require more time
    (iii) The current short-term solution, while technically meeting the requirements of SB 1383, only creates more inefficiencies, redundancies, externalized problems, and stress on an already limited infrastructure
- Antiquated, outdated and impractical data management system.
    (i) The City of Oxnard's billing system is still on a 1990s DOS-based software application, which was developed and implemented before the necessary requirements of SB 1383
        1) Staff has submitted a request in the recent SB 1383 Implementation Grant to ameliorate this deficiency

(3) A description of the impacts of the COVID-19 pandemic on compliance.

- Since the City of Oxnard is not only the local jurisdiction responsible for SB 1383 implementation, we are also the hauler and the transfer facility, which complicates and increases the number of opportunities for disruption due to COVID.
  - (i) Since the start of the pandemic, staff call-outs due to COVID have increased significantly.
  - (ii) COVID has impacted the supply chain, delaying the resupply of container inventory
  - (iii) The City also experienced a Ransomware attack early in 2020, which further impacted operations

(4) Provide a description of the proposed actions the jurisdiction will take to remedy the violations with a proposed schedule for completing each action. The proposed actions shall be tailored to remedy the violations in a timely manner.

- Provided in the previous section.

I hereby certify under penalty of perjury that the information provided herein is true and correct to the best of my knowledge.

Signature	John C. Zaragoza	Mayor	March 4, 2022
	Printed Name	Title	Date

RESOLUTIONS

ANNEXATION
( ) DEVELOPMENT SERVICES – GEORGE ROBERTS
( ) FINANCE – MIKE MORE
( ) FIRE – BRAD WINDSOR
( ) GIS – DAVID ENDELMAN
( ) JIM CHEN

AMENDMENTS
( ) DAVID ENDELMAN
( ) LAFCO **(5 CERTIFIED COPIES)**
( ) LICENSING – TAMMY GUTIERREZ
( ) CUSTOMER SERVICE – EDEN ALOMERI

PLANNING
( ) SUE MARTIN
( ) SAL MANCHA
( ) PROPERTY OWNERS*

FEES
( ) CITY TREASURER – DANIELLE NAVAS
( ) CUSTOMER SERVICE – EDEN ALOMERI (WATER/WASTEWATER/TRASH)
( ) LICENSING TAMMY GUTIERREZ

DEVELOPMENT SERVICES
( ) STEVE NEWMAN
( ) JEFF PENGILLEY
( ) PAUL WENDT
( ) PLANNING – SUE MARTIN

STREET NAME CHANGE~VACATION/ABANDONMENT OF ALLEYS~STREETS
( ) CUSTOMER SERVICE – EDEN ALOMERI
( ) DEVELOPMENT SERVICES – GEORGE ROBERTS
( ) FIRE – GARY SUGICH

PLANNING
( ) SUE MARTIN
( ) SAL MANCHA

GIS
( ) JIM CHEN
( )DAVID ENDELMAN

PUBLIC WORKS (STREETS)
( ) DEAN YAMAMOTO
( ) PHILI GREGOIRE
( ) POLICE – MARTIN MEYER

CHANGE
( ) BOARD OF SUPERVISORS – 800 SOUTH VICTORIA AVE., VENTURA 93009
( ) VERIZON CA, INC: ROBERT.MUSGROVE@VERIZON.COM
( ) TIME WARNER CABLE: **mike.barbarine@TWC.com**
( ) POST MASTER – 1961 NORTH C STREET, OXNARD 93030
( ) PROPERTY OWNERS
( )SOUTHERN CALIFORNIA EDISON : WILLIANM@SCE.COM
( ) SOUTHERN CALIFORNIA GAS: **jchow@semprautilities.com**
( ) RAND MCNALLY: consumeraffairs@randmcnally.com.
( ) VENTURA COUNTY ASSESSOR'S OFFICE: **claude.jung@ventura.org**
( ) VENTURA EMERGENCY OPERATOR: **erinbrockus@ventura.org**

SPECIAL USE/PLANNED DEVELOPMENT PERMITS
( ) APPLICANT
( ) ABC (LIQUOR) LESLIE.POND@ABC.CA.GOV
( ) DEVELOPMENT SERVICES – PAUL WENDT
( ) PLANNING – SUE MARTIN

OTHER/DESCRIPTION:
(X)

LAFCO RESOLUTIONS
( ) POLICE –
( ) GIS –JOANNA GENTRY
( ) FIRE – GARY SUGICH

GENERAL PLAN AMENDMENTS
( ) APPLICANT

PLANNING
( ) SUE MARTIN
( ) SAL MANCHA
( ) CHRIS WILLIAMSON
( ) CITY CLERK'S BINDER

APPEALS
( ) APPLICANT
( ) APPELLANT

TRACTS/PARCEL MAPS
( ) APPLICANT
( ) DEVELOPMENT SERVICES – PAUL WENDT
( ) FINANCE – MIKE MORE
( ) GIS – JOANNA GENTRY
( ) PARKS & FACILITIES – MICHAEL HENDERSON

PLANNING
( ) SUE MARTIN
( ) SAL MANCHA

2

ZONE VARIANCE/ZONE
( ) COUNTY ASSESSOR 1/2010
( ) APPLICANT
( ) FINANCE – MIKE MORE
( ) GIS – JOANNA GENTRY

PLANNING
( ) SUE MARTIN
( ) SAL MANCHA

( ) CUSTOMER SERVICE - EDEN ALOMERI
( ) LICENSING – TAMMY GUTIERREZ
( ) COUNTY ASSESSOR - 1/2010

CERTIFIED COPIES

NOTES: ITEM # I6 / UPTE=

RESOLUTION NO. **ADOPTION DATE:** 03/01/2022 **DATE DISTRIBUTED:** 03/02/2022 **BY:** DK

STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1354.SLCP.CAP.2023.3

Before:	The State of California Department of Resources Recycling and Recovery 1001 I Street Sacramento, CA 95814
In the Matter of:	City of Oxnard 111 South Del Norte Boulevard Oxnard, CA 93030

BACKGROUND AND PURPOSE

1. The California Department of Resources Recycling and Recovery is hereinafter referred to as "CalRecycle."

1.1 CalRecycle, in consultation with the California Air Resources Board, adopted regulatory requirements, consistent with the mandate of Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016), that are designed to achieve the organic waste reduction goals established in section 39730.6 of the Health and Safety Code through a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. The purpose of these reductions is to further the statewide effort to reduce emissions of short-lived climate pollutants (SLCP), including methane. These SLCP regulations are referred to hereinafter as the “Regulations” and can be found at Title 14 California Code of Regulations (CCR) sections 18981.1 through 18998.4. Cities, counties, and special districts are responsible for implementing these Regulations in their communities starting January 1, 2022.

1.2 The City of Oxnard is hereinafter referred to as "Jurisdiction." Jurisdiction is required to comply with the Regulations.

1.3 Jurisdiction is or expects to be facing continuing violations of the Regulations commencing during the 2022 calendar year, which could result in significant administrative civil penalties under the Regulations.

1.4 Senate Bill 619 (Laird, Chapter 508, Statutes of 2021), through amendments to section 42652.5 of the Public Resources Code (PRC), created a mechanism called a Notification of Intent to Comply through which a local jurisdiction may secure administrative civil penalty relief from any continuing violations of the Regulations for the 2022 calendar year and may be eligible for a broader and longer-term regulatory compliance path, including suspended administrative civil penalties, through a Corrective Action Plan.

