



# CITY of CLOVIS

## AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060  
[www.cityofclovis.com](http://www.cityofclovis.com)

March 14, 2022

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

The Clovis City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see “Verbal Comments” below); and you may view the meeting which is webcast and accessed at [www.cityofclovis.com/agendas](http://www.cityofclovis.com/agendas).

### Written Comments

- Members of the public are encouraged to submit written comments at: [www.cityofclovis.com/agendas](http://www.cityofclovis.com/agendas) at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

## **Verbal Comments**

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic

## **Webex Participation**

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the City Council. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

*Mayor Pro Tem Lynne Ashbeck will only be present for the Closed Session portion of the meeting, and she will be participating via teleconferencing from 1200 16<sup>th</sup> Street NW, Washington, DC 20036. A copy of the agenda has been posted at the teleconference location.*

## **CALL TO ORDER**

## **FLAG SALUTE - Councilmember Whalen**

## **ROLL CALL**

**PUBLIC COMMENTS** - This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.

**ORDINANCES AND RESOLUTIONS** - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

**CONSENT CALENDAR** - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

1. Administration - Approval - Minutes from the March 7, 2022 Council Meeting.
2. Administration - Adopt - Ord. 22-01, An Ordinance of the City of Clovis Adding Chapter 6.3.2 of the City Municipal Code Regarding Organic Waste Disposal Reduction. (Vote: 5-0).
3. General Services – Approval – Res. 22-\_\_\_\_, Amending the City's FY 21-22 Position Allocation Plan by adding one (1) Staff Analyst position and deleting one (1) Management Analyst position within the Planning and Development Services Department.
4. Planning and Development Services – Approval – Bid Award for CIP 17-28, Sunnyside Avenue Bike Lane; and Authorize the City Manager to execute the contract on behalf of the City.
5. Public Utilities – Approval – Award the Engineering Consulting Services Contract for a Feasibility Study Exploring Alternative Solutions for Compliance with Rule 4311 (Flares) at the Clovis Landfill, and for Completing and Submitting the Authority to Construct (ATC) Application to the San Joaquin Valley Air Pollution Control District (SJVAPCD); and Authorize the City Manager to Execute the Contract on Behalf of the City.

**ADMINISTRATIVE ITEMS** - Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

6. Consider Approval – Res. 22-\_\_\_\_, A Resolution Repealing Emergency Services Director Orders 2020-03, 2020-06, 2020-08, 2020-08A, 2020-13, 2020-16, 2021-01, and 2021-02.

**Staff:** John Holt, City Manager  
**Recommendation:** Approve

## **CITY MANAGER COMMENTS**

## **COUNCIL COMMENTS**

**CLOSED SESSION** - A "closed door" (not public) City Council meeting, allowed by State law, for consideration of pending legal matters and certain matters related to personnel and real estate transactions.

7. Government Code Section 54957.6  
**CONFERENCE WITH LABOR NEGOTIATORS**  
Agency Designated Representatives: John Holt, Andrew Haussler, Jeffrey Blanks, Shonna Halterman, Lori Shively, Scott Cross

Employee Organization: Clovis Police Officers Association, Clovis Firefighters Association, Clovis Employees Association, Clovis Public Works Employees Association, Clovis Public Safety Employees Association, Clovis Professional and Technical Employees Association, Clovis Transit Employees Bargaining Unit, Clovis Technical and Financial Professionals Association Unrepresented Employee: Management Employees

## **ADJOURNMENT**

## **MEETINGS AND KEY ISSUES**

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

Mar. 21, 2022 (Mon.)

April 4, 2022 (Mon.) (Joint Meeting with Planning Commission)

April 11, 2022 (Mon.)

April 18, 2022 (Mon.)

**CLOVIS CITY COUNCIL MEETING**

**March 7, 2022**

**6:00 P.M.**

**Council Chamber**

Meeting called to order by Mayor Flores at 6:03  
Flag Salute led by Councilmember Mouanoutoua

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Mouanoutoua, Whalen  
Mayor Flores

**PRESENTATION – 6:04**

6:05 – ITEM 1 - Presentation of Proclamation Recognizing Garfield Elementary School Fourth Grade Students for successfully petitioning the district to bring strawberry milk to campus for a day.

6:10 – ITEM 2 - Presentation of Proclamation Declaring March, 2022, as Women's History Month.

City Manager, John Holt, shared a graphic of the women in local government working for the City of Clovis.

Public Affairs & Information Manager, Chad McCollum, shared information on the social media campaign that the City is working on to highlight local women who have contributed to the Clovis community.

6:17 – ITEM 3 - Presentation of Proclamation Declaring March 10, 2022, as Arbor Day.

Parks Manager, Eric Aller, presented a video of trees in Clovis and shared information on activities that will be taking place on March 10, 2022.

**PUBLIC COMMENTS – 6:21**

None.

**CONSENT CALENDAR – 6:23**

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

4. Administration - Approved - Minutes from the February 14, 2022, Council Meeting.
5. General Services - Approved – Approve and Authorize the City Manager to Sign Security Systems Installation and Service Contract at Landmark Square Buildings with Sonitrol of Fresno.
6. General Services – Approved – **Res. 22-16**, Amending the Executive Management Summary and Management Benefit Summary by Revising Holiday Pay for Fire Management, Updating

Military Leave, Changing Extra Shift Coverage for Deputy Fire Chief and Battalion Chiefs; and Authorize the City Manager to Execute the Agreement.

7. Planning and Development Services - Approved – **Res. 22-17**, Final Map Tract 6284, located in the southeast area of North Sunnyside Avenue and Teague Avenue (Woodside 06N, LP).
8. Planning and Development Services - Approved – **Res. 22-18**, Annexation of Proposed Tract 6284, located in the southeast area of North Sunnyside Avenue and Teague Avenue to the Landscape Maintenance District No. 1 of the City of Clovis (Woodside 06N, LP).
9. Planning and Development Services – Approved – Reduction of Performance and Payment Securities for Final Map for Tract 5789A, located on the northwest area Peach Avenue and West Stuart Avenue (Peach Avenue LP – Gary Mason).
10. Planning & Development Services – Approved – Authorize the City Manager to approve placement of a full time City Surveyor at Step 4 of the salary range.
11. Public Utilities - Approved – **Res. 22-19**, A Resolution Initiating Proceedings for the Annual Levy of Assessments for Landscape Maintenance District No. 1.

**PUBLIC HEARINGS – 6:24**

6:25 – ITEM - 12 APPROVED INTRODUCTION - **ORD. 22-01**, AN ORDINANCE ADDING CHAPTER 6.3.2, TITLE 6, OF THE CLOVIS MUNICIPAL CODE, PERTAINING TO MANDATORY ORGANICS WASTE DISPOSAL REDUCTION.

Mike Cunningham, resident, shared concerns regarding possible issues with odor during the summer months.

Resident, asked a question regarding the organics (green) waste bin and how to properly dispose of waste.

Motion for approval by Councilmember Ashbeck, seconded by Councilmember Bessinger. Motion carried by unanimous vote.

**ADMINISTRATIVE ITEMS – 7:02**

7:02 – ITEM 13 - RECEIVED AND FILED - 2022 FIVE-YEAR FINANCIAL FORECAST FOR THE CITY OF CLOVIS THROUGH FISCAL YEAR 2026-27 AND DISCUSS OPTIONS FOR BUDGET PREPARATION FOR 2022-23.

**CITY MANAGER COMMENTS – 7:25**

**COUNCIL COMMENTS – 7:27**

**CLOSED SESSION – 7:33**

7:33 – ITEM 14 - GOVERNMENT CODE SECTION 54956.9(D)(2) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION ONE POTENTIAL CASE

Mayor Flores adjourned the meeting of the Council to March 14, 2022

Meeting adjourned: 8:10 p.m.

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Mayor

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City Clerk



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: March 14, 2022

SUBJECT: Administration - Adopt - Ord. 22-01, An Ordinance of the City of Clovis Adding Chapter 6.3.2 of the City Municipal Code Regarding Organic Waste Disposal Reduction. (Vote: 5-0).

ATTACHMENTS: 1. Corrected Ord. 22-01

This item was approved for introduction on March 7, 2022, with a unanimous vote.

Please find attached the corrected Ordinance, and direct questions to the City Manager's office at 559-324-2060.



**ORDINANCE 22-\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING CHAPTER 6.3.2 OF TITLE 6 OF THE CLOVIS MUNICIPAL CODE RELATING TO MANDATORY ORGANIC WASTE AND DISPOSAL REDUCTION REGULATIONS**

The City Council of the City of Clovis does ordain as follows:

Section 1. Chapter 6.3.2 of Title 6 of the Clovis Municipal Code is hereby added to read as follows:

**Chapter 6.3.2****MANDATORY ORGANIC WASTE AND DISPOSAL REDUCTION REGULATIONS**

Sections:

- 6.3.2.01 Purpose and Findings.
- 6.3.2.02 Definitions.
- 6.3.2.03 Requirements for Residential Generators.
- 6.3.2.04 Requirement for Commercial Generators.
- 6.3.2.05 Waivers for Generators.
- 6.3.2.06 Requirement for Commercial Edible Food Generators.
- 6.3.2.07 Requirement for Edible Food Recovery organizations.
- 6.3.2.08 Requirements for haulers and facility operators.
- 6.3.2.09 Self-haulers requirements.
- 6.3.2.10 Procurement requirements for City departments, direct services providers, and vendors.
- 6.3.2.11 Inspection and investigation by City.
- 6.3.2.12 Enforcement.
- 6.3.2.13 severability.

**6.3.2.01 Purpose and Findings.**

The City of Clovis finds and declares:

- (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their cities to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (b) State recycling law, Assembly Bill 341 of 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places

requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires City to implement a Mandatory Commercial Recycling program.

- (c) State organics recycling law, Assembly Bill 1826 of 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste; requires City to implement a recycling program to divert Organic Waste from businesses subject to the law; and requires City to implement a Mandatory Commercial Organics Recycling program.
- (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including City, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This chapter will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

#### **6.3.2.02 Definitions.**

- (a) “Act” means the California Integrated Waste Management Act of 1989, Public Resources Code section 40000 and following as it may be amended, including but not limited to, the jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.
- (b) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- (c) “CalRecycle” means California Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on City.
- (d) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (e) “City Enforcement Official” means the city manager, county administrative official, chief operating officer, executive director, or other executive in charge or their authorized Designee(s) who is/are partially or wholly responsible for enforcing this chapter.

- (f) “Commercial Business” means firm, retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services to the public whether for-profit or nonprofit, and multi-family residential property with five (5) or more units located within City limits.
- (g) “Commercial Edible Food Generator” includes Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 1892(a)(73) and (a)(74). For the purpose of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (h) “Commercial Generator” means a commercial business which generates garbage, organics, or recyclable materials as a result of its business, commercial or property activity. Commercial generator also means any multi-family residential property of five (5) or more units. Commercial generator may also include tenants, property managers for facilities with leased space, employees and contractors of commercial generator. Commercial generators also includes the City, it’s facilities, its non-residential properties and special events, its sponsors or co-sponsors, as well as mobile food vendors and the responsible party for any special events.
- (i) “Compliance Review” means a review of records by a City to determine compliance with this chapter.
- (j) “Community Composting” means any activity that compost green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed one-hundred (100) cubic yards and seven-hundred-fifty (750) square feet as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (k) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4).
- (l) “Container” means any metal bin or cart used for collection of garbage, recyclable, and organic materials.
- (m) “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (n) “C&D” means construction and demolition debris as regulated in chapter 6.3.1 of the City’s Municipal Code..
- (o) “Designated Source Separated Organic Waste Facility” has the same meaning as in 14 CCR Section 18982(a)(14.5), and is a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:
- (1) The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section

18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of fifty (50) percent between January 1, 2022 and December 31, 2024 and seventy-five (75) percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.

- (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility.
- (2) The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.
- (p) “Designee” means an entity that City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this chapter as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or any combination thereof.
- (q) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (r) “Enforcement Action” means an action of the City to address non-compliance with this chapter including, but not limited to, issuing warning notices, administrative citations, fines, penalties, or any other available remedies.
- (s) “Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City’s, or its Designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not

include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City or its Designee for collection services.

- (t) "Food Distributor" means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (u) "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
  - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
  - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
- (v) "Food Waste" means food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption or handling. Food waste includes but is not limited to cooked meat, fish, dairy waste, fruit and vegetable waste and grain waste.
- (w) "Franchise Hauler" means a hauler holding a franchise, contract, license or permit issued by the city which authorizes the exclusive or non-exclusive right to provide solid waste, organics and recycling collection services within all or part of the city limits.
- (x) "Garbage" means all non-recyclables and non-organic waste generated by normal day to day activities. Garbage must be generated by and at the service location or unit wherein the garbage is collected. Garbage does not include recyclables, organics waste, construction and demolition debris, bulky items, e-waste, universal waste, and hazardous waste.
- (y) "Generator" means any commercial generator or residential generator of solid waste.
- (z) "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection.
- (aa) "Green Waste Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- (bb) "Hazardous waste" means any material which is defined as hazardous waste under California or United States law or any regulations promulgated pursuant to such law, such as local, state, or federal.

- (cc) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of fifty (50) percent between January 1, 2022 and December 31, 2024, and seventy-five (75) percent after January 1, 2025, as calculated pursuant to 14 CCR section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR section 17402(a)(11.5); or, as otherwise defined in 14 CCR section 18982(a)(33).
- (dd) “Household hazardous waste” means dry cell household batteries; used motor oil, used oil filters, cooking oil, compact fluorescent light bulbs; cleaning products, pesticides, herbicides, insecticides, painting supplies, automotive products, solvents, adhesives, auto batteries, and universal waste.
- (ee) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than two-thousand (2,000) individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR section 18982(a)(38) differs from this definition, the definition in 14 CCR section 18982(a)(38) shall apply to this chapter.
- (ff) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than two-thousand (2,000) individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR section 18982(a)(39) differs from this definition, the definition in 14 CCR section 18982(a)(39) shall apply to this chapter.
- (gg) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- (hh) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR section 18982(a)(43).
- (ii) “Notice of Violation” or “(NOV)” means a notice that a violation has occurred that includes a compliance date to avoid any further enforcement action by the City authorized in this chapter.
- (jj) “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food scraps, trimmings from food preparation, soiled paper products such as paper towels, plant debris, grass

- clippings, leaves, pruning, weeds, brush, and holiday natural trees or otherwise defined in 14 CCR Section 18982(a)(48).
- (kk) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR section 18982(a)(51).
- (ll) “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR section 18982(a)(54).
- (mm) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- (nn) “Recovered Organic Waste” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (oo) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- (pp) “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.
- (qq) “Residential Generator” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (rr) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this chapter, Senate Bill 1383 (SB 1383), the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (ss) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section(a)(66)(A).

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

### **6.3.2.03 Requirements for Residential Generators.**

Residential Generators shall comply with the following requirements:

- (a) Subscribe to City’s collection services and comply with collection requirements of those services as described below in Section 6.3.2.03(b). City shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Residential generators may be required to adjust service level or containers for collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Shall participate in the City’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.
  - (1) Generator shall place Source Separated Green Container Organic Waste, including food waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

### **6.3.2.04 Requirements for Commercial Generators.**

Commercial Generators shall:

- (a) Subscribe to City’s collection services and comply with collection requirements of those services as described below in Section 6.3.2.04(b). City shall have the right to review the number and size of a generator’s containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the City.



- (b) Participate in the City’s Organic Waste collection service(s) by placing designated materials in designated containers as follows:

Generator shall place Source Separated Organics Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Trash in the Gray Container.

- (c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with City’s Blue Container, Green Container and Gray Container collection service or, if self-hauling, per the Commercial Businesses’ instructions to support its compliance with its self-haul program, in accordance with Section 6.3.2.09 below.
- (d) Provide or arrange access for City and its agent to their properties during all inspections conducted in accordance with 6.3.2.11 of this chapter to confirm compliance with requirements of this chapter.
- (e) Accommodate and cooperate with City’s remote monitoring program for inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator’s compliance with Section 6.3.2.04(b).
- (f) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 6.3.2.06.

**6.3.2.05 Waivers for Generators.**

- (a) De Minimis Waivers. The City may grant a waiver to a Commercial Business from compliance with this chapter if the Commercial Business generates less than the amount of Organic Waste material as described in Section 6.3.2.05(a)(2) below. A Commercial Business requesting a de minimis waiver must:
  - (1) Submit an application to the City specifying the services or requirements requesting a waiver from and provide documentation as noted in Section 6.3.2.05(a)(2) below.
  - (2) Provide documentation that either:
    - (A) The Commercial Business’ total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than twenty (20) gallons per week per applicable container of the business’ total waste; or
    - (B) The Commercial Business’ total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than ten (10) gallons per week per applicable container of the business’ total waste.
  - (3) Notify City if circumstances change such that the Commercial Business’s Organic Waste exceeds the threshold required for a waiver, in which case the waiver will be rescinded.

- (4) Provide written verification of continuing eligibility for a de minimis waiver every five (5) years if City has approved a de minimis waiver.
- (b) Physical Space Waivers: City may waive a Commercial generator's or Residential generator's obligations to comply with all or some recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 6.3.2.04 above.
- (c) A Commercial generator or Residential generator may request a physical space waiver through the following process:
  - (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
  - (2) Provide documentation that the premises lacks adequate space for Blue and or Green Containers, including documentation from franchise hauler, licensed architect, or licensed engineer.
  - (3) Provide written verification to City of continuing eligibility for a physical space waiver every five (5) years if City has approved a physical space waiver.

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

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing on January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, in accordance with 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities, as defined in section 113789 of the Health and Safety Code, operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Contract with or enter into a written agreement with Food Recovery organizations or Food Recovery services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery organization for Food Recovery.
  - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery organization or a Food Recovery service.
  - (4) Allow City's designated enforcement entity or Designee to access the premises and review records pursuant to 14 CCR Section 18991.4.

- (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
- (A) A list of each Food Recovery service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
  - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - (C) A record of the following information for each of those Food Recovery services or Food Recovery organizations:
    - (i) The name, address and contact information of the Food Recovery service or Food Recovery organization.
    - (ii) The types of food that will be collected by or self-hauled to the Food Recovery service or Food Recovery organization.
    - (iii) The established frequency that food will be collected or self-hauled.
    - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery service or Food Recovery organization for Food Recovery.
- (c) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

#### **6.3.2.07 Requirements for Edible Food Recovery organizations.**

- (a) Food Recovery services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - (3) The quantity in pounds of Edible Food transported to each Food Recovery organization per month.

- (4) The name, address, and contact information for each Food Recovery organization that the Food Recovery service transports Edible Food to for Food Recovery.
- (b) Food Recovery organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
  - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
  - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - (3) The name, address, and contact information for each Food Recovery service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Capacity Planning. To support Edible Food Recovery capacity planning assessments or other studies conducted by the City or its Designee, Food Recovery services and Food Recovery organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery service or Food Recovery organization contacted by the City shall respond to such request for information within sixty (60) days.

#### **6.3.2.08 Requirements for haulers and facility operators.**

- (a) Requirements for haulers:
  - (1) Any Franchise Hauler or otherwise permitted and licensed haulers providing residential, commercial, or industrial Organic Waste collection services to generators within the City limits shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:
    - (A) Through written notice to the City identifying the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source separated Green Container Organic Waste.
    - (B) Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, this Section, and City's C&D ordinance.
    - (C) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site lawfully transporting C&D in a manner that complies with 12 CCR Section 18989.1, this Section, and City's C&D ordinance.

