# AGENDA

ALISO VIEJO CITY COUNCIL
WEDNESDAY, NOVEMBER 03, 2021
6:30 PM CLOSED SESSION
7:00 PM REGULAR MEETING

City Hall
Council Chambers
12 Journey
Aliso Viejo, CA

**Mayor Tiffany Ackley**
**Mayor Pro Tem Ross Chun**
**Councilmember David C. Harrington**
**Councilmember Richard W. Hurt**
**Councilmember Mike Munzing**

## SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On September 16, 2021, Assembly Bill 361 (AB 361) was signed by Governor Newsom, to allow for the City Council to attend City Council meetings telephonically and for the public to participate in the City Council meeting by electronic means.

Given the health risks associated with COVID-19, state and local officials are recommending measures to promote social distancing; therefore, the City of Aliso Viejo will not have the Council Chambers open to the public for this meeting. Members of the public may access the meeting live using any of the following sources:

- Cox Communications Channel 851
- AT&T U-Verse Channel 99
- Online at www.avcity.org
- Online at https://attendee.gotowebinar.com/register/5071829854301970445

Public comments may be submitted by calling (949) 425-2509 to leave a recorded message by 4:00 pm on the day of the meeting or via email to Community-Input@avcity.org. Alternatively, public comments may be submitted by logging onto the meeting through this link and using the "Raise Hand" feature: https://attendee.gotowebinar.com/register/5071829854301970445. Comments are limited to three minutes each.

WELCOME to the City of Aliso Viejo City Council meeting.

It is the City's intention to comply with the Americans with Disabilities Act (ADA). If you need special assistance to participate in the meeting, the City will make reasonable arrangements to ensure accessibility and/or accommodations. [28 CFR 35.102-35.104 ADA Title II] Please contact the City Clerk's Office at (949) 425-2505 at least 48 hours prior to the meeting.

Regular meetings of the City Council are held on the first and third Wednesday of the month at the City Hall Council Chambers, 12 Journey, Aliso Viejo. Copies of the agenda are available in the lobby at City Hall preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items, including communications received after agenda delivery, are presented to the City Council and are available for review in the City Clerk's office, 12 Journey, Aliso Viejo. For more information, please contact City Hall at (949) 425-2505.

This meeting will be broadcast live on Cox Communications Channel 851, AT&T U-Verse Channel 99 and the City's website. By participating in the City Council Meeting, you are giving your permission to be televised. The Council Meetings are rebroadcast on Wednesday at 7:00 p.m. on Cox Communications Channel 851, AT&T U-Verse Channel 99, and can be viewed on the internet at www.avcity.org.

| | | |
|---|---|---|
| DAVID A. DOYLE | SCOTT C. SMITH | MITZI ORTIZ |
| CITY MANAGER | CITY ATTORNEY | CITY CLERK |

**PLEASE SILENCE ALL CELL PHONES AND OTHER**
**ELECTRONIC EQUIPMENT WHILE CITY COUNCIL IS IN SESSION**

## CALL TO ORDER: CONVENE SPECIAL MEETING

## PUBLIC COMMENTS

## CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 1

## CALL TO ORDER: CONVENE REGULAR MEETING

## ROLL CALL

## PLEDGE OF ALLEGIANCE:

## REPORT FROM CLOSED SESSION:

## 1. SPECIAL PRESENTATIONS:

1.1. RECOGNITION OF 2022 CALIFORNIA TEACHER OF THE YEAR SOVANTEVY "SOVEY" LONG-LATTERI
Certificate of Recognition

## 2. ADDITIONS, DELETIONS, REORDERING TO THE AGENDA:

## 3. COMMUNITY INPUT:

Members of the public wishing to address the City Council can submit public comments by calling (949) 425-2509 to leave a recorded by 4:00 pm on the day of the meeting or via email to Community-Input@avcity.org. Written comments will be read into the record and recorded messages will be aired during the meeting. Alternatively, public comments may be submitted by logging onto the meeting through this link and using the "Raise Hand" feature: https://attendee.gotowebinar.com/register/5071829854301970445. Comments are limited to three (3) minutes each. In compliance with the Brown Act, no discussion or action may be taken on comments received at this time, except the City Council may briefly respond to statements made or questions posed.

## 4. CONSENT CALENDAR:

All matters listed on the Consent Calendar will be acted upon by one vote unless members of the City Council, or staff request a matter to be discussed and/or removed from the Consent Calendar for separate action. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

4.1. WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS
**Recommended Action:** Approve the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

4.2. RESOLUTION EXTENSION AUTHORIZING VIRTUAL CITY COUNCIL MEETINGS PURSUANT TO ASSEMBLY BILL 361
**Recommended Action:** Move to reconfirm findings under AB 361 and extend Resolution No. 2021-27 to continue virtual meetings.
Staff Report
Attachment 1 - Resolution No. 2021-27

4.3. APPROVAL OF MINUTES
**Recommended Action:** Approve the Minutes as submitted for the October 20, 2021 Special Meeting and the October 20, 2021 Regular Meeting.
Draft Minutes - October 20, 2021 Special Meeting
Draft Minutes - October 20, 2021 Regular Meeting

4.4. ACCOUNTS PAYABLE

**Recommended Action:** Ratify accounts payable checks and electronic funds transfers issued October 14, 2021 in the amount of $524,393.23.

Staff Report

Attachment 1 - Accounts Payable Report

4.5. RESOLUTION APPOINTING CITY TREASURER

**Recommended Action:** Adopt a Resolution appointing a City Treasurer.

Staff Report

Attachment 1 - Resolution

Attachment 2 - Investment Policy

4.6. CITY SPONSORSHIP OF GIRL SCOUTS OF ALISO VIEJO COOKIE LOTTERY EVENT

**Recommended Action:** Approve City sponsorship of the annual Girl Scouts of Aliso Viejo Cookie Lottery Event.

Staff Report

4.7. REQUEST FOR STREET PARKING ON BROOKLINE

**Recommended Action:** Approve a request to modify the lane configurations on Brookline to allow for on-street parking.

Staff Report

Attachment 1 - Map

## 5. PUBLIC HEARINGS:

5.1. ORDINANCE RELATING TO SB 1383 REGULATIONS, PUBLIC HEARING REGARDING SOLID WASTE RATES, AND RESOLUTION AMENDING FRANCHISE AGREEMENT FOR SOLID WASTE SERVICES

**Recommended Action:**

1. Receive presentation on Senate Bill 1383 from CR&R;
2. Introduce and waive first reading of the ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 7.05 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL;
3. Conduct a public hearing on the solid waste rate increases; and
4. Adopt a Resolution approving the amended and restated integrated solid waste management services agreement with CR&R and adopting solid waste charges.

Staff Report

Attachment 1 - Ordinance

Attachment 2 - Resolution

Attachment 3 - Proposition 218 Notice

## 6. DISCUSSION:

6.1. ORDINANCE ADDING CHAPTER 10.08 TO TITLE 10 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING NAMING CITY STREETS

**Recommended Action:** Introduce an Ordinance Adding Chapter 10.08 to Title 10 of the Aliso Viejo Municipal Code regarding naming City streets and finding the ordinance not subject to the California Environmental Quality Act.

Staff Report

Attachment 1 - Ordinance

6.2. EMPLOYEE HEALTH BENEFIT ALLOWANCE

**Recommended Action:** Adopt a Resolution approving a $159.18 (7.64%) per month increase to the employee health benefit allowance, effective January 1, 2022.

Staff Report

Attachment 1 - Resolution

## 7. CITY MANAGER' S REPORT:

## 8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:

## 9. ADJOURNMENT:

The next regularly scheduled City Council meeting is November 17, 2021.

# Certificate of Recognition

*Presented to*

# Sovantevy Long-Latteri

*In honor of your exemplary commitment and dedication in serving as an educator. Congratulations on your selection as*

# 2022 California Teacher of the Year

*Presented this 3rd day of November, 2021*

*Tiffany Ackley, Mayor*

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: Mitzi Ortiz, Director of Government Services

SUBJECT: RESOLUTION EXTENSION AUTHORIZING VIRTUAL CITY COUNCIL MEETINGS PURSUANT TO ASSEMBLY BILL 361

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**Recommended Action:**

Move to reconfirm findings under AB 361 and extend Resolution No. 2021-227 to continue virtual meetings.

**Fiscal Impact:**

None.

**Background:**

Assembly Bill 361 ("AB 361"), effective October 1, 2021, waives certain provisions of the Ralph M. Brown Act and allows legislative bodies to meet virtually until January 1, 2024, provided there is a state of emergency and either:

1. state or local officials have imposed or recommended measures to promote social distancing; or
2. the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

Under AB 361, the City is not required to allow public access at teleconference locations; however, the City must provide access to meetings via a call-in option or internet-based service option so that members of the public may address the City Council in real time. Additionally, every 30 days the City Council must reconsider the state of emergency and make the determination to continue meeting virtually in accordance with AB 361.

**Discussion:**

On October 20, 2021, the City Council adopted Resolution No. 2021-27 authorizing virtual City Council meetings under AB 361, having found and determined that (1) a state of emergency related to COVID-19 is currently in effect; (2) state and local officials have

recommended measures to promote social distancing in connection with COVID-19; and (3) due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees.

Pursuant to AB 361, Resolution No. 2021-27 is effective for 30 days unless extended by motion and majority vote of the City Council for up to 30 additional days at a time. Staff will agendize this matter for consideration at each City Council meeting until such time as the state of emergency has been terminated or the City Council determines that conditions no longer exist to prevent meeting safely in person.

Staff recommends that the City Council move to reconfirm the findings in Resolution No. 2021-27 and approve the extension of the resolution.

**Attachment:**

1. Resolution No. 2021-27

**RESOLUTION NO. 2021-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING VIRTUAL CITY COUNCIL MEETINGS PURSUANT TO ASSEMBLY BILL 361**

**WHEREAS,** the Aliso Viejo City Council ("Council") is committed to preserving and nurturing public access and participation in meetings of the Council; and

**WHEREAS,** with the exception of closed sessions, all meetings of the Council are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in the Council's meetings; and

**WHEREAS,** starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing theCOVID-19 virus; and

**WHEREAS,** among other things, these orders waived certain requirements of the BrownAct to allow legislative bodies to meet virtually; and

**WHEREAS,** pursuant to the Governor's executive orders, the Council has been holding virtual meetings during the pandemic in the interest of protecting the health and safety ofthe public, staff, and Councilmembers; and

**WHEREAS,** the Governor's executive order related to the suspension of certain provisions of the Brown Act expires on September 30, 2021; and

**WHEREAS,** on September 16, 2021 the Governor signed Assembly Bill 361 (in effect asof October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would presentimminent risks to the health and safety of attendees; and

**WHEREAS,** such conditions now exist in Orange County, specifically, a state of emergency has been proclaimed related to COVID-19, state and local officials are recommending measures to promote social distancing, and because of the ongoing threatof COVID-19, meeting in person would present imminent risks to the health and safety of attendees;

**NOW, THEREFORE, BE IT RESOLVED BY THE ALISO VIEJO CITY COUNCIL AS FOLLOWS:**

**Section 1.** Recitals. The Recitals set forth above are true and correct and areincorporated into this Resolution by this reference.

**Section 2.** Remote Teleconference Meetings. Consistent with the provisions of Government Code Section 54953(e), the Council finds and determines that (1) a state ofemergency related to COVID-19 is currently in effect; (2) state and local officials have recommended measures to promote social distancing in connection with COVID-19; and (3) due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees. Based on such facts, findings and determinations, the Council authorizes staff to conduct remote teleconference meetings of the Council under the provisions of Government Code Section 54953(e).

**Section 3.** Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless earlier extended by a majority vote of the Council in accordance with Section 4 of this Resolution.

**Section 4.** Extension by Motion. The Council may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3).

**PASSED, APPROVED AND ADOPTED** this 20th day of October, 2021.

Tiffany Ackley
Mayor

APPROVED AS TO FORM:

Scott C. Smith
City Attorney

ATTEST:

Mitzi Ortiz, MMC
City Clerk

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss.
CITY OF ALISO VIEJO )

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. 2021-27 was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the 20th day of October 2021, by the following roll call vote, to wit:

AYES: Mayor Ackley, Mayor Pro Tem Chun, Councilmembers Harrington, Hurt and Munzing

NOES: None

ABSENT: None

MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
SPECIAL MEETING
October 20, 2021, 6:30 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

***City Council conducted this meeting in accordance with California Government Code Section 54953(e)(2) and COVID-19 pandemic protocols.***

**CALL TO ORDER:** Mayor Ackley called the Special Meeting of the City Council of the City of Aliso Viejo to order at 6:30 p.m.

**ROLL CALL:**

PRESENT: MAYOR TIFFANY ACKLEY *(via teleconference)*
MAYOR PRO TEM ROSS CHUN *(via teleconference)*
COUNCILMEMBER DAVID C. HARRINGTON *(via teleconference)*
COUNCILMEMBER RICHARD W. HURT *(via teleconference)*
COUNCILMEMBER MIKE MUNZING *(via teleconference)*

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY

**PUBLIC COMMENTS:**

None.

**CLOSED SESSION:**

CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Gov't Code section 54957.6
Agency designated representatives: Mayor and City Manager
Unrepresented employees: All Employees

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code section 54956.8
Property: 38 Meridian Drive, Unit 27, Aliso Viejo, 92656
Agency Negotiators: City Manager and City Attorney
Negotiating Parties: City of Aliso Viejo, Kelsey Lawrence and/or their authorized agent(s)
Under Negotiation: Price and terms of payment

**REPORT FROM CLOSED SESSION:**

City Attorney Scott Smith stated there was no reportable action.

**ADJOURNMENT:** Mayor Ackley adjourned the meeting at 7:05 p.m. to the October 20, 2021 Regular City Council Meeting.

Respectfully submitted:

_____
MITZI ORTIZ, MMC
CITY CLERK

Approved by:

_____
TIFFANY ACKLEY
MAYOR

DRAFT

CITY OF ALISO VIEJO
CITY COUNCIL MINUTES
REGULAR MEETING
October 20, 2021, 7:00 P.M.
Council Chambers, City Hall, 12 Journey
Aliso Viejo, California

***City Council conducted this meeting in accordance with California Government Code Section 54953(e)(2) and COVID-19 pandemic protocols.***

**CALL TO ORDER:** Mayor Ackley called the Regular Meeting of the City Council of the City of Aliso Viejo to order at 7:11 p.m.

**ROLL CALL:**

PRESENT: MAYOR TIFFANY ACKLEY *(via teleconference)*
MAYOR PRO TEM ROSS CHUN *(via teleconference)*
COUNCILMEMBER DAVID C. HARRINGTON *(via teleconference)*
COUNCILMEMBER RICHARD W. HURT *(via teleconference)*
COUNCILMEMBER MIKE MUNZING *(via teleconference)*

ABSENT: NONE

STAFF PRESENT: DAVID A. DOYLE, CITY MANAGER
SCOTT C. SMITH, CITY ATTORNEY
MITZI ORTIZ, CITY CLERK
PAUL ESPINOZA, INTERIM ADMINISTRATIVE SERVICES DIRECTOR
SHAUN PELLETIER, PUBLIC WORKS DIRECTOR
OMAR DADABHOY, COMMUNITY DEVELOPMENT DIRECTOR
LIZZY MENDOZA, ACTING RECREATION & COMMUNITY SERVICES DIRECTOR
ISAAC AZIZ, INFORMATION TECHNOLOGY MANAGER
CAPT. CHAD KAJFASZ, CHIEF OF POLICE SERVICES

**PLEDGE OF ALLEGIANCE:** City Manager David Doyle led the pledge of allegiance.

**REPORT FROM CLOSED SESSION:**

City Attorney Scott Smith stated there was no reportable action.

**1. SPECIAL PRESENTATIONS:**

1.1. RECOGNITION OF ALISO VIEJO RANCH DESIGN AND CONSTRUCTION TEAM

Mayor Ackley introduced a video and presented plaques in recognition of Jim Wilson (Thirtieth Street Architects), Bob Everhart (Robert A. Everhart Consulting), and Doug Grove (RHA Landscape Architects-Planners). Councilmembers and City Manager David Doyle commended the recipients.

1.2. ORANGE COUNTY HOUSING FINANCE TRUST UPDATE

Mayor Ackley introduced Grant Henninger (Orange County Housing Finance Trust), who provided the presentation.

## 2. ADDITIONS, DELETIONS, REORDERING TO THE AGENDA:

None.

## 3. COMMUNITY INPUT:

None.

## 4. CONSENT CALENDAR:

Unless otherwise indicated below, the following pertains to all items on the Consent Calendar.

**Motion:** Mayor Pro Tem Chun moved and Councilmember Harrington seconded to approve the recommended actions. Motion carried 5-0.

4.1. WAIVE THE READING OF ALL ORDINANCES AND RESOLUTIONS

**Recommended Action:** Approve the reading by title only of all ordinances and resolutions wherein the titles appear on the public agenda; said titles shall be determined to have been read by title, and further reading is waived.

4.2. APPROVAL OF MINUTES

**Recommended Action:** Approve the Minutes as submitted for the October 6,2021 Regular Meeting.

4.3. ACCOUNTS PAYABLE

**Recommended Action:**

1. Ratify accounts payable checks and electronic funds transfers issued September 30, 2021 in the amount of $505,963.09; and

2. Ratify accounts payable checks and electronic funds transfers issued October 7, 2021 in the amount of $790,050.75.

4.4. TREASURER'S STATEMENT – AUGUST 2021

**Recommended Action:** Approve August 2021 Treasurer's Statement.

4.5. COMMUNITY FACILITIES DISTRICT NO. 2005-01 (GLENWOOD AT ALISO VIEJO) ANNUAL REPORT FISCAL YEAR 2021/22

**Recommended Action:** Staff recommends that the City Council accept and file the Community Facilities District No. 2005-01 (Glenwood at Aliso Viejo) Annual Report for Fiscal Year 2021/22.

4.6. RESOLUTION AUTHORIZING VIRTUAL CITY COUNCIL MEETING PURSUANT TO ASSEMBLY BILL 261

**Recommended Action:** Adopt Resolution No. 2021-27 making required finding and authorizing virtual City Council meetings pursuant to Assembly Bill 361.

## 5. PUBLIC HEARINGS:

None.

## 6. DISCUSSION:

6.1. ORDINANCE ADDING CHAPTER 10.08 TO TITLE 10 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING NAMING CITY STREETS

City Manager David Doyle introduced Public Works Director Shaun Pelletier, who provided an overview. Staff responded to questions regarding required support of neighboring businesses. Councilmembers commented on the matter.

**Recommended Action:** Introduce an Ordinance to the City Council of the City of Aliso Viejo Adding Chapter 10.08 to Title 10 of the Aliso Viejo Municipal Code regarding naming City streets and finding the ordinance not subject to the California Environmental Quality Act.

**Motion:** Councilmember Harrington moved and Councilmember Hurt seconded to amend the ordinance to require unanimous consent of stakeholders. Motion carried 5-0.

## 7. CITY MANAGER' S REPORT:

City Manager David Doyle wished residents a safe and happy Halloween.

**8. ANNOUNCEMENTS / COUNCIL COMMENTS / COMMITTEE UPDATES:**

Councilmember Harrington: None.

Councilmember Munzing: None.

Councilmember Hurt:
- Toured Orange County Sheriff's Regional Training Academy

Mayor Pro Tem Chun:
- Attended SCAG Transportation Committee Meeting
- Attended League of California Cities Board of Directors Meeting
- Attended California Asian & Pacific Islander Legislative Caucus movie screening
- Attended Aliso Viejo Chamber of Commerce Networking Breakfast
- Served as guest professor at Soka University
- Attended Family Assistance Ministries Hunger Walk
- Wished residents a safe and happy Halloween

Mayor Ackley:
- Announced AVCA Fall Harvest Festival

**9. ADJOURNMENT:** Mayor Ackley adjourned the meeting at 7:55 p.m. to the regularly scheduled meeting of November 3, 2021.

Respectfully submitted:

_____
MITZI ORTIZ, MMC
CITY CLERK

Approved by:

_____
TIFFANY ACKLEY
MAYOR

DRAFT

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: Sheryl Mariano, Accounting Supervisor

SUBJECT: ACCOUNTS PAYABLE

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**Recommended Action:**

Ratify accounts payable checks and electronic funds transfers issued October 14, 2021 in the amount of $524,393.23.

**Fiscal Impact:**

Expenditures in the amount of $524,393.23.

**Background:**

The City issues accounts payable checks on bi-weekly basis and presents it to City Council for ratification at its next regularly scheduled City Council meeting.

**Discussion:**

The attached register containing checks and electronic funds transfers dated October 14, 2021 for $524,393.23 is being presented for ratification. All payments have been made in compliance with the City's purchasing policy and procedures. Payments have been reviewed and approved by the appropriate departmental staff. The issued accounts payable checks and electronic funds transfers have been audited and deemed accurate by the Accounting Supervisor.