1.5 Under PRC section 42652.5(e), the Notification of Intent to Comply must include a description of proposed actions to remedy the violations, as well as a proposed schedule for those actions, that the Jurisdiction commits to undertake to remedy the violations.

1.6 The Notification of Intent to Comply is hereinafter referred to as “Notification.”

1.7 For violations taking more than 180 days to correct, PRC section 42652.2 allows CalRecycle to determine, in its sole discretion, that violations identified in a Notification may be addressed through a Corrective Action Plan issued pursuant to 14 CCR section 18996.2.

1.8 The Corrective Action Plan is hereinafter referred to as "CAP.”

1.9 For violations disclosed in the Notification approved by CalRecycle as meeting the requirements of PRC section 42652.5(e), CalRecycle shall waive administrative civil penalties during the 2022 calendar year if the Jurisdiction implements the proposed actions according to the approved Notification’s schedule of actions and, as applicable, approved CAP schedule of actions.

1.10 For violations disclosed in the Notification that commence during the 2022 calendar year and continue into the 2023 calendar year, administrative civil penalties may begin accruing as of January 1, 2023. SB 619 provides administrative civil penalties accruing on and after January 1, 2023, shall be waived upon complete compliance with an approved CAP schedule of action.

DETERMINATION OF VIOLATIONS

2. As authorized by PRC section 42652.5(c), the Jurisdiction notified CalRecycle of its ongoing or anticipated violations of the Regulations and the PRC through a Notification submitted March 1, 2022.

2.1 CalRecycle reviewed the Jurisdiction's Notification, its description of the Jurisdiction’s disclosed violations of the Regulations, and proposed actions and schedule for those actions to remedy those violations for compliance with PRC section 42652.5(e). CalRecycle approved the Notification’s proposed actions and schedule of actions, as modified by this CAP.

2.2 The Jurisdiction's Notification identified the following violations of the Regulations as follows:

2.2.1 The Jurisdiction is and has been in violation of 14 CCR section 18984.1 in that since January 1, 2022, the Jurisdiction has not provided three-container organic waste collection service to all residential and commercial generators.

2.2.2 The Jurisdiction is and has been in violation of 14 CCR section 18984.7 in that since January 1, 2022, the Jurisdiction has not distributed new containers meeting the container color requirements.

2.2.3 The Jurisdiction is and has been in violation of 14 CCR section 18984.8 in that since January 1, 2022, the Jurisdiction has not distributed new containers with proper container labeling.

2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18984.11 in that since January 1, 2022, the Jurisdiction has not verified each waived generator is eligible for a waiver.

2.2.5 The Jurisdiction is and has been in violation of 14 CCR section 18988.4 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with jurisdiction hauler program.

2.2.6 The Jurisdiction is and has been in violation of 14 CCR section 18993.1 in that since January 1, 2022, the Jurisdiction has not procured recovered organic waste products to meet or exceed its current annual recovered organic waste product procurement target.

2.2.7 The Jurisdiction is and has been in violation of 14 CCR section 18993.2 in that since January 1, 2022, the Jurisdiction has not included all documents supporting its compliance with Article 12 of the Regulations in the implementation record required by section 18995.2.

2.2.8 The Jurisdiction is and has been in violation of 14 CCR section 18993.3 in that since January 1, 2022, the Jurisdiction has not procured paper products, and printing and writing paper, consistent with the requirements of sections 22150-22154 of the Public Contract Code.

2.2.9 The Jurisdiction is and has been in violation of 14 CCR section 18993.3 in that since January 1, 2022, the Jurisdiction has not required all businesses from whom it purchases paper products and printing and writing paper to comply with the requirements of that section.

2.2.10 The Jurisdiction is and has been in violation of 14 CCR section 18993.4 in that since January 1, 2022, the Jurisdiction has not included all documents supporting its compliance with Article 12 of the Regulations in the implementation record required by section 18995.2.

2.3 CalRecycle accepted the Jurisdiction's self-reported Notification and characterization of its violations therein. CalRecycle has not undertaken a

compliance review of Jurisdiction, and thus CalRecycle's approval of the Notification or this CAP should not be taken as an indication that Jurisdiction is in full compliance with Regulations in other respects. CalRecycle will be undertaking a compliance review of all jurisdictions in the future.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing DETERMINATION OF VIOLATIONS, CalRecycle finds that:
   a. The Jurisdiction worked with CalRecycle to develop this CAP, which includes schedule of actions necessary for the Jurisdiction to achieve address the violations disclosed in the Notification and described in Section 2 (Determination of Violations) above.
   b. CalRecycle hereby approves and issues this CAP pursuant to PRC section 42652.5(c)-(e) and Title 14 CCR section 18996.2.
   c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in the Section 3.2 below.
   d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from March 6, 2023 through March 31, 2024 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described below in Sections 4.4 and 4.5.
   e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making on remedying the violations described above.
   f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

      Report Cycle
      - Report 1: May 31, 2023, covering March 1, 2023 – April 30, 2023
      - Report 2: July 31, 2023, covering May 1, 2023 – June 30, 2023
      - Report 3: September 30, 2023, covering July 1, 2023 – August 31, 2023
      - Report 4: November 30, 2023, covering September 1, 2023 – October 31, 2023
      - Report 5: January 31, 2024, covering November 1, 2023 – December 31, 2023
      - Report 6: March 31, 2024, covering January 1, 2024 – March 1, 2024

   g. The status reports are to be used to document the status and work completed for each of the identified tasks in the CAP. For each task in the CAP, the Jurisdiction will explain the status of the task, specifying what actions have been taken to complete the task.

h. If the work has been delayed or has not been completed, the Jurisdiction will explain the reason(s) for the delay/incompletion. The Jurisdiction will also attach any previously submitted extension requests made pursuant to section 4.4 of this CAP and any extensions granted pursuant to section 4.5 of this CAP, using additional sheets as necessary for the report. CalRecycle may consider the explanation in deciding whether to allow the Jurisdiction to continue to operate under the Notification and CAP or to revoke approval of the Notification and CAP pursuant to PRC section 42652.5(d).
i. During the oversight period, the Jurisdiction will meet with CalRecycle telephonically or via other remote electronic means (such as Teams or Zoom) bimonthly to provide interim progress updates on the following schedule:

   Meeting Cycle
   Meeting 1: During April 2023
   Meeting 2: During June 2023
   Meeting 3: During August 2023
   Meeting 4: During October 2023
   Meeting 5: During December 2023
   Meeting 6: During February 2024

j. The status meetings are to be used to discuss the most recent status report and to discuss interim progress made by the Jurisdiction on each of the identified tasks in the CAP.
k. Prior to the close of the oversight period, CalRecycle may undertake a compliance review or field visit to supplement other status reporting.
l. At any time prior to the conclusion of the oversight period, if CalRecycle determines the Jurisdiction has failed to implement the programs identified in the Notification and CAP, has failed to participate in status reporting during the oversight period, has substantially misrepresented its progress in status reporting, or has substantially failed to make interim progress on Tasks set out in Section 3.2 for four consecutive reporting periods, CalRecycle may immediately issue a notice revoking its approval of the Notification and CAP and indicating its intent to impose penalties as provided in PRC section 42652.5. Title 14 CCR sections 18997.3, 18997.5, and 18997.6 and PRC section 42652.5 governs the process and considerations CalRecycle will utilize in calculating and assessing administrative civil penalties against the Jurisdiction, which may be up to $10,000 per day per violation.

