

Pursuant to Governor Newsom's Executive Order N-29-20, members of the Board of Directors, staff and public may participate in this meeting via teleconference and/or electronically. The Oceano Community Services District Boardroom will NOT be open for accessing the meeting.



**Notice of Regular Meeting**  
**Oceano Community Services District - Board of Directors Agenda**  
**WEDNESDAY, FEBRUARY 24, 2021 – 6:00 P.M**  
**Location: TELECONFERENCE – SEE BELOW**

**HOW TO OBSERVE THE MEETING**

This meeting will be conducted using Zoom software, which requires a name/email to be entered prior to accessing the meeting. This is not a District requirement for participation. Public participants are welcome to use an anonymous name/email if preferred.

**Telephone:** Listen to the meeting live by dialing (669) 900-9128 or (253) 215-8782. Enter **Meeting ID# 892-6279-7188** followed by the pound (#) key. Then enter the **Password: 508435** followed by the pound (#) key. If the line is busy, additional phone numbers can be found on Zoom's website at <https://zoom.us/u/abb4GNs5xM>

**Computer:** With internet access use the **Password: 508435** to watch the live streaming at <https://us02web.zoom.us/j/89262797188?pwd=Q2lUeVc5THhnZk10TEtOUTItcXRiZz09> or by going to [zoom.us](https://zoom.us) and selecting "Join A Meeting" then entering the **Meeting ID# 892-6279-7188** followed by the **Password: 508435**

**Mobile:** Log in through the Zoom Mobile App on a smartphone or tablet and enter **Meeting ID#: 892-6279-7188** then enter the **Password: 508435**.

For information on Zoom's system requirements please visit: <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>

**HOW TO SUBMIT PUBLIC COMMENTS**

**Before the Meeting:** Please email your comments to [carey@oceanocsd.org](mailto:carey@oceanocsd.org) with "Public Comment" in the subject line. In your email please include the agenda item number and title and your comments. You may also provide public comment through the District website at: <https://oceanocsd.org/contact/>. All comments received before 12:00 p.m. the day of the meeting will be included as an agenda supplement on the District's website <https://oceanocsd.org/meeting-agendas-minutes/agenda-packets/> and provided to the Directors prior to the meeting. Comments received after the deadline, but prior to the meeting start time, will be attached to the minutes of the meeting.

**Live Comments:** During the meeting, the Board President or designee will announce the opportunity for public comment. Members of the public may utilize the "raise hand" feature in Zoom to be placed into the speaking queue. Each individual speaker is limited to a presentation time of THREE (3) minutes per item. Persons wishing to speak on more than one item shall limit his/her remarks to a total of SIX (6) minutes. This time may be allocated between items in one-minute increments up to three minutes. Time limits may not be yielded to or shared with other speakers.

**To "Raise Hand:"**

- **Telephone:** Press "\* 9" to raise your hand to notify meeting host and be placed in the queue. The host will unmute and call on you when it's your time to speak.
- **Computer/Mobile Device:** Click the "raise hand" button to notify meeting host and be placed in the queue. The host will unmute and call on you when it's your time to speak. If the "raise hand" button is not displayed on the screen, please click the "participants" icon at the bottom of the screen and the "raise hand" button will appear.

All items on the agenda including information items, may be deliberated. Any member of the public with an interest in one of these items should review the background material and request information on the possible action that could be taken.

1. CALL TO ORDER
2. ROLL CALL
3. FLAG SALUTE
4. AGENDA REVIEW
5. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

*This public comment period provides an opportunity for members of the public to address the Board on matters of interest within the jurisdiction of the District that are not listed on the agenda. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.*

6. SPECIAL PRESENTATIONS & REPORTS:

A. STAFF REPORTS:

- i. Sheriff's South Station - Commander Jay Wells
- ii. FCFA Operations - Chief Steve Lieberman
- iii. Operations – Utility System Manager Tony Marraccino
- iv. OCSD General Manager – Will Clemens

B. BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:

- i. Director Villa
- ii. Director Gibson
- iii. Vice President White
- iv. President Austin
- v. Director Repogle

C. PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:

*This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Special Presentations and Reports. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.*

7. CONSENT AGENDA ITEMS:

**Public comment** Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.

- A. Review and Approval of Minutes for Regular Meeting February 10, 2021
- B. Review of Cash Disbursements
- C. Receive and file the June 30, 2020 Audited Financial Statements and Independent Auditors Report prepared by Moss, Levy and Hartzheim, LLP

8. BUSINESS ITEMS:

**Public comment** Members of the public wishing to speak on business items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.

- A. Introduction of an Ordinance Repealing and Replacing District Code 15.10 – Sale of Fireworks
- B. Consideration of Ordinance 2019-1 of the San Luis Obispo County Integrated Waste Management Authority (IWMA) to ban Polystyrene and provide direction on a letter to IWMA as deemed appropriate by the Board

9. HEARING ITEMS:

10. RECEIVED WRITTEN COMMUNICATIONS:

11. LATE RECEIVED WRITTEN COMMUNICATIONS:

**12. FUTURE AGENDA ITEMS** Deferred Infrastructure Program, Lopez Water Contract Amendments, Wastewater CIP, The Place, Old Firehouse Art, California Voting Rights Act, District Flag Policy/ Pride Month, Social Media Policy/ Live Stream Board Meetings, Bill insert/ mailing policy.

**13. FUTURE HEARING ITEMS:**

**14. CLOSED SESSION:**

**15. ADJOURNMENT:**

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This agenda was prepared and posted pursuant to Government Code Section 54954.2. Agenda is posted at the Oceano Community Services District, 1655 Front Street, Oceano, CA. Agenda and reports can be accessed and downloaded from the Oceano Community Services District website at [www.oceanocsd.org](http://www.oceanocsd.org)

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**ASSISTANCE FOR THE DISABLED** If you are disabled in any way and need accommodation to participate in the Board meeting, please call the Clerk of the Board at (805) 481-6730 for assistance at least three (3) working days prior to the meeting so necessary arrangements can be made.



# Oceano Community Services District

## Summary Minutes

Regular Meeting Wednesday, February 10, 2021 – 6:00 P.M.

Location: TELECONFERENCE

1. **CALL TO ORDER:** at approximately 6:00 p.m. by President Austin
  2. **ROLL CALL:** Board members present: President Austin, Vice President White, Director Gibson, Director Villa and Director Replogle. Staff present: General Manager Will Clemens, Business and Accounting Manager, Carey Casciola and Jeff Minnery, Legal Counsel.
  3. **FLAG SALUTE:** led by President Austin.
  4. **AGENDA REVIEW:**  
A motion was made by Vice President White to approve the agenda as presented with a second from Director Villa and a 5-0 vote.
  5. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:**  
None
  6. **SPECIAL PRESENTATIONS & REPORTS:**  
**A. STAFF REPORTS:**
    - i. **Sheriff's South Station** – Commander Jay Wells: January 2021 – 856 calls for service resulting in 94 reports of which 31 were filed with the DA. We are continuing to see an increase in theft and narcotics related offenses. As a reminder, please secure your property and personal belongs and if you see something, please say something.
    - ii. **FCFA** - Chief Steve Lieberman: Reported on FCFAs support and involvement as part of an Incident Management Team. FCFA staff who are also EMTs acquired additional training to help administer the COVID vaccine. Please visit [readyslo.org](http://readyslo.org) or [recoverslo.org](http://recoverslo.org) for more information about available vaccines.
    - iii. **Operations** - Utility Systems Manager, Tony Marraccino: Lopez is at 40.2% full which is 19.845 AF. 1 SSO in January – the sewer lateral was replaced, and paving is complete. Continuing with daily rounds; weekly and monthly samples; 7 work orders; 6 USAs; 4 customer service calls; 1 after hour call out. Completed startup equipment testing for the beginning of the month. Completed fire flow tests. Replaced an existing light on the exterior of the OCSD building. Water service line replaced on Wilmar. Raised meter boxes in an alley to be compliant with grade requirements. Continuing with trash (Ready311) pick up. Completed equipment and tool maintenance.
    - iv. **OCSD General Manager** – Will Clemens – Provided information about OCSD, Lopez and County systems and their vulnerability to cyber-attacks (due to the recent water treatment hack that occurred in Florida). OCSD is a manual system; Lopez is automated, yet not connected to the internet; County of SLO performs vulnerability checks and if any chemicals are altered the system sensors would immediately shut the plant down. In all, the District's water and system is safe. The District was not awarded three grants: CDBG (water tank repair), CAL OES PSP grant (generators), CalRecycle (bins and refill stations). Prop 1 (water recharge) is still in review.
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- B. BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:**
- i. Director Villa – None. Issued a public thank you to those who attended the Mural dedication at Chacho's in Oceano.
  - ii. Director Gibson – Reported on the Water Resources Advisory Committee (WRAC)
  - iii. Vice President White – None
  - iv. Director Replogle – Reported on the 2/10/2021 Integrated Waste Management Authority (IWMA) meeting.
  - v. President Austin – Reported on the 2/3/2021 South San Luis Obispo Sanitation District (SSLOCSD) meeting.