**Attachment:**

1. Accounts Payable Report

# Accounts Payable

10/14/2021

| Vendor Name | Description (Item) | Amount |
|---|---|---|
| **101 - GENERAL FUND** | | |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA ENG 5004 MNWD | 1,301.54 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA ENG 5049 COX UTILITY | 819.49 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA ENG 5005 SCE - SADDLEBACK | 289.23 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA ENG 2243 GLAUKOS SITE 2 | 239.40 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA ENG 2241 GLAUKOS SITE1 | 239.40 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA ENG 5002 AT&T | 96.41 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA-7 COMPUTER STATIONS LEASE CREDIT | (350.00) |
| CHOICE BUILDER | NOV'21 DENTAL INSURANCE | 2,488.18 |
| CHOICE BUILDER | NOV'21 VISION INSURANCE | 373.48 |
| HOWARD BUILDING CORPORATION | P#19-0144-REFUND-GEOTECH REVIEW/101 COLUMBIA | 420.00 |
| SOKA UNIVERSITY OF AMERICA | P#21-0344-C&D REFUND-SOKA/ 1 UNIVERSITY | 1,500.00 |
| PREFERRED KITCHEN AND BATH INC | P#21-1140-REFUND-PREFERRED KITCHEN/31 SADDLERIDGE | 500.00 |
| | | **7,917.13** |
| **CITY COUNCIL** | | |
| RICHARD HURT III | RC-9/25 LEAGUE OF CA CITIES -AIRFARE-REIMB | 185.97 |
| AT&T | AUG'21- CC-PHONES | 247.60 |
| US BANK PURCHASING CARD PROGRAM | PC-RC-8/31 LEAGUE OF CA CITIES CONF REGIS | 600.00 |
| US BANK PURCHASING CARD PROGRAM | PC-RC-9/1 ROSES & RADISHES REGISTRATION | 150.00 |
| | **CITY COUNCIL TOTAL:** | **1,183.57** |
| **CITY MANAGER** | | |
| AT&T | AUG'21-CITY MANAGER PHONE | 76.46 |
| | **CITY MANAGER TOTAL:** | **76.46** |
| **ECONOMIC DEVELOPMENT** | | |
| PV MAINTENANCE INC | SEP'21-THE ROW-PV MAINTENANCE | 386.00 |
| MALCO MAINTENANCE | AUG'21-THE ROW-PORTER SERVICE | 650.00 |
| MALCO MAINTENANCE | SEP'21-THE ROW-PORTER SERVICE | 650.00 |
| SO CAL EDISON | SEP'21 ACCT#3277-35 PLAYA ELECTRICITY | 12.99 |
| | **ECONOMIC DEVELOPMENT TOTAL:** | **1,698.99** |
| **HUMAN RESOURCES** | | |
| CHARLES C STILL | 9/1-9/13-NH/PE/TB-SECURE LIVE SCAN FEES | 171.00 |
| SMARTHIRE, A DIVISION OF KROUT & SCHNEIDER, INC | FEB'20-BACKGROUND INVESTIGATION SERVICE | 62.00 |
| SMARTHIRE, A DIVISION OF KROUT & SCHNEIDER, INC | JUN'20-BACKGROUND INVESTIGATION SERVICE | 62.00 |
| SMARTHIRE, A DIVISION OF KROUT & SCHNEIDER, INC | JUN'21-BACKGROUND INVESTIGATION SERVICE | 87.00 |
| | **HUMAN RESOURCES TOTAL:** | **382.00** |
| **CITY CLERK** | | |
| CALIFORNIA NEWPAPER PARTNERSHIP | 9/9-9/23-PUBLIC NOTICES-CAPER/USE OF AV RANCH | 1,126.00 |
| SOUTHERN CALIFORNIA SHREDDING INC | 9/22-CITY HALL-PAPER SHREDDING SERVICE | 175.00 |
| CITY CLERK'S ASSOCIATION OF CALIFORNIA | MO-FY 21-22 CCAC MEMBERSHIP DUES | 200.00 |
| CITY CLERK'S ASSOCIATION OF CALIFORNIA | LL-FY21-22-CCAC MEMBERSHIP DUES | 200.00 |
| CODE PUBLISHING COMPANY | FY21-22-WEB HOSTING/DOC HOSTING ANNUAL WEB FEES | 755.00 |
| STAPLES ADVANTAGE | CC-CERTIFICATE SUPPLIES | 265.26 |
| MMASC | MO-MMASC MEMBERSHIP DUES | 90.00 |
| | **CITY CLERK TOTAL:** | **2,811.26** |
| **FINANCE** | | |
| CA MUNICIPAL STATISTICS INC | 6/30/21 CAFR STATISTICS | 525.00 |
| MGT OF AMERICA LLC | FY21-22-SB90 STATE MANDATE COST-1ST PAYMENT | 1,250.00 |
| LANCE SOLL LUNGHARD LLP | SEP'21-FIN-INTERIM STAFF-LSL PROFESSIONAL SRV | 100.00 |
| PARS | JUL'21 PARS REP FEES | 300.00 |
| STAPLES ADVANTAGE | FIN-OFFICE SUPPLIES | 302.94 |
| CHOICE BUILDER | NOV'21 ADMIN FEE | 35.00 |
| | **FINANCE TOTAL:** | **2,512.94** |
| **INFORMATION TECHNOLOGY** | | |
| COX COMMUNICATIONS, INC | 9/10-10/9/21 ACCT#0202-CH-TV/CABLE | 150.73 |
| COX COMMUNICATIONS, INC | 9/6-10/5/21 ACCT #8802-CH-INTERNET | 1,500.00 |

| Vendor Name | Description (Item) | Amount |
|---|---|---|
| COX COMMUNICATIONS, INC | 9/19-10/18/21 ACCT #9302-CH-IT SERVER ROOM | 85.39 |
| NATHAN M KEETER | SEP'21-NETWORK SUPPORT & SECURITY | 416.67 |
| GO LIVE TECHNOLOGY INC | AUG'21 ELM & ASSET MGMT IMPLEMENTATION | 6,480.00 |
| AT&T | 9/6-10/5/21 CH-ALARM/POTS LINE | 1,503.00 |
| AT&T | AUG'21-CH-3 MIFI | 163.96 |
| AT&T | AUG'21-CH-FLEET COMPLETE | 128.30 |
| AT&T | AUG'21-EOC 4 PHONES | 122.24 |
| AT&T | AUG'21-EOC-4 MIFI | 160.96 |
| AT&T | 9/19-10/18/21-CH-AT&T-FIBER-INTERNET | 1,115.89 |
| JOSE RUEL FABELLA DIRA | SEP'21-ENERGOV & GIS SUPPORT | 1,500.00 |
| US BANK PURCHASING CARD PROGRAM | IA-EOC YOUTUBE SUBSCRIPTION | 64.99 |
| US BANK PURCHASING CARD PROGRAM | IA-OFFICE EQUIP- HEADPHONES/MICS/MOUSE PAD | 406.11 |
| US BANK PURCHASING CARD PROGRAM | IA-IT SUPPLIES-SCREWS | 7.64 |
| US BANK PURCHASING CARD PROGRAM | IA-AVR A/V EQUIPMENT | 22.62 |
| US BANK PURCHASING CARD PROGRAM | IA-AVC BATTERY REPLACEMENT | 69.89 |
| US BANK PURCHASING CARD PROGRAM | IA-SEP'21-WAITWHILE SUB-FRONT COUNTER | 159.00 |
| AT&T | 9/22-10/21/21-CH-ELEVATOR | 909.47 |
| EATON CORPORATION | FY21-22 CH EATON UPS | 4,632.00 |
| JIVE COMMUNICATIONS INC | OCT'21-CH -JIVE VOIP PHONE SERVICE | 1,847.86 |
| TANGENT COMPUTERS INC | 9/23-10/22/21-CH-MICROSOFT 365 E3 LICENSES & SECU | 2,084.00 |
| LUNAVI, INC | OCT'21 OFFSITE BACKUP STORAGE SERVICE-ZERTO | 1,638.78 |
| | **INFORMATION TECHNOLOGY TOTAL:** | **25,169.50** |
| **NON-DEPARTMENTAL** | | |
| CERTIFIED RECORDS MANAGEMENT | SEP'21 RECORDS OFF SITE STORAGE | 456.55 |
| CERTIFIED RECORDS MANAGEMENT | OCT'21 RECORDS OFF SITE STORAGE | 355.75 |
| RICOH USA | 10/12-11/11/21 RICOH C5200S LEASE | 729.92 |
| NESTLE WATERS NORTH AMERICA | SEP'21-CH-COFFEE SERVICE | 45.23 |
| DS SERVICES OF AMERICA, INC | SEP'21-CH-BOTTLED WATER SERVICE | 45.09 |
| PEAK LIGHTING & ELECTRIC INC | SEP'21-VP-LIGHTING MAINTENANCE | 99.00 |
| RICOH USA | 8/12-9/11/21 RICOH 2504 (BACK OFFICE)-COPIES | 101.41 |
| NIEVES LANDSCAPE INC | SEP'21 VISTA PARK LANDSCAPE MAINTENANCE | 1,028.96 |
| US BANK PURCHASING CARD PROGRAM | PC-REFUND-9/7 JM TROPHIES | (30.38) |
| US BANK PURCHASING CARD PROGRAM | PC-8/24 JM TROPHIES | 39.54 |
| US BANK PURCHASING CARD PROGRAM | PC-9/1 JM TROPHIES | 60.77 |
| US BANK PURCHASING CARD PROGRAM | PC-9/14 JM TROPHIES | 60.77 |
| US BANK PURCHASING CARD PROGRAM | PC-9/1 COSTCO SUPPLIES | 265.33 |
| US BANK PURCHASING CARD PROGRAM | PC-9/1 CC MTG-DINNER-URBAN PLATES | 161.60 |
| US BANK PURCHASING CARD PROGRAM | SM-9/13-COM DEV/FIN-WELCOME SNACKS | 30.98 |
| US BANK PURCHASING CARD PROGRAM | SM-9/21-P.ESPINOZA-FIN-WELCOME SNACKS | 27.00 |
| STAPLES ADVANTAGE | CEN-COPY & BREAK ROOM SUPPLIES | 311.67 |
| VOYAGER FLEET SYSTEMS INC | SEP'21 CITY CAR FUEL | 275.36 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR#2206 VISTA PARK WATER SERVICE | 875.20 |
| RK BRANDS, LLC | SEP'21-12.65HRS-PIO/MAYOR OUTREACH/SPECIAL PROJ | 1,138.50 |
| | **NON-DEPARTMENTAL TOTAL:** | **6,078.25** |
| **C. S. ADMINISTRATION** | | |
| M&J PAUL ENTERPRISES INC | DEP-12/2/21 TREE LIGHTING EVENT RENTALS | 5,861.25 |
| SOLINK INC | VETERANS DAY EVENT INVITE/ENVELOPES | 300.63 |
| US BANK PURCHASING CARD PROGRAM | JB-MAD SCIENTIST WORKSHOP-SUPPLIES-FUN EXPRESS | 20.77 |
| US BANK PURCHASING CARD PROGRAM | JB-REFUND-MAD SCIENTIST -SUPPLIES-FUN EXPRESS | (20.77) |
| US BANK PURCHASING CARD PROGRAM | JB-MAD SCIENTIST WORKSHOP-SUPPLIES-AMAZON | 21.30 |
| US BANK PURCHASING CARD PROGRAM | JB-REFUND-POP UP PUMPKIN SHOP-SUPPLIES-FUN EXPRESS | (72.28) |
| US BANK PURCHASING CARD PROGRAM | JB-POP UP PUMPKIN SHOP-SUPPLIES-FUN EXPRESS | 72.28 |
| US BANK PURCHASING CARD PROGRAM | PC-9/16 OC SHERIFF MEDAL OF VALOR LUNCHEON-REGIS | 1,000.00 |
| MASTROIANNI FAMILY ENTERPRISES LTD | 11/10 VETERAN'S APPRECIATION EVT-CATERING | 1,522.50 |
| CANYON CATERING & EVENTS INC | 50%DEPOSIT-12/17 BREAKFAST WITH SANTA EVT-CATERING | 774.85 |
| ROMAN CHAVEZ | 11/6 HEALTH FAIR EVT-10X10 EZ UP W/ SANDBAGS | 605.00 |
| | **C. S. ADMINISTRATION TOTAL:** | **10,085.53** |
| **IGLESIA PARK** | | |
| PV MAINTENANCE INC | SEP'21 IGLESIA PARK MAINTENANCE | 813.45 |
| NIEVES LANDSCAPE INC | SEP'21 IGLESIA PARK & BALL FIELD MAINTENANCE | 6,846.00 |
| | **IGLESIA PARK TOTAL:** | **7,659.45** |
| **IGLESIA BUILDING** | | |
| SONITROL ORANGE COUNTY LLC | SEP'21-IPCC-ACCESS CONTROL SERVICE | 94.50 |
| SONITROL ORANGE COUNTY LLC | OCT'21-IPCC-ACCESS CONTROL SERVICE | 94.50 |

| Vendor Name | Description (Item) | Amount |
|---|---|---|
| TMR SECURITY & PATROL SERVICES INC | SEP'21-IPCC-18 VISITS-PATROL SERVICE | 190.00 |
| PEAK LIGHTING & ELECTRIC INC | SEP'21-IPCC-LIGHTING MAINTENANCE | 99.00 |
| | **IGLESIA BUILDING TOTAL:** | **478.00** |
| **PLANNING** | | |
| REBECCA J CAHA | SEP'21-11.05 HRS AFFORDABLE HOUSING CONSULTANT SRV | 1,105.50 |
| US BANK PURCHASING CARD PROGRAM | OD-AVTC-SEP'21-CONSTANT CONTACT-EMAIL MARKETING | 45.00 |
| | **PLANNING TOTAL:** | **1,150.50** |
| **BUILDING** | | |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA BUILDING SERVICES | 31,751.69 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA BUILDING SRV-PERMIT TECH | 1,756.43 |
| | **BUILDING TOTAL:** | **33,508.12** |
| **CODE ENFORCEMENT** | | |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA CODE ENFORCEMENT | 6,335.01 |
| | **CODE ENFORCEMENT TOTAL:** | **6,335.01** |
| **ENGINEERING (GENERAL)** | | |
| PV MAINTENANCE INC | 9/18 ALISO CREEK CLEANUP EVENT-PV SUPPORT | 965.00 |
| PV MAINTENANCE INC | OCT'21-PUBLIC WORKS-WAREHOUSE LEASE | 1,035.00 |
| AT&T | AUG'21-PW TABLET-AT&T INTERNET | 80.48 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA NPDES COSTS | 26,250.72 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA SOLID WASTE | 2,900.94 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA PW ENGINEERING-ADMIN | 1,740.78 |
| | **ENGINEERING (GENERAL) TOTAL:** | **32,972.92** |
| **STREET MAINTENANCE** | | |
| PV MAINTENANCE INC | SEP'21 #090 CATCH BASIN CLEANING | 5,100.00 |
| PV MAINTENANCE INC | SEP'21 STREET MAINTENANCE (45%) | 23,455.60 |
| PV MAINTENANCE INC | SEP'21 #107 CATCH BASIN CLEANING | 5,508.00 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA STREET MAINTENANCE | 13,583.68 |
| CHARLES ABBOTT ASSOC INC | AUG'21 CAA ENCROACHMENT PERMITS | 867.67 |
| | **STREET MAINTENANCE TOTAL:** | **48,514.95** |
| **LAW ENFORCEMENT-OTHER** | | |
| AT&T | AUG'21-PALS PHONE | 44.48 |
| J&M TROPHIES INC | LE-BRASS PLATE/CITY TILE -DEPUTY K.RITCHIE | 16.16 |
| ALL CITY MANAGEMENT SERVICES | 9/5-9/18/21-414 HRS-SCHOOL CROSSING GUARD SRV | 10,486.62 |
| VOYAGER FLEET SYSTEMS INC | SEP'21 MOTORCYCLE FUEL & CAR WASHES | 1,038.83 |
| | **LAW ENFORCEMENT-OTHER TOTAL:** | **11,586.09** |
| | **GENERAL FUND TOTAL:** | **200,120.67** |
| **102 - GEN. FD-CITY HALL** | | |
| **NON-DEPARTMENTAL** | | |
| NATIONAL BACKFLOW INC | SEP'21-CH-TEST/CERTIFY BACKFLOWS DEVICES | 390.00 |
| SONITROL ORANGE COUNTY LLC | SEP'21-CH -ACCESS CONTROL SERVICE | 526.42 |
| SONITROL ORANGE COUNTY LLC | SEP'21-CH-INTRUSION DECTECTION | 187.15 |
| SONITROL ORANGE COUNTY LLC | OCT'21-CH-INTRUSION DECTECTION | 187.15 |
| SONITROL ORANGE COUNTY LLC | OCT'21-CH -ACCESS CONTROL SERVICE | 526.42 |
| PEAK LIGHTING & ELECTRIC INC | SEP'21-CH-LIGHTING MAINTENANCE | 153.03 |
| THURSTON ELEVATOR CONCEPTS INC | OCT'21 CH-ELEVATOR MAINTENANCE | 131.00 |
| NIEVES LANDSCAPE INC | SEP'21 CITY HALL LANDSCAPE MAINTENANCE | 678.00 |
| THE GAS COMPANY | 8/31-10/1/21 MTR#6544 CITY HALL GAS SERVICE | 96.21 |
| WAXIE'S ENTERPRISES, INC | SEP'21-CH-JANITORIAL SUPPLIES | 493.78 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR#8051 CITY HALL WATER SRV | 173.11 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR#6010 CITY HALL WATER SRV | 161.30 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR#7051 CITY HALL WATER SRV | 281.54 |
| SO CAL EDISON | SEP'21 ACCT#7189 CITY HALL ELECTRICITY | 7,630.82 |
| | **NON-DEPARTMENTAL TOTAL:** | **11,615.93** |
| | **GEN. FD-CITY HALL TOTAL:** | **11,615.93** |
| **103 - GF-AV RECREATION SERVICES** | | |
| VICTORIA IENG | CANCELLED FACILITY RENTAL REFUND-VICTORIA IENG | 2,242.50 |
| VICTORIA IENG | CANCELLED FACILITY RENTAL REFUND-VICTORIA IENG | (50.00) |
| ZARA FROZANO | REFUND-9/28-10/26 KARATE CLASS-ZARA FROZANO | 5.00 |
| ZARA FROZANO | REFUND-9/28-10/26 KARATE CLASS-ZARA FROZANO | 60.00 |

| Vendor Name | Description (Item) | Amount |
|---|---|---|
| ZARA FROZANO | REFUND-9/28-10/26 KARATE CLASS-ZARA FROZANO | (10.00) |
| | | **2,247.50** |
| **RECREATION SERVICES** | | |
| PRESS-TIGE ENTERPRISES INC | 10/2-AVR LINEN DRY CLEAN SERVICE | 294.84 |
| PRESS-TIGE ENTERPRISES INC | 9/24-AVR LINEN DRY CLEAN SERVICE | 249.48 |
| PRESS-TIGE ENTERPRISES INC | 10/5-AVR LINEN DRY CLEAN SERVICE | 272.16 |
| ULINE | FREIGHT FOR RETURNED POLY BOX TRUCK CART | 111.71 |
| HYDROLOGY GROUP INC | OCT'21 AVR AQUAPONICS MAINTENANCE | 1,330.00 |
| ULINE | AVR-MICROFIBER TOWELS FOR FACILITY | 145.78 |
| NATIONAL BACKFLOW INC | SEP'21-AVR-TEST/CERTIFY BACKFLOW DEVICES | 305.00 |
| AT&T | 9/6-10/5/21 AVR-ALARM/POTS LINE | 875.78 |
| AT&T | AUG'21-4 REC PHONES | 179.12 |
| AT&T | AUG'21- REC TABLET-AT&T INTERNET | 40.24 |
| SONITROL ORANGE COUNTY LLC | SEP'21-AV & AQ CTR- ACCESS CONTROL SERVICE | 108.15 |
| SONITROL ORANGE COUNTY LLC | SEP'21-AVR-ACCESS CONTROL SERVICE | 454.00 |
| SONITROL ORANGE COUNTY LLC | OCT'21-AVR-ACCESS CONTROL SERVICE | 454.00 |
| SONITROL ORANGE COUNTY LLC | OCT'21-AV & AQ CTR- ACCESS CONTROL SERVICE | 108.15 |
| LYONS SECURITY SERVICE IN | SEP'21-95.5 HRS-SECURITY SRV-FACILITY RESERVATION | 2,492.55 |
| PEAK LIGHTING & ELECTRIC INC | SEP'21 -AVR-LIGHTING MAINTENANCE | 199.00 |
| NIEVES LANDSCAPE INC | SEP'21 AV RANCH LANDSCAPE MAINTENANCE | 2,262.67 |
| TEAM ONE MANAGEMENT SERVICES | SEP'21 AV RANCH JANITORIAL SERVICE | 6,097.58 |
| CAROLYN WOJCIECHOWSKI | FALL2021-RFC187/192-LINE DANCING-21PARTICIPANTS | 1,455.60 |
| TUMBLE-N-KIDS, INC | FALL 2021-RFC063/032-GYMNASTICS-12 PARTICIPANTS | 1,159.20 |
| TUMBLE-N-KIDS, INC | FALL21-RFC026/028/030-TUMBLE-N-KIDS-22PARTICIPANTS | 1,663.20 |
| US BANK PURCHASING CARD PROGRAM | JB-9/3 AVR-LINENS DRY CLEANING-PRESTIGE CLEANERS | 576.45 |
| US BANK PURCHASING CARD PROGRAM | SP-CANVA ANNUAL SUBSCRIPTION | 119.40 |
| JENNIFER ANDRUS-NELSON | FALL 21-RFC051-SOCIAL SKILLS-12 PARTICIPANTS | 1,036.80 |
| BIONERDS | FALL 2021-RFC131-BIONERDS-6 PARTICIPANTS | 302.40 |
| WAXIE'S ENTERPRISES, INC | OCT'21 AV RANCH JANITORIAL SUPPLIES | 569.89 |
| STAPLES ADVANTAGE | REC- OFFICE SUPPLIES | 81.52 |
| BRAINSTORM STUDIOS, LLC | FALL21-RFC043/045-BRAINSTORM-5PARTICIPANTS | 390.00 |
| JOHN DAVID ALLEN JR | FALL 21-RFC151/158-TENNIS-4 PARTICIPANTS | 322.40 |
| MUSIC MOVES ACADEMY INC | FALL21-RFC001/002/004-MUSIC TOGETHER - 29PART | 3,132.00 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR #0819 AV RANCH WATER SRV | 1,964.33 |
| MOULTON NIGUEL WATER DIST | 8/23-9/27/21 MTR#1100 AV RANCH WATER SERVICE | 149.06 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR#5356 AV RANCH WATER SRV | 281.54 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR#7892/6534 AV RANCH WATER SRV | 558.68 |
| MOULTON NIGUEL WATER DIST | 8/23-9/27/21 MTR #0958 AV RANCH WATER SERVICE | 212.63 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR #0973 AV RANCH WATER SERVICE | 88.70 |
| SHI INTERNATIONAL CORP | AVR EQUIP-75INCH LED TV | 4,001.60 |
| JIVE COMMUNICATIONS INC | OCT'21-AVR-JIVE VOIP PHONE SERVICE | 613.86 |
| TANGENT COMPUTERS INC | 9/23-10/22/21-AVR-MICROSOFT 365 E3 LICENSES & SEC | 387.00 |
| SO CAL EDISON | SEP'21 ACCT#4551 THE FARM ELECTRICITY | 1,122.59 |
| SO CAL EDISON | SEP'21 ACCT#6247 AV RANCH TRACKED CHARGES | 726.27 |
| SO CAL EDISON | SEP'21 ACCT#6247 AV RANCH ELECTRICITY | 2,961.39 |
| | **RECREATION SERVICES TOTAL:** | **39,856.72** |
| | **GF-AV RECREATION SERVICES TOTAL:** | **42,104.22** |