- (2) Exclusive Franchise Haulers and permitted haulers authorized to collect Organic Waste shall comply education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or agreement entered into with City.
- (b) Requirements for facility operators and Community Composting operations:
- (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in vessel digestion facilities, and publicly-owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.
  - (2) Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning including, but not limited to, an estimated of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

#### **6.3.2.09 Self-Hauler requirements.**

- (a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (c) Self-Haulers that are Commercial Businesses shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to inspection by the City. The records shall include the following information:
  - (1) Delivery receipts and weight tickets from the entity accepting the waste.
  - (2) The amount of material in cubic yards or tons transported by the generator to each entity.
  - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

- (d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 6.3.2.09(c) above to City, if requested.
- (e) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Sections 6.3.2.09(c) and (d) above.

**6.3.2.10 Procurement requirements for City departments, direct service providers, and vendors.**

- (a) City departments, and direct service providers of landscaping maintenance, renovation, and construction shall:
  - (1) Use Compost and SB 1383 eligible mulch, as reasonably practicable, produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 eligible mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
  - (2) Keep and provide records of procurement of Recovered Organic Waste Products (either through purchase or acquisition) to City, upon completion of projects or procurement. Information to be provided shall include:
    - (A) General description of how and where the product was used and if applicable, applied;
    - (B) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Product were procured.
    - (C) Type of product;
    - (D) Quantity of each product; and
    - (E) Invoice or other record demonstrating purchase or procurement.
- (b) All vendors providing Paper Products, Printing and Writing Paper shall:
  - (1) If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items.
  - (2) Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.

- (3) Certify in writing, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived 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.
- (4) Certify in writing, on invoices or receipts provided, 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 Code of Federal Regulations (CFR) Section 260.12 (2013).
- (5) Provide records to the City's Recovered Organic Waste Product procurement recordkeeping Designee, in accordance with the Jurisdiction's Recycled-Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Sections 6.3.2.10(b)(3) and (b)(4) above for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

#### **6.3.2.11 Inspection and investigation by City.**

- (a) City representatives and/or Designees are authorized, in accordance with applicable laws, to conduct reasonable inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not authorize City or any Designee to enter the interior of a private residential property for inspection without authorized consent or a lawful warrant.
- (b) Any business owner or property owner subject to inspection or investigation as provided in subdivision (a) above shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or Designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this chapter. Failure to provide or arrange for access to premises and/or access to records for any inspection or investigation is a violation of this chapter and may result in enforcement as authorized in this chapter.
- (c) Any records obtained by City during its inspection and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

- (d) City representatives and/or Designee are authorized, in accordance with applicable laws, to conduct any inspections or other investigations, randomly or as a result of a complaint of non-compliance, as reasonably necessary to ensure compliance with this chapter.

**6.3.2.12 Enforcement.**

- (a) Education Period for Non-Compliance. Upon the effectiveness of this chapter and through December 31, 2023, City or its Designee will conduct inspections, route reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and the City determines that any Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, City or Designee shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required and that violations may be subject to civil penalties starting on January 1, 2024.
- (b) Violation of any provision of this chapter is grounds for issuance of a Notice of Violation. Nothing in this chapter precludes the City from using any other available method, including without limitation issuance of administrative citations in accordance with Chapter 1.7 of the City’s Municipal Code, for violations of this chapter.

- (c) Compliance Deadline Extension Considerations.

City may extend any compliance deadline set forth in a Notice of Violation issued in accordance with this Section if satisfied there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including, without limitation, the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

- (d) Civil Penalties for Non-compliance.

Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this chapter, the noncompliance will be documented, and appropriate enforcement action may be taken.

- (e) Use of available enforcement methods. The City may use any available method authorized in the Municipal Code, state law, or federal law to enforce the provisions of this chapter.



- (f) The remedies available to the City for the handling of violations or enforcement of the provisions of this chapter shall be cumulative and not exclusive of any other applicable provisions of City, state, or federal law.

**6.3.2.13 Severability.**

If any article, section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this chapter. The City Council hereby declares that it would have adopted this chapter and adopted each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 2. This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED:

\_\_\_\_\_  
Mayor  
\* \* \* \* \*  
\_\_\_\_\_  
City Clerk

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on March \_\_\_\_, 2022, and was adopted at a regular meeting of said Council held on March \_\_\_\_, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

\_\_\_\_\_  
City Clerk



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: General Services Department

DATE: March 14, 2022

SUBJECT: General Services – Approval – Res. 22-\_\_\_\_, Amending the City’s FY 21-22 Position Allocation Plan by adding one (1) Staff Analyst position and deleting one (1) Management Analyst position within the Planning and Development Services Department.

ATTACHMENTS: 1. Res. 22-\_\_\_\_, Position Allocation Plan

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For Council to approve Resolution 22-\_\_\_\_ amending the City’s FY 21-22 Position Allocation Plan by adding one (1) Staff Analyst position and deleting one (1) Management Analyst position within the Planning and Development Services Department.

### EXECUTIVE SUMMARY

Currently the Planning and Development Services Department is authorized for two (2) Management Analyst positions. It is recommended that the City’s Position Allocation Plan be amended to add one (1) Staff Analyst position and delete (1) Management Analyst position. Council approval is required for changes to the Position Allocation Plan.

### BACKGROUND

The Planning and Development Services Department has recently evaluated the work assignments and needs in the department and has determined that the addition of one (1) Staff Analyst position and deletion of one (1) Management Analyst position will more efficiently support the current needs of the department. The desired position allocation changes result in the need to modify the City’s Position Allocation Plan which requires Council approval.

### FISCAL IMPACT

The fiscal impact of salary and benefits for the remainder of FY 21-22 is approximately a savings of \$15,000.00.

**REASON FOR RECOMMENDATION**

The addition of one (1) Staff Analyst position and the elimination of one (1) Management Analyst position will better support the current staffing needs in the Planning and Development Services Department. The changes must be reflected in the authorized FY 21-22 Planning and Development Services Department position allocation. Modification of the Position Allocation Plan requires Council Approval.

**ACTIONS FOLLOWING APPROVAL**

The position allocation for the Planning and Development Services Department will be modified as noted in Attachment A of Attachment 1. The position vacancy will be filled through a current eligible list.

Prepared by: Lori Shively, Personnel/Risk Manager

Reviewed by: City Manager AH

**RESOLUTION 22-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING AMENDMENTS TO THE CITY’S FY 21-22 POSITION ALLOCATION PLAN**

**WHEREAS**, the FY 21-22 Position Allocation Plan in the Planning and Development Services Department was approved as part of the FY 21-22 City budget adoption process; and

**WHEREAS**, a review of the staffing needs of the City indicates that the addition of one (1) Staff Analyst position and the deletion of one (1) Management Analyst is necessary in order to provide support for the appropriate staffing levels needed for the Planning and Development Services Department; and

**WHEREAS**, amending the City’s adopted FY 21-22 Position Allocation Plan requires City Council authorization.

**NOW THEREFORE, BE IT RESOLVED**, that the City of Clovis shall amend the City’s FY 21-22 Position Allocation Plan as noted in Attachment A.

\* \* \* \* \*

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on March 14, 2022, by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DATED: March 14, 2022

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**POSITION ALLOCATION ADJUSTMENT BY DEPARTMENT FY 21-22**

DEPARTMENT		NUMBER OF POSITIONS
<b>Planning and Development Services Department</b>		
Add:	Staff Analyst	1.0
Delete	Management Analyst	1.0



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services Department

DATE: March 14, 2022

SUBJECT: Planning and Development Services – Approval – Bid Award for CIP 17-28, Sunnyside Avenue Bike Lane; and Authorize the City Manager to execute the contract on behalf of the City.

ATTACHMENTS: 1. Vicinity Map

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

1. For the City Council to award a contract for CIP 17-28, Sunnyside Avenue Bike Lane to Bush Engineering, Inc., in the amount of \$92,757.00; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

### EXECUTIVE SUMMARY

Staff is recommending that City Council authorize the City Manager to award and execute the contract to Bush Engineering, Inc. who was the lowest responsible bidder from a bid opening that took place on February 22, 2022.

This project consists of reconstructing the southbound No. 2 lane of Sunnyside Avenue and the curb return ramp located at the Sunnyside Avenue entrance of the Clovis Crossings Shopping Center just south of SR168. The new improvements will accommodate room for a new bike lane.

### BACKGROUND

The following is a summary of the bid results of February 22, 2022:

BIDDERS	BASE BIDS
Bush Engineering, Inc.	\$92,757.00
Asphalt Design	\$98,064.57
Avison Construction, Inc.	\$114,540.00

**ENGINEER'S ESTIMATE****\$113,730.00**

All bids were examined, and the bidder's submittals were found to be in order. Bush Engineering, Inc. is the lowest responsible bidder. Staff has validated the lowest bidder contractor's license status and completeness of federal funding paperwork.

**FISCAL IMPACT**

This project was budgeted in the 2021-2022 Community Investment Program. The project is funded by the Congestion Mitigation and Air Quality (CMAQ) Program through the City Community Investment Program.

**REASON FOR RECOMMENDATION**

Bush Engineering, Inc. is the lowest responsible bidder. There are sufficient funds available for the anticipated cost of this project.

**ACTIONS FOLLOWING APPROVAL**

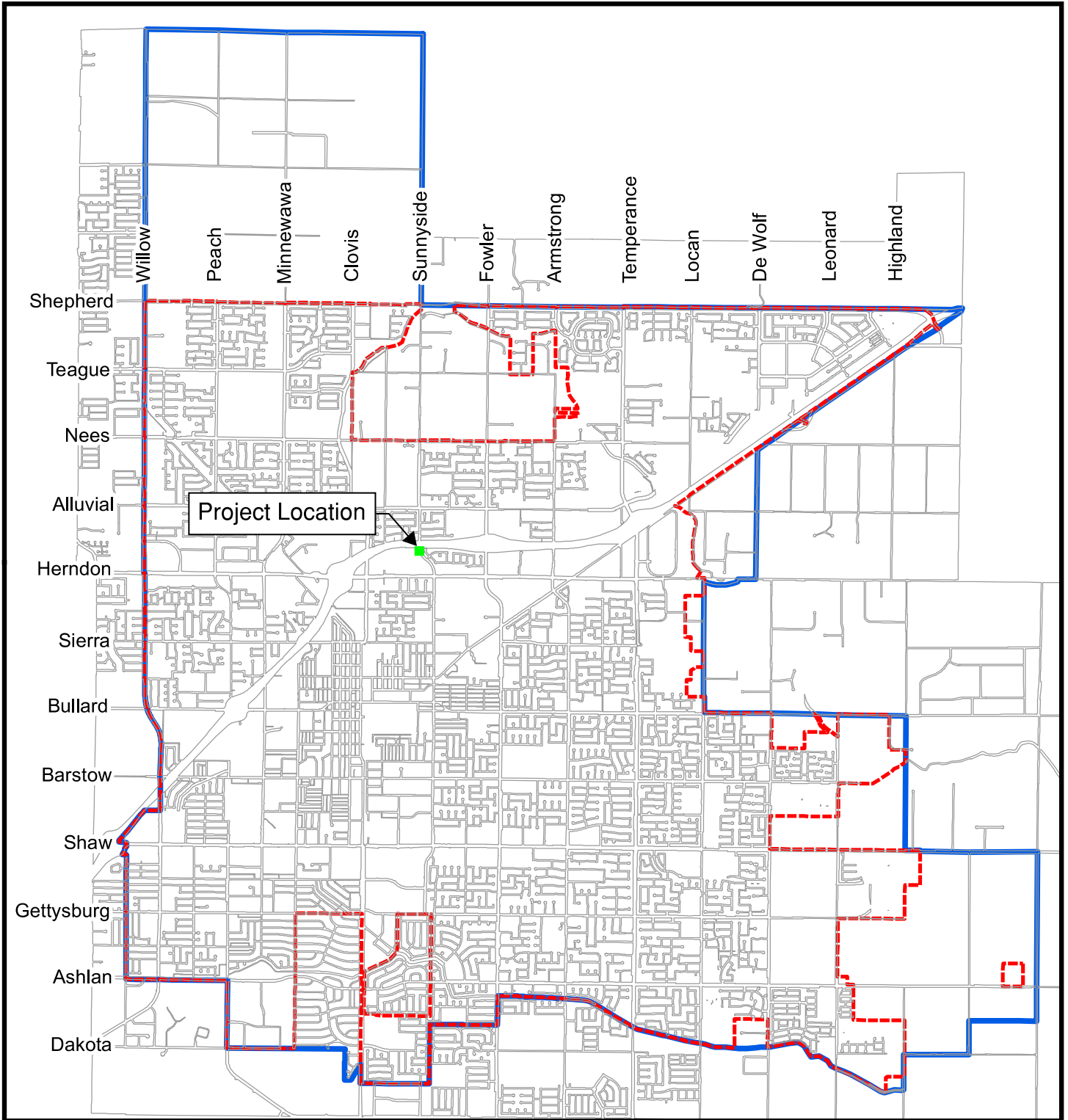
1. The contract will be prepared and executed, subject to the Contractor providing performance security that is satisfactory to the City.
2. Construction shall begin approximately one (1) week after contract execution and be completed in twenty-five (25) working days thereafter.

Prepared by: John Armendariz, Civil Engineer

Reviewed by: City Manager    *AH*

# VICINITY MAP

## CIP 17-28 Sunnyside Avenue Bike Lane



# ATTACHMENT 1



CITY LIMITS
  SPHERE OF INFLUENCE





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: March 14, 2022

SUBJECT: Public Utilities – Approval – Award the Engineering Consulting Services Contract for a Feasibility Study Exploring Alternative Solutions for Compliance with Rule 4311 (Flares) at the Clovis Landfill, and for Completing and Submitting the Authority to Construct (ATC) Application to the San Joaquin Valley Air Pollution Control District (SJVAPCD); and Authorize the City Manager to Execute the Contract on Behalf of the City.

ATTACHMENTS: 1. Proposal for Consulting Services from Tetra Tech, Inc.

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

1. For the City Council to award the contract for PUD 21-25, Clovis Landfill compliance with Rule 4311 (Flares) feasibility study and submittal of an Authority to Construct (ATC) application, to Tetra Tech, Inc., in the amount of \$141,651; and
2. For the City Council to authorize the City Manager to execute the contract on behalf of the City.

### EXECUTIVE SUMMARY

The City of Clovis Public Utilities Department requested proposals from qualified consultants to develop a feasibility study for the City of Clovis Landfill to be compliant with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4311 pertaining to flares. The study will evaluate the facility needs, provide and analyze options for compliance, develop planning level costs for the proposed alternatives, provide a recommended alternative, and develop an implementation strategy for that alternative. At least one of the alternatives should consider the option for a landfill gas (LFG) to energy solution and whether there is a viable economic benefit for this type of project at the City of Clovis Landfill.

As the selected consultant, Tetra Tech, Inc. will provide the work necessary for meeting compliance with Rule 4311 (Flares), including coordination with other specialized consultants, the appropriate regulatory agencies, and City of Clovis staff.

This action will authorize the City Manager to execute a contract with Tetra Tech, Inc. to perform the work necessary for a feasibility study exploring alternative solutions for compliance with the SJVAPCD Rule 4311 pertaining to flares, and optional tasks to prepare construction documents for the selected solution. The estimated cost of the work to be performed under this contract, including the optional tasks, is \$141,651.

## **BACKGROUND**

Proposals were submitted by the following consultants with associated costs:

<b>Consultant</b>	<b>Cost Proposal</b>
1. Tetra Tech, Inc.	\$141,651
2. SCS Engineers	\$145,000

Staff has evaluated both proposals and has selected the proposal provided by Tetra Tech, Inc. The consulting firm is well-experienced in landfill gas design services and beneficial use projects, is familiar with SJVAPCD rules that are requiring the conversion to Low-NOx flares and is currently working with other landfills that are facing similar challenges to meeting compliance with Rule 4311 (Flares).

The San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted amendments to Rule 4311 pertaining to flares on December 17, 2020. The purpose of Rule 4311 is to limit the emissions of volatile organic compounds (VOC), nitrogen oxides (NOx), and sulfur oxides (SOx) from the operation of flares. The emission requirements for NOx for landfill flares has essentially been cut in half and is now at 0.025 lb/MMBtu. With that in mind, the Clovis Landfill flare now exceeds the NOx requirement with an output of 0.047 lb/MMBtu. The deadline to submit an Authority to Construct (ATC) application with the SJVAPCD to modify or replace the flare to meet emission requirements of Rule 4311 is July 1, 2022. The deadline for full compliance with Rule 4311 is December 31, 2023.

The objective of this feasibility study is to meet compliance and to satisfy all requirements with the SJVAPCD Rule 4311 pertaining to flares. Rule 4311 limits the emissions of volatile organic compounds (VOC), nitrogen oxides (NOx), and sulfur oxides (SOx) from the operation of flares. Examples of possible options for meeting compliance with Rule 4311 at the Clovis Landfill may be replacing the existing non-compliant flare with an ultra-low-NOx flare or incorporating a landfill gas (LFG) to energy solution that will meet the emission requirements of Rule 4311.

Tetra Tech, Inc. is a solid waste specialty consulting firm that has been supporting public and private operators of solid waste facilities since 1984. Tetra Tech, Inc. specializes in all aspects of landfill planning, permitting, design, and construction.

Tetra Tech, Inc. is well-experienced in landfill gas design services and beneficial use projects, is familiar with SJVAPCD rules that are requiring the conversion to low-NOx flares and is

currently working with other landfills that are facing similar challenges to meeting compliance with Rule 4311. Tetra Tech has recently completed or is in the process of designing, permitting, and bidding low-NOx flares at the following landfills:

- Highway 59 Landfill (Merced Regional Waste Authority)
- Prima Deshecha Landfill (Orange County)
- San Timoteo Landfill and Mid Valley Landfill (San Bernardino County)
- Ox Mountain Landfill, Newby Island Landfill, and Sunshine Canyon Landfill (Republic Services)

### **FISCAL IMPACT**

The cost for the consulting services to be rendered under this contract is estimated at \$141,651. There are adequate funds in the Refuse Fund to pay these costs and still maintain sufficient reserves to comply with bond covenants.

### **REASON FOR RECOMMENDATION**

The consulting services to be rendered by Tetra Tech, Inc. under this contract are necessary for a feasibility study exploring alternative solutions for meeting compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4311 pertaining to flares. The feasibility study requires specialized expertise and experience that City staff do not possess. Tetra Tech, Inc. is well-qualified to provide these consulting services as they are well-experienced in landfill gas design services and beneficial use projects, is familiar with SJVAPCD rules that are requiring the conversion to low-NOx flares, and is currently working with other landfills that are facing similar challenges to meeting compliance with Rule 4311 (Flares).

Tetra Tech, Inc.'s proposed scope and estimated costs for each task are reasonable. Therefore, staff recommends that the City Manager be authorized to execute a contract with Tetra Tech, Inc., to perform consulting services to develop a feasibility study exploring alternative solutions for the City of Clovis Landfill to be compliant with the SJVAPCD Rule 4311 pertaining to flares.

### **ACTIONS FOLLOWING APPROVAL**

The City Manager will execute a contract with Tetra Tech, Inc. in the amount of \$141,651 to provide consulting services associated with a feasibility study exploring alternative solutions for compliance with San Joaquin Valley Air Pollution Control District Rule 4311 pertaining to flares.

Prepared by: Glenn Eastes, Assistant Public Utilities Director

Reviewed by: City Manager    *AE*





PROPOSAL

AGENDA ITEM NO. 5.