3.1 Based on the foregoing DETERMINATION OF VIOLATIONS, it is hereby ordered that the Jurisdiction will implement the actions described below in accordance with the compliance deadlines contained in the schedule of actions to remedy violations as set forth in Section 3.2 below.

3.2 Schedule and Program of Actions

Section 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will provide three-container service to all residences.

Task #	Description	Target Completion Date
TASK 1	The Jurisdiction will identify single-family residential generators that do not have green waste collection.	1/30/2022 (Task completion to be verified)
TASK 2	The Jurisdiction will develop an enforcement ordinance requiring compliance with organic waste collection service and present it to Council.	3/1/2022 (Task completion to be verified)
TASK 3	The Jurisdiction will adopt an enforcement ordinance requiring compliance with organic waste collection service.	3/1/2022 (Task completion to be verified)
TASK 4	The Jurisdiction will distribute organics recycling collection containers to remaining 3% of residential customers currently without service.	2/1/2024
TASK 5	The Jurisdiction will provide three-container container waste collection service to all residential generators that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.	2/1/2024

The Jurisdiction will provide three-container collection service to all commercial generators.

Task #	Description	Target Completion Date
TASK 6	The Jurisdiction will provide notice to all multi-family generators without recycling and/or organics collection.	1/26/2022 (Task completion to be verified)

TASK 7	The Jurisdiction will develop an enforcement ordinance requiring compliance with organic waste collection service and present it to Council.	3/1/2022 (Task completion to be verified)
TASK 8	The Jurisdiction will adopt an enforcement ordinance requiring compliance with organic waste collection service.	3/1/2022 (Task completion to be verified)
TASK 9	The Jurisdiction will make contact with a minimum of 75 commercial generators per month to determine service level needs.	12/31/2022 (Task completion to be verified)
TASK 10	The Jurisdiction will make contact with a minimum of 45 multi-family generators per month to determine service level needs.	6/30/2023
TASK 11	The Jurisdiction will provide commercial generators that do not have organics collection service or an approved waiver with a 60-day notice to comply.	3/1/2024
TASK 12	The Jurisdiction will distribute organics recycling collection containers to all remaining 1,505 commercial businesses without organics collection service or determine waiver eligibility.	3/1/2024
TASK 13	The Jurisdiction will provide multi-family generators that do not have organics collection service or an approved waiver with a 60-day notice to comply.	3/1/2024
TASK 14	The Jurisdiction will begin automatic service to 526 multi-family generators.	3/1/2024
TASK 15	The Jurisdiction will provide three-container waste collection service to all commercial generators, including multi-family generators, that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3. In	3/1/2024

	implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.	

Section 18984.7 Container Color Requirements

The Jurisdiction will distribute new containers meeting the container color requirements.
NOTE: A jurisdiction is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

Task #	Description	Target Completion Date
TASK 16	If purchasing new containers, the Jurisdiction will provide containers for collection services to generators that comply with the container color requirements specified in Article 3 of the Regulations. • The Jurisdiction has indicated that existing commercial containers will be repainted to conform to color requirements and that existing residential containers already meet the color requirements.	9/30/2023

Section 18984.8 Container Labeling Requirements

The Jurisdiction will provide proper container labeling on any new containers purchased.

Task #	Description	Target Completion Date
TASK 17	The Jurisdiction will develop labeling or use model labeling provided by CalRecycle for use on containers. 1. Labels on containers must include language or graphic images or both indicating the primary materials accepted and the primary materials prohibited in that container, OR 2. Containers must include imprinted text or graphic images indicating the primary materials accepted and the primary materials prohibited in that container.	7/1/2022 (Task completion to be verified)

TASK 18	The Jurisdiction will label each new container or lid provided to generators. • Labels will be consistent with the applicable container collection requirements specifying what materials are allowed to be placed in each container.	7/1/2022 (Task completion to be verified)

Section 18984.11 Waivers

The Jurisdiction will verify each waived generator is eligible for a waiver.

Task #	Description	Target Completion Date
TASK 19	The Jurisdiction will issue waivers to all verified eligible generators and will establish a conforming reporting mechanism for waived generators.	12/31/2023

Section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

The Jurisdiction will establish recordkeeping for compliance with jurisdiction hauler program.

Task#	Description	Target Completion Date
TASK 20	The Jurisdiction will establish a system for documenting and compiling records regarding recordkeeping and reporting.	11/30/2023

TASK 21	The Jurisdiction will begin tracking and compiling documentation in the Implementation Record and will include at a minimum:
	• Ordinances, contracts, franchise agreements, policies, procedures, or programs relevant to this section.
	• A description of the Jurisdiction's collection program including:
	  ○ Type(s) of collection system(s) the Jurisdiction uses.
	  ○ Type(s) and condition(s) of approvals of self-haulers, and criteria for approvals, denials and revocations.
	  ○ The process for issuing, revoking, and denying written approvals. Any requirements associated with self-hauling and back-hauling.
		12/31/2023

	• A record of the Jurisdiction, as the municipal hauler, and self-hauler compliance with local ordinance(s) and the requirements of Article 7 of the Regulations including the following information:
	  ○ Copies of all required reports maintained by the Jurisdiction, as municipal hauler.
	  ○ Copies of all reports required from self-haulers
	  ○ Copies of all written approvals, denials, and revocations.
	All records will include the date of action, the name of the self-hauler, and the type of the action taken by the Jurisdiction.	

Section 18993.1 Recovered Organic Waste Product Procurement Target
The Jurisdiction will procure organic waste products to meet its procurement target.

Task #	Description	Target Completion Date
TASK 22	The Jurisdiction will identify additional procurement opportunities within its departments and divisions for expanding the use of recovered organic waste products. • The Jurisdiction will work with its Department leads (i.e. Purchasing/Procurement, Fleet, Facilities, and Parks and Recreation) to identify additional procurement opportunities within its departments and divisions for expanding the use of recovered organic waste products.	6/30/2023
TASK 23	The Jurisdiction will annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target by one or both of the following: • Directly procuring recovered organic waste products for use or giveaway. • Requiring, through a written contract or agreement, that a direct service provider to the Jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the Jurisdiction.	11/30/2023
TASK 24	The Jurisdiction will meet regulatory procurement targets established by CalRecycle pursuant to 14 CCR section 18993.1; enforcement of this provision by CalRecycle will be consistent with the legislative directives in PRC section 42652.5 (a)(5)(B) and 42652.6, as amended in AB 1985 (R. Rivas, Chapter 344, Statutes of 2022).	11/30/2023

Section 18993.2 Recordkeeping Requirements for Recovered Organic Waste Procurement Target

The Jurisdiction will establish recordkeeping related to recovered organic waste procurement.