## 203 - GAS TAX

| | | |
|---|---|---|
| **STREET MAINTENANCE** | | |
| PV MAINTENANCE INC | SEP'21 STREET MAINTENANCE (GAS 55%) | 28,667.96 |
| R F DICKSON CO INC | SEP'21 STREET SWEEPING SERVICES | 8,668.66 |
| NIEVES LANDSCAPE INC | SEP'21 MEDIANS LANDSCAPE MAINTENANCE | 1,586.00 |
| UNDERGROUND SERVICE ALERT OF SOUTHERN CA | OCT'21 DATABASE MAINT & 62 TICKETS | 112.30 |
| MOULTON NIGUEL WATER DIST | 8/23-9/27/21 MTR #4551 MEDIANS WATER SRV | 121.35 |
| MOULTON NIGUEL WATER DIST | 8/23-9/27/21 MTR#6544 MEDIANS WATER SRV | 182.29 |
| MOULTON NIGUEL WATER DIST | 8/23-9/27/21 MTR #2066 MEDIANS WATER SRV | 240.76 |
| SO CAL EDISON | SEP'21 STREET LIGHTS LS2 ELECTRICITY | 1,072.11 |
| SO CAL EDISON | SEP'21 STREET LIGHTS LS1 ELECTRICITY | 15,206.70 |
| SO CAL EDISON | SEP'21 STREET LIGHTS TC1 ELECTRICITY | 3,091.01 |
| | **STREET MAINTENANCE TOTAL:** | **58,949.14** |
| | **GAS TAX TOTAL:** | **58,949.14** |

| Vendor Name | Description (Item) | Amount |
|---|---|---|
| **215 - PUBLIC SAFETY GRANTS** | | |
| **LAW ENFORCEMENT-OTHER** | | |
| COUNTY OF ORANGE | OCT'21 AFIS | 1,958.00 |
| | **LAW ENFORCEMENT-OTHER TOTAL:** | **1,958.00** |
| | **PUBLIC SAFETY GRANTS TOTAL:** | **1,958.00** |
| **241 - TECHNOLOGY FUND** | | |
| **GEN-TECHNOLOGY GRANTS** | | |
| GRANICUS INC | OCT-DEC'21-GRANICUS-WEBSTREAMING | 3,307.50 |
| GRANICUS INC | OCT-DEC'21 COUNCIL STREAMING 720P SRV UPGRADE | 300.00 |
| ERIC WINTER | AUG'21-CC MTGS & AV SITE VISITS | 724.00 |
| ERIC WINTER | SEP'21-CC MTGS & AV SITE VISITS | 1,207.00 |
| | **GEN-TECHNOLOGY GRANTS TOTAL:** | **5,538.50** |
| | **TECHNOLOGY FUND TOTAL:** | **5,538.50** |
| **261 - CITY FAC.-AQUATIC CENTER** | | |
| PREMIER AQUATIC SERVICES | FY 20-21 MANAGEMENT INCENTIVE FEE | 86,281.87 |
| PREMIER AQUATIC SERVICES | OCT'21-AQ CTR-RETENTION FEE | (1,625.00) |
| | | **84,656.87** |
| **GEN-AQUATIC CENTER** | | |
| COX COMMUNICATIONS, INC | 9/19-10/18/21 ACCT #6701-AQ CTR-INTERNET | 496.67 |
| NATIONAL BACKFLOW INC | SEP'21-AQ CTR-TEST/CERTIFY BACKFLOWS DEVICES | 645.00 |
| PREMIER AQUATIC SERVICES | OCT'21-AQ CTR-MANAGEMENT FEES | 10,833.33 |
| PEAK LIGHTING & ELECTRIC INC | SEP'21-AQ CTR-LIGHTING MAINTENANCE | 99.00 |
| SMART LEVELS MAILING & PRINTING INC | AQ CTR-DISPLAY SIGNS | 320.02 |
| SMART LEVELS MAILING & PRINTING INC | AQ CTR-LIFEGUARD TRAINING DISPLAY SIGN | 106.67 |
| ALARM CONNECTIONS, LLC | OCT-DEC'21-AQ CTR-FIRE ALARM MONITORING | 147.00 |
| NIEVES LANDSCAPE INC | SEP'21 AQ CTR LANDSCAPE MAINTENANCE | 912.48 |
| THE GAS COMPANY | 9/1-10/4/21 MTR#2349 AQ CTR GAS SERVICE | 2,663.28 |
| PREMIER AQUATIC SERVICES | AQ CTR-9/25 CONCESSIONS-RALPHS | 13.48 |
| PREMIER AQUATIC SERVICES | AQ CTR-8/16-9/25WATER POLO CONTRACT INSTRUCTOR PMT | 1,232.46 |
| PREMIER AQUATIC SERVICES | AQ CTR-NEW PLUG FOR AUTOVAC | 23.39 |
| PREMIER AQUATIC SERVICES | AQ CTR-9/21 REMOVAL OF OLD POOL TARPS | 325.00 |
| PREMIER AQUATIC SERVICES | AQ CTR-OCT'21 SWIM PROGRAM COMPUTER PROG-REIMB | 310.50 |
| PREMIER AQUATIC SERVICES | AQ CTR-9/17 PRIVACY CURTAIN-WALMART-REIMB | 33.21 |
| PREMIER AQUATIC SERVICES | AQ CTR-9/13 LIFEGUARD TRAINING EQUIP-REIMB | 31.80 |
| PREMIER AQUATIC SERVICES | AQ CTR-9/4 DISPLAY SIGNS-MY POOL SIGNS REIMB | 288.10 |
| PREMIER AQUATIC SERVICES | AQ CTR-9/25 SWIM INSTRUCTOR TRAINING-F&B-EL POLLO | 40.59 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR #6054 AQ CTR WATER SERVICE | 490.13 |
| MOULTON NIGUEL WATER DIST | 8/16-9/20/21 MTR#2996 AQ CTR WATER SRV | 195.51 |
| THE ILLINI COMPANIES, INC | SEP'21-AQ CTR-POOL CHEMICALS | 2,104.63 |
| KNORR SYSTEMS INC | AUG'21-AQ CTR-KIDS POOL AUTOFILL REPAIR | 907.81 |
| KNORR SYSTEMS INC | FY21-22 AQ CTR POOL COVERS | 9,925.86 |
| KNORR SYSTEMS INC | AUG'21 AQ CTR-MONTHLY POOL MAINTENANCE | 1,792.64 |
| | **GEN-AQUATIC CENTER TOTAL:** | **33,938.56** |
| | **CITY FAC.-AQUATIC CENTER TOTAL:** | **118,595.43** |
| **311 - STREET IMPROVEMENTS** | | |
| ONYX PAVING COMPANY INC | SEP'21 #127 DEERHURST PAVING REHAB RETENTION | 46,335.15 |
| | | **46,335.15** |
| | **STREET IMPROVEMENTS TOTAL:** | **46,335.15** |
| **331 - CAPITAL IMPROVEMENTS** | | |
| **CAPITAL IMPROVEMENTS** | | |
| PV MAINTENANCE INC | SEP'21 AVR-Z-RACK SETUP | 1,466.69 |
| | **CAPITAL IMPROVEMENTS TOTAL:** | **1,466.69** |
| | **CAPITAL IMPROVEMENTS TOTAL:** | **1,466.69** |
| **332 - STORM WATER** | | |
| **DRAINAGE IMPROVEMENTS** | | |
| PV MAINTENANCE INC | SEP'21 #091 DAIRY FORK WETLAND MAINT | 1,544.00 |

| Vendor Name | Description (Item) | Amount |
|---|---|---|
| PV MAINTENANCE INC | SEP'21 #030 WOOD CANYON WETLANDS MAINTENANCE | 1,640.50 |
| SIERRA ANALYTICAL LABS INC | SEP'21 #091 DAIRY FORK WQ MONITORING | 370.00 |
| | **DRAINAGE IMPROVEMENTS TOTAL:** | **3,554.50** |
| | **STORM WATER TOTAL:** | **3,554.50** |

**741 - RENEWABLE FARMS**

| | | |
|---|---|---|
| AARON FLORA | SEP'21 RENEWABLE FARMS-RETENTION PAYMENT | (3,795.00) |
| AARON FLORA | SEP'21 RENEWABLE FARMS-PAYMENT | 37,950.00 |
| | | **34,155.00** |
| | **RENEWABLE FARMS TOTAL:** | **34,155.00** |

**GRAND TOTAL: 524,393.23**

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: Scott C. Smith, City Attorney

SUBJECT: RESOLUTION APPOINTING CITY TREASURER

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**Recommended Action:**

Adopt a Resolution appointing a City Treasurer.

**Fiscal Impact:**

No impact to the City's General Fund.

**Background:**

The City Council of the City of Aliso Viejo ("City") is authorized to appoint a City Treasurer pursuant to Aliso Viejo Municipal Code section 2.08.010. City Resolution No. 2003-018 and the City's Investment Policy provides that the Director of Financial Services is the City Treasurer. That director position is currently vacant, and the City's Interim Administrative Services Director currently oversees the City's financial services.

**Discussion:**

The attached Resolution proposes that the department head that is charged with overseeing the City's financial services shall also serve as the City's appointed treasurer. This change would minimize the need to adopt a resolution each time there is a change to a department head title or a change in how the City's departments are structured. Similarly, the City's Investment Policy has also been revised.

By implementing the attached Resolution and making similar changes to the City's Investment Policy, the City Council will appoint the department head overseeing the City's financial services to also be the City Treasurer.

**Attachments:**

1. Resolution
2. Investment Policy

**RESOLUTION NO. 2021- ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPOINTING A CITY TREASURER**

**WHEREAS**, the City of Aliso Viejo ("City") was incorporated on July 1, 2001, as a general law city of the State of California; and

**WHEREAS**, pursuant to Aliso Viejo Municipal Code section 2.08.010 and Government Code section 36501, the City Council is authorized to appoint a city treasurer.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DOES RESOLVE, DETERMINE, AND ORDER AS FOLLOWS**:

Section 1. The City Treasurer shall be the City department head that is charged with overseeing the City's financial services. The City Treasurer shall serve at the pleasure of the City Council.

Section 2. Pursuant to Government Code Section 36518, the City Treasurer is required to execute a surety bond with the Mayor in the amount of Five Thousand Dollars ($5,000.00). The bond shall be obtained from any good and reliable surety company authorized to do business in the State of California and is conditioned upon the City Treasurer's satisfactory performance of the duties, as provided in the Aliso Viejo Municipal Code.

Section 3. Resolution No. 2003-018 is hereby repealed.

Section 4. The City Clerk will certify to the adoption of this Resolution by the City Council of the City of Aliso Viejo. This Resolution shall take immediate effect.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Aliso Viejo, California, on this ___ day of _____, 2021.

_____
Tiffany Ackley
Mayor

APPROVED AS TO FORM:

_____
Scott C. Smith
City Attorney

ATTEST:

_____
Mitzi Ortiz
City Clerk

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF ALISO VIEJO )

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Aliso Viejo held on the _____ day of _____, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mitzi Ortiz
City Clerk

# CITY OF ALISO VIEJO
# STATEMENT OF INVESTMENT POLICY
# FOR FISCAL YEAR 2021-22

## AS ADOPTED SEPTEMBER 1, 2021

## CITY COUNCIL

MAYOR TIFFANY ACKLEY

MAYOR PRO TEM ROSS CHUN

COUNCILMEMBER DAVE HARRINGTON

COUNCILMEMBER RICHARD HURT

COUNCILMEMBER MIKE MUNZING

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**APPENDIX A: Glossary of Terms**

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**APPENDIX C: Administrative Policy: Investment Guidelines, Strategy, and Internal Control**

## Statement of Investment Policy

This Statement of Investment Policy ("Policy"), as set forth by the City of Aliso Viejo ("City"), provides the guidelines for prudent investment of the City's idle or reserve cash and outlines the policies essential to ensuring the safety and financial strength of the City's investment portfolio.

This Policy is based on the principles of prudent money management and conforms to all applicable Federal and State Laws governing the investment of public funds. In instances in which the Policy is more restrictive than Federal or State Law, the Policy will supersede.

## Objectives

It is the policy of the City to invest public funds in a manner which will provide for the preservation of capital while meeting the daily cash flow requirements of the City and attaining a market average rate of return within an acceptable and defined level of risk.

The Policy has three primary objectives, in order of priority:

1. **Preservation of Capital (Safety)** – the protection of principal is the foremost consideration when undertaking investment decisions that affect public funds. The objective is to mitigate credit risk and interest rate risk.

**Credit Risk**

Credit Risk is the risk of loss of principal due to the failure of the security issuer. Credit Risk can be mitigated by:

- Limiting investments to the safest types of securities.
- Pre-qualifying accountants, auditors, financial institutions, broker/dealers, financial advisors, and other outside consultants with which the City does business.
- Diversifying the investment portfolio so that potential losses are minimized.

**Interest Rate Risk**

Interest rate risk is the risk that the market value of securities will fall due to a rise in general market interest rates. It is the policy of the City to hold individual securities to maturity in an effort to meet liquidity demands. Interest rate risk can be mitigated by:

- Holding individual securities to maturity - Structuring the investment portfolio so that securities mature to meet cash flow requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- Employing a laddering strategy whereby staggering maturities of individual securities so that bonds come due in increments, assuring an overall liquidity pattern.
- Limiting maturities of individual securities and the average maturity of the overall portfolio.

2. **Liquidity** – the investment portfolio shall remain sufficiently liquid to meet all daily cash flow and operating requirements that may be reasonably expected or anticipated.
3. **Return or Yield** – attain a rate of return consistent with the primary objectives of safety and liquidity, throughout budgetary and economic cycles.

## Scope of Funds

The investment policy applies to all financial assets and investment activities of the City, except for proceeds of debt issuance. Debt proceeds shall be invested in accordance with the "Permitted Investments" provisions for each specific bond indenture.

The Policy applies to the following funds and is accounted for in the City's annual audited financial statements.

A. General Fund
B. Special Revenue Funds
C. Debt Service Funds
D. Capital Improvement Funds
E. Enterprise Funds
F. Internal Service Funds
G. Agency Funds

## Prudent Investor Standard

The standard to be used by investment officials shall be that of a "prudent person" and shall be applied in the context of managing all aspects of the City's investment portfolio

**The Prudent Investor Standard:**

Governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of sections 16429.1 and 53600 through 53684 of the California Government Code and considering individual investments as a part of an overall strategy, a trustee is authorized to acquire investments as authorized by law.

## Investment Philosophy

It is the investment philosophy of the City to make investment decisions based on an overall passive management style that embodies a prudent investor standard and such that investments are purchased with the intent to hold until maturity.

Accordingly, the City's conservative philosophy prohibits active trading and speculation; i.e., the purchase of securities with the intent to profit from favorable market changes in market prices or market conditions. Leveraging or borrowing money for the purpose of investing is specifically prohibited. However, the City may elect to sell a security prior to its maturity and

record a capital gain or loss in order to improve the quality, liquidity, or yield of the portfolio in response to market conditions or City needs.

## Delegation of Authority

The City's Resolution No. ~~2003-018~~2021-___ appoints the City department head that is charged with overseeing the City's ~~Director of F~~financial ~~S~~services to also serve as City Treasurer. The Treasurer, or his or her designee, has the authority to manage the City's investment portfolio in accordance with California Government Code Sections 53600 and 53630 *et seq.* and all related State and Federal laws.

The Treasurer will provide prior written notification to the City Manager and City Council regarding the designation of responsibilities.

The Treasurer shall establish written procedures for the operation and management of the City's investment portfolio consistent with this investment policy. The procedures should include reference to safekeeping, repurchase agreements, wire transfer agreements, banking service contracts, collateral or depository agreements, competitive bid process, and due diligence. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction, except as provided under the terms of this policy and the investment procedures established by the Treasurer and approved by the City Manager.

## Public Trust

All participants in the investment process shall act as custodians of public funds. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of public trust. In a diversified portfolio, it must be recognized that occasional measured losses are inevitable and must be considered in the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

## Ethics and Conflicts of Interest

Elected officials and employees of the City involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions under the Political Reform Act and Government Code Section 1090 *et seq.* Elected officials and employees shall disclose to the City Manager any material interests in financial institutions that conduct business with the City, and they shall further disclose any personal investment position or financial asset that could be related to the performance of the City's investment program. Elected officials and employees shall subordinate their personal investment transactions to those of the City particularly with regard to the time of purchases and sales.

Any firm proposing to provide any type of investment service to the City shall acknowledge their familiarity with the provisions of the Political Reform Act, Government Code Section 81000 *et seq.* and CA Code of Regulations 18110 *et seq.* and the provisions limiting contractual conflicts of interest under Government Code Section 1090 *et seq.* Any firm proposing to provide any type of investment service to the City shall also acknowledge their familiarity with and agree to abide by any Federal or State law, regulation, rule, or policy pertaining to or limiting campaign contributions by such firms, their employees, spouses, or agents.

All persons, firms, broker/dealers, financial institutions, and advisors providing investment

services or bond issue assistance shall disclose to the City Manager and the Treasurer all fee

sharing, fee-splitting, and commission arrangements with other entities or persons prior to the City agreeing to buy an investment or issue bonds.

## Internal Investment Controls

The Treasurer will implement and maintain a system of internal investment controls and segregate responsibilities of investment functions in order to prevent fraud, theft, loss of principal, loss of control over funds, inaccurate reporting, and negligence.

The Treasurer will assign designee(s) to assist in carrying out these functions and will establish an Oversight Reviewer function that may be carried out by a designated member of staff, independent individuals, or independent expert contractor to perform specified tasks.

In addition to the specified requirements placed on investment types, quality, maturity, and diversification, further controls will include:

- **Safekeeping of Securities**

  To protect against losses caused by the collapse of individual securities dealers, all securities owned by the City are required to be held by a third-party safekeeping institution. Third-party safekeeping institutions may not act as custodians for any securities which that institution has issued or sold to the City.

  Collateral must be held at safekeeping, as defined in the Safekeeping and Custody section of the Policy.

  Payment procedures for all securities transactions will be Delivery v. Payment (DVP)

- **Competitive Bidding of Investments**

  The City's investment procedures require that approved broker/dealers compete for investment purchases and sales in order for the City to obtain the highest yield available in the market and to ensure that investment transactions are free from favoritism.

  Qualified Bids will be required for purchase of all investment transactions. The Treasurer shall select the best bid and is required to keep a record of each investment transaction. The Treasurer will rotate the purchase of investments among the pool of qualified broker/dealers.

- **Annual Management Review and Audit**

  An annual audit of the City's Investment Policy, practices, procedures, and portfolio status will be conducted by an independent auditor of all items including, but not limited to, items specified in the Audit Checklist provided in the City's Procedure Manual. The auditor will provide the City with written observations and recommendations regarding the adequacy of investment controls.

- **Segregated Investment Execution, Recordkeeping and Reporting**

  An independent member of City staff will record the Treasurer's investment records or confirmations to the City's general ledger. In addition, independent staff will perform the monthly reconciliation of bank, broker/dealer, and safekeeping confirmations.

- **Secondary Approval Required**

  The City Manager will review and approve the establishment of investment accounts, broker/dealer, and financial institution relationships and any agreements or contracts related to investments or investment related activity.

- **Wire Transfer Controls**

  All City wire transfers will be executed in accordance with a written agreement specifying control procedures required for wire transfers of funds, including the establishment of repetitive wires to pay for securities transactions with approved securities dealers as well as any other routine money transfers. All other non-repetitive wires require City Manager approval prior to release.

## Investment Policy Adoption

The City Council's primary responsibilities over the investment function includes establishing investment policies, annually reviewing such policies, appointing a City Treasurer, reviewing quarterly investment reports issued by the Treasurer, authorizing bond documents and financing transactions, and adopting recommended changes to the City's Investment Policy as deemed necessary.

The City's investment policy shall be adopted by resolution of the City Council. The policy shall be reviewed annually by the City Council and any modifications made thereto must be approved the City Council.

## Indemnification of Investment Officials

Any investment officer exercising his/her authority with due diligence, prudence, and care and in accordance with the Investment Policy and all written procedures shall be relieved of personal responsibility and liability for an individual security's losses or losses incurred by the portfolio. However, any investment officer also bears the responsibility of reporting deviations from expectations in a timely manner to City Council and appropriate action is taken to control adverse developments and mitigate loss of principal.

## Investment Portfolio Compliance

Should the portfolio, for any reason, fall out of compliance with this Investment Policy, immediate liquidation of securities in order to bring the portfolio back into compliance will not be required. However, the Treasurer must take action to bring the portfolio into compliance within 12 months from the date the portfolio was determined to be in non-compliance with the provisions of this Investment Policy. Additionally, adequate disclosure of all instances of noncompliance, and the efforts undertaken to bring the portfolio into compliance, must be made on the monthly Treasurer's Report.

## Reporting

The Treasurer shall submit a "Monthly Treasurer's Report" to the City Manager and City Council within 30 days following the last day of the month to be agendized for official action at a regular Council meeting thereafter. These reports shall disclose information relevant to the risk characteristics of the City's investment portfolio and shall include the following information:

**Monthly Treasurer's Report**

A. Cash receipts, disbursements, and balances in total.

B. A summary of the investment portfolio.

C. An asset list showing the issuer, type of investment, par value, maturity date, and interest rate.

D. Average rate of return on the City's investment portfolio.

E. Maturity aging grouped by type of investment.

F. Diversification of the investment portfolio.

G. A listing of individual investment transactions during the month, as required by Government Code section 53607.

H. A statement of ability to meet upcoming operating expenses and spending requirements for the next six months.

I. A statement of compliance with the Investment Policy, including a schedule of any transactions or holdings which do not comply with this policy or with the California Government Code, including a justification for their presence in the portfolio, and a timetable for resolution.

**Annual Report**

The annual report will be prepared by the City Treasurer and submitted to the City Manager each fiscal year to ensure consistency. The annual report will include an overall analysis of the portfolio and shall suggest policies and improvements to enhance the City's investment program. These enhancements will be annually considered by City Council and the authority to amend the Policy rests with City Council.

## Authorized and Suitable Investments

Investment of City funds is governed by the California Government Code Sections 53600, 53601, 53601.5, 53601.6, 53635, and 53635.5 *et seq.* Within the context of the limitations, the following investments are authorized, as further limited herein:

| Matrix of Suitable Investment Options and Restrictions | | | | |
|---|---|---|---|---|
| Investment Type: | Maximum Maturity: | Maximum percentage of Portfolio: | Maximum Par Value per Issuer: | Credit Quality and Requirements: |
| | | | | |
| U.S. Treasury Bills, Notes and Bonds | 5 Years | 100 percent | N/A | Explicit Full Faith and Credit Guarantee of United States Government |
| Federal Agency Obligations | 5 Years | 60 percent | 35% per agency | Implied Guarantee of the United States Government |
| Bankers' Acceptances (BA's) | 180 Days | 20 percent | 5% per issuer | Domestic banks only - deemed eligible for purchase by the Federal Reserve Bank |
| Certificates of Deposit or Time Deposits* (CD's) | 5 Years | 30 percent | 5% per issuer | Senior debt only from top 15 percent of peer group rated banks, savings & loans and credit unions. Defined by Section 5102 of the Financial Code. |
| Negotiable Certificates of Deposit | 5 Years | 30 percent | $250,000 | Brokered CD's insured by FDIC for a maximum of $250,000 per issuer. |
| Local Agency Investment Fund (LAIF) | N/A | 100 percent | $75,000,000 (per entity) | Treasurer will review investment policies and practices to determine if consistent with the Policy |
| Commercial Paper | 270 Days | 20 percent | 5% of portfolio | Highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO) |
| Money Market Mutual Funds | N/A | 10 percent | 10% per fund (SEC Registered) ($1.00 NAV) | Highest rating from NRSRO. Must also comply with Govt. Code 53601(l) and 53601.6 (b) and the weighted average to maturity is less than 180 days. |
| Repurchase Agreements* | 92 Days | 20 percent | 20% | Signed security loan agreement on file. Underlying securities maintained at 102% of original value. Reverse repurchase agreements are specifically not authorized under the Policy. |
| Medium Term Corporate Notes | 5 Years | 30 percent | 5% of portfolio | Rated "A-" or better by a nationally recognized rating service. Code 53601 (k). |

***** *Denotes a collateral requirement either initially, or at a pre-determined threshold. Please refer to Collateral section of the Policy for specific requirements.*

## Ratings and Rating Agencies

When possible, two ratings should be obtained to determine if an investment meets the Policy's quality standard. Currently under this Policy, only Standard and Poor's (S&P) and Moody's Investor Service (Moody's) are recognized investment ratings providers, and the City has established the following minimum standards to be applied at time of purchase and for reporting purposes:

| Investment Type: | Standard & Poor's | Moody's |
|---|---|---|
| | | |
| Banker's Acceptances | **A1** | **P1** |
| Commercial Paper | **A1** | **P1** |
| Certificates of Deposit | **AA-** | **Aa3** |
| Money Market Mutual Funds | **AAA** | **Aaa** |
| Medium Term Corporate Notes | **A-** | **A3** |
| Repurchase Agreement – Provider | **AA** | **Aa** |

## Prohibited Investments

State and Federal laws notwithstanding, any investment not specifically described herein including, but not limited to, reverse repurchase agreements, derivatives, options, futures, zero coupon bonds, inverse floaters, range notes, first mortgages or trust deeds, collateralized mortgage obligations (CMO's), limited partnerships, real estate investments trusts (REIT's), open-end mutual funds, closed-end mutual funds, mutual funds with a weighted average maturity greater than 180 days, unregulated and/or uninsured investment pools, common stock, preferred stock, commodities, precious metals, securities with high price volatility, limited marketability (less than three active bidders), securities that may default on interest payments, and any other speculative investment deemed inappropriate under the Prudent Investor standard are strictly prohibited. In addition, any investment transaction that might impair public confidence in the Aliso Viejo City government is to be avoided.