# FEASIBILITY STUDY EXPLORING ALTERNATIVE SOLUTIONS FOR COMPLIANCE WITH RULE 4311 (FLARES) AT THE CLOVIS LANDFILL AND COMPLETING AND SUBMITTING AN AUTHORITY TO CONSTRUCT (ATC) AIR PERMIT



Submitted By:

January 25, 2022



ATTACHMENT 1

## TITLE PAGE

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Proposal For:

Feasibility Study Exploring Alternative  
Solutions for Compliance with Rule 4311 (Flares) at the Clovis Landfill  
and Completing and Submitting an Authority to Construct (ATC) Air Permit

City of Clovis  
Rey Empleo  
Public Utilities Department  
155 N. Sunnyside Avenue, Clovis, CA

Proposal Due: January 25, 2022

Submitted by:  
Tetra Tech, Inc.  
7600 Dublin Blvd., Suite 200  
Dublin, CA 94568

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January 25, 2022

Mr. Rey Empleo  
Civil Engineer  
City of Clovis Public Utilities Department  
Clovis, CA 93611

**Re: Proposal for Tetra Tech to Provide Engineering Consulting Services in Support of the City of Clovis Landfill Achieving Compliance with San Joaquin Valley Air Pollution Control District Rule 4311**

Dear Mr. Empleo:

Tetra Tech BAS, Inc. (Tetra Tech) is pleased to present the City of Clovis Public Utilities Department (City) with this proposal for engineering consulting services in support of achieving compliance at the City's Landfill (Landfill) with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4311. Tetra Tech's scope includes a Feasibility Study exploring alternative solutions for compliance with Rule 4311 at the Landfill as well as efforts to obtain a blower and flare (flare) equipment vendor, obtain an Authority to Construct (ATC) for the flare, and the optional tasks of providing the design for the new flare and provide construction bidding support, should the City decide to proceed with those options. Together these tasks will constitute the Project (Project), as described in Section 4 of this proposal.

## 1.0 FIRM DESCRIPTION

### OVERVIEW

The Tetra Tech Solid Waste Practice Group is a solid waste specialty consulting firm that has been supporting public and private operators of solid waste facilities since 1984. We specialize in all aspects of landfill planning, permitting, design, construction, closure, and post closure management. We feature a staff of more than 150 civil, environmental, chemical, and geotechnical engineers, geologists, environmental technicians, and technical and support personnel, located primarily in California.

We were founded in 1984 as Bryan A. Stirrat & Associates (BAS), a California Corporation, and became a wholly owned subsidiary of Tetra Tech, Inc. in 2009. Tetra Tech, Inc. has 450 offices globally, with over 21,000 engineers, scientists, technicians, and support personnel. Tetra Tech was recently ranked as the 4th largest design consultant in the United States by Engineering News-Record (ENR) magazine (Top 500 Design Firms Sourcebook, April 2021). The firm earned approximately \$3 billion in consulting revenue in 2021. Tetra Tech is a publicly-held corporation (NASDAQ – TTEK). Full details concerning Tetra Tech's service areas, experience, and financial status can be found at [www.tetrattech.com](http://www.tetrattech.com).



The Solid Waste West Practice Group is part of an international team of engineers, designers, planners, and environmental specialists with the resources to address the wide-ranging needs of the solid waste management market. Tetra Tech Solid Waste West is among a handful of environmental consultants that can function efficiently as an extension of client engineering and planning staff throughout the entire life cycle of landfill development and closure projects. Over the last decade, Engineering News-Record has ranked Tetra Tech the number one solid waste consultant in the United States for eight years, based upon revenue earned by our solid waste practice.

### LANDFILL GAS DESIGN SERVICES

Tetra Tech is unique in the breadth of landfill gas services we provide. We can model the gas generation potential of a landfill and characterize where and how it is migrating. We can design complete landfill gas extraction and treatment systems using a variety of treatment technologies. Tetra Tech's national team of construction crews specialize in the installation and start-up of landfill gas systems. And once we've designed and constructed the systems, we have the field staff and equipment to operate, maintain, and monitor the systems throughout the life of the landfill and the regulatory-mandated post-closure monitoring period.



Tetra Tech's consistent growth has been based upon our ability to help our clients keep their landfill systems in compliance with some of the most stringent regulatory requirements in the United States. We have enjoyed a tremendous level of repeat business from our existing customers, and persistent growth in new clients, by providing a highly responsive, innovative, and all-inclusive slate of landfill gas engineering, permitting, construction, operations, maintenance, and monitoring services. Some of the landfill gas design services we can provide include:

- Gas migration investigations
- Landfill gas collection systems
- Landfill gas-to-energy
- Landfill gas generation modeling
- Flare stations
- PLC programming / electrical controls
- Air permitting
- GAC and thermal oxidation systems
- Landfill gas processing and treatment systems

Tetra Tech is familiar with the SJVAPCD rules that are requiring the conversion to Low-NOx flares unless the flare flow can be limited to certain thresholds which may be the case when the flare is a back up to a landfill gas (LFG) to energy project. As such, Tetra Tech has recently completed or is in process of designing, permitting, and bidding Low-NOx flares at the following landfills:

- Ox Mountain Landfill, Newby Island Landfill, and Sunshine Canyon Landfill, Republic Services
- San Timoteo Landfill and Mid Valley Landfill, San Bernardino County
- Prima Deshecha Landfill, Orange County
- Highway 59 Landfill, Merced Regional Waste Authority

Additionally, Tetra Tech is working to investigate, implement, or combine all of these facilities with LFG to energy elements except at the Sam Timoteo landfill. As such, Tetra Tech is well versed at providing the LFG feasibility study and flare permitting efforts, as well as the optional design and bidding support services.

## 2.0 IDENTIFICATION OF STAFF

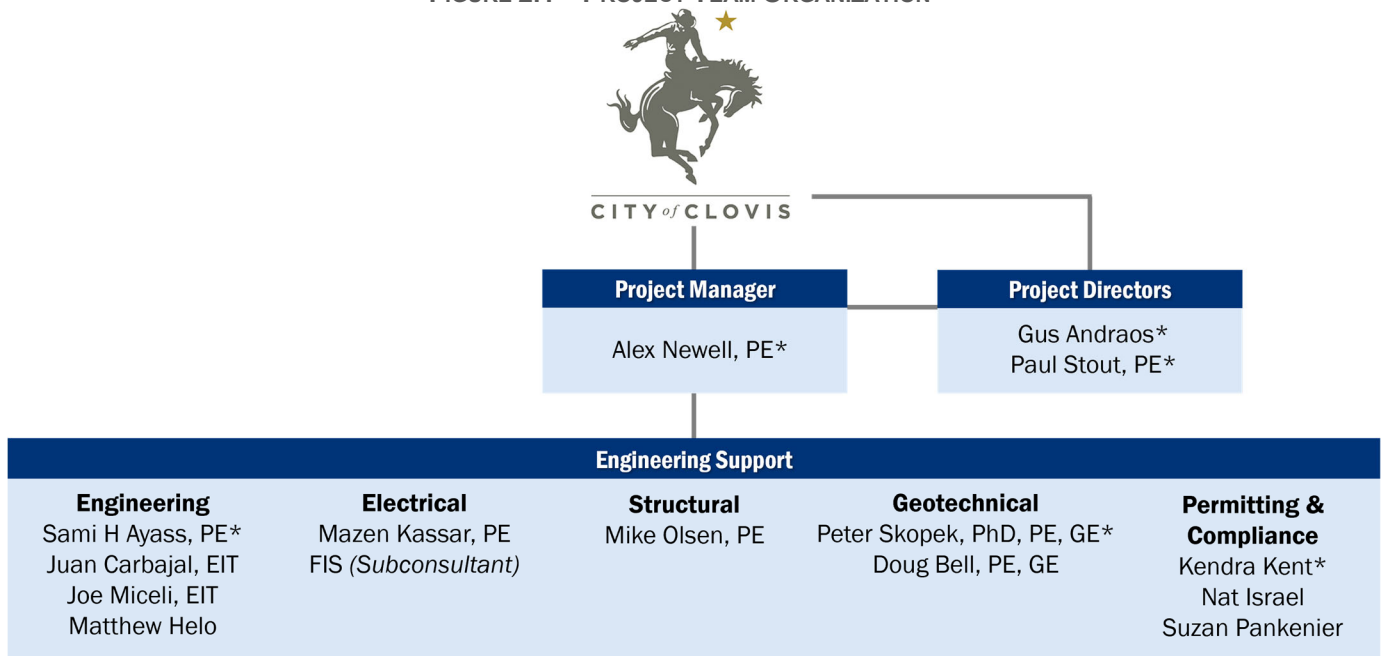
Our approach to staffing this contract involves (1) drawing on the significant expertise of Team members who have led successful air permitting, and landfill permitting projects; and (2) providing a mix of senior-, mid-, and junior-level personnel for routine work task support. This strategy will enable us to fully meet the requirements of the scope of work with a balance of technical excellence and cost effectiveness. Our Team members have been selected for their permitting experience at numerous landfills; strong, ongoing relationships with the various local regulators, and broad-based technical, management, and communication skills. Most of our Team members have worked together on landfill permitting and compliance projects throughout California.

### PROJECT ORGANIZATION

Our proposed organization chart for this project is presented in Figure 2.1. Alex Newell, PE has been selected as the Project Manager and the City’s primary point of contact due to his experience with landfill gas systems and Low NOx flare stations. Paul Stout, PE, Vice President of Tetra Tech’s Methane Gas Group, will oversee the project as a Project Director. He will be responsible for overall project direction, participation in meetings with the City, regulators, and other project stakeholders; resource allocation; budget and schedule tracking; and review of project deliverables. Mr. Stout will be closely supported by Gus Andraos, President of Tetra Tech’s Methane Gas Group. Mr. Andraos has 40 years of solid waste experience and has managed some of the largest and most high-profile landfill master planning and expansion projects in California. He will be responsible for commitment of corporate resources, review of overall permitting strategies and project deliverables, and support to project meetings.

Brief resumes for the project team are included in Section 7 of this proposal.

FIGURE 2.1 – PROJECT TEAM ORGANIZATION



\* Key Staff



## 3.0 APPLICABLE EXPERIENCE

### PROJECT 1: NEWBY ISLAND LANDFILL ENGINEERING AND CONSTRUCTION SUPPORT, SAN JOSE, CA REPUBLIC SERVICES



The Newby Island Landfill is an active municipal solid waste disposal facility located on reclaimed tidal marshlands of San Francisco Bay. It is surrounded by a perimeter levee which separates it from various adjacent creeks and sloughs. The facility began operation as a landfill in 1932 and was originally reclaimed from tidal marshlands. Tetra Tech has been providing landfill design, regulatory compliance, landfill gas management, and construction services at the site since 2002. Experience has included the following:

**Landfill Gas System Improvements:** Tetra Tech has designed and built numerous improvements to the landfill gas extraction and treatment system at the site. This included design / build of header extensions, modification to extraction piping networks, and installation of wells and probes. Tetra Tech also performed civil, structural, electrical, and controls design of a new low NO<sub>x</sub> flare station, including preparation of air permits from the Bay Area Air Quality Management District and the local building department. Following completion of the design, Tetra Tech installed the new low NO<sub>x</sub> John Zink flare and gas handling skid.

**Liner Design:** Tetra Tech developed permitting and construction documents for development of Subareas 10C, 11, 12, 13 and 14. This included incorporation of design features that allow the liner system to be installed 50 feet below sea level while meeting all regulatory agency requirements. Each subarea was intended to represent one year's construction. Subareas 12, 13, and 14 were designed to tie into Subareas 2, 4, 7, and 11.

**Leachate Management:** Tetra Tech was retained to design and construct a system of 21 leachate extraction wells and associated piping to remove leachate from areas of the site which lack an underlying leachate removal system, and again in 2010 to enhance and upgrade the system. The initial wells were essentially landfill gas wells with liquid collection features, and while some remained functional after six years, others exhibited heavy precipitate buildup which eventually plugged the screens and clogged the pumps. Based on this experience, new generation wells were constructed by Tetra Tech in 2010.

**PROJECT 2: LANDFILL GAS TO ENERGY SYSTEM, MERCED, CA**  
*MERCED REGIONAL WASTE MANAGEMENT AUTHORITY*



Tetra Tech is currently working on the design to incorporate a low NOx flare as part of the landfill gas collection and control system. Tetra Tech along with the authority is obtaining a flare vendor, at which point Tetra Tech will commence the permitting and design.

Tetra Tech is the engineer of record for an innovative project that will facilitate use of landfill gas resources from an active municipal solid waste landfill for the production of electricity and heat at the University of California Merced (UCM). The landfill gas to energy (LFGTE) project includes design of compression and treatment equipment at the Highway 59 Landfill, conveyance via pipeline to the UCM campus, co-generation of electricity and heat at the campus, and interconnection and sale of the electricity at UCM.

Tetra Tech is preparing construction plans for the conditioning and compression of LFG located at the landfill, bypass to the existing Regional Waste Management Authority (RWA) flare, and the microturbines located at the Landfill and the UCM campus, the Pacific Gas and Electric (PG&E) interconnection and the pipeline to connect the Landfill and the UCM campus.

Civil, mechanical, and electrical design services are being provided for the LFGTE facility in accordance with local and state codes. Civil design features include plans for site grading, erosion control, surface/stormwater management features, site utility infrastructure, fencing, and site access. Mechanical design tasks encompass development of mechanical details, a process interface diagram, coordination of mechanical piping with civil designs, development of piping details, equipment selection and placement, specification of gas train components and details for pre-purchased equipment, and equipment setting and piping plans for pre-purchased equipment.

Electrical design includes plans for incoming electrical service, power distribution, and grounding; site lighting; control of the system and associated integration with existing control schemes; switchgear and interconnect with PG&E; and preparation of documents necessary to apply for a PG&E interconnection

Design services were provided to develop a base map and plans for the pipeline route from the Landfill to UCM. Aerial photography, survey control points, and supplemental spot elevation surveys were used to generate a base map of the pipeline route and generation of surface contours of the pipeline.

### **PROJECT 3: SUNSHINE CANYON LANDFILL GAS SYSTEM UPGRADES, SYLMAR, CA** *REPUBLIC SERVICES*



In order to modernize the landfill, Tetra Tech designed a new blower and flare station at the site. The blowers were designed to pull landfill gas from the landfill and send the landfill gas to one of three low Nox flares or to a 9,000 cfm landfill gas to electric project. Tetra Tech completed the design, permitting, and provided construction oversight and construction quality control observations.

Republic Services asked Tetra Tech to help address significant landfill gas emissions and odor management issues at a large regional landfill in northern Los Angeles County. Approximately 68 wells at the site were out of NSPS compliance at the beginning of Tetra Tech's tenure on the project. The South Coast Air Quality Management District (AQMD) had issued an Order of Abatement and requested that the site operator immediately install hundreds of wells and a 36-inch header system to address the odor complaints.

Tetra Tech mobilized a team of 14 professionals, 5 field technicians, and a 12-man construction crew to meet the Order of Abatement deadlines. A well-field tuning program was implemented that reduced the out of compliance wells from 68 to 12 in less than six months. All probes were subsequently brought into compliance. Tetra Tech convinced the AQMD to accept the installation of 70 wells (a savings of more than \$500,000) and the installation of a temporary flare to mitigate surface emissions. Installation of landfill gas wells, conveyance piping, a header system, and an upgraded flare station was completed under the direct supervision of Tetra Tech staff.

Republic awarded two subsequent contracts to Tetra Tech for work at the site. The first was a two-year contract for on-site management of the Sunshine Canyon Landfill Gas Extraction and Treatment System. This contract was renewed in 2013. Another contract involved two-phase construction of a large gas collection and control header system. The site features over 400 monitoring locations. Routine OM&M activities include monitoring and adjusting each LFG extraction point consisting of over 300 vertical LFG extraction wells, several horizontal extraction wells, leachate collection and recovery system (LCRS) wells, trench collectors, liner vent collectors, compliance wells, and dewatering wells.

In a related project, DTE Biomass Energy selected Tetra Tech to construct improvements to the landfill gas-to-energy system at the Sunshine Canyon Landfill. DTE operates a 20 MW landfill gas-to-energy facility at the site, and the improvements constructed by Tetra Tech will help them take advantage of federal tax credits available to alternative energy developers. The work included drilling and completion of multiple 36-inch wells, and above- and below-grade landfill gas conveyance piping.



## 4.0 PROPOSED APPROACH

Tetra Tech has considerable experience permitting flares after selection of a flare vendor as well as prior to selection of a specific flare vendor. In Tetra Tech's experience, preparing a flare specification and obtaining competitive quotes and selecting a flare vendor (Task 5.1) prior to turning in the permit application appears to be preferred by regulators and our municipal clients. By selecting the flare vendor upfront, the make and model of the equipment can be obtained along with guaranteed emissions statements and a complete and thorough permit application can be prepared from the onset. Without selecting the flare vendor first, the permit application must be developed, without specifics, and the permit will subsequently need to be updated to include these flare specific details to the SJVAPCD at a later date making the permitting a two-step process. As such, Tetra Tech has assumed that the selection of the flare (Task 5.1) will occur prior to permitting of the equipment (Task 3). Tetra Tech can revise this assumption and related scope if desired by the City. The following tasks have been developed in accordance with the Request for Proposals (RFP) and Tetra Tech's knowledge and experience on similar projects.

- Task 1 – Project Management and Meetings
- Task 2 – LFG Beneficial Use Evaluation
  - Subtask 2.1 – Feasibility Study and Propose and Analyze 3 Alternative Solutions*
  - Subtask 2.2 - Recommendation and Implementation Strategy*
  - Subtask 2.3 – Feasibility Letter Report*
- Task 3 – Authority to Construct (ATC)
  - Subtask 3.1 – Emissions Calculations*
  - Subtask 3.2 – Air Permit Application Submittal*
  - Subtask 3.3 – Review of the Draft ATC and Response to Comments*
- Task 4 – Plans, Specification and Estimate (Optional)
  - Subtask 4.1 – Mechanical/Process Design*
  - Subtask 4.2 – Civil/Structural Design*
  - Subtask 4.3 – Electrical/Controls Design*
- Task 5 – Bidding Assistance (Optional)
  - Subtask 5.1 – Equipment Vendor Bidding Assistance*
  - Subtask 5.2 - Construction Bidding Assistance & Support*

### TASK 1 - PROJECT MANAGEMENT AND MEETINGS

Tetra Tech will be responsible for management of the scope and budget of the Project as detailed within this proposal. For budgeting purposes, Tetra Tech assumed bi-weekly status meetings held via teleconference up to one hour long for the Project duration and includes a kickoff meeting. Based on the uncertainty in project scope for Tasks 4 and 5, Tetra Tech has budgeted for 20 meetings for the tasks below and can be modified based on the results of Task 2, as the schedule for these is largely out of Tetra Tech's control. The bi-weekly meetings can be with the City and/or internal to Tetra Tech and are in addition to the meetings identified elsewhere in this proposal. No site visits are included in this task.

#### Task 1 - Deliverables, Meetings, and Conference Calls:

The following summarizes the work products to be prepared and submitted under this task:

- Participate in a project kickoff meeting with the City, Tetra Tech, and other project stakeholders, and
- Host 20 weekly status meetings held via teleconference up to one hour in duration.

## TASK 2 – LFG BENEFICIAL USE EVALUATION

---

Tetra Tech will review existing LFG collection and control system (GCCS) data and general site information provided by the City including:

- Existing in-place waste tonnages and waste composition;
- Projected waste tonnages and waste composition;
- Historical LFG production and composition;
- Current LFG production and composition;
- Existing GCCS infrastructure and details;
- Leachate collection system;
- Development and expansion plans (including GCCS expansion plans);
- Recent assessment by others, related to current issues with the Landfill and the GCCS; and
- Any other relevant data that may provide insight as to future LFG generation or the success of an LFG beneficial use project.

