

**Board Members**

Joe Neves, District 1  
Richard Valle, District 2 - Chairman  
Doug Verboon, District 3 – Vice-Chairman  
Rusty Robinson, District 4  
Richard Fagundes, District 5



**Staff**

Kyria Martinez, Acting Co. Admin. Officer  
Diane Freeman, County Counsel  
Catherine Venturella, Clerk of the Board

## Board of Supervisors Regular Meeting Agenda

**Date:** Tuesday, April 4, 2023  
**Time:** 9:00 a.m.  
**Place:** Board of Supervisors Chambers, Kings County Government Center  
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) ❖ website: <https://www.countyofkings.com>

The meeting can be attended on the Internet by clicking this link:

<https://countyofkings.webex.com/countyofkings/j.php?MTID=med87061c11f8738c42d979b6e963d821>

or by sending an email to [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting. Remote WebEx participation for members of the public is provided for convenience only. In the event that the WebEx connection malfunctions or becomes unavailable for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access.

**\*WebEx will be available for access at 8:50 a.m.\***

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- I. 9:00 AM **CALL TO ORDER**  
ROLL CALL – Clerk of the Board  
INVOCATION – Pastor Arthur Fox – New Hope Orthodox Presbyterian Church  
PLEDGE OF ALLEGIANCE



**II. UNSCHEDULED APPEARANCES**

*Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.*

**III. APPROVAL OF MINUTES**

- A. Report out of Closed Session from the regular meeting for March 28, 2023.
- B. Approval of the minutes from the regular meeting for March 28, 2023.

**IV. CONSENT CALENDAR**

**A. Public Health Department:**

- 1. Consider authorizing the advance step hire of Nichole Fisher as a Supervising Public Health Nurse at Salary Range 253.0 Step 5.

**B. Public Works Department:**

- 1. Consider awarding the construction contract for the Kettleman City State Route 41 Pedestrian Crossing and Pathway Improvements to Garcia Paving, Inc.

**C. Administration:**

- 1. a. Consider authorizing the County Administrative Officer to sign the Agreement between the Department of Water Resources of the State of California, Tulare Lake Basin Water Storage District, Westlands Water District, and the County for the transfer of 6,000 acre-feet of Table A water from Tulare Lake Basin Water Storage District to Kings County;
- b. Approve the Agreement between the County and Westlake Farms Incorporated holding the County harmless for being a party to the transfer Agreement between the Department of Water Resources of the State of California, Tulare Lake Basin Water Storage District, Westlands Water District, and the County for the transfer of 6,000 acre-feet of Table A water from Tulare Lake Basin Water Storage District to Kings County.
- 2. Consider appointing one new member to the Kings County Homelessness Collaborative.
- 3. Consider appointing three new members to the Kings County Agricultural Advisory Committee.

**V. REGULAR AGENDA ITEMS**

**A. Community Development Agency – Chuck Kinney**

- 1. Consider reviewing the Water Commission recommendations, and if acceptable, direct staff to make changes to the Formation of the Water Resources Oversight Commission Ordinance and/or the Groundwater Export Ordinance No. 706.

**B. Fire Department – William Lynch**

- 1. Consider adopting the Resolution identifying the terms and conditions of Fire Department personnel response away from their official duty station and assigned to an emergency incident.
- 2. a. Consider approving the acceptance of the pass-through funding from California Office of Emergency Services;
- b. Authorize the Fire Chief to sign required documentation related to the funding award;
- c. Adopt the budget change. **(4/5 vote required)**

**C. Human Services Agency – Wendy Osikafo/Monica Connor**

- 1. Consider adopting a Resolution to proclaim the month of April 2023 as Child Abuse Prevention Awareness Month.



**D. Public Health Department – Rose Mary Rahn/Heather Silva**

1. Consider adopting a Resolution proclaiming the week of April 3-9, 2023, as National Public Health Week.

**E. Human Resources – Carolyn Leist**

1. Consider setting the compensation for Leonard Bakker as Acting Chief Probation Officer, retroactively effective March 10, 2023.
2. Consider setting the compensation for Kyria Martinez as Acting County Administrative Officer, retroactively effective April 1, 2023.

**F. Administration – Kyria Martinez/Matthew Boyett**

1. Consider waiving the second reading and adopt the amended Ordinance for Senate Bill 1383 requirements.

**VI. STUDY SESSION**

**A. Administration – Kyria Martinez/Matthew Boyett**

1. a. Consider receiving information on Senate Bill 1383 implementation impacts of both the free-market and franchise zone models;
- b. Direct staff, as necessary, to take actions as deemed necessary for the implementation of Senate Bill 1383.

**VII. BOARD MEMBER ANNOUNCEMENTS OR REPORTS**

*On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).*

- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items

**VIII. CLOSED SESSION**

- ◆ **Litigation initiated formally: Title:**  
*Bestafka v. County of Kings, et al. 18C-0256*  
**[Govt. Code Section 54956.9 (d)(1)]**
- ◆ **Threat to Public Services or Facilities:** Pursuant to Government Code Section 54957(a)  
 Consultation with: David Robinson, Sheriff and Diane Freeman, County Counsel

**IX. ADJOURNMENT**

The next regularly scheduled meeting will be held on Tuesday, April 11, 2023 at 9:00 a.m.

***FUTURE MEETINGS AND EVENTS***

April 11	9:00 AM	Regular Meeting
April 11	2:00 PM	Board of Equalization - Regular Meeting
April 18	9:00 AM	Regular Meeting
April 25	9:00 AM	Regular Meeting
May 2	9:00 AM	Regular Meeting

*Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.*



**Board Members**

Joe Neves, District 1  
Richard Valle, District 2 - Chairman  
Doug Verboon, District 3 – Vice-Chairman  
Rusty Robinson, District 4  
Richard Fagundes, District 5



**Staff**

Edward Hill, County Administrative Officer  
Diane Freeman, County Counsel  
Catherine Venturella, Clerk of the Board

## Board of Supervisors Regular Meeting Action Summary

**Date:** Tuesday, March 28, 2023  
**Time:** 9:00 a.m.  
**Place:** Board of Supervisors Chambers, Kings County Government Center  
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) ❖ website: <https://www.countyofkings.com>

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- I. 9:00 AM **CALL TO ORDER**  
 ROLL CALL – Clerk of the Board  
 INVOCATION – ~~Pastor Chad Fagundes – Koinonia Church~~ Nate Ferrier, Kings County Sheriff’s Office  
 PLEDGE OF ALLEGIANCE  
 ALL MEMBERS PRESENT
- II. **UNSCHEDULED APPEARANCES**



*Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.*

**William Oliveira, Kings County resident stated that the County and other agencies should be looking for incentives for farmers to take the flood water and discussed the Kings River flows and stated that the water must go to the ocean now because it is too late for the State to build the infrastructure we so badly need to keep the water for drought years.**

**Edward Neal, Kings County resident stated that he would like to see more transparency for the residents of Kings County as to the current flooding events and where to get information, by possibly doing mailers or social media to get the information out.**

**Supervisor Verboon stated that the County Office of Emergency Services has set up a website to put all information in one place and it's located at: [www.countyofkings.com](http://www.countyofkings.com), at the top of the page you can click on Local Emergency Flooding Information link and it will take you to a page with information such as: current road closures, the call center number, property damage forms, sandbag information and FEMA flood zone maps.**

**Phil Hansen, Kings County resident thanked the Board for ruling to cut levee #749 but more needs to be done since there was a back up of the system there have been dairies flooded, homes and crops lost. He stated that the Brown and Cousins canals need to take on water or there could be threats to the Stratford area.**

**Dave Robinson, Kings County Sheriff stated that there are three west side farmers taking water from the floods and stated that there is a lot of work in progress on the logistics of the issues and everyone needs to work together to get the information out to the farmers and property owners impacted by the flooding. He stated that he is working with Caltrans to get the I-5 and Utica exit closed to help with keeping people from driving into the water and requiring rescue.**

**Sarah Hacker, Kings County District Attorney thanked Edward Hill, County Administrative Officer for his help during her transition to the office and stated that it was a positive experience and wished him success in his future endeavors.**

### **III. APPROVAL OF MINUTES**

**A. Report out of Closed Session from the special meeting for March 18, 2023.**

**REPORT OUT: Diane Freeman, County Counsel stated as reported on March 21, 2023 the Board approved their second order regarding flooding in Kings County at their March 18, 2023 meeting and the document was posted as required by law.**

**Supervisor Valle stated that the Board of Supervisors at their Special Meeting on March 18, 2023 made the decision with a second order to cut levee #749 at the highest point and that has not happened to date. It has been over 10 days and he asked why this not happened, regardless of the Emergency Operation Center being in operation, the Board of Supervisors held a special meeting and the order has not been followed, he asked for that to be implemented immediately and stated that people expect the Board to lead. He stated that people don't trust Government, the citizens of Allensworth and Alpaugh were sent a text to evacuate and he wants to let the citizens know the Board is working to keep them safe and get information to them directly.**

**B. Report out of Closed Session from the regular meeting for March 21, 2023.**

**REPORT OUT: Diane Freeman, County Counsel stated that the Board appointed Kyria Martinez as Acting County Administrative Officer effective April 1, 2023 and will set her compensation in open session at the April 4, 2023 meeting.**



- C. Approval of the minutes from the special meeting for March 18, 2023.
- D. Approval of the minutes from the regular meeting for March 21, 2023.

**ACTION: APPROVED THE MINUTES FROM MARCH 18, 2023 AND MARCH 21, 2023 AS PRESENTED (JN, RR, DV, RF, RV-Aye)**

#### IV.

##### **CONSENT CALENDAR**

###### **A. Agricultural Department:**

- 1. Consider approving the Cooperative Agreement with the California Department of Food and Agriculture for the County's Exotic Pest Detection Program retroactively from July 1, 2022 through June 30, 2023. **[AGMT 23-029]**

###### **B. Behavioral Health Department:**

- 1. Consider approving the Quality Assurance Manager Position in Behavioral Health to flexibly allocate to a Clinical Program Manager.

###### **C. Human Services Agency:**

- 1. a. Consider adopting a Resolution for the Transitional Housing Program and Housing Navigation and Maintenance Programs authorizing the application for and acceptance of the program allocations; **[RESO 23-017]**
- b. Designate the Kings County Board of Supervisors Chairman as the signature authority for the Standard Agreements and amendments;
- c. Authorize and designate the Human Services Agency Director to sign the Allocation Acceptance Forms and Annual Reports.

###### **D. Public Health Department:**

- 1. a. Consider approving an Agreement with the California Department of Public Health for the California Home Visiting Program retroactively effective from July 1, 2022 through June 30, 2023; **[AGMT 23-030]**
- b. Authorize the Director of Public Health to sign all the prospective payment invoices related to the program;
- c. Adopt the budget change. **(4/5 vote required)**

###### **E. Sheriff's Office:**

- 1. a. Consider authorizing the Sheriff's Office to allow the Detentions Deputy Association to purchase the service handguns;
- b. Approve the purchase of a Glock handguns as replacements;
- c. Adopt the budget change. **(4/5 vote required)**
- 2. a. Consider approving the new job specification for Undersheriff and set the salary at Range 289.5 (\$10,719 - \$13,080 monthly);
- b. Allocate 1.0 Full Time Undersheriff Position in Budget Unit 222000;
- c. Delete 1.0 Full Time Assistant Sheriff Position in Budget Unit 222000.

###### **F. Administration:**

- 1. a. Consider approving the County's Fiscal Loss of Revenue Report to the State from Fiscal Years 2018 to 2020 of fees eliminated by Assembly Bill 199;
- b. Authorize the County Administrative Officer to submit the annual reporting for AB 177.
- 2. a. Consider approving the Medi-Cal County Inmate Program Participation Agreement 23-MCIPKINGS-16 with the California Department of Health Care Services for the Medi-Cal County Inmate Program effective July 1, 2023 through June 30, 2026; **[AGMT 23-031]**
- b. Approve the Medi-Cal County Inmate Program Agreement for Administrative Services 23-30026 with the California Department of Health Care Services for the term of July 1, 2023 through June 30, 2026. **[AGMT 23-032]**
- 3. Consider appointing four new members to the Kings County Behavioral Health Advisory Committee.



4. a. Consider authorizing the County Administrative Officer to sign Standard Agreement with the Board of State and Community Corrections for funding for the indigent defense providers retroactively effective from March 1, 2023 through March 1, 2025;  
**[AGMT 23-033]**
- b. Adopt a Resolution accepting the public defense pilot program grant. **[RESO 23-018]**

**ACTION: APPROVED AS PRESENTED (JN, RF, DV, RR, RV-Aye)**

**V.**

**REGULAR AGENDA ITEMS**

**A. Administration – Edward Hill/Matthew Boyett**

1. Consider introducing and waiving the first reading of the Amended Ordinance for Senate Bill 1383 requirements. **[ORD 705.1]**

**ACTION: APPROVED AS PRESENTED (JN, DV, RR, RF, RV-Aye)**

**B. Public Health Department – Rose Mary Rahn/Heather Silva**

1. Consider receiving an update on the local emergency in Kings County and new changes to several state public health officer orders related to the imminent and proximate threat of exposure of COVID-19 on the residents of the County of Kings and take action as deemed necessary.

**THE BOARD RECEIVED AN UPDATE AND NO REPORTABLE ACTION WAS TAKEN.**

**VI.**

**BOARD MEMBER ANNOUNCEMENTS OR REPORTS**

*On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).*

Supervisor Neves submitted his information in writing and stated that he continues to be engaged with flooding issues. He stated that he attended the Local Agency Formation Commission meeting approved the release of 2023/24 budget and set public hearing for April 19, 2023. He attended the Kings County Area Public Transit Agency and they wrapped up a public hearing on unmet transit needs with a final report to be reviewed in June 2023, where they approved the application for low or no emission grant for bus and infrastructure and approved on-demand transit in Avenal for a 3-month pilot program, and Hanford "Uber service" will be transitioning to Ecolane Application, Lemoore is currently using the Ecolane Application, the ability to pay via the application is being developed and approximately 600 people countywide use that transportation application. He attended the Kings County Association of Governments, the commission received a report on Transportation Development Act Funding summary, finalized Regional Corridor needs study and approved top 10 identified list with some discussion and approved the Transportation Development Act, Financial and Compliance Audit Reports, with Corcoran and Avenal audits as incomplete with current funds being withheld until audits are completed. 2023 Valley Voice Trip was discussed with Terri King and Doug Verboon attending the outreach activities in Sacramento, also information about housing workshops for planning activities in the future dealing with sustainable communities. He stated that the Master Plan for Aging continues to meet, with the community outreach results were up for discussion. Planning efforts continue as we review survey questions and find much of the services are being provided, but not being communicated to needing individuals seems to be an issue. A better way to perform outreach activities and network with individuals is needed. He stated that he donated blood at the County Blood Drive, there were 37 registered with 28 donations, along with several walk ins. Attended a meeting with Valley Caregivers and services available to Seniors and families with questions about the caregiving journey. Valley Caregivers are available for service club presentations, senior citizens centers or families seeking information about their services. He stated that he attended the Cal-ID and Remote Access Network board meeting reviewed maintenance agreements on all Live Scan devices, will come before this board for final approval. Also approved both budgets for the upcoming year.





Supervisor Fagundes stated that he has been taking calls regarding flooding and road closures and has been referring them to the Sheriff's dispatch to report the information.

Supervisor Verboon stated that he held a Town Hall meeting at the Island Fire Station with approximately 200 attendees who were given updated information on flooding in their surrounding areas and speakers answered questions offered by the attendees. He stated that sand was delivered to the Island Fire Station for the surrounding residents and that was dispersed, and more sand is being delivered in the coming days. He stated that he has been working on flooding issues throughout the County. He stated that he attended the San Joaquin Valley Joint Powers Authority/Amtrak meeting where the decision to decommission the Antioch station was made and a new Oakley station will be opened in 2025 and he stated that he attended the Hanford Rotary Great Steak Out event.

Supervisor Robinson stated that he attended the Town Hall meeting hosted by Supervisor Verboon and thanked him for getting the information to the people in the Island District on the flooding events. He thanked Sheriff Robinson for allowing him to be flown over the flood locations to get a better view of the issues the County is dealing with and to understand the topography and stated that he attended the Hanford Rotary Great Steak Out event. He thanked

Supervisor Valle thanked Edward Hill, County Administrative Officer for his service with Kings County.

- ◆ Board Correspondence: Edward Hill stated that the Board received a public notice from Chemical Waste Management regarding the Kettleman Hills Facility. He stated that the Board received correspondence dated March 16, 2023 from Reef Sunset Unified School District regarding donations to support educational efforts.
- ◆ Upcoming Events: Edward Hill stated that the We can't Run, Walk & Roll without you will take place on Saturday, April 1, 2023. This will be a 5k Run/1Mile Walk benefiting United Cerebral Palsy Central California and the proceeds stay local. 5k Run Registration fee is \$30 and the 1 mile walk is free. For more information and for registration please visit UCPC.org. The event will be held at Civic Center Park located at 400 N. Douty Street in Hanford with check-in at 8:00 a.m. Registration closes on March 31, 2023. The Sarah A. Mooney Museum will celebrate its 182<sup>nd</sup> Birthday Celebration on Saturday, April 1, 2023 from 12:00 p.m.-3:00 p.m. There will be Ice Cream by the Rolling Cones. There will also be live outdoor music, a bounce house, games, vendors, and prizes. The Children's Storybook Garden and Museum will host its Bunny Brunch and Easter Celebration on Saturday, April 1, 2023 at 175 E. 10<sup>th</sup> in Hanford. There will be a Bunny Brunch from 9:30 a.m. – 11:30 a.m. and the cost is \$25 for kids and \$10 for adults and includes games and an Easter egg hunt. Tickets can also be purchased for only the Easter celebration without the brunch at a cost of \$12 per kid and \$5 for adults. There will be a Bike Rodeo hosted by the Avenal Community Activities Department on April 1, 2023 from 11:00 a.m.-1:00 p.m. at Floyd Rice Park in Avenal. Bring your bike, helmet and a parent. There will be bike skill events and safety checks. Also starting earlier that same day at 10:00 a.m. there will be an Easter Egg Hunt and week of the Young child with train rides, pony rides, crafts, bounce houses, and clowns also at Rice Park in Avenal. The Hanford Knights of Columbus announce their 62nd annual Palm Sunday breakfast to be held on Palm Sunday, April 2, 2023, at the Hanford Fraternal Hall. This fundraising event started in 1959, and has been ongoing for over 60 years, with the exception of the two years due to the pandemic. The menu includes ham, scrambled eggs, hashed brown potatoes, bread, coffee, orange juice and milk. The Palm Sunday breakfast will start at 7:00 a.m. and go till 12:00 p.m. Take outs are available upon request. Tickets are \$15.00 and can be purchased from any Hanford Knights of Columbus member.



- ◆ Information on Future Agenda Items: **Edward Hill stated that the following items would be on a future agenda: Administration - Agreement for the transfer of table a water and ancillary agreement with Westlake farms, Appointments to the Kings County Agricultural Advisory Committee, Appointments to the Kings County Homelessness Collaborative, and Senate Bill 1383 Ordinance Amendment 2nd Reading,; Community Development Agency – recommendations from the Water Commission concerning the Water Resources Oversight Commission formation and revisions to Ordinance No. 706; Fire Department - Acceptance of Pass-Through Funding From CAL OES and approval of California Fire Assistance Agreement, Governing Body Resolution; Human Services Agency – Resolution regarding Child Abuse Prevention Awareness Month; Public Health Department – Resolution recognizing April 3-9, 2023 as National Public Health week.**

**VII. CLOSED SESSION**

- ◆ **Personnel Matter: [Govt Code Section 54957]  
Public Employee Appointment: County Administrative Officer**
- ◆ **Conference with Labor Negotiator/Meet and Confer: [Govt. Code Section 54957.6]  
Negotiators: Edward Hill, Kyria Martinez, Carolyn Leist, Che Johnson of Liebert Cassidy Whitmore**
  - General Unit - CLOCEA
  - Supervisor’s Unit - CLOCEA
  - Blue Collar - SEIU
  - Detention Deputy’s Association
  - Firefighter’s Association
  - Deputy Sheriff’s Association
  - Probation Officer’s Association
  - Prosecutor’s Association
  - Unrepresented Management

**VIII. ADJOURNMENT**

The next regularly scheduled meeting will be held on Tuesday, April 4, 2023 at 9:00 a.m.