**C. PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:**

Public comment was received from:

Lucia Casalnuovo	In support of the mural projects and thanked those who attended the dedication.
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<b>7. CONSENT AGENDA:</b>	<b>ACTION:</b>
<p>a. Review and Approval of Minutes for Regular Meeting January 27, 2021.</p> <p>b. Review of cash disbursements.</p> <p>c. Approval of a grant agreement with the Integrated Waste Management Authority for the Technical Assistance Grant Program and a budget. adjustment in the Garbage Fund in the amount of \$10,000 from grant revenues and \$10,000 from contingencies reserves</p>	<p>After an opportunity for public comment and Board discussion, staff recommendations were approved with a motion from Vice President White, with a second from Director Gibson and a 5-0 roll call vote.</p> <p>Public Comment: None</p>

<b>8A. BUSINESS ITEM:</b>	<b>ACTION:</b>
Introduction of an Ordinance Repealing and Restating District Code 15.10.	<p>After an opportunity for public comment, Board and staff discussion, direction was given to staff to revise the ordinance to review and consider at the February 24, 2021 Regular Board Meeting.</p> <p>Public Comment: Julie Tacker – In support of using garbage funds/franchise fees for clean-up. In support of signage on Hwy 1 at the N and S end. In opposition of allowing fireworks on December 31<sup>st</sup>. In support of FCFA enforcing the ordinance.</p> <p>Chas Carlson – In opposition of fireworks on December 31<sup>st</sup> since law enforcement needs to continue to focus on the normal disturbances and not fireworks.</p>

9. **HEARING ITEMS:** None

10. **RECEIVED WRITTEN COMMUNICATIONS:** None

11. **LATE RECEIVED WRITTEN COMMUNICATIONS:** None

12. **FUTURE AGENDA ITEMS:** Continued, Deferred Infrastructure Program, Lopez Water Contract Amendments, Wastewater CIP, The Place, EIR State Parks PWP, Old Firehouse Art, California Voting Rights Act, District Flag Policy/ Pride Month, Social Media Policy / Live Stream Board Meetings, Bill insert/ mailing policy.

Direction was given to staff to remove a letter commenting on the EIR for State Park’s PWP from Future Agenda Items.

13. **FUTURE HEARING ITEMS:** None

14. **CLOSED SESSION:** None

15. **ADJOURNMENT:** at approximately 7:20 pm



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

PHONE(805) 481-6730 FAX (805) 481-6836

**Date:** February 24, 2021

**To:** Board of Directors

**From:** Carey Casciola, Business and Accounting Manager

**Subject:** **Agenda Item #7(B): Recommendation to Review Cash Disbursements**

**Recommendation**

It is recommended that your board review the attached cash disbursements:

**Discussion**

The following is a summary of the attached cash disbursements:

Description	Check Sequence	Amounts
	58827 - 58850	
<b>Disbursements:</b>		
Regular Payable Reigster - paid 02/18/2021	58827 - 58841	\$ 26,604.33
Subtotal:		\$ 26,604.33
<b>Reoccurring Payments for Board Review (authorized by Resolution 2020-06):</b>		
Payroll Disbursements - PPE 02/13/2021	N/A	\$ 31,707.11
Reoccurring Utility Disbursements - paid 02/18/2021	58842 - 58847	\$ 1,854.17
Reoccurring Health Disbursements - paid 02/18/2021	58848 - 58850	\$ 10,632.33
Subtotal:		\$ 44,193.61
Grand Total:		\$ 70,797.94

**Other Agency Involvement**

N/A

**Other Financial Considerations**

Amounts are within the authorized Fund level budgets.

**Results**

The Board's review of cash disbursements is an integral component of the District's system of internal controls and promotes a well governed community.

COMPANY: 99 - POOLED CASH FUND  
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING  
 TYPE: All  
 STATUS: All  
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999  
 CLEAR DATE: 0/00/0000 THRU 99/99/9999  
 STATEMENT: 0/00/0000 THRU 99/99/9999  
 VOIDED DATE: 0/00/0000 THRU 99/99/9999  
 AMOUNT: 0.00 THRU 999,999,999.99  
 CHECK NUMBER: 058827 THRU 058841

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE	
CHECK:	-----								
1-1001-000	2/18/2021	CHECK	058827	BURDINE PRINTING & GRAPHICS	2,084.79CR	OUTSTND	A	0/00/0000	UB PRINTING & POSTAGE
1-1001-000	2/18/2021	CHECK	058828	CALPORTLAND CONSTRUCTION	876.15CR	OUTSTND	A	0/00/0000	PAVING, SEWER LATERAL MAINT
1-1001-000	2/18/2021	CHECK	058829	CARQUEST AUTO PARTS	283.48CR	OUTSTND	A	0/00/0000	VEHICLE MAINTENANCE
1-1001-000	2/18/2021	CHECK	058830	COASTLINE EQUIPMENT	570.17CR	OUTSTND	A	0/00/0000	EQUIPMENT PARTS
1-1001-000	2/18/2021	CHECK	058831	DIVERSIFIED PROJECT SERVICES I	1,260.00CR	OUTSTND	A	0/00/0000	REIM ENGR SVCS
1-1001-000	2/18/2021	CHECK	058832	FAMCON PIPE & SUPPLY, INC.	1,908.36CR	OUTSTND	A	0/00/0000	INVENTORY
1-1001-000	2/18/2021	CHECK	058833	GSI WATER SOLUTIONS, INC.	9,559.28CR	OUTSTND	A	0/00/0000	NCMA 2020 ANNUAL REPORT
1-1001-000	2/18/2021	CHECK	058834	J.B. DEWAR, INC.	175.14CR	OUTSTND	A	0/00/0000	FUEL
1-1001-000	2/18/2021	CHECK	058835	MARK SCHWIND ELECTRIC INC.	797.00CR	OUTSTND	A	0/00/0000	EXTERIOR LIGHT REPLACEMENT
1-1001-000	2/18/2021	CHECK	058836	MECHANICS BANK VISA CARD	73.06CR	OUTSTND	A	0/00/0000	CREDIT CARD (DETAILS ATTACHED)
1-1001-000	2/18/2021	CHECK	058837	MIER BROS.	113.14CR	OUTSTND	A	0/00/0000	LINE REPAIR
1-1001-000	2/18/2021	CHECK	058838	MOSS, LEVY & HARTZHEIM	7,875.00CR	OUTSTND	A	0/00/0000	2019-2020 FY AUDIT
1-1001-000	2/18/2021	CHECK	058839	PETTY CASH	70.26CR	OUTSTND	A	0/00/0000	STAMPS, POSTAGE
1-1001-000	2/18/2021	CHECK	058840	PRO-TECH LANDSCAPE MANAGEMENT,	410.00CR	OUTSTND	A	0/00/0000	JAN 2021 SVCS
1-1001-000	2/18/2021	CHECK	058841	SLO CO PUBLIC HEALTH DEPT.	548.50CR	OUTSTND	A	0/00/0000	NOV-DEC CROSS CONNECTION SVCS
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	26,604.33CR			
				DEPOSIT	TOTAL:	0.00			
				INTEREST	TOTAL:	0.00			
				MISCELLANEOUS	TOTAL:	0.00			
				SERVICE CHARGE	TOTAL:	0.00			
				EFT	TOTAL:	0.00			
				BANK-DRAFT	TOTAL:	0.00			
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	26,604.33CR			
				DEPOSIT	TOTAL:	0.00			
				INTEREST	TOTAL:	0.00			
				MISCELLANEOUS	TOTAL:	0.00			
				SERVICE CHARGE	TOTAL:	0.00			
				EFT	TOTAL:	0.00			
				BANK-DRAFT	TOTAL:	0.00			