Using the above information, Tetra Tech will utilize the Landfill's existing United States Environmental Protection Agency (USEPA) Landfill Gas Emissions Model (LandGEM) to evaluate the LFG generation potential for the Landfill. Tetra Tech will utilize existing historical LFG flows in updating the LFG model and GCCS collection efficiency.

Based on the existing LFG flows and composition provided by the City, future LFG flows from the LandGEM model, and the general conditions of the Landfill, Tetra Tech will evaluate technically achievable potential options for viable solutions for the City to obtain compliance with the SJVAPCD. The potential options for the Landfill include:

- Replacement of existing flare with Low-NOx flare;
- Production and sale of vehicle fuel grade RNG via an existing local Compressed Natural Gas (CNG) fueling station, with dedicated pipeline or transport via truck to the CNG station;
- Production and sale of pipeline quality Renewable Natural Gas (RNG) injected in a nearby existing natural gas pipeline for resale, with dedicated pipeline or transport via truck to the injection site.
- Production and sale of vehicle fuel grade RNG via a new CNG fueling station at or near the Landfill;
- Electrical generation and use on site;
- Electrical generation and export into the electric grid; and
- Some combination of the above listed options.

To assess these potential utilization options, Tetra Tech will work with the City to determine current usage of certain resources such as, electricity, natural gas, vehicle fleet operations that could be converted to CNG, current CNG vehicle availability and usage, and potential fuel usage of other existing CNG vehicle fleets within the area.

In conjunction with this resource assessment, Tetra Tech will attempt to obtain current costs, or estimates based on available market information to review the potential savings and revenues of each of the above options. Tetra Tech will also review renewable energy programs through PG&E or other and include in the assessment. Each LFG beneficial use project will be evaluated based on existing LFG flows for the Landfill, and the external factors included below:

- LFG emissions reduction;
- Availability of customers for the product generated;
- Demand for generated product;
- Local utility market factors;
- Distribution costs and sales revenues; and
- Financial incentives/grants.

Tetra Tech will perform a high-level assessment for the LFG beneficial use projects options. This high-level assessment will be focused on eliminating options that are not viable or do not compare to other more viable options for the Landfill. The analyses will provide the City with comparative information to be used in prioritizing the LFG to beneficial use options. The high-level cost analysis will include the below items for feasible options. Options that are deemed not feasible will be eliminated from further comparison:

- Capital investment;
- Operation and Maintenance (O&M) costs;
- Potential incentives; and
- Pros and Cons of the various options.

Identified beneficial use options will be evaluated for the factors described above to determine their economic viability and overall attractiveness to the City or a potential third-party developer. Tetra Tech's review of site factors and project costs will not be exhaustive at this time but will focus on a cursory review of the above information with the City and Tetra Tech's knowledge of the key factors and budgetary pricing. Tetra Tech's report will include budgetary numbers for the LFG to beneficial use options, sufficient for the City to use for planning.

Tetra Tech will prepare a draft report defining and summarizing the assessed options and Tetra Tech's analysis, supporting information, and Tetra Tech's recommendation. An electronic PDF of the draft report will be sent to the City for review and comment. Tetra Tech will host one conference call to discuss comments and answer questions. Following receipt of comments from the City, Tetra Tech will finalize the report by incorporating mutually agreed upon comments. Tetra Tech will submit an electronic PDF and five hard copies of the final report to the City.

Task 2 - Deliverables, Meetings, and Conference Calls:

- Provide a draft report defining and summarizing assessed options and analysis to the City for review and comment;
- One conference call with the City to discuss comments and answer questions, and
- Finalized report incorporating mutually agreed upon comments in electronic PDF and five hard copies to be sent to the City.

## **TASK 3 – AIR PERMITTING**

---

Tetra Tech proposes to proceed to obtain a Title V air permit from the SJVAPCD upon completion of a general layout drawing and a process flow diagram which Tetra Tech will complete as part of this task. It is assumed that the new Low-NOx flare will be sized such that it does not lead to an increase in emissions as compared to the current existing flare. It is anticipated that the new flare permit will be a source in the Landfill's SJVAPCD issued Title V air permit. With an authorization date of March 1, 2022, Tetra Tech believes that an air permit can be

completed and turned in by the regulatory deadline. Air permitting efforts for the project are assumed to take approximately six months; however, once the application is submitted to the SJVAPCD the schedule for the permitting effort will be to the discretion and review process as conducted by the SJVAPCD. If additional resources are needed to address SJVAPCD concerns beyond those provided in this proposal, Tetra Tech can provide a separate scope of work and budget to assist in those efforts.

Tetra Tech will also conduct up to two pre-permitting conference calls with the SJVAPCD to discuss the proposed project. Items to be discussed include but are not limited to the following: changes to total facility abatement device capacity, updates to equipment performance and additional permitting that may be required.

### **Subtask 3.1 - Emissions Calculations**

Tetra Tech will determine the emissions for the existing Landfill flare as well as the proposed Low-NOx flare, based on manufacturer emissions guarantees. These emissions determinations will present a discussion of the Potentials to Emit (PTE) for emissions based on various operational scenarios and runtimes. Both criteria and non-criteria pollutant emissions will be estimated. Tetra Tech will prepare initial project PTE calculations for Annual Criteria Air Pollutants (CAP), Toxic Air Contaminants (TAC), and greenhouse gas (GHG) emissions, expressed as tons per year, pounds per day and pounds per hour. The emissions estimates will be provided to the City for review and concurrence before finalizing in the permit application package.

### **Subtask 3.2 - Air Permit Application Submittal**

The permit application will be prepared consistent with SJVAPCD regulations, including, but not limited to: Regulations Rule 4311 (Flares), Rule 4626 (Solid Waste Disposal Sites), Rule 2010 (Permits Required), and Rule 2201-3.34 (New and Modified Stationary Source Review). The SJVAPCD regulations make certain stipulations related to the required emissions and limitations including, but not limited to, the use of Best Available Control Technology (BACT) where applicable, confirming that the emissions do not exceed ambient air quality standards, and confirmation that the toxic pollutant emissions do not cause unacceptable cancer or non-cancer health risk impact. Tetra Tech will review the project as it relates to these requirements. Tetra Tech has assumed that the Project will generally conform to the regulations and requirements reviewed. Tetra Tech has also assumed that no air modelling will be required as part of this effort.

Additionally, Tetra Tech will review the applicability of the New Source Performance Standards (NSPS) Regulations under Title 40 Code of Federal Regulations (CFR) OOO for landfills and National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart AAAAA.

If additional calculations or documentation is required, Tetra Tech will work with the City to address them under an additional proposal and budget.

Tetra Tech will assemble the permit application package, which will include a cover letter describing the reason and conceptual plan for the project. The permit application package will include the following:

- Narrative including the following:
  - Equipment Description
  - Description of Operation

- A site map showing the location of the LFG flare station, structure heights, property lines, location of nearest schools, residences, and businesses
- A pollutant flow diagram
- Appendix A – Manufacturer’s Brochure of Enclosed Flare
- Appendix B – Drawings of the flare equipment
- Appendix C – Process and Instrumentation Flow Diagram
- Appendix D – Estimation of Flare Combustion Products (Emissions)
- Appendix E – Equipment Specific Forms
- Appendix F - SJVAPCD Authority to Construct/Permit to Operate (ATC/PTO) Application Form(s)

Tetra Tech will assemble all permit application forms, narrative, appendices, and regulatory evaluations into a final permit application package to be reviewed by the City prior to submittal to the SJVAPCD. If needed, Tetra Tech will hold a conference call with the City to discuss the draft application. The ATC/PTO application will be submitted, whereupon the SJVAPCD will acknowledge receipt of the package, normally within ten business days. Permit fees will then be assessed by the SJVAPCD, an invoice will be created, and any incomplete or missing information will be requested. Tetra Tech will work with the SJVAPCD to ensure that their staff engineer working on the application has all necessary materials to complete the engineering evaluation/draft ATC in a timely fashion.

SJVAPCD will invoice the City for their review of the application. For budgeting purposes, Tetra Tech assumes that the City will pay all air permit fees directly upon receipt of the invoice and permit fees are not included in the cost estimate.

### **Subtask 3.3 - Review of the Draft ATC and Response to Comments**

Upon issuance of the draft and final ATC, Tetra Tech will review the ATC to ensure that the operating conditions accurately reflect the project scope. Tetra Tech will prepare a summary email of the ATC for the City to address areas of concern with recommendations going forward.

Upon conclusion of the permit review, Tetra Tech will prepare an ATC Summary Report for the City and one Response to Comments to the SJVAPCD, since it is typical that following the submission of the ATC application the SJVAPCD will respond with a Request for Additional Information Letter. Tetra Tech will conduct up to two teleconferences with the City to address the SJVAPCD additional questions as well as City comments on draft ATC engineering evaluation and permit conditions. Assumptions used in preparing the permitting scope and cost are included within this proposal after the budget section.

### **Task 3 – Deliverables, Meetings, and Conference Calls:**

The following summarizes the work products prepared under this task:

- Six conference calls between Tetra Tech, the City, and/or the SJVAPCD to discuss scope, permitting strategy, planned operations, and permitting requirements, and draft ATC permit requirements;
- Provide emissions calculations for the proposed Low-NOx Flare;
- Draft air permit application package including permit application forms for the City review and comment;
- Incorporate mutually agreed upon comments and prepare final permit application package;



- Submittal of air permit application package to the SJVAPCD;
- Draft summary of findings from the SJVAPCD draft ATC engineering evaluation/permit conditions;
- Provide one Response to Comments to the SJVAPCD Request for Additional Information Letter; and
- One copy of the final ATC Summary Report to the City.

## **TASK 4 – DESIGN OF LOW NOX FLARE(OPTIONAL)**

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For this task, Tetra Tech has assumed that Task 5.1 will be completed prior to this task and that a Low-NOx flare manufacturer was selected in prior tasks, changes to this assumption will be considered a changed condition. Tetra Tech assumes that Task 5.1 will be completed prior to this task and will proceed with the preparation of the design drawings using the criteria set forth by the vendor quotes and drawings. Tetra Tech will assist with preparation technical specifications, design drawings, and cost estimate for construction of the Project. Tetra Tech has assumed that a Low-NOx flare manufacturer was selected in prior tasks and any changes to this assumption will be considered a changed condition.

The technical specifications, design drawings, and cost estimate will be included in the bid solicitation for key components of work to be performed for the project. The technical and material specifications will be developed under the Construction Specifications Institute (CSI) format, in accordance with the most recent version of specifications developed by the Solid Waste Association of North America (SWANA) LFG Division, including measurement and payment sections. The technical specifications, design drawings, and cost estimate, when combined with the City's boiler plate upfront bidding documents will create the basis for the construction contract for the proposed Low-NOx flare construction further outlined in Task 5.2.

This Low-NOx flare design will include all engineering design disciplines such as Civil, Mechanical, Process, Structural, and Electrical. This design will include the proposed Low-NOx flare, combustion air blower, and additional blowers to meet the pressure requirements of the flare, as needed. It does not include hydrogen sulfide (H<sub>2</sub>S) treatment systems, condensate systems beyond condensate injection on the new flare to be connected to existing system, or other system improvements.

Tetra Tech will submit phased design efforts to the City at the 30, 65, and 95 percent levels of completion, for review and feedback. In addition, on a regular basis, Tetra Tech will have design meetings with the City to maintain continuity of City input. At the completion of the 95 percent review, Tetra Tech will finalize and submit the IFC designs.

### Conceptual 30 Percent Design Package

Upon receiving the notice to proceed from the City and receipt of the flare vendor drawings, Tetra Tech will begin the preparation of the conceptual 30 percent design package. Any significant design issues identified will be discussed with City staff before the 30 percent design package is submitted. The 30 percent design package will be sufficiently developed to apply for the air permit.

### Design Submittals (65 Percent, 95 Percent and IFC)

Tetra Tech will make partial submittals to the City as design progresses. Tetra Tech anticipates making 65 percent, 95 percent, and IFC design submittals to the City. The City will review and comment on the 65 percent and 95 percent submittals. Tetra Tech will incorporate the City's comments for the subsequent submittal. The final drawings will be signed and stamped by a California registered engineer and sent to the City via electronic PDF. Included in this task are up to three meetings with the City to discuss/review the plans.

The number of drawings included next to each category in the following subsections, are an estimate based on current knowledge, but will be minimized where possible. However, once the overall system has been reviewed, additional drawings may be required.

#### **Subtask 4.1 Mechanical/Process Design**

It is anticipated that the following mechanical/process drawings will be required for construction:

- Cover drawing/vicinity map (one sheet)
- Legend (one sheet)
- Flare station piping and instrumentation diagram, including condensate management (two sheets)
- Support details (one sheet)
- Flare elevation, details, and bill of materials (two sheets)
- Flare station assembly drawing and bill of materials incorporating existing system with the new system (two sheets)

#### **Subtask 4.2 Civil/Structural Design**

Tetra Tech will utilize the City's existing geotechnical report for the structural design of the flare station. Tetra Tech will generate structural calculations based on results of the report for the foundations and anchorage design for the following equipment:

- Low-NOx Flare Stack (mat foundation and/or shallow foundation assumed)
- Combustion Air Blower Skid (shallow foundation; may be combined with Low-NOx Flare Stack)
- Booster Blower, as needed (shallow foundation assumed)
- Steel superstructure design for three (3) pipe rack supports with a maximum height of 10 feet 0 inches
- New Control Panel

It is anticipated that the following civil/structural design drawings will be required for construction:

- Structural General Notes/Structural Observations/Special Inspections Sheet (one sheet)
- Structural Foundation Layout Sheet
- Structural Foundation, Anchorage and Pipe Support Details (three sheets)

### **Subtask 4.3 Electrical/Controls Design**

Tetra Tech will also investigate and determine the electrical needs, existing service, and current electrical consumption. This proposal assumes that no upgrades to the electric service at the existing flare station are needed to accommodate the required electrical load of the proposed Low-NOx Flare and that the extent of the electrical design will be from the existing electrical drop-down meter to the new control panel/flare. Controls integration is anticipated to be largely conducted by the flare vendor, with Tetra Tech providing assistance on the control panel logic diagram to integrate the balance of flare station systems. Tetra Tech can provide services for necessary upgrades to the electrical service under a separate design scope of work and budget if needed. It is anticipated that the following electrical/controls design drawings will be required for this project:

- Flare station single line diagram incorporating new equipment and existing system equipment (one sheet)
- Panel (exterior) drawings (one sheet [produced by the flare vendor])
- Panel (interior) drawing (two sheets [produced by the flare vendor])
- Control panel logic diagram incorporating new and existing components (six sheets [produced by the flare vendor])
- Conduit plan and miscellaneous details (two sheets)
- Control panel miscellaneous details and weather shield details (one sheet [produced by the flare vendor])
- Grounding and bonding and lighting plan (one sheet)

If site conditions substantially differ from the assumptions in the in this proposal, it may result in a changed condition.

#### **Task 4 Deliverables, Meetings, and Conference Calls:**

The following summarizes the items to be performed for the task:

- Preparation of the technical specifications, design drawings, and cost estimate for construction of the proposed Low-NOx flare.
- A conference call will be scheduled to review the draft Special Provisions, draft Bid Schedule and draft CQA Plan;
- A final Special Provisions, Final Bid Schedule and CQA Plan will be prepared when review is completed and delivered via email in word format;
- Preparation and electronic submittal of the Conceptual Drawings at 30 percent design to the City for review;
- One conference call with the City, as needed, to discuss comments;
- Preparation and electronic submittal of the Construction Drawings at 60 percent design to the City for review;
- One conference call with the City, as needed, to discuss comments;
- Preparation and electronic submittal of the Construction Drawings at 90 percent design to the City for review;
- One conference call with the City to discuss comments; and
- Submittal of electronic copies along with two hard copies (24" x 36") of the final, signed and sealed by appropriate parties, Issued for Construction drawings incorporating the agreed up on revisions from the 90 percent design review.

## **TASK 5 – BIDDING ASSISTANCE (OPTIONAL)**

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### **Subtask 5.1 - Equipment Vendor Bidding Assistance**

Tetra Tech will use the results of previous tasks to determine if Task 5.1, use of a Low-NOx, is necessary. For scoping and budgetary purposes, Tetra Tech has assumed that the results of previous tasks determined that a Low-NOx flare is the selected solution for the City. Tetra Tech will work with the City to review and select flare models that meet San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4311 requirements. This will include preparation of equipment specifications and bid schedule to get quotes from the flare manufacturers. A conference call will be scheduled with the City to review the draft equipment specifications and bid schedule. A final equipment specification package and bid schedule will be prepared when review is completed and delivered via email in word format.

The equipment specifications will indicate the minimum requirements for the equipment. It is assumed that the City will solicit for bids utilizing the equipment specifications and bid schedule provided.

To assist the City, Tetra Tech will host one teleconference to answer bidders' questions regarding the flare specifications and bid schedule. Upon receipt of the vendor quotes, Tetra Tech will review the submitted Low- NOx Flare quotes. Tetra Tech will include up to two rounds of review of the submitted vendor information. Tetra Tech will prepare a detailed summary of the submittals with a recommendation for selection in PDF to the City. It is assumed that the City will then select a flare vendor. The City will need to notify the vendor of award and provide a payment for the flare vendor to prepare detailed engineering drawings for submittal to the City and Tetra Tech for review and approval.

#### **Task 5.1 Deliverables, Meetings, and Conference Calls:**

The following summarizes the items to be performed for the task:

- Preparation of Low-NOx Flare technical specification and bid schedule;
- Review of the Low-NOx Flare technical specification and bid schedule with the City;
- Submittal of the flare technical specification and bid schedule to the City for the City's use in solicitation bids from flare manufacturers;
- Host one teleconference with the flare vendors to answer questions regarding the technical specifications and bid schedule;
- Review of Low-NOx Flare bids; and
- Preparation and submittal in PDF of a bid summary and recommendations to the City.

### **Task 5.2 - Construction Bidding Assistance & Support**

Upon finalization of the technical specifications, cost estimate, and construction drawings for the proposed Low-NOx flare, prepared in Task 4, it is assumed that the City will lead the bidding efforts for obtaining a contractor in accordance with the City's procurement policies. It is assumed that the City will assist with the general bidding requirements portion of the flare technical specifications and bid schedule.

Upon solicitation of the construction bid, Tetra Tech will assist the City in the selection of contractors familiar with flare construction and landfill operations. Tetra Tech will conduct a site walk with the prospective contractors along with City representatives. After the site walk, Tetra Tech will allow contractors to submit questions. Tetra Tech will prepare a question-and-answer memorandum and bid schedule addendum, if needed, for distribution to the contractors.

Tetra Tech will receive and review the submitted contractor quotes. Tetra Tech will prepare a summary of the quotes and recommendation for selection. Tetra Tech will review the quotes and summary with the City to make a final selection.

During construction, Tetra Tech will provide construction support to respond to Requests for Information (RFI's) submitted to the City by the Contractor. For budgeting purposes, Tetra Tech has included budget to respond to up to five RFIs. Additional construction support is not included in this proposal but can be provided for an additional fee is desired by the City.

Task 5.2 - Deliverables, Meetings, and Conference Calls:

The following summarizes the work products to be prepared and submitted under this task:

- One site walk at the Landfil with prospective contractors;
- Preparation of questions and answers memorandum and addendum to bid schedule, if needed;
- Review of contractor quotes and bid review summary presented to the City;
- One conference call to discuss the bid review summary with the City for their selection of the Contractor;  
and
- Provide up to five responses to RFI's submitted by the contractor.