***FUTURE MEETINGS AND EVENTS***

April 4	9:00 AM	Regular Meeting
April 11	9:00 AM	Regular Meeting
April 11	2:00 PM	Board of Equalization - Regular Meeting
April 18	9:00 AM	Regular Meeting
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# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Department of Public Health-Rose Mary Rahn/Heather Silva

**SUBJECT:** ADVANCED STEP HIRE

**SUMMARY:**

**Overview:**

The Kings County Department of Public Health is requesting the approval to hire Nichole Fisher as a Supervising Public Health Nurse for the Nursing Division at Step 5, which requires Board approval under Personnel Rule 13051. County Administration and Human Resources support this request.

**Recommendation:**

**Authorize the advance step hire of Nichole Fisher as a Supervising Public Health Nurse at Salary Range 253.0 Step 5.**

**Fiscal Impact:**

There is no impact to the General Fund for this item. This position and its associated salary are included in the budget for the Nursing Division's Maternal, Child, and Adolescent Health program for Budget Unit 419700. There are salary savings due to the timeframe of filling this position that will accommodate the advance step hire.

**BACKGROUND:**

Ms. Fisher exceeds the minimum qualifications for this position with 22 years of Public Health experience, including almost five years of experience as the Nursing Division Manager for the Kings County Department of Public Health. Ms. Fisher recently moved out of the Country for her family and has since decided to return to the United States and has applied for the Supervising Public Health Nurse position.

Ms. Fisher would be assigned to the Maternal, Child, and Adolescent Health program as well as overseeing the Foster Care program.

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.





# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Public Works Department – Dominic Tyburski/Mitchel Cabrera  
**SUBJECT:** KETTLEMAN CITY – STATE ROUTE 41 PEDESTRIAN CROSSING AND PATHWAY IMPROVEMENTS

### **SUMMARY:**

#### **Overview:**

On February 14, 2023, the Board approved the project plans and specifications, and authorized the Public Works Department to advertise the project. The project consists of a six (6) foot wide Hot Mix Asphalt Concrete (AC) pedestrian pathway and the addition of pedestrian activated flashing beacons to the existing crosswalk traversing State Route 41 (SR41) at General Petroleum Avenue. On March 3, 2023, four (4) bids were opened, all of which were considered responsive and responsible. The low bid in the amount of \$206,807 was submitted by Garcia Paving, Inc.

#### **Recommendation:**

**Award the construction contract for the Kettleman City State Route 41 Pedestrian Crossing and Pathway Improvements to Garcia Paving, Inc.**

#### **Fiscal Impact:**

This project will not impact the General Fund. The project is 100% reimbursed through the California Department of Transportation (CalTrans) - California Active Transportation Program (ATP). The project construction allocated funds are \$312,000. The project is programmed in Budget Unit 311000, Account Number 92001.

### **BACKGROUND:**

An ATP Cycle Four application was submitted to the State of California which was approved and funded resulting in this project. The project scope is to construct a six (6) foot wide asphalt concrete pedestrian pathway on the west side of SR41 from Edwards Street to General Petroleum Avenue. Additionally, a pedestrian activated flashing beacon warning system will be installed at the existing crosswalk which traverses SR41 at General Petroleum Avenue. Public Works department is currently working with Caltrans on finalizing

(Cont'd)

**BOARD ACTION :**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **KETTLEMAN CITY – SR41 PEDESTRIAN CROSSING AND PATHWAY IMPROVEMENTS**

**April 4, 2023**

**Page 2 of 2**

the encroachment permit for the project. In order to meet Caltrans deadlines and stay within the county and public contracting guidelines the notice of award is brought before the board prior to the construction agreement. If approved the Notice of award will notify the contractor of the requirements, documents, and bonds required for completing the contract documents. Once the contractor has submitted all required documents, the final construction agreement will be brought before the board for final approval.

**\*\*\*\* NOTICE OF AWARD \*\*\*\***

Garcia Paving, Inc.  
6713 W. Rialto Avenue  
Fresno, CA 93723

AWARD DATE: April 4, 2023

**PROJECT DESCRIPTION: KETTLEMAN CITY – STATE ROUTE 41 PEDESTRIAN CROSSING AND PATHWAY IMPROVEMENTS**

The County of Kings has considered the BID submitted by you for the above described PROJECT in response to its Notice to Contractors and Instructions to Bidders.

You are hereby notified that your BID has been accepted for a total amount of **\$206,807.86**.

You are required by the Bid Proposal to execute the Agreement and furnish the required documents including the Contractor's Performance Bond, Payment Bond, Maintenance Bond, and Certificates of Insurance AND BEGIN WORK within ten (10) working days from the date of this Notice to you.

In furnishing the above documents, be advised that they must conform to the requirements set forth on the attached sheet titled "SPECIAL REQUIREMENTS."

If you fail to execute said Agreement and to furnish said Bonds within the required ten (10) working days, the County will be entitled to consider all your rights arising out of the County's acceptance of your BID to be abandoned and will declare a forfeiture of your BID BOND. The County will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the County.

Dated this 4<sup>th</sup> day of **April** 2023.

County of Kings, California

By: \_\_\_\_\_  
Mitchel Cabrera, P.E.  
Chief Engineer  
County of Kings Department of Public Works

**ACCEPTANCE OF NOTICE**

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by \_\_\_\_\_, this, the \_\_\_\_ day  
of \_\_\_\_\_ 2023.

By: \_\_\_\_\_

Title: \_\_\_\_\_



## SPECIAL REQUIREMENTS

1. Required Performance, Payment and Maintenance Bonds: The Performance, Payment and Maintenance Bonds shall be in the form prescribed and included in the Agreement. Bonds on any other form will not be accepted.
  
2. Insurance Certificate Cancellation Clause: The Insurance Certificate cancellation language shall read as follows:  
  
"SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER, THE COUNTY OF KINGS."
3. Insurance Certificate Additional Insured: The Insurance Certificates shall contain a statement to the effect that the Certificated Holder is named Additional Insured and provide all necessary endorsement.
  
4. The original, or certified copy, of the unrevoked appointment, power of attorney, bylaws, or other instrument authorizing the person who executed the bond to do so for and in behalf of the Owner.
  
5. A *certified copy* of the certificate of authority of the insurer issued by the California Insurance Commissioner. Contact [Magnolia.Gutierrez@insurance.ca.gov](mailto:Magnolia.Gutierrez@insurance.ca.gov), California Department of Insurance, Corporate Affairs Bureau, 45 Fremont Street, 24<sup>th</sup> Floor, San Francisco, CA 94105, (415) 538-4082.
  
6. A certificate from the County Clerk that the certificate of authority has not been surrendered, revoked, canceled, annulled, or suspended, or in the event that it has, that renewed authority has been granted.
  
7. A financial statement of the assets and liabilities of the insurer to the end of the quarter calendar year prior to 30 days next preceding the date of the execution of the bond, in the form of an officer's certificate as defined in Corporations Code section 173.







# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Administration – Kyria Martinez/Matthew Boyett

**SUBJECT:** AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES, TULARE LAKE BASIN WATER STORAGE DISTRICT, WESTLANDS WATER DISTRICT, AND THE COUNTY FOR THE TRANSFER OF TABLE A WATER AND ANCILLARY AGREEMENT WITH WESTLAKE FARMS

**SUMMARY:**

**Overview:**

Tulare Lake Basin Water Storage District (TLBWSD) has requested that the Department of Water Resources (DWR) approve a non-permanent transfer of up to 6,000 acre-feet (AF) of TLBWSD’s approved 2023 Table A State Water Project (SWP) water to Kings County. This request was made on behalf of Westlake Farms, who farms in both TLBWSD and Kings County service areas, in order to better manage their water supply. Westlake Farms has property located in Westlands Water District (WWD), which is inside Kings’ service area. Historically, TLBWSD would facilitate such non-reoccurring transfers directly with WWD. However, DWR no longer allows such direct facilitation as WWD is not a State Water Contractor (SWC). Since Kings County is a SWC and since WWD is located in Kings County’s SWC service area, the County is now a required party in facilitating such requests.

**Recommendation:**

- a. Authorize the County Administrative Officer to sign the agreement between the Department of Water Resources of the State of California, Tulare Lake Basin Water Storage District, Westlands Water District, and the County for the transfer of 6,000 acre-feet of Table A water from Tulare Lake Basin Water Storage District to Kings County;
- b. Approve the agreement between the County and Westlake Farms Incorporated holding the County harmless for being a party to the transfer agreement between the Department of Water Resources of the State of California, Tulare Lake Basin Water Storage District, Westlands Water District, and the County for the transfer of 6,000 acre-feet of Table A water from Tulare Lake Basin Water Storage District to Kings County.

(Cont’d)

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_ OTHER: \_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES, TULARE LAKE BASIN WATER STORAGE DISTRICT, WESTLANDS WATER DISTRICT, AND THE COUNTY FOR THE TRANSFER OF TABLE A WATER AND ANCILLARY AGREEMENT WITH WESTLAKE FARMS**

**April 4, 2023**

**Page 2 of 2**

#### **Fiscal Impact:**

There is no fiscal impact with this action.

#### **BACKGROUND:**

TLBWSD has requested that DWR approve a non-permanent transfer of up to 6,000 acre-feet (AF) of TLBWSD's approved 2023 Table A SWP water to Kings County. This request was made on behalf of Westlake Farms, who farms in both TLBWSD and Kings County service areas, in order to better manage their water supply. Westlake Farms has property inside WWD, which is inside Kings' service area. Historically, TLBWSD would facilitate such non-reoccurring transfers directly with WWD. However, DWR no longer allows such direct facilitation as WWD is not a State Water Contractor (SWC). Since Kings County is a SWC and since WWD is located in Kings County's SWC service area, the County is now a required party in facilitating such requests.

The 6,000 AF of Table A water allocated to TLBWSD previously scheduled to be delivered to TLBWSD will now be delivered to the Kings County service area via WWD's turnouts at Reach 7 of the California Aqueduct. The 6,000 AF Table A water will still be considered part of TLBWSD's Table A allocation for 2023 even though it will be delivered to Kings County's service area.

As an intermediary party to this transfer of water, the County is also seeking additional approval of an ancillary agreement between the County and Westlake Farms holding the County harmless for its part in facilitating the transfer, as Westlake Farms is the requesting party and direct beneficiary who initiated the need for the agreement between DWR, TLBWSD, WWD, and the County. The result of both agreements would indemnify the County on all fronts for its participation in the transfer of 6,000 AF of Table A water from TLBWSD to the County.

The County executed similar agreements on May 10, 2022 for a transfer of up to 4,500 AF.

Both agreements have been reviewed and approved by County Counsel as to form.

State of California  
The Resources Agency  
DEPARTMENT OF WATER RESOURCES

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AGREEMENT AMONG  
THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF CALIFORNIA,  
TULARE LAKE BASIN WATER STORAGE DISTRICT,  
COUNTY OF KINGS,  
AND  
WESTLANDS WATER DISTRICT  
FOR  
A COMMON LANDOWNER NON-PERMANENT TRANSFER  
OF A PORTION OF  
TULARE LAKE BASIN WATER STORAGE DISTRICT'S  
STATE WATER PROJECT TABLE A WATER

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SWP #23004

THIS AGREEMENT is made under the provisions of the California Water Resources Development Bond Act, and other applicable laws of the State of California among the Department of Water Resources of the State of California, herein referred to as "DWR," Tulare Lake Basin Water Storage District, herein referred to as "TLBWSD," County of Kings, herein referred to as "Kings," and Westlands Water District, herein referred to as "WWD." DWR, TLBWSD, Kings, and WWD may be referred to individually as "Party" or collectively as "Parties."

## RECITALS

- A. DWR and TLBWSD have entered into a water supply contract, dated December 20, 1963, as subsequently amended, providing that DWR shall supply certain quantities of water to TLBWSD, providing that TLBWSD shall make certain payments to DWR, and setting forth the terms and conditions of such supply and payment (hereinafter the "TLBWSD's Water Supply Contract").
- B. DWR and Kings have entered into a water supply contract, dated August 1, 1967, as subsequently amended, providing that DWR shall supply certain quantities of water to Kings, providing that Kings shall make certain payments to DWR, and setting forth the terms and conditions of such supply and payment (hereinafter "Kings' Water Supply Contract").
- C. TLBWSD has requested DWR's approval for a non-permanent transfer of up to 6,000 acre-feet of TLBWSD's approved 2023 State Water Project (SWP) Table A water (TLBWSD's 2023 Table A Water) to Kings. The request was made on behalf of landowner Westlake Farms Incorporated, who farms in both TLBWSD's and Kings' service areas. Westlake Farms Incorporated will use the transferred water to better manage its water supplies. TLBWSD's 2023 Table A Water will be delivered to Kings through WWD's turnout(s) in Reach 7 of the California Aqueduct for use on lands within Kings' portion of WWD's service area which is within the SWP place of use.
- D. TLBWSD and Kings confirm that the non-permanent Table A transfer satisfies the criteria in Article 57(d) and Article 57(g) of TLBWSD's and Kings' respective Water Supply Contract and have provided supporting documentation to DWR demonstrating compliance, which DWR has reviewed in approving the transfer request.
- E. In compliance with the California Environmental Quality Act (CEQA), TLBWSD, as the lead agency, determined that the transfer of water to Kings under this Agreement is categorically exempt from CEQA and filed a Notice of Exemption (NOE) with the State Clearinghouse (SCH) (SCH #2023010512). DWR, as a responsible agency, will file an NOE based on CEQA Guidelines Section 15301 (existing facilities) with SCH upon execution of this Agreement.

## **AGREEMENT**

DWR approves the non-permanent Table A transfer of up to 6,000 acre-feet of TLBWSD's 2023 Table A Water to Kings, subject to the following terms and conditions:

### **TERM**

1. This Agreement shall become effective upon execution by all Parties, and shall terminate on December 31, 2023, or upon final payments to DWR of all costs attributable to this Agreement, whichever occurs later. However, the liability, hold harmless and indemnification obligations in this Agreement shall remain in effect until the expiration of the applicable statute of limitations, or until any claim or litigation concerning this Agreement asserted to DWR, TLBWSD, or WWD within the applicable statute of limitations is finally resolved, whichever occurs later.

### **UNIQUENESS OF AGREEMENT**

2. DWR's approval to transfer a portion of TLBWSD's 2023 Table A Water to Kings under this Agreement is unique and shall not be considered a precedent for future agreements or DWR activities.

### **APPROVALS**

3. The delivery of water under this Agreement shall be contingent upon, and subject to, any necessary approvals and shall be governed by the terms and conditions of such approvals and any other applicable legal requirements. TLBWSD, Kings, and WWD shall be responsible for complying with all applicable legal requirements and for securing any required consent, approvals, permits, or orders. TLBWSD, Kings, and WWD shall furnish to DWR copies of all approvals and agreements required for the delivery of water under this Agreement.

### **NO EXCEEDANCE OF TLBWSD'S TABLE A ALLOCATION**

4. In any given year, the amount of TLBWSD's Table A Water transferred under this Agreement and any other transfer or exchange agreement, plus the amount of TLBWSD's 2023 Table A Water delivered to TLBWSD or stored outside of TLBWSD's service area under Article 56 of TLBWSD's Water Supply Contract, shall not exceed the Table A amount allocated to TLBWSD for that year.

### **DELIVERY OF TLBWSD'S 2023 TABLE A WATER TO KINGS**

5. DWR will deliver up to 6,000 acre-feet of TLBWSD's 2023 Table A Water to Kings through WWD's turnout(s) at Reach 7 of the California Aqueduct by December 31, 2023.
6. Water delivered to WWD's turnout(s) under this Agreement shall be used in Kings' service area, which is within the SWP place of use.

7. The delivery of water to Kings under this Agreement shall be in accordance with schedules reviewed and approved by DWR. DWR's approval is dependent upon the times and amounts of the delivery and the overall delivery capability of the SWP. DWR shall not be obligated to deliver the water at times when such delivery would adversely impact SWP operations, facilities, or other SWP contractors.
8. The sum of deliveries scheduled to Kings under this Agreement, plus scheduled Kings SWP water deliveries, plus deliveries to Kings under any other agreements, shall not exceed the quantities on which the Proportionate Use-of-Facilities factors are based under Kings' Water Supply Contract with DWR unless DWR determines that deliveries will not adversely impact SWP operations, facilities, or other SWP contractors.

### **WATER DELIVERY SCHEDULES**

9. All water delivery schedules and revisions shall be in accordance with Article 12 of TLBWSD's and Kings' respective Water Supply Contract with DWR.
10. WWD may propose modifications to the proposed schedule for the delivery of TLBWSD's water under this Agreement if, on the basis of a with and without analysis, WWD determines that such deliveries would adversely impact WWD's finances, water supply or operations, and TLBWSD does not agree to mitigate for such impacts. The base case (without analysis) shall be those conditions estimated to occur in the absence of deliveries to WWD. The WWD analysis is a matter involving WWD and TLBWSD, not DWR. DWR is not liable to TLBWSD for the determinations WWD makes under this paragraph. DWR is not asserting the validity of WWD's analysis, nor is it to be held liable by TLBWSD for any actions resulting from WWD's analysis.
11. In coordination with Kings and WWD, TLBWSD shall submit monthly water delivery schedules and revised monthly schedules, if any, for approval to the Division of Operation and Maintenance, Office of the Division Manager, Water Deliveries Reporting Unit, indicating timing and point of delivery requested under this Agreement with reference to SWP #23004. Monthly schedules shall be sent by electronic mail to SWP-SWDS@water.ca.gov.
12. In coordination with Kings and WWD, TLBWSD shall submit weekly water schedules, indicating timing and point of delivery requested with reference to SWP #23004, by electronic mail by 10:00 am, Wednesday, for the following week, Monday through Sunday to the to the following:
  - a. Office of the Division Manager  
Water Operation Scheduling Section  
Water\_deliv\_sched@water.ca.gov

- b. Office of the Division Manager  
Power Management and Optimization Section  
POCOptimization@water.ca.gov
- c. Office of the Division Manager  
Day-Ahead Scheduling Unit  
Presched@water.ca.gov
- d. Office of the Division Manager  
Operations Reporting Unit  
OCO\_car\_reprt@water.ca.gov  
Phone: (916) 574-2677
- e. San Luis Field Division  
Water Operation Section  
slwtrops@water.ca.gov

### **WATER DELIVERY RECORDS**

- 13. DWR will maintain monthly records accounting for the delivery of TLBWSD's Table A Water to Kings under this Agreement.

### **CHARGES**

- 14. TLBWSD shall pay to DWR the charges associated with the delivery of water under this Agreement, including all future adjustments, which shall be calculated in the same manner as charges are calculated for SWP Table A deliveries and shall be in accordance with the provisions of TLBWSD's Water Supply Contract.
  - a. When DWR delivers TLBWSD's 2023 Table A Water to WWD's turnout(s) for use in Kings' service area, TLBWSD shall pay to DWR the associated charges from the Delta to WWD's turnout(s) in Reach 7 of the California Aqueduct. TLBWSD shall pay to DWR the Variable Operation, Maintenance, Power, and Replacement Component of the Transportation Charge and the Off-Aqueduct Power Facilities cost that are in effect for each acre-foot of water delivered from the Delta to WWD's turnout(s).
- 15. In addition to the charges identified above, TLBWSD agrees to pay to DWR any additional identified demonstrable increase in costs that would otherwise be borne by DWR or by the SWP contractors not signatory to this Agreement as a result of DWR providing service under this Agreement.
- 16. Payment terms under this Agreement shall be in accordance with TLBWSD's Water Supply Contract.
- 17. All payments under this Agreement not covered under TLBWSD's Water Supply Contract with DWR shall be due 30 days after the date of DWR's billing. DWR

shall charge interest if payments are delinquent by more than 30 days. TLBWSD shall pay to DWR accrued interest on all overdue payments at the rate of one percent (1%) per month from the due date to the date of payment.

