



**City Council
Successor Redevelopment Agency
Financing Authority
Housing Authority**

AGENDA

Wednesday

Regular

**Closed Session 5:30 p.m.
Regular Session 6:00 p.m.**

September 17, 2014

**City Hall
100 West California Avenue
Ridgecrest CA 93555**

(760) 499-5000

**Daniel O. Clark, Mayor
Marshall 'Chip' Holloway, Vice Mayor
James Sanders, Council Member
Lori Acton, Council Member
Steven P. Morgan, Council Member**

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LAST ORDINANCE NO. 14-01
LAST RESOLUTION CITY COUNCIL NO. 14-85
LAST RESOLUTION FINANCING AUTHORITY NO. 14-xx
LAST RESOLUTION OF THE HOUSING AUTHORITY NO. 14-xx
LAST RESOLUTION OF THE SUCCESSOR REDEVELOPMENT AGENCY NO. 14-xx

CITY OF RIDGECREST

CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY

AGENDA

Regular Council
Wednesday September 17, 2014

CITY COUNCIL CHAMBERS CITY HALL
100 West California Avenue
Ridgecrest, CA 93555

Closed Session – 5:30 p.m.
Regular Session – 6:00 p.m.

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENT – CLOSED SESSION

AGENDA - CITY COUNCIL - REGULAR

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CLOSED SESSION

GC54956.9(d)(4) Conference With Legal Counsel – Anticipated Litigation – Liability Claim Of Ada Seymour – Claim No. 14-10

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
- Other

PUBLIC COMMENT

PRESENTATIONS

1. Presentation Of Employee Service Awards Clark
2. Presentation Of A Proclamation Recognizing Constitution Week Ford

CONSENT CALENDAR

3. Adopt A Resolution Approving Program Supplement Agreement No. 036-N With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorize The City Manager, Dennis Speer, To Sign The Agreement For The Signal Synchronization On South China Lake Boulevard From West California Avenue To College Heights Boulevard Speer
4. Adopt A Resolution Amending The Professional Services Agreement With Willdan Engineering To Provide Additional Design, Bidding Services And Construction Inspection Services For The Federal Safe Routes To School Cycle 3 Project And Authorizing The City Manager, Dennis Speer, To Execute This Agreement Speer
5. Adopt A Resolution Awarding A Construction Contract For The Federal Safe Routes To School Cycle 3 Project To Griffith Company And Authorizing The City Manager, Dennis Speer, To Execute The Contract Speer

AGENDA - CITY COUNCIL - REGULAR

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6. Adopt A Resolution Approving Authorization To Award A Construction Contract To Griffith Company For The Road Rehabilitation And Resurfacing Of South China Lake Boulevard From Upjohn Avenue To Bowman Avenue And Authorize The City Manager, Dennis Speer To Execute The Contract
Speer
7. Adopt A Resolution Approving A Letter Of Commitment To Participate In The Fresno State Office Of Community And Economic Development (OCED) East Kern County Economic Development Program
Speer
8. Adopt A Resolution Approving A Community Development Activity Agreement (CD# 17.13.1) With The County Of Kern For The Community Development Block Grant (CDBG) Funding For The Senior Center Improvements (Design Only), And Accepting The Terms Of The Receipt Of CDBG Funds And The Authorizing The City Manager, Dennis Speer To Sign The Agreement
Patin
9. Adopt A Resolution Of The Ridgecrest City Council Authorizing Application For And Acceptance Of The State Of California, Office Of Traffic Safety STEP Grant
Strand
10. Adopt A Resolution Approving A Proclamation Recognizing Freedom From Workplace Bullying Week And Authorizing The City Clerk To Mail The Proclamation To The Requestor
Ford
11. Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Minutes For Regular Meeting Dated August 20, 2014
Ford

ORDINANCES

12. Second Reading And Adoption, Ordinance No. 14-01, An Ordinance Of The Ridgecrest City Council Amending The Ridgecrest Municipal Code As It Relates To Conflict Of Interest
Lemieux

DISCUSSION AND OTHER ACTION ITEMS

13. Adopt A Resolution Supporting Kern Citizens For Energy
Holloway
14. Conduct A Public Hearing And Adopt A Resolution Of The City Council Of The City Of Ridgecrest, County Of Kern, State Of California Approving Revision Of Countywide Siting Element Of The Kern County And Incorporated Cities Integrated Waste Management Plan
Speer