## 5.0 PROJECT SCHEDULE

No.	Milestone	Duration	Start Date	End Date
1	Notice to Proceed	---	3/15/2022	---
2	Data Review/Receipt	2 weeks	3/15/2022	3/29/2022
3	LandGEM Review	1 week	3/30/2022	4/6/2022
4	Draft Feasibility Study <sup>1</sup>	2-4 weeks	4/7/2022	5/5/2022
5	City Review of Feasibility Study	1 Week	5/6/2022	5/13/2022
6	Finalization of Feasibility Study.	2 weeks	5/16/2022	6/1/2022
7	Prepare Flare Equipment Specification for Bidding	2 to 4 weeks	3/15/2022	4/15/2022
8	Equipment Bidding	1 month	4/15/2022	5/15/2022
9	Select Flare Vendor	2 weeks	5/15/2022	5/30/2022
10	Air Permitting Application Drafting and Submittal <sup>2</sup>	8 weeks	4/7/2022	6/7/2022
11	ATC Summary Report <sup>3</sup>	2 weeks	TBD	TBD
12	30 Percent Design	12 weeks	4/7/2022	6/30/2022
13	City Review	1 week	6/31/2022	7/8/2022
14	65 Percent Design <sup>1</sup>	6 weeks	7/11/2022	8/22/2022

No.	Milestone	Duration	Start Date	End Date
15	City Review	1 week	8/23/2022	8/30/2022
16	95 Percent Design <sup>1</sup>	6 weeks	8/31/2022	10/12/2022
17	City Review	1 week	10/13/2022	10/14/2022
18	Building Permit (To Be Completed By Others)	6-8 weeks	10/17/2022	11/28/2022
19	Final Submittal Bid (Design and Specification Package) <sup>1</sup>	4 weeks	11/29/2022	12/27/2022
20	Construction Bidding	8 weeks	12/28/2022	2/22/2023
21	Flare/Blower Vendor Drawings	2-4 weeks	5/31/2022	6/28/2022
22	Flare/Blower Skid Fabrication	18-28 weeks	6/29/2022	1/2/2022
23	Construction Period Services <sup>4</sup>	18 weeks	2/23/2022	6/29/2022
24	Start-Up	1-2 weeks	6/30/2022	7/14/2022
25	Close-Out	1 week	7/17/2022	7/24/2022

<sup>1</sup>Assumed start time is one week following previous submittal to account for City review.

<sup>2</sup>Air Permit to be submitted prior to July 1st deadline

<sup>3</sup>Tetra Tech will review the draft ATC when provided by the AQMD.

<sup>4</sup>Assumed start time is eight weeks following initial flare/blower skid fabrication.

## 6.0 COST PROPOSAL

Tetra Tech’s estimated budget to complete the scope of work discussed above is detailed in the following table.

Task	Labor Cost	Other Direct Costs	Total Task Cost
Task 1 – Project Management and Meetings	\$12,310	\$616	\$12,926
Task 2 – LFG Beneficial Use Evaluation	\$14,560	\$728	\$15,288
Task 3 – Authority to Construct (ATC)	-	-	-
Task 3.1 - Emissions Calculations	\$7,990	\$400	\$8,390
Task 3.2 - Air Permit Application Submittal	\$8,584	\$429	\$9,013
Task 3.3 - Review of the Draft ATC and Response to Comments	\$4,830	\$242	\$5,072
Task 5 - Bidding Assistance	-	-	-
Task 5.1 - Equipment Vendor Bidding Assistance	\$8,240	\$412	\$8,652
<b>Total Without Optional Tasks</b>			<b>\$59,341</b>
<b>Optional Tasks</b>			
Task 4 - Plans, Specification and Estimate (Optional)	\$65,490	\$1,575	\$67,065
Task 5.2 - Construction Bidding Assistance & Support (Optional)	\$14,500	\$925	\$15,245
<b>Optional Tasks Total</b>			<b>\$82,310</b>
<b>TOTAL with Optional Tasks</b>			<b>\$141,651</b>

The estimated cost and proposed scope of work are based on information available to Tetra Tech at this time. If conditions change, unforeseen circumstances are encountered, or work efforts are redirected, the cost estimate may require modification.

## ASSUMPTIONS AND CONTINGENCIES

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To prepare the Scope of Work and Project Budget for the proposed services, Tetra Tech has made the following assumptions:

1. All work will be performed in accordance with the terms and conditions of our Agreement.
2. Tetra Tech's pricing is based on receipt of all the work outlined in this proposal. Tetra Tech reserves the right to revise our pricing if significant deletions or additions are made to the Scope of Work.
3. Tetra Tech's pricing assumes no additional control equipment will be needed and no additional permit applications will be required or completed.
4. Any additional site visits or meetings with the City's personnel beyond what is included in the proposal will require a change order.
5. Tetra Tech's efforts are contingent upon adequacy of available information.
6. Tetra Tech has assumed that the City will provide assistance to Tetra Tech, where needed, to obtain necessary facility or source specific information, needed during the project.
7. Building permit application, construction support, and record drawing preparation services are not included in this proposal.
8. A geotechnical investigation is not included in this proposal and Tetra Tech assumes a recent geotechnical report for the project is available for use in the structural design.
9. The City will provide Tetra Tech at no cost, all necessary documents including topography, current AutoCAD site drawings, geotechnical investigations, previous LandGEM data, waste receipts, bid formats, landfill gas composition data, existing pollutant emissions estimates (if available), previously submitted air permit applications for the proposed LFG control devices and any other necessary background information required to complete the scope of work. These items will be provided in a timely manner so as to not delay the project;
10. The City will provide feedback to Tetra Tech in a timely manner;
11. Tetra Tech is not responsible for the accuracy of site information provided by others;
12. Multiple review meetings requested by the City will be considered a changed condition;
13. Tetra Tech assumes that City will provide any up-front portions, standard language, for the flare technical specifications and cost estimate;
14. Tetra Tech assumes contractor bidding will be limited to experienced GCCS contractors;
15. Tetra Tech assumes the City will solicit contractor bidding and has not provided scope or budget for contractor bidding;
16. It is assumed that the City will then purchase the selected equipment from the vendor;
17. Tetra Tech assumes that the City will pay all air and building permit fees directly upon receipt of the invoice;
18. Permitting of the flare requires no other environmental assessments or reviews;

19. Permitting of the new flare will not require additional MET data, other than what is currently available. Modeling can be accomplished by using readily available models such as ISCST3 (BEEST) or HARP. AERMOD is not required for this analysis;
20. This proposal assumes that upgrades to the electric service at the existing flare station are not necessary to accommodate the required electrical load of the proposed Low-NOx Flare and that the extent of the electrical design will be from the existing electrical drop-down meter to the new control panel/flare;
21. Construction assistance is limited to five responses to RFI's. Additional construction support is not included in this proposal but can be provided for an additional fee is desired by the City.
22. Construction Quality Assurance (CQA) is not included in this proposal but can be provided under separate scope and budget as desired by the City;
23. No post-report services, such as plan reviews and stamping or response to comments are needed. Tetra Tech can provide these services under a separate scope of work should the City require them; and
24. Survey will be performed by others.

## CLOSING

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We appreciate the opportunity to present this proposal for your review and approval and trust the information presented herein will meet your expectations. Please contact Alex Newell (925) 241-1075 or Paul Stout at (630) 633-5822 if you have any questions or comments or require additional information.

Sincerely,

**TETRA TECH BAS, INC.**



Alex Newell, P.E.  
Engineering Manager, Methane Gas Group



Paul Stout, P.E.  
Vice President of Operations, Methane Gas Group

Cc: Ghassan Andraos, Tetra Tech | Sami H. Ayass, P.E., Tetra Tech | Nick Balistreri, Tetra Tech



## 7.0 RESUMES

### ALEX NEWELL, PE

<b>Project Role:</b>	Project Manager
<b>Education:</b>	B.S., Geological Engineering ( <i>University of Wisconsin, Madison</i> ) B.S., Geology & Geophysics ( <i>University of Wisconsin, Madison</i> )
<b>Registration / Certifications:</b>	CA Registered Civil Engineer (#90686) 40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Alex Newell is a Project Manager in Tetra Tech’s Dublin, California office where his responsibilities include but are not limited to designing and managing landfill gas (LFG) collection and control systems (GCCS), designing covered aerated static pile (CASP) compost facilities, designing beneficial use facilities, conducting construction quality assurance (CQA) and construction management, and preparing grant applications. Alex has led the design of large diameter piping, new enclosed Low NOx flare stations, condensate management sumps, and wellfield improvements, including horizontal collectors and vertical extraction wells and associated piping at several sites, including Simi Valley Landfill, Kirby Canyon Recycling and Disposal Facility, Guadalupe Rubbish Disposal Facility, Altamont Landfill and Resource Recovery Facility, and Redwood Landfill.

### Relevant Experience

- **Republic Services GCCS Master Planning.** Master planning and lifetime budget planning for various Republic and Waste Management landfills by quantifying LFG production using the United States Environmental Protection Agency’s (USEPA’s) LandGEM and sizing the GCCS and determining piping layouts using KYGas. Project sites included Newby Island Landfill, Ox Mountain Landfill, Keller Canyon Landfill, Vasco Road Landfill, Apex Landfill, Sonoma Central Landfill, and Forward Landfill
- **Republic Services GCCS Improvement Design.** Designed multiple GCCS improvement projects at landfills located throughout California. Lead the design of large diameter piping, new enclosed Low NOx flare stations, condensate management sumps, and wellfield improvements, including horizontal collectors and vertical extraction wells and associated piping.
- **Monterey Regional Waste Management District, Marina Landfill, California.** Designed hydrogen sulfide treatment system capable of treating entirety of landfill gas to meet permit limits and for the development of a biogas-to-renewable natural gas.
- **Monterey Regional Waste Management District – GCCS Improvements, Marina Landfill.** Project Engineer for design of upgrades to an existing GCCS to meet the fuel standards for beneficial end use. Project included preparing a wellfield evaluation to evaluate current conditions, evaluate design criteria related to beneficial end use equipment, and preparing design drawings for a proposed facility layout.
- **Waste Management GCCS Improvements.** Designed over GCCS improvement projects at Landfills located in California. Lead the design of large diameter piping, new enclosed Low NOx flare stations, condensate management sumps, and wellfield improvements, including horizontal collectors and vertical extraction wells and associated piping. Project sites included Simi Valley Landfill, Kirby Canyon Recycling and Disposal Facility, Guadalupe Rubbish Disposal Facility, Altamont Landfill and Resource Recovery Facility, and Redwood Landfill
- **Maui County Central Maui Landfill GCCS Improvements.** Designed over GCCS improvement projects at Landfills located in California. Lead the design of large diameter piping, new enclosed Low NOx flare stations, condensate management sumps, and wellfield improvements, including horizontal collectors and vertical extraction wells and associated piping.

**PAUL STOUT, PE**

<b>Project Role:</b>	Project Director
<b>Education:</b>	M.S., Environmental Civil Engineering ( <i>University of California, Berkeley</i> ) B.S., Civil Engineering ( <i>University of California, Berkeley</i> )
<b>Registration / Certifications:</b>	CA Registered Civil Engineer (#52827) 40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Paul has 30 years of experience in LFG and air quality projects and is a leader in the landfill gas field. His experience includes all aspects of LFG projects, including LFG migration assessment, energy feasibility studies, all phases of design (preliminary through construction plans), permitting, construction, start-up, and O&M. He has been Principal Engineer of multiple-site GCCS OM&M programs which have required effective coordination of field, engineering, reporting, and compliance teams. Paul has been Principal Landfill Gas Engineer and QC Manager on Tetra Tech GCCS OM&M projects at Republic Services eight landfills in their Southwest and West Regions, as well as multiple site GCCS O&M programs for the counties of Sonoma, Placer, and Butte. He has been certifying engineer for the construction level design of LFG wellfield improvements; conveyance piping, flare stations, and condensate management systems. He has presented technical papers at conferences sponsored by the Solid Waste Association of North America, Global Waste Symposium, and BioCycle. Topics have included GCCS design and operation, and strategies which combine field services with compliance programs to save costs. He has managed numerous LFG projects as well as multi-disciplinary projects involving other aspects of landfill design and construction. He also assists on landfill design, landfill permitting, materials recovery facility permitting, and hazardous waste remediation projects.

**Relevant Experience:** LFG Control System OM&M – Western Placer Regional Landfill, Western Placer Waste Management Authority | LFG System Design – Acme Landfill, Republic Services | LFG Master Plan – Kiefer Landfill, County of Sacramento | LFG System Trouble Shooting/Upgrade – Palo Alto Landfill, City of Palo Alto | LFG System Expansion – Altamont Landfill, Waste Management

**GUS ANDRAOS**

<b>Project Role:</b>	Project Director
<b>Education:</b>	B.S., Chemical Engineering ( <i>California State University, Northridge</i> )

Gus has 40 years of experience in the landfill gas and methane gas processing field, including direction of to OM&M GCCS at active and closed landfills. Gus has been highly effective in troubleshooting and implementing upgrades to landfill gas systems that have had historic difficulty meeting regulatory compliance guidelines. He has achieved an outstanding record of helping clients keep their landfills in full compliance with the requirements of various California Air Pollution Control Districts, the California Air Resources Board, and the US Environmental Protection Agency. He provided technical input to the South Coast Air Quality Management District during the development of some of the first landfill surface emissions guidelines in California (Rule 1150.1) and has worked with Air Pollution Control Districts throughout California and Arizona during the permitting, design and operation of more than 75 landfill gas systems. He has negotiated approvals to innovative approaches to mitigating landfill gas migration.

**Relevant Experience:** LFG Control System OM&M – OC Waste & Recycling Central Region Central & South Region Landfills, County of Orange | LFG Control System OM&M – BKK Landfill, BKK Corporation | LFG Control System OM&M – Colton, Milliken, Mid Valley, San Timoteo Landfills, County of San Bernardino | LFG Control System OM&M – Skunk Creek, City of Phoenix | LFG Control System OM&M – Lopez Canyon, City of Los Angeles | LFG Control System OM&M – Oil Landfill, Operating Industries Inc. | LFG Control System OM&M – West Contra Costa Landfill, Republic Services, Inc.

**SAMI H AYASS, PE**

<b>Project Role:</b>	Landfill Gas Engineering
<b>Education:</b>	B.S., Chemical Engineering ( <i>California Polytechnic University, Pomona</i> )
<b>Registration / Certifications:</b>	CA Registered Civil Engineer (#90686) 40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Mr. Ayass has 15 years in the operation, maintenance, and monitoring of LFG control systems. He has managed LFG control system OM&M programs at some of the largest landfills in the U.S. (e.g., Sunshine Canyon Landfill), and has effectively integrated regular OM&M activities with active filling operations. He has coordinated field resources, prepared and executed task orders for non-routine services, performed engineering oversight of field monitoring data, and developed strategies to enhance LFG control system operational efficiency. Mr. Ayass' experience includes managing multiple LFG OM&M and engineering programs for LFG Control Systems across California. He has also prepared reports documenting compliance with local air pollution control district requirements and has been directly involved in the development of permitting plans and LFG Control system designs. Mr. Ayass has been directing LFG control system reporting programs which comply with the requirements of multiple air pollution control districts, the CARB, and the USEPA.

**PETER SKOPEK, PHD, PE, GE**

<b>Project Role:</b>	Geotechnical Engineering
<b>Education:</b>	Ph.D., Geotechnical Eng. ( <i>University of Alberta, Edmonton, Canada</i> ) M.Sc., Geotechnical Eng. ( <i>Czech Technical University, Prague, Czech Republic</i> )
<b>Registration / Certifications:</b>	CA Registered Civil Eng. (#59242)   CA Registered Geotechnical Eng. (#2635) 40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Dr. Skopek has more than 32 years of professional experience in geotechnical engineering. He has been involved with geotechnical engineering projects for numerous private and public clients. These projects included deep and shallow foundation design, slope assessment and stabilization design, ground stabilization, design of braced, cantilevered, tieback, soil nail, and mechanically supported retaining walls and excavations, landfill design and redevelopment, liquefaction assessment and geotechnical seismic design, pavement and geotechnical road design, performance reviews and design of earthen dams, geotechnical site investigation, design and implementation of laboratory programs, execution of field inspections, and provision of geotechnical services during construction. Dr. Skopek has been involved with permitting procedures and presentations to local governing agencies.

**KENDRA KENT**

<b>Project Role:</b>	Permitting / Compliance
<b>Education:</b>	B.S., Environmental Resource Management ( <i>Arizona State University</i> )
<b>Registration / Certifications:</b>	40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Ms. Kendra Kent is an Environmental Scientist with 21 years of experience in the environmental industry with experience in landfill gas, environmental compliance, field sampling and monitoring, data analysis and reporting, and groundwater monitoring. Ms. Kent is the project manager for air permitting and compliance site activities for California as wells as sites in Nevada as a member of Tetra Tech's Air Compliance group. She is responsible for reviewing and reporting landfill and gas collection system operational data at landfills subject to New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAP), and subject to Bay Area Air Quality Management District (BAAQMD) and Clark County Department of Air Quality and Environmental Management (DAQEM) rules and regulations.

**JUAN CARBAJAL, EIT**

<b>Project Role:</b>	Landfill Gas Engineering
<b>Education:</b>	B.S., Civil Engineering ( <i>California Polytechnic University, Pomona</i> )
<b>Registration / Certifications:</b>	California Registered Engineer-in-Training 40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Mr. Carbajal is a Project Engineer / Project Manager with specialized experience providing technical support during the design, operation, maintenance, and monitoring of landfill gas extraction and treatment systems. He has been responsible for setting up and processing work orders for routine / non-routine tasks for multiple-site landfill gas operation, maintenance, and monitoring contracts. This has included oversight of subcontractors and vendors to verify compliance with project specifications. He has been involved with the initial start-up and monitoring of collection and control system and has performed data analysis and interpretation to assist in optimizing overall landfill gas system performance. He has also provided support regarding landfill gas to energy system upgrades, maintenance, and other landfill related issues. He has a working background in observing / analyzing / monitoring landfill gas probes, wells, and blower stations. Mr. Carbajal has prepared reports documenting compliance with USEPA Title V requirements. He has also performed construction management and construction quality assurance services during the installation of landfill gas extraction and treatment systems.

**JOE MICELI, EIT**

<b>Project Role:</b>	Landfill Gas Engineering
<b>Education:</b>	B.S., Chemical Engineering ( <i>University of Nevada, Reno</i> )   Minor: Alternative Energy
<b>Registration / Certifications:</b>	California Registered Engineer-in-Training 40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Mr. Miceli is a registered Engineer-in-Training with over seven years of experience in the design, construction and operation of landfill gas collection and control systems at Southern California landfill facilities. He has experience in the preparation and processing of regulatory reports documenting landfill gas system operation and maintenance programs. He has been involved in the coordination between engineering and field monitoring staff on multiple-site OM&M programs and has performed data analysis to assist in optimizing overall Landfill Gas Collection System performance. Mr. Miceli has been responsible for the preparation of work orders, and in processing of invoices for repairs and upgrades to landfill gas extraction wells, conveyance piping, and treatment facilities. He has also been involved in the preparation of permitting plans and has been involved with landfill gas reporting programs which comply with the requirements of local Air Pollution Control Districts, and California Air Resources Control Board, and United States Environmental Protection Agency.

**MATTHEW HELO**

<b>Project Role:</b>	Landfill Gas Engineering
<b>Education:</b>	B.S., Chemical Engineering ( <i>California Polytechnic University, Pomona</i> )
<b>Registration / Certifications:</b>	40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Mr. Helo has experience in the preparation of reports documenting the operation and maintenance of landfill gas and extraction systems. This includes collection and review of field monitoring data, documentation of scheduled routine and non-routine operational tasks, and documentation of unscheduled / emergency repairs. As part of his reporting responsibilities, Mr. Helo has prepared reports documenting compliance with South Coast Air Quality Management District (SCAQMD) Rule 1150.1 and San Joaquin Valley Air Pollution (SJVAPCD) Title V Requirements.