A C C O U N T S P A Y A B L E  
O P E N I T E M R E P O R T  
D E T A I L

VENDOR	TYPE	---ID---	BANK	ITEM DT/ POST DT	DUE DT/ DISC DT	PAY DT/ CHECK#	1099	-----	DESCRIPTION	-----	GROSS/ BALANCE	-DISTRIBUTION-			
01-1114			MECHANICS BANK						VISA CARD						
	INV	02282021		2/16/21	3/18/21	2/18/21	N		MECHANICS BANK VISA CARD		73.06				
	AP			2/16/21		058836			PO:		0.00				
			FEB 2021 STATEMENT												
								01	-5-4100-248	QUICKBOOKS JAN 2021		40.00			
								01	-5-4100-200	ZOOM 1/22-2/1/2021		12.06			
								01	-5-4100-193	BANK FEES		21.00			
=====	TOTALS:		GROSS:		73.06	PAYMENTS:		219.18-	DISCS:	0.00	ADJS:	0.00	BAL:	73.06	=====



**Payroll Summary Report**  
**Board of Directors - Agenda Date February 24, 2021**

	(*)	
Gross Wages	1/30/2021	2/13/2021
Regular	\$27,207.07	\$27,207.08
Overtime Wages	\$267.06	\$351.42
Stand By	\$450.00	\$600.00
	<u>\$27,924.13</u>	<u>\$28,158.50</u>
Cell Phone Allowance	\$75.00	\$0.00
Total Wages	<u>\$27,999.13</u>	<u>\$28,158.50</u>
Disbursements		
Net Wages	\$21,165.25	\$21,214.77
State and Federal Agencies	\$4,843.88	\$4,932.13
CalPERS - Normal	\$5,378.41	\$5,403.41
SEIU - Union Fees	\$156.80	\$156.80
Total Disbursements processed with Payroll	<u>\$31,544.34</u>	<u>\$31,707.11</u>
Health (Disbursed with reoccurring bills)	\$6,204.70	\$6,204.70
Total District Payroll Related Costs	<u>\$37,749.04</u>	<u>\$37,911.81</u>

(\*) Previously reported in prior Board Meeting packet - provided for comparison.

COMPANY: 99 - POOLED CASH FUND  
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING  
 TYPE: All  
 STATUS: All  
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999  
 CLEAR DATE: 0/00/0000 THRU 99/99/9999  
 STATEMENT: 0/00/0000 THRU 99/99/9999  
 VOIDED DATE: 0/00/0000 THRU 99/99/9999  
 AMOUNT: 0.00 THRU 999,999,999.99  
 CHECK NUMBER: 058848 THRU 058850

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE	
<b>CHECK:</b>									
1-1001-000	2/18/2021	CHECK	058848	BLUE SHIELD OF CALIFORNIA	9,208.80CR	OUTSTND	A	0/00/0000	<b>EMPLOYEE INSURANCE</b>
1-1001-000	2/18/2021	CHECK	058849	PRINCIPAL LIFE INSURANCE COMPA	1,367.32CR	OUTSTND	A	0/00/0000	<b>EMPLOYEE INSURANCE</b>
1-1001-000	2/18/2021	CHECK	058850	TASC -CLIENT INVOICES	56.21CR	OUTSTND	A	0/00/0000	<b>FSA ADM FEE</b>
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	10,632.33CR			
				DEPOSIT	TOTAL:	0.00			
				INTEREST	TOTAL:	0.00			
				MISCELLANEOUS	TOTAL:	0.00			
				SERVICE CHARGE	TOTAL:	0.00			
				EFT	TOTAL:	0.00			
				BANK-DRAFT	TOTAL:	0.00			
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	10,632.33CR			
				DEPOSIT	TOTAL:	0.00			
				INTEREST	TOTAL:	0.00			
				MISCELLANEOUS	TOTAL:	0.00			
				SERVICE CHARGE	TOTAL:	0.00			
				EFT	TOTAL:	0.00			
				BANK-DRAFT	TOTAL:	0.00			

2/18/2021 2:38 PM  
 COMPANY: 99 - POOLED CASH FUND  
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING  
 TYPE: All  
 STATUS: All  
 FOLIO: All

CHECK RECONCILIATION REGISTER

PAGE: 1  
 CHECK DATE: 0/00/0000 THRU 99/99/9999  
 CLEAR DATE: 0/00/0000 THRU 99/99/9999  
 STATEMENT: 0/00/0000 THRU 99/99/9999  
 VOIDED DATE: 0/00/0000 THRU 99/99/9999  
 AMOUNT: 0.00 THRU 999,999,999.99  
 CHECK NUMBER: 058842 THRU 058847

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE	
CHECK:	-----								
1-1001-000	2/18/2021	CHECK	058842	MAP COMMUNICATIONS, INC. DBA A	284.08CR	OUTSTND	A	0/00/0000	ANSWERING SERVICE
1-1001-000	2/18/2021	CHECK	058843	AGP VIDEO INC.	400.00CR	OUTSTND	A	0/00/0000	TELECONF ARCHIVE SVC
1-1001-000	2/18/2021	CHECK	058844	CHARTER COMMUNICATIONS	150.00CR	OUTSTND	A	0/00/0000	INTERNET - COMMUNICATIONS
1-1001-000	2/18/2021	CHECK	058845	COASTAL COPY, INC.	230.05CR	OUTSTND	A	0/00/0000	COPIES/MAINTENANCE
1-1001-000	2/18/2021	CHECK	058846	DIGITAL WEST NETWORKS, INC.	589.88CR	OUTSTND	A	0/00/0000	PHONE, WEBSITE, SOFTWARE LICENSE
1-1001-000	2/18/2021	CHECK	058847	SO CAL GAS	200.16CR	OUTSTND	A	0/00/0000	UTILITY
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	1,854.17CR			
				DEPOSIT	TOTAL:	0.00			
				INTEREST	TOTAL:	0.00			
				MISCELLANEOUS	TOTAL:	0.00			
				SERVICE CHARGE	TOTAL:	0.00			
				EFT	TOTAL:	0.00			
				BANK-DRAFT	TOTAL:	0.00			
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	1,854.17CR			
				DEPOSIT	TOTAL:	0.00			
				INTEREST	TOTAL:	0.00			
				MISCELLANEOUS	TOTAL:	0.00			
				SERVICE CHARGE	TOTAL:	0.00			
				EFT	TOTAL:	0.00			
				BANK-DRAFT	TOTAL:	0.00			



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

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**Date:** February 24, 2021

**To:** Board of Directors

**From:** Carey Casciola, Business and Accounting Manager

**Subject:** **Agenda Item #7(C): Receive and file the June 30, 2020 Audited Financial Statements and Independent Auditors Report prepared by Moss, Levy and Hartzheim, LLP**

## **Recommendation**

It is recommended that your Board receive and file the June 30, 2020 Audited Financial Statements and Independent Auditors Report prepared by Moss, Levy and Hartzheim, LLP.