AGENDA - CITY COUNCIL - REGULAR

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15. Adopt A Resolution Requesting Acceptance Of The Speed Zone Survey Report And Authorization To Post The Speed Zones Accordingly Speer

16. Adopt A Resolution Of The Ridgcrest Redevelopment Agency Successor Agency Approving The Recognized Obligation Payment Schedule (ROPS) 2014-15B Parsons

COMMITTEE REPORTS

Activate Community Talents And Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Jim Sanders, Dan Clark

Meetings: 3rd Tuesday of the Month at 4:00 P.M., Kerr-McGee Center

Next Meeting: To Be Announced

Veterans Advisory Committee

Members: Dan Clark

Meetings: 1st and 3rd Tuesday of the Month At 6:00 p.m., Kerr McGee Center

Next Meeting: To Be Announced

Ridgcrest Area Convention And Visitors Bureau (RACVB)

Members: Chip Holloway

Meetings: 1st Wednesday Of The Month, 8:00 A.M.

Next Meeting: To Be Announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

CITY MANAGER REPORT

MAYOR AND COUNCIL COMMENTS

ADJOURNMENT

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:
Service Award Presentations

PRESENTED BY:
Mayor and City Council members

SUMMARY:
Service recognition awards presented by the Ridgecrest City Council to employees who have reached milestones of five (5) or more years of employment with the City of Ridgecrest.

5 Years
Aaron Tucker

FISCAL IMPACT: NONE
Reviewed by Finance Director

ACTION REQUESTED:
Presentation of certificates to the employees by City Council members.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:
Present Service Awards

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A Proclamation of The City of Ridgecrest, California

Constitution Week

WHEREAS: September 17, 2014, marks the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

Now, therefore, be it proclaimed

The City Council of the City of Ridgecrest does hereby proclaim the week of September 17 through 23 as Constitution Week AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Proclaimed this 17th Day of September 2014


Daniel O Clark, Mayor


Marshall 'Chip' Holloway
Mayor Pro Tem


James B. Sanders
Council Member


Lori Acton
Council Member


Steven P. Morgan
Council Member

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: A Resolution Approving Program Supplement Agreement No. 036-N With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorizing The City Manager, Dennis Speer, To Sign The Agreement For The Signal Synchronization on South China Lake Boulevard from West California Avenue to College Heights Boulevard.

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

The Program Supplement Agreement is for the Signal Synchronization on South China Lake Boulevard from West California Avenue to College Heights Boulevard. The total estimated cost of this work is \$381,576.00. The funding source is the Federal Highway Improvement Program. The project will be allocated from 018-4760-430-4601 TS 14-02 account.

The City has a local match in the amount of \$72,576.00 and these funds will be coming from Traffic Impact Fees.

The State requires that one person in the local agency be designated to sign the agreement with the State. The City's Master Agreement with the State stipulates the City Manager as the designated person.

FISCAL IMPACT:

\$72,576.00

Reviewed by Finance Director

ACTION REQUESTED:

Approve A Resolution Approving Program Supplement Agreement No. 036-N With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorizing The City Manager, Dennis Speer, To Sign The Agreement For The Signal Synchronization on South China Lake Boulevard from West California Avenue to College Heights Boulevard.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker
(Rev. 02/13/12)

Action Date: September 17, 2014

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RESOLUTION NO. 14-xx

A RESOLUTION APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 036-N WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, UNDER MASTER AGREEMENT NO. 09-5385R AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO SIGN THE AGREEMENT FOR THE SIGNAL SYNCHRONIZATION ON SOUTH CHINA LAKE BOULEVARD FROM WEST CALIFORNIA AVENUE TO COLLEGE HEIGHTS BOULEVARD

WHEREAS, the City of Ridgecrest is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation, and

WHEREAS, Program Supplemental Agreements need to be executed with the California Department of Transportation before such funds can be claimed, and

WHEREAS, the total estimated cost of this construction work is \$382,576.00 and the funding source being the Federal Highway Improvement Program; and

WHEREAS, The City has a local match in the amount of \$72,576.00 and these funds will be coming from Traffic Impact Fees

WHEREAS, funds shall be made available from the 018-4760-430-4601 TS14-02 account; and