## Collateralization

Collateral for Certificates of Deposit (CD) and Negotiated Certificates of Deposit (NCD) must comply with Government Code, Chapter 4, Bank Deposit Law Section 16500 *et seq.* and the Savings and Loan and Credit Union Deposit Law Government Code Section 16600 *et seq.* In addition, if the CD is not FDIC insured or goes over the FDIC $250,000 limit, collateral is required equal to 100 percent of principal.

Collateral for Repurchase Agreements shall be 102 percent of market value of principal and accrued interest. Collateral can be either US Treasury securities or Federal Agency securities. This will provide an addition level of security due to inevitable changes in market conditions.

Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. The right of collateral substitution is granted within the parameters and constraints of this Policy.

## Investment Pools

Government sponsored investment pools (Pools) are permitted under California Government Code Section 53601 *et seq*. and are an excellent short-term investment option for cash management facilities. These pools can provide safety, liquidity, and yield in a single diversified investment. However, thoughtful investigation and due diligence are required both initially at time of purchase and on an ongoing basis with analysis to determine that the investment pool is being managed in a manner consistent with the objectives of the Policy. The following guidelines include, but are not limited to:

- The Pool shall have attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations, or shall be insured by a municipal insurance corporation.
- The Pool marks to market weekly at a minimum.
- The Pool provides comprehensive, timely monthly reports which include detailed transaction listings, report realized and unrealized gains and losses, provide accurate market values for each security, provide quality rating for individual securities, take delivery DVP, provide third party safekeeping of all investments, and for whom an audit is conducted annually by an independent auditor with no relationship to the Pool.

## Money Market Mutual Funds

Money market mutual funds provide another safe, liquid, and diversified investment option for the City's surplus capital. However, certain conditions need to be met both initially and on an ongoing basis. The money market may only invest in US Government securities permitted under this policy and under California Government Code Section 53601 *et seq*. with final stated maturities of one year or less "Government Money Market Funds."

In order to be an eligible money market investment under this section, the primary objective of the money market, as stated in the funds prospectus, is to maintain a constant $1.00 Net Asset Value (NAV). The following additional guidelines include, but are not limited to:

- The money market only invests in US Government securities, and the weighted average maturity of the portfolio is less than 180 days.
- The fund shall be registered with the SEC.
- The money market shall have attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations and shall maintain these ratings for the duration of the investment.

## Maturity Limits

The longer the maturity of securities, the greater the market volatility. Therefore, the maximum maturity limit for any given security in the investment portfolio shall not exceed five (5) years.

It is also important to note that specific investments, detailed under the "Authorized and Suitable Investments" section, may be restricted to a shorter maturity.

The weighted average life of the portfolio may not exceed three (3) years in duration.

At a minimum, 10 percent of the portfolio shall remain liquid, accessible on demand by the City without restriction or penalty.

The investment portfolio shall be structured for liquidity purposes; therefore, 25 percent of the portfolio shall not exceed a 90-day weighted average maturity.

Maturities will be selected based on a sufficiently detailed cash flow projection that facilitates selecting investment maturity dates to approximately match the projected dates of budgeted expenditures. Once cash flow needs are matched, maturities are selected based on a "laddering strategy" and the shape of the yield curve.

Extensions in the maximum maturity and average weighted life of the portfolio must be supported by detailed cash flow forecasts demonstrating the adequacy of cash from maturing assets to meet one hundred twenty-five percent (125%) of monthly expenditures for each prospective quarter, ending with the current maximum including capital expenditures funded on a pay-as-you-go basis. Recommendations to extend maturities must be reviewed and approved by the City Manager and City Council.

## Qualifications for Financial Institutions and Broker/Dealer's

The Treasurer will maintain a list of qualified financial institutions and broker/dealers authorized to transact business with the City, as stated in Appendix "B". The financial entities eligible to transact investment business with the City are:

I. Federal Reserve Bank:

Direct purchase of U.S. Treasury Bills, Notes, and Bonds using primary government dealers as designated by the Federal Reserve are exempt from quality requirements and are encouraged due to commission or mark-up discounts.

II. Nationally or State Chartered Banks, Savings and Loans, and Credit Unions:

The City may purchase investments offered from Banks, Savings and Loans, and Credit Unions provided the institutions are:

- Nationally or State Chartered Institutions.
- Registered as investment securities dealers.
- Ranked in the top 15 percent of institutions within their respective peer group.
- The signatures of two individuals shall be required for the opening and closing of any bank account (the Treasurer, City Manager, Mayor, or Mayor Pro Tem). The Accounting Officer, who is independent of the investment function, shall keep a record of all opened and closed accounts. On an annual basis, the Accounting Officer shall provide a list of accounts to the independent auditor.

III. Broker/Dealers:

The City will purchase investments from primary dealers whenever possible. However, if an investment deemed appropriate for the portfolio is not available through the primary market, then the Treasurer may use an authorized broker/dealer from the pre-approved list of broker/dealers on record.

For a broker/dealer to be considered for placement on the pre-approved list, they must comply with the following:

- Primary or Regional dealers that qualify for SEC Rule 15c3-1
- Provide audited financial statements from the two most frequent years

- A statement certifying that the institution has reviewed the City's Investment Policy and California Government Code Section 53600 *et seq.* and that all securities offered to the City shall comply fully with all provisions of the Policy and the California Government Code.
- The signatures of two individuals shall be required for the opening and closing of any broker/dealer account (the Treasurer, City Manager, Mayor or Mayor Pro Tem). The Accounting Officer, who is independent of the investment function, shall keep a record of all opened and closed accounts. On an annual basis, the Accounting Officer shall provide a list of accounts to the independent auditor.
- Settlement of securities traded through qualified broker/dealers shall occur trade date plus three days (T3), the current industry standard.

  The Treasurer is responsible for ensuring that settlement occurs in a timely matter and that execution confirmations reflect accurate trade data. In addition, investment transactions are required to be Delivery v. Payment (DVP).

## Diversification Guidelines and Risks

The City recognizes diversification is an investment strategy that will mitigate risk in the investment portfolio. The City's investment portfolio shall be diversified to avoid incurring unreasonable and avoidable risks with regard to specific investment types. Within investment types, the City shall also maintain a mix of securities to avoid concentrations within individual financial institutions, geographic areas, industry types, and maturities.

The City will only invest in fixed rate, fixed maturity securities and, with the exception of U.S. Treasury securities or the Local Agency Investment Fund (LAIF), no more than 60 percent of the investment portfolio shall be invested in any single investment type or financial institution.

## Safekeeping and Custody

All security transactions, including collateral for repurchase agreements and certificates of deposit, shall be transacted on a Delivery vs. Payment (DVP) basis. This means that the securities shall be delivered to the City or the City's designated custodian upon receipt of payment by the City.

All securities that may be purchased, including collateral, shall be held by a third-party custodian designated by the Treasurer whenever possible. These securities shall be held in the City's name and control, and the third-party custodian shall be evidenced by safekeeping receipts. The third-party custodian shall send the City, on a monthly basis, a summary of safekeeping assets, and this statement shall be reconciled to the City's records on a monthly basis. Securities held in custody for the City shall be independently audited on an annual basis to verify investment holdings.

## Performance Standards and Evaluation

Investment performance is continually monitored and evaluated by the City Treasurer. Investment activity reports are generated on a monthly basis for presentation to the City Manager and City Council.

The weighted average maturity of the pooled portfolio shall not exceed three years and shall be designated to attain a market average rate of return. The market average rate of return will

be determined by a custom benchmark that represents the prominent and persistent characteristics of the portfolio.

In addition to the three-year maturity average, the portfolio shall be structured for liquidity purposes, and 25 percent of the investment portfolio shall not exceed 90 days weighted average maturity. The independent auditor will annually verify that the portfolio conforms to the maturity requirements described above.

An annual audit of the City's Investment Policy, practices, procedures, and portfolio status will be conducted by an independent auditor of all items including, but not limited to, items specified in the Audit Checklist provided in the City's Procedure Manual. The auditor will provide the City Manager and City Council with written observations and recommendations regarding the adequacy of investment controls.

## Qualifications and Continuing Education

The City Treasurer shall be a City employee or contract employee. The Treasurer shall be selected on the basis of educational background and experience relevant to the Treasury function.

The City recognizes the need for and is committed to providing ongoing education specific to the investment function for the Treasurer and other City staff and officials involved in the investment process.

# GLOSSARY OF TERMS

**Accrued Interest** - Interest earned but not yet received.

**Active Deposits** - Funds which are immediately required for disbursement.

**Agencies** - Federal agency securities and/or Government-sponsored enterprises.

**Amortization** - An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

**Asking Price** - The price a broker/dealer offers to sell securities. See Offer

**Bankers' Acceptance (BA)** - A "draft" or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

**Basis Point** - One basis point is one hundredth of one percent (.01).

**Bear Market** - A period of generally pessimistic attitudes and declining market prices.

**Bid** - The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

**Bond** - A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

**Book Value** - The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or plus accretion of discount.

**Broker** - A broker brings buyers and sellers together for a commission.

**Bull Market** - A period of generally optimistic attitudes and increasing market prices.

**Callables** - Securities that the issuer has the right to redeem prior to maturity.

**Certificate of Deposit** - A time deposit with a specific maturity, evidenced by a certificate. Large-denomination CD's are typically negotiable. CD's may be eligible for FDIC insurance.

**Collateral** - Securities, evidence of deposit, or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

**Commercial Paper** - Short-term, unsecured promissory notes issued by a corporation to raise working capital. These negotiable instruments are purchased at a discount to par value or at par value with interest bearing.

**Comprehensive Annual Financial Report (CAFR)** - The official annual financial report for the City. It includes government-wide and fund financial statements prepared in conformity with Generally Accepted Accounting Principals (GAAP).

**Constant Maturity Treasury (CMT)** - An average yield of a specific Treasury maturity sector for a specific time frame, or an index of the average yield on United States Treasury securities adjusted to a constant maturity. This is a market index for reference of past direction of interest rates for the given Treasury maturity range.

**Coupon** - The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

**Credit Analysis** - A critical review and appraisal of the economic and financial conditions or of the ability to meet debt obligations.

## GLOSSARY OF TERMS (continued)

**Current Yield** - The interest paid on an investment expressed as a percentage of the current price of the security.

**Custody** - A banking service that provides safekeeping for the individual securities in a customer's investment portfolio under a written agreement which also calls for the bank to collect and pay out income, to buy, sell, receive, and deliver securities when ordered to do so by the principal.

**Debenture** - A bond secured only by the general credit of the issuer.

**Delivery v. Payment (DVP)** - Delivery of securities with a simultaneous exchange of payment for the securities.

**Demand Deposit Account** - Accounts whose balance is available to meet immediate cash needs (maturities up to 7 days).

**Derivatives** - (1) Financial instruments whose return profile is linked to, or derived from, the security and may include a leveraging factor, or (2) financial contracts based upon notional amount whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities, or commodities).

**Discount** - The difference between the cost of a security and its value at maturity when quoted at lower than face value.

**Discount Securities** - Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U. S. Treasury Bills.

**Diversification** - Dividing investment funds among a variety of securities offering independent return and risk profiles.

**Duration** - The weighted average maturity of a bond's cash flow stream, where the present value of the cash flows serves as the weights; the future point in time at which, on average, an investor has received exactly half of the original investment in present value terms; a bond's zero-coupon equivalent; the fulcrum of a bond's present value cash flow time line.

**Fannie Mae** - Trade name for the Federal National Mortgage Association (FNMA).

**Federal Credit Agencies** - Agencies of the Federal Government set up to supply credit to various classes of institutions and individuals, e.g., Savings and Loans, small business firms, students, farmers, farm cooperatives, and exporters.

**Federal Deposit Insurance Corporation (FDIC)** - Insurance provided to customers of a subscribing bank, which guarantees deposits to a set limit (currently $100,000) per account.

**Federal Funds Rate** - The rate of interest at which Federal funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

**Federal Home Loan Banks (FHLB) –** Government-sponsored wholesale banks which lend funds and provide correspondent banking services to member commercial banks, thrifty institutions, credit unions, and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

## GLOSSARY OF TERMS (continued)

**Federal Home Loan Mortgage Corporation (FHLMC)** - The FHLMC was created under the Federal Home Loan Mortgage Act, Title III of the Emergency Home Finance Act of 1970 as a stockholder-owned government-sponsored enterprise. Freddie Mac, as the corporation is called, is charged with providing stability and assistance to the secondary home mortgage market by buying first mortgages and participation interests and reselling these securities in the form of guaranteed mortgage securities. Although agency obligations are not explicitly guaranteed by the federal government, the rating agencies believe that in the unlikely event of financial difficulties, the federal government will support the agency to the extent necessary to provide for full and timely payment on their securities.

**Federal National Mortgage Association (FNMA)** - FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

**Federal Open Market Committee (FOMC)** - Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

**Federal Reserve System** - The central bank of the U. S. which consists of a seven-member Board of Governors, 12 regional banks, and 5,700 commercial banks that are members.

**Fed Wire** - A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

**Freddie Mac** - Trade name for the Federal Home Loan Mortgage Corporation (FHLMC).

**Ginnie Mae** - Trade name for the Government National Mortgage Association (GNMA).

**Government National Mortgage Association (GNMA)** - Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by the full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA, or FmHA mortgages. The term "pass-throughs" is often used to describe Ginnie Maes.

**Inactive Deposits** - Funds not immediately needed for disbursements.

**Interest Rate** - The annual yield earned on an investment, expressed as a percentage.

**Investment Agreements** - An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity, and interest rates.

## GLOSSARY OF TERMS (continued)

**LAIF (Local Agency Investment Fund)** - A special fund in the State Treasury which local agencies may use to deposit funds for investment. There is no minimum investment period, and the minimum transaction is $5,000, in multiples of $1,000 above that, with a maximum balance of $50,000,000 for any agency. It offers high liquidity because deposits can be converted to cash in 24 hours and no interest is lost. All interest is distributed to those agencies participating on a proportionate share basis determined by the amounts deposited and the length of time they are deposited. Interest is paid quarterly. California Government Code §16429.3 states, in part:

> "money placed with the State Treasurer for deposit in the Local Agency Investment Fund by cities, counties, or special districts shall not be subject to impoundment or seizure by any state official or state agency."

**Liquidity** - Refers to the ability to rapidly convert an investment into cash with minimal risk of losing some portion of principal and/or interest.

**Local Government Investment Pool (LGIP)** - The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

**Market Value** - The price at which a security is trading and could presumably be purchased or sold.

**Master Repurchase Agreement** - A written contract covering all future transactions between the parties to repurchase and/or reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

**Maturity** - The date upon which the principal or stated value of an investment becomes due and payable.

**Medium Term Corporate Notes** - Unsecured promissory notes issued by a corporation organized and operating in the United States. These are negotiable instruments and are traded in the secondary market. Medium term corporate notes can be defined as extended maturity commercial paper. Local agencies are restricted by the Government Code to investments in corporations rated in the top three note categories by Moody's Investors Service, Inc., and/or Standard and Poor's Corporation. For medium term notes, eligible purchases consist of instruments that have a rating of "A" or better by both Moody's Investors Service, Inc., and Standard and Poor's Corporation.

**Money Market** - The market in which short-term debt instruments (bills, commercial paper, banker's acceptances, etc.) are issued and traded.

**Negotiable Certificates of Deposit** - Unsecured obligations of the financial institution, or bank, bought at par value with the promise to pay face value plus accrued interest at maturity. They are high-grade negotiable instruments, paying a higher interest rate than regular certificates of deposit. The primary market issuance is in multiples of $1,000,000; the secondary market usually trades in denominations of $500,000, although smaller lots are occasionally available. As a matter of practice, only the ten largest U.S. banks where there is a secondary market established for continued liquidity would be considered for investment.

## GLOSSARY OF TERMS (continued)

**NRSRO** - Nationally recognized statistical-rating organization

**New Issue -** Term used when a security is originally "brought" to market.

**Offer** - The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asking Price and Bid.

**Open Market Operations** - Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserve into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

**Paper Gain or Loss** - Term used for unrealized gain or loss on securities being held in a portfolio based on comparison of current market quotes and their original cost. This situation exists as long as the security is held while there is a difference between cost value (book value) and the market value.

**Perfected Delivery** - Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

**Portfolio** - Collection of securities held by an investor.

**Primary Dealer** - A group of government securities dealers that submit daily reports of market activity and security positions held to the Federal Reserve Bank of New York and are subject to its informal oversight.

**Prudent Person Rule** - An investment standard. In some states, the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state - the so-called legal list. In other states, the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

**Purchase Date** - The date in which a security is purchased for settlement on that or a later date.

**Qualified Public Depositories** - A financial institution that does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less approved by the Public Deposit Protection Commission to hold public deposits.

**Rate of Return** - The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

**Repurchase Agreement (RP or REPO)** - A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, or increasing bank reserves.

## GLOSSARY OF TERMS (continued)

**Reverse Repurchase Agreement (Reverse REPO)** - A transaction where the seller (City) agrees to buy back from the buyer (bank) the securities at an agreed upon price after a stated period of time.

**Risk** - Degree of uncertainty of return on an asset.

**Safekeeping** - See Custody.

**Secondary Market** - A market made for the purchase and sale of outstanding issues following the initial distribution.

**Securities and Exchange Commission** - Agency created by Congress to protect investors in securities transactions by administering securities legislation.

**SEC Rule 15(C)3-1 -** See Uniform Net Capital Rule.

**Settlement Date** - The date on which a trade is cleared by delivery of securities against funds.

**Spread** - a) The yield or price difference between the bid and offer on an issue; b) the yield or price difference between different issues.

**Structured Notes** - Notes issued by government-sponsored enterprises (FHLB, FNMA, etc.) and corporations that have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) in their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options, and shifts in the shape of the yield curve.

**Swap** - The sale of one issue and the simultaneous purchase of another for some perceived advantage.

**Treasury Bills** - A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

**Treasury Bonds** - Long-term coupon-bearing U. S. Treasury securities issued as direct obligations of the U. S. Government and having initial maturities of more than ten years.

**Treasury Notes** - Medium-term coupon-bearing U. S. Treasury securities issued as direct obligations of the U. S. Government and having initial maturities from two to ten years.

**Uniform Net Capital Rule** - Securities and Exchange Commission requirement that member firms, as well as nonmember broker-dealers in securities, maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

**U.S. Government Agencies** - Instruments issued by various U.S. Government Agencies, most of which are secured only by the credit worthiness of the particular agency.

**Yield** - The rate of annual income return on an investment, expressed as a percentage. It is obtained by dividing the current dollar income by the current market price of the security.

**Yield to Maturity** - The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.

## QUALIFIED BROKER/DEALERS

The City has qualified the following Broker/Dealer's:

- Cantella & Co. Inc
- Great Pacific Securities
- Higgins Capital
- Morgan Stanley
- Multi-Bank Securities, Inc
- Mutual Securities, Inc
- Raymond James & Associates, Inc.
- Time Value Investments
- UBS Financial Services, Inc
- Wedbush Securities

## ADMINISTRATIVE POLICY

## Investment Guidelines, Strategy, and Internal Control

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: David A. Doyle, City Manager

SUBJECT: CITY SPONSORSHIP OF GIRL SCOUTS OF ALISO VIEJO COOKIE LOTTERY EVENT

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**Recommended Action:**

Approve City sponsorship of the annual Girl Scouts of Aliso Viejo Cookie Lottery Event.

**Fiscal Impact:**

City sponsorship would allow the Girl Scouts of Aliso Viejo to hold this annual event as well as future annual cookie sales planning events at the Aliso Viejo Ranch at no cost. The City would provide half of the new barn for their use. Since the Girl Scouts are a registered non-profit, the City would be waiving $276 in rental fees.

**Background:**

Annually, the Girl Scouts of Aliso Viejo coordinate with the various troops within Aliso Viejo to establish the Girl Scout cookie booth locations within the city. Historically, this event was held at the Aliso Viejo Center at no cost. However, with the opening of Aliso Viejo Ranch and the increase in costs to rent the Aliso Viejo Center, the Girl Scouts are requesting the City provide the Aliso Viejo Ranch location for this annual event at no cost.

**Discussion:**

If approved by Council, City staff will coordinate with the Girl Scouts of Aliso Viejo to schedule the annual meeting specifically to minimize the cost to the City (a time when City staff is already scheduled to work). If other organizations within the City similar to the Girl Scouts request a similar sponsorship for a single annual meeting, City staff will evaluate the request and, if appropriate, present to the City Council for consideration at a future meeting.

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: Shaun Pelletier, Director of Public Works/City Engineer

SUBJECT: REQUEST FOR STREET PARKING ON BROOKLINE

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**Recommended Action:**

Approve a request to modify the lane configurations on Brookline to allow for on-street parking.

**Fiscal Impact:**

The cost for this work should not exceed $5,000 and would be covered in the current street maintenance budget.

**Background:**

In 2004 an Ad Hoc City Council Committee was formed to investigate and determine policy for parking on collector streets and considered such issues and characteristics as:

- traffic/pedestrian safety
- sight distance
- street widths
- posted speed limits
- adjacency to community parks
- adjacency to schools
- aesthetics
- differing land uses on opposite sides of a particular street

The Ad Hoc Committee recommended that City Council adopt a policy as follows:

Direct Staff to perform an engineering study and establish parking regulations in response to public requests for modifications to existing parking regulations on collector streets. The engineering study shall be based on the following hierarchy of principles:

1. Public safety related to adequate sight distance.
2. Aesthetics.

3. Public convenience.
4. Land use adjacent to the collector street.
    a. Parking can be prohibited adjacent to single family residential.
    b. Parking should be allowed adjacent to multi-family residential.
    c. Parking should be allowed adjacent to parks and other community activity centers.
    d. Parking should be allowed adjacent to commercial and industrial land uses.
5. Existing center turn lanes on commercial/industrial streets are to be preserved.

The recommended policy was approved by City Council on August 3, 2005.

The streets that principle #5 applied to included Argonaut, Columbia, Brookline and Journey. On April 2, 2014, City Council approved a request to allow on-street parking along all of Argonaut. Council also approved four (4) parking stalls on Brookline for accessing Brookline Park.

Staff has received a request from UPS for temporary on-street parking on Brookline to accommodate seasonal shift in delivery volumes.