## **NO IMPACT**

18. This Agreement shall not be administered or interpreted in any way that would cause adverse impacts to SWP approved Table A water or to any other SWP approved water allocations, water deliveries, or SWP operations or facilities. This Agreement shall not impact the financial integrity of the SWP and shall not harm other SWP contractors not participating in this Agreement. TLBWSD, Kings, and WWD shall be responsible, jointly and severally, as determined by DWR, for any adverse impacts that may result from water deliveries under this Agreement. If DWR determines that delivery under this Agreement results in unavoidable adverse impacts to the SWP or other SWP contractors not participating in this Agreement, DWR retains the right to review and reconsider its approval under this Agreement.

## **LIABILITY**

19. DWR is not responsible for the use, effects, or disposal of water under this Agreement once the water is delivered to the designated turnout(s). Responsibility shall be governed by Article 13 of Kings' Water Supply Contract, with responsibilities under the terms of that article shifting from DWR to Kings when the water is delivered to the designated turnout(s).
20. TLBWSD, Kings, and WWD agree to defend and hold DWR, its officers, employees, and agents harmless from any direct or indirect loss, liability, lawsuits, cause of action, judgment or claim, and shall indemnify DWR, its officers, employees, and agents from all lawsuits, costs, damages, judgments, attorneys' fees, and liabilities that DWR, its officers, employees and agents incur as a result of DWR approving this Agreement or providing services under this Agreement, except to the extent resulting from the sole negligence or willful misconduct of DWR, its officers, employees, and agents.
21. If uncontrollable forces preclude DWR from delivering water under this Agreement, either partially or completely, then DWR is relieved from the obligation to transfer or deliver the water to the extent that DWR is reasonably unable to complete the obligation due to the uncontrollable forces. Uncontrollable forces shall include, but are not limited to, earthquakes, fires, tornadoes, floods, and other natural or human caused disasters. TLBWSD, Kings, and WWD shall not be entitled to recover any administrative costs or other costs associated with the delivery of water under this Agreement if uncontrollable forces preclude DWR from delivering the water.



**DISPUTE RESOLUTION**

22. In the event of dispute regarding interpretation or implementation of this Agreement, the Director of DWR or his/her authorized representative and authorized representatives of TLBWSD, Kings, and WWD, shall endeavor to resolve the dispute by meeting within 30 days after the request of a Party. If the dispute remains unresolved, the Parties shall use the services of a mutually acceptable consultant in an effort to resolve the dispute. Parties involved in the dispute shall share the fees and expenses of the consultant equally. If a consultant cannot be agreed upon, or if the consultant's recommendations are not acceptable to the Parties, and unless the Parties otherwise agree, the matter may be resolved by litigation and any Party may, at its option, pursue any available legal remedy including, but not limited to, injunctive and other equitable relief.

**ASSIGNMENT OF AGREEMENT**

23. Without the prior written consent of DWR, TLBWSD, Kings, and WWD, this Agreement is not assignable by TLBWSD, Kings, and/or WWD in whole or in part.

**PARAGRAPH HEADINGS**

24. The paragraph headings of this Agreement are for the convenience of the Parties and shall not be considered to limit, expand, or define the contents of the respective paragraphs.

**OPINIONS AND DETERMINATION**

25. Where the terms of this Agreement provide for actions to be based upon the opinion, judgment, approval, review, or determination of any Party, such terms are to be construed as providing that such opinion, judgment, approval, review, or determination be reasonable.

**MODIFICATION OF AGREEMENT**

26. No modification of the terms and conditions of this Agreement shall be valid unless made in writing and signed by the Parties to this Agreement.

**NO MODIFICATION OF WATER SUPPLY CONTRACT**

27. This Agreement shall not be interpreted to modify the terms or conditions of TLBWSD's and Kings' respective Water Supply Contract. Unless expressly provided herein, the terms and conditions of TLBWSD's and Kings' respective Water Supply Contract and any future amendments apply to this Agreement.

**SIGNATURE CLAUSE**

28. The signatories represent that they have been appropriately authorized to enter into this Agreement on behalf of the Party for whom they sign. A copy of any resolution or other documentation authorizing TLBWSD, Kings, and WWD to enter into this Agreement, if such resolution or authorization is required, shall be provided to DWR before the execution of this Agreement.

**EXECUTION**

29. The Parties agree that this Agreement will be executed using DocuSign by electronic signature, which shall be considered an original signature for all purposes and shall have the same force and effect as an original signature.
30. All Parties will receive an executed copy of this Agreement vis DocuSign after all Parties have signed.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement.

Approved as to Legal Form  
and Sufficiency

STATE OF CALIFORNIA DEPARTMENT  
OF WATER RESOURCES

\_\_\_\_\_  
Thomas Gibson  
General Counsel  
Department of Water Resources

\_\_\_\_\_  
John Leahigh  
Assistant Division Manager,  
Water Management  
Division of Operations and Maintenance

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

TULARE LAKE BASIN WATER  
STORAGE DISTRICT

COUNTY OF KINGS

*Jacob Westra*  
\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

General Manager  
\_\_\_\_\_  
Title

County Administrative Officer  
\_\_\_\_\_  
Title

2/28/2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

WESTLANDS WATER DISTRICT



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Name

Interim General Manager

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Title

3/6/2023

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Date

**Certificate Of Completion**

Envelope Id: 321BDBD3309A410380EF4E7C834FF8A0	Status: Sent
Subject: Please DocuSign: SWP #23004	
FormID:	
Optional 1:	
Source Envelope:	
Document Pages: 10	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	SWP Contracts
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	715 P Street
	Sacramento, CA 95814
	SWPContracts@water.ca.gov
	IP Address: 67.182.20.225

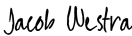
**Record Tracking**

Status: Original February 27, 2023   14:21	Holder: SWP Contracts SWPContracts@water.ca.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Department of Water Resources	Location: DocuSign


**Signer Events**

	<b>Signature</b>	<b>Timestamp</b>
Edward Hill edward.hill@co.kings.ca.us County Administrative Officer Security Level: Email, Account Authentication (None)		Sent: February 27, 2023   15:30 Viewed: February 27, 2023   15:47

**Electronic Record and Signature Disclosure:**  
Accepted: February 27, 2023 | 15:47  
ID: c8168be3-de46-4ea9-9871-165161803ad9

Jacob Westra jwestra@tlbwsd.com General Manager Security Level: Email, Account Authentication (None)		Sent: February 27, 2023   15:30 Viewed: February 27, 2023   15:58 Signed: February 28, 2023   09:50
	Signature Adoption: Pre-selected Style Using IP Address: 74.92.248.165	

**Electronic Record and Signature Disclosure:**  
Accepted: May 11, 2022 | 15:45  
ID: 65e92e7b-c120-4fc1-aa3b-c851f96ae101

Thomas Birmingham tbirmingham@wwd.ca.gov Interim General Manager Westlands Water District Security Level: Email, Account Authentication (None)		Sent: February 27, 2023   15:30 Viewed: March 6, 2023   13:58 Signed: March 6, 2023   13:59
	Signature Adoption: Uploaded Signature Image Using IP Address: 173.10.233.222	

**Electronic Record and Signature Disclosure:**  
Accepted: March 6, 2023 | 13:58  
ID: fbbe33ce-6518-4707-8e0c-8466dc7814ff

Katerina Deaver  
katerina.deaver@water.ca.gov  
Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Signer Events	Signature	Timestamp
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Laura Boosalis  
 laura.boosalis@water.ca.gov  
 Security Level: Email, Account Authentication  
 (None)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

Thomas Gibson  
 Thomas.Gibson@water.ca.gov  
 Security Level: Email, Account Authentication  
 (None)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

John Leahigh  
 john.leahigh@water.ca.gov  
 Security Level: Email, Account Authentication  
 (None)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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SWP Contracts  
 swpcontracts@water.ca.gov  
 Security Level: Email, Account Authentication  
 (None)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	February 27, 2023   15:30
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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Department of Water Resources (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact Department of Water Resources:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by phone call: (916) 653-5791

To contact us by paper mail, please send correspondence to:

Department of Water Resources

P.O. Box 942836

Sacramento, CA 95236-0001

### **To advise Department of Water Resources of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at [don.davis@water.ca.gov](mailto:don.davis@water.ca.gov) and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

### **To request paper copies from Department of Water Resources**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to [don.davis@water.ca.gov](mailto:don.davis@water.ca.gov) and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

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To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account



Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> <li>• Allow per session cookies</li> <li>• Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

\*\* These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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Kings County Agreement No. \_\_\_\_\_

**ANCILLARY AGREEMENT BETWEEN**  
**THE COUNTY OF KINGS AND WESTLAKE FARMS, INC.**  
**(INDEMNITY TO THE COUNTY OF KINGS FOR ITS AGREEMENT TO**  
**ENTER INTO DEPARTMENT OF WATER RESOURCES SWPAO**  
**AGREEMENT #23004 FOR THE BENEFIT OF WESTLAKE FARMS, INC.)**

This agreement is entered into between Kings County (“Kings”), in its capacity as a State Water Contractor; and Westlake Farms, Inc. (“Westlake”), as an ancillary agreement to State Water Project Analysis Office (“SWPAO”) Agreement #23004 (“Agreement 23004”).

**RECITALS**

**WHEREAS**, Agreement 23004 is an agreement between Kings, Tulare Lake Basin Water Storage District (“TLBWSD”), Westlands Water District (“WWD”), and the California Department of Water Resources (“DWR”), for the transfer of up to 6000 acre-feet of State Water Project (“SWP”) Table A water from TLBWSD to Kings, to occur between execution of the agreement and December 31, 2022;

**WHEREAS**, according to Recital ‘C’ of Agreement 23004, this is a non-permanent transfer agreement, made by TLBWSD on behalf of Westlake, who farms in both TLBWSD and Kings service areas; Westlake intends to use the transferred water to better manage its water supplies; and TLBWSD’s water will be delivered to Kings through WWD’s conveyance structures for use on lands within the Kings County portion of WWD’s service area within the State Water Project place of use.

**WHEREAS**, Agreement 23004 requires that Kings, TLBWSD, and WWD each agree to defend and hold DWR harmless and shall indemnify DWR for any claims against it resulting from its approval or implementation of the transfer.

**AGREEMENT**

In consideration of Kings entering into Agreement 23004 for the benefit of Westlake, Westlake does hereby agree that it will hold Kings, its officers, employees, and agents, free and harmless of all claims, costs, expenses, damages or liabilities, and from all suits, actions and/or judgments, and cost of defending same, arising out of the transfer

of water under Agreement 23004; and will indemnify Kings, its officers, employees and agents from all lawsuits, costs, damages, judgements, attorneys' fees, and liabilities Kings, its officers, employees, and agents may incur as a result of approving Agreement 23004.

By signing below, I do hereby certify that I am authorized to enter into this agreement on behalf of my respective party to this agreement.

**COUNTY OF KINGS**

**WESTLAKE FARMS, INC.**

By: \_\_\_\_\_

By: *Cecil Blume III*

Title: \_\_\_\_\_

Title: Vice President

Date: \_\_\_\_\_

Date: 3/6/2023





# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Administration – Kyria Martinez  
Board of Supervisors Office – Catherine Venturella

**SUBJECT:** APPOINTMENTS TO THE KINGS COUNTY HOMELESSNESS  
COLLABORATIVE

**SUMMARY:**

**Overview:**

When a vacancy occurs on any board, commission, or committee over which a legislative body has appointing power, a vacancy notice shall be posted in the office of the clerk of the local agency and the local library before an appointment can be made. The legislative body shall not make a final appointment for at least ten working days after the posting of a vacancy notice. Pursuant to Board policy, the Administrative Office makes no recommendations on advisory board appointments.

**Recommendation:**

**Appoint one new member to the Kings County Homelessness Collaborative.**

**Fiscal Impact:**

There is no fiscal impact associated with this appointment.

**Advisory Board Statement:**

The committee coordinator requests the appointment as outlined today.

**BACKGROUND:**

There is one vacancy that exists on the Kings County Homelessness Collaborative for a Community Partner representative. Appointments are for three years unless the position is filling an un-expired term, the term expiration of the Community Partner representative expires on June 30, 2025.

(Cont'd)

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_ OTHER: \_\_\_\_

I hereby certify that the above order was passed  
and adopted on \_\_\_\_\_ 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **APPOINTMENTS TO THE KINGS COUNTY HOMELESSNESS COLLABORATIVE**

**April 4, 2023**

**Page 2 of 2**

The Kings County Homelessness Collaborative will assist community leaders in the assessment of the community's homeless, including strengths and gaps in the current system and develop strategies to meet unmet needs. The Collaborative will also make recommendations on policies that will improve strategies, goals, and funding resources to address homelessness.

#### **Applicants:**

Anthony Moreno – Community Partner representative

RECEIVED

OCT 19 2022

**KINGS COUNTY BOARD OF SUPERVISORS  
COMMITTEE APPLICATION FOR APPOINTMENT**

I hereby express an interest in being nominated for membership on the following

Board: Kings County Homelessness Collaborative

Name: Anthony Moreno

Address: [Redacted] Telephone: [Redacted]

City/St/Zip: Armona, CA 93202 Date of Birth: [Redacted]

Email: [Redacted]

Length of Residency in Kings County: 30 + years

Supervisorial District: District 4

Occupation: Enhanced Care Management & Housing Navigation Program Manager

Education: MBA, Western Governors University

BA-History, CSU Fresno

AA-C.E., West Hills College Lemoore

Membership on other Boards/Commissions: None

Affiliations: Kings County Homeless Advisory Committee-participant

Local Initiatives Navigation Center (L.I.N.C.) participant  
CalAIM - program manager

Reason(s) for seeking appointment: Actively invested in growth of service

addressing homelessness. Experienced Supervisor & Program manager  
of direct services, grants, funds in Kings County addressing homelessness.

[Signature]  
Signature of applicant

Return completed form to:

**Kings County Board of Supervisors  
Attn: Clerk of the Board  
1400 W. Lacey Blvd.  
Hanford, CA 93230**

For inquiries on the application process: (559) 852-2362







# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Administration – Kyria Martinez  
Board of Supervisors Office – Catherine Venturella

**SUBJECT:** APPOINTMENTS TO THE KINGS COUNTY AGRICULTURAL ADVISORY  
COMMITTEE

**SUMMARY:**

**Overview:**

When a vacancy occurs on any board, commission, or committee over which a legislative body has appointing power, a vacancy notice shall be posted in the office of the clerk of the local agency and the local library before an appointment can be made. The legislative body shall not make a final appointment for at least ten working days after the posting of a vacancy notice. Pursuant to Board policy, the Administrative Office makes no recommendations on advisory board appointments.

**Recommendation:**

**Appoint three new members to the Kings County Agricultural Advisory Committee.**

**Fiscal Impact:**

There is no fiscal impact associated with this appointment.

**Advisory Board Statement:**

The committee coordinator requests the appointments as outlined today.

**BACKGROUND:**

Five vacancies currently exist on the Kings County Agricultural Advisory Committee, two Regular member representatives and three Auxiliary member representatives. Appointments are for two or three years, depending on the position that is vacant. The two regular members current terms expire on June 30, 2023. The Auxiliary members do not have term expirations.

(Cont'd)

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_ OTHER: \_\_\_\_

I hereby certify that the above order was passed  
and adopted on \_\_\_\_\_ 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **APPOINTMENTS TO THE KINGS COUNTY AGRICULTURAL ADVISORY COMMITTEE**

**April 4, 2023**

**Page 2 of 2**

The Committee shall act as an advisory agency to the Kings County Board of Supervisors on matters involving agriculture. The primary focus of the committee will be the sustainability and economic prosperity of agricultural production in Kings County. The Committee may perform functions such as, but not limited to:

- *Study problems of general or special interest assigned by the Board;*
- *Undertake special studies as needed or requested relating to preservation of agricultural land and protection of soil resource.*
- *Review important proposed State Legislation affecting agriculture, and other matters of general concern or interest to agriculture.*

#### **Applicants:**

Dakotah Fausnett – Auxiliary member/KC Rural Crimes Task Force-no application required

Gabe Cooper – Regular member/Water representative

Garrett Gilcrease – Regular member/Ag Chemicals

**KINGS COUNTY BOARD OF SUPERVISORS  
COMMITTEE APPLICATION FOR APPOINTMENT**

I hereby express an interest in being nominated for membership on the following Board: Kings County Ag Advisory Committee

Name: Gabe Cooper

Address: [REDACTED] Telephone: [REDACTED]

City/St/Zip: Corcoran Ca, 93277 Date of Birth: [REDACTED]

Email: [REDACTED]

Length of Residency in Kings County: 20 plus years

Supervisorial District: Kings

Occupation: Corcoran Ranch Manager J.B. Boswell

Education: B.S. Agribusiness Cal Poly San Luis Obispo. Minor in Plant Protection

Membership on other Boards/Commissions: TLDD water, TLBWSO water, COS farm advisory board,

Affiliations: El Rico GSA board member, CAPCA member, CCA member. PCA, CCA license holder

Reason(s) for seeking appointment: To represent and provide input from a grower/landowner/water rights holder perspective

[Signature]  
Signature of applicant

Return completed form to:

**Kings County Board of Supervisors  
Attn: Clerk of the Board  
1400 W. Lacey Blvd.  
Hanford, CA 93230**

For inquiries on the application process: (559) 852-2362

**KINGS COUNTY BOARD OF SUPERVISORS  
COMMITTEE APPLICATION FOR APPOINTMENT**

Filed with the Kings County  
Clerk of the Board

JAN 12 2023

I hereby express an interest in being nominated for membership on the following

Board: AG Advisory Committee

Received by: [Signature]

Name: Garrett Gilcrease

Address: [Redacted] Telephone: [Redacted]

City/St/Zip: Lemoore, CA 93245 Date of Birth: \_\_\_\_\_

Email: [Redacted]

Length of Residency in Kings County: Lifetime

Supervisory District: 54

Occupation: Grower / Agronomist

Education: B.S. Fresno State - Plant Science  
M.S. Iowa State University - Plant Science

Membership on other Boards/Commissions: KCFB

Affiliations: CA. Association of Pest Control Advisors  
American Society of Agronomy, Entomological Society of America.

Reason(s) for seeking appointment: To be more involved in Agriculture  
in Kings County in the hope that I can make a positive  
impact.

[Signature]  
Signature of applicant

Return completed form to:

Kings County Board of Supervisors  
Attn: Clerk of the Board  
1400 W. Lacey Blvd.  
Hanford, CA 93230

For inquiries on the application process: (559) 852-2362



# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Community Development Agency – Chuck Kinney

**SUBJECT:** RECOMMENDATIONS FROM THE WATER COMMISSION CONCERNING  
THE WATER RESOURCES OVERSIGHT COMMISSION FORMATION AND  
REVISIONS TO ORDINANCE NO. 706

**SUMMARY:**

**Overview:**

The Kings County Water Commission is recommending changes to the Water Resources Oversight Commission formation and revisions to the Groundwater Export Ordinance No. 706.

**Recommendation:**

Review the Water Commission recommendations, and if acceptable, direct staff to make changes to the Formation of the Water Resources Oversight Commission Ordinance and/or the Groundwater Export Ordinance No. 706.