WHEREAS, The State requires that one person in the local agency be designated to sign the agreements with the State, and

WHEREAS, The City's Master Agreement with the State stipulates the City Manager as the designated person.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Ridgecrest Approves Program Supplement Agreement No. 036-N With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R And Authorizes The City Manager, Dennis Speer, To Sign The Agreement For The Signal Synchronization On South China Lake Boulevard From West California Avenue To College Heights Boulevard

APPROVED AND ADOPTED this 17th Day of September 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Daniel O. Clark, Mayor

Rachel J. Ford, CMC
City Clerk

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3883
Fax (916) 654-2408



File : 09-KER-0-RGCR

CML-5385(053)

On China Lake Blvd. from W.
California Ave. to College Heights
Blvd.

August 28, 2014

Mr. Dennis Speer
Director of Public Works
City of Ridgecrest
100 West California Avenue
Ridgecrest, CA 93555-4054

Dear Mr. Speer:

Enclosed are two originals of the Program Supplement Agreement No. 036-N to Administering Agency-State Agreement No. 09-5385R.

Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. ATTACH YOUR LOCAL AGENCY'S CERTIFIED AUTHORIZING RESOLUTION THAT CLEARLY IDENTIFIES THE PROJECT AND THE OFFICIAL AUTHORIZED TO EXECUTE THE AGREEMENT. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

A copy of the State approved finance letter containing the fund encumbrance and reversion date information will be mailed to you with your copy of the executed agreement.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

John Hoole

JOHN HOOLE, Chief
Office of Project Implementation - South
Division of Local Assistance

Enclosure

c: DLA AE Project Files
(09) DLAE - Forest Becket

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

D. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

E. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal

SPECIAL COVENANTS OR REMARKS

obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

F. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

G. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: A Resolution Amending The Professional Services Agreement With Willdan Engineering To Provide Additional Design, Bidding Services and Construction Inspection Services for the Federal Safe Routes to School Cycle 3 Project And Authorizing The City Manager, Dennis Speer, To Execute This Agreement

PRESENTED BY:

Dennis Speer, Public Work Director

SUMMARY:

Construction bids for the Federal Safe Routes to School Cycle 3 Project were opened on May 5, 2014 and the bids were higher than the City's available federal funding for the construction budget. The City elected to reject all bids, reduce the scope of the project to match the budget and re-advertise for construction bids. Willdan Engineering provided the design services to revise the plans, specifications, and estimates needed to eliminate the construction items to allow the project to be re-bid for the federal funds.

After the plans were revised and approved by the City Staff, the project went out to rebid in August. Willdan provided services during the rebidding process to allow for an award of a new construction bid.

The City has also asked that Willdan engineering provide for construction inspection of the project which will include a 35-working day construction duration on a time and material basis.

The proposed fee to complete the scope of work is \$27,310.00 and is fully funded at one hundred percent (100%) by the Federal Safe Route to School Cycle 3 Program. Funding for this project would come from 018-4760-430-2106 ST12-01.

Staff recommends that the City amends the Professional Services Agreement with Willdan Engineering To Provide Additional Design, Bidding Services and Construction Inspection for this project.

FISCAL IMPACT: none

Reviewed by Finance Director

ACTION REQUESTED:

Adopt A Resolution Amending The Professional Services Agreement With Willdan Engineering To Provide Additional Design, Bidding Services and Construction Inspection Services for the Federal Safe Routes to School Cycle 3 Project And Authorizing The City Manager, Dennis Speer, To Execute This Agreement

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker
(Rev. 02/13/12)

Action Date: September 17, 2014

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RESOLUTION NO. 14-xx

A RESOLUTION AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING TO PROVIDE ADDITIONAL DESIGN, BIDDING SERVICES AND CONSTRUCTION INSPECTION SERVICES FOR THE FEDERAL SAFE ROUTES TO SCHOOL CYCLE 3 PROJECT AND AUTHORIZING THE CITY MANAGER, DENNIS SPEER, TO EXECUTE THIS AGREEMENT

WHEREAS, Construction bids for the Federal Safe Routes to School Cycle 3 Project were opened on May 5, 2014 and the bids were higher than the City's available federal funding for the construction budget; and

WHEREAS, The City elected to reject all bids, reduce the scope of the project to match the budget and re-advertise for construction bids; and