## **Discussion**

Pursuant to Special District Law, the Board of Directors shall provide for regular audits of the District's accounts and records. An audit is performed on the accounts and records of Oceano CSD every year by an independent Certified Public Accountant. The audit for June 30, 2020 is attached and the auditor provided a "clean" auditor opinion and there are no findings relating the District's system of internal controls that need to be addressed. Also included in the Independent Auditors' Report on the Financial Statements is a "Management Discussion and Analysis" (MD&A). A MD&A is required by the Governmental Accounting Standards Board (GASB), which considers it to be an essential part of financial reporting for placing the basic financial statements in appropriate operational, economic, or historical context. As a result, preparation of the MD&A helps ensure that fiscal issues being addressed by the Board are described to the auditors in the MD&A.

## **Other Agency Involvement**

The State Controller, County Auditor and the Local Agency Formation Commission are provided a copy of the audit and related communication letters.

## **Other Financial Considerations**

Funding for audit services has been included in the 2020-21 budget at \$19,875 for the preparation of the June 30, 2020 audit.

## **Results**

Completion of the annual audit promotes independent evaluation of the District's accounting records and helps to ensure a well governed community.



# Oceano Community Services District

Board of Directors Meeting

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Addendum:

- Oceano Community Services District Financial Statements June 30, 2020 and Independent Auditors Report



## Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

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**Date:** February 24, 2021

**To:** Board of Directors

**From:** Will Clemens, General Manager

**Subject: Agenda Item #8(A):** Introduction of an Ordinance Repealing and Replacing District Code 15.10 – Sale of Fireworks

### Recommendation

It is recommended that your Board:

1. Introduce the attached Ordinance which repeals and replaces District Code 15.10, waive the reading, and set a Public Hearing on March 10, 2021 to consider adopting the Ordinance; and
2. Authorize the President to sign the attached letter to the County of San Luis Obispo

### Discussion

District Code 15.10, which was originally adopted in 1991, governs the sale of safe and sane fireworks within the District. Annually, the District accepts and approves applications for organizations to operate "Safe and Sane" fireworks stands. Adopted procedures provide four permits each year. In 2020, the following organizations obtained approval from the District:

- The Anchor of Faith Apostolic Church
- The Church of God of Prophecy
- The Five Cities Aerie No. 4153 F.O.E.
- Open Door Pre-School

The Cities of Grover Beach and Arroyo Grande also allow for the sale of "Safe and Sane" fireworks. The most significant difference between the Cities' regulations and the District, is the public discharge period. The Cities' limit the discharge period to July 4 each year. The District currently has no limitation as to when fireworks may be discharged.

Direction was given at the January 13, 2021 Board meeting to revise the District Code to mirror more closely that of the City of Grover Beach. The proposed Ordinance implements that



## Oceano Community Services District

Board of Directors Meeting

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direction and establishes a discharge period of 10 am through 10 pm on July 4<sup>th</sup> only. This will provide consistency across municipal boundaries and will simplify the efforts of the Fire Chief of Five Cities Fire Authority (FCFA). Adopting a public discharge period will also assist the County Sheriff with enforcement efforts. Further direction was provided at the meeting of February 10, 2021 and has been incorporated into the proposed Ordinance.

Direction was also given to draft a letter to the County (attached) which encourages the County to add a Social Host Liability for Fireworks section to the County Code like what has been adopted in Kern County.

### **Other Agency Involvement**

The FCFA Fire Chief is responsible for the safety of the stands. The County Sheriff is responsible for enforcement relating to illegal discharge of fireworks in Oceano.

### **Other Financial Considerations**

Each applicant will be charged an administrative/application fee of \$400 set to recover District costs of the Fireworks program and a refundable clean-up fee of \$500. Each applicant must also provide a general liability and property damage insurance policy.

### **Results**

The sale of Safe and Sane fireworks in accordance with established regulations helps to ensure a safe and well governed community.

### **Attachments:**

- Ordinance
- Letter to County of San Luis Obispo

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

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY SERVICES DISTRICT REPEALING AND REPLACING DISTRICT CODE 15.10 SALE OF FIREWORKS

BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

**SECTION 1**

15.10 – SALE OF FIREWORKS REPEALED AND REPLACED AS FOLLOWS:

15.10.010 Permit Required for Sale; Fee.

It is unlawful for any person to sell any "safe and sane" fireworks, as defined in Section 12529 and Section 12562 of the Health and Safety Code without first having applied for and received a permit therefor. The fee for a permit to sell such fireworks will be initially set at \$400 and increased 3% annually thereafter. No part of the fee will be refunded upon revocation of the permit. In addition, a \$500 refundable cleaning deposit must be submitted with the permit fee and will be refunded upon removal of the fireworks stand and associated debris to the satisfaction of the District.

15.10.020 Application for Permit.

Applications for a permit under this chapter must be made to the General Manager or General Manager's designee and must:

- (A) Be made in writing on a form supplied by the District and accompanied by a tender of the permit fee and cleaning deposit.
- (B) Be made after the second Tuesday in April of each year and before the last business day of May.
- (C) Describe by street address the proposed location of the fireworks stand for which the permit is requested.
- (D) Be accompanied by a general liability insurance policy of at least \$ 1,000,000, with the premium pre-paid, for a term not less than the term of the permit, naming the District, its officers, agents, and employees as additional named insured, and covering liability for monetary damages resulting from bodily injury, property damage or personal injury, including false arrest, libel, wrongful entry, discrimination, and assault.
- (E) Be accompanied by the organization's certified statement of non-profit status.
- (F) Be accompanied by an assurance in writing that the applicant, if permitted, will neither sell nor purvey, nor suffer or permit any person to sell or purvey at the permittee's fireworks stand any "dangerous fireworks" as defined in section 12505 of the Health and Safety Code.



(G) Be accompanied by a signed written approval of property owner that the fireworks stand will be allowed on the property owner's property and include a business telephone number at which the property owner may be reached.

(H) Include a designation of all non-profit associations or corporations to which the applicant intends to distribute the net proceeds of its fireworks sales and the communities (i.e., Oceano, Halcyon, Grover Beach, Arroyo Grande, etc.) and residents of those communities (i.e., youth, seniors, residents at large, visitors, businesses, etc.) that will benefit from the non-profit association or corporation through the net proceeds of its fireworks sales with at least 50% of the net proceeds distributed within Oceano/Halcyon.

(I) State the person and such person's daytime telephone number which the General Manager or General Manager's designee will notify regarding the granting or denial of the permit.

#### 15.10.030 Operation of Stand.

(A) No person other than the permittee may operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand unless otherwise approved by permit.

(B) No person other than the individuals who are members or volunteers on behalf of a permittee's organization may participate in the operation of the fireworks stand.

(C) No person may be paid or given any consideration for participating in the operation of a fireworks stand, except for security services.

(D) Fireworks may only be sold at the stand location set forth in the permit.

(E) Permittees must distribute to each customer any educational materials provided by the District.

(F) It is unlawful for any person to sell or otherwise distribute fireworks without complying with each of the following provisions:

(1) Fireworks stands need not comply with the provisions of the California Building Code provided that all stands are erected under the supervision of the Fire Chief (or designee) who will require that stands be constructed in a manner which will reasonably assure the safety of attendants and patrons.

(2) If in the judgment of the Fire Chief (or designee), the construction or the location of a stand, or the conduct of operations therein do not conform with the provisions of this Chapter, the Fire Chief (or designee) may order the stand immediately closed until such time as the stand does conform with the provisions of this Chapter.