Task #	Description	Target Completion Date
TASK 25	The Jurisdiction will include all documents supporting compliance with Article 12 of the Regulations in the implementation record including, but not limited to, the following: • A description of how the Jurisdiction will comply with the requirements of Article 12 of the Regulations. • The name, physical location, and contact information of each entity, operation, or facility from whom the recovered organic waste products were procured, and a general description of how the product was used, and if applicable, where the product was applied. ○ The Jurisdiction's SB 1383 Implementation Point of Contact will provide designated Department leads (i.e. Purchasing/Procurement, Fleet, Facilities, and Parks and Recreation) a form to report any written and/or adopted policies and a form to report quantities, sources and greenhouse gas emissions reduction conversion/calculations. • All invoices or similar records evidencing all procurement. • If including procurement of recovered organic waste products made by a direct service provider to comply with the procurement requirements of section 18993.1(a), the Jurisdiction will include all records of procurement of recovered organic waste products made by the direct service provider on behalf of the Jurisdiction including invoices or similar records evidencing procurement. • If a jurisdiction will include renewable gas procured from a POTW for any of the uses identified in section 18993.1(f)(2) to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the POTW, under penalty of perjury in a form and manner determined by the Jurisdiction, attesting to the following for the applicable procurement compliance year:	8/1/2023

	• (A) That the POTW was in compliance with the exclusion in Section 17896.6(a)(1); • (B) The total tons of organic waste received from the types of solid waste facilities listed in Section 18993.1(h)(1); and • (C) The percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal. • If a jurisdiction will include electricity procured from a biomass conversion facility to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 18993.1(i) will be provided to the Jurisdiction. The certification will be furnished under penalty of perjury in a form and manner determined by the Jurisdiction. • If the Jurisdiction is implementing the procurement requirements of Section 18993.1 through an adjusted recovered organic waste product procurement target pursuant to Section 18993.1(j), the Jurisdiction will include records evidencing the 6 total amount of transportation fuel, electricity, and gas for heating applications procured during the calendar year prior to the applicable reporting period. • For jurisdictions complying with the requirements of Section 18993.1, through the procurement of mulch, a copy of the ordinance or similarly enforceable mechanism the Jurisdiction has adopted requiring that mulch procured by the Jurisdiction or a direct service provider meets the land application standards specified in Section 18993.1.	

Section 18993.3 Recycled Content Paper Procurement Requirements
The Jurisdiction will procure paper products, and printing and writing paper, consistent with the Requirements.

Task #	Description	Target Completion Date

TASK 26	The Jurisdiction will research and identify vendors with paper products meeting the requirements of sections 22150-22154 of the Public Contract Code and ensure paper products and printing and writing paper is eligible to be labeled with an unqualified recyclable label as defined in Code of Federal Regulations (CFR) Section 260.12.	3/1/2024
TASK 27	The Jurisdiction will procure paper products, and printing and writing paper meeting the Requirements.	3/1/2024
TASK 28	The Jurisdiction will require all businesses from whom the Jurisdiction purchases paper products and printing and writing paper to certify in writing: • The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper offered or sold to the Jurisdiction. ○ The Jurisdiction may waive the certification requirement if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor Internet website. ○ That the paper products and printing and writing paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12.	3/1/2024

Section 18993.4 Recordkeeping Requirements for Recycled Content Paper Procurement

The Jurisdiction will establish recordkeeping related to recycled content paper procurement.

Task #	Description	Target Completion Date
TASK 29	The Jurisdiction will establish a system for tracking purchases for recordkeeping and reporting.	8/1/2023

TASK 30	The Jurisdiction will begin tracking and compiling documentation, including but not limited to the following: 1. Copies of invoices, receipts or other proof of purchase that describe the procurement of paper products by volume and type for all paper purchases. 2. Copies of all certifications or other verification required.	8/1/2023

COMPLIANCE REVIEW, ENFORCEMENT, AND RELEASE

4. Communications. All approvals and decisions of CalRecycle regarding notifications will be communicated to the Jurisdiction in writing by the Branch Chief, Jurisdiction and Agency Compliance and Enforcement Branch, Waste Permitting, Compliance and Mitigation Division, or the Branch Chief's designee. No formal advice, guidance, suggestions, or comments by CalRecycle regarding reports, plans, specifications, schedules, or any other writings by Jurisdiction shall be construed to relieve the Jurisdiction of the obligation to obtain such formal approvals as may be required.

4.1 Submittal. All reporting from the Jurisdiction described in section 3 (Schedule for Compliance), paragraph 3.f, shall be submitted through an online portal or compliance module developed by CalRecycle with instructions provided to Jurisdiction. All other communications from the Jurisdiction according to this CAP shall be sent in writing electronically to:

Mia Hunt
Mia.Hunt@calrecycle.ca.gov

4.2 Compliance Review. At the end of the oversight period or at any time deemed appropriate by CalRecycle, CalRecycle will meet with the Jurisdiction to assess the Jurisdiction's CAP implementation efforts and to determine whether or not the Jurisdiction has timely complied with all commitments in all sections of this CAP. If requested by the Jurisdiction, CalRecycle has discretion to issue notice of a hearing at any time upon its staff's recommendation that the Jurisdiction has completed the conditions of the CAP. In accordance with PRC section 42652.5, failure to implement programs and or comply with all sections of the CAP at any time may result in CalRecycle's revocation of its approval of the Notification and CAP and imposition of administrative civil penalties retroactively to the date of violation in 2022, for administrative civil penalties accruing in 2023, and for administrative civil penalties accruing during any other additional time covered by the Notification and CAP. These potentially applicable penalties are described in Section 5.0 of this CAP.

4.3 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this CAP fails to

comply with the Notification as amended by this CAP or fails to achieve successful implementation of the Regulations, CalRecycle may:

a. Amend the CAP as appropriate to remedy the violations of the Regulations expeditiously, and/or
b. Serve a notice that CalRecycle will revoke approval of the Notification and consider the imposition of penalties in accordance with Title 14 CCR sections 18997.3, 18997.5, and 18997.6.

4.4 Extension Request and Other Task Modification Requests: If the Jurisdiction determines that it will be unable to perform any activity or submit any document within the time required under this CAP, the Jurisdiction may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay. If the Jurisdiction finds that a task required by this CAP in Section 3.1 is not feasible, despite the Jurisdiction's best and substantial efforts, the Jurisdiction may propose an alternative task that is substantially similar or equally effective to the original task, subject to the approval of CalRecycle. The modification request shall include an explanation of the infeasibility, an explanation of how the alternative task is substantially similar or equally effective, and a justification for any extension of time associated with the change.

4.5 Extension and Other Task Modification Approvals: If CalRecycle determines that good cause exists for an extension, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule. If CalRecycle determines that good cause exists for the change in task because the original task is infeasible and the alternative task is substantially similar or equally effective, it will grant an approval and extension as appropriate and specify in writing the new task; additionally, if CalRecycle determines that good cause exists for any extension associated with the change in task, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule.

4.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this CAP in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.

4.7 Liability: Nothing in this CAP shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction, including for violations of the Regulations that were not disclosed in the Notification and any violations of the Regulations that the Jurisdiction fails to remedy notwithstanding commitments in the Notification and this CAP.

4.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this CAP, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the CAP. The Jurisdiction shall indemnify, defend, and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this CAP.

4.9 Parties Bound: This CAP shall apply to and be binding upon the Jurisdiction and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this CAP.

PENALTY

5. Penalties, if any, shall be assessed and calculated in accordance with the provisions of PRC 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Penalties shall be calculated based on the factors set out in section 18997.3 and may be as much as $10,000 per day per violation for the duration of the violation(s).

5.1 Penalty Procedures. Penalty, if any, shall be imposed in accordance with the procedures and methodology set out in PRC section 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Regulatory violations that are considered "minor," meaning they involve violations constituting minimal deviation from regulations, shall be subject to penalties of no less than five hundred dollars ($500) per violation and no more than four thousand dollars ($4,000) per violation per day; "moderate" violations are subject to no less than four thousand dollars ($4,000) per violation and shall be no more than seven thousand five hundred dollars ($7,500) per violation per day; and "major" violations, are subject to penalties no less than seven thousand five hundred dollars ($7,500) per violation per day and no more than ten thousand dollars ($10,000) per violation per day. The following types of deviations are deemed to be "major" under the regulations for the purposes of assessing penalties:

a. Failure to have any ordinance or similarly enforceable mechanism for organic waste disposal reduction and edible food recovery.
b. Failure to have a provision in a contract, agreement, or other authorization that requires a hauler to comply with the requirements the Regulations.
c. Failure to have an edible food recovery program.
d. Failure to have any Implementation Record.
e. Implementation or enforcement of an ordinance, policy, procedure, condition, or initiative that is prohibited under Title 14 CCR sections 18990.1 or 18990.2.
f. Failure to submit the reports required in Title 14 CCR sections 18994.1 and 18994.2.