**MAZEN KASSAR, PE**

<b>Project Role:</b>	Electrical Engineering
<b>Education:</b>	B.S., Electrical Engineering ( <i>California State University, Long Beach</i> )
<b>Registration / Certifications:</b>	Professional Electrical Engineer, CA No. 15809   General Construction, Class B No. 777845, CA   Contractor - C-10 Electrical, CA Class C – Specialty, No. 777845 ETAP Electrical Power Modeling

Mr. Mazen Kassar has more than 29 years of experience in electrical engineering and industry standard that include electrical engineering staff management, project management, construction management and supervision, water and wastewater treatment, petro-chemical design, and environmental soil and groundwater treatment. His background includes designing medium and low voltage power distribution, designing instrumentation, control systems and SCADA systems for a wide-variety of projects, and the installation of electrical systems for remediation projects, including soil vapor extraction systems and groundwater pump-and-treat systems. Other experience includes, working with utility companies to provide new electrical service to new projects, working with local Building and Safety Departments to obtain permits, field trouble shooting of electrical and mechanical systems, system commissioning and startup, problem solving, and managing an operation and maintenance department.

**MIKE OLSEN, PE**

<b>Project Role:</b>	Structural Engineering
<b>Education:</b>	M.S., Civil Engineering (Structural Emphasis) ( <i>California State Polytechnic University, Pomona</i> ) B.S., Civil Engineering ( <i>California State Polytechnic University, Pomona</i> ) <i>Magna Cum Laude</i>
<b>Registration / Certifications:</b>	Professional Engineer, CA, No. 81944

Mr. Olsen has been a part of the Tetra Tech team for 11 years and contributes his extensive structural engineering knowledge from his involvement in municipal, industrial and federal projects. He has completed a variety of projects varying in size and funding for both public and private entities. Mr. Olsen’s experience includes design, analysis, detailing and construction in structural engineering. He is knowledgeable in reinforced concrete, pre- and post-tensioned concrete, reinforced masonry, steel and timber construction for a variety of building and infrastructure projects including reservoirs, water/wastewater treatment facilities, pump stations, bridge, buried concrete vaults, pipeline structures, bridges, as well as seismic retrofit of existing structures.

**DOUG BELL, PE, GE**

<b>Project Role:</b>	Geotechnical Engineering
<b>Education:</b>	B.S. Civil Engineering ( <i>McGill University</i> )
<b>Registration / Certifications:</b>	CA Civil Engineer No. C40516 CA Geotechnical Engineer No. GE2140

Mr. Bell has been involved with the *geotechnical engineering* of numerous projects involving heavy civil construction, commercial and industrial development, roadways, bridges, water reservoirs, pipelines, and hydraulic structures. His work has included detailed settlement analysis, development of recommendations for shallow and deep foundation systems, slope stability analysis, and evaluation of lateral earth pressures for shoring and permanent wall structures. His work has also included forensic study of foundation distress of residential, commercial, and industrial buildings.

**NAT ISRAEL**

<b>Project Role:</b>	Permitting / Compliance
<b>Education:</b>	BS, Environmental Science ( <i>Humboldt State</i> )
<b>Registration / Certifications:</b>	40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Mr. Nathaniel Israel is an Environmental Scientist with three years of experience in multiple natural resource fields. His primary responsibilities include providing assistance with air compliance support to clients in California and Hawaii. He is also responsible for reviewing and reporting landfill and gas collection and control system (GCCS) operational data at landfill sites subject to New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAP), and subject to Bay Area Air Quality Management District (BAAQMD), South Coast Air Quality Management District (AQMD), and Hawaii Department of Health (DOH) Clean Air Branch (CAB) rules and regulations. Mr. Israel has also provided technical expertise for project leaders in multiple natural resource positions. He has also helped coordinate sampling procedures, can identify native and invasive plants, collect field samples, and has ample experience interacting with clients and public stakeholders.

**SUZAN PANKENIER**

<b>Project Role:</b>	Permitting / Compliance
<b>Education:</b>	B.A., Environmental Analysis and Design ( <i>University of California, Irvine</i> )
<b>Registration / Certifications:</b>	40 Hour HAZWOPER   8 Hour HAZWOPER Refresher

Ms. Suzan Pankenier is a Client Manager with more than 20 years of experience in the environmental and solid waste industry, providing oversight of multiple projects. She supports compliance and air quality related service growth initiatives around the country and supports the West Coast compliance and air permitting team. She has experience working with federal, state, and local regulations concerning air, water, and solid waste disposal regulatory compliance and air quality and solid waste permitting for various landfills, as well as providing regulatory compliance oversight for preparing documents and plans. She managed organics and anaerobic digester (AD) projects with combined heat and power engines, permitted and determined emissions from organic waste receiving, conveying, material handling, covered aerated static pile (CASP) air quality permitting, engines, flares, in-vessel composting of digestate, and windrow composting, and provided air permitting for various enclosed flare projects, including ultra-low emissions (ZULE) flares, and renewable natural gas (RNG)/landfill gas to energy (LFGTE) projects.





# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: March 14, 2022

SUBJECT: Consider Approval – Res. 22-\_\_\_\_, Repealing Emergency Services Director Orders 2020-03, 2020-06, 2020-08, 2020-08A, 2020-13, 2020-16, 2021-01, and 2021-02

**Staff:** John Holt, City Manager

**Recommendation:** Approve

ATTACHMENTS: 1. Res. 22-\_\_\_\_, Repealing Emergency Services Director Orders 2020-03, 2020-06, 2020-08, 2020-08A, 2020-13, 2020-16, 2021-01, and 2021-02.

2. Emergency Orders 2020-03, 2020-06, 2020-08, 2020-08A, 2020-13, 2020-16, 2021-01, and 2021-02.

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For the City Council to adopt a resolution repealing Emergency Services Director Orders 2020-03, 2020-06, 2020-08, 2020-08A, 2020-13, 2020-16, 2021-01, and 2021-02. Another option Council may consider is to rescind Resolution 20-20 approved by City Council on March 16, 2020. Rescinding the original declaration of the emergency would effectively rescind all of the remaining orders currently in place. Minor changes would need to be made to the attached resolution if that is Councils direction.

### BACKGROUND

On March 16, 2020, the City Council approved the following:

1. A request from the Director of Emergency Services for the City of Clovis that the City Council of the City of Clovis proclaim the existence or threatened existence of a local emergency (COVID-19); and

2. A Resolution of the City Council of the City of Clovis proclaiming the existence or threatened existence of a local emergency (COVID-19).

On March 21, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-01: Declaration Closing Bars, Wineries, Breweries, Pubs, and Restaurants; and
2. Order 2020-02: Declaration Closing Gyms, Health Clubs, Trampoline Parks, Arcades, and Theaters; and
3. Order 2020-03: Declaration Establishing Emergency Telework Guidelines.

On March 30, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-04 pertaining to employee leave/pay during emergency determined as necessary to safeguard life and property and continue essential services of the City of Clovis; and
2. Order 2020-05 related to price gouging and taking unfair advantage of consumers.

On April 6, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-06 related to waiving late fees on business license payments and utility payments; and
2. Order 2020-07 related to waiving municipal code restrictions against parking a recreational vehicle under specific circumstances.

On April 13, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08 related to suspension of employee vacation caps during the declared emergency; and
2. Order 2020-09 related to waiving transit fares during the declared emergency; and
3. Order 2020-04A, an addendum to 2020-04 relating to emergency leave/pay for use by all City of Clovis employees during the declared emergency; and
4. Order 2020-10 related to closing play structures, exercise apparatus, and picnic shelters at City-owned parks; and
5. Order 2020-11 related to local enforcement of Governor's Executive Order pertaining to the statewide stay at home requirements; and
6. Order 2020-12 relating to enforcement of local emergency orders.



On April 20, 2020, the City Council confirmed the Director of Emergency Services':

1. Order 2020-08A, an addendum to suspension of vacation cap order 2020-08 related to suspension of employee vacation caps during the declared emergency.

On May 4, 2020, the City Council approved an emergency order as follows:

1. Order 2020–13 in order to add clarity to the City's roles and responsibilities under the governor's stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (City parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the City's enforcement responsibilities.

On June 1, 2020, the City Council approved an emergency order as follows:

1. Order 2020–14 assisting restaurants severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances.

On July 20, 2020, the City Council approved an emergency order as follows:

1. Order 2020–15 allowing Retail and Service to use Public and Private common areas.

On August 3, 2020, the City Council approved an emergency order as follows:

1. Order 2020–16 assisting local developers in Clovis by suspending the expiration of specified land use entitlements.

On December 14, 2020, the City Council approved an emergency order as follows:

1. Order 2020–4B providing paid administrative leave time for those employees who have exhausted their COVID leave time and are required to quarantine due to a workplace exposure.

On February 1, 2021, the City Council approved an emergency order as follows:

1. Order 2021–01 suspending certain City transit service rider eligibility requirements for COVID-19 vaccination appointment transportation.

On April 19, 2021, the City Council approved an emergency order as follows:

1. Order 2021-02, relating to Senate Bill 95 emergency leave/pay from January 1, 2021 through September 30, 2021.
2. Adopted resolutions repealing Emergency Services Director Orders 2020-05, 2020-07, 2020-09, 2020-11, and 2020-12.

Staff is now returning to City Council to recommend repealing Emergency Services Director Orders 2020-03, 2020-06, 2020-08, 2020-08A, 2020-13, 2020-16, 2021-01, and 2021-02.

The chart below shows the current status of the emergency orders over the past two years. Those highlighted in yellow (except for Resolution 20-20) would be repealed if the attached resolution is approved.

			2020	REPEALED	
Res #	Order #s	Date	Description	Res.#	Date
20-20	None	3/16/20	City Council of the City of Clovis proclaiming the existence or threatened existence of a local emergency (COVID-19).		
20-29	2020-01	3/21/20	a Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders and Declarations and acknowledging and adopting the Governors Executive Order N-33-20 pertaining to a statewide stay in place order. SPECIAL MEETING <b>Order 2020-01: Closing Bars/Restaurants/Gyms/Food Trucks</b>	20-52	5/4/2020
20-29	2020-02	3/22/20	a Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders and Declarations and acknowledging and adopting the Governors Executive Order N-33-20 pertaining to a statewide stay in place order. SPECIAL MEETING <b>Order 2020-02 Closing Gyms/Amusement Parks/Theatres</b>	20-52	5/4/2020
20-29	2020-03	3/23/20	a Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders and Declarations and acknowledging and adopting the Governors Executive Order N-33-20 pertaining to a statewide stay in place order. SPECIAL MEETING <b>Order 2020-03: Emergency Telework Guidelines</b>		
21-31	2020-04	3/30/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-04: Employee Leave/Pay.</b>	21-55	4/19/2021
20-31	2020-05	3/30/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-05: Price Gouging</b>	21-58	5/3/2021
20-34	2020-06	4/6/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-06: Waiving late fees for business license and utility payments</b>		
20-34	2020-07	4/6/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-07: Waiving Recreational Vehicle Parking Restrictions</b>	21-58	5/3/2021
20-42	2020-08	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-08: Employee Vacation Caps</b>		
20-42	2020-09	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-09: Waive Transit Fees</b>	21-58	5/3/2021
20-42	2020-04A	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-04A: Emergency Employee Leave/Pay,</b>	21-55	4/19/2021
20-42	2020-10	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-10: Closing structures in Parks</b>	20-52	5/4/2020
20-42	2020-11	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 202-11: Stay at Home</b>	21-58	5/3/2021
20-42	2020-12	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-12: Enforcement of Orders</b>	21-58	5/3/2021
20-47	2020-08A	4/20/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-08A: Addendum to Vacation Cap</b>		

Res #	Order #s	Date	Description	Res.#	Date
20-52	2020-13	5/4/20	A Resolution adopting Emergency Order 2020–13 in order to add clarity to the city’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (city parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the city’s enforcement responsibilities. <b>Order 2020-13: Repealing Orders 2020-01, 2020-02 and 2020-10.</b>		
20-66	2020-14	6/1/20	A Resolution adopting Emergency <b>Order 2020–14, assisting restaurants</b> severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances.	21-121	10/18/2021
20-96	2020-15	7/20/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services’ Orders. <b>Order 2020-15: Retail and Service allowed to use Public and Private common areas.</b>	21-121	10/18/2021
20-104	2020-16	8/3/20	Adopting Emergency <b>Order 2020-16, assisting local developers</b> in Clovis by suspending the expiration of specified land use entitlements expire.		
20-178	2020-04B	12/14/20	Emergency Services Director <b>Order 2020 – 04b. Second Addendum to Employee Leave/Pay Order 2020-04.</b> Declaration Of The Director Of Emergency Services Of The City Of Clovis Amending Order 2020-04 Relating To Employee Leave/Pay During Emergency Determined As Necessary To Safeguard Life And Property And Continue Essential Services Of The City Of Clovis.	21-55	4/19/2021
			<b>2021</b>	<b>REPEALED</b>	
Res #	Order #s	Date	Description	Res.#	Date
21-23	2021-01	2/1/2021	Adopting Emergency <b>Order 2021-01, Suspending Certain City Transit Service Rider Eligibility Requirements</b> for COVID-19 Vaccination Appointment Transportation.		
21-55	2021-02	4/19/2021	Emergency Services Director <b>Order 2021-02 Relating to Employee Leave/Pay during Emergency</b>		

**FISCAL IMPACT**

Repealing the remaining emergency orders will not have a material financial impact and will allow staff to resume operations more consistent with pre-pandemic City operations.

Prepared by: John Holt, City Manager

Reviewed by: City Manager *JH*

**CITY OF CLOVIS**

**RESOLUTION NO. 22-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS  
REPEALING EMERGENCY ORDERS 2020-03, 2020-06, 2020-08, 2020-08A,  
2020-13, 2020-16, 2021-01, and 2021-02**

**WHEREAS**, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency due to the increase in confirmed cases of COVID-19, including now multiple confirmed cases within Fresno, Madera and Tulare Counties; and

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the Director of Emergency Services is empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, under conditions of the emergency, it is deemed necessary in the interest of public safety to enact certain emergency orders and restrictions within the City; and

**WHEREAS**, life and property is deemed to be in peril and time is of the essence; and

**WHEREAS**, the City Council does hereby find that the above-described conditions of disaster or of extreme peril did warrant and necessitate the Director of Emergency Services’ orders and restrictions in response to the existence of a local emergency; and

**WHEREAS**, effective March 19, 2020, pursuant to Executive Order N-33-20, the Governor issued a Statewide stay at home/stay in place order, which encompasses and expands upon the orders of the Director of Emergency Services.

**NOW, THEREFORE**, the City Council of the City of Clovis resolves as follows:

**IT IS HEREBY ORDERED**, effective immediately upon adoption of this Resolution, that:

1. Emergency Services Director Orders 2020-03, 2020-06, 2020-08, 2020-08A, 2020-13, 2020-16, 2021-01, and 2021-02 are hereby repealed (see Attachment A).

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a meeting of the City Council of the City of Clovis held on March 14, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date: March 14, 2022

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Mayor

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City Clerk

			2020	REPEATED	
Res #	Order #s	Date	Description	AGENDA ITEM NO. 6.	
20-20	None	3/16/20	City Council of the City of Clovis proclaiming the existence or threatened existence of a local emergency (COVID-19).		
20-29	2020-01	3/21/20	a Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders and Declarations and acknowledging and adopting the Governors Executive Order N-33-20 pertaining to a statewide stay in place order. <b>SPECIAL MEETING Order 2020-01: Closing Bars/Restaurants/Gyms/Food Trucks</b>	20-52	5/4/2020
20-29	2020-02	3/22/20	a Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders and Declarations and acknowledging and adopting the Governors Executive Order N-33-20 pertaining to a statewide stay in place order. <b>SPECIAL MEETING Order 2020-02 Closing Gyms/Amusement Parks/Theatres</b>	20-52	5/4/2020
20-29	2020-03	3/23/20	a Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders and Declarations and acknowledging and adopting the Governors Executive Order N-33-20 pertaining to a statewide stay in place order. <b>SPECIAL MEETING Order 2020-03: Emergency Telework Guidelines</b>		
21-31	2020-04	3/30/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-04: Employee Leave/Pay.</b>	21-55	4/19/2021
20-31	2020-05	3/30/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-05: Price Gouging</b>	21-58	5/3/2021
20-34	2020-06	4/6/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-06: Waiving late fees for business license and utility payments</b>		
20-34	2020-07	4/6/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-07: Waiving Recreational Vehicle Parking Restrictions</b>	21-58	5/3/2021
20-42	2020-08	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-08: Employee Vacation Caps</b>		
20-42	2020-09	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-09: Waive Transit Fees</b>	21-58	5/3/2021
20-42	2020-04A	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-04A: Emergency Employee Leave/Pay,</b>	21-55	4/19/2021
20-42	2020-10	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-10: Closing structures in Parks</b>	20-52	5/4/2020
20-42	2020-11	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 202-11: Stay at Home</b>	21-58	5/3/2021
20-42	2020-12	4/13/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-12: Enforcement of Orders</b>	21-58	5/3/2021
20-47	2020-08A	4/20/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-08A: Addendum to Vacation Cap</b>		

Res #	Order #s	Date	Description	AGENDA ITEM NO. 6.	
20-52	2020-13	5/4/20	A Resolution adopting Emergency Order 2020–13 in order to add clarity to the city’s roles and responsibilities under the governor’s stay at home order by: (1) repealing emergency orders 2020-01 (bars and restaurant closures), 2020-02 (gyms and places of amusement), and 2020-10 (city parks) as unnecessarily duplicative as the statewide stay at home order covers these and other items; and (2) clarifying the city’s enforcement responsibilities. <b>Order 2020-13: Repealing Orders 2020-01, 2020-02 and 2020-10.</b>		
20-66	2020-14	6/1/20	A Resolution adopting Emergency <b>Order 2020–14, assisting restaurants</b> severely impacted by the COVID-19 crisis by allowing restaurants the option to temporarily expand capacity into public and private common areas under specified circumstances.	21-121	10/18/2021
20-96	2020-15	7/20/20	A Resolution of the City Council of the City of Clovis confirming the Director of Emergency Services' Orders. <b>Order 2020-15: Retail and Service allowed to use Public and Private common areas.</b>	21-121	10/18/2021
20-104	2020-16	8/3/20	Adopting Emergency <b>Order 2020-16, assisting local developers</b> in Clovis by suspending the expiration of specified land use entitlements expire.		
20-178	2020-04B	12/14/20	Emergency Services Director <b>Order 2020 – 04b. Second Addendum to Employee Leave/Pay Order 2020-04.</b> Declaration Of The Director Of Emergency Services Of The City Of Clovis Amending Order 2020-04 Relating To Employee Leave/Pay During Emergency Determined As Necessary To Safeguard Life And Property And Continue Essential Services Of The City Of Clovis.	21-55	4/19/2021
			<b>2021</b>	<b>REPEALED</b>	
Res #	Order #s	Date	Description	Res.#	Date
21-23	2021-01	2/1/2021	Adopting Emergency <b>Order 2021-01, Suspending Certain City Transit Service Rider Eligibility Requirements</b> for COVID-19 Vaccination Appointment Transportation.		
21-55	2021-02	4/19/2021	Emergency Services Director <b>Order 2021-02 Relating to Employee Leave/Pay during Emergency</b>		

**CITY OF CLOVIS  
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 03  
ESTABLISHING EMERGENCY TELEWORK GUIDELINES**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF  
CLOVIS ESTABLISHING EMERGENCY TELEWORK GUIDELINES DETERMINED  
AS NECESSARY TO SAFEGUARD LIFE AND PROPERTY AND CONTINUE  
ESSENTIAL SERVICES OF THE CITY OF CLOVIS**

**WHEREAS**, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency due to the increase in confirmed cases of COVID-19, including those confirmed cases within Fresno and Tulare Counties; and

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, the California Department of Public Health (“DPH”), the Fresno County Health Department and Executive Order 27-20, establish guidelines for social distancing, elimination of non-essential gatherings and isolation for specific individuals, in order to prevent transmission of COVID-19 (“DPH Guidance”); and

**WHEREAS**, under conditions of the emergency, it is deemed necessary in the interest of public safety to allow essential services necessary to protect life and property and at the same time safeguard the life and property of City employees as recommended in the DPH Guidance; and

**WHEREAS**, the City’s citizens’, including City of Clovis employees, health and safety is deemed to be in peril and time is of the essence.