(3) If the permittee has materially falsified any statement in the application or has failed to perform any agreement, assurance, or representation made in connection with the application, the Fire Chief (or designee) will revoke the permit and order the stand immediately closed and neither the permittee nor any successor to the permittee will be permitted under this Chapter during the next following year. Such decision may be immediately appealable in writing to the General Manager who will conduct an informal hearing at the earliest opportunity.

(4) The front of all stands will be completely enclosed from the counter to the roof with hardware wire cloth, the openings of which do not exceed one-fourth inch in size except for openings to permit delivery of merchandise to customers, which openings for delivery are not larger than twelve inches by eighteen inches in size and the location of which are approved by

the Fire Chief (or designee).

(5) No person will be allowed in the interior of the stand except those directly participating in its operation.

(6) No person under the age of eighteen years will be allowed to sell fireworks, work in any way, unload fireworks supplies, or otherwise be in the stand or involved in its operation.

(7) All merchandise will be stored or displayed at a safe distance from the front and side walls of the stand in accordance with the direction of the Fire Chief (or designee).

(8) No stand will be constructed which has a depth of more than twelve feet.

(9) Each stand more than twenty feet in length must have at least two exits; and each stand more than thirty feet in length must have at least three exits spaced approximately equally along the length of the stand; provided, that in no case will the distance between exits exceed twenty feet.

(10) Exit doors must swing in the direction of egress.

(11) Exits will be arranged so that there will be egress available in at least two directions from any place within the stand, which exits will be approximately diametrically opposed.

(12) The stand must be equipped with at least one fire extinguisher and one five-gallon pail of water at each exit. The fire extinguisher must be approved as to efficiency, adequacy, and safety by the Fire Chief (or designee).

(13) No stand will be located closer than 100 feet from any other stand.

(14) No stand will be located closer than ten feet from a property line, nor closer than thirty feet from any building, nor closer than ten feet from any structure other than a building.

(15) All weeds and combustible materials will be cleared for 50 feet surrounding the stand.

(16) No food, beverage, or merchandise other than fireworks may be sold in or within thirty feet surrounding the stand. The sale of fireworks may not begin before noon on the twenty-eighth of June and will cease at noon on the fifth day of July. Sales during this time period will be limited to 9:00 a.m. to 11:00 p.m. each day. Any permittee failing to observe these hours designated for sale may have their permit revoked or be ineligible for a permit in subsequent years.

(17) All unsold fireworks stock and associated litter from the stand will be removed from the stand location by noon on the seventh of July.

(18) The stand will be removed from its temporary location by noon on the seventh day of July.

(19) The permittee will also comply with all applicable State laws pertaining to the sale of fireworks and operation of the stand.

#### 15.10.040 Number of Permits.

No association may receive more than one permit for fireworks sales during any one calendar year. No association may operate more than one fireworks stand under permit during any one calendar year. No more than four permits will be issued by the District in any calendar year. Permit holders from the preceding year will have the right of first refusal for one (1) permit. Remaining permits will be issued per Section 15.10.050.

15.10.050 Prerequisites to Issuance of Permit; Selection of Permittees; and Approval of Locations.

(A) No permit will be issued except to an applicant who is a non-profit association or corporation organized primarily for veteran, patriotic, welfare, district betterment, religious or charitable purposes, having on file with the District proof of non-profit status from either the IRS, California Secretary of State, or the State Attorney General; and having its principal and permanent meeting place within District boundaries; and having been organized and established in the District for a minimum of three years continuously preceding the filing of the application for the permit; and having three years continuously preceding the filing of the application for the permit, a track record of providing programs and/or services to residents of the District.

(B) If on the closing date for filing applications for permits there are more new applications than the number of available permits, the permittees will be selected by a drawing conducted by the General Manager or General Manager's designee.

(C) Prior to the installation of any stand for which a permit has been obtained, the General Manager or General Manager's designee will first submit the proposed location of each stand to the Fire Chief who has the authority to disapprove the location if in the Chief's opinion the location would pose a fire hazard.

15.10.060 Public Discharge Period.

Discharge of "safe and sane fireworks" may only occur from 10:00 a.m. to 10:00 p.m. on the fourth of July. No person under eighteen (18) years of age may possess or discharge "safe and sane fireworks" except when under the direct supervision of a person twenty-one (21) years of age or older.

15.10.070 Mandatory Meeting.

There will be a meeting in June each year. Attendance at this meeting is mandatory for the representatives of the permittee organizations. Safety practices, legal issues and explanation of the laws, rules and regulations will be discussed. Wholesale distributors, or their bona fide agents, must also be present at this meeting.

**SECTION 2**

This Ordinance will take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it will be posted in three public places with the names of the members of the Board of Directors voting for and against the same and will remain posted thereafter for at least one week.

**INTRODUCED** at a regular meeting of the Board of Directors held on the 24<sup>th</sup> day of February, 2021, and **PASSED, APPROVED and ADOPTED** by the Board of Directors of the Oceano Community Services District, this \_\_\_\_ day of \_\_\_\_\_, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing ordinance is hereby adopted:

\_\_\_\_\_  
President of the Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary of the Board of Directors

BY: \_\_\_\_

\_\_\_\_\_  
Board Secretary

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

Jeffrey Minnery District  
Legal Counsel

By:

\_\_\_\_\_

District Legal Counsel

Dated: February 24, 2021



## Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

[www.oceanocsd.org](http://www.oceanocsd.org)

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February 24, 2021

Wade Horton, County Administrative Officer

County of San Luis Obispo

1055 Monterey St. Ste. 430

San Luis Obispo, CA 93408

### **RE: Illegal Fireworks**

Dear Mr. Horton

As you are aware, the topic of illegal fireworks is of great concern to many residents in the county. Our District has received the same petition as the county from our mutual constituents calling for more enforcement related to the use of illegal fireworks. In Oceano, enforcement related to illegal fireworks falls under the jurisdiction of the Sheriff's Office.

The Sheriff's Office has indicated that many factors make enforcement of current laws related to illegal fireworks difficult. One factor is that our District currently allows the use of "safe and sane" fireworks year-round and this makes it difficult to determine if fireworks are legal or illegal when discharged in Oceano. Our District is currently working to remedy that situation by introducing an Ordinance that would limit the discharge period for "safe and sane" fireworks to July 4<sup>th</sup> only. This will bring our District more into line with Ordinances in the neighboring Cities and should make the identification of illegal fireworks easier for the Sheriff.

In addition, our Board strongly encourages the county to consider adding a Social Host Liability for Fireworks Section to the County Code. We understand that this has worked well in providing another enforcement tool in Kern County and we have attached the Section of their Code for your reference. We thank you for cooperating as our partner in addressing the issue of illegal fireworks in our community.

Sincerely,

LINDA AUSTIN

President

Attachment: Kern County Code 17.32.027

cc: Lynn Compton, District 4 Supervisor

Ian Parkinson, Sheriff

## 17.32.027 - Section 110.4.2 added—Social Host Liability—Fireworks.

Section 110.4.2 is added to Chapter 1 DIVISION II ADMINISTRATION of the Kern County Fire Code is amended to read as follows:

## A. Findings, Intent and Purpose.

1. Findings. The Board of Supervisors, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents. The illegal possession, manufacture, storage, sale, handling and use of fireworks, as described in Section 17.32.092 of this code, on private property is harmful to and creates a threat to public health, safety, quiet enjoyment of residential property and the general welfare. While the discharge of illegal fireworks can be tied to a particular residence or property, it is often difficult to tell who at the residence or property discharged the illegal firework(s). The owner or tenant of the premises is often in the best position to control, and knows or should know of the possession, manufacture, storage, sale, handling and use of illegal fireworks on his/her residence or commercial premises. The Board of Supervisors finds that in too many cases, persons having possession or control of private property where the illegal possession, manufacture, storage, sale, handling and use of fireworks occurs, have failed to ensure that illegal fireworks are not possessed, manufactured, stored, sold, handled or used on their property. Furthermore, problems associated with the illegal possession, manufacture, storage, sale, handling and use of fireworks are difficult to prevent and deter unless the fire chief, sheriff, or other designated official of the county of Kern has the legal authority to cite the owner or tenant of the premises where illegal fireworks are possessed, manufactured, stored, sold, handled or used.