**Fiscal Impact:**

None.

**BACKGROUND:**

On November 29, 2022, the Kings County Board of Supervisors held a reading of the Water Resources Oversight Commission Formation Ordinance. At that hearing, comments were provided concerning the structure of the Water Resources Oversight Commission and the Board chose to send this item to the Water Commission so that they could meet at their next regularly scheduled meeting (February 27, 2023) to discuss this topic and bring back a recommendation to the Board of Supervisors at their March 14, 2023 meeting. On February 28, 2023, the Board authorized a three-week extension making the recommendations due on April 4, 2023.

(Cont'd)

**BOARD ACTION :**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **RECOMMENDATIONS FROM THE WATER COMMISSION CONCERNING THE WATER RESOURCES OVERSIGHT COMMISSION FORMATION AND REVISIONS TO ORDINANCE NO. 706**

**April 4, 2023**

**Page 2 of 4**

The Water Commission held a Special meeting on January 9, 2023 and decided to form two subcommittees to prepare recommendations for the Board concerning the make up of the Water Resources Oversight Commission and to provide feedback and comment on the now adopted Groundwater Export Ordinance No. 706. Since that meeting the two sub-committees have both met individually multiple times to discuss the two topics and brought information back to the full Water Commission at their February 27, 2023 regularly scheduled meeting. On March 13, 2023, the Water Commission held a Special Meeting and finalized their recommendations to the Board. Those recommendations are as follows:

#### **Water Resources Oversight Commission Formation**

1. Preserve the existing Kings County Water Commission – As Kings County embarks on unprecedented times, the open communication between local governments, GSAs, Water Districts, and water users is more crucial than ever. The nine-person Commission structure was unanimously agreed upon as the appropriate representation to discuss water issues in the County. Each Supervisor should have the autonomy to designate appropriate representation for their respective districts.
2. Update Water Commission Bylaws – The existing bylaws should be updated to include alternates for each seat to prevent challenges with meeting quorum. If a designated Commissioner does not attend for three consecutive meetings, they may be replaced (using similar language that exists for the Agricultural Advisory Committee). Meeting frequency and public posting may be increased to meet other regulatory compliance requirements.
3. Improve Communication – The bylaws should also address how tasks or projects are assigned to the Water Commission. Communication between the Board of Supervisors, County staff and Commissioners should be continuous.
4. Retain Advisory Role – The Commission should remain as an advisory body, and not be delegated permitting authority. In the instance of Groundwater Export Ordinances, a technical consultant shall provide an analysis from which the Commission would make a recommendation. The Board of Supervisors would make the final determination. The exportation of groundwater is a highly contentious issue and impacts of such should be given careful consideration.
5. Drought Conditions – The Commission shall keep drought conditions and concerns as a standing agenda item to hear concerns and make recommendations for consideration by the Board of Supervisors and County staff.

If the Board of Supervisors determine to dissolve the Kings County Water Commission, regardless of Water Commission recommendations, the Water Commission would recommend that the Water Resource Oversight Commission (WROC) be made up of nine members, identical to the current Water Commission, while also including nine alternates (same qualifications). The understanding would be that the WROC would replace the Water Commission as an advisory committee to the Board of Supervisors on water resource issues. Also, the

## **Agenda Item**

### **RECOMMENDATIONS FROM THE WATER COMMISSION CONCERNING THE WATER RESOURCES OVERSIGHT COMMISSION FORMATION AND REVISIONS TO ORDINANCE NO. 706**

**April 4, 2023**

**Page 3 of 4**

Kings County Water Commission would recommend that the County engage regular consultant services to support efforts of the members of the WROC.

#### **Groundwater Export Ordinance No. 706**

1. Ordinance is intended to address the extraction of groundwater for use outside of Kings County. The term surface water is used throughout the Ordinance which causes uncertainty in what is meant. It is recommended that surface water, which Kings County does not have any jurisdiction over, should not be discussed in the Ordinance.
2. There are portions of Ordinance No. 706 that appear to show a lack of support for California Sustainable Groundwater Management Act (SGMA) and Groundwater Sustainability Agencies (GSAs) regarding implementation of groundwater sustainability recommendations into the future or an overreach into jurisdictional matters for GSAs. A separate section should be prepared showing Kings County and the existing GSAs clearly support the adopted Groundwater Sustainability Plans (GSPs).
3. Water Commission members believe during the years the Commission has been operating they have been available to provide information and recommendations on water supply issues to the Board of Supervisors when requested. Most members or a majority of prior and current members have knowledge and working background with water districts, private water suppliers and groundwater wells. A recommendation is the Board of Supervisors request the Commission develop a Revised Draft Groundwater Export Ordinance with recommended changes to the Ordinance in coordination with the GSAs and Kings County.
4. Examples of Prohibited Export:
  - a. A well-funded agency, individual, corporation or endowment from outside Kings County buys or leases historically developed properties inside Kings County. After control is established, the new owner pumps groundwater from within Kings County (assuming adherence to GSA prescribed limits) and conveys that pumped groundwater to other locations for beneficial use, while fallowing the property in Kings County. The possible beneficial uses for the pumped groundwater are numerous and could include uses such as (1) a water supply to develop more homes in their area; (2) a water supply for businesses in their area; (3) a water supply for farming in their area; and (4) a water supply for environmental efforts in their area. However, the use of the pumped groundwater in no way supports the interests, economy, or community of the County. Land that used to be developed and active would be fallowed or retired and the taxes and local business involvement associated with the previously active lands are lost, making the area less viable.

## Agenda Item

### RECOMMENDATIONS FROM THE WATER COMMISSION CONCERNING THE WATER RESOURCES OVERSIGHT COMMISSION FORMATION AND REVISIONS TO ORDINANCE NO. 706

April 4, 2023

Page 4 of 4

- b. A landowner, who has a ranch (land) in Kings County, but also has a separate ranch (land) in another county desires to fallow some or all of their land in Kings County and pump groundwater from the Kings County property and convey it for use on their land in another county. This might be done to comply with SGMA groundwater pumping restrictions in the other county, but the outcome of the act is that land in Kings County is fallowed, and groundwater pumped in Kings County does not support the interests, economy, or community of Kings County. Land that used to be developed and active is fallowed or retired and the taxes and local business involvement associated with the previously active lands are lost, making the area less viable.
  - c. A landowner, who has a ranch (land) in Kings County, with access to a certain groundwater aquifer, but also has land outside the county in an area that does not have productive or good quality groundwater will also be limited. In this case, if the land in Kings County is fallowed and pumped so that groundwater can be used in the area that does not have productive or good quality groundwater, the correlative groundwater rights of the groundwater users in Kings County are being negatively impacted to make lands with marginal or non-existent groundwater viable/productive. Also, land that used to be developed and active is fallowed or retired and the taxes and local business involvement associated with the previously active lands are lost, making the area less viable.
  - d. A landowner, who has a ranch (land) in Kings County, and pumps more groundwater than is needed for the landowner's beneficial uses in Kings County should also be limited. This would be the situation where a landowner pumps their well(s) to irrigate a crop, but then also continues pumping and conveys/exports the pumped groundwater for use miles beyond the ranch or to a property outside the county. This was a situation that was observed during the 2012-2016 drought, especially along the California Aqueduct, the Friant-Kern Canal and the Delta-Mendota Canal that led to significant subsidence that continues to be extremely costly to address. It is understood that now this likely would be in violation of local GSA pumping limits, but the County wishes to make clear that this would also not be allowed under this ordinance. The negative impacts of over-pumping would be locally experienced and impact neighbor groundwater levels. The over-pumped groundwater would not support the interests, economy, or community of the County.
5. Examples of Exceptions:
- a. There are many landowners along the county boundary that own property both inside and out of the county. If the properties can reasonably be viewed as one ranch or operating unit, and the amounts pumped are only being used on the same properties, then groundwater used on these properties should not be limited by this ordinance.
  - b. Groundwater recovery from intentional recharge of surface water is not subject to the County's export ordinance. The parties are recharging surface water for later recovery.





# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Fire Department – William Lynch

**SUBJECT:** CALIFORNIA FIRE ASSISTANCE AGREEMENT, GOVERNING BODY RESOLUTION

**SUMMARY:**

**Overview:**

The Kings County Fire Department (KCFD) is requesting to update the Governing Body Resolution (GBR) to include cost recovery for the position of Heavy Fire Equipment Operator (HFEO).

**Recommendation:**

**Adopt the resolution identifying the terms and conditions of Fire Department personnel response away from their official duty station and assigned to an emergency incident.**

**Fiscal Impact:**

Approval and signing of the Governing Body Resolution will result in full cost recovery to the Fire Fund for responses to out of county incidents.

**BACKGROUND:**

The KCFD responds to incidents outside of Kings County as part of the California Master Mutual Aid Agreement (CMMAA), which was developed between the State and public agencies dating back to 1950. Contained within the CMAA is the California Fire Assistance Agreement (CFAA) which is intended to compensate agencies for costs related to response to these types of incidents. Since 2015, it has been required that all assisting agencies must file a Memorandum of Understanding, Memorandum of Agreement, or a GBR with the California Office of Emergency Services (CalOES) stating that the responding employees from that agency are compensated on a portal-to-portal basis.

(Cont'd)

BOARD ACTION :

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **CALIFORNIA FIRE ASSISTANCE AGREEMENT, GOVERNING BODY RESOLUTION**

**April 4, 2023**

**Page 2 of 2**

This GBR is required in order for the KCFD to be compensated appropriately, and allow full cost recovery for mutual aid assistance during State and Federal incidents.

The CFAA is the negotiated reimbursement mechanism for local government fire agency responses through the California Fire Service and Rescue Emergency Mutual Aid System. For many years, the KCFD has responded in order to support fire suppression efforts for large-scale incidents within the State. It is the intent of signatories to the CFAA to compensate California Fire and Rescue Mutual Aid Agencies for the cost of assisting the State of California and Federal Fire Agencies. The compensation shall be consistent with the concept of making agencies whole for their participation in the CMMAA.

As a result of a recent request for assistance, it was discovered that the department's GBR did not include portal-to-portal cost recovery for the position of HFEO. This updated GBR corrects that omission.

This resolution has been reviewed and approved by County Counsel as to form.

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

\* \* \* \* \*

IN THE MATTER OF THE COUNTY OF  
KINGS IDENTIFYING THE TERMS AND  
CONDITIONS FOR FIRE DEPARTMENT  
PERSONNEL RESPONSE AWAY FROM  
THEIR OFFICIAL DUTY STATION AND  
ASSIGNED TO AN EMERGENCY INCIDENT/

RESOLUTION NO. 2023-\_\_\_\_\_

WHEREAS, the Kings County Fire Department is a public agency located in the County of Kings, State of California; and

WHEREAS, it is the County of Kings' desire to provide fair and legal payment to all its employees for time worked; and

WHEREAS, the County of Kings has in its employ Fire Department response personnel including: Fire Chief, Assistant Chief, Battalion Chief, Fire Captain, Engineer, Firefighter, Heavy Fire Equipment Operator; and

WHEREAS, the County of Kings will compensate its employees' overtime in accordance with their current Memorandum of Understanding while in the course of their employment and away from their official duty station and assigned to an emergency incident, in support of an emergency incident, or pre-positioned for emergency response.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. Personnel shall be compensated according to Memorandum of Understanding (MOU), Personnel Rules and Regulations, and/or other directive that identifies personnel compensation in the workplace.
2. In the event a personnel classification does not have an assigned compensation rate, a "Base Rate" as set forth in an organizational policy, administrative directive or similar document will be used to compensate such personnel.
3. The Kings County Fire Department will maintain a salary survey or acknowledgement of acceptance of the "base rate" on file with the California Governor's Office of Emergency Services, Fire Rescue Division.
4. Personnel will be compensated (portal to portal) beginning at the time of dispatch to the return to jurisdiction when equipment and personnel are in service and available for agency response.

5. Fire Department response personnel include: Fire Chief, Assistant Fire Chief, Battalion Chief, Fire Captain, Fire Apparatus Engineer, Firefighter, and Heavy Fire Equipment Operator.

The foregoing Resolution was adopted upon motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES: Supervisors  
NOES: Supervisors  
ABSENT: Supervisors  
ABSTAIN: Supervisors

By: \_\_\_\_\_  
Richard Valle,  
Chairperson of the Board of Supervisors  
County of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Catherine Venturella,  
Clerk of the Board of Supervisors



# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Fire Department – William Lynch

**SUBJECT:** ACCEPTANCE OF PASS-THROUGH FUNDING FROM THE CALIFORNIA OFFICE OF EMERGENCY SERVICES

**SUMMARY:**

**Overview:**

The Fire Department is seeking authorization to accept pass-through funding from the California Office of Emergency Services (Cal OES). This funding will be utilized for the purchasing of firefighting equipment and the remodel/repairs to department facilities.

**Recommendation:**

- a. Approve the acceptance of the pass-through funding from California Office of Emergency Services;
- b. Authorize the Fire Chief to sign required documentation related to the funding award;
- c. Adopt the budget change. (4/5 vote required)

**Fiscal Impact:**

This additional funding will increase the department’s fiscal year 2022-23 revenue by \$4 million.

**BACKGROUND:**

In early 2022, the office of Assembly Member Rudy Salas contacted the Fire Department regarding a funding opportunity for the purchase of new apparatus. Working with his office, the Fire Department developed and submitted a proposal for the purchase of two (2) new engines to replace aging engines in the Cities of Corcoran and Avenal. In September 2022, the department was informed that the proposal was approved for funding and that the award was being processed. In March 2023, CalOES contacted the Fire Department to begin the Pass-Through Grant Subaward process and establish a performance period for utilization of the funding.

(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **ACCEPTANCE OF PASS-THROUGH FUNDING FROM THE CALIFORNIA OFFICE OF EMERGENCY SERVICES**

**April 4, 2023**

**Page 2 of 2**

Once approved by the Board, the department will begin the purchase of new rescue/extrication tools, positive pressure ventilation fans, and replacement of other aging equipment. Additionally, this funding will establish the remodel and repair of individual fire stations in order to improve efficiency and extend their useful life.



## Pass Through Grant Subaward Information and Instructions

- 1. GRANT SUBAWARD NUMBER:** This section will be completed by Cal OES.
- 2. SUBRECIPIENT:** The Subrecipient is the unit of government or community based organization (CBO) that will have legal responsibility for these grant funds (e.g. County of Alameda, City of Fresno or Women's Place of Merced).
- 3. IMPLEMENTING AGENCY:** Enter the complete name of the agency responsible for the day-to-day operation of the grant (e.g. Sheriff, Police Department, or Department of Public Works). If the Implementing Agency is the same as the Subrecipient, enter the same title again.
- 4. PAYMENT ADDRESS:** Enter the address payment should be mailed to, including nine-digit zip code.
- 5. GRANT SUBAWARD PERFORMANCE PERIOD** Enter beginning and ending dates of the performance period for the Grant Subaward. (mm/dd/yyyy)
- 6. PURPOSE:** This section will be completed by Cal OES.
- 7. FUND ALLOCATION, AUTHORITY, AND GRANT SUBAWARD TOTAL:** This section will be completed by Cal OES.
- 8. CERTIFICATION:** This section will be completed by Cal OES.
- 9. CA PUBLIC RECORDS ACT REQUEST:** This section will be completed by Cal OES.
- 10. AUTHORIZED SIGNER:** Provide the name, title, and signature of the person who is vested with the authority to enter into this Grant Subaward, and has the approval of the City/County Financial Officer, City Manager, County Administrator, Governing Board Chair, or other Approving Body.



**Cal OES**

GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

## Pass Through Grant Subaward

**1. PASS THROUGH GRANT SUBAWARD #:** LI2022-036

The California Governor's Office of Emergency Services (Cal OES) hereby makes a Grant Subaward of funds to the following:

**2. SUBRECIPIENT:** \_\_\_\_\_

**3. IMPLEMENTING AGENCY:** \_\_\_\_\_

**4. PAYMENT MAILING ADDRESS:** \_\_\_\_\_  
(Street) (City) (Zip+4)

**5. GRANT SUBAWARD PERFORMANCE PERIOD:** \_\_\_\_\_

**6. PURPOSE:**

**7. FUND ALLOCATION, AUTHORITY, AND GRANT SUBAWARD TOTAL:**

Enactment Year	Fund Source	Authorizing Legislation	Chapter	Statutes	Item Number	Provision	Total Award

**8. CERTIFICATION:** I hereby certify I am vested with the authority to enter into this Grant Subaward, and have the approval of the City/County Financial Officer, City Manager, County Administrator, Governing Board Chair, or other Approving Body. The Subrecipient certifies that all funds received pursuant to this agreement will be spent exclusively on/for activities specified in the purpose section above in the Grant Subaward. The Subrecipient agrees to administer the Grant Subaward in accordance with all applicable state and federal laws.

**9. CA PUBLIC RECORD ACT REQUEST:** Grant Subaward applications/awards are subject to the California Public Records Act, Government Code section 6250 et seq. Do not put any personally identifiable information or private information on this application. If you believe that any of the information you are putting on this application is exempt from the Public Records Act, please attach a statement that indicates what portions of the application and the basis for the exemption. Your statement that the information is not subject to the Public Records Act will not guarantee that the information will not be disclosed.

**10. AUTHORIZED SIGNER:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**(FOR CAL OES USE ONLY)**

I hereby certify upon my personal knowledge that budgeted funds are available for the Grant Subaward performance period and purposes of this expenditure stated above.

\_\_\_\_\_  
Cal OES Fiscal Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cal OES Director or Designee

\_\_\_\_\_  
Date



KINGS COUNTY  
OFFICE OF THE AUDITOR-CONTROLLER  
BUDGET APPROPRIATION AND TRANSFER FORM

Auditor Use Only
Date _____
J/E No. _____
Page    of _____

**(A) New Appropriation**

Expenditures:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
<b>TOTAL</b>						

Funding Sources:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	APPROPRIATION AMOUNT
Fire Equip CALOES	Fire	Fire Equipment CAL OES	300122		85202	4,000,000.00
<b>TOTAL</b>						

**(B) Budget Transfer:**

Transfer From:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount to be Transferred Out
<b>TOTAL</b>						

Transfer To:						
FUND NAME	DEPT. NAME	ACCOUNT NAME	FUND NO.	DEPT. NO.	ACCOUNT NO.	Amount Transferred In
<b>TOTAL</b>						

Explanation: (Use additional sheets or expand form for more data entry rows or additional narrative, if needed.)

Dept. of Finance Approval \_\_\_\_\_ Department Head William Lynch

Administration Approval Matthew Smith Board Approval \_\_\_\_\_

BOS meeting date: \_\_\_\_\_





# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Human Services Agency – Wendy Osikafo/Monica Connor  
Child Abuse Prevention Coordinating Counsel Chairperson Elect – Amory Marple

**SUBJECT:** CHILD ABUSE PREVENTION AWARENESS MONTH RESOLUTION

**SUMMARY:**

**Overview:**

National Child Abuse Prevention Awareness Month shines a light on child abuse and encourages the community to come together as partners to bring awareness and keep children safe. Community partnerships are essential to build relationships, share expertise, access services, and advocate and bring awareness to child abuse and prevention. As residents of Kings County, the community has the power to focus on family strengths, help children, youth, and families to build resilience and ultimately support child safety.

**Recommendation:**

**Adopt a resolution to proclaim the month of April 2023 as Child Abuse Prevention Awareness Month.**

**Fiscal Impact:**

None.

**BACKGROUND:**

April 1983 was first proclaimed Child Abuse Prevention Awareness Month by presidential proclamation. Since then, April has been a time to acknowledge the importance of families and communities working together to prevent child abuse. This is also a time to promote the social and emotional well-being of children and families.

During the month of April and throughout the year, communities are encouraged to share child abuse and neglect prevention awareness strategies, activities, and promote prevention across the country.