EFFECTIVE DATE

6. Issuance. This Corrective Action Plan is final and effective from the date of issuance.

6.1 Date of Issuance March 6, 2023

Mark de Bie Digitally signed by Mark de Bie
Date: 2023.03.06 14:51:42
-08'00'

Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
Department of Resources Recycling and Recovery

Memorandum of Understanding

Ventura County Regional SB 1383 Food Recovery Plan

This Memorandum of Understanding ("MOU") is entered into by and between Ventura County ("County") and the cities of Ventura, Oxnard, Moorpark, Simi Valley, Camarillo, Santa Paula, Fillmore, Ojai, Thousand Oaks, and Port Hueneme (hereinafter collectively referred to as "Cooperating Cities") for the development and implementation of the Ventura County Regional SB 1383 Food Recovery Plan (FRP).

RECITALS

WHEREAS, in May of 2022, the Integrated Waste Management Division (IWMD) of the County of Ventura Public Works proposed to create a county-wide steering committee to oversee the development of a regional edible food recovery network to meet the compliance mandates of California Senate Bill 1383 (SB 1383); and

WHEREAS, following the completion of the Ventura County Edible Food Recovery Capacity Study, a state-mandated study prepared by Abound Food Care, which included collaboration with all ten (10) cities, special districts and non-profits within Ventura County to refine the needs of our region to maximize edible food recovery, the needs assessment survey was distributed to all cities; and

WHEREAS, the survey included questions relating to edible food recovery needs of the jurisdiction, interest in a regional food program, preferred method of funding a regional program, and interest in participating on an action-oriented steering committee; and

WHEREAS, the survey results indicated that there was strong interest in forming a regional steering committee and in participating in a regional food recovery program; and

WHEREAS, the first steering committee meeting for the Ventura County Edible Food Recovery Program (VCEFRP) was held in June 2022. Jurisdictions participating in this first steering committee included representatives from the cities of Ventura, Oxnard, Moorpark, Simi Valley, Camarillo, Santa Paula, Fillmore, Ojai, and the County; and

WHEREAS, moving forward, VCEFRP efforts will be coordinated and directed by a Steering Committee comprised of members from the County and the Cooperating Cities, which will also oversee a contracted Food Recovery Program Administrator. Collectively, the steering committee, participating jurisdictions, and the Food Recovery Program Administrator will be referred to as VCEFRP;

NOW, THEREFORE, in consideration of the mutual desire for the development of a regional FRP as set forth in the above recitals, the County and the Cooperating Cities do hereby mutually agree to cooperate in the development of a regional FRP known as VCEFRP, as defined above, pursuant to the following terms and conditions:

TERMS AND CONDITIONS

1. Purpose

The purpose of this MOU is to delineate the parties' cooperative efforts in respect to the VCEFRP. The goal of the VCEFRP is to cooperate in maintaining a network, assist with tasks related to food recovery organizations and services, and provide tools to jurisdictions to have a cohesive food recovery program throughout Ventura County as a whole.

Food recovery programs include participants from the non-profit, commercial, and local government sectors. VCEFRP is focused on assisting non-profit and local government partners. The goal of VCEFRP is to identify cooperative efforts, create tools, and resources for a cohesive network that supports current operations at local non-profits and facilitate their growth. Food recovery compliance is dependent on current food recovery initiatives, and VCEFRP aims to ease and expedite the work of non-profits in our network.

Additionally, through this network, VCEFRP can create and distribute uniform outreach and recordkeeping tools that streamline reporting and data collection needed for SB 1383 compliance. Standardized documents also help others recognize our network and build familiarity. Consistency can help commercial businesses and non-profits operating beyond jurisdictional boundaries.

2. County's Responsibilities

A. The County intends to retain the services of a Food Recovery Administrator ("Administrator") by issuing a Request for Proposals (RFP). The scope of work for the Administrator is set forth in Attachment A. This scope of work may be altered by the County at any time.
B. The County will ask the VCREFP Steering Committee to review and provide comment on the RFP for the Administrator. The RFP is expected to go to bid in early 2023 and awarded by the summer of 2023.
C. The County will strive to identify additional opportunities to combine resources to reach food recovery goals.

3. Cooperating Cities' Responsibilities

A. Cooperating Cities will cooperate in VCEFRP and agree to complete the tasks in Attachment B to contribute to the inter-jurisdictional network.
B. The Cooperating Cities will strive to identify additional opportunities to combine resources to reach food recovery goals.

4. Joint County and Cooperating Cities' Responsibilities

The Cooperating Cities and the County, acting through the VCEFRP Steering Committee, will meet with the Food Recovery Program Administrator monthly to monitor progress and SB 1383 compliance.

5. Financial Considerations and Payment Terms

Subject to funding availability, the County intends to retain the Administrator for at least the first year of the VCEFRP. The County intends to fund this contract position from CIWMP fees, SB 1383 Local Assistance grants (as available), and any individual jurisdiction contributions. Some outreach deliverables identified in Attachment "A" may be available to jurisdictions at an additional cost, if total program costs are not covered under the first two funding options. The parties to this MOU will work cooperatively to identify funding sources to continue to fund the Administrator position beyond the first year.

6. Limitations

This MOU does not include generator outreach, enforcement, or reporting for individual jurisdictions. The VCEFRP will not complete further data collection outside of what is provided by the recordkeeping tools. However, the VCEFRP does include tools to assist in these areas.

It is each jurisdiction's responsibility to contact generators, food recovery organizations, and/or services if further data collection is needed to complete their respective reporting requirements. VCEFRP will not attempt to gather an individual jurisdiction's data if the jurisdiction does not utilize the tools provided by VCEFRP.

The VCEFRP also recognizes there are current reporting partnerships with the County of Ventura's IWMD and some cities. VCEFRP will not attempt to collect food recovery data for these cities. Cooperating Cities will be required to send any data to VCEFRP for reporting that is not readily available from the food recovery tools.

This MOU is limited to the tasks in Attachment A. Any other food recovery tasks must be completed by individual jurisdictions.

7. Records

All parties to this MOU agree to retain any documents generated pursuant to the terms of this MOU for at least the minimum statutory period and to make the records available to the other parties to this MOU upon request within 30 days of the request.

8. Indemnity, Duty to Defend, and Hold Harmless

Each party to this MOU and its agents, employees, and contractors shall act in an independent capacity and not as officers, employees, or agents of any other party. As between parties to this MOU, the parties agree to hold each other harmless for activities arising from this MOU, including the acts of the Administrator. As to third-party liability, no party assumes any liability for the activities of another in the performance of this MOU, and each party (i) is responsible in proportion to its respective fault for all liability, including but not limited to personal injury or property damage that may arise out of this MOU and, (ii) specifically repudiates the division of liability otherwise provided for in Chapter 21 of Part 2 of Division 3.6 of Title 1 of the Government Code, entitled "Tort Liability under Agreements between Public Entitles," section 895 et seq., to the extent applicable. To the fullest extent allowed by law, each party expressly agrees to defend, indemnify, and hold harmless the other parties and their directors, supervisors, council members, officers, consultants, contractors, agents and employees from and against any and all third-party loss, liability, expense, claims, suits, and damages, to the extent arising out of or resulting from the negligent acts, errors or omissions, or the intentional or willful misconduct of the indemnifying party, its associates, employees, consultants, contractors, sub-consultants, or other agents, including the Administrator, in the operation of and/or performance of this MOU. This provision will survive the expiration or termination of this MOU.