2. Intent. The intent of this section is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. An ordinance that imposes liability on property owners or tenants for allowing the possession, manufacture, storage, sale, handling or use of illegal fireworks on their property is necessary to deter and prevent such possession, manufacture, storage, sale, handling or use and to deter persons who actively and passively aid, allow, or tolerate such activities on their property.

3. Purposes. The purposes of this section are to protect the public health, safety and general welfare, to deter the possession, manufacture, storage, sale, handling or use of illegal fireworks, and to reduce the costs of providing police, fire, and other emergency response services to areas where illegal fireworks are being possessed, manufactured, stored, sold, handled or used. These purposes are implemented by the imposition of a civil money penalty against social hosts (landowners or tenants) who actively or passively aid, allow or tolerate the possession, manufacture, storage, sale, handling or use of illegal fireworks on their property.

4. Declaration. For these reasons, the Board of Supervisors declares that the possession, manufacture, storage, sale, handling or use of illegal fireworks is a threat to the peace, health, safety and general welfare of the public. Such actions constitute a public nuisance as they affect at the same time the entire community of Kern County as well as the neighborhoods in which they occur. The nuisance created thereby presents an immediate threat to the public health and safety, warranting summary abatement by the fire chief, sheriff or other designated county official under Government Code Section 25845, subdivision (a).

B. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "Responsible person" means a person or persons with a right of possession of the residence or other private property at which illegal fireworks are possessed, manufactured, stored, handled or used, including but not limited to:

a. Any owner of the residence or other private property, meaning the record owner of the title to property as of the time of the possession, manufacture, storage, sale, handling or use of illegal fireworks, wherever that person or entity resides at that time;

b. A tenant or lessee of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, handled or used;

c. The person(s) in charge of the residence or other private property at the time when illegal fireworks are possessed, manufactured, stored, sold, handled or used;

d. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering where illegal fireworks are possessed, manufactured, stored, sold, handled or used.

A responsible person need not be present at the time illegal fireworks are possessed, manufactured, stored, sold, handled or used in order for the county to impose civil money penalties upon such responsible person. Prior knowledge of the possession, use, manufacture, storage, sale, handling or use of illegal fireworks is not prerequisite to a finding that any specific individual is a responsible person as defined by this section.

2. "Residence" or "other private property" means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall, meeting room, office, land or building, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, business, or location for parties or other social functions, and whether owned, leased, rented, or used with or without compensation.

C. Responsibility for Proper Property Management. Every owner, occupant, lessee, tenant or holder of any possessory interest of a residence or other private property within the county of Kern is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provision of this section. The owner of the property may remain liable for such violations regardless of any contract or agreement with any third party regarding the property.

D. Penalties for Violation.

1. It is a civil violation of this section, and a public nuisance constituting an immediate threat to public health and safety warranting summary abatement, for any responsible person to conduct or allow illegal possession, manufacture, storage, sale, handling and use of fireworks on his/her residential or other private property. Such a violation subjects any and all responsible persons to the civil money penalties specified in Section 17.32.026, Paragraph B of this code.

2. In the event that a juvenile hosts a gathering at a residence or other private property at which illegal possession, manufacture, storage, sale, handling and use of fireworks occurs, then the parents or guardians of that juvenile will be jointly and severally liable for any penalties incurred pursuant to this section.

3. In the event that a juvenile is found to be a responsible person as defined by this section, the juvenile may elect to serve in a community service program as specified in Section 17.32.026 of this code.

4. The parents or guardians of a juvenile found to be a responsible person as defined by this section, may also elect to have that juvenile serve in a community service program as specified in Section 17.32.026 of this code.

(Ord. No. G-8866, § 12, 11-5-19)





# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

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**Date:** February 24, 2021

**To:** Board of Directors

**From:** Will Clemens, General Manager

**Subject:** **Agenda Item # 8(B):** Consideration of Ordinance 2019-1 of the San Luis Obispo County Integrated Waste Management Authority (IWMA) to ban Polystyrene and provide direction on a letter to IWMA as deemed appropriate by the Board

## Recommendation

It is recommended that your Board:

1. Discuss Ordinance 2019-1 of the San Luis Obispo County Integrated Waste Management Authority to ban Polystyrene.
2. Provide direction on a letter to IWMA as deemed appropriate and authorize the President to sign.

## Discussion

The San Luis Obispo County Integrated Waste Management Authority (IWMA) was formed in 1994 through a joint powers agreement (JPA) between the County and local cities. Information on the IWMA can be found on their website <https://www.iwma.com/>. The JPA can be found at <https://www.iwma.com/wp-content/uploads/recyclist/userfiles/IWMA%20jpa%20agreement.pdf>.

The purpose of IWMA is to achieve regional waste diversion goals. Previously, a Polystyrene ban was enacted by IWMA Ordinance 2019-1, but implementation of the ban was deferred due to the pandemic out of concern for the economic impact to local businesses. Concern has been expressed that the ordinance goes beyond the authorization of the JPA and therefore, IWMA will soon consider whether to implement the ban or repeal the ordinance. Information on IWMA Ordinance 2019-1 can be found at <https://iwma.com/poly/>.

Your Board authorized the attached October 8, 2019 letter to IWMA at your September 11, 2019 meeting supporting the Polystyrene ban when originally proposed. Given the IWMA is reconsidering its ordinance, your Board should consider its position and determine if the attached draft letter should be sent to the IWMA.



## **Other Agency Involvement**

Cities that have enacted ordinances banning polystyrene include Arroyo Grande, Grover Beach, Morro Bay, Pismo Beach and San Luis Obispo.

## **Financial Considerations**

The District's franchise agreement for waste collection, hauling and recycling with South County Sanitary Services Inc. are independent from the IWMA and the polystyrene ban has no anticipated financial impact on the District.

## **Results**

Considering the ordinance to ban polystyrene and providing comments promotes a well governed, healthy, and environmentally conscious community.

Attachments: IWMA Ordinance 2019-1  
10/08/2019 Letter to IWMA  
Draft Letter to IWMA

**San Luis Obispo County**  
**Integrated Waste Management Authority**  
**ORDINANCE NO. 2019-1**

**AN ORDINANCE REGULATING POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS)  
FOOD CONTAINERS AND PRODUCTS**

**WHEREAS**, the San Luis Obispo County Integrated Waste Management Authority (“IWMA”) is a joint powers agency established pursuant to California Government Code Section 6500 and empowered by its member jurisdictions to exercise the members’ common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis; and

**WHEREAS**, items made from Polystyrene and Expanded Polystyrene (“EPS”) are not Biodegradable and in many cases, not Recyclable. Polystyrene and EPS break into small pieces and because they are lightweight, may be picked up by the wind even when they have been disposed of properly; and

**WHEREAS**, Polystyrene and EPS as litter are highly durable. Both Polystyrene and EPS litter are present in parks and public places, streets and roads, waterways and storm drains and may ultimately float, or be blown, into the Pacific Ocean; and

**WHEREAS**, take-out food and beverage packaging that is Reusable, Biodegradable, and Recyclable is the most responsible and sustainable choice for San Luis Obispo County’s tourist economy, its citizenry, and its environment. When products are reusable or recyclable, natural resources are spared, and less energy and resources are used to produce new products; and

**WHEREAS**, regulating the use of Polystyrene and EPS will help maximize the operating life of landfills and help protect the natural environment from contamination and degradation; and

**WHEREAS**, the IWMA Board of Directors considered taking action on Polystyrene and EPS at prior IWMA Board Meetings and has directed staff to develop an ordinance to prohibit the use of Polystyrene and EPS containers, trays, cartons, and non-encapsulated products.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority as follows:

**SECTION 1. Recitals.**

The above recitals are true and correct and incorporated herein by this reference as the findings of the IWMA Board of Directors.