**Discussion:**

Staff has been receiving requests from UPS for temporary street parking on Brookline since 2014 for the holiday package season. This request has expanded in both duration and amount of parking over the years. Given the commercial/industrial nature of the street and the frontage being mostly UPS, staff is recommending removal of the two-way center turn pocket to allow for permanent parking on both sides of the street except for turn pockets required at Aliso Creek Road. The segment connecting to Glenwood is also wide enough for some parking without changing the lane configuration. This will accommodate the seasonal fluctuations at UPS and help eliminate overflow parking entering other business parking lots along Brookline. Please see the green areas marked on the attached map for the proposed parking.

Staff also continues to receive requests for additional parking to access Brookline Park. As with most AVCA parks, no off-street parking is available, so this proposed change helps to accommodate park use as well.

In order for this change to be implemented, City Council must authorize work due to a conflict with principle #5, preserving existing center lanes.

**Attachment:**

1. Map


Brooktree
Glenwood Dr
Glenwood Dr
Brookline
Brookline
Brookline

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: Shaun Pelletier, Director of Public Works/City Engineer
Moy Yahya, Environmental Programs Manager

SUBJECT: ORDINANCE RELATING TO SB 1383 REGULATIONS AND PUBLIC HEARING REGARDING SOLID WASTE RATES AND RESOLUTION AMENDING FRANCHISE AGREEMENT FOR SOLID WASTE SERVICES

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**Recommended Actions:**

1. Receive presentation on Senate Bill 1383 from CR&R;

2. Introduce and waive first reading of the following ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 7.05 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL;

3. Conduct a public hearing on the solid waste rate increases; and

4. Adopt a Resolution approving the amended and restated integrated solid waste management services agreement with CR&R and adopting solid waste charges.

**Fiscal Impact:**

No impact to the City's General Fund. All rate increases provided for in the amended agreement will be paid by CR&R's customers.

**Background:**

Senate Bill (SB) 1383 was signed into law by Governor Jerry Brown on September 19, 2016. SB 1383 sets aggressive targets for reducing the amount of organic waste that can be sent to landfills. The law also requires jurisdictions to implement a food recovery program to assist the State in increasing edible food recovery by 20%. The SB 1383 Regulations require all California jurisdictions to implement mandatory organic recycling programs. The SB 1383 Regulations require all single family, multi-family, and commercial solid waste generators to have access to recycling programs that collect and recover organic waste.

Assembly Bill (AB) 341, enacted in 2011, and AB 1826, enacted in 2014, mandated commercial recycling and commercial organics recycling and are incorporated into SB 1383 regulations. AB 341 requires all commercial businesses and public entities that generate four cubic yards or more of waste per week to have a recycling program in place. AB 1826 requires businesses that generate two cubic yards of commercial solid waste per week to arrange for organic waste recycling services and report to CalRecycle on their progress in implementing an organic waste recycling program. SB 1383 expands upon AB 341 and AB 1826 by requiring all residents and commercial solid waste generators to comply with a source separated solid waste collection system.

The City has an exclusive franchise agreement with CR&R Incorporated (CR&R) for the collection and handling of solid waste, recycling, and organic waste to residences and businesses through the City. The regulations promulgated by California Department of Resources Recycling and Recovery (CalRecycle) to implement Senate Bill 1383 (SB 1383 Regulations) require all jurisdictions including cities to adopt an enforceable ordinance to implement the SB 1383 Regulations. The SB 1383 Regulations will increase the level of services provided by CR&R by adding an organics collection stream and will require an amendment to CR&R's current franchise agreement and a rate increase to solid waste service charges. To increase the rates, a Proposition 218 public hearing will be conducted for the proposed solid waste collection service rates. The City is conducting a majority protest proceeding in an abundance of caution and without conceding that Proposition 218 applies to privately provided solid waste service.

**Discussion:**

Requirements of SB 1383 Regulations

The regulations promulgated by CalRecycle require the City to implement the following practices in order to achieve compliance:

a. Provide organic waste collection services to all residents and businesses.

b. Establish an edible food recovery program.

c. Conduct outreach to and education for waste generators.

d. Perform capacity planning for organic waste diversion from landfills.

e. Procure recovered organic waste products, such as compost, mulch, biomass electricity, and renewable natural gas (RNG), to satisfy annual targets.

f. Adopt enforceable mechanisms to implement SB 1383 Regulations by January 1, 2022.

CR&R will provide organic waste collection services and provide additional services to implement the SB 1383 Regulations pursuant to the proposed Amended and Restated Integrated Solid Waste Management Services Agreement. Due to CR&R's increased solid waste services to implement the SB 1383 Regulations, it is necessary to adopt the amended and restated franchise agreement and increase the solid waste service fees.

Proposed Rate Increases

The proposed Amendment to the franchise agreement with CR&R includes added program in compliance with the mandated SB 1383 regulations. The new program and associated rates would be effective January 1, 2022. Rate increases require a Proposition 218 public hearing scheduled on November 3, 2021.

*Proposition 218*

The City is complying with the requirements of Article XIII D of the California Constitution (Proposition 218) out of an abundance of caution. Proposition 218 requires a noticed public hearing prior to adopting new or increased charges related to property, such as solid waste collection service fees. The process requires a notice of the proposed fee be mailed to all property owners and tenants directly responsible for the solid waste bill in the City. The notice must be mailed at least 45 days before the public hearing. The notice was mailed on September 13, 2021. During the 45-day period and until the close of the public hearing, property owners and tenants may protest the fee by submitting a written protest. If more than 50% of the property owners or tenants directly liable for the charges protest the fee, the City Council would be prohibited from enacting the fee change. Only one protest will count per parcel.

*Proposed Rates*

The proposed rates for the solid waste service fees are set forth in Exhibit "A" of Resolution. If adopted, the proposed monthly rates will take effect January 1, 2022.

*Adjustments*

The proposed rates for the solid waste fees shall be adjusted annually to account for inflation and increases in disposal fees as set forth in the franchise agreement. Beginning July 1, 2022 and each July 1 thereafter, through and including July 1, 2025, the rates for the components of the solid waste fees may be adjusted as follows: (1) fuel fees may be adjusted by an amount equal to the change in the Producer Price Index for Fuels and related products and power – Commercial natural gas for the prior calendar year, with an initial weighting of 5%; (2) disposal fees may be adjusted by the actual percentage change in the Orange County Waste Disposal Agreement gate rate set by the County of Orange, with an initial weighting of 11%; and (3) service fees will be adjusted by an amount equal to the change in the Consumer Price Index (CPI) for All Urban Consumers, all items less food and energy index – Los Angeles-Long Beach-Anaheim, CA, not seasonally adjusted, for the prior calendar year, with an initial weighting of 84%.

*Special Adjustments*

In addition to the above adjustments, the Franchise Agreement allows for special adjustments to implement SB 1383 regulations for residential organics recycling and commercial food waste rates. The residential organics recycling adjustment will be phased over three and one half (3-1/2) years. On January 1, 2022, the residential organics recycling will increase by $0.66 per resident per month. On July 1, 2022, residential organics recycling will increase by $0.76 per residence per month, on July 1, 2023, residential organics recycling will increase by $0.76 per residence per month, and on July 1, 2024, residential organics recycling will increase by $0.78 per residence per month. The total increase will therefore be $2.96 per resident per month, or 15.7%. The commercial food waste rates will increase on July 1, 2022, due to increases in commercial food waste processing costs.

Required Steps

In order to comply with the requirements listed above the City will take the following steps:

a. Adopt a SB 1383 enforcement ordinance by January 1, 2022.

b. CR&R will distribute compliant green or organics containers to all residents and businesses pursuant to its separate amended franchise agreement with the City.

c. The City will implement a food recovery program. The City will facilitate the following tasks to comply with SB 1383 food recovery program requirements:

    i. Educate commercial edible food generators and continuously provide food recovery related information through the City's website.

    ii. Increase commercial edible food generators' access to food recovery organizations and food recovery services.

    iii. Monitor commercial edible food generators' compliance by providing a sample agreement to the commercial edible food generator and food recovery facility and conducting inspections beginning January 1, 2022.

    iv. Participate in Orange County's effort to increase county-wide edible food recovery capacity.

d. Staff will perform various outreach and educational efforts related to SB 1383 Regulations.

e. The City will meet the recovered organic waste procurement target through CR&R's use of RNG for their collection and disposal vehicles. The procurement target is calculated by multiplying the per capita procurement target (0.08 tons of organic waste

per California resident per year) by the City's population, as reported by the California Department of Finance.

Conclusions

By implementing the attached Ordinance, the City will comply with the State requirements under the SB 1383 Regulations to adopt an enforceable ordinance.

By implementing the attached Resolution, the City will amend its franchise agreement with CR&R and adopt the solid waste service increases and facilitate compliance with the SB 1383 Regulations.

**Attachments:**

1. Ordinance

2. Resolution

3. Proposition 218 Notice

**ORDINANCE NO. 21-____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 7.05 OF THE ALISO VIEJO MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL**

**WHEREAS**, SB 1383 (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery ("CalRecycle") to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

**WHEREAS**, SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away; and

**WHEREAS**, CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations"); and

**WHEREAS**, the SB 1383 Regulations take effect January 1, 2022, and requires the City of Aliso Viejo to adopt an ordinance to enforce the SB 1383 Regulations by said date, and;

**WHEREAS**, the City Council desires to amend its Solid Waste Disposal Ordinance to comply with the SB 1383 Regulations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DOES ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 7.05 is hereby amended in its entirety as set forth in Exhibit A, incorporated by this reference.

SECTION 2. If any section, subsection, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 3. No less than five days prior to the adoption of this Ordinance, the City Clerk published a summary of this Ordinance in accordance with Government Code section 36933. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of Aliso Viejo, California, and cause a summary to be published once

within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

SECTION 4. This Ordinance shall take effect and be in full force thirty (30) days after its adoption.

**INTRODUCED** on the 3rd day of November, 2021, and **PASSED AND ADOPTED** by the City Council of the City of Aliso Viejo on this ___ day of _____, 20__, by the following vote:

_____
Tiffany Ackley
Mayor

ATTEST:

_____
Mitzi Ortiz
City Clerk

APPROVED AS TO FORM:

_____
Scott C. Smith
City Attorney

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF ALISO VIEJO )

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Aliso Viejo held on the _____ day of _____2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mitzi Ortiz
City Clerk

**EXHIBIT A**

**CITY OF ALISO VIEJO MUNICIPAL CODE**

## Chapter 7.05
## SOLID WASTE DISPOSAL

Sections:


7.05.010 Definitions.
7.05.020 Solid waste collection franchises, permits and licenses.
7.05.030 Manner, time, and frequency of collection.
7.05.040 Categories.
7.05.050 Collection arrangements required.
7.05.060 Fees.
7.05.070 Solid waste facilities.
7.05.080 Liability for fees.
7.05.090 Containers – Location.
7.05.100 Use of containers.
7.05.110 Frequency of removal.
7.05.120 Containers – Located for collection.
7.05.140 Franchisee equipment.
7.05.150 Trucks – Noise.
7.05.160 Self-haulers, contractors, and gardeners – Disposal at authorized sites – Reporting requirements.
7.05.170 Ownership of recyclable solid waste placed for collection.
7.05.180 Recyclable material – Transfer and disposal.
7.05.190 Cleanup responsibility.
7.05.200 Use of collector's containers.

7.05.210 Removal of solid waste.
7.05.220 Institutional, commercial or industrial solid waste.
7.05.230 Solid waste burning or burying prohibited.
7.05.240 Franchise or permit required – Penalty for violation.
7.05.250 Public nuisance.
7.05.260 Unauthorized disposal.
7.05.270 Enforcement.
7.05.280 Civil action by franchisee.
7.05.290 Requirements for Single-Family Generators (Standard Compliance Approach).
7.05.300 Requirements for Single-Family Generators (Performance-Based Compliance Approach).
7.05.310 Requirements for Commercial Businesses (Standard Compliance Approach).
7.05.320 Requirements for Commercial Businesses (Performance-Based Compliance Approach).
7.05.330 Waivers for Generators.

7.05.340 Requirements for Commercial Edible Food Generators.
7.05.350 Requirements for Food Recovery Organizations and Services.
7.05.360 Requirements for Haulers and Facility Operators.
7.05.370 Self-Hauler Requirements.
7.05.380 Inspections and Investigations.
7.05.390 Violations.

**7.05.010 Definitions.**

The following definitions apply to the use of these terms for the purposes of this chapter:

Words and phrases not ascribed a meaning by this title shall have the meaning ascribed by California Public Resources Code Sections 40105 through 40201 and the regulations of CalRecycle.

“Act” means the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000 et seq.), as it may be amended from time to time.

“Blue Container” has the same meaning as in 14 CCR § 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Waste.

“Bulk household waste” means all discarded household waste matter which is too large to be placed in a covered container including, but not limited to, vehicle tires and/or wheels, furniture, appliances, discarded carpets, discarded mattresses, discarded electronic equipment, and similar large items produced from residential premises, and is considered solid waste for purposes of this chapter.

“California Code of Regulations” or “CCR” means the California Code of Regulations.

“CalRecycle” means the California Department of Resources Recycling and Recovery.

“City” means the City of Aliso Viejo, California.

“City Council” means the City Council of Aliso Viejo, California.

“Civic litter containers” means City-owned receptacles located in public areas for disposal of waste generated by the public.

“Collection” means the act of collecting solid waste, including recyclable materials, and organic waste, at or near the place of generation by a collector who has made arrangements with the generator for the collection of the solid waste, recyclable materials, and organic waste.

“Commercial” or “commercial business” means a business, industrial, commercial establishment, or construction site, and any multiple-family, residential dwelling with five (5) units or more on one (1) account.

“Commercial bins” means bins provided by a collector, usually three cubic yards or greater in capacity and designed for the deposit of solid waste, including recyclable materials and organic waste, charged at commercial rates.

“Commercial premises” means all premises in the City, other than residential premises, where solid waste, including recyclable materials and organic waste, is generated or accumulated. The term “commercial premises” includes, but is not limited to, stores; restaurants; rooming houses; hotels; motels; office buildings; department stores; manufacturing, processing or assembling shops or plants; hospitals; clinics; and nursing homes.

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

“Compliance Review” means a review of records by the City to determine compliance with this chapter.

“Container” means any bin, vessel, can or receptacle used for collecting solid waste, recyclable materials and organic waste, for removal by an authorized Collector.

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

“Continuation/claim hauler” means a solid waste collector which claims a right to collect solid waste based on “continuation rights” as set forth in California Public Resources Code Section 49520 et seq. or any other law. No inference shall be drawn from this or any other section of this title that the city recognizes any such claim or that the city has determined that any solid waste enterprise is or may be eligible for “continuation” or any other rights under the California Public Resources Code or any other law.

“Contractor” means a person, persons, local agency, firm, corporation or other entity franchised, authorized, permitted or licensed by the city to make arrangements with generators for the collection of solid waste, recyclable material and organic waste, within the city.

“Designated recycling collection location” means the place designated by the Contractor for the collection of recyclables. This location may be, but the City does not require that it be, at the curbside of a residential neighborhood or the service alley of a commercial enterprise.

“Designated Source Separated Organic Waste Facility” shall have the same definition as 14 CCR § 18982(14.5).

“Dwelling” means a residence, including any flat, apartment, or other facility intended to be and permitted to be used for housing one or more persons, except “dwelling” does not include hospitals, hotels, motels, nursing homes or convalescent centers.

“Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR § 18982(a)(18). Edible food is not solid waste if it is recovered and not discarded.

“Electronic waste ” or “E-Waste” means any appliances, devices, and other objects containing electronic components, and includes (but is not limited to) computers, computer monitors, cellular telephones, copiers, fax machines, DVD players, VCRs, and televisions, and other electronic devices that are categorized as E-waste by the California Integrated Waste Management Board.

“Enforcement action" means an action of the City to address non-compliance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Enforcement officer" means the city manager, county administrative official, chief operating officer, executive director, public works director or other executive in charge or their authorized designees who is/are partially or wholly responsible for enforcing this chapter.

“Franchise” means the right and privilege: (1) to make arrangements for the collection of and to collect solid waste; (2) to transport solid waste to landfills, transformation facilities or other licensed solid waste management facilities; (3) to recycle recyclables collected within the City; and (4) and/or process organic waste at a processing facility. Any franchise is subject to any continuation or other rights, if any, held by any other solid waste enterprise pursuant to California Public Resources Code Section 49520 et seq., or other laws granting the right to provide solid waste hauling services in the City.

“Food recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR § 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 or as otherwise defined in 14 CCR § 18982(a)(25), including, but not limited to:

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

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

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

“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 § 18982(a)(26).

**“**Food waste” means food scraps separated from solid waste and offered for collection by solid waste franchisee, that will decompose and/or putrefy including (i) all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs; and (ii) paper waste contaminated with food waste.

“Franchise fee” means the fee imposed by the City on a solid waste franchisee because of its status as a solid waste franchisee and which, inter alia, is intended to offset the City’s expenses in administering the franchise and to compensate City for damage to its streets, sidewalks, curbs, gutters, and other infrastructure resulting from the solid waste franchisee’s exercise of the franchise, the expenses of administering the solid waste program, reporting requirements under the Act and SB 1383 Regulations, and other related expenses.

“Gardener” means a licensed person performing gardening and landscaping maintenance services for hire.

“Generator” means any person or other entity who is responsible for the initial creation of solid waste.

“Gray container” has the same meaning as in 14 CCR § 18982.2(a)(28) and shall be used for the purpose of storage and collection of gray container waste.

“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 as specified in 14 CCR § 18984.1(a)-(b), or as otherwise defined in 14 CCR § 17402(a)(6.5).

“Green Container” has the same meaning as in 14 CCR § 18982.2(a)(29) and shall be used for the purpose of storage and collection of source separated green container organic waste.

“Green waste” means any organic waste generated from any landscape, including but not limited to, grass clippings, leaves, prunings, tree trimmings, pine needles, weeds, branches, and brush collected pursuant to this chapter.

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

“Gross revenues” means any and all revenue or compensation in any form derived, directly or indirectly, by the solid waste franchisee, its subsidiaries, parent companies or other affiliates, for the collection, transportation, processing, disposal and other services with respect to solid waste collected within the City pursuant to a franchise, permit or license, in accordance with generally accepted accounting principles. Gross revenues include, but are not limited to, monthly customer fees for collection of solid waste, special pick-up fees, commercial bin and drop box rental and collection fees, fees for redelivery of commercial bins and drop boxes, without subtracting franchise fees, but excluding disposal or processing costs incurred at disposal or processing facilities.

“Hazardous waste” means any waste, substance, or mixture of wastes defined as a “hazardous substance” or “hazardous waste” pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601 et seq., the California Health and Safety Code and all future amendments, or as defined by the California Integrated Waste Management Board, or its successor, and any consumer product with the characteristics of a hazardous substance. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term “hazardous waste” shall be construed to have the broader, more encompassing definition.

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

“Inspection” means a site visit where the City 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 § 18982(a)(35).

“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.

“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. 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. 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.

“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 § 18982(a)(40).

“Multi-family residential dwelling” or “multi-family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

“Notice of Violation” or “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 § 18982(a)(45) or further explained in 14 CCR § 18995.4.

“Organics,” “organic waste,” and “organic material” means solid wastes containing material originated from living organisms and their metabolic waste products, including, but not limited to, food waste, green waste, non-hazardous wood waste, and unwaxed, food-soiled paper.

“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 § 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 § 18982(a)(51).

“Place” or “premises” means every dwelling house; dwelling unit; apartment house or multiple dwelling building; trailer or mobile home park; store; restaurant; rooming house; hotel; motel; office building; department store; manufacturing, processing, or assembling shop or plant; and every place or premises where any person resides, or any business is carried on or conducted within the City or any other site upon which solid waste is produced or accumulates.

“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 § 18982(a)(54).

“Prohibited container contaminants” means the following: (i) discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the City’s blue container; (ii) discarded materials placed in the green container that are not identified as acceptable source separated green container organic

waste for the City's green container; (iii) discarded materials placed in the gray container that are acceptable source separated recyclable materials and/or source separated green container organic wastes to be placed in the City's green container and/or blue container; and (iv) non-solid waste items placed in any container.

"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 § 18982(a)(60).

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

"Recyclable materials" or "recyclables" means material such as, but not limited to, paper, cardboard, glass, metal and aluminum cans, and plastics which is separated from other waste or refuse for the purpose of recycling.

waste.

"Residential" means any residential dwelling or apartment house.

"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 § 18982(a)(65).

"SB 1383" means Senate Bill 1383 (Chapter 395, Statutes of 2016).

"SB 1383 Regulations" means 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.

"Self-hauler" means a person, who hauls solid waste, organic waste, or recyclable materials 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 § 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 § 18982(a)(66)(A).

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

"Solid waste" means putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge that is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other

discarded solid and semisolid wastes. Solid waste does not include radioactive waste, medical waste, or other hazardous waste.

“Solid waste management facility” means a facility where solid waste is sorted, processed, treated, or transferred.

“Source separating” or “source separation” means the process of removing recyclable materials from solid waste at the place of generation, prior to collection, and placing them into separate containers that are separately designated for recyclable materials.

“Source separated blue container waste” means source separated wastes that can be placed in a blue container that is limited to the collection of those organic wastes and non-organic recyclables as defined in 14 CCR § 18982(a)(43), or as otherwise defined by 14 CCR § 17402(a)(18.7).

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

“Standard residential solid waste container” means a container provided by the collector for the accumulation, storage, and collection of single-family residential solid waste.

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

“Tier One Commercial Edible Food Generator” means a commercial edible food generator that is one of the following:

1. Supermarket.
2. Grocery store with a total facility size equal to or greater than 10,000 square feet.
3. Food service provider.
4. Food distributor.
5. Wholesale food vendor.

“Tier Two Commercial Edible Food Generator” means a commercial edible food generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

2. Hotel with an on-site food facility and 200 or more rooms.

3. Health facility with an on-site food facility and 100 or more beds.

4. Large venue.

5. Large event.

6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

7. A local education agency facility with an on-site food facility.

“Universal waste” means any batteries, fluorescent tubes and light bulbs, items (such as thermometers and toys) containing mercury, nonempty aerosol cans, and any other items designated or categorized as E-waste or as universal waste by the California Integrated Waste Management Board and/or California Department of Toxic Substances Control.

“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 § 189852(a)(76).

**Cross-reference:** Definitions generally, AVMC 1.02.010.

**7.05.020 Solid waste collection franchises, permits, and licenses.**

A. The City Council may award one or more franchises, permits, or licenses for collection of solid waste, including recyclable materials and organic waste, from all or a portion of single-family residential properties, commercial, industrial, governmental, institutional, and multi-family residential properties in the City. Any such franchise, permit or license shall be granted by the City Council by resolution, upon a determination that the public health, safety, and well-being so require.

B. The franchise, permit, or license shall be granted in writing, naming the holder of the franchise, and shall be on such terms and conditions as the City Council shall establish in its sole discretion. At a minimum, the franchise, permit or license shall provide that:

1. The franchisee, permittee, or licensee shall comply with the provisions of this title as it may be amended; and

2. The franchisee, permittee, or licensee shall be required to protect, defend, indemnify, and hold the City harmless from any liability, including, specifically, liability under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.) and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), as they may be amended from time to time, and all regulations implementing these acts; and

3. The franchisee, permittee, or licensee shall be required to cooperate with the City in solid waste generation studies and the preparation of waste stream audits, and to implement measures to reach the solid waste and recycling goals mandated by the Act.