**(Cont'd)**

**BOARD ACTION :**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **CHILD ABUSE PREVENTION AWARENESS MONTH RESOLUTION**

**April 4, 2023**

**Page 2 of 2**

Adopting a resolution to proclaim the month of April 2023 as Child Abuse Prevention Awareness Month in Kings County will provide an opportunity for the Board to honor local service providers, bring awareness, and show support for children and families.

In 2022, the County of Kings received 2,024 child abuse hotline calls, which resulted in 932 suspected child abuse investigations, and has an average of 346 children living in foster care every month.

The entire community feels the effects of child abuse and neglect. As a community, Kings County needs to create ways to get involved in a meaningful way.

The Child Abuse Prevention Coordinating Counsel is sponsoring the following events in April to raise awareness for the local community:

1. Pinwheels for Prevention campaign: Pinwheels are the national symbol for child abuse awareness and will be displayed around the county.
2. Blue Ribbon Campaign for National Child Abuse Prevention Month. A blue ribbon serves as a reminder to fight for protection of children.
3. Kids Day event to walk from the Hanford Civic Center to the Hanford Mall for a day of free family fun in honor and spreading awareness of child abuse prevention.

The resolution has been reviewed and approved by County Counsel as to form.

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA

\*\*\*\*\*

IN THE MATTER OF PROCLAIMING THE MONTH OF APRIL 2023 AS CHILD ABUSE PREVENTION AWARENESS MONTH \_\_\_\_\_/ RESOLUTION NO. \_\_\_\_\_

WHEREAS, communities can partner and network with families with children to explore how they can support and strengthen families;

WHEREAS, by investing in children, we are investing in their future;

WHEREAS, being a supporter enhances awareness in the community and uplifts the voices and experiences of children and families;

WHEREAS, children are key to our community’s future success, prosperity, and quality of life and, while children are our most precious resource, they are also our most vulnerable members of society;

WHEREAS, the County of Kings received 2,024 child abuse hotline calls, which resulted in 932 investigations of child maltreatment in 2022;

WHEREAS, Kings County has 346 children living in foster care on average every month;

WHEREAS, we must come together as partners to keep children safe and extend a helping hand to children and families in need; and

WHEREAS, a campaign, “Pinwheels for Prevention” has been launched during the month of April to celebrate and bring awareness of the great potential of all children by the placement of pinwheels around the county during the month of April.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** as follows:

1. The Kings County Board of Supervisors proclaims the month of April 2023, as Kings County Child Abuse Prevention Awareness Month.

The foregoing Resolution was adopted upon motion by Supervisor \_\_\_\_\_, second by Supervisor \_\_\_\_\_, at a regular meeting held \_\_\_\_\_, 2023, by the following vote:

AYES: Supervisors  
NOES: Supervisors  
ABSENT: Supervisors  
ABSTAIN: Supervisors

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Richard Valle,  
Chairperson of the Board of Supervisors  
County of Kings, State of California

IN WITNESS WHEREOF, I have set my hand this \_\_\_\_\_ day of April 2023

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Catherine Venturella,  
Clerk of said Board of Supervisors



# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Department of Public Health—Rose Mary Rahn/Heather Silva  
**SUBJECT:** RESOLUTION RECOGNIZING APRIL 3-9, 2023, AS NATIONAL PUBLIC HEALTH WEEK

### **SUMMARY:**

#### **Overview:**

Sponsored by the American Public Health Association, the week of April 3-9, 2023, is recognized as National Public Health Week. This year's theme is "Centering and Celebrating Cultures in Health", which emphasizes the unique ways different cultures focus on health and how residents of Kings County can learn from each other's differences.

#### **Recommendation:**

**Adopt a Resolution proclaiming the week of April 3-9, 2023, as National Public Health Week.**

#### **Fiscal Impact:**

None.

### **BACKGROUND:**

This is the 28<sup>th</sup> year that the American Public Health Association has celebrated National Public Health Week (NPHW). This event raises community awareness of the importance of protecting and improving the health of the community. It is also a chance to celebrate the progress that has been made in public health and to identify the challenges that still need to be addressed. Each year, the event is organized around a different theme, which focuses on a particular aspect of public health. This year's theme "Centering and Celebrating Cultures in Health" brings to the forefront the importance of fostering cultural connections within communities to help support the nation's quality of life. The Kings County Department of Public Health urges county communities to continue to support and celebrate cultural differences to help residents become healthier, safer, and stronger together.

(Cont'd)

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk to the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **RESOLUTION RECOGNIZING APRIL 3-9, 2023, AS NATIONAL PUBLIC HEALTH WEEK**

**April 4, 2023**

**Page 2 of 2**

The daily themes for National Public Health Week 2023 are:

Monday: Community

Tuesday: Violence Prevention

Wednesday: Reproductive and Sexual Health

Thursday: Mental Health

Friday: Rural Health

Saturday: Accessibility

Sunday: Food and Nutrition

This resolution has been reviewed and approved by County Counsel to form.



**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF KINGS, STATE OF CALIFORNIA**

\*\*\*\*\*

IN THE MATTER OF PROCLAIMING  
THE WEEK OF APRIL 3-9, 2023, AS  
NATIONAL PUBLIC HEALTH WEEK

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**Resolution No.** \_\_\_\_\_

WHEREAS, since 1995, the American Public Health Association (“APHA”) has observed National Public Health Week during the first full week of April; and

WHEREAS, APHA has chosen “Centering and Celebrating Cultures in Health” as the theme for National Public Health Week 2023, with the goal of recognizing the contributions of public health in improving the health of the people of the United States and achieving health equity; and,

WHEREAS, Public Health is the science and art of preventing disease, prolonging life, promoting health and encouraging healthy behaviors through the organized efforts and informed choices of society, organizations, public and private communities, and individuals; and,

WHEREAS, throughout the State of California, Public Health professionals, in addition to their individual work through public health education and protection, have dedicated their ongoing efforts to improving the quality of life and health for people of all ages; and,

WHEREAS, Kings County Department of Public Health is committed to working with partners to impact and influence health outcomes related to the daily themes of this year’s National Public Health Week: Community, Violence Prevention, Reproductive and Sexual Health, Mental Health, Rural Health, Accessibility, and Food and Nutrition; and

WHEREAS, the Kings County Department of Public Health is committed to ensuring the health and well-being of Kings County’s residents of all ages;

NOW, THEREFORE, BE IT PROCLAIMED, by the Board of Supervisors of the County of Kings, State of California, that April 3-9, 2023, is deemed National Public Health Week in Kings County, in recognition of the work performed daily throughout our county and our state by health professionals.

The foregoing resolution was adopted upon motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:           Supervisors  
NOES:           Supervisors  
ABSENT:       Supervisors  
ABSTAIN:      Supervisors

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Richard Valle, Chairman  
Board of Supervisors, County of Kings

IN WITNESS WHEREOF, I have set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Catherine Venturella, Clerk  
Board of Supervisors, County of Kings



# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Human Resources – Carolyn Leist

**SUBJECT:** COMPENSATION FOR ACTING CHIEF PROBATION OFFICER

### **SUMMARY:**

#### **Overview:**

The Chief Probation Officer position was vacated on Friday, March 10, 2023. On Tuesday March 7, 2023, County Counsel reported out of closed session that the Board appointed Leonard Bakker as Acting Chief Probation Officer effective March 10, 2023. Compensation is required to be formally set in open session as the position is an appointed position by the Board of Supervisors therefore, the request is coming to your Board.

#### **Recommendation:**

**Set the compensation for Leonard Bakker as Acting Chief Probation Officer, retroactively effective March 10, 2023.**

#### **Fiscal Impact:**

The position is recommended to be paid \$11,000 monthly. This would be a \$903 or 8% monthly increase from what the Deputy Chief Probation Officer Step 5 current salary is. The salary will be paid out of the Probation budget. The Chief Probation Officer position resides within the compensation band of \$11,000 - \$15,000 monthly.

### **BACKGROUND:**

The Chief Probation Officer position was vacated on Friday, March 10, 2023. On Tuesday March 7, 2023, County Counsel reported out of closed session that the Board appointed Leonard Bakker as Acting Chief Probation Officer effective March 10, 2023. Compensation needs to be formally set in open session as the position is an appointed position by the Board of Supervisors. This process was not completed therefore, the request is coming to your Board. Leonard Bakker was the Deputy Chief Probation Officer prior to this appointment. The recruitment for Chief Probation Officer has been opened and an interview panel and interview dates with the Board of Supervisors have been set.

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By \_\_\_\_\_, Deputy.





# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Human Resources – Carolyn Leist

**SUBJECT:** COMPENSATION FOR ACTING COUNTY ADMINISTRATIVE OFFICER

**SUMMARY:**

**Overview:**

The County Administrative Officer (CAO) position was vacated on March 31, 2023. On Tuesday, March 28, 2023, County Counsel reported out of closed session that the Board appointed Kyria Martinez as Acting County Administrative Officer effective April 1, 2023. Compensation is required to be formally set in open session as the position is an appointed position by the Board of Supervisors therefore, the request is coming to your Board.

**Recommendation:**

**Set the compensation for Kyria Martinez as Acting County Administrative Officer, retroactively effective April 1, 2023.**

**Fiscal Impact:**

The position is recommended to be paid \$14,000 monthly. This would be a \$709 or 5% monthly increase from what the Assistant CAO current salary is. The salary will be paid out of the administration budget 111000. The CAO position resides within the compensation band of \$14,000 -\$19,000 monthly.

**BACKGROUND:**

The CAO position was vacated on March 31, 2023. On Tuesday, March 28, 2023, County Counsel reported out of closed session that the Board appointed Kyria Martinez as Acting County Administrative Officer effective April 1, 2023. Compensation is required to be formally set in open session as the position is an appointed position by the Board of Supervisors. Kyria Martinez was the Assistant County Administrative Officer prior to this appointment.

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By \_\_\_\_\_, Deputy.





# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Administration – Kyria Martinez/Matthew Boyett

**SUBJECT:** AMENDMENT TO COUNTY ORDINANCE FOR SENATE BILL 1383  
COMPLIANCE

### **SUMMARY:**

#### **Overview:**

On September 27, 2022, the Board introduced and waived the first reading of the County's ordinance outlining all organic waste recycling and edible food recovery requirements necessary to comply with Senate Bill (SB) 1383. On October 4, 2022, the Board waived the second reading and adopted the ordinance, which went into effect November 3, 2022. As the County worked through the process of drafting the necessary hauler agreements outlined in the ordinance, all of the current County haulers expressed a desire to have a license term of no less than ten years and also expressed the desire to remove any requirement to contract with Kings Waste and Recycling Authority (KWRA). Staff are recommending amending the SB 1383 ordinance to accommodate these two changes requested by the haulers. The Board introduced and waived the first reading of the amended ordinance on March 28, 2023.

#### **Recommendation:**

**Waive the second reading and adopt the amended ordinance for Senate Bill 1383 requirements.**

#### **Fiscal Impact:**

None.

### **BACKGROUND:**

On September 27, 2022, the Board introduced and waived the first reading of the County's ordinance outlining all organic waste recycling and edible food recovery requirements necessary to comply with Senate Bill (SB) 1383. On October 4, 2022, the Board waived the second reading and adopted the ordinance, which went into effect November 3, 2022. As the County worked through the process of drafting the necessary hauler agreements outlined in the ordinance, all permitted haulers in the county expressed a desire to alter the term of the license and to remove the requirement to contract with KWRA.

(Cont'd)

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_\_ OTHER: \_\_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **AMENDMENT TO COUNTY ORDINANCE FOR SENATE BILL 1383 COMPLIANCE**

**April 4, 2023**

**Page 2 of 2**

Article III, Sec. 13-31 (2) of the original ordinance states that a hauler license term is three years. Since the hauler agreements currently being drafted are serving as the County's hauler licenses, the agreements need to align with the language in the County ordinance. Therefore, staff are recommending amending Article III, Sec. 13-31 (2) to state that a hauler license term is ten years.

Article III, Sec. 13-37 (1)(g) of the original ordinance states that all licensed haulers are required to enter into an agreement with KWRA to guarantee that KWRA will accept the hauler's solid waste and recyclables. However, both the haulers and KWRA do not want to be required to enter into an agreement with each other. As such, staff are fine with the removal of this provision as well and are recommending removing this requirement as a result.

In addition to edits to the sections above, it is recommended to also add a two-step appeal process in order to give haulers an opportunity to petition any potential revocation of their hauling license due to breach of contract, as this was suggested as an edit by one of the haulers.

The Board introduced and waived the first reading of the amended ordinance on March 28, 2023. The required summary of the amendments was published in the Hanford Sentinel on March 30, 2023, pursuant to Government Code Section 25124.

The amended ordinance has been reviewed and approved by County Counsel as to form.



**AN ORDINANCE OF THE COUNTY OF KINGS AMENDING CHAPTER  
13 OF THE COUNTY OF KINGS' CODE OF ORDINANCES RELATING  
TO SOLID WASTE COLLECTION AND DISPOSAL**

The Board of Supervisors of the County of Kings ordains as follows:

1. That subsection 13-31(2) of the Code of Ordinances, County of Kings, is hereby amended by to read as follows:

*License term.* Licenses issued pursuant to this section shall be valid for ten years from the date of issuance. Such licenses shall be renewable subject to compliance with a renewal application procedure to be developed by the public works director.

2. That the Code of Ordinances, County of Kings, is hereby amended by deleting subsection 13-37(7), which said subsection reads as follows:

*KWRA use agreement.* Prior to, or at the time of, entering into an agreement with the county, a licensed hauler shall enter into an agreement (use agreement) with KWRA which guarantees that KWRA will accept the licensed hauler's solid waste and recyclables for the term of the license and guarantees that the licensed hauler will deliver all such solid waste and recyclables to KWRA's designated facility. A current executed copy of the use agreement shall be a condition of the license, and failure to comply with such use agreement shall be grounds for revocation of the license.

3. That the Code of Ordinances, County of Kings, is hereby amended by adding a section to be numbered 13-42, which said section reads as follows:

**Sec. 13-42 Revocation of license.**

The Director may revoke a license issued under this chapter for violating any provisions of this chapter or the licensee's agreement with the county upon giving hauler ten days' written notice. Material breaches of the agreement between the hauler and county are violations of this chapter and a violation of a hauler's license.

4. That the Code of Ordinances, County of Kings, is hereby amended by adding a section to be numbered 13-43, which said section reads as follows:

**Sec. 13-43. Appeal revocation of license**

The hauler may contest the director's decision denying the issuance of a license or revoking the license by completing a notice of appeal form and filing it with the director within 10 days of hauler's receipt of the notice of denial or revocation. The license revocation shall be stayed upon the filing of a request for an appeal.

5. That the Code of Ordinances, County of Kings, is hereby amended by adding a section to be numbered 13-44, which said section reads as follows:

### **13-44. Hearing.**

The hearing officer shall be one of the members of the board of supervisors appointed by the chairperson of the board. The board member in whose district the violation has occurred shall not be appointed as the hearing officer.

6. That the Code of Ordinances, County of Kings, is hereby amended by adding a section to be numbered 13-45, which said section reads as follows:

#### **Sec. 13-45. Hearing procedure.**

- (a) When the notice of appeal form has been completed and filed public works shall request the chairperson of the board of supervisors to appoint a hearing officer and, when that has been done, shall set the matter for hearing.
- (b) A hearing before the hearing officer shall be set for a date not more than 60 days from the date that the notice of appeal is filed in accordance with the provisions of this chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
- (c) The hearing officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person caused or maintained the violation of this chapter.
- (d) The responsible person contesting the license denial or revocation or shall be given the opportunity to testify and present witnesses and evidence concerning either a license denial or revocation, and to cross examine witnesses and question evidence.
- (e) The failure of any appellant to appear at the scheduled hearing shall constitute abandonment of the appeal and a failure to exhaust administrative remedies.
- (f) The denial or revocation notice and any additional documents submitted by the director shall constitute prima facie evidence of the respective facts contained in those documents.
- (g) At least ten days prior to the hearing, the hauler or license applicant shall be provided with copies of the denial or revocation notice, reports and other documents submitted or relied upon by director. If the director submits any additional written report or other documentary evidence concerning the license denial or revocation for consideration at the hearing, then a copy of each such report or document shall also be served by mail on the person requesting the hearing at least five days prior to the date of the hearing. No other discovery is permitted. Formal rules of evidence shall not apply. Evidence shall be admitted in the hearing if it is the kind of evidence upon which a reasonable person would rely in the conduct of serious affairs.
- (h) At least ten days prior to the hearing, the hauler or license applicant shall be provided with copies of the denial or revocation notice, reports and other documents submitted or relied upon by director. If the director submits any additional written

report or other documentary evidence concerning the license denial or revocation for consideration at the hearing, then a copy of each such report or document shall also be served by mail on the person requesting the hearing at least five days prior to the date of the hearing. No other discovery is permitted. Formal rules of evidence shall not apply. Evidence shall be admitted in the hearing if it is the kind of evidence upon which a reasonable person would rely in the conduct of serious affairs.

- (i) The hearing officer may continue the hearing and request additional information from the director or the hauler prior to issuing a written decision.

- 7. That the Code of Ordinances, County of Kings, is hereby amended by adding a section to be numbered 13-46, which said section reads as follows:

**Sec. 13-46. Hearing officer's decision.**

(a) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten days of the hearing to uphold or deny license denial or revocation and shall state in the decision the reasons for that decision.

(b) The appellant shall be served with a copy of the hearing officer's written decision by the director by depositing a copy thereof in the United States Mail with postage prepaid.

- 8. That the Code of Ordinances, County of Kings, is hereby amended by adding a section to be numbered 13-47, which said section reads as follows:

**Sec. 13-47. Appellate review by board of supervisors.**

Within seven days of the date of mailing of the hearing officer's written decision, either the department or the appellant may file a written request with the department for appellate review by the board of supervisors. The written request for review by the board shall include a short statement of the grounds for appeal and shall be accompanied by the appeal filing fee. The appeal filing fee shall be established by the board in an amount sufficient to cover the costs of processing the appeal. The board may, but is not required to, refund the filing fee if the board determines that the appeal has merit.

Review by the board of supervisors shall be heard by a three-member panel of the board members, who shall be appointed by the chairperson of the board. Neither the board member who has acted as the hearing officer nor the board member in whose district the violation occurred may be appointed as one of the members of the review panel.

## Chapter 13 SOLID WASTE COLLECTION AND DISPOSAL<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 13-1. Purpose and findings.

The county board of supervisors finds and declares:

- (1) The county is authorized under Article XI, Section 7, of the California Constitution to make and enforce, within its limits, all police and sanitary ordinances and regulations not in conflict with general laws.
- (2) In the exercise of its police powers, the county may determine, in its discretion and consistent with its authority in the area of public health and sanitation, the best methods or means available to advance and protect the public health, safety, and welfare of the residents of the county.
- (3) Pursuant to Public Resources Code sections 40002 and 40057, the board is authorized to and shall provide for solid waste handling services, including, without limitation, source reduction, recycling, composting, and the collection, transfer, and disposal of solid waste within the unincorporated area of the county by any means authorized by Public Resources Code sections 40058 and 40059.
- (4) Pursuant to Public Resources Code section 40059, the county is authorized to determine aspects of solid waste handling which are of local concern and the means by which such services are to be rendered under terms and conditions prescribed by the board by resolution or ordinance, including the provision of solid waste collection, processing and disposal services on an exclusive or nonexclusive basis, either with or without competitive bidding.
- (5) With the exception of areas regulated by community service districts, pursuant to Public Resources Code section 40059, the board has determined that the public health, safety, and welfare of the residents of the county require that qualified solid waste haulers be authorized to operate within the unincorporated areas of the county.