## **SECTION 2. Environmental Determination.**

The proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency for the protection of the environment because, among other things, it will regulate the use and sale of Polystyrene and EPS and reduce the amount of Polystyrene and EPS that enter local landfills and waterways. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

## **SECTION 3. Definitions.**

- A. “Affordable” means that a Biodegradable or Recyclable product may cost up to fifteen percent more than the purchase cost of comparable Polystyrene and EPS alternatives.
- B. “Biodegradable” means all the materials in the product or package that will break down, or otherwise become part of usable soil-conditioning material such as but not limited to uncoated paper, sugar cane, wood, or bamboo. This ordinance specifically prohibits Bioplastics and other compostable Plastics as replacements, because Bioplastics contaminate recycling systems and compostable Plastics contaminate the IWMA Regional composting system.
- C. “Bioplastic” is a type of biodegradable plastic derived from biological substances rather than from petroleum.
- D. “Disposable Food and Beverage Containers” is interchangeable with “to-go” packaging, “dine-in” packaging, “food and/or beverage packaging material”, and means all containers that are used to hold Prepared Food or Beverages. Disposable Food and Beverage Containers include but are not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, and drink ware that are made of Polystyrene or EPS.
- E. “Egg Carton” means a carton for eggs sold to consumers from a refrigerator case or similar appliance.
- F. “Events Promoter” means an applicant for any event permit issued by an IWMA Member Jurisdiction or any IWMA Member Jurisdiction employee(s) responsible for any IWMA Member Jurisdiction organized event.
- G. “Expanded Polystyrene” or “EPS” means blown, expanded, and extruded Polystyrene or other EPS plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding,

and extrusion-blown molding (extruded plastic foams). Expanded Polystyrene and other plastic foams are generally used to make cups, drink ware, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes, and packing peanuts. The Resin Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all Polystyrene or EPS food service ware, packing or shipping material, or non-encapsulated marine devices regardless of whether it exhibits a Resin Code.

H. "Expanded Polystyrene Products" or "EPS Products" means any product made from Polystyrene or EPS, but is not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, drink ware, as well as non-encapsulated coolers, containers, ice chests, marine buoys, shipping boxes, packing peanuts, or other packaging materials. The Resin Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food and beverage service ware and non-encapsulated products regardless of whether it exhibits a Resin Code.

I. "Food and Beverage Provider" means any establishment or organization located within an IWMA Member Jurisdiction that is a provider of Prepared Food and Beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer, farmers market, non-profit entity, vending machine, or mobile food Vendor.

J. "IWMA Member Jurisdiction" includes the County of San Luis Obispo, the Authorized District members of the IWMA, and the Cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo.

K. "IWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California, and the seven incorporated cities within San Luis Obispo County.

L. "Non-encapsulated Marine Devices" means any device non-encapsulated used as a floatation aid. Examples include but are not limited to marine buoys and dock floats.

M. "Prepared Food and Beverage" means food or beverages that are (1) ready to consume without any further food preparation, alteration, or repackaging; and (2) prepared, provided, sold, or served by a Food and Beverage Provider using any cooking, packaging, food preparation or beverage preparation technique (e.g., cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared within an IWMA Member Jurisdiction). Prepared Food and Beverages may be eaten either "dine-in" or "take-out" from the Food and Beverage Provider's premises.

N. "Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to, rigid polystyrene or Expanded Polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, Expanded Polystyrene molding, or extrusion-blown molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The Resin

Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a Resin Code.

O. "Polystyrene Packing Material" means Polystyrene or EPS material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

P. "Recyclable" means any material that is specified as recyclable in a franchise agreement within the boundaries of San Luis Obispo County including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, high density polyethylene (HDPE), polyethylene terephthalate (PET), corrugated cardboard, and paper.

Q. "Resin Code" means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling or disposal.

R. "Reusable Food Service Ware" means any product designed to be used over and over for serving, consuming, or transporting prepared food and raw food, including but not limited to reusable plates, bowls, trays, utensils, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, or any container in or on which prepared foods and raw foods are placed or packaged for consumption.

S. "Supplier" means anyone selling, distributing, or otherwise supplying food and beverage service ware, packaging, and Non-encapsulated Marine Devices to any business, store, supermarket, delicatessen, restaurant, shop, caterer, farmers market, vending machine, or mobile food Vendor doing business in the IWMA Region.

T. "Tray" means any packaging used to contain, support, or encase meat, seafoods, vegetables, and other products.

U. "Vendor" means any store or business which sells or offers goods, services, or merchandise, located or operating within an IWMA Member Jurisdiction, including those referenced in the definition of "Food Provider."

#### **SECTION 4. Polystyrene and EPS Disposable Food Containers are Prohibited.**

A. Food and Beverage Providers within the IWMA Region may not provide Prepared Food and Beverages in or provide separately any Disposable Food and Beverage Container made from Polystyrene or EPS except as exempted in Section 7.

B. Disposable Food Containers made from Polystyrene or EPS are prohibited from use in all IWMA Member Jurisdiction stores or businesses which sell or offer goods, services, or merchandise.

C. IWMA Member Jurisdiction contractors in the performance of IWMA Member Jurisdiction contracts and event promoters may not provide Prepared Food and Beverages in Disposable Food and Beverage Containers made from Polystyrene or EPS.

D. Food and Beverage providers are prohibited from using, providing, distributing, or selling Polystyrene or EPS.

**SECTION 5. Required Reusable, Biodegradable, or Recyclable Disposable Food Containers.**

A. All Food and Beverage Providers within IWMA Member Jurisdictions utilizing “to-go” or “dine-in” Food and Beverage Containers shall use Reusable, Biodegradable, or Recyclable products.

B. All IWMA Member Jurisdiction stores or businesses which sell or offer goods, services, or merchandise utilizing “to-go” or “dine-in” Food and Beverage Containers shall use Reusable, Biodegradable, or Recyclable products.

C. IWMA Member Jurisdiction contractors and event promoters utilizing “to-go” or “dine-in” Food Containers shall use Reusable, Biodegradable, or Recyclable products while performing under IWMA Member Jurisdiction contract or permit.

**SECTION 6. Prohibited Sales.**

No Vendor, Supplier, or Events Promoter in the IWMA Member Jurisdiction may sell or otherwise provide any Polystyrene or EPS product which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 7. This specifically includes, but is not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, and drink ware as well as non-encapsulated coolers, containers, ice chests, marine buoys and dock floats, shipping boxes, packing peanuts, or other packaging materials. The Resin Code for polystyrene is ‘6’ or ‘PS,’ either alone or in combination with other letters. This applies to all Polystyrene and EPS Food and Beverage service ware and non-encapsulated products regardless of whether it exhibits a Resin Code.

**SECTION 7. Exemptions.**

A. The IWMA Board or designee may exempt a Food Provider from the requirements set forth in Section 4.A. of this Ordinance for a one-year period upon the Food and Beverage Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty as evidenced by no alternatives being available or if such alternatives are not Affordable. The IWMA Board or Executive Director shall put the decision to grant or deny a one-year exemption in writing, and the decision shall be final.

B. Exemption to allow for the sale or provision of Polystyrene or EPS products may be granted by the IWMA Board or Executive Director if the Vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The IWMA Board or Executive Director shall put the decision to grant or deny the exemption in writing, and the decision shall be final.

C. An exemption application shall include all information necessary for the IWMA Board or Executive Director to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The IWMA Board or Executive Director may require the applicant to provide additional information.

D. The IWMA Board or Executive Director may approve the exemption application in whole or in part, with or without conditions.