**Cross-reference:** business licenses and regulations, AVMC Title 4.

**7.05.030 Manner, time, and frequency of collection.**

The contractors who arrange for the collection of solid waste, including recyclable materials and organic waste, shall make arrangements with their customers specifying the manner in which solid waste collection services are provided, subject only to the City's duty to protect public health, safety, and well-being by prohibiting the collection of solid waste, recyclable materials, and organic waste between certain hours and on certain holidays, to control vectors and to limit sources of noise and air pollution within the City. The services shall be provided in compliance with this chapter and any applicable franchise agreement.

**7.05.040 Categories.**

In order to carry out its duties to plan for the management of vehicular traffic and mitigate adverse air quality effects, the City Council may determine waste management collection categories, i.e., residential, single-family residential, multi-family residential, commercial, industrial, special, special event, and other, and may make or impose franchise, license, contract, or permit requirements which vary for such categories

**7.05.050 Collection arrangements required.**

In order to protect the public health, safety, and well-being, and to prevent the spread of vectors, the owner, occupant, or other person responsible for the day-to-day operation of every place or premises in the City shall make arrangements with a solid waste contractor holding a franchise, contract, license, or permit issued by the City for the collection of solid waste as set forth in this title. An owner, occupant, or other person responsible for the day-to-day operation of every place or premises in the City may act in the capacity of a self-hauler to personally collect and remove the solid waste from the place or premises in compliance with AVMC 7.05.160; provided, that solid waste collection service shall be maintained at all times, notwithstanding the self-hauling.

**7.05.060 Fees.**

Pursuant to California Public Resources Code Section 40000 et seq., the City may levy fees upon contractors and generators for solid waste planning, collection, inspection, auditing, transfer, disposal, and the planning for and response to hazardous waste releases and spills. Such fees may include charges for the use of landfills and may include costs of preparing and implementing source reduction and recycling elements, household hazardous waste elements, and integrated waste management plans. The City may determine to collect all or part of such charges on the tax roll, whether or not delinquent, or by such other means as the City Council may elect.

**7.05.070 Solid waste facilities.**

No person shall construct or operate a solid waste management facility (including but not limited to a materials recovery facility), landfill, composting facility, or buy-back recycling center without first satisfying all City requirements for land use and other approvals.

**7.05.080 Liability for fees.**

A. Each person who arranges for solid waste collection pursuant to this chapter shall be liable for the fees and charges for such collection.

B. The City may include the fees and charges (plus any interest or penalties) for solid waste collection services on the property tax roll for the premises or by separate bill from the City or a solid waste contractor. The fees and charges (plus any interest or penalties) on the property tax roll for the premises or separate bill shall be due and payable on the date stated on the property tax roll for the premises or separate bill. The owner and occupant of each premises in the City each shall be jointly and severally liable for the payment of the fees and charges (plus any interest or penalties) for solid waste recycling, and organic waste collection service.

C. If solid waste collection fees and charges (and any applicable interest or penalties) are not paid within 30 days of the date payment was due, solid waste collection service may be discontinued. Liability for collection fees continues, whether or not collection services have been discontinued.

D. Upon written notice to the collector from the owner, occupant, or other person responsible for day-to-day operation of a premises in the City to discontinue solid waste collection services because that person no longer occupies the premises, the collector shall refund any collection fees paid in advance for services extending beyond the date that services are discontinued.

**7.05.090 Containers – Location.**

To protect public health, safety, and well-being against the growth and spread of disease vectors, it is the duty of every person in possession, charge, or control of any place within the City, in or from which solid waste, recyclable materials and organic waste, accumulates or is produced, to keep in a suitable place containers capable of holding without spilling all solid waste, recyclable materials and organic waste, which would ordinarily accumulate on the premises.

**7.05.100 Use of containers.**

A. To protect public health, safety, and well-being against the growth and spread of disease vectors, the person who is in charge of residential or commercial premises shall deposit or cause to be deposited all solid waste, recyclable materials and organic waste, in standard containers or bins as approved by the collector.

B. To protect public health, safety, and well-being against the growth and spread of disease vectors, no person shall maintain or place for collection any container not in conformance with the standard container or bin designated by the collector.

C. To minimize interference with public rights-of-way, no person shall place a container adjacent to a street or public right-of-way for collection service before 6:00 p.m. on the day before the normal collection day.

D. To minimize interference with public rights-of-way, solid waste, recycling, and organic waste containers shall be removed from the street or right-of-way location by 6:00 p.m. on the normal collection day.

E. To minimize interference with public rights-of-way, bulky goods shall be placed for collection only pursuant to an arrangement between the resident or business and the contractor.

F. To minimize interference with public rights-of-way, tree trimmings and brush shall be cut into pieces not to exceed four feet in length and four inches in diameter, before being placed for collection.

**Cross-reference:** Encroachment and work in the public right-of-way, Chapter 10.04 AVMC.

**7.05.110 Frequency of removal.**

A. To protect public health, safety, and well-being against the growth and spread of vectors, persons in charge of the day-to-day operation of properties other than where food is commercially prepared or sold, shall make arrangements to have removed, not less frequently than once a week, from the property all solid waste, recyclable materials, and organic waste on the premises.

B. To protect public health, safety, and well-being against the growth and spread of vectors, every person in charge of an establishment where food is commercially prepared or sold shall cause all waste food solid waste, recyclable materials, and organic waste to be removed from the property at least twice a week.

C. Subject to the requirements for minimum removals per week, set forth above, and the authority of the City's director of public works to determine that it is necessary to require more frequent solid waste, recyclables, and organic waste collection services or an increase in the size or number of bins in order to protect public health, safety, and well-being against the growth and spread of vectors, persons in charge of the day-to-day operation of commercial or multi-family residential premises may specify the frequency of collection of solid waste, recyclables, and organic waste created, produced, or brought upon the premises, and the size and number of bins required.

D. In order to protect residents' quiet enjoyment of their residential premises, collection from residential premises, both single-family and multi-family, shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m., Monday through Friday, and

between the hours of 6:00 p.m. and 8:00 a.m. for collections on Saturdays following holidays. Commercial collection which is audible in adjacent single-family residential areas shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m., Monday through Friday, and between the hours of 6:00 p.m. and 7:00 a.m. for collections on Saturdays following holidays. Commercial collections which are not audible in residential areas shall be prohibited between the hours of 9:00 p.m. and 5:00 a.m. on any day. Subject to the foregoing requirements, collections shall be made by arrangement between the person in charge of day-to-day operation of the property and the collector.

E. Collectors shall design their routes and times for collection in a manner which minimizes problems of air pollution, traffic, noise, wear and tear on public and private streets, or other problems having the potential to adversely affect public health, safety or the environment.

**7.05.120 Containers – Located for collection.**

During the hours for collection, residential containers shall be placed at the location designated by the contractor and shall be accessible for mechanized pick-up. Commercial bins shall be accessible to the contractor.

**7.05.140 Contractor equipment.**

To protect public health, safety, and well-being, any truck used for the collection or transportation of solid waste within the City shall be leak proof and equipped with a close-fitting cover which shall be affixed in a manner that will prevent spilling, dropping or blowing of any solid waste, recyclables, or organic waste upon the public right-of-way during collection or transportation. Every contractor providing services under this chapter shall comply with all applicable “clean fleet” rules adopted by any regulatory agency, including but not limited to Rule 1193 adopted by the South Coast Air Quality Management District.

**7.05.150 Trucks – Noise.**

To protect the public health, safety and quiet enjoyment of the residents of the City, the noise level for the collection vehicles during the stationary compaction process shall not exceed 75 dB at a distance of 25 feet from the collection vehicle and at an elevation of five feet from the horizontal base place of such vehicles.

**Cross-reference:** Noise control, Chapter 8.12 AVMC.

**7.05.160 Self-haulers and gardeners – Disposal at authorized sites – Reporting requirements.**

Self-haulers and gardeners shall deposit such solid waste, including recyclable materials and organic waste, only at licensed landfill sites, recycling or composting facilities. All such persons shall report the facility to which they deliver solid waste, and that the waste originated in Aliso Viejo. Self-haulers and gardeners shall also comply with Section 7.05.370. If no mechanism exists for this to be reported, self-haulers, and gardeners shall

report to the City the type, quantity, volume and weight of solid waste delivered to the facility, separately reporting solid waste, recyclables, and organic waste.

**7.05.170 Ownership of solid waste, recyclable materials, and organic waste placed for collection.**

Ownership and right to possession of solid waste, recyclable materials, and organic waste shall pass from the generator directly to the contractor, and not to the City, by operation of state law.

**7.05.180 Recyclable materials – Transfer and disposal.**

A. Except as provided below, nothhing in this chapter shall limit the right of any person, organization, or other entity to sell recyclable material owned by that person, organization or other entity or to donate recyclable materials to a charity or any other entity.

B. If the seller or donor of recyclable materials pays the buyer or the donee any consideration for collecting, processing, recycling, container rental, transporting or disposing of the recyclable materials, the transaction shall not be regarded as a sale or donation of recyclable materials, but as an arrangement for the recycling services subject to this title.

C. A person who receives a discount or reduction in the collection, disposal and/or recycling service rates for unsegregated or segregated solid waste shall not be deemed to be selling or donating recyclable materials pursuant to subsection (A) of this section.

**7.05.190 Cleanup responsibility.**

A. Until solid waste, recyclable materials, or organic waste has been picked up by a collector, the owner, operator, occupant, or other person in charge of the day-to-day operation of each premises in the City shall be responsible for the cleanup of any and all solid waste, recyclable materials, or organic waste generated, deposited, released, spilled, leaked, pumped, poured, emitted, emptied, discharged, injected, dumped or disposed into the environment, or which has otherwise come to be located outside an authorized container on, at or in the premises of which the person is the owner, operator, occupant or is otherwise in charge. This cleanup responsibility includes the cleanup of solid waste, recyclables, or organic waste which has come to be located outside an authorized container for the collection of such solid waste, recyclables, or organic waste notwithstanding human or animal interference with commercial bins or containers, wind or other natural forces and whether during storage, collection, removal or transfer. For purposes of this section, the term “disposed into the environment” shall include, but is not limited to, the abandonment of or discarding of barrels, containers and other closed receptacles of solid or liquid waste of any kind whatsoever.

B. To protect public health, safety, and well-being, each person collecting or transporting solid waste, recyclables, or organic waste within the City shall clean up immediately, or cause the immediate cleanup of any solid waste, recyclables, or organic

waste released, spilled or dumped into the environment by such person during collection, removal or transport within the City.

**7.05.200 Use of collector's containers.**

To protect public health, safety, and well-being, the keeping of solid waste, recyclables, or organic waste in collection containers or commercial bins other than those approved by collector, or the keeping upon premises of solid waste, recyclables, or organic waste which is offensive, obnoxious or unsanitary is unlawful, constitutes a public nuisance and may be abated in the manner now or hereafter provided by law for the abatement of nuisances.

**7.05.210 Removal of solid waste,** recyclables, or organic waste**.**

To protect public health, safety, and well-being, no person, other than the person in charge of any premises, or the collector authorized by the person in charge of any premises, shall move or remove any container or commercial bin from the location where the container or commercial bin was placed for storage or collection by the person in charge of the premises, or remove any solid waste, recyclables, or organic waste therefrom without prior written approval of the person in charge of such premises. The unauthorized removal of recyclable materials placed at designated recycling collection locations is prohibited by the California Public Resources Code.

**7.05.220 Institutional, commercial or industrial solid waste.**

To protect public health, safety, and well-being, no person shall place or deposit institutional, commercial, industrial, special or hazardous waste in any civic litter container.

**Cross-reference:** Sharps disposal, AVMC 4.35.130.

**7.05.230 Solid waste burning or burying prohibited.**

To protect public health, safety, and well-being, no person shall burn or bury any solid waste within the City, except in an approved incinerator or transformation facility or other device for which a permit has been issued by the building official, and which complies with all applicable permits and other regulations of air pollution control authorities, and provided any such act of burning in all respects complies with all other laws, rules and regulations. Nothing in this section shall prohibit composting of putrescible waste in such way that rodents, insects and other disease vectors are not drawn to the compost pile.

**7.05.240 Franchise or permit required – Penalty for violation.**

To protect public health, safety, and well-being, it is unlawful and a misdemeanor for any person, except for a self-hauler or gardener, to collect any solid waste from any commercial premises or residential premises within the City, nor shall any person place a commercial bin, at any premises within the City, without a City-issued written franchise or written solid waste collector's permit.

**7.05.250 Public nuisance.**

To protect public health, safety, and well-being and to prevent the spread of disease vectors, it is unlawful, and a public nuisance, for any person to occupy, inhabit, maintain, or to be in day-to-day control of any property within the City for which appropriate arrangements have not been made for regular collection and removal services of solid waste, recyclable materials, or organic waste.

**Cross-reference:** Nuisances, AVMC 8.24.010.

**7.05.260 Unauthorized disposal.**

A. To protect public health, safety, and well-being, and to prevent the contamination of solid waste, recyclable materials, and organic waste it is unlawful for any person to place solid waste, recyclable materials, or organic waste in, or to otherwise use the solid waste, recyclable materials or organic waste containers or commercial bins of another person, without the permission of such other person.

B. It is also unlawful for any person to deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, dump or dispose into the environment, including the abandonment of or discarding of barrels, containers and other closed receptacles of solid waste of any kind whatsoever, any solid waste upon any property within the City, or to cause, suffer, or permit such solid waste to come to be located upon any property in the City, except as authorized by this code.

**7.05.270 Enforcement.**

Pursuant to California Penal Code Section 836.5, the Director of Public Works, the City Engineer(s), the Director of Development Services, and any City code enforcement officer are authorized to enforce the provisions of this title as well as those of California Penal Code Sections 374, 374.2, 374.3, 374.4, 374.7, 374d, and 375; and California Vehicle Code Sections 23111 and 23112.

**Cross-reference:** Violations and penalties generally, Chapter 1.06 AVMC.

**7.05.280 Civil action by contractor.**

Nothing in this title shall be deemed to limit the right of a contractor holding an exclusive franchise issued by the City to bring a civil action against any person who violates AVMC 7.05.210, nor shall a conviction for such violation exempt any person from a subsequent civil action brought by a contractor.

**7.05.290 Requirements for Single-Family Generators (Standard Compliance Approach).**

A. Single-family organic waste generators shall comply with the following requirements.

1. Subscribe to the City's organic waste collection services. The City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and single-family generators shall adjust their service level for their collection services as requested by the City. Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste through backyard residential composting, and/or using a community composting site.

2. Participate in the City's organic waste collection services by placing designated materials in designated containers.

B. City may choose to comply with Section 7.05.300 instead of this Section 7.05.290.

**7.05.300 Requirements for Single-Family Generators (Performance-Based Compliance Approach).**

A. Single-family organic waste generators shall comply with the following requirements.

1. Shall be automatically enrolled in the City's integrated waste collection services with a source separated blue recyclable materials container, and with a source separated green organic waste container, approved by the public works director or his or her designee. City shall have the authority to change the minimum required levels of service over time. City shall have the right to review the number, size, and location of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and generator shall adjust its service level for its collection services as requested by the City.

2. Shall participate in the City's three-container system for source separated blue container recyclable materials, source separated green container organic materials, and gray container waste collection services. Generator participation in the collection programs requires that generators place source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generators shall not place materials designated for the gray container into the green container or blue container, nor place materials designated for the green container or blue container into the gray container.

3. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste through backyard residential composting, and/or using a community composting site.

B. City may choose to comply with Section 7.05.290 instead of this Section 7.05.300.

**7.05.310 Requirements for Commercial Businesses (Standard Compliance Approach).**

A. Generators that are commercial businesses, including applicable multi-family residential dwellings, shall:

1. Subscribe to the City's three-container collection services and comply with requirements of those services as described below in Section 7.05.310(A)(2). The City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, commercial businesses shall adjust their service level for their collection services as requested by the City.

2. Participate in the City's three-container collection service(s) by placing source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generator shall not place materials designated for the gray container into the green container or blue container, nor place materials designated for the green container or blue container into the gray container.

3. Supply and allow access to an adequate number, size, and location of collection containers with sufficient labels or colors (conforming with Section 7.05.310(A)(4)) for employees, contractors, tenants, and customers, consistent with the city's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 7.05.370.

4. Excluding multi-family residential dwellings, provide containers for the collection of source separated green container organic waste and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR § 18984.9(b), the containers provided by the business shall have either:

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

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 § 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

5. Multi-family residential dwellings are not required to comply with container placement requirements or labeling requirements in Section 7.05.310(A)(4) pursuant to 14 CCR § 18984.9(b).

6. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials in accordance with Section 7.05.310(A)(2), or if recycling organics onsite or self-hauling under Section 7.05.370 per the Commercial Businesses' instructions to support its compliance with its onsite recycling or self-haul program.

7. Excluding multi-family residential dwellings, periodically inspect 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 § 18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials.

9. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from gray container waste (when applicable) and the location of containers and the rules governing their use at each property.

10. Provide or arrange access for the City or its agent to their properties during all inspections conducted in accordance with Section 7.05.380 to confirm compliance with the requirements of this chapter.

11. If a commercial business wants to self-haul, it must meet the self-hauler requirements in Section 7.05.370.

12. Nothing in this section prohibits a generator from preventing or reducing organic waste generation, managing organic waste on site, or using a community composting site.

13. Commercial businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with food recovery requirements, pursuant to Section 7.05.340.

B. City may choose to comply with Section 7.05.320 instead of this Section 7.05.310.

**7.05.320 Requirements for Commercial Businesses (Performance-Based Compliance Approach).**

A. Commercial businesses, which includes multi-family residential dwellings, shall:

1. With the exception of self-haulers subject to Section 7.05.370, be automatically enrolled in the City's three-container collection services with a source separated blue recyclable materials container and a source separated green organic waste container, approved by the public works director or his or her designee. The City shall have the authority to change the minimum required service levels over time.

2. With the exception of self-haulers subject to Section 7.05.370, participate in the City's three-container collection services by placing source separated green container organic waste, including food waste, in the green container; source separated recyclable materials in the blue container; and gray container waste in the gray container. Generator shall not place materials designated for the gray container into the green container or blue container, nor place materials designated for the green container or blue container into the gray container.

3. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the City's three-container collection services. The containers provided by the commercial business must have either:

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

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 § 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

4. Excluding multi-family residential dwellings, provide containers for the collection of source separated green container organic waste, and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not

have to provide that particular container in all areas where disposal containers are provided for customers.

5. Excluding multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials to the extent practical through education, training, Inspection, and/or other measures.

6. Excluding multi-family residential dwellings, periodically inspect blue container, green container, and gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.

7. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials. This information shall also be provided to new tenants within 14 days of occupation of the premises.

8. Provide or arrange access for the City or its agents to their properties during all inspections to confirm compliance with SB 1383 Regulations.

B. City may choose to comply with Section 7.05.310 instead of this Section 7.05.320.

**7.05.330 Waivers for Generators.**

A. De Minimis Waivers. The City may waive a commercial business's obligation (including that of a multi-family residential dwelling) to comply with some or all of the organic waste requirements if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described in Section 7.05.330(A)(2) below. Commercial businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services from which they are requesting a waiver, and provide documentation as noted in Section 7.05.330(A)(2) below.

2. Provide documentation that either:

a. The commercial business's 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's total waste; or

b. The commercial business's 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's total waste.

3. Notify City if any circumstances change such that commercial business's organic waste exceeds the threshold required for the de minimis waiver, in which case the waiver will be rescinded.

4. Provide written verification of eligibility for the de minimis waiver every 5 years.

B. Physical Space Waivers. The City may waive a commercial business's or property owner's obligations (including those of multi-family residential dwellings) to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the City has evidence from its own staff, a hauler, a licensed architect, or a licensed engineer demonstrating that the premises lacks adequate space for the collection containers otherwise required for compliance with the organic waste collection requirements. A commercial business or property owner may request and maintain a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services from 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 applicant's hauler, licensed architect, or licensed engineer; and

3. Provide written verification to the City that it remains eligible for the physical space waiver every five years thereafter.

C. Additional Waivers. The City may provide any additional waivers of the requirements of this chapter to the extent permitted by applicable law. The public works director or his or her designee shall be responsible for determining the grounds for a waiver, its scope, and appropriate administration.

D. Review and Approval of Waivers by City. Review and approval of waivers will be the responsibility of the public works director or his or her designee.

**7.05.340 Requirements for Commercial Edible Food Generators.**

A. Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024.

B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.

C. Commercial edible food generators shall comply with the following requirements:

1. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

2. Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and to review records pursuant to 14 CCR § 18991.4.

3. Keep records that include the following information, or as otherwise specified in 14 CCR § 18991.4:

a. A list of each food recovery service or organization that collections or receives its edible food pursuant to a contract or written agreement established under 14 CCR § 18991.3(b).

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

c. A record of the following information for each of those food recovery services or food recovery organizations:

i. The name, address, and contact information of the food recovery service or food recovery organization.

ii. The types of food that will be collected by, or self-hauled to, the food recovery service or food recovery organization.

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

iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

d. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557, Chapter 557, Statutes of 2017.

**7.05.350 Requirements for Food Recovery Organizations and Services.**

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 §

18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR § 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 for which that the food recovery service transports edible food 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 § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR §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 collected from each commercial edible food generator per month.

3. The name, address, and contact information for each food recovery service from which the organization receives edible food for food recovery.

C. Food recovery organizations and food recovery services that have their primary address physically located in the City and contract or have written agreements with one or more commercial edible food generators pursuant to 14 CCR § 18991.3(b) shall, no later than March 1, July 1, and September 1 of each year, report to the City in which they are located the total pounds of edible food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators with which they have established a contract or written agreement pursuant to 14 CCR § 18991.3(b).

D. Food Recovery Capacity Planning. In order to support edible food recovery capacity planning assessments and other studies, food recovery services and food recovery organizations operating in the City shall, upon request, provide information and consultation to the City regarding existing or proposed new or expanded food recovery capacity that could be accessed by the City and its commercial edible food generators. A food recovery service or food recovery organization contacted by the City shall respond to such request for information within 60 days, or fewer days if the City requests a shorter timeframe.

**7.05.360 Requirements for Haulers and Facility Operators.**

A. Requirements for Haulers.

1. Haulers shall meet the following requirements and standards as a condition of approval of a solid waste franchise, permit, or other authorization with the City to collect organic waste:

a. Through written notice to the City annually, on or before June 1, identify the facilities to which they will transport organic waste, including facilities for source separated recyclable materials and source separated green container organic waste.

b. Transport source separated recyclable materials, source separated green container organic waste, and mixed waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

c. Obtain approval from the City to haul organic waste, unless transporting source separated organic waste to a community composting site or lawfully transporting construction and demolition debris.

2. Haulers authorized to collect organic waste shall comply with education, equipment, signage, container-labeling, container color, contamination monitoring, reporting, and other requirements as specified by their respective permits or other agreements entered into with the City.

B. Requirements for Facility Operators and Community Composting Operations.

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

2. Community composting operators, upon the City's request, shall provide information to the City to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the City shall respond within 60 days.