**THEREFORE**, I, Luke Serpa, as Director of Emergency Services, declare effective 3:50 p.m. on March 20, 2020, the following guidelines for telework by City of Clovis employees. These guidelines are as follows:

1. As used in these guidelines, the following definitions will apply:
  - a) Eligible Employee – eligible employee means a full-time employee who is authorized by their supervisor to complete some or all of their work via telework in order to maintain essential City services during the declared emergency.
  - b) Telework – Telework is the practice of working from home.
  - c) Teleworker – is an eligible employee that has approval to Telework.



## 2. Guidelines:

- a) During the period of this declared emergency, the City of Clovis may, but is not required to, allow Eligible Employees to Telework in order to continue providing essential services to the public and to also comply with other federal, state and local health directives to protect the spread of COVID-19. Eligible Employees shall pre-arrange and coordinate with their supervisor for computer access and other essential equipment, tools or supplies. Approved Telework by a supervisor or manager can be changed or rescinded if circumstances dictate such an action.
- b) By utilizing the City's VPN for computer access, the Teleworker is agreeing to these guidelines and the City of Clovis Technology User's Policy.
- c) Telework is approved as part of an Eligible Employees regular work schedule. Approval of Telework will not automatically create an entitlement to overtime, compensatory time or other pay bonuses. Compensation will be determined and provided as required by law and/or the employer-employee agreement as appropriate based on the hours worked, when those hours were worked, the schedule of each Eligible Employee, and any other necessary factors. Unless otherwise deemed by the supervisor, an Eligible Employee approved for Telework must be available during normal business hours and may be required to visit the office to complete essential tasks, unless otherwise prohibited because of isolation or quarantine orders.
- d) Eligible Employees who Telework are required to complete assigned tasks as they would if they were working within a City Office or other usual work location.
- e) Telework is not a substitute for paid time off (vacation, CTO, sick time or other leave balances). If ill, taking vacation, or conducting personal business, teleworkers are expected to call in, report their illness or status to their supervisor/manager, and use their leave.
- f) During this emergency time period, in the event a Teleworker is not provided enough assigned tasks to fulfill their full time work schedule, the Teleworker will be compensated in accordance with City of Clovis Emergency Services Director Order related to Employee Leave/Pay for the unworked regular hours.
- g) The City may rotate Telework assignments among employees or alter the tasks of the Teleworker, including assigning work outside of the

Teleworker's usual assignments, or assign any task, even if conducted by a different City department, which the Director of Emergency Services deems appropriate.

- h) The Teleworker's rate of pay, benefits, work status and/or work responsibilities will not change due to participation in the Telework program.
- i) Restricted-access materials, such as payroll records, personnel files or other confidential documents will not be taken to, copied, or printed at any off-site or Telework location without the consent of the Teleworker's supervisor. If approved, the employee is responsible for maintaining the security and confidentiality of those documents or records.
- j) Use of the computer software, data, and supplies provided by the City for a Teleworker will be restricted to City use. The Teleworker will ensure that such software, data, and supplies are related to City business only and are not used for personal or non-City business. The Teleworker will ensure that such use is in accordance with City policy at all times. The City is only responsible for supporting City-authorized computers, software, data, and supplies and the approval of Telework does not create responsibility of the City for any non-authorized supplies, equipment or tools.
- k) It is the responsibility of the Teleworker to ensure a proper and safe work environment is maintained as if they were in City Offices. To that end, Teleworkers should ensure that there are no outside influences which would interfere or prevent their performing their duties (e.g., dependent care arrangements are made so as not to interfere with the work, personal disruptions such as nonbusiness telephone calls and visitors are kept to a minimum, etc.).
- l) Maintenance, repair, and replacement of employee-owned equipment will be the responsibility of the Teleworker.
- m) Maintenance, repair, and replacement of City-owned equipment issued to Teleworker will be the responsibility of the City. In the event of equipment malfunctions, the Teleworker must notify his/her supervisor immediately. If repairs will take some time, the Teleworker will discuss options with their supervisor.
- n) If a Teleworker incurs a work-related injury during agreed upon work hours, worker's compensation laws and rules apply just as they would if such an injury occurred at a City facility.

- o) The City of Clovis assumes no liability for injuries occurring at the telework location if such injury occurs either outside the agreed upon work hours or outside the designated "work area" and which are non-work related.

**NOW, THEREFORE, BE IT RESOLVED**, that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Clovis.

\* \* \* \* \*

DATE AND TIME: March 20, 2020 at 3:50 p.m.

  
\_\_\_\_\_  
Luke Serpa, Director of Emergency Services

ATTEST:

  
\_\_\_\_\_  
John Holt, City Clerk

**CITY OF CLOVIS  
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 06**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF CLOVIS RELATING TO WAIVING LATE FEES ON BUSINESS LICENSE PAYMENTS AND UTILITY PAYMENTS**

**WHEREAS**, on March 16, 2020, with the approval of Resolution 20-20, the City Council of the City of Clovis (“City”) declared a local emergency a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

**WHEREAS**, on March 19, 2020, the Governor of California issued Executive Order N-33-20, ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of critical infrastructure; and

**WHEREAS**, as a result of the COVID-19 pandemic and the Governor’s stay home order, many businesses have closed or ceased operations, and others are operating under modified schedules, and unemployment and underemployment in the State and in the City has increased, and the financial impact on many businesses and residents of the City has been immediate and substantial; and

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, it is in the public interest to protect businesses and residents in the City who have been or will be impacted during this local emergency from the imposition of late fees, penalties, and interest for untimely payments of City utility bills and City business registration tax certificate fees.

**NOW, THEREFORE**, I, Luke Serpa, as Director of Emergency Services, declare effective 4:00 p.m. on March 31, 2020, as follows:

1. All businesses and residents in the City are encouraged to continue paying City utility bills in a timely manner. However, during the current local emergency and for a period of thirty (30) calendar days after the termination of this local emergency, the City will suspend the assessment and collection of late fees, penalties, and interest for all City utility bill payments. Those businesses and residents unable to make timely payments as a result of the COVID-19 pandemic due to business closure, change of operations, loss of employment, or some other reason must notify the City Finance Department in a timely manner. This regulation is not intended to and shall not be interpreted as a waiver by the City of any utility fees due and owing or which become due and owing during the current local emergency or anytime thereafter.

2. All businesses in the City are encouraged to continue to meet applicable business registration renewal requirements and make payments of tax certificate fees in accordance with applicable deadlines provided in Chapter 3.1 of the Clovis Municipal Code. However, during the current local emergency and for a period of thirty (30) calendar days after the termination of this local emergency, the City will suspend the assessment and collection of late fees, penalties, and interest for all tax certificate fees due and owing the City. Those businesses unable to make timely payments as a result of the COVID-19 pandemic due to business closure, change of operation, or some other reason must notify the City Finance Department in a timely manner. This regulation is not intended to and shall not be interpreted as a waiver by the City of any business registration fees or business tax certificate fees due and owing or which become due and owing during the current local emergency or anytime thereafter.

3. The City and all departments are authorized to take such action as reasonably necessary to implement this regulation.

**BE IT FURTHER RESOLVED** that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Clovis.

\* \* \* \* \*

DATE AND TIME: March 31, 2020 at 3:00 p.m.

  
Luke Serpa, Director of Emergency Services

ATTEST:

  
John Holt, City Clerk

**CITY OF CLOVIS  
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 08  
SUSPENSION OF VACATION CAP DURING THE DECLARED EMERGENCY**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF  
CLOVIS ESTABLISHING SUSPENSION OF VACATION CAP DURING THE  
DECLARED EMERGENCY DETERMINED AS NECESSARY TO SAFEGUARD LIFE  
AND PROPERTY AND CONTINUE ESSENTIAL SERVICES OF THE CITY OF  
CLOVIS**

**WHEREAS**, there exists a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency due to the increase in confirmed cases of COVID-19, including those confirmed cases within Fresno and Tulare Counties; and

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, I am empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, the California Department of Public Health (“DPH”), the Fresno County Health Department and Executive Order 27-20, establish guidelines for social distancing, elimination of non-essential gatherings and isolation for specific individuals, in order to prevent transmission of COVID-19 (“DPH Guidance”); and

**WHEREAS**, under conditions of the emergency, it is deemed necessary in the interest of public safety to allow essential services necessary to protect life and property and at the same time safeguard the life and property of City employees as recommended in the DPH Guidance; and

**WHEREAS**, the City’s citizens’, including City of Clovis employees, health and safety is deemed to be in peril and time is of the essence; and

**WHEREAS**, in order for the City to be able to continue to provide these essential services and due to DPH Guidance, City Employees previously planning to use vacation or who would normally use vacation for rest and recovery will be unable to execute these plans; and

**WHEREAS**, in order to preserve City employees benefits during this declared emergency, including vacation accrual rights, the Director of Emergency Services has coordinated with the recognized bargaining units in order to protect the rights of City employees;


**THEREFORE**, I, Luke Serpa, as Director of Emergency Services, declare effective 9:30 a.m. on April 6, 2020, the following:

1. The following modifications to vacation accrual shall apply immediately to all unrepresented employees and will apply to all represented employees following the execution and approval of side letters with the respective bargaining groups. These modifications are temporary in nature as outlined below and do not permanently change, modify or alter previously enacted or negotiated language with regard to vacation accrual or limits placed on such accrual:
  - a. Beginning April 1, 2020 until the end of the declared emergency as outlined in Resolution 20-20 ("Declared Emergency"), the current stated cap for vacation accrual as outlined by policy, resolution or MOU whichever is applicable ("stated cap") shall be suspended;
  - b. Following the end of the Declared Emergency, those City Employees who accrue hours in excess of the stated cap, shall have 6 months in which to use any hours above the cap without penalty;
  - c. During the 6 month period following the Declared Emergency, employees will continue to accrue vacation in accordance with the applicable policy or MOU;
  - d. Beginning 7 months following the Declared Emergency, any employee who still has vacation hours in excess of the stated cap shall not lose such hours, but shall no longer accrue vacation hours until such time as they go below the stated cap.

**NOW, THEREFORE, BE IT RESOLVED**, that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Clovis.

\* \* \* \* \*

DATE AND TIME: April 6, 2020 at 9:30 a.m.

  
\_\_\_\_\_  
Luke Serpa, Director of Emergency Services

ATTEST:

  
\_\_\_\_\_  
John Holt, City Clerk

**CITY OF CLOVIS  
EMERGENCY SERVICES DIRECTOR ORDER 2020 – 08A  
ADDENDUM TO SUSPENSION OF VACATION CAP ORDER 2020-08**

**WHEREAS**, the Emergency Services Director issued Order 2020-08 on April 6, 2020. Such Order was approved in the City of Clovis (“City”) Resolution 20-42 by the City Council on April 13, 2020; and

**WHEREAS**, the Emergency Services Director desires to amend Order 2020-08 in order to equally provide benefits for both represented and unrepresented employees; and

**NOW, THEREFORE**, I, Luke Serpa, as Director of Emergency Services, declare effective 1:00p.m. on April 10, 2020, the following addendum relates to the suspension of the vacation cap for City of Clovis employees during this declared emergency:


1. Paragraphs 1b.-1d. of Order 2020-08 will be revised and replaced as follows:
  - b. Following the end of the Declared Emergency, those City Employees who accrue hours in excess of the stated cap, shall have 6 months or the same number of months for which an Emergency was declared, whichever is greater (herein after “designated period”) in which to use any hours above the cap without penalty;
  - c. During the designated period following the Declared Emergency, employees will continue to accrue vacation in accordance with the applicable policy or MOU;
  - d. Following the designated period, any employee who still has vacation hours in excess of the stated cap shall not lose such hours, but shall no longer accrue vacation hours until such time as they go below the stated cap.

**NOW, THEREFORE, BE IT ORDERED**, that this Order 2020-08A shall remain in effect until such time as it is otherwise amended, replaced or terminated by the Director of Emergency Services or the City Council of the City of Clovis.

\* \* \* \* \*

DATE AND TIME: April 10, 2020 at 1:00 p.m.



  
\_\_\_\_\_  
Luke Serpa, Director of Emergency Services

ATTEST:

  
\_\_\_\_\_  
John Holt, City Clerk

**CITY OF CLOVIS**

**RESOLUTION NO. 20-52**

**EMERGENCY ORDER 2020-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING EMERGENCY ORDER 2020 – 13 IN ORDER TO ADD CLARITY TO THE CITY’S ROLES AND RESPONSIBILITIES UNDER THE GOVERNOR’S STAY AT HOME ORDER BY: (1) REPEALING EMERGENCY ORDERS 2020-01 (BARS AND RESTAURANT CLOSURES), 2020-02 (GYMS AND PLACES OF AMUSEMENT), AND 2020-10 (CITY PARKS) AS UNNECESSARILY DUPLICATIVE AS THE STATEWIDE STAY AT HOME ORDER COVERS THESE AND OTHER ITEMS; AND (2) CLARIFYING THE CITY’S ENFORCEMENT RESPONSIBILITIES**

**WHEREAS**, bars, restaurants, gyms and places of amusement are currently closed in the City of Clovis; and

**WHEREAS**, nothing in this Order authorizes or directs the reopening of bars, restaurants, gyms, places of amusement or any other business or industry; and

**WHEREAS**, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, which the City is operating under, and will continue to operate under; and

**WHEREAS**, there exists a local emergency in the City of Clovis pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

**WHEREAS**, the Governor has begun the process for allowing non-essential businesses to reopen in the State, including those ordered closed by the City’s Emergency Orders 2020-01 and 2020-02; and

**WHEREAS**, the City has determined that there is a need to add clarity to the City’s roles and responsibilities in interpreting and enforcing the Governor’s Stay at Home Order, as that Order may be amended or supplemented; and

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City’s Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”); and

**WHEREAS**, on March 17, 2020, the Director of Emergency Services issued Emergency Order 2020-01, ratified by the City Council on March 21, 2020, closing bars, restaurants, and similar venues with specified exceptions; and

**WHEREAS**, on March 18, 2020, the Director of Emergency Services issued Emergency Order 2020-02, ratified by the City Council on March 21, 2020, closing gyms, theaters, and other places of amusement; and

**WHEREAS**, the Governor’s Stay at Home Order adopted on March 19, 2020, effectively superseded the City’s Emergency Orders 2020-01 and 2020-02; and

**WHEREAS**, on March 21, 2020, the City Council approved Resolution No. 20-29, finding that Executive Order N-33-20, as that Stay at Home Order may be amended or supplemented, shall be in full force and effect in the City of Clovis and that local law enforcement have the authority to enforce the Governor’s Stay at Home Order to the extent provided by law; and

**WHEREAS**, on April 7, 2020, the Director of Emergency Services issued Emergency Order 2020-10, ratified by the City Council on April 13, 2020, closing play structures and picnic shelters at City parks; and

**NOW, THEREFORE**, the City Council of the City of Clovis resolves as follows:

**IT IS HEREBY ORDERED**, effective immediately upon adoption of this Resolution, that:

1. Emergency Services Director Orders 2020-01, 2020-02, and 2020-10 are hereby repealed. In their place, the City shall rely solely upon the Governor’s Stay at Home Order, which covers these and other items, as that Order may be amended or supplemented, including any modifications approved by the County of Fresno in accordance with State guidance.
2. In interpreting the Governor’s Stay at Home Order, the City shall rely upon the DPH Guidance. If there is an ambiguity, the City shall make its own interpretation in consultation with the Fresno County Health Officer.
3. With regards to enforcing the Governor’s Stay at Home Order:
  - a. The Fresno County Health Officer, California Department of Public Health, or California Office of Emergency Services shall have primary enforcement responsibility, with the City reserving its right to enforce all local emergency orders and the Governor’s Stay at Home Order as provided for in Emergency

Services Director Orders 2020-11 and 2020-12 relating to the issuance of Administrative Citations.

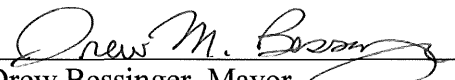
- b. Nothing herein shall be deemed to preclude the City from issuing verbal or written warnings for violations of the Governor’s Stay at Home Order, or from providing a reasonable time to correct violations before issuing a citation.
- c. Administrative citations shall be reserved for egregious situations where the State or County refuse, decline, or ignore a request for enforcement.


**BE IT FURTHER ORDERED**, that this order shall remain in effect until such time as it is terminated, repealed, amended, or modified by the Director of Emergency Services or the City Council of the City of Clovis.

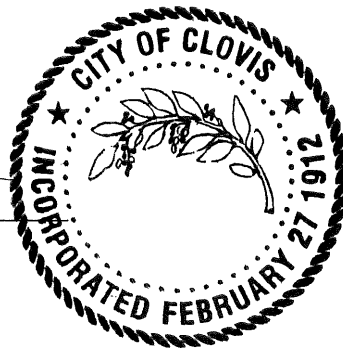
The forgoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on May 4, 2020, by the following vote, to wit:

AYES: Councilmembers Flores, Mouanoutoua, Whalen, Mayor Bessinger  
 NOES: Councilmember Ashbeck  
 ABSENT: None  
 ABSTAIN: None

Date: May 4, 2020

  
 Drew Bessinger, Mayor

ATTEST:  
  
 John Holt, City Clerk



**CITY OF CLOVIS  
RESOLUTION NO. 20-104**

**EMERGENCY ORDER 2020-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING  
EMERGENCY ORDER 2020-16, SUSPENDING THE TIME WHEN SPECIFIED LAND USE  
ENTITLEMENTS EXPIRE**

**WHEREAS**, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”); and

**WHEREAS**, there exists a local emergency in the City of Clovis pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

**WHEREAS**, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, allowing only essential businesses to remain open; and

**WHEREAS**, the City is operating under the Governor’s Stay at Home Order as supplemented by Fresno County; and

**WHEREAS**, the Governor and Fresno County are continuing to roll out business reopening plans; and

**WHEREAS**, due to the adverse economic impacts of the COVID-19 pandemic and unknown future impacts, residential, commercial, and industrial developers in Clovis have had to rethink their development plans, with many developers delaying previously approved projects until more certain times; and

**WHEREAS**, the City has determined that there is a need, when feasible and safe, to assist local developers significantly impacted by COVID-19 pandemic regulations; and

**WHEREAS**, assisting local developers by extending the deadline on certain previously approved land use entitlements, has the ability to prevent project failures and avoid significant adverse health and safety impacts on the community, including the following:

- A loss of residential, commercial, and industrial capacity.
- An increase in vacant and blighted properties.
- A loss of housing.
- A loss of new jobs.
- An increase in unemplo
- A loss of planned City infrastructure.
- A loss of tax revenue.
- Personal impacts on Clovis residents that would occur from the above.