9. Term

The effective date of this MOU shall be the date that it is executed by the County and at least one Cooperating City. The MOU shall begin on the effective date and continue for two years unless terminated earlier as set forth herein. The VCEFRP will be reassessed after one and a half years.

10. Counterparts

This MOU may be executed in any number of counterparts, each of which shall for all purposes be deemed to be an original and all of which shall together constitute one instrument.

11. Notices

All notices, requests, demands, or other communications under this MOU shall be in writing. Notices shall be given for all purposes by one of the following methods:

Personal Delivery: When personally delivered to the recipient, notices are effective on delivery.

Certified Mail: When mailed certified mail, return receipt requested, notice is effective on the date the receipt is signed by the recipient, if delivery is confirmed by a return receipt.

Overnight Delivery: When delivered by overnight delivery, with charges prepaid or charged to a sender's account, notice is effective on delivery, if delivery is confirmed by the delivery service.

Email or Facsimile Transmission: When sent by email or facsimile to the recipient's last email or facsimile number known to the party giving notice, notice is effective on receipt, provided that: a) a duplicate copy of the notice is promptly given by certified mail or by overnight delivery, or b) the receiving party delivers a written confirmation of receipt. Any notice given by email or facsimile shall be deemed received on the next business day if it is received after 5:00 PM (recipient's time) or on a non-business day.

All communications and notices required by or given pursuant to this MOU shall be provided as follows:

To the County:

Joseph Pope, Director
Water & Sanitation
Public Works Agency
6767 Spring Road/P.O. Box 250
Moorpark, CA 93020
joseph.pope@ventura.org

With Copy to:

County Counsel
Attention: Assistant County Counsel Brick
800 South Victoria Avenue, L#1830
Ventura, California 93009

Notices to the Cooperating Cities shall be sufficient if delivered to the Clerk of the Cooperating City, or other person specifically noted in the Cooperating City's signature block, as may be updated with written notice to all parties.

Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger, or overnight delivery service.

Any party may change its address or email or facsimile number by giving the other parties notice of the change in any manner permitted by this MOU.

12. Termination

Any party to this MOU, upon 30 days written notice to all other parties, may terminate its participation in this MOU. Upon a party's termination, all obligations and benefits under this agreement cease as to the terminating party except for the duty to defend, hold harmless, and indemnify as set forth herein.

13. Severability

If a court of competent jurisdiction holds any provision of this MOU to be illegal, unenforceable, or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected, unless an essential purpose of this MOU would be defeated by the loss of the illegal, unenforceable, or invalid provision.

14. Entire Agreement and Amendments

This MOU, including any and all attachments, exhibits, and any other documents specifically incorporated into this MOU, shall constitute the entire agreement between the parties hereto relating to the subject matter of this MOU. As used herein, the MOU refers to and includes any documents incorporated herein by reference and any exhibits or attachments. The MOU may not be modified except by a written amendment signed by all parties.

15. No Third-Party Rights

The parties do not intend to create rights in, or to grant remedies to, any third party as a beneficiary of this MOU. Nor do the parties intend to create any duty, covenant, obligation, or undertaking in any third party by entering into this MOU.

16. No Employment Relationship

The parties agree that their respective employees performing any services in connection with the VCEFRP and/or this MOU are not acting within the scope of any employment relationship with any other party to this MOU, will not receive any form of compensation or benefits from any other party, and will not be covered by any other party's workers compensation program if injured. Each party will defend, indemnity and hold harmless the other party from any claims made by that party's own employees arising out of services performed in connection with VCEFRP and/or this MOU.

IN WITNESS WHEREOF, the parties hereto have executed this MOU on the date signed.

County of Ventura

By: _____ Date _____

City of _____

By: _____ Date _____

Attachment A: VCEFR Tasks

1. Non-Profit Outreach to Priority Agencies – The Food Recovery Administrator will complete outreach to the food bank in Ventura County, Food Share, and the 62 pantries identified in the Ventura County Edible Food Capacity Study, which currently collect food*. The list is provided in Attachment C.
    a. Details:
        i. Contact each organization and provide outreach materials
        ii. Record meeting information
        iii. Assist with written agreement questions
        iv. Provide training on record keeping software and answer software related questions
        v. Provide jurisdictional contact information
    b. Deliverables:
        i. Creation of a database of non-profit information
        ii. Onboarding of non-profits and sharing of tools
    c. Resources Needed
        i. Food Recovery Administrator staff time
        ii. Printing costs

    * If new food recovery agencies are added to the list of potential recipients, the Food Recovery Administrator will send a notification to the jurisdictions and they will be added to our shared recipient database. VCEFRP Food Recovery Administrator will not assist with recordkeeping training until they have a written agreement with one of our identified Tier 1 or Tier 2 generators. Jurisdiction shall

notify the Food Recovery Administrator if one of their generators has a written agreement with one of the non-profits not identified in Attachment C.

2. Aggregating and Updating Non-Profit Data - Food Recovery Administrator will maintain a list of non-profits that the jurisdictions can use to help their generators find food recovery recipients, and help those groups interested in receiving more food.
   * Food Recovery Administrator will not be responsible for collecting data that was not uploaded into the recordkeeping system. Any missing data must be obtained by the respective jurisdiction.
   a. Details:
      i. VCEFRP Food Recovery Administrator will upload and maintain data from Ventura County Edible Food Recovery Capacity Study in FileMaker.
      ii. Data will be stored in FileMaker and in a shared database. Jurisdictions will also post this list on their websites as required by SB 1383
      iii. Database will be updated at least annually
   b. Deliverables:
      i. Public list of food recovery organizations and services potentially interested in collecting recovered food
   c. Resources Needed:
      i. Staff time
      ii. FileMaker software
      iii. Food Recovery Administrator staff time
3. Recordkeeping Software Adoption - FileMaker, or similar cloud-based platform which is accessible by all participating jurisdictions, will be used to collect data from jurisdictions, Tier 1 and Tier 2 commercial edible food generators, and recipients.
   a. Details:
      i. Recordkeeping software will be used for the following purposes:
         1. For Generators:
            a. Uploading contact information
            b. Uploading written agreements
            c. Uploading donation amounts
            d. Uploading other required recordkeeping documents outlined in SB 1383
            e. Viewing pounds donated
            f. Viewing agencies donated to
         2. For Recipients:
            a. Uploading contact information
            b. Uploading written agreement
            c. Uploading donation amount
            d. Uploading other required recordkeeping documents outlined in
            e. SB 1383
            f. Viewing pounds received
            g. Viewing donors
         3. For Jurisdictions:
            a. Uploading outreach interactions

b. Uploading documents
c. Viewing donation information from generators and recipients
d. Viewing recordkeeping information from generators and recipients

b. Deliverables:
    i. Completion of recordkeeping and implementation database
c. Resources Needed:
    1. Staff time
    2. Recordkeeping software licenses
    3. Food Recovery Administrator staff time