**7.05.370 Self-Hauler Requirements.**

A. Self-haulers shall source separate all recyclable materials and organic waste generated on-site from solid waste in a manner consistent with 14 CCR §§ 18984.1 and 18984.2, or shall haul organic waste to a high diversion organic waste processing facility.

B. Self-haulers shall haul their source separated recyclable materials to a facility that recovers those materials, and shall haul their source separated green container organic waste to a solid waste facility, operation, activity, or property that processes or recovers source separated organic waste. Alternatively, self-haulers may haul organic waste to a high diversion organic waste processing facility.

C. Self-haulers that are commercial businesses (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 City. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste;

2. The amount of material in cubic yards or tons transported by the generator to each entity; and

3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-haulers vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of the material but shall keep a record of the entities that received the organic waste.

D. Self-haulers that are commercial businesses (including multi-family self-haulers) shall provide information collected in Section 7.05.370(C) to the City if requested.

E. A residential organic waste generator that self-hauls organic waste is not required to record information as otherwise required by Section 7.05.370(C) or report information as otherwise required by Section 7.05.370(D).

**7.05.380 Inspections and Investigations.**

A. City representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this chapter by organic waste generators, commercial businesses (including multi-family residential dwellings), property owners, commercial edible food generators, self-haulers, hauler, food recovery service, and food recovery organizations, subject to applicable laws. This Section does not allow the City to enter the interior of a private residential property for inspection.

B. The regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in

containers, edible food recovery activities, records, or any other requirement described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any inspection or investigation is a violation of this chapter and may result in penalties described in Section 7.05.390.

C. Any records obtained by the City during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code § 6250 et seq.

D. City representatives or its designee are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.

E. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints. Contractors shall relay to City all written complaints they receive concerning acts or omissions of themselves or another entity that is potentially non-compliant with SB 1383 Regulations, including anonymous complaints.

**7.05.390 Violations.**

A. Violation of any provision of this chapter shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by an enforcement officer. Enforcement actions under this chapter are issuance of an administrative citation and assessment of a fine. The procedures set forth in Article II of Chapter 1.06 of the Aliso Viejo Municipal Code shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.

B. City may seek all other remedies allowed by law, including civil action or prosecution for an alleged misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations.

C. Penalty amounts for types of violations of Sections 7.05.290 to 7.05.380 are as set forth in Section 1.06.120. D. Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation pursuant to Section 1.06.140.

E. Education Period for Non-Compliance. Beginning January 1, 2022 and through December 31, 2023, the City will conduct route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the City determines that organic waste generator, self-hauler, hauler, Tier One Commercial Edible Food Generator, Tier Two Commercial Edible Food Generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required as of January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

F. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the City determines that an organic waste generator, self-hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Tier Two Commercial Edible Food Generator, food recovery organization, food recovery service, or other entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a Notice of Violation, and take enforcement action pursuant to this chapter.

G. This chapter shall be interpreted consistent with the City's regulatory authority and shall only apply to local education agencies and other entities to the extent permitted by law, including SB 1383 Regulations.

**RESOLUTION NO. 2021- _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING THE AMENDED AND RESTATED INTEGRATED SOLID WASTE MANAGEMENT SERVICES AGREEMENT WITH CR&R AND ADOPTING SOLID WASTE CHARGES**

**WHEREAS**, CR&R Incorporated ("CR&R") presently serves the City of Aliso Viejo ("City") pursuant to an exclusive solid waste franchise agreement; and

**WHEREAS**, under the CR&R Incorporated Franchise Agreement for Integrated Solid Waste Management Services ("Agreement"), CR&R collects, transports, processes, and disposes of all solid waste generated or accumulated within the City; and

**WHEREAS**, SB 1383 (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery ("CalRecycle) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

**WHEREAS**, SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away; and

**WHEREAS**, SB 1383 establishes regulatory requirements for the City, waste generators, haulers, solid waste facilities, and other entities to achieve statewide organic waste disposal reduction targets; and

**WHEREAS**, CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations"); and

**WHEREAS**, SB 1383 Regulations require the City to implement organic waste collection programs, monitor contamination of organic waste, provide outreach and education to waste generators, maintain records, submit reports, monitor compliance with SB 1383 Regulations, and conduct enforcement; and,

**WHEREAS**, the SB 1383 Regulations take effect January 1, 2022, and requires the City to adopt enforceable mechanisms, including a franchise agreement, to enforce the SB 1383 Regulations by said date; and

**WHEREAS**, the City has chosen to delegate some of its responsibilities to CR&R; and

**WHEREAS**, the City and CR&R desire to amend and restate their Incorporated Franchise Agreement for Integrated Solid Waste Management Services to comply with the SB 1383 Regulations as set forth in Exhibit A; and

**WHEREAS**, CR&R will provide organics waste collection services and other services to implement the SB 1383 Regulations; and

**WHEREAS,** the City has determined that it is necessary to impose new, increased or modified rates for solid waste service charges (collectively herein, the "Charges"); and

**WHEREAS**, the rate structure for solid waste, recycling, and organics collection includes three customer classes – single-family residential, multi-family residential, and commercial, based on the container size, type of service, and frequency of collection; and

**WHEREAS,** the revenues derived from the Charges will not exceed the funds required to provide the services for which the Charges are imposed, and will be used exclusively for the provision of the City's integrated solid waste management services; and

**WHEREAS,** the Charges are equitable to all customer classes; and

**WHEREAS,** the amount of the Charges will not exceed the proportional cost of the service attributable to each parcel upon which they are proposed for imposition; and

**WHEREAS,** the Charges will not be imposed on a parcel unless the service for which such Charge is imposed, is actually used by, or immediately available to, the owner of the parcel; and

**WHEREAS,** article XIII D, section 6 of the California Constitution ("Article XIII D") requires that prior to imposing any increase to the Charges, the City shall provide written notice (the "Notice") by mail of the new or increased Charges to the record owner of each parcel upon which the Charges are proposed for imposition and any tenant directly liable for payment of the Charges, the amount of the Charges proposed to be imposed on each parcel, the basis upon which the Charges were calculated, the reason for the Charges, and the date time and location of a public hearing (the "Hearing") on the proposed Charges; and

**WHEREAS**, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the Charges not less than forty-five days prior to the Hearing on the proposed Charges, and the City provided such notice in compliance with Article XIII D; and

**WHEREAS**, the Hearing was held on this day, November 3, 2021; and

**WHEREAS**, at the Hearing the City Council heard and considered all oral testimony, written materials, and written protests concerning the establishment and

imposition of the proposed rate increases for the Charges, and at the close of the Hearing the City did not receive written protests against the establishment and imposition of the proposed rate increases for the Charges from a majority of the affected property owners subject to Charges; and

**WHEREAS**, the City conducted a majority protest proceeding in an abundance of caution and without conceding that Proposition 218 applies to privately provided solid waste service; and

**WHEREAS**, the City Council now desires to establish and impose the proposed Charges as set forth in Exhibit B.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALISO VIEJO AS FOLLOWS**:

Section 1. Incorporation of Recitals. The City Council finds and determines that the foregoing Recitals are true and correct and incorporates the Recitals herein.

Section 2. Amendment to Franchise Agreement. The City Council hereby approves the Amended and Restated Agreement between the City of Aliso V and CR&R, Inc., set forth in Exhibit "A", attached hereto and incorporated herein by this reference, subject to any changes approved by the City Attorney.

Section 3. Adoption of Solid Waste Service Charges. The City Council hereby adopts the solid waste service charges, to take effect, in the amounts, at the rates, and on the dates set forth in Exhibit "A" of the Amended and Restated Agreement, attached hereto and incorporated herein by this reference.

Section 4. Adjustments. Beginning on July 1, 2022 and each July 1 thereafter, through and including July 1, 2025, the City may adjust 1) fuel fees by an amount equal to the change in the Producer Price Index for Fuels and related products and power – Commercial natural gas for the prior calendar year, with an initial weighting of 5%; (2) disposal fees by the actual percentage change in the Orange County Waste Disposal Agreement gate rate set by the County of Orange, with an initial weighting of 11%; and (3) service fees by an amount equal to the change in the Consumer Price Index (CPI) for All Urban Consumers, all items less food and energy index – Los Angeles-Long Beach-Anaheim, CA, not seasonally adjusted, as determined by the United States Department of Labor Statistics, for the prior calendar year, with an initial weighting of 84%.

Section 5. Special Adjustments. The City may make special adjustments to implement SB 1383 regulations for residential organics recycling and commercial food waste rates. On January 1, 2022, the residential organics recycling will increase by $0.66. The remaining residential organics recycling adjustment will be phased over three years.

On July 1, 2022, residential organics recycling will increase by $0.76 per residence per month, on July 1, 2023, residential organics recycling will increase by $0.76 per residence per month, and on July 1, 2024, residential organics recycling will increase by $0.78 per residence per month. The total residential organics recycling will therefore increase by $2.96 per residence per month. The commercial food waste rates will increase on July 1, 2022 by the amounts set forth in Exhibit B.

Section 6. CEQA. The City Council finds that the administration and operation of the City's solid waste services, which are to be funded by the Charges, and set forth herein, are necessary to maintain the City's existing solid waste service as described herein. Based on this finding, the City Council determines that the adoption of the Charges established by this Resolution are exempt from the requirements of the California Environmental Quality Act pursuant to section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the State CEQA Guidelines. The documents and materials that constitute the record of proceedings on which these findings have been based are located at City of Aliso Viejo, 12 Journey, Suite 100, Aliso Viejo, California 92656. The custodian for these records is the City Clerk of the City.

Section 7. Severability. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Section 8. Conflicts. All prior actions of the City Council, including resolutions, ordinances, or parts thereof, that are inconsistent with any provision of this Resolution are hereby superseded by this Resolution to the extent of such inconsistency.

Section 9. Effective Date. This Resolution shall take immediate effect and be in full force immediately after its adoption.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Aliso Viejo, California, on this 3rd day of November, 2021.

_____
Tiffany Ackley
MAYOR

ATTEST:

_____
Mitzi Ortiz
CITY CLERK

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) ss.
CITY OF ALISO VIEJO

I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, hereby certify that Resolution No. 2021-08-XXXX was adopted by the City Council of the City of Aliso Viejo at a regular meeting held on the __day of_____, 2021, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mitzi Ortiz
CITY CLERK

# EXHIBIT A

# AMENDED AND RESTATED INTEGRATED WASTE MANAGEMENT SERVICES AGREEMENT

[Amended Franchise Agreement Text Here]

[Include Exhibits from Prop. 218 Notice]

## City of Aliso Viejo

**Notice of Public Hearing**
**Regarding Proposed Solid Waste Collection Service Rate Increases**
**September 13, 2021**

**Dear Property Owner and Tenant-Customer:**
The City of Aliso Viejo is notifying all City property owners and tenants that receive solid waste collection service of proposed increases to solid waste collection service rates. This letter serves as notice that the City Council of the City of Aliso Viejo will conduct a public hearing as specified below to consider adopting increases to the solid waste collection service rates:

Date & Time: November 3, 2021, 7:00 PM: or as soon thereafter as the matter may be heard.
Location: City Council Chambers of Aliso Viejo, 12 Journey, Aliso Viejo, CA 92656

The meeting can also be viewed on Cox Communications Channel 851, AT&T U-Verse Channel 99 or on the City's website at www.avcity.org. All interested persons will be given an opportunity to provide comments on this item during the public hearing. In addition, written comments may be submitted prior to the hearing via email to community-input@avcity.org or by mail to the attention of: Mitzi Ortiz, City Clerk, City of Aliso Viejo, 12 Journey, Suite 100, Aliso Viejo, California 92656. In the event this City Council meeting is held telephonically, emailed comments will continue to be accepted during the public hearing, through the close of the public comment period. Please reference the hearing title and date of hearing in any correspondence to the City.

The City Council may adopt the proposed service rate increases unless written protests are received from property owners or tenants representing a majority of affected parcels at the public hearing. If adopted, the proposed service rate increases would take effect on January 1, 2022, with annual adjustments each July 1 thereafter for four years, beginning July 1, 2022, and through and including July 1, 2025, for inflationary adjustments to fuel and service fees, and pass-through increases for disposal fees. In addition, there will be a residential organics recycling adjustment that will take effect July 1, 2022 and on July 1 thereafter for two additional years, and a one-time commercial food waste rate increase on July 1, 2022. This notice provides information on the proposed solid waste collection service rates and also describes how to protest the proposed increases.

**Reason for the Proposed Service Rate Increases**
The City of Aliso Viejo has an exclusive franchise agreement with CR&R Incorporated (CR&R) for the collection and handling of solid waste, organic waste, and recycling (collectively, "solid waste collection services") to residences and businesses throughout the City. Under the franchise, CR&R is entitled to charge rates for its services with automatic adjustments subject to City review of applicable calculations. To continue to meet State of California mandates regarding diversion of solid waste from landfills and organics/food waste recycling, including organic waste diversion regulations promulgated in response to Senate Bill 1383 ("SB 1383") that take effect on January 1, 2022, the City is proposing to implement an organics recycling service which will be provided by CR&R. To pay for the cost of this new service, service rates are proposed to be increased as explained below. The existing franchise agreement also allows for annual inflationary adjustments to the solid waste collection service rates to account for increased labor, vehicle and facility operation and maintenance costs, and increased landfill disposal charges. There will also be special adjustments for residential organics recycling and commercial food waste collection. These annual adjustments are also included in the proposed service rate increases explained below.

**How the Proposed Service Rate Increases were Calculated**
The proposed rates for the solid waste service fees are set forth in Exhibit "A" hereto. If adopted, the proposed monthly rates will take effect January 1, 2022.

The proposed rates for the solid waste fees shall be adjusted annually to account for inflation and increases in disposal fees as set forth in the Franchise Agreement. Beginning July 1, 2022 and each July 1 thereafter, through and including July 1, 2025, the rates for the components of the solid waste fees may be adjusted as follows: (1) fuel fees may be adjusted by an amount equal to the change in the Producer Price Index for Fuels and related products and power – Commercial natural gas for the prior calendar year, with an initial weighting of 5%; (2) disposal fees may be adjusted by the actual percentage change in the Orange County Waste Disposal Agreement gate rate set by the County of Orange, with an initial weighting of 11%; and (3) service fees will be adjusted by an amount equal to the change in the Consumer Price Index (CPI) for All Urban Consumers, all items less food and energy index – Los Angeles-Long Beach-Anaheim, CA, not seasonally adjusted, for the prior calendar year, with an initial weighting of 84%.

In addition to the above adjustments, the Franchise Agreement allows for special adjustments to implement SB 1383 regulations for residential organics recycling and commercial food waste rates. The residential organics recycling adjustment will be phased over three years. On July 1, 2022, residential organics recycling will increase by $0.76 per residence per month, on July 1, 2023, residential organics recycling will increase by $0.76 per residence per month, and on July 1, 2024, residential organics recycling will increase by $0.78 per residence per month. The commercial food waste rates will increase on July 1, 2022 as set forth in Exhibit B due to increases in commercial food waste processing costs.

**Protest Procedure**
Any property owner or property tenant that is directly responsible for payment of solid waste service rates may submit a written protest against the proposed solid waste collection service rate increases, but only one written protest will be counted per identified parcel. Any written protest must: (1) state that the identified property owner or tenant is in opposition to the proposed solid waste collection service rate increases; (2) provide the location of the identified parcel, by street address or assessor's parcel number (APN); and (3) include the name and signature of the property owner or tenant. Written protests must be received by the City Clerk at 12 Journey Suite 100, Aliso Viejo, CA 92656 before the close of the public hearing. Any protest not received by the close of the public hearing will not be counted. Any protest submitted via e-mail or other electronic means will not be accepted. Please identify on the front of the envelope for any written protest, whether mailed or submitted in person to the City Clerk, Attn: Public Hearing on Solid Waste Rate Increases. If written protests against the proposed rates are not presented by a majority of the property owners or tenants directly responsible for the payment of solid waste service charges of the affected parcels, the City Council will be authorized to impose the rate increases. Please note that the City is conducting a majority protest proceeding in an abundance of caution and without conceding that Proposition 218 applies to privately provided solid waste service.

**Proposed Solid Waste Service Rate Increases**
The rate structure for solid waste service depends on the type of customer. For single-family residential customers, the rates for solid waste service are calculated on the basis of the size and number of containers they use. For multi-family residential and commercial customers, the rates for solid waste service are calculated on the basis of the size of the container, the type of container, and the frequency of collection. Customers may request temporary extra pick-ups of their solid waste containers and bins than are scheduled, and may also request the delivery of extra bins to their property. A separate "additional pick up fee" and "bin charge" is imposed on any customer who requests these services. The current and proposed rates for all solid waste service types are enclosed.

**Questions**
For all questions about your solid waste account, existing solid waste rates, or collection service options, please call CR&R at (877) 728-0446. For questions about the proposed solid waste collection service rate increases please email Moy Yahya at myahya@avcity.org

| EXHIBIT A | | | |
|---|---|---|---|
| **INITIAL MAXIMUM RATES<br>Effective January 1, 2021** | | | |
| **Services** | **Container Size** | **Current Rates** | **Rate as of January 1, 2022** |
| **Single Family Residential Cart Service (Monthly)** | | | |
| 35 or 65-gallon carts (choice of 35 or 65 gallon) | | | |
| set of 3 (Refuse, Recyclable Materials, Organic Materials) | | $18.82 | $19.48 |
| Residential Senior Citizen Rate (35 or 65 gallon) 10% discount | | $17.09 | $17.53 |
| Additional containers: | | | |
| second Refuse cart, 35 gallon | | $5.16 | $5.34 |
| second Refuse cart, 65 gallon | | $5.43 | $5.62 |
| third or more Refuse carts, 35 gallon | | $5.16 | $5.34 |
| third or more Refuse carts, 65 gallon | | $5.56 | $5.75 |
| second additional Organic Materials cart | | | no charge |
| third or more Organic Materials carts, 35 gallon | | $4.78 | $4.94 |
| third or more Organic Materials carts, 65 gallon | | $4.79 | $4.95 |
| third or more Organic Materials carts, 90 gallon | | $4.80 | $4.97 |
| second additional Recyclable Materials cart | | | no charge |
| third or more Recyclable Materials carts, 35/65 gallon | | $4.08 | $4.22 |
| Residential Additional Pick up | | $18.80 | $19.45 |
| **Single Family Dwelling Bulky Item On-Call Service** | | | |
| For each Bulky Item - up to four (4) items | | $25.22 | $26.09 |
| **Multi-Unit Residential Premises Cart Service in lieu of bins (Monthly) with Universal Waste** | | | |
| 35 gallon set of 3 (Refuse, Recyclable Materials, Organic Materials) | | $18.42 | $19.48 |
| 65 gallon set of 3 (Refuse, Recyclable Materials, Organic Materials) | | $21.23 | $19.48 |
| **Commercial Cart Service in lieu of bins (Monthly)** | | | |
| 65 or 95 gallon set of 2 (Refuse and Recyclable Materials) | | $28.00 | $28.96 |
| second Refuse cart, 65 or 95 gallon | | $10.30 | $10.65 |
| third or more additional Refuse carts, 65 or 95 gallon | | $14.38 | $14.88 |
| third or more additional Recyclable Materials carts, 65 or 95 gallon | | $8.15 | $8.43 |
| **Commercial Refuse Bins: Rate Per Bin (Monthly)** | | | |
| 1 x p/wk | 2yd | $85.81 | $88.77 |
| 2 x p/wk | 2yd | $143.84 | $148.79 |
| 3 x p/wk | 2yd | $201.86 | $208.81 |
| 4 x p/wk | 2yd | $263.36 | $272.43 |
| 5 x p/wk | 2yd | $321.38 | $332.45 |
| 6 x p/wk | 2yd | $379.40 | $392.47 |
| 1 x p/wk | 2yd Locking | $98.99 | $102.40 |
| 2 x p/wk | 2yd Locking | $170.18 | $176.04 |
| 3 x p/wk | 2yd Locking | $241.39 | $249.71 |
| 4 x p/wk | 2yd Locking | $316.08 | $326.97 |
| 5 x p/wk | 2yd Locking | $387.27 | $400.61 |
| 6 x p/wk | 2yd Locking | $458.48 | $474.27 |
| 1 x p/wk | 3yd | $122.59 | $126.81 |
| 2 x p/wk | 3yd | $205.48 | $212.56 |
| 3 x p/wk | 3yd | $288.37 | $298.30 |

| | | | |
|---|---|---|---|
| 4 x p/wk | 3yd | $376.22 | $389.18 |
| 5 x p/wk | 3yd | $459.11 | $474.93 |
| 6 x p/wk | 3yd | $542.01 | $560.68 |
| 1 x p/wk | 3yd Locking | $135.77 | $140.45 |
| 2 x p/wk | 3yd Locking | $231.82 | $239.81 |
| 3 x p/wk | 3yd Locking | $327.90 | $339.20 |
| 4 x p/wk | 3yd Locking | $428.95 | $443.73 |
| 5 x p/wk | 3yd Locking | $525.00 | $543.09 |
| 6 x p/wk | 3yd Locking | $621.08 | $642.48 |
| 1 x p/wk | 3yd Compactor | $239.40 | $247.65 |
| 2 x p/wk | 3yd Compactor | $395.51 | $409.13 |
| 3 x p/wk | 3yd Compactor | $551.67 | $570.67 |
| 4 x p/wk | 3yd Compactor | $707.79 | $732.17 |
| 5 x p/wk | 3yd Compactor | $863.91 | $893.67 |
| 6 x p/wk | 3yd Compactor | $1,020.04 | $1,055.18 |
| **Commercial Refuse Bins: Rate Per Bin (Monthly) - continued** | | | |
| 1 x p/wk | 4yd | $163.45 | $169.08 |
| 2 x p/wk | 4yd | $273.96 | $283.40 |
| 3 x p/wk | 4yd | $384.48 | $397.73 |
| 4 x p/wk | 4yd | $501.63 | $518.91 |
| 5 x p/wk | 4yd | $612.14 | $633.23 |
| 6 x p/wk | 4yd | $722.66 | $747.55 |
| 1 x p/wk | 4yd Locking | $176.89 | $182.98 |
| 2 x p/wk | 4yd Locking | $300.86 | $311.22 |
| 3 x p/wk | 4yd Locking | $424.82 | $439.45 |
| 4 x p/wk | 4yd Locking | $555.39 | $574.52 |
| 5 x p/wk | 4yd Locking | $679.35 | $702.75 |
| 6 x p/wk | 4yd Locking | $803.30 | $830.97 |
| | | | |
| 1 x p/wk | 4yd Compactor | $319.21 | $330.21 |
| 2 x p/wk | 4yd Compactor | $527.36 | $545.53 |
| 3 x p/wk | 4yd Compactor | $735.53 | $760.87 |
| 4 x p/wk | 4yd Compactor | $957.54 | $990.53 |
| 5 x p/wk | 4yd Compactor | $1,165.71 | $1,205.87 |
| 6 x p/wk | 4yd Compactor | $1,373.88 | $1,421.21 |
| **Multi-Family Residential Refuse Bins: Rate Per Bin (Monthly) with Universal Waste** | | | |
| 1 x p/wk | 3yd | $125.22 | $129.53 |
| 2 x p/wk | 3yd | $210.74 | $218.00 |
| 3 x p/wk | 3yd | $296.28 | $306.49 |
| 4 x p/wk | 3yd | $386.77 | $400.09 |
| 5 x p/wk | 3yd | $472.30 | $488.57 |
| 6 x p/wk | 3yd | $557.81 | $577.03 |
| 1 x p/wk | 4yd | $166.96 | $172.71 |
| 2 x p/wk | 4yd | $281.00 | $290.68 |
| 3 x p/wk | 4yd | $395.04 | $408.65 |
| 4 x p/wk | 4yd | $515.70 | $533.47 |