WHEREAS, Willdan Engineering provided the design services to revise the plans, specifications, and estimates needed to eliminate the construction items to allow the project to be re-bid for the federal funds

WHEREAS, after the plans were revised and approved by the City Staff, the project went out to rebid in August; and

WHEREAS, Willdan provided services during the rebidding process to allow for an award of a new construction bid; and

WHEREAS The City has also asked that Willdan engineering provide for construction inspection of the project which will include a 35-working day construction duration on a time and material basis

WHEREAS, The proposed fee to complete the scope of work is \$27,310.00 and is fully funded at one hundred percent (100%) by the Federal Safe Route to School Cycle 3 Program and funding for this project would come from 018-4760-430-2106 ST12-01.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Approves the Amended Professional Services Agreement with the Consulting Firm of Willdan; and
2. Approves the Finance Director to amend the budget to reflect all appropriate expenditures, revenue and transfer accounts.
3. Approves the City Manager, Dennis Speer, to execute the agreement upon the city attorney's review and approval of the agreement

APPROVED AND ADOPTED THIS 17th day of September by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

August 25, 2014

Loren Culp
City Engineer
City of Ridgecrest
100 W. California Ave
Ridgecrest, CA 93555

**Subject: Request for Amendment to Purchase Order No. 006990
Proposal for Rebid Services and Construction Inspection Services for Federally-Funded
Cycle 3 Safe Routes to School Project – Federal Aid Project No. SRTSL-5385(045)**

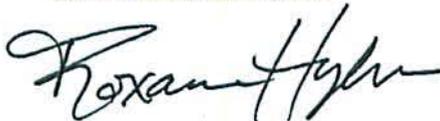
Dear Loren:

Willdan Engineering is pleased to submit this proposal to the City of Ridgecrest to provide additional design and bidding services for the rebid of the subject project, in addition to providing construction inspection services for the improvements. We understand that we are considered as a qualified consultant based on our previous SOQ submittal. Therefore, this proposal is limited to a project specific work plan and includes project scope, schedule and fees.

We appreciate this opportunity to submit our proposal for your consideration and look forward to discussing your needs and our qualifications. If you have any questions, please contact Ms. Roxanne Hughes at (805) 653-6597 or rhughes@willdan.com.

Respectfully submitted,

WILLDAN ENGINEERING



Roxanne Hughes, PE
Principal Project Manager



Chris Baca, R.C.I.
Deputy Director of Construction Management

Rebid

Construction bids for the subject project were opened on May 5, 2014. The low bid received came in higher than the City's available federal funding construction budget. The City elected to reject all bids, reduce the scope of the project to match the budget, and re-advertise for construction bids. The City requested that Willdan provide design services to revise the plans, specifications, and estimate as needed to eliminate the amount of construction items as necessary to allow the project to be constructed using only federal funds.

After plans were revised and approved by the City, the project was rebid in August 2014. The City requested that Willdan provide additional bidding phase services during the rebid period.

Project Understanding – Inspection Services

Willdan understands that the City of Ridgecrest is seeking a professional consultant to perform construction inspection services for the City's Cycle 3 Safe Routes to School project. The project includes construction of new curb, gutter, sidewalks, crosswalks, ADA curb ramps, asphalt concrete paving, bus turnout, speed limit feedback sign, and bike lane markings and signage in the immediate vicinity of Gateway Elementary, Las Flores Elementary, and James Monroe Middle Schools. We understand that the proposed improvements are funded by state and federal programs and require the services of a consultant with expertise in the management of federally-funded projects.

The following describes each project location and our understanding based on our involvement in the design of the project.

GATEWAY ELEMENTARY SCHOOL

The proposed improvements near Gateway Elementary School were selected to increase safety and address a lack of pedestrian infrastructure around the school. Improvements in the area surrounding Gateway Elementary School will include construction of sidewalks on the north side of Upjohn Avenue between Forrest Knoll Street and Gateway Blvd, the west side of Gateway Blvd between White Oak Drive and Upjohn Avenue, and the east side of Gateway Blvd from Upjohn Avenue to approximately 300 feet south of Upjohn Avenue. The proposed improvements on the east side of Gateway Blvd will also include new curb and gutter, and extension of the existing roadway paving to the new gutter lip. Extension of the paving on Gateway Blvd is not intended to increase the roadway capacity. Existing curb ramps within the project limits will be retrofitted or reconstructed to comply with current ADA requirements.