4. Creating Outreach Materials – Food Recovery Administrator in coordination with the VCEFRP Steering Committee will create and update outreach materials for generators and non-profits.
    a. Details:
        i. Food Recovery Administrator in coordination with the VCEFRP Steering Committee will create the following outreach materials:
            1. Generator flyer
            2. Recipient flyer
            3. Local Education Agency materials
            4. Website content
            5. Tier 1 and Tier 2 notification letter template
        ii. Under the direction of the VCEFRP Steering Committee, the Food Recovery Administrator will create and share any secondary outreach tools.
    b. Deliverables:
        i. Standardized outreach tools
    c. Resources Needed
        i. VCEFRP Steering Committee staff time
        ii. Food Recovery Administrator time
5. Creating Written Agreement Template - Food Recovery Administrator will create a written agreement template to be used countywide except in cases where a corporate agreement is used.
    a. Details:
        i. Written agreement template will be created and distributed to jurisdictions and non-profits
        ii. Jurisdictions will be responsible for their respective legal review of the template prior to use
    b. Deliverables:
        i. Written agreement template that can be used for SB 1383 compliance
    c. Resources Needed:
        i. Food Recovery Program Administrator staff time
6. General Network Upkeep - Coordination of unforeseen general tasks, including interactions with corporate leaders, communication between jurisdictions, scheduling site visits, etc. This task does not include extra generator outreach.
    a. Details:
        i. Food Recovery Administrator will continue to look for ways the network can grow

ii. Food Recovery Administrator will also share relevant updates with jurisdictions from corporate partners
iii. Food Recovery Administrator will schedule meetings and tours with jurisdictions and local non-profits
iv. Food Recovery Administrator will provide monthly updates to Steering Committee

b. Deliverables:
i. Network maintenance

c. Resources Needed:
i. Food Recovery Administrator staff time

7. Food Recovery Administrator will develop a checklist to guide site visits for Tier 1 and Tier 2 Generators, including specific items depending on the generator type. **The cost of the Food Recovery Administrator site visits to Generators should be listed into two cost proposals: Either as 1) part of the total group cost or 2) as an individual, add-on cost to each jurisdiction.**
   a. Details:
      i. Food Recovery Administrator will develop a checklist to guide site visits for Tier 1 and Tier 2 Generators.
      ii. Food Recovery Administrator will conduct one site visits per generator, and note those not in compliance
      iii. Food Recovery Administrator will share information with VCEFRP Steering Committee
      iv. VCEFRP Food Recovery Administrator will document in reporting software
   b. Deliverables:
      i. Site Visit Checklist for Tier 1 and Tier 2 Generators
      ii. Site visits to generators
      iii. Compliance checking and updates
   c. Resources Needed:
      i. Food Recovery Administrator time
8. Recommendations for VCEFRP Expansion – 5-year plan
   a. Details:
      i. Using lessons learned from this current engagement, identify specific pathways to increase participation by Tier 1 and 2 generators, broaden the coalition of stakeholders who can contribute to the regional program's success and seek out opportunities for partnerships with neighboring counties.
      ii. Identify resources (i.e., technology, staffing, and materials) needed to execute the proposed 5-year plan.
   b. Deliverables Needed:
      i. Presentation to the VCEFRP Steering Committee
      ii. Written Report -Final Report will include feedback from the VCEFRP Steering Committee

9. Management - General management of staff time, work procedures, and SB 1383 implementation related to this scope.
    a. Details:
        i. Reviewing work products, attending meetings, assistance in decision making and general guidance
    b. Deliverables:
        i. Thoroughly reviewed food recovery program materials
        ii. General guidance
    c. Resources Needed:
        i. VCEFRP Steering Committee staff time
        ii. Food Recovery Administrator staff time

Attachment B: Jurisdiction Tasks

Items highlighted in yellow are a requirement of SB 1383.

Task	Details	Recommended Next Steps
Tier 1 and Tier 2 Generator Outreach	Jurisdictions will need to train generators on recordkeeping software.	Send letters to all generators ASAP. Use templates and include flyers.
	Each jurisdiction will need to educate their generators about SB 1383 regulations. Jurisdiction may already be doing outreach for food scraps.	Add food recovery conversation to all current outreach being done.
	Jurisdictions will need to solidify their Tier 1/2 lists. Remove any generators that are not fitting or were maybe wrongly identified. *Abound Food Care identified Tier 1 and Tier 2 generators countywide as part of the Ventura County Edible Food Recovery Capacity Study in May 2022.*	Go through every generator and note if they are a Tier 1 or 2, and if they are a priority. Jurisdictions need to exercise their own discretion regarding these businesses.
Capacity Planning	Complete the Ventura County Edible Food Recovery Capacity Study. *Completed May 2022.*	*Completed by IWMD in July 2022.*
	Abound Food Care identified non-profit capacity in May 2022. This will need to be revisited periodically.	
Individual reporting	All jurisdictions will be responsible for their own reporting.	Reporting data should be collected by July 1 each year.
	Jurisdictions will need to collect records from their donors.	Jurisdictions should include this in their education for generators.
Compliance enforcement	Jurisdictions will be responsible for compliance enforcement and making sure all food recovery compliance measures are met outside of this proposal.	Jurisdiction will use this information to aid in enforcement.
Website Updates	Under SB 1383 each jurisdiction is required to keep an updated list of food donor recipients, guidelines for generators, etc. This	SB 1383 information has already been posted on LessIsMore.org. Jurisdictions can use that text.

	must be posted online.	
Assistance with outreach to Local Education Agencies	There are various other standards that schools must comply with, so help with SB 1383 compliance should be added to this. Again, outreach materials for schools will be included in outreach material created by the VCEFRP Steering Committee.	Continue outreach that is already being done in schools. Add outreach for SB 13
	SB 1383 also requires yearly educational campaigns that each jurisdiction must do. Outreach materials will be shared between jurisdictions.	
Assistance with outreach to Non-Local Entities	Teamwork will be needed to figure out the landscape of non-local entities. ~~J~~urisdictions may be requested to help if needed.	
Mandatory participation in Food Recovery Meetings	Participate in meetings, keep communication open with VCEFR Steering Committee, be available for meetings with food recovery organizations, and have open communication with non-profits.	
Sharing Resources with Food Recovery Group	Resources like StoryMaps, staff time, knowledge sharing, etc. should be shared amongst jurisdictions, as needed.	

CITY OF OXNARD
PUBLIC WORKS DEPARTMENT
ENVIRONMENTAL RESOURCES DIVISION
111 S. Del Norte Blvd., Oxnard, CA 93030
(805) 385-8060

NOTICE OF VIOLATION	**1st 2nd 3rd**
Date:	Account #:
Account Holder Name:	
Location of Violation:	
TO THE RESPONSIBLE PARTY: THE CITY OF OXNARD has determined there are violations of the Oxnard City Code, Chapter 19, Article II, Division 2, Section 19-160, at the property listed above. If the responsible party fails to take corrective action as described in this Notice below, continued violation(s) may be punished as an infraction or a misdemeanor pursuant to Oxnard City Code, Chapter 1, Article I, Section 1-10, and/or civil penalties may be imposed pursuant to Oxnard City Code, Chapter 7, Article III.	
Description of the Violation(s)	
☐ Ch. 19; Art. II; Sec. 19-160 (D)(1) Multi-Family generators shall comply with the following requirements: Shall subscribe to the City's two or three container collection services for all refuse (trash), recycling, and organic materials generated. ☐ Ch. 19; Art. II; Sec. 19-160 (E)(1) Commercial Business generators shall comply with the following requirements: Shall subscribe to the City's two or three container collection services for all refuse (trash), recycling, and organic materials generated.	
CORRECTIVE ACTION REQUESTED: PLEASE SUBSCRIBE TO THE CITY'S THREE (3) CONTAINER COLLECTION SERVICE OR HAVE AN APPROVED WAIVER ON FILE WITHIN TWENTY (20) DAYS OF THIS NOTICE.	