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<sup>1</sup>Editor's note(s)—Ord. No. 705, § 1, adopted October 4, 2022, repealed ch. 13 and § 2 of the same enacted a new ch. 13 as set out herein and later amended. Former ch. 13 pertained to similar subject matter and derived from Ord. No. 533, adopted June 21, 1994; Ord. No. 544, adopted October 3, 1995; and Ord. No. 555, adopted December 3, 1996.

Cross reference(s)—Disposal in parks, § 16-23(1).

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- (6) The board has determined that the collection and disposal of solid waste and promotion of recycling and other waste diversion efforts in the unincorporated areas of the county, is required as the means that will best advance and protect the public health, safety, and welfare of the residents of the county.
  - (7) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (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 the county 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.
  - (8) State recycling law, Assembly Bill 341 of 2011, 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 county to implement a mandatory commercial recycling program.
  - (9) 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) 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 jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, and requires jurisdictions to implement a mandatory commercial organics recycling program.
  - (10) 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 the county, residential households, commercial businesses and business owners, commercial edible food generators, collectors, licensed haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets.
  - (11) Pursuant to the SB 1383 regulations established by CalRecycle, jurisdictions, such as the county, must adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of the SB 1383 regulations.
  - (12) The county and cities of Hanford, Lemoore, and Corcoran established the Kings Waste and Recycling Authority, under the Joint Powers Agreement entered into on September 12, 1989, as amended on March 3, 1992, September 13, 1994, and February 27, 1996, that mandates its members to transfer solid waste collected to Kings Waste and Recycling Authority, located at 7803 Hanford Armona Road, Hanford, California.

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(13) Requirements in this chapter are consistent with the above-referenced state laws and the county's constitutional and statutory authority over public health and sanitation.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-2. Liberal construction.**

In order to protect the health, safety and welfare of county residents and to promote an improvement in visual and physical quality of the environment, and in order to meet the statutory waste diversion mandates required by state law, including Public Resources Code section 41780 et seq., the board of supervisors has determined that it is necessary to adopt a coordinated county-wide program for the safe, economical and efficient collection, storage, transportation and disposal of solid waste, and to assure adequate standards of service for said collection, storage, transportation and disposal of solid waste. This chapter shall be liberally construed for the accomplishment of these purposes.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-3. Responsibility for rate setting.**

The rates licensed haulers charge customers shall be prescribed by the agreements between licensed haulers and their customers located within the unincorporated area of the county. The county shall charge organic waste generators an administrative fee reasonably related to the costs of implementing and enforcing SB 1383 regulations. Licensed haulers shall include the administrative fee in their customer invoices and collect the administrative fees on behalf of the county. Licensed haulers shall transfer the administrative fees as prescribed in the contracts between the county and licensed haulers.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-4. Applicability.**

This chapter regulates the storage, segregation, collection, transportation, processing, and disposition of solid waste generated within the unincorporated area of the county.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-5. Responsibility to manage solid waste.**

It is hereby declared that it is in the interest of public health, safety, and welfare that the county control and manage the segregation, storage, collection, transportation, processing, and disposal of solid waste in the unincorporated areas of the county.

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- (1) In this regard, the county is responsible for all aspects of management of solid waste. It may carry out this responsibility itself or it may contract with persons to conduct such work.
  - (2) The county has full authority to regulate the collection and transportation of solid waste, including recyclables and organics, within the jurisdiction of the county.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-6. Rules and regulations.**

The board shall, by resolution, establish additional rules and regulations to administer and carry out the policies and purposes of this chapter as from time to time appear to be in the best interests of the public health, safety, and welfare.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-7. Administration of chapter.**

The public works director is charged with administration of this chapter and the rules and regulations adopted by the board. The public works director is authorized to make necessary and reasonable policies and procedures with respect to the accumulation, collection, transportation, processing, recycling, and disposal of various types of solid waste and issuance or denial of licenses to collect and haul solid waste, consistent with this chapter and the rules and regulations adopted by the board. The director of the public Health department, or their designee, shall have authority to enter, at any reasonable hour, upon the premises of any person regulated by this chapter to determine compliance with this chapter and the rules and regulations adopted by the board.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-8. Definitions.**

Except as otherwise provided herein, the words used in this chapter shall be interpreted consistent with the definitions set forth in Public Resources Code section 40100 et seq., Health and Safety Code section 25110 et seq., and 14 CCR section 17225 et seq. When used in this chapter, the following words shall have the meaning ascribed to them as set forth in this ordinance. Any reference to state statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision. The definitions set forth below shall apply throughout this chapter.

*Act* means the California Integrated Waste Management Act of 1989 (Public Resources Code section 40000 et seq.) and all regulations adopted under that legislation, as may be amended from time to time.

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*Agricultural solid waste* means manures, culls, prunings, or crop residues resulting from the production, packing, or processing of farm or agricultural products.

*Blue container* means a container where either the lid of the container is blue in color, or the body of the container is blue in color and lid is either blue, gray, or black in color. Blue containers shall be used for the purpose of storage and collection of source separated recyclable materials or source separated blue container organic waste, or as otherwise defined in 14 CCR Section 18982(a)(5).

*Board* means the Kings County Board of Supervisors.

*Buy back facility* means a facility which receives source separated materials for a fee.

*CalRecycle* means California's Department of Resources Recycling and Recovery, which is the department designated with responsibility for developing, implementing, and enforcing SB 1383 regulations on the county (and others).

*Clean up people* means those individuals or firms exclusively providing solid waste cleanup and removal services at residential, commercial, industrial, or institutional locations.

*Collection vehicle* means any vehicle or equipment used in the collection of residential, commercial, industrial, or governmental solid waste.

*Collector* means any person who engages in solid waste collection.

*Commercial business or commercial* means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A multi-family residential dwelling that consists of fewer than five units is not a commercial business for purposes of implementing this chapter.

*Commercial edible food generator* means a tier one or a tier two commercial edible food generator as defined in this ordinance. For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators, or as otherwise defined in 14 CCR Section 18982(a)(7).

*Community composting* means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, or as otherwise defined in 14 CCR Section 18982(a)(7).

*Compliance review* means a review of records by the county, or its designee, to determine compliance with this ordinance.

*Compost* means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility, or as otherwise defined in 14 CCR Section 18982(a)(10).

*Composting facility* means a permitted solid waste facility at which composting is conducted and which produces compost.



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*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)(14)

*Container* means any bin, roll-off box, vessel, can or receptacle used for collecting solid waste for removal, whether owned by the collector, licensed hauler, self-hauler, property owner or tenant.

*County enforcement official* means the director of the county's public health department.

*C&D* means construction and demolition debris.

*Designee* means an entity that the county contracts with or otherwise arranges to carry out any of the county's responsibilities of this ordinance, and may be a government entity, a collector, a licensed hauler, a private entity, or a combination of those entities.

*Edible food* means food intended for human consumption. For the purposes of this ordinance, edible food is not solid waste if it is recovered and not discarded, or as otherwise defined in 14 CCR Section 18982(a)(18). Nothing in this ordinance requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

*Enforcement action* means an action of the county to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies, or as otherwise defined in 14 CCR Section 18982(a)(19).

*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 county 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 county'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 county, 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 Public Resources Code sections 41500 and 41802.

*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).

*Food facility* means operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, and has the same meaning as in Health and Safety Code section 113789, and 14 CCR section 18982(a)(23).

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*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).

*Food recovery organization* means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities, including, but not limited to:

- (1) A food bank as defined in Health and Safety Code section 113783;
- (2) A nonprofit charitable organization as defined in Health and Safety Code section 113841; and
- (3) A nonprofit charitable temporary food facility as defined in Health and Safety Code section 113842.

A food recovery organization is not a commercial edible food generator for the purposes of this ordinance. If the definition in 14 CCR section 18982(a)(25) for food recovery organization differs from this definition, the definition in 14 CCR section 18982(a)(25) shall apply to this chapter.

*Food recovery service* means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this chapter.

*Food scraps* means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.

*Food service provider* means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR section 18982(a)(27).

*Food-soiled paper* means compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

*Food waste* means all institutional, residential, and commercial food product waste, including food scraps.

*Garbage* means the putrescible animal, fish, fowl, food, fruit, bakery goods or vegetable matter resulting from the preparation, storage, processing, handling, decay, distribution, manufacturing, or consumption of such substance except suet, tallow, bones or meat trimmings that are not rejected by the owner or producer as worthless or useless.

*Gray container* means a container where either the lid of the container is gray or black in color, or the body of the container is entirely gray or black in color and the lid is gray or black in color.

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*Gray container waste* means solid waste that is collected in a gray container that is part of a three-container organic waste collection service that prohibits the placement of organic waste in the gray container, or as otherwise defined in 14 CCR section 18982(a)(28).

*Green container* means a container where either the lid of the container is green in color, or the body of the container is green in color and the lid is green, gray, or black in color and shall be used for the purpose of storage and collection of source separated green container organic waste, or as otherwise defined in 14 CCR section 18982(a)(29).

*Green waste* means all grass clippings, leaves, branches and tree trunks and other yard waste generated by residential property owners and placed at the curb.

*Grocery store* means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments.

*Hauler route* means a licensed hauler's designated itinerary or sequence of stops in the unincorporated area of the county.

*Inspection* means a site visit where the county, or its designee, reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR section 18982(a)(35).

*KWRA* means the Kings Waste and Recycling Authority, the joint powers agency consisting of the county and member cities.

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

*Large venue* means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, division 7, chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, division 7, chapter 12, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue. If the definition in 14 CCR section 18982(a)(39) differs from this definition, the definition in 14 CCR section 18982(a)(39) shall apply to this chapter.

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*License* means a solid waste collection license issued by the public works director pursuant to article III of this chapter.

*Licensed hauler* means any person or entity which has obtained a solid waste collection license from the county pursuant to article III of this chapter.

*Litter* means all improperly discarded solid waste, including but not limited to, convenience food, beverage and other product packages or containers constructed of steel, aluminum, glass, paper, plastic and other natural and synthetic materials thrown or deposited on the lands and waters of the state but not including the properly discarded waste of the primary processing of agriculture, mining, logging, saw milling or manufacturing pursuant to 14 CCR title 14, section 17402(a)(10).

*Local education agency* means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR section 18982(a)(40).

*Local enforcement agency* means the agency which has been designated under the California Integrated Waste Management Act as the local enforcement agency within the county. The current local enforcement agency is the county's public health department.

*Material recovery facility* means a facility designed to receive, process, and dispose of solid waste with the purpose of performing salvage and then disposing of the residual solid waste at an approved solid waste disposal site.

*Medical waste means* biohazardous waste; sharps waste; waste which is generated or produced as a result of the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto or in the production or testing of biologicals pursuant to Health and Safety Code section 117690.

*Multi-family residential dwelling or multi-family* means of, from, or pertaining to residential premises with five or more dwelling units. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

*Non-compostable paper* includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR section 18982(a)(41).

*Non-local entity* means entities that are not subject to the county's enforcement authority, or as otherwise defined in 14 CCR section 18982(a)(42).

*Non-organic recyclables* means non-putrescible and non-hazardous recyclable waste including but not limited to bottles, cans, metals, plastics, and glass, or as otherwise defined in 14 CCR section 18982(a)(43).

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

*Nuisance* means anything which is injurious to human health or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

*Occupant* means every owner, tenant, lessee, or person having the care or control of any property or premises.

*Organic waste* means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, green waste, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR section 18982(a). Notwithstanding this definition, organic textiles and carpets shall not be placed in the green container.

*Organic waste generator* means a person or entity that is responsible for the initial creation of organic waste, or as otherwise defined in 14 CCR section 18982(a)(48).

*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).

*Person* means any individual, firm, association, partnership, political subdivision, government agency, district municipality, public or private corporation, for profit or non-profit, or any other entity whatsoever.

*Premises* means a tract or parcel of land with or without habitable buildings or appurtenant structures.

*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).

*Prohibited container contaminants* means the following:

- (1) Discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the blue container;
- (2) Discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste for the green container;

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- (3) 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 green container and/or blue container; and
  - (4) Excluded waste placed in any container, or as otherwise defined in 14 CCR section 18982(a)(55).

*Public works director* means the county's public works director, or their authorized representative.

*Putrescible waste* means organic material with a decomposition capacity to emit noticeable quantities of odor and gaseous byproducts. Material in this category includes, but is not limited to, kitchen waste, dead animals, and food waste.

*Recovered organic waste products* means products made from California, landfill-diverted recovered organic waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR section 18982(a)(60).

*Recovery* means any activity or process described in 14 CCR section 18983.1(b), or as otherwise defined in 14 CCR section 18982(a)(49).

*Recyclables* means solid waste which is aluminum, glass bottles and jars, paper, newspaper, cardboard, plastic containers, tin and bi-metal, white goods, yard or green waste and other materials which can be, processed and returned 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.

*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).

*Renewable gas* means gas derived from organic waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle organic waste, or as otherwise defined in 14 CCR section 18982(a)(62).

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

*Route review* means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR section 18982(a)(65).

*SB 1383* means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added chapter 13.1 (commencing with section 42652) to part 3 of division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort

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to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

*SB 1383 regulations* or *SB 1383 regulatory* means or refers to, for the purposes of this chapter, 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.

*Salvage* means the following:

- (1) Verb: Segregation of recyclables from the solid waste stream by the generator of that solid waste and preparation for sale by the generator, at a profit, in the commercial market.
- (2) Noun: Solid waste which has been prepared by the generator, at the site where generated, and which is salable as a commodity.

*Self-hauler* means a person, or entity 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 18982(a)(66)(A).

*Single-family* means of, from, or pertaining to any residential premises with fewer than five units.

*Solid waste* means all putrescible or non-putrescible solid and semi-solid waste, including recyclables, refuse, garbage, rubbish, trash, decaying vegetable and animal matter, ashes, street refuse, green waste, industrial waste, swill, offal, tin cans, paper, and other offensive or nauseous substances, excepting the following: agricultural solid waste, and liquid-carried industrial wastes, and sewage or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, medical waste, and hazardous and extremely hazardous waste as defined and regulated by state law.

*Solid waste collection* means the commercial act of collecting, removing, or transporting solid waste generated at residential, commercial, industrial or governmental sites within the unincorporated territory of the county, and hauling it to a facility for processing, transfer, or disposal.

*Solid waste hauler* means any person or entity which has been issued a solid waste collection license by the public works director pursuant to article III of this chapter.

*Solid waste facility* means a disposal site, buy-back facility, material recovery facility (MRF), composting facility, transfer station, or a site that engages in any solid waste processing, or any facility specified in the Public Resources Code section 40194. Solid waste facility shall include a commercial or industrial business conducting salvage of recyclables but shall exclude private residences engaged in salvage for their own purposes.

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*Solid waste processing* means the reduction, separation, composting, recovery, salvage, conversion or recycling of solid waste and any activity conducted in a solid waste facility.

*Solid waste processor* means any person regularly engaged in solid waste processing, including a buy-back facility as defined herein.

*Source separated* means materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR section 17402.5(b)(4). For the purposes of the ordinance, source separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that source separated materials are separated from gray container waste for the purposes of collection and processing.

*Source separated blue container organic waste* means source separated organic waste that is non-putrescible that can be placed in a blue container and that is limited to the collection of those organic wastes and non-organic recyclables as defined in [14 CCR] section 18982(a)(43), and excluding carpets and textiles, or as otherwise defined by [14 CCR] section 17402(a)(26.7).

*Source separated green container organic waste* means source separated organic waste that can be placed in a green container specifically for the separate collection of organic waste by the generator, excluding carpets, non-compostable paper, textiles and source separated blue container organic waste.

*Source separated recyclable materials* means source separated non-organic recyclables and source separated blue container organic waste.

*Special waste* means solid waste which has characteristics which make it unsuitable for collection and/or processing by regular or routine methods. Such wastes include, but are not limited to, tires, large white goods, demolition. These wastes will be collected and/or processed separately from the regular collection and processing procedures.

*State* means the State of California.

*Supermarket* means a full-line, self-service retail store with gross annual sales of \$2,000,000.00, or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR section 18982(a)(71).

*Three-container collection services* are services provided for the collection and hauling of solid waste by licensed haulers. A current list of licensed haulers are available at the public works department.

*Tier one commercial edible food generator* means a commercial edible food generator that is one of the following, supermarket, grocery store with a total facility size equal to or greater



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than 10,000 square feet, food service provider, food distributor, and wholesale food vendor, or as otherwise defined in 14 CCR section 18982(a)(71).

*Tier two commercial edible food generator* means a commercial edible food generator that is one of the following, restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet, hotel with an on-site food facility and 200 or more rooms' health facility with an on-site food facility and 100 or more beds, large venue, or large event, a State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet, or A local education agency facility with an on-site food facility, or as otherwise defined in 14 CCR section 18982(a)(74).

*White goods* means kitchen or other large appliances.

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

*Yard waste* means leaves, grass, weeds, and wood materials from trees and shrubs.  
(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-9. Reserved.**

**ARTICLE II. WASTE MANAGEMENT REGULATIONS**

**Sec. 13-10. Solid waste management standards.**

The board, by resolution, may establish additional standards for the storage, collection, and transportation of solid waste, based on recommendations of the public works director and the director of the public health department. The board may from time to time revise these standards.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-11. Health and safety issues.**

(a) *Private property to be free of excess solid waste and litter.* The owner, occupant or operator of any premises, business establishment, or other property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste and recyclables accumulated on the property. The property shall be free of excessive amounts of solid waste and litter, except that manure or wood, leaves and other green waste may be accumulated, providing that no nuisance is created. What are excessive amounts of solid waste and litter shall be as determined by the director of the public health department.

(b) *Providing waste collection containers.*

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- (1) No person shall maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed, which does not have one or more containers for the sanitary removal of all solid waste.
  - (2) Except for the purpose of green waste composting or as set forth in subsection (e) below, no person shall place or dump any solid waste or any offensive, unsightly or decaying matter of any kind whatsoever anywhere in the county other than in an approved container designated for that type of waste, consistent with a three-container collection service (blue container, green container, and gray container) or an approved solid waste facility.
  - (3) No person shall place hot coals, hot ashes or other burning matter in any solid waste container set out for collection.
- (c) *Disposition of animal carcasses.* Every owner, occupant and operator of any real property situated within the unincorporated area of the county shall, upon reasonable notice given by the director of the public health department, bury to a depth of at least three feet under the surface of the earth, or remove to a proper disposal site, all carcasses of dead animals which have died or are upon any part of such real property. Animal carcasses shall not be placed in solid waste containers.
- (d) *Accumulation of solid waste to be removed.* Whenever any solid waste has been thrown or deposited upon any street, road, or private or public premises, or has accumulated thereon, the director of the public health department shall give written notice to the owner, tenant or person having charge or control of said street, road, or premises, to remove from the premises the substances so deposited or accumulated. It shall be unlawful for the owner, tenant or person having charge or control of said premises to neglect or fail to remove said solid waste from said premises within a reasonable time, as determined by the director of the public health department, after the receipt of said notice.
- (e) *Food waste and agricultural byproducts.*
- (1) *Food waste for stock feeding.* The owner or occupant of any agricultural property may allow food waste to be accumulated, stored, disposed of, or used for stock feeding on the premises, as long as such food waste is not permitted to become a nuisance due to the breeding or attraction of flies or rodents, or from odors, or to create a hazard to the public health, safety, or welfare, as determined by the director of the public health department. All such agricultural operations shall comply with the Agricultural Solid Waste Management Standards, 14 CCR, commencing with section 17801.
  - (2) *Agricultural byproducts.* Culled fruits and vegetables and agricultural byproducts which cannot be used for animal feed, returned to soil or recovered in another manner shall be disposed of in a green container consistent with the blue container, green container, and gray container collection service. Agriculture byproducts or wastes, not of plant or animal origin, such as nonhazardous packaging, plastic film, or

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shop wastes, shall be disposed of in a blue container in accordance with the blue container, green container, and gray container collection service.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-12. Requirements for single-family generators.**

With the exception of single-family generators that meet the self-hauler requirements in section 13-57, or that are located in the unincorporated parts of the county subject to low population waivers granted by CalRecycle, single-family organic solid waste generators shall comply with the following requirements:

- (1) Subscribe to a three-container collection service for all solid waste generated as described below in subsection 13-11(b). The county shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity of each type of collection service for proper separation and containment of materials. Single-family generators shall adjust their level of collection services as requested by the county. 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).
- (2) Participate in the county's solid waste collection service(s) by placing source separated 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.
- (3) Generators shall not place prohibited container contaminants in collection containers.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-13. Requirements for commercial businesses.**

Generators that are commercial businesses shall:

- (1) Subscribe to a three-container collection service for all solid waste generated as described below in subsection (2). The county shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity of each type of collection service for proper separation and containment of materials. Generators shall adjust their level of collection services as requested by the county.
- (2) Participate in the solid waste collection service(s) by placing source separated green waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. This subsection shall not apply to commercial businesses that meet the self-hauler requirements in section 13-57 of this chapter.
- (3) Generators shall not place prohibited container contaminants in collection containers.