| | | | |
|---|---|---|---|
| 5 x p/wk | 4yd | $629.74 | $651.43 |
| 6 x p/wk | 4yd | $743.77 | $769.39 |
| **Commercial & Multi-Family Recyclable Materials Bins: Rate Per Bin (Monthly)** | | | |
| 1 x p/wk | 3yd | $68.61 | $70.97 |
| 2 x p/wk | 3yd | $109.78 | $113.56 |
| 3 x p/wk | 3yd | $164.69 | $170.36 |
| 4 x p/wk | 3yd | $219.57 | $227.13 |
| 5 x p/wk | 3yd | $274.48 | $283.94 |
| 6 x p/wk | 3yd | $329.37 | $340.72 |
| | | | |
| 1 x p/wk | 4yd | $89.20 | $92.27 |
| 2 x p/wk | 4yd | $142.73 | $147.65 |
| 3 x p/wk | 4yd | $214.09 | $221.47 |
| 4 x p/wk | 4yd | $285.44 | $295.27 |
| 5 x p/wk | 4yd | $356.82 | $369.11 |
| 6 x p/wk | 4yd | $428.17 | $442.92 |
| Contaminated | | $65.80 | $68.07 |
| **Commercial & Multi-Unit Residential Premises Additional Services** | | | |
| Locking Bins - installation | | $30.01 | $31.04 |
| 3yd / 4yd Compactor - Additional pick-up | | $154.12 | $159.43 |
| 3yd-Bin Overflow/extra dumps- Refuse Charge Per Occurrence | | $65.06 | $67.30 |
| 3yd-Bin Overflow/extra dumps-with lock Charge Per Occurrence | | $67.54 | $69.87 |
| 3yd-Bin Overflow/extra dumps-Recycling Charge Per Occurrence | | $51.63 | $53.41 |
| 2yd or 3yd -Bin Overflow/extra dumps-Organics Charge Per Occurrence | | N/A | $111.08 |
| 4yd-Bin Overflow/extra dumps- Refuse Charge Per Occurrence | | $86.76 | $89.75 |
| 4yd-Bin Overflow/extra dumps-with lock Charge Per Occurrence | | $89.24 | $92.31 |
| 4yd-Bin Overflow/extra dumps-Recycling Charge Per Occurrence | | $51.63 | $53.41 |
| **Commercial Food Scrap Organic Rates (Monthly)** | | | |
| 1 x p/wk | 35-gallon cart | $39.72 | $47.92 |
| 2 x p/wk | 35-gallon cart | $79.46 | $95.15 |
| 3 x p/wk | 35-gallon cart | $119.17 | $142.73 |
| 4 x p/wk | 35-gallon cart | $158.90 | $190.31 |
| 5 x p/wk | 35-gallon cart | $198.62 | $237.88 |
| 6 x p/wk | 35-gallon cart | $238.35 | $285.46 |
| 1 x p/wk | 65-gallon cart | $56.77 | $65.43 |
| 2 x p/wk | 65-gallon cart | $113.53 | $129.92 |
| 3 x p/wk | 65-gallon cart | $170.30 | $194.88 |
| 4 x p/wk | 65-gallon cart | $227.06 | $259.83 |
| 5 x p/wk | 65-gallon cart | $283.83 | $324.79 |
| 6 x p/wk | 65-gallon cart | $340.59 | $389.75 |
| 1 x p/wk | 2yd | $287.46 | $304.85 |
| 2 x p/wk | 2yd | $548.32 | $540.61 |
| 3 x p/wk | 2yd | $809.19 | $776.38 |
| 4 x p/wk | 2yd | $1,073.38 | $1,012.14 |
| 5 x p/wk | 2yd | $1,334.23 | $1,247.90 |
| 6 x p/wk | 2yd | $1,595.09 | $1,483.66 |

| | | | |
|---|---|---|---|
| 1 x p/wk | 2yd locking lid | $300.64 | $318.48 |
| 2 x p/wk | 2yd locking lid | $574.68 | $567.86 |
| 3 x p/wk | 2yd locking lid | $848.73 | $817.28 |
| 4 x p/wk | 2yd locking lid | $1,126.08 | $1,066.66 |
| 5 x p/wk | 2yd locking lid | $1,400.12 | $1,316.06 |
| 6 x p/wk | 2yd locking lid | $1,674.17 | $1,565.46 |
| **Multi-Unit Residential Premises Mixed Food and Green Waste, or Green Waste Only Rates (Monthly)** | | | |
| 1 x p/wk | 35-gallon cart | N/A | $42.74 |
| 2 x p/wk | 35-gallon cart | N/A | $84.86 |
| 3 x p/wk | 35-gallon cart | N/A | $127.29 |
| 4 x p/wk | 35-gallon cart | N/A | $169.72 |
| 5 x p/wk | 35-gallon cart | N/A | $212.16 |
| 6 x p/wk | 35-gallon cart | N/A | $254.59 |
| 1 x p/wk | 65-gallon cart | $69.80 | $57.16 |
| 2 x p/wk | 65-gallon cart | $139.61 | $113.50 |
| 3 x p/wk | 65-gallon cart | $209.40 | $170.26 |
| 4 x p/wk | 65-gallon cart | $279.22 | $227.01 |
| 5 x p/wk | 65-gallon cart | $349.02 | $283.76 |
| 6 x p/wk | 65-gallon cart | $418.83 | $340.51 |
| 1 x p/wk | 2yd | $174.51 | $263.34 |
| 2 x p/wk | 2yd | $349.02 | $457.59 |
| 3 x p/wk | 2yd | $523.51 | $651.84 |
| 4 x p/wk | 2yd | $698.02 | $846.09 |
| 5 x p/wk | 2yd | $872.53 | $1,040.34 |
| 6 x p/wk | 2yd | $1,047.05 | $1,234.59 |
| 1 x p/wk | 3 yd | $209.40 | $395.01 |
| 2 x p/wk | 3 yd | $418.83 | $686.38 |
| 3 x p/wk | 3 yd | $628.22 | $977.76 |
| 4 x p/wk | 3 yd | $837.64 | $1,269.13 |
| 5 x p/wk | 3 yd | $1,047.05 | $1,560.51 |
| 6 x p/wk | 3 yd | $1,256.45 | $1,851.88 |
| **Permanent Roll-off Boxes Refuse Rates (rates are per pull)** | | | |
| Drop-off box - plus actual landfill fee | | $237.77 | $245.96 |
| Drop-off box - plus actual C&D processing fee | | $252.03 | $260.71 |
| Drop-off box-Source Separated | Flat rate | $339.70 | $351.40 |
| Compactor - plus actual landfill fee | | $264.95 | $274.08 |
| Compactor - plus actual processing fee | | $289.15 | $299.11 |
| C&D Processing Fee | per ton | $56.55 | $58.50 |
| Greenwaste Materials Fee | per ton | $31.82 | $32.92 |
| AD Processing Fee | per ton | $95.43 | $98.72 |
| **Clean-up Bins** | | | |
| Clean-up Bin Weekly rental - C&D | | $142.20 | $147.10 |
| Clean-up Bin Weekly rental - Source-Separated refuse, recycling, or organics | | | $105.00 |
| Clean-up Bin over weight additional charge | | $70.70 | $73.14 |
| 3 yd bin after 7 days (rental) | per day | $5.89 | $6.09 |
| Clean-up Bin trip charge | | $58.91 | $60.94 |

| | | | |
|---|---|---|---|
| Additional rolloff services | | | |
| Rolloff trip / relocation | | $88.37 | $91.41 |
| Rolloff additional overweight fee - need larger truck | | $504.67 | $522.06 |
| **MISCELLANEOUS FEES** | | | |
| Cart Exchange (Residential, MF, Comm) | | $18.18 | $18.81 |
| Cart Re-delivery (Residential, MF, Comm) | | $18.18 | $18.81 |
| Commercial - Additional Steam Cleaning | Bins | $88.37 | $91.41 |
| Commercial Bulky Item Service | Each item | $54.04 | $55.90 |
| Cart replacement (lost or damaged) | | $64.81 | $67.04 |

| **EXHIBIT B** | | |
|---|---|---|
| **Special One-time Commercial Food Wastes Processing Increase** | | |
| **Effective July 1, 2022** | | |
| **Frequency** | Service | Proposed Increase |
| 1 x p/wk | 35-gallon cart | $5.26 |
| 2 x p/wk | 35-gallon cart | $10.52 |
| 3 x p/wk | 35-gallon cart | $15.77 |
| 4 x p/wk | 35-gallon cart | $21.03 |
| 5 x p/wk | 35-gallon cart | $26.29 |
| 6 x p/wk | 35-gallon cart | $31.55 |
| | | |
| 1 x p/wk | 65-gallon cart | $9.77 |
| 2 x p/wk | 65-gallon cart | $19.53 |
| 3 x p/wk | 65-gallon cart | $29.30 |
| 4 x p/wk | 65-gallon cart | $39.06 |
| 5 x p/wk | 65-gallon cart | $48.83 |
| 6 x p/wk | 65-gallon cart | $58.59 |
| | | |
| 1 x p/wk | 2yd | $60.70 |
| 2 x p/wk | 2yd | $121.39 |
| 3 x p/wk | 2yd | $182.09 |
| 4 x p/wk | 2yd | $242.78 |
| 5 x p/wk | 2yd | $303.48 |
| 6 x p/wk | 2yd | $364.17 |
| | | |
| 1 x p/wk | 2yd locking lid | $60.70 |
| 2 x p/wk | 2yd locking lid | $121.39 |
| 3 x p/wk | 2yd locking lid | $182.09 |
| 4 x p/wk | 2yd locking lid | $242.78 |
| 5 x p/wk | 2yd locking lid | $303.48 |
| 6 x p/wk | 2yd locking lid | $364.17 |

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: Shaun Pelletier, City Engineer

SUBJECT: ORDINANCE ADDING CHAPTER 10.08 TO TITLE 10 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING NAMING CITY STREETS

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**Recommended Action:**

Introduce an Ordinance Adding Chapter 10.08 to Title 10 of the Aliso Viejo Municipal Code regarding naming City streets and finding the ordinance not subject to the California Environmental Quality Act.

**Fiscal Impact:**

No fiscal impact.

**Background:**

Review of the City's Municipal Code revealed that there was so procedure established for naming or renaming City streets. This item was presented at the October 20, 2021 Council meeting and staff was directed to make some modifications.

**Discussion:**

Typically, streets are named and approved as part of a development application presented to City Council. In certain cases, new or existing streets may need to be named that are not part of a larger project application.

The proposed ordinance will add a new chapter to the AVMC that provides a procedure for naming or renaming new or existing streets. This procedure will include a public hearing to ensure notification to the public of the new name.

The City Council may name any public or private street after any person, place, or thing that the City Council deems appropriate. The City Council shall not name any public or private street after any City official or employee, whether living or deceased, except for the following individuals who lose their lives in the line of duty: "emergency response providers" as that term is defined in Section 2 of the Homeland Security Act of 2002 (6

USC Section 101(6)), members of the United States military, and similar public safety officers."

City Council directed staff to ensure all impacted stakeholders consent to the street name change. The following language was added, including how this ordinance will be implemented.

"D. Stakeholder Consent. New or existing street name changes shall require unanimous consent from all property owners and businesses with frontage or an address on the subject street.

E. Administrative Implementation. The City Manager or his/her designee may establish administrative rules, regulations and standards to implement this Section."

**Environmental:**

This Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the Ordinance does not qualify as a "project" under CEQA and because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**Attachment:**

1. Ordinance

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADDING CHAPTER 10.08 TO TITLE 10 OF THE ALISO VIEJO MUNICIPAL CODE REGARDING NAMING CITY STREETS AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the Aliso Viejo Municipal Code ("AVMC") does not contain procedures for naming streets in the City; and

**WHEREAS**, research by City staff indicates that surrounding cities' codes include such procedures, including Irvine (IMC, § 6-3-202), Mission Viejo (MVMC, § 14.01.710), and Lake Forest (LFMC, § 14.04.010); and

**WHEREAS**, the City Council desires to adopt procedures and parameters for naming streets in the City; and

**WHEREAS**, Title 10 of the AVMC contains regulations governing streets and sidewalks in the City; and

**WHEREAS**, this Ordinance amends Title 10 to add a new Chapter 10.08 (Naming of Streets); and

**WHEREAS**, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION 1. The City Council hereby finds and determines that the Recitals above are true and correct and incorporated herein.

SECTION 2. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the Ordinance does not qualify as a "project" under CEQA and because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the Ordinance will not result in any construction or development, and it will not have any effect that would physically change the environment. The Ordinance therefore does not qualify as a project subject to CEQA.

In the alternative, even if the Ordinance did qualify as a "project" under CEQA, it would be exempt from CEQA under State CEQA Guidelines section 15061(b)(3), which

exempts projects from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Thus, even if the Ordinance could result in some physical change in the environment, the Ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 3. Chapter 10.08 is hereby added to Title 10 (Streets and Sidewalks) of the Aliso Viejo Municipal Code, to read as follows:

"**Chapter 10.08 Naming of City Streets**

**Section 10.08.010 - Naming of City Streets**

A. Existing Streets. Whenever the City Council finds that the existing name of any public or private street should be changed, the City Council shall consider the proposed name for, or the change of name of, such street. At or after the conclusion of the City Council's consideration, the City Council may adopt a name for, or change the name of, such street, and upon the adoption or change thereof shall make an order and file said order with the City Clerk officially designating the name for such street. Thereafter, such street shall be known by the name so designated.

B. New Streets. Whenever the City Council finds that any new public or private street should be designated with a name, the City Council shall consider the proposed name for such new street.

C. Allowed Names; Limitations. The City Council may name any public or private street after any person, place, or thing that the City Council deems appropriate. The City Council shall not name any public or private street after any City official or employee, whether living or deceased, with the exception of the following individuals who lose their lives in the line of duty: "emergency response providers" as that term is defined in Section 2 of the Homeland Security Act of 2002 (6 USC Section 101(6)), members of the United States military, and similar public safety officers."

D. Stakeholder Consent. New or existing street name changes shall require unanimous consent from all property owners and businesses with frontage or an address on the subject street.

E. Administrative Implementation. The City Manager or his/her designee may establish administrative rules, regulations and standards to implement this Section.

Section 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 5. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

SECTION 6. The documents and materials associated with this ordinance that constitute the record of proceedings on which these findings are based are located at Aliso Viejo City Hall, 12 Journey, Aliso Viejo, California 92656. The City Clerk is the custodian of the record of proceedings.

PASSED, APPROVED AND ADOPTED this _____ day of_____, 2021.

_____
Tiffany Ackley
Mayor

ATTEST:

_____
Mitzi Ortiz
City Clerk

APPROVED AS TO FORM:

_____
Scott C. Smith
City Attorney

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF ALISO VIEJO )

I, _____, City Clerk of the City of Aliso Viejo, California, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Aliso Viejo held on the _____ day of _____2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mitzi Ortiz
City Clerk

# City of Aliso Viejo
***AGENDA ITEM***

DATE: November 3, 2021

TO: Mayor and City Council

FROM: Tiffany Bose, Interim Human Resources Manager

SUBJECT: EMPLOYEE HEALTH BENEFIT ALLOWANCE

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**Recommended Action:**

Adopt a Resolution approving a $159.18 (7.64%) per month increase to the employee health benefit allowance, effective January 1, 2022.

**Fiscal Impact:**

The current cost for providing cafeteria plan benefits is $2,083.40 per month for each Council Member and full-time employee. The proposed cafeteria plan amount would be $2,242.58 per month per participant, which represents a total increase of $159.18 per month per participant or 7.64% for all benefits. On an annual basis, the total cost of the cafeteria increase would amount to $61,125.12; however, for the remainder of FY 2021-22, the budget impact would amount to half of this, or $30,562.56 and can be accommodated in the 2021-22 budget.

**Discussion:**

Employee Health Benefit Allowance

The City offers a cafeteria plan to provide health, dental, and vision insurance as well as retirement survivors' benefits for Council Members, employees, and dependents. The City currently provides $2,083.40 per month for each Council Member and full-time employee to pay for these benefits. Annually, staff brings forward for consideration potential changes in the cafeteria plan amount.

Premiums in excess of the cafeteria plan amount will continue to be paid for by the participant. Any unused money may be contributed to a deferred compensation plan or received as taxable income. For those participants contributing funds into a deferred compensation plan, the Internal Revenue Service (IRS) establishes an annual maximum contribution limit in December of each year.

The Employee Handbook outlines the City's employment policies and benefits. Although the City Manager has authorization to make updates to address new laws, programs, and practices, certain benefits must be approved by the City Council. As directed by Council, the current cafeteria plan amount is based on providing family coverage for the following benefits:

- Health Insurance - PERS Choice PPO
- Dental Insurance - Delta Dental PPO (50% lowest tier)
- Vision insurance - VSP
- CalPERS Retirement Survivors Benefit

Health Insurance

Effective January 1, 2022, the cost of the monthly premium for the CalPERS Choice PPO health plan will increase to $2,293.67 or by 12.63% per month. Also of importance is the transition from the PERS Choice PPO plan to the PERS Platinum PPO plan for the new year, as the plan we have used to benchmark the City's contributions will be discontinued in 2022. Employees on the old plan will be automatically enrolled in the PERS Platinum PPO plan for the new year, which will offer a 10% coinsurance benefit design while retaining the same broad network as the previous plan that will be discontinued.

Last year, the benchmark PPO premium increased substantially ($121.96 per month). At that time, the City was experiencing fiscal uncertainty due to the COVID-19 pandemic. As a result, City staff recommended, and City Council approved, an increase to the cafeteria amount equal to only 50% of the premium increase. This year, the increase to the premium is even greater ($257.38 per month).

Due to the sizeable increases in the monthly premium for the benchmark health plan over the past two years, and the fact that wages that have not kept pace to offset such an increase along with the City experiencing a tightening labor market, an increase to the cafeteria benefit in the amount of $159.18 is recommended. This represents an increase equal to 50% of the residual of the 2021 premium and 50% of the increase of the 2022 premium for a new monthly contribution amount of $2,242.58, a 7.64% increase.

Dental Insurance

There is no increase to the PPO dental plan premium effective on December 1, 2021 Therefore, it is recommended that the dental portion of the cafeteria allowance of $76.15 remain unchanged from the cafeteria amount adopted by the Council in 2021.

Vision Insurance

The vision insurance rate will remain the same at $29.54 per month for the new plan year which begins December 1, 2021.

Retirement Survivors Benefit

The CalPERS Retirement Survivors Benefit premium decreased from $2.40 per month to $2.35 per month which represents a decrease of $0.05 per month. Therefore, it is recommended that the Retirement Survivors Benefit portion of the cafeteria allowance of $2.40 remain unchanged from the cafeteria amount adopted by the Council in 2021.

Cafeteria Plan Amount

By approving the recommendations outlined above, the cafeteria plan amount would increase to $2,242.58 per month per participant as detailed below effective January 1, 2022. The proposed cafeteria plan amount represents an increase of $159.18 per month per participant or 7.64%, shown below. The total budget increase is based on total full-time employees as approved by the City Council.

At this time staff is recommending that the City Council adopt a cafeteria plan amount that reflects an increase to the City's contribution to the PERS Platinum PPO health insurance plan. All other benefits will be adopted in accordance with the existing 2021 allowances.

| Item | 2021 Monthly Allowance | 2022 Monthly Allowance | Increase/ (Decrease) |
|---|---|---|---|
| Health Insurance | $ 1,975.31 | $ 2,134.49 | $ 159.18 |
| Dental Insurance | 76.15 | 76.15 | No Change |
| Vision Insurance | 29.54 | 29.54 | No Change |
| CalPERS Survivor Benefit | 2.40 | 2.40 | No Change |
| Total Cafeteria Plan Amount | ~~$ 2,083.23~~ | $2,242.58 | $159.18 |
| Corrected/New | $2,083.40 | | |

**Attachment:**

1. Resolution

**RESOLUTION NO. 2021-____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ADOPTING A BENEFIT SCHEDULE FOR CITY EMPLOYEES**

**WHEREAS,** the City of Aliso Viejo provides benefits to Council Members and employees including a cafeteria plan that may be used for health, dental, vision, retirement survivor benefit and other optional benefits; and

**WHEREAS,** the City of Aliso Viejo desires to promote employer-employee relations by increasing the benefits of Council Members and City employees for the 2022 plan year;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Benefits Schedule, attached hereto as Exhibit "A", is hereby adopted.

Section 2. The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 3rd day of November 2021.

_____
Tiffany Ackley
Mayor

ATTEST:

_____
Mitzi Ortiz, MMC
City Clerk

APPROVED AS TO FORM:

_____
Scott C. Smith
City Attorney

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) SS
CITY OF ALISO VIEJO )

I, Mitzi Ortiz, City Clerk of the City of Aliso Viejo, California, do hereby certify that the foregoing Resolution No. 2021-____was adopted by the City Council at a regularly scheduled meeting duly held on the 3rd day of November 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

DATED:

_____
Mitzi Ortiz, MMC
City Clerk

EXHIBIT A
Benefits

The City shall provide the following as options for Council Member, employee and dependent insurance coverage, with noted exceptions:

**Cafeteria Coverages:**

Health Insurance
Effective the month following employment, Council Members and employees may enroll in the health insurance plans offered by the City and will be provided the option to enroll eligible dependents.

Dental Insurance
Effective the month following the first full month after employment, Council Members and employees may enroll in the dental insurance plans offered and will be provided the option to enroll eligible dependents.

Vision Insurance
Effective the month following the first full month after employment, Council Members and employees may enroll in the vision insurance plans offered and will be provided the option to enroll eligible dependents.

Retirement Survivors Benefit
Upon employment, all eligible Council Members and employees shall enroll in CalPERS and pay for the Survivors Benefit.

Optional Coverages
The City may provide Council Members and employees with the opportunity to enroll in optional coverages, including, but not limited to, short-term disability insurance and long-term care insurance.

The City's contribution toward the cafeteria health plans shall not exceed $2,242.58 per month for benefits effective January 1, 2022.

The health, dental and vision insurance and any optional insurance chosen by the Council Member or employee will determine their premiums. Premiums in excess of the cafeteria health plan benefit shall be deducted from the Council Member's or employee's compensation.

The City shall provide the following benefits to qualified full-time employees in addition to the aforementioned cafeteria plan benefits. The benefit levels and costs have remained the same from the previous year.

**City-paid Coverages:**

Life Insurance
Effective the month following employment or approval of the provider, the City shall provide full-time employees with a life insurance plan in the amount equal to a full year's base salary.

Disability Insurance
Effective the month following employment or approval of the provider, the City shall provide long-term disability coverage with benefits calculated on 60% of the employee's pre-disability earnings, up to a maximum of $10,000 per month. This amount may be reduced by other income sources.