PURSUANT TO OXNARD CITY CODE SECTION 19-162(D), THE ENVIRONMENTAL RESOURCES DIVISION STAFF HAS THE AUTHORITY TO BEGIN AUTOMATIC SERVICE TO RESOLVE THIS VIOLATION, IF THE VIOLATION IS NOT CORRECTED WITHIN TWENTY (20) DAYS OF THE THIRD VIOLATION NOTICE DATE. THE CITY RESERVES THE RIGHT TO TAKE ANY AND ALL ACTION, INCLUDING BUT NOT LIMITED TO ABATEMENT OF THE VIOLATION, ISSUANCE OF CITATIONS, AND ANY OTHER NECESSARY LEGAL ACTION. RESPONSIBLE PARTY SHALL BE RESPONSIBLE FOR ANY ABATEMENT COSTS INCURRED BY THE CITY.

Notice issued by: _____ Title: _____

Signature: _____ Date: _____

Notice received by: _____ Title: _____

Signature of Person Receiving Notice: _____ Date: _____

Signing this notification acknowledges receipt and is not an admission of guilt.

State of California's Corrective Action Plan for the City of Oxnard's Solid Waste Operations

Public Works and Transportation Committee
April 11, 2023

Robert Serrato
Recycling Manager

CITY OF OXNARD CALIFORNIA

RECOMMENDATION

That the Public Works and Transportation Committee recommend that the City Council receive and file the State of California Senate Bill 619 Corrective Action Plan (CAP) for the City of Oxnard's Solid Waste Operations.

Background

- State of California Senate Bill 1383 (SB 1383), the Short Lived Climate Pollutants law, requires jurisdictions to increase diversion of organic waste from landfills

- Statewide target to divert organic landfill disposal by 75% in 2025

- The Goal of SB 1383 is to reduce methane emissions from landfills and address food insecurity in California

- SB 1383 took effect on January 1, 2022 and required compliance with a majority of its provisions by that date

BACKGROUND

- The City and many other jurisdictions have struggled to comply with SB 1383's deadlines due to:
  - Lack of existing local infrastructure to process organic waste
  - Supply chain disruptions by Covid 19 Pandemic
  - Staffing shortages
  - Unfunded State mandate

BACKGROUND

- State of California Senate Bill 619 (SB 619) was passed to provide jurisdictions with relief from penalties for not complying with SB 1383 requirements by January 1, 2022

- SB 619 allowed the City to submit a Notice of Intent to Comply (NOIC) to the California Department of Resources Recycling and Recovery (CalRecycle)

- The City Council passed Resolution No. 15,542 on March 1, 2022, allowing the submittal of a NOIC to CalRecycle proposing a timeline for execution of the provisions of SB 1383

DISCUSSION

- CalRecycle issued a draft Correction Action Plan (CAP) to the City in November 2022
- Environmental Resources staff and CalRecycle staff worked to finalize the CAP tasks and target completion dates
- CalRecycle issued a final CAP to the City on March 6, 2023, that outlines the tasks the City must complete in order to come into compliance with SB 1383
- City of Oxnard is one of 160 California cities that have been issued a CAP

DISCUSSION

- CalRecycle's CAP lists 30 tasks to be completed by March 1, 2024
- 9 tasks have been completed by the City and ER staff needs to provide verification to CalRecycle
- The remaining 21 need to be completed no later than March 1, 2024 or the City could be issued administrative civil penalties of $500 to $10,000 per violation per day
- In order to comply with the State mandates, ER staff will be reaching out in person and by mail through the United States Postal Service to commercial, industrial and residential customers to help bring them into compliance

DISCUSSION

Major challenges:

- Achieving compliance for residential, multi-family, and commercial waste generators for organic and non-organic recycling services
    - Despite numerous attempts to inform our customers, we have yet to reach the States mandated thresholds for organics and recycling services
- The following are highlights of the City's outreach efforts conducted to date:

DISCUSSION

Major challenges (Continued):

- Mailed four separate letters asking multi-family and commercial generators to sign-up for organic and non-organic recycling service or apply for a waiver if eligible
- After mailings, staff followed up with phone calls in 2020 and 2021
- Mail inserts to generators in their utility bills informing them of the new organic waste recycling mandates
- ER Staff has hosted over 25 information booths, passed out flyers and conducted presentations on SB 1383 at over 25 community events

DISCUSSION

Major challenges (Continued):

- ER Staff must conduct annual route reviews of all commercial and residential waste collection routes

- CalRecycle has calculated the City's annual organic waste product procurement target at 16,374 tons. City will have to identify additional organic waste product procurement opportunities to meet our procurement target.

- Recover 20 percent of edible food for human consumption that would otherwise be disposed of by 2025. The City will partner with the County of Ventura and participating cities to create and develop the Ventura County Regional SB 1383 Food Recovery Plan.

DISCUSSION

Major challenges (Continued):

In order to comply, ER staff will visit non-compliant multi-family and commercial generators and begin issuing Notice of Violations (NOV). The NOV process will work as follows:

- 1st NOV - allows 20 days to come into compliance by starting service or submitting proof of eligibility for a waiver
- 2nd NOV - if no action is taken, a second NOV will be issued and allow an additional 20 days to comply.
- 3rd NOV - if no action is taken, a third and final NOV will be issued allowing an additional 20 days to comply for a total of 60 days from the first NOV.

DISCUSSION

Major challenges (Continued):

- If no action is taken after the third NOV, per Section 19-162(D) of City Code, services necessary to comply with SB 1383 will be automatically provided by the City
- The new services will be reflected in the generator's utility bill. Costs will vary depending on the services required
- Failure to comply with SB 1383 by March 1, 2024, will result in the City being fined $500 to $10,000 per violation per day
- Additionally, CalRecycle has the authority to directly issue a NOV and penalties to a waste generator for failing to comply with the new State mandates

DISCUSSION

- Environmental Resources staff will continue to work to meet the requirements of SB 1383 by:
  - Providing outreach to residents and businesses
  - Conducting site visits to evaluate service level needs
  - Performing inspections of waste containers to minimize contamination of the organic waste stream
  - Issuing notice of violations to non-compliant waste generators

DISCUSSION

Unrelated to the CAP:

- Currently organics received at the Del Norte Recycling and Transfer Station (Del Norte) are going to Agromin in Santa Paula and Simi Valley
- City is exploring developing an organic waste processing facility with Colony Energy Partners at Del Norte
- If constructed, the facility will enable the City to reduce its costs of transportation and disposal of green and food waste currently collected by the City
- Recovered organic waste can be used as feedstock, in the production of renewable energy and as compost/fertilizer

FINANCIAL IMPACT

- There is no fiscal impact for the recommended action
- Any new services required by SB 1383 will be charged per the current rate model, when applicable
- To comply with all aspects of the State's mandate, the City will need to procure additional materials and equipment in compliance with SB 1383, which may result in additional funding requests in future recommended operating budgets

Questions?

CITY OF OXNARD CALIFORNIA