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- (4) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with subsections 13-11(e)(1), (2) for employees, contractors, tenants, and customers, consistent with the blue container, green container, and gray container collection service.
  - (5) Excluding multi-family residential dwellings, provide containers for the collection of source separated organic waste and source separated recyclable materials, generated by that business, in all indoor and outdoor areas where disposal containers are provided for customers, except for restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container where disposal containers are provided for customers. Pursuant to 14 CCR section 18984.9(b), the containers provided by the business shall have either:
    - a. A body or lid that conforms with the container colors provided a three- container collection service.
    - b. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
  - (6) Notwithstanding the requirements of Section 13-12(5), a commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with container color or label requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - (7) Excluding multi-family residential dwellings, to the extent practicable through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the blue container, green container, and gray container collection service.
  - (8) Excluding multi-family residential dwellings, periodically inspect blue containers, green containers, and gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR section 18984.9(b)(3).
  - (9) Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated organic waste and source separated recyclable materials.
  - (10) To the extent applicable, provide education information before or within 14 days of occupation of the premises to new tenants that describes requirements to keep source separated organic waste and source separated recyclable materials separate

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from gray container waste (when applicable) and the location of containers and the rules governing their use at each property.

- (11) Provide or arrange access for the county or its agent to the commercial business's property(ies) during all compliance inspections conducted in accordance with section 13-53.
- (12) If a commercial business wants to self-haul, meet the self-hauler requirements in section 13-57 of this chapter.
- (13) Nothing this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR section 18984.9(c).

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-14. Requirements for solid waste haulers.**

- (a) No person shall provide residential, commercial, or industrial solid waste collection services within the unincorporated areas of the county without first obtaining a license from the public work's director, which will be memorialized in an agreement between the county and licensed hauler.
- (b) Persons providing residential, commercial, or industrial solid waste collection services to generators within the unincorporated areas of the county shall meet the following requirements and standards as a condition of initial and continued approval to collect and haul solid waste:
  - (1) Through written notice to the county, identify the facilities that recover source separated organic waste to which they will transport organic waste. Organic waste licensed haulers shall notify the county in writing within 30 days of any changes in or additions to the identified facilities.
  - (2) Transport source separated organic waste to a facility, operation, activity, or property that recovers and reduces landfill disposal of organic waste as defined in 14 CCR, division 7, chapter 12, article 2.
- (c) Persons authorized to collect solid waste pursuant to this section shall conduct annual route reviews of commercial and residential organic waste generators for prohibited container contaminants. Compliance with this subsection shall require a review of all routes on an annual basis but shall not require a review of each generator on the licensed hauler's route.

(Ord. No. 705, § 2, 10-4-22)

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**Sec. 13-15. Recovered organic waste and recycled paper procurement requirements.**

- (a) County departments and direct service providers to the county of landscaping maintenance, renovation, and construction shall:
- (1) As reasonably practicable, use compost and mulch for all landscaping renovations, construction, or maintenance performed for the county that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR, division 7, chapter 3.1, article 1, section 17852.
  - (2) Keep and provide records of procurement of recovered organic waste products (either through purchase or acquisition) to county, 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 products 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 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 county. 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

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with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) section 260.12(2013).

- (5) Provide records to the county's recovered organic waste product procurement recordkeeping designee, in accordance with the county's recycled-content paper procurement policy(ies) of all paper products and printing and writing paper purchases within 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 county. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in subsections (3) and (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.
- (c) The public works director, in collaboration with the county's purchasing department, shall develop and maintain reasonable policies and procedures consistent with this section.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-16. Waivers for generators.**

- (a) The county may waive a commercial business' obligation (including multi-family residential dwellings) to comply with some or all of the organic waste requirements of this ordinance if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described in) below. Commercial businesses requesting a de minimis waiver shall:
  - (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation noted below.
  - (2) Provide documentation that either:
    - a. The commercial business' total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
    - b. The commercial business' total solid waste collection service is less than two cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than 10 gallons per week per applicable container of the business' total waste.
  - (3) Notify county if circumstances change such that commercial business's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

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- (4) Provide written verification of eligibility for de minimis waiver every five years, if county has approved de minimis waiver.
  - (b) The county may waive a commercial business' or property owner's obligations (including multi-family residential dwellings) to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the county has evidence from its own staff, a licensed 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. A commercial business or property owner may request a physical space waiver through the following process:
    - (1) Submit an application to the public works department specifying the type(s) of collection services for which they are requesting a compliance waiver.
    - (2) Provide documentation that the premises lacks adequate space for blue containers and/or green containers including documentation from its licensed hauler, licensed architect, or licensed engineer.
    - (3) Provide written verification to county that it is still eligible for physical space waiver every five years, if the county has approved application for a physical space waiver.

(Ord. No. 705, § 2, 10-4-22)

**Secs. 13-17—13-29. Reserved.**

### ***ARTICLE III. LICENSING FOR SOLID WASTE COLLECTION***

**Sec. 13-30. License required.**

For the purpose of protecting the public health and safety and the environment, and pursuant to regulations adopted by the public works director, the public works director shall issue non-exclusive solid waste hauler licenses to persons or entities making application for a license pursuant, and subject to, the provisions of this article, and the agreements between the county and licensed haulers.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-31. Solid waste collection license.**

After completion of the application process set forth in section 13-32 of this article, the public works director may issue a non-exclusive license to an applicant for a solid waste hauler license, subject to appropriate terms and conditions set forth in the license, which terms and conditions shall be consistent with this chapter and with the regulations adopted pursuant thereto.



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- (1) *License content.* The solid waste hauler license shall include all the requirements of this chapter including, but not limited to, the responsibilities of solid waste hauler licensees as set forth in section 13-37 through section 13-40, the rules, regulations, and established standards set by the board under sections 13-6 and 13-10, and the policies and procedures established by the public works director under section 13-7.
  - (2) *License term.* Licenses issued pursuant to this section shall be valid for ~~three~~ten years from the date of issuance. Such licenses shall be renewable subject to compliance with a renewal application procedure to be developed by the public works director.

(Ord. No. 705, § 2, 10-4-22)

### **Sec. 13-32. License application process.**

The public works director and director of the public health department are responsible for the review and evaluation of applications for solid waste hauler licenses. Upon receipt of an application and the required fees, the public works director shall forward a copy of the application to the director of the public health department.

- (1) Every application for a solid waste collection license must be accompanied by the fee required under section 13-33 below and shall contain at least the following information:
  - a. The name, address and business telephone number the of the applicant.
  - b. A comprehensive description of the proposed schedule for solid waste hauling days and time.
  - c. A comprehensive statement setting forth the applicant's experience in providing commercial solid waste hauling services in the past.
  - d. A complete description of the comprehensive system to be used by the applicant to meet the landfill diversion requirements set forth in subsection 13-37(a)(6) of this chapter, in the event that the applicant does not intend to comply with the requirement set forth in subsection 13-37(a)(6). Prior to the issuance of a license, the public works director must make a determination that such diversion system meets the requirements of this chapter and will not in any way jeopardize the county's ability to comply with the requirements set forth in Public Resources Code section 41780.
- (2) The director of the public health department shall make any inspections he deems necessary or appropriate and within 30 days shall report to the public works director with recommendations, including any recommendations for special license conditions relating to public health and safety.
- (3) The public works director shall review all applications and make such investigations as he deems necessary and appropriate.

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- (4) Upon the basis of the level of service proposed, any historical evidence as to the quality of service, the director of the public health department's recommendations, evidence submitted and results of any investigations, the public works director shall make a finding on the qualifications of the applicant under this chapter. On the basis of his findings, the public works director shall issue the license with appropriate conditions attached thereto, or he shall deny the application. If the public works director denies an application for a license, the applicant may request and shall be entitled to an appeal hearing before the board of supervisors.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-33. License application fee.**

Based upon the recommendation of the public works director, the board of supervisors shall establish a schedule of appropriate fees to cover the costs of processing and reviewing applications for solid waste hauler licenses. An application shall not be accepted by the public works director unless it is accompanied by the appropriate fee. An application which is mistakenly accepted without payment of the required fee shall be returned to the applicant without further processing.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-34. Exception to licensed hauler services.**

- (a) The following persons are not required to obtain a solid waste hauler license:
- (1) Professional gardeners and persons hauling special waste, such as clean-up people;
  - (2) Persons collecting dead animals, bones, meat scraps, grease, or other waste food products for rendering or animal food;
  - (3) Collectors of tires and salvaged recyclables;
  - (4) Persons who collect vegetable matter or food waste, without any charge, for use as food for animals;
  - (5) Licensed construction and demolition contractors removing construction and demolition waste from a residential or commercial premises using their own employees and equipment as an incidental part of a comprehensive service offered by such contractor and in compliance with applicable law.
  - (6) Generators of hazardous waste (including household hazardous waste), medical waste, liquid waste and designated waste disposing of such materials in accordance with applicable law;
  - (7) Persons who provide solid waste collection under license, permit, contract with other governmental entities in the unincorporated areas of the county.

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(b) The persons listed in subsections (a)(1) through (4) above, shall be subject to the following provisions:

- (1) They shall register in accordance with subdivision section 13-35;
- (2) They shall comply with all applicable health and safety requirements and standards for the collection, storage, processing and transportation of solid waste of that type.
- (3) They shall comply with all reasonable and applicable policies, regulations and procedures adopted or established by the public works director in accordance with section 13-7.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-35. Registration of solid waste collection and processing.**

Except as set forth in subsection (1) below, and except within the City of Avenal, it shall be unlawful for any person in any unincorporated area of the county to collect, remove, dispose of, transport or process solid waste without first registering with the public works director.

- (1) Exceptions. The following persons are not required to register:
  - a. Persons holding a solid waste hauler license issued pursuant to article III of this chapter;
  - b. Persons within their own homes, whether owned or rented, who perform salvage for their own purposes;
  - c. All publicly operated solid waste facilities which operate under state permit;
  - d. The member agencies of KWRA, and those persons who, collect, remove, dispose of, transport or process solid waste under license, permit, or contract issued or entered into by said member agencies of KWRA.
- (2) All solid waste processors, licensed haulers, consistent with the applicable agreement, may be required to prepare and submit an annual "report of solid waste processed" to the public works director. This report may be determined to be essential in monitoring the amount of solid waste diverted from land filling. The report shall contain, at a minimum, the following information.
  - a. The name of the person conducting the solid waste processing.
  - b. The type of solid waste processing conducted.
  - c. The total tonnage of solid waste processed.
  - d. The type of and tonnage of solid waste processed as recyclables.
  - e. The destination of the solid waste processed as recyclables.

(Ord. No. 705, § 2, 10-4-22)

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**Sec. 13-36. Licenses for cities and districts.**

Licenses may be issued to cities and special districts for collection outside their jurisdictions under the same terms and conditions set forth in this chapter.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-37. Responsibility of solid waste hauler licensees.**

- (a) In addition to other requirements of this chapter, each licensed hauler shall comply with the following requirements:
- (1) *Performance standards.* The licensed hauler shall provide solid waste collection service in compliance with the performance standards adopted by the board by resolution.
  - (2) *Litter and nuisance prevention.* The licensed hauler shall be responsible for the prevention of littering or the creation of a nuisance at the loading point, during loading, during transport, and during unloading operations.
  - (3) *Regular collection schedule.* The licensed hauler shall provide a minimum regular collection schedule for his or her customers. The licensee may change the regular collection schedule, consistent with the terms of the county agreements with licensed haulers but only after giving the county public works department and each of the effected customers at least 30 days notice of the proposed change.
  - (4) *Operating records.* The licensed hauler shall keep and maintain such operating records as the public works director may require to ascertain the extent of compliance with this chapter, and shall, if so requested by the public works director, submit periodic reports of his or her operations.
  - (5) *Customer complaints.* The licensed hauler shall maintain a record of customer complaints, to include a record of the action taken to resolve each complaint. Such record shall be available for inspection by the public works director for a period of at least three years.
  - (6) *Landfill diversion requirements.* The licensed hauler shall collect, remove, and transport solid waste in compliance with this chapter and other applicable law, including, but not limited to, 14 CCR section 18988.2. Such compliance shall include disposal of solid waste at the appropriate facility or operation for that type of waste, pursuant to the system of recovery and recycling is or may subsequently be developed and used by KWRA) for recycling by KWRA to the KWRA Materials Recovery Facility/Transfer Station located at 7803 Hanford-Armona Road, Hanford, California. The county shall have the right to approve any change in the designated disposal facility in its sole and absolute discretion. The county shall notify the licensed hauler in writing of any changes in or additions to the designated disposal facility.

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~~(7) KWRA use agreement. Prior to, or at the time of, entering into an agreement with the county, a licensed hauler shall enter into an agreement (use agreement) with KWRA which guarantees that KWRA will accept the licensed hauler's solid waste and recyclables for the term of the license and guarantees that the licensed hauler will deliver all such solid waste and recyclables to KWRA's designated facility. A current executed copy of the use agreement shall be a condition of the license, and failure to comply with such use agreement shall be grounds for revocation of the license.~~

(78) *Customer lists.* The licensed hauler shall keep and maintain a current list of customers with name, telephone number, address and type of service and shall make such list available to the public works director or his designee upon request.

- (b) *Identification requirement.* The identification of solid waste containers and vehicles used in the collection and transport of solid waste shall be governed by 14 CCR sections 17316 and 17344.
- (c) *Transportation requirements.* Hauling of solid waste and parking of solid waste vehicles.
- (1) The hauling of solid waste on public roads or highways shall be governed by Vehicle Code sections 23114 and 23115.
  - (2) The parking of solid waste collection and transportation vehicles shall be governed by 14 CCR section 17343.
  - (3) Vehicle and equipment inspection. Subject to the provisions of existing law, the vehicles and equipment of a licensed hauler may be inspected by the director of the public health department at any reasonable time, at the point of operation or at the licensed hauler's service yard.
- (d) *Insurance requirements.* Solid waste hauler licensees shall be responsible for obtaining and maintaining during the entire term of their license and all renewals thereof a policy of public liability and property damage insurance in amount to be established by the public works director after consultation with the county's risk manager. A license shall not be issued by the public works director until the applicant has submitted a certificate of such insurance to the public works department.
- (e) *Compliance with agreement with county.* Licensed haulers shall at all times during the term of its agreement with the county, and any extension thereof, comply with the terms and conditions of their agreement with the county.
- (f) *Three-container system.* Licensed haulers shall provide green, blue and gray containers to all residential and commercial premises for the collection of discarded materials, consistent with agreement between the county and licensed haulers.

(Ord. No. 705, § 2, 10-4-22)

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**Sec. 13-38. Office and customer information requirements.**

Each licensed hauler shall establish and maintain an office where service may be applied for and complaints made. The office shall be equipped with a listed telephone, to which calls from customers may be placed without payment of a toll. In addition, each licensed hauler shall provide a 24-hour, seven-day-a-week emergency telephone number for the use of the county and customers in the event of an emergency. Each licensed hauler shall supply all serviced premises with printed information cards containing information regarding amounts of solid waste which will be collected, proper source separation guidelines consistent with the three-container system of blue, green and gray containers, complaint procedures, rates, regulations, and days of collection. Information cards shall be provided to each customer at the time of subscription, upon request, and in advance of route, rate, or regulation changes.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-39. Billing procedures and practices.**

All subscribers of services provided by a licensed hauler shall be billed directly by that licensed hauler. Such bills may be paid by check, cash, or credit card. For periods of vacancy when a subscriber will not require any services from a licensed hauler, the subscriber may request a temporary discontinuation of service and related charges. Any such discontinuation will take effect after an initial vacancy period of 30 days and, unless the licensed hauler agrees otherwise, will be for a minimum period of 30 days.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-40. Delinquent accounts; liens.**

Any account with unpaid charges for three months or longer shall be considered a delinquent account. At the request of a licensed hauler, and upon the submission to the county of appropriate information demonstrating that an account is delinquent, the county will send a letter to the owner of the property with the delinquent account and request payment within 30 days. If complete payment is not received by the owner of the property within 60 days, the county may place a lien on the property in accordance with Government Code section 25828, and proceed to collect any unpaid amounts in the manner set forth therein. All amounts collected by the county pursuant to this section shall be remitted in full to the licensed hauler, less any offset for amounts due the county from that licensed hauler.

(Ord. No. 705, § 2, 10-4-22)

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**Sec. 13-41. Nonliability of county.**

Neither the county nor any of its officers or employees shall be liable, or in any way responsible, for the payment of any service rates or charges due a licensed hauler for performing services for any person or entity other than the county.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-42 Revocation of license.**

The Director may revoke a license issued under this chapter for violating any provisions of this chapter or the licensee's agreement with the county upon giving hauler ten days' written notice. Material breaches of the agreement between the hauler and county are violations of this chapter and a violation of a hauler's license,

**Sec. 13-43. Appeal revocation of license.**

The hauler may contest the director's decision denying the issuance of a license or revoking the license by completing a notice of appeal form and filing it with the director within 10 days of hauler's receipt of the notice of denial or revocation. The license revocation shall be stayed upon the filing of a request for an appeal.

**13-44. Hearing.**

The hearing officer shall be one of the members of the board of supervisors appointed by the chairperson of the board. The board member in whose district the violation has occurred shall not be appointed as the hearing officer.

**Sec. 13-45. Hearing procedure.**

- (a) When the notice of appeal form has been completed and filed public works shall request the chairperson of the board of supervisors to appoint a hearing officer and, when that has been done, shall set the matter for hearing.
- (b) A hearing before the hearing officer shall be set for a date not more than 60 days from the date that the notice of appeal is filed in accordance with the provisions of this chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
- (c) The hearing officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person caused or maintained the violation of this chapter.
- (d) The responsible person contesting the license denial or revocation or shall be given the opportunity to testify and present witnesses and evidence concerning either a license denial or revocation, and to cross examine witnesses and question evidence.

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- (e) The failure of any appellant to appear at the scheduled hearing shall constitute abandonment of the appeal and a failure to exhaust administrative remedies.
- (f) The denial or revocation notice and any additional documents submitted by the director shall constitute prima facie evidence of the respective facts contained in those documents.
- (g) At least ten days prior to the hearing, the hauler or license applicant shall be provided with copies of the denial or revocation notice, reports and other documents submitted or relied upon by director. If the director submits any additional written report or other documentary evidence concerning the license denial or revocation for consideration at the hearing, then a copy of each such report or document shall also be served by mail on the person requesting the hearing at least five days prior to the date of the hearing. No other discovery is permitted. Formal rules of evidence shall not apply. Evidence shall be admitted in the hearing if it is the kind of evidence upon which a reasonable person would rely in the conduct of serious affairs.
- (h) At least ten days prior to the hearing, the hauler or license applicant shall be provided with copies of the denial or revocation notice, reports and other documents submitted or relied upon by director. If the director submits any additional written report or other documentary evidence concerning the license denial or revocation for consideration at the hearing, then a copy of each such report or document shall also be served by mail on the person requesting the hearing at least five days prior to the date of the hearing. No other discovery is permitted. Formal rules of evidence shall not apply. Evidence shall be admitted in the hearing if it is the kind of evidence upon which a reasonable person would rely in the conduct of serious affairs.
- (i) The hearing officer may continue the hearing and request additional information from the director or the hauler prior to issuing a written decision.