E. Products made from Polystyrene or EPS which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this ordinance. Examples include, but are not limited to surfboards, life preservers, coolers, and craft supplies which are wholly encapsulated or encased by a more durable material.

F. Construction products made from Polystyrene or EPS are exempted from this ordinance if the products are used in compliance with an IWMA Member Jurisdiction's applicable municipal code for buildings and construction and used in a manner preventing the Polystyrene or EPS from being released into the environment.

G. In a situation deemed by the IWMA Executive Director or designee to be an emergency for the immediate preservation of the public peace, health, or safety. IWMA Member Jurisdiction facilities, Food and Beverage Providers, IWMA Member Jurisdiction contractors, and Vendors doing business with the IWMA Member Jurisdictions shall be exempt from the provisions of this section.

H. Polystyrene or EPS packaged products, which have been received from sources outside the IWMA Region and are home, business, or job-site delivered (e.g. residents or businesses ordering products online or in-store and having them delivered to their home or job-site) shall be exempt from the provisions of this section.

**SECTION 8. Violations and Enforcement.**

A. The IWMA may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunction relief, filed in the Superior Court of the County of San Luis Obispo to compel and enforce the provisions herein against any Food and Beverage provider or Vendor within San Luis Obispo County in violation of this Ordinance. In addition to any relief available



to IWMA to enforce this Ordinance, the IWMA shall also be entitled to recover reasonable attorneys' fees and costs incurred in enforcing this Ordinance.

B. For any violation of this Ordinance, the IWMA may sue to recover civil penalties in the amount of \$1,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the Food and Beverage provider or Vendor fails to comply with the requirements of this Ordinance, after having received a written notice of violation issued by the IWMA, shall constitute a separate offense.

C. In lieu of the civil penalties identified in Section 8 (B), the Executive Director may, in his/her discretion, take the following actions with regard to a Food and Beverage Provider or Vendor not in compliance:

1. Issue a written warning in which the violating party has ninety (90) days to comply.
2. Issue fines as follows:
  - i. A fine of one hundred dollars (\$100.00) for the first violation after a written ninety (90) day warning notice is given.
  - ii. A fine of two hundred dollars (\$200.00) for the second violation.
  - iii. A fine not exceeding five hundred dollars (\$500.00) for the third and any future violations.
3. For the first violation, the IWMA or designee may allow the violating Food and Beverage Provider or Vendor, in lieu of payment of the administrative fine, to submit receipts demonstrating the purchase after the citation date of Reusable, Biodegradable, or Recyclable products in an amount equal to the amount of the citation.

D. In addition to the civil relief available to the IWMA set forth above, any violation of this Ordinance shall also constitute a misdemeanor punishable under the laws of the State of California. The District Attorney, the County Counsel, or any City Attorney shall be authorized to enforce the provisions of this Ordinance within their respective jurisdictions. In the event of such criminal enforcement, the following criminal penalties apply to violations of this Ordinance:

1. Violation of Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.
2. The San Luis Obispo County Sheriff's Department and/or any other police department or law enforcement agencies located within the IWMA's jurisdiction may

issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.

3. Penalty for Misdemeanor. Any Food and Beverage provider or Vendor found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or both. Each day such violation continues shall be considered a separate offense.

E. To the extent any Member Jurisdictions have adopted code enforcement Ordinances applicable to their jurisdictions, this Ordinance may be enforceable by said governmental entities under said Ordinances as land-use or code-enforcement violations consistent with said Ordinances.

F. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity.

#### **SECTION 9. Severability.**

If any subdivision, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance. It is the IWMA's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

#### **SECTION 10. Effective Date.**

This Ordinance was introduced, and the title thereof read, at the regular meeting of the IWMA Board of Directors on September 11, 2019, and further reading was waived by a majority vote of those Directors present.

This Ordinance shall take effect and be in full force on and after six (6) months from the date of its passage and before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director Adam Hill, seconded by Director Bruce Gibson, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, this 9<sup>th</sup> day of October 2019, by the following vote:

AYES: Directors Sheila Blake, Charles Bourbeau, Bruce Gibson, Steve W. Martin, Adam Hill, Jeff Lee, Keith Storton, President Aaron Gomez

NOES: Directors Debbie Arnold, John Peschong

ABSENT: Directors Lynn Compton, Jeff Heller, Robert Enns

ABSTAIN: None

*Original signed by*

[Redacted Signature]

Aaron Gomez, President  
San Luis Obispo County  
Integrated Waste Management Authority

ATTEST:

*Original signed by*

[Redacted Signature]

IWMA Interim Board Secretary



## Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

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October 8, 2019

Board of Directors  
San Luis Obispo County Integrated Waste Management Authority  
870 Osos Street  
San Luis Obispo, CA 93401

**SUBJECT: Letter of Support - Ordinance to Regulate Polystyrene**


Dear IWMA Board Members:

The Oceano Community Services District (OCSD) supports the proposed IWMA ordinance to regulate polystyrene, which is being considered as agenda item #11 at your meeting of October 9, 2019. At the OCSD meeting of September 11, 2019, our Board unanimously voted 5-0 in support of your proposed ordinance.

As one of the special districts in San Luis Obispo County with authority over solid waste and recycling, OCSD has been working on several efforts in recent years to address illegal dumping and to promote a clean and green community. We have participated in coastal clean-up, coordinated with other agencies on cleaning up abandoned homeless encampments, and have developed local programs for Oceano. As one example, we have implemented a 311 app that provides residents with the ability to snap a pic of illegal dumping for posting that provides us the ability to respond with clean and green timeliness. Since February 2017 we have received 236 posts - a good start with the community on addressing our challenges of illegal dumping. OCSD also funds large item pickup for our residents during fall cleanup week, and may consider expansion of the program to the spring cleanup event as well. Our public-private partnership with South County Sanitary Services Inc. is moving forward providing multiple benefits to Oceano.

The proposed ordinance to regulate polystyrene is an excellent example of regional efforts that promote what OCSD is doing within our community. Addressing the solid waste issues that exist in today's environment requires local, regional, state and federal efforts. On behalf of the entire OCSD Board of Directors, we appreciate the efforts of IWMA and urge all IWMA directors to vote "yes" on the proposed ordinance.

Best Regards,

  
Linda Austin, President  
Oceano Community Services District



## Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

[www.oceanocsd.org](http://www.oceanocsd.org)

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February 24, 2021

Board of Directors  
San Luis Obispo County Integrated Waste Management Authority  
870 Osos Street  
San Luis Obispo, CA 93401

**RE: IWMA Ordinance 2019-1**

Dear IWMA Board Members

On October 8, 2019, the Oceano Community Services District (OCSD) submitted the attached letter of support for a countywide polystyrene ordinance, subsequently enacted by the IWMA. Our Board continues to support Ordinance 2019-1 and opposes the current effort to repeal it.

As stated in the ordinance's preamble:

- Items made from Polystyrene and Expanded Polystyrene ("EPS") are not Biodegradable and in many cases, not Recyclable. Polystyrene and EPS break into small pieces and because they are lightweight, may be picked up by the wind even when they have been disposed of properly.
- Polystyrene and EPS as litter are highly durable. Both Polystyrene and EPS litter are present in parks and public places, streets and roads, waterways and storm drains and may ultimately float, or be blown, into the Pacific Ocean.
- Take-out food and beverage packaging that is Reusable, Biodegradable, and Recyclable is the most responsible and sustainable choice for San Luis Obispo County's tourist economy, its citizenry, and its environment. When products are reusable or recyclable, natural resources are spared, and less energy and resources are used to produce new products.
- Regulating the use of Polystyrene and EPS will help maximize the operating life of landfills and help protect the natural environment from contamination and degradation.

Ordinance 2019-1 addresses all these issues. We urge the special districts representative and the entire IWMA Board to vote against repealing it.

Sincerely,

LINDA AUSTIN

President

Attachment: 10/08/19 letter to IWMA