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City's Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

**NOW, THEREFORE**, the City Council of the City of Clovis resolves as follows:

**IT IS HEREBY ORDERED**, effective immediately upon adoption of this Resolution, that:

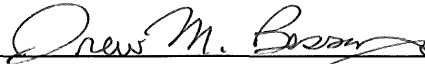
1. Notwithstanding anything to the contrary in the City's zoning ordinances, development code, and approved land use entitlements, the expiration date for failing to execute current valid land use entitlements issued by the City of Clovis shall be suspended until one (1) year after termination of the City's declared local emergency.
2. The suspension of time shall apply to the following land use entitlements:
  - a. Tentative Tract Map.
  - b. Parcel Map.
  - c. Site Plan Review.
  - d. Conditional Use Permit.
  - e. Administrative Use Permit.

**BE IT FURTHER ORDERED** that this order shall remain in effect until such time as it is terminated, repealed, amended, or modified by the Director of Emergency Services or the City Council of the City of Clovis.

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on August 3, 2020, by the following vote, to wit:

AYES: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen, Mayor Bessinger  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

Date: August 3, 2020

  
 \_\_\_\_\_  
 Drew Bessinger, Mayor

ATTEST:

  
 \_\_\_\_\_  
 John Holt, City Clerk



**CITY OF CLOVIS  
RESOLUTION NO. 21-23  
EMERGENCY ORDER 2021-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING  
EMERGENCY ORDER 2021-01, SUSPENDING CERTAIN CITY TRANSIT  
SERVICE RIDER ELIGIBILITY REQUIREMENTS FOR COVID-19 VACCINATION  
APPOINTMENT TRANSPORTATION**

**WHEREAS**, on March 16, 2020, the California Department of Public Health established guidelines for social distancing, elimination of non-essential gatherings, and isolation for specific individuals, in order to prevent the transmission of COVID-19 (“DPH Guidance”); and

**WHEREAS**, there exists a local emergency in the City of Clovis pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, where the City declared a local emergency as a result of the threatened spread of COVID-19 in the City, surrounding areas, and the state; and

**WHEREAS**, on March 19, 2020, with the adoption of Executive Order N-33-20, the Governor ordered a Statewide stay at home/stay in place order (“Stay at Home Order”) to address the spread of COVID-19, allowing only essential businesses to remain open; and

**WHEREAS**, following the unprecedented development of multiple vaccines for the COVID-19 virus the administration of the vaccines has been underway for more than a month, and the City has determined that the Clovis Roundup transit service for the City of Clovis should be made available to assist in the vaccination process by being made available to transport City residents to and from vaccination appointments within the Clovis Roundup service area (as depicted in Attachment 1 hereto) and as provided herein; and

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City’s Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Clovis as follows:

**IT IS HEREBY ORDERED**, effective immediately upon adoption of this Resolution, that:

1. Notwithstanding anything to the contrary in the City’s transit service policies and regulations, the Clovis Roundup transit service shall be available to assist in the COVID-19 vaccination process as follows:

(a) Any individual at least 65 years old who resides in the City's current Clovis Roundup service area (Attachment A of Attachment 1) is eligible to utilize the Clovis Roundup transit service for the purposes of transport to and/or from a COVID-19 vaccination appointment at an approved vaccination location within the Clovis Roundup service area (Attachment B of Attachment 1).

(b) Any individual eligible under (a) above shall be entitled to be accompanied by one (1) caregiver, and the City's Americans with Disabilities Act application and approval process for determining Roundup service eligibility is hereby suspended for any individual eligible under (a) above.

(c) Clovis Roundup transit services pursuant to this Order shall be based on staff and vehicle availability, available capacity, and appointment.

(d) The Director of Emergency Services and any designee is authorized to take such reasonable actions as may be necessary to implement this Order, including but not limited to determining rider eligibility, determining and modifying transit services and service levels to accommodate demand.

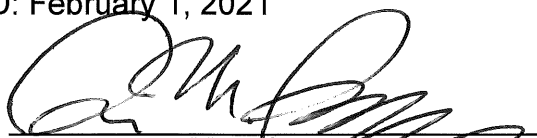
**BE IT FURTHER ORDERED** that this Order shall remain in effect until such time as it is terminated, repealed, amended, or modified by the Director of Emergency Services or the City Council of the City of Clovis.

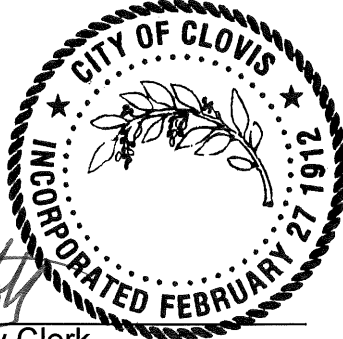

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on February 1, 2021, by the following vote, to wit.

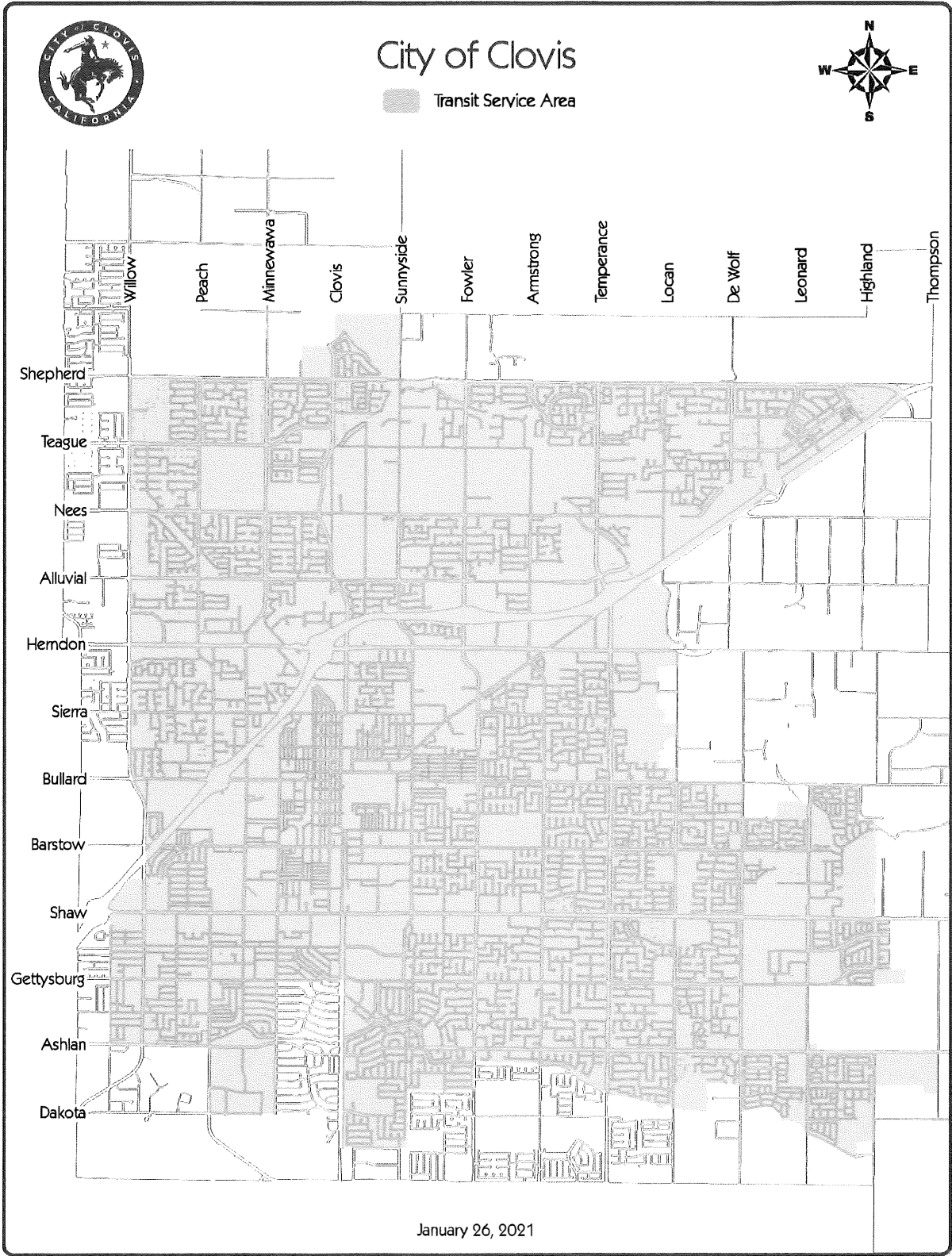
AYES: Councilmembers Ashbeck, Flores, Mouanoutoua, Whalen, Mayor Bessinger  
NOES: None  
ABSENT: None  
ABSTAIN: None

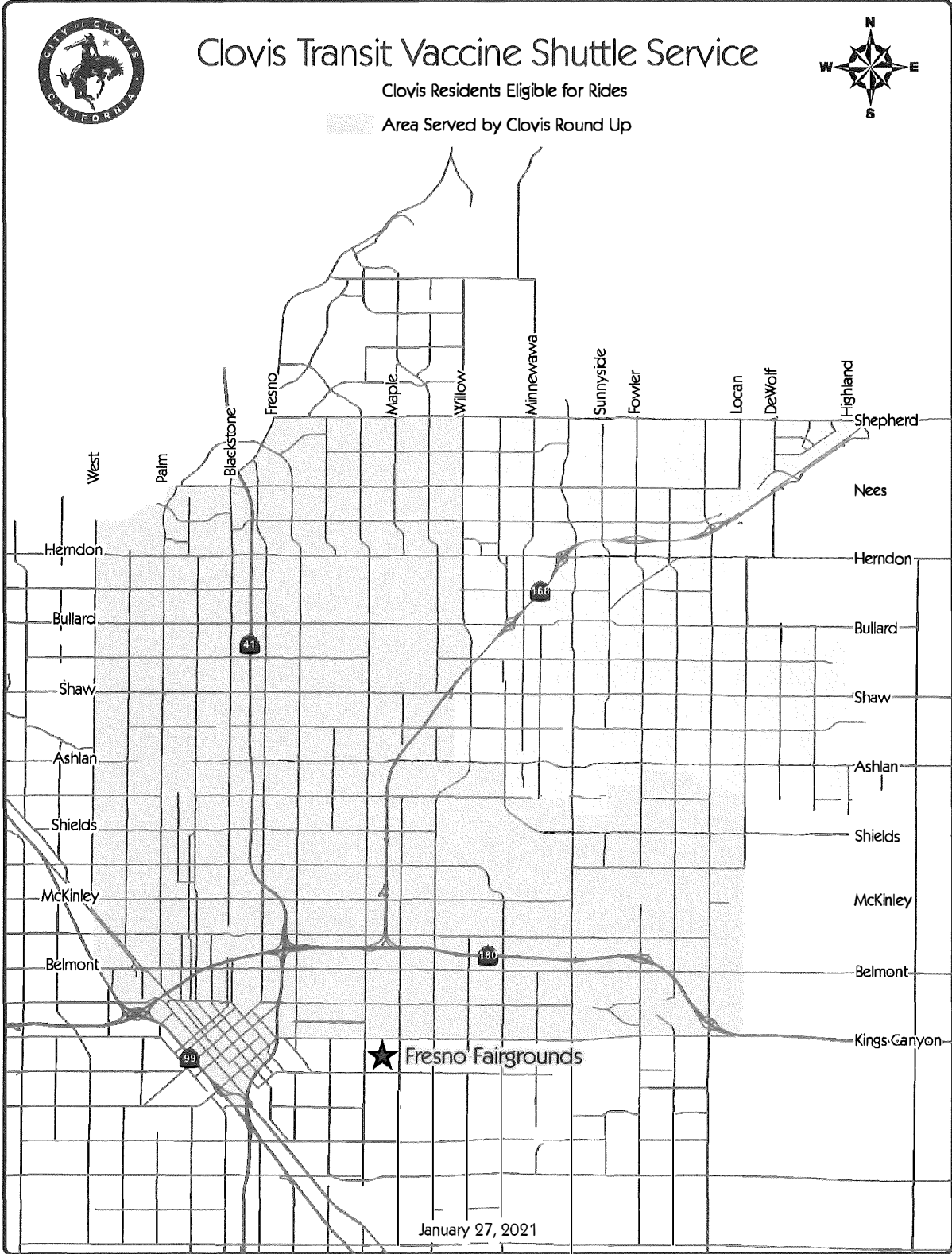
DATED: February 1, 2021

  
\_\_\_\_\_  
Mayor

  
  
\_\_\_\_\_  
City Clerk







**CITY OF CLOVIS  
EMERGENCY SERVICES DIRECTOR ORDER 2021 – 02  
RELATING TO EMPLOYEE LEAVE/PAY DURING EMERGENCY**

**DECLARATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF  
CLOVIS RELATING TO EMPLOYEE LEAVE/PAY DURING EMERGENCY  
DETERMINED AS NECESSARY TO SAFEGUARD LIFE AND PROPERTY AND  
CONTINUE ESSENTIAL SERVICES OF THE CITY OF CLOVIS**

**WHEREAS**, the City Council declared a local emergency in the City of Clovis (“City”) pursuant to Resolution 20-20, approved by the City Council on March 16, 2020, as a result of the COVID-19 pandemic; and

**WHEREAS**, under the authority of Government Code sections 8610 and 8634, and Clovis Municipal Code section 4.2.06, the City’s Director of Emergency Services and the City Council are empowered, upon declaration of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

**WHEREAS**, on March 18, 2020, the United States President, following passage by both the House of Representatives and the Senate, signed HR 6201 – Families First Coronavirus Responses Act into law. (“FFCRA”). FFCRA expired on December 31, 2020; and

**WHEREAS**, on March 30, 2020 (Resolution No. 20-31), April 13, 2020 (Resolution No. 20-42), and December 14, 2020 (Resolution No. 20-178), the City Council ratified Emergency Services Director Orders 2020-04, 2020-04A, and 2020-04B relating to COVID-19 employee leave/pay issues, all in conformity with FFCRA, California requirements, and in furtherance of the commitment to protect both the public and it’s employees; and

**WHEREAS**, on March 19, 2021, the California Governor signed new Senate Bill 95 pertaining to COVID-19 Supplement Paid Sick Leave (“SB 95”), which became effective on March 29, 2021; and

**WHEREAS**, SB 95 is a response to the continued impacts of COVID-19 on the workforce of California following the expiration of the FFCRA. SB 95 provides for supplemental sick leave up to a maximum of 80 hours for qualifying employees, or up to 112 for fire employees, impacted by COVID-19.

**THEREFORE**, I, Luke Serpa, as Director of Emergency Services, declare effective 8:00 a.m. on March 29, 2021, the following relates to emergency leave/pay for use by all City of Clovis employees during this declared emergency:

1. Emergency Order 2020-04 on March 25, 2020 relating to COVID-19 employee leave/pay issues, ratified by the City Council on March 30, 2020 with the

adoption of Resolution 20-31; Emergency Order 2020-04A on April 8, 2020, amending Emergency Order 2020-04, ratified by the City Council on April 13, 2020 with the adoption of Resolution 20-42; and Emergency Order 2020-04B on December 8, 2020, amending Emergency Order 2020-04, ratified by City Council on December 14, 2020 with the adoption of Resolution 20-178; are all hereby rescinded.

- 2. Pursuant to Local and State Directives, City of Clovis Employees perform essential services necessary to maintain the public health, safety and welfare.
- 3. Notwithstanding anything that may be to the contrary in this Order, during the declared local emergency, all employees of the City are considered Disaster Service Workers and may be called to report to work at any time, and may be assigned to perform any duty of the City.
- 4. To the extent possible without compromising the maintenance of essential City services, the City will provide such leave benefits outlined and expressed by California Labor Code 248.2. The leave benefits outlined herein will be available commencing on January 1, 2021.
- 5. The Director of Emergency Services reserves the right to order any City Employee to work in order to maintain the public, health, safety, and welfare, even if such employee is currently on an approved leave.
- 6. All leave/pay provided for under this Order must be approved and coordinated through each Employee's supervisor. The Director of Emergency Services may delegate to the Department Heads determinations regarding which employees are necessary to maintain the public, health, safety, and welfare, as provided for in Section 5.
- 7. Beginning January 1, 2021, having been approved by the Employee's supervisor, Employees unable to work or Telework as a result of COVID-19 may use the leave benefits outlined in this Order.
- 8. City Employees who are required to remain home and who are not ill during this Emergency should attempt to Telework if possible and if approved. Such employees shall adhere to the Emergency Telework Guidelines.
- 9. City Employees who are not ill, who are found to be fulfilling essential services and for which work is available, will be required to work, either at the City or by Telework.
- 10. Consistent with California Labor Code 248.2 employees who are unable to work or telework, if approved to do so, for any of the following reasons are entitled to the supplemental paid sick leave.
  - a. The employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the State Department

of Public Health (“CDPH”), the federal Centers for Disease Control and Prevention (“CDC”), or a local health officer who has jurisdiction over the workplace.

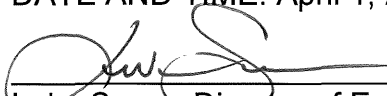
- b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - c. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
  - d. The employee is caring for a family member who is subject to a quarantine or isolation order or guidelines described above, or who has been advised to self-quarantine by a health care provider.
  - e. The covered employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.
  - f. The employee is attending an appointment to receive a vaccine for protection against contracting COVID-19.
  - g. The employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework.
  - h. The employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and such employee has been exposed to COVID-19 or the City has requested such test or diagnosis.
11. The rate of pay and number of hours allocated will be provided as outlined in Labor Code 248.2.
  12. Employees who used rolled over COVID-19 leave time between January 1, 2021 and March 31, 2021 will automatically have the time deducted from the 2021 supplemental COVID-19 leave allocation.
  13. Employees who used their own leave balances for a qualified event between January 1, 2021 and March 31, 2021 may request to retroactively use supplemental leave time and have their own leave restored to their account. To request the retroactive adjustment, the employee should send an email to [LoriS@CityofClovis.com](mailto:LoriS@CityofClovis.com) with the dates of the qualified leaves, the qualifying reason, and which leave was originally used (sick, vacation, comp, etc.). Employees may also call Personnel at 559-324-2725 and make the request verbally.
  14. This order shall be in effect until September 30, 2021, unless modified.
  15. If an employee has used all supplemental paid leave as allowed by Labor Code 248.2, and is thereafter required to quarantine or isolate due to a COVID-19 work place exposure at the City of Clovis, such employee will be entitled to receive paid administrative leave for the quarantine or isolation period.

16. All Employees are expected to comply with local, state, and federal emergency directives in order to reduce risk to all City Employees and prevent the spread of COVID-19. Employees who do not comply may be ineligible for non-required leaves. In addition, Employees who are teleworking must adhere to Emergency Order 20-03 – Emergency Telework Guidelines.
17. This leave does not have any cash value, nor can it be cashed out or banked for later use and are only available due to the special circumstances currently being faced by the City and the Nation.
18. Nothing in this order shall be deemed to confer any contractual obligations, property rights, or assume any City liability.
19. Any Employee who violates this Order may be subject to disciplinary action, up to and including termination.
20. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**NOW, THEREFORE, BE IT RESOLVED**, that this regulation shall remain in effect until September 30, 2021 or until such time as it is otherwise amended, replaced or terminated by the Director of Emergency Services or the City Council of the City of Clovis.

\* \* \* \* \*

DATE AND TIME: April 1, 2021 at 3:00 p.m.

  
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Luke Serpa, Director of Emergency Services

ATTEST:

  
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John Holt, City Clerk