**Sec. 13-46. Hearing officer's decision.**

- (a) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten days of the hearing to uphold or deny license denial or revocation and shall state in the decision the reasons for that decision.
- (b) The appellant shall be served with a copy of the hearing officer's written decision by the director by depositing a copy thereof in the United States Mail with postage prepaid.

**Sec. 13-47. Appellate review by board of supervisors.**

Within seven days of the date of mailing of the hearing officer's written decision, either the department or the appellant may file a written request with the department for appellate review by the board of supervisors. The written request for review by the board shall include a short statement of the grounds for appeal and shall be



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accompanied by the appeal filing fee. The appeal filing fee shall be established by the board in an amount sufficient to cover the costs of processing the appeal. The board may, but is not required to, refund the filing fee if the board determines that the appeal has merit.

Review by the board of supervisors shall be heard by a three-member panel of the board members, who shall be appointed by the chairperson of the board. Neither the board member who has acted as the hearing officer nor the board member in whose district the violation occurred may be appointed as one of the members of the review panel.

The conduct of the review panel hearing of the matter shall be as set forth in sections 13-43-13-47 above. Review of the matter by the panel shall be de novo.

**Secs. 13-427—13-52. Reserved.**

#### ***ARTICLE IV. ENFORCEMENT AND PENALTIES***

##### **Sec. 13-53. Inspections and investigations.**

- (a) County 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 generators, commercial businesses (including multi-family residential dwellings), property owners, collectors, licensed haulers, self-haulers subject to applicable laws. This section does not authorize county or any designee to enter the interior of a private residential property for inspection without authorized consent or a lawful warrant.
- (b) All entities subject to this chapter shall provide or arrange for access to all areas subject to inspection during the inspection (with the exception of residential property interiors) and shall cooperate with the county's representative or designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, records, or any other requirement of this chapter described herein. Failure to provide or arrange for access to an entity's 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 the county during its inspection and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code section 6250 et seq.
- (d) County 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

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complaint of non-compliance, as reasonably necessary to ensure compliance with this chapter. The county may, in its discretion, authorize licensed haulers to perform certain inspection and/or investigation activities under this section pursuant to the terms of the agreement with the licensed hauler and as authorized by law.

- (e) Persons who know or reasonably suspect that an entity or person is not in compliance with this chapter and SB 1383 regulations may file a written complaint with the county. The director of public works shall develop procedures for receipt of such written complaints, including those that are made anonymously.

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-54. Enforcement.**

- (a) Except as otherwise specifically provided in this chapter, the director of the public health department shall be responsible for the enforcement of this chapter and the rules and regulations adopted by the board.
- (b) The director of the public health department shall have authority to enter, at any reasonable hour, upon the premises of any person regulated by articles III and IV of this chapter to determine compliance with this chapter and the rules and regulations adopted by the board.
- (c) Education period for non-compliance. Upon the effectiveness of this chapter and through December 31, 2023, county or its designee will conduct inspections, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance with this chapter, consistent with section 13-53. If the county determines that any organic waste generator, hauler, or other entity is not in compliance, county, 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.
- (d) Violation of any provision of this chapter is grounds for issuance of a notice of violation. Persons issued a notice of violation shall correct any noncompliance with this chapter within 60 days of the notice's issuance. Nothing in this chapter precludes the county from using any other available method, including, without limitation, issuance of administrative citations in accordance with chapter 1A of this Code, for violations of this chapter.

Consistent with chapter 1A of this Code, the penalty levels are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$100.00 per violation.
  - (2) For a second violation, the amount of the base penalty shall be \$200.00 per violation.
  - (3) For a third violation, the amount of the base penalty shall be \$500.00 per violation.
- (e) Civil penalties for non-compliance. Beginning January 1, 2024, if the county determines that a generator of solid waste, hauler, or other entity is not in compliance with this

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chapter, the noncompliance will be documented, and appropriate enforcement action may be taken.

- (f) Compliance deadline extension considerations. County 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 capacity and the county is under a corrective action plan with CalRecycle pursuant to 14 CCR section 18996.2 due to those deficiencies.
- (g) *Use of available enforcement methods.* The county may use any available method authorized in this Code, state law, or federal law to enforce the provisions of this chapter.
- (h) The remedies available to the county 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 county, state, or federal law.

(Ord. No. 705, § 2, 10-4-22)

### **Sec. 13-55. Violations.**

In addition to the administrative citations under section 13-54, the county may charge violations of this chapter as follows:

- (1) *Misdemeanors.* Any person violating any of the provisions of the source separation requirements under sections 13-12 and 13-13 of this chapter shall be guilty of a misdemeanor and shall be punishable as provided in section 1-8 of this Code.
- (2) *Infractions.* Any person violating any of the provisions of sections 13-11 and 13-35 of this chapter shall be guilty of an infraction and shall be punishable as provided in section 1-8.1 of this Code.
- (3) *Citation.* In addition to or in lieu of other enforcement powers set forth in this chapter, the public works director and the director of the public health department shall have the authority to issue citations for violations of this chapter which are made a misdemeanor or an infraction.

(Ord. No. 705, § 2, 10-4-22)

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**Sec. 13-56. 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 board 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.

(Ord. No. 705, § 2, 10-4-22)

***ARTICLE V. SELF-HAULER REGULATIONS***

**Sec. 13-57. Self-haulers.**

- (a) Self-haulers shall source separate all recyclable materials and organic waste (materials that county otherwise requires generators to separate for collection in the three-container system organics and recycling collection program) generated on-site from solid waste in a manner consistent with 14 CCR sections 18984.1 and 18984.2.
- (b) Self-haulers shall haul their source separated recyclable materials and their source separated green container organic waste to a KWRA.
- (c) Self-haulers that are commercial businesses (including multi-family residential dwellings) 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 county. 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.
- (d) Generators located in areas subject to low population waivers granted by CalRecycle, and haulers and self-haulers operating or located within exempt areas of the county, are not required to comply with the SB 1383 regulations for the duration of an exemption issued pursuant to 14 CCR section 18984.12.

(Ord. No. 705, § 2, 10-4-22)

***ARTICLE VI. EDIBLE FOOD RECOVERY***

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**Sec. 13-58. Requirements for commercial edible food generators.**

- (a) Tier one commercial edible food generators must comply with the requirements of this chapter commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024.
- (b) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facility operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial edible food generators shall comply with the following requirements:
  - (1) Arrange to recover the maximum amount of edible food that would otherwise be disposed.
  - (2) Contract with, or enter into a written agreement with food recovery organizations or food recovery services for:
    - a. The collection of edible food for food recovery; or
    - b. Acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
  - (3) Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.
  - (4) Allow the county's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR section 18991.4.
  - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - a. A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR section 18991.3(b).
    - b. A copy of all contracts or written agreements established under 14 CCR section 18991.3(b).
    - c. A record of the following information for each of those food recovery services or food recovery organizations:
      - 1. The name, address and contact information of the food recovery service or food recovery organization.
      - 2. The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.
      - 3. The established frequency that food will be collected or self-hauled.

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4. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.
  - (6) Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added article 13 [commencing with section 49580] to chapter 9 of part 27 of division 4 of title 2 of the Education Code, and to amend section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

(Ord. No. 705, § 2, 10-4-22)

**Sec. 13-59. Requirements for food recovery organizations and other jurisdictions.**

- (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.

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- (4) Food recovery organizations and food recovery services that have their primary address physically located in the county and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR section 18991.3(b) shall report to the county the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to 14 CCR section 18991.3(b) no later than March 1 of each year.
- (c) Food recovery capacity planning.
- (1) *Food recovery services and food recovery organizations.* In order to support edible food recovery capacity planning assessments or other studies conducted by the county or an entity specified under subsection (b), food recovery services and food recovery organizations operating in the county shall provide information and consultation to the county, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the county and its commercial edible food generators. A food recovery service or food recovery organization contacted by the county shall respond to such request for information within 60 days.
- (2) *Jurisdictions and regional agencies.* Cities, special districts that provide solid waste collection services, and regional agencies located within the county shall conduct edible food recovery capacity planning, in coordination with the county.
- a. If the county identifies that new or expanded capacity to recover edible food is needed, then each jurisdiction within the county that lacks capacity shall:
1. Submit an implementation schedule to CalRecycle and the county that demonstrates how it will ensure there is enough new or expanded capacity to recover the edible food currently disposed by commercial edible food generators within its county by the end of the reporting period set forth in 14 CCR section 18992.3. The implementation schedule shall include the information specified in 14 CCR section 18992.2(c)(1)(A).
  2. Consult with food recovery organizations and food recovery services regarding existing or proposed new and expanded capacity that could be accessed by the county and its commercial edible food generators.
- b. If the county finds that new or expanded capacity is needed, the county shall notify the jurisdictions that lack sufficient capacity.
- c. Cities, special districts that provides solid waste collection services, or regional agencies contacted by the county pursuant to this section shall respond to the county's request for information within 120 days of receiving the request from the county.

(Ord. No. 705, § 2, 10-4-22)

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**Sec. 13-60. Edible food recovery investigation and enforcement.**

- (a) Upon the effectiveness of this section, and through December 31, 2023, county or its designee will conduct inspections and compliance reviews, depending upon the type of regulated entity, to determine compliance with this article. If the county determines that any tier one commercial edible food generator, food recovery organization, food recovery service, or other entity to which this section applies is not in compliance, county or designee shall provide educational materials to the entity describing its obligations under this section and a notice that compliance is required and that violations may be subject to civil penalties starting on January 1, 2024.
- (b) Beginning January 1, 2024, if the county determines that tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity to which this article applies is not in compliance with this article, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action as provided in this subsection. Nothing in this section precludes the county from using any other available method, including, without limitation, issuance of administrative citations in accordance with chapter 1A of this Code, for violations of this article.
- (c) County 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 edible food recovery capacity and the county is under a corrective action plan with CalRecycle pursuant to 14 CCR section 18996.2 due to those deficiencies.
- (d) The county may use any available method authorized in this Code, state law, or federal law to enforce the provisions of this article.

(Ord. No. 705, § 2, 10-4-22)





# COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362  
Catherine Venturella, Clerk of the Board of Supervisors

## AGENDA ITEM April 4, 2023

**SUBMITTED BY:** Administration – Kyria Martinez/Matthew Boyett

**SUBJECT:** STUDY SESSION ON SENATE BILL 1383

**SUMMARY:**

**Overview:**

In 2016, the Senate passed Senate Bill (SB) 1383 with the goal of reducing 50 percent of organic waste from levels produced in 2014 by the 2020 calendar year and 75 percent by 2025. SB 1383 regulations and mandates went into effect January 2022 with all jurisdictions required to comply. Jurisdictions have the autonomy to implement SB 1383 via a free market or franchise zone model. The County has conducted meetings with County staff and outside hauling agencies to gather information on what implementation and impacts could exist for both models. This study session will provide information on various implementation impacts of both models for Board consideration.

**Recommendation:**

- a. Receive information on Senate Bill 1383 implementation impacts of both the free-market and franchise zone models;
- b. Direct staff, as necessary, to take actions as deemed necessary for the implementation of Senate Bill 1383.

**Fiscal Impact:**

Staffing needs have long been the main cost contributor for implementation, as they would be needed for monitoring, reporting, education, and enforcement depending on the chosen model. Currently, Environmental Health Officers are tasked with County SB 1383 activities. The free-market model is currently estimated to cost around \$292,342 in the first year and would pay for 2.0 full-time equivalent (FTE) positions to handle monitoring compliance, preparing reports, generator education and outreach, and handling enforcement, including costs for office space and supplies. The franchise zone model is estimated to cost around \$196,171 in the first year for 1.0 FTE to handle enforcement and reporting, also including costs for office space and supplies. At this time, it is still unknown what cost recovery structure the County implements, and how the County will handle fine collection revenue. As a result, it is unknown how much, if any, of these costs will have a negative net impact to General Fund or any Public Health funds.

(Cont'd)

**BOARD ACTION:**

APPROVED AS RECOMMENDED: \_\_\_\_ OTHER: \_\_\_\_

I hereby certify that the above order was passed and adopted  
on \_\_\_\_\_, 2023.

CATHERINE VENTURELLA, Clerk of the Board

By \_\_\_\_\_, Deputy.

## **Agenda Item**

### **STUDY SESSION ON SENATE BILL 1383**

**April 4, 2023**

**Page 2 of 2**

#### **BACKGROUND:**

On March 15, 2022, the Board adopted a resolution approving a Notice of Intent to Comply (NOIC) to CalRecycle formalizing its intent to meet the terms of the recycling regulations outlined in SB 1383. On May 3, 2022, CalRecycle approved the County's NOIC application, which then started the formal process of drafting a Corrective Action Plan (CAP) for implementation.

On May 10, 2022, County staff provided the Board with a study session on County and generator impacts of both the free market and franchise zone models. At the conclusion of this study session, the Board directed staff to implement SB 1383 via the free market model.

County staff have since been working with current permitted haulers and CalRecycle on implementing SB 1383 under the Board's direction of a free market model. Concurrently, County staff have worked with CalRecycle on finalizing the CAP, which outlines the specific tasks and due dates necessary to come into compliance with SB 1383. The CAP was finalized and approved by CalRecycle on February 3, 2023.

As County staff were finalizing the required non-exclusive license agreements for haulers in the county, some necessary amendments to the County's SB 1383 ordinance were identified. Those amendments were presented to the Board on March 28, 2023, where the first reading was waived, and the amendments introduced. During discussion of the ordinance amendments, the Board expressed a desire to have a study session brought back regarding the two implementation models.



## SB 1383 Study Session

*Implementation models and their impacts*

1



## Two ways to implement SB 1383

- **Free-Market**
  - Organic waste generators receive hauling services from a licensed hauler of their choice
    - Hauler must be licensed - issued by Public Works
  - Also allow “self-hauling” where organic waste generators can haul waste to Kings Waste and Recycling Authority (KWRA)
- **Franchise Zone**
  - The county is divided into defined franchise zones where certain haulers are awarded zones for service, and generators within those zones must procure services from that specific hauler
  - Generators must subscribe to service, however they may haul excess waste (waste outside the scope of their normal services, i.e. “demo day waste”, mattresses, etc.) to KWRA

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## County Impacts with Free Market Model

- County Department TBD
  - Staff
    - 2.0 FTE – Environmental Health Officer (EHO) → avg. \$91,171/FTE
      - Monitoring the Recyclist software to ensure compliance with self haulers
      - Generating, compiling required information
        - Preparing monthly reports to CalRecycle on self hauling activities
      - Creation and solicitation of educational products (education/outreach)
      - Self-hauler interaction and guidance
      - Processing violations pursuant to Kings County waste ordinance
  - Office Space
    - Build out → \$ 100,000 (one-time cost)
    - Supplies and IT equipment → \$10,000
  - Total Year 1 Cost = \$ 292,342 → Year 2+ = \$ 192,342
- More effort on County to ensure compliance due to more people potentially self hauling (if franchise model excludes self-haul)

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## Generator Impacts with Free Market Model

- Free choice
  - Procure service from preferred permitted hauler
  - Self-haul
- Little/no control over rates (increases and other service fees)
  - Potentially higher fees due to less route efficiency
    - Rural areas
  - Cost can potentially increase at any time for any reason (i.e. inflation, increased gas prices, investment recovery, etc.)
  - *Exception for self-haulers\**
- Flexibility (services v. self-haul)
- More responsibility if self-hauling
  - Must take source-separated waste to KWRA + have an account in the Recyclist software program for tracking
- Option to suspend service for vacation leaves

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## Generator Impacts with Free Market Model (Cont.'d)

- Option to self-haul to KWRA
  - Associated Costs
    - Permit/license/admin fee
      - 2,594 generators
        - Ex:  $\$292,342/2,594 = \$112.70$  License Fee Year 1 per generator  $\rightarrow \$74.15/\text{generator}$  per year thereafter
  - Responsibilities
    - Separating waste and hauling it to a single exclusive location
      - Some may not live close by
    - Reporting to the County via Recyclist software at KWRA

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## County Impacts with Franchise Model

- Department of Public Health – Environmental Health
  - Staff
    - 1.0 FTE – Environmental Health Officer  $\rightarrow$  avg.  $\$91,171/\text{FTE}$ 
      - Processing violations pursuant to Kings County waste ordinance
      - Coordinating required CalRecycle reporting
      - Ensure haulers/generators are complying
  - Office Space
    - Build out  $\rightarrow \$100,000$  (one-time cost)
    - Supplies and IT equipment  $\rightarrow \$5,000$
  - Total Year 1 Cost =  $\$196,171 \rightarrow$  Year 2+ =  $\$96,171$
- Less effort on County to ensure compliance due to franchise zone model potentially prohibiting self hauling

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## Generator Impacts with Franchise Model

- No choice
  - Anticipated that 85% of generators will keep their existing hauler, so 85% still get “free choice” essentially
- Controlled rates
  - Route and cart efficiencies, economies of scale
  - Exclusive, longer contracts = longer periods of time for haulers to spread investments → lowering costs to generators
- Admin cost
  - Ex: \$196,171/2,594 generators = \$75.63/generator Year 1 → \$37.08/generator per year thereafter
- Option to self haul to KWRA for excess (infrequent) waste
  - i.e. “demo day”, mattress, etc.
- Option to suspend service for vacation leaves
- Addition hauler services (benefits to County as well due to reducing illegal dumping, etc.)
  - Potentially less illegal dumping with such added services

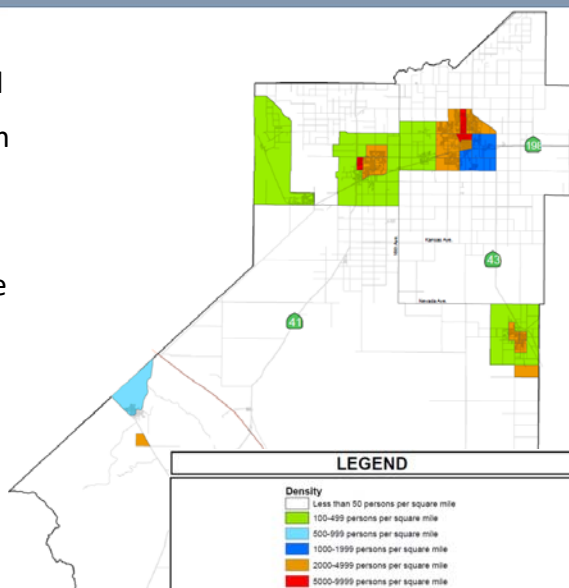
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## What does this look like for the county as a whole?

- Census Tracts colored in are all boundaries required to comply an implement mandates of SB 1383
- Non-colored Census Tracts are waived based on meeting the criteria of having less than 75 people per square mile
- Colored in Census Tracts include all jurisdictional responsibilities (County, cities, community service districts)



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## District 1

- [PDF Map](#)
- **Total Organic Waste Generators: 378**

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## District 2

- [PDF Map](#)
- **Total Organic Waste Generators: 490**

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## District 3

- [PDF Map](#)
- **Total Organic Waste Generators: 937**

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## District 4

- [PDF Map](#)
- **Total Organic Waste Generators: 391**

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## District 5

- [PDF Map](#)
- **Total Organic Waste Generators: 398**

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## Questions?



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