LAS FLORES ELEMENTARY SCHOOL

The proposed improvements near Las Flores Elementary School were selected to increase safety and provide students with better access and an ADA-compliant, defined path of travel to the school. Improvements in the area surrounding Las Flores Elementary School will include construction of new ADA compliant curb ramps and crosswalks, new sidewalk on the south side of Las Flores Avenue between Nevada Court and Downs Street, retrofitting or reconstruction of existing curb ramps, bike lane striping, markings and signage on Las Flores Avenue, and installation of a speed feedback sign on the westbound side of Las Flores Avenue.



JAMES MONROE MIDDLE SCHOOL

The proposed improvements near James Monroe Middle School were selected to increase safety and address student, vehicle, and bus congestion in front of the school. Improvements in the area surrounding James Monroe Middle School will include relocation of the existing Church Avenue bus turnout to Warner Street and construction of a new concrete pathway, on school property, from the school to the new bus turnout. The existing trees along Warner Street that are identified for removal in the City's SRTS application have already been removed under separate contract and will no longer be required as part of this project.

Project Approach

Construction Engineering

Willdan's staff has over 25 years experience preparing and processing various Caltrans-related projects for local agencies, including state and federal funding forms, checklists, invoices, and reports of expenditures. With numerous completed projects and more than a dozen in progress, Willdan has assisted cities at various stages of state- and federal-funded projects – from the initiating request to final invoicing. Although each program may encompass different components and requirements, the general process remains the same – following the Caltrans Local Assistance Procedures Manual (LAPM). Our staff stays apprised of revisions to procedures and forms in the LAPM through Local Programs Procedures (LPPs) and Division of Local Assistance Office Bulletins (DLA-OBs). Willdan's staff maintains quality relationships with Caltrans' District Local Assistance staff.

Willdan's construction management services focus on coordination, review, tracking, reporting, and performing field inspections to ensure the quality of the work is in compliance with federal funding requirements, LAPM, and the contract documents. Mr. Bustos, our resident engineer/construction manager, and our public works inspector will coordinate, work, proactively assist the general contractor's construction efforts, and maintain fluid channels of communication with the City, Willdan's designers, and Caltrans to technically support the construction effort and the efforts of the City in achieving a successful completion with minimum complications.

Willdan will review and monitor the work as it is constructed and develop supporting documentation which establishes the technical adequacy of the construction, the timely schedule of implementation, and the project budget. Willdan will track the progress and quality of construction, log and process submittals, RFIs, RFCs, and CCOs, initiate employee interviews, track labor and equipment pursuant to LAPM requirements, and review and assist in the resolution of all technical data and issues. Willdan will provide daily, weekly, and monthly reports to the City on the progress of construction and all technical and economic parameters.

Willdan's team is unique in that it is structured as an integrated unit with close communication between team members and interlocking responsibilities that provide good coverage of all elements of construction engineering, while at the same time having minimal overlap of duties to avoid misunderstandings of assigned responsibilities and reduce costs. This structure, outlined in our scope of work, provides a natural quality assurance/control system for the team. The assigned construction manager is the base for any decisions and provides assignment of specific duties on a daily basis, while monitoring the success of their fulfillment. Mr. Bustos has specific administrative duties, which include review of field activities. He will institute a system of periodic reviews of the field file for conformance



with Willdan's in-house filing system and LAPM. The inspectors have their assignments and move the products of their reporting to the construction manager and their files.

This bi-level approach has proved effective over the past 27 years at Willdan because the likelihood of a missed or incorrect item is essentially eliminated with multi-level control.

Scope of Work

Rebid

1. Revise Construction Plans, Specifications, and Estimate to reduce project scope to fit within the City's federal funding construction budget, based on actual bids received.
2. Perform bidding services for rebid of project, including:
 - a. Willdan will provide engineering support during project bidding. During the Bidding Phase, Willdan Engineering will be available to answer questions regarding the technical provisions of the contract special provisions, the design drawings, or design issues brought up during the bidding process. The preparation of addenda regarding actual omissions or conflicts in the design will be prepared at no charge to the City.
 - b. Attend and conduct pre-bid meeting.
 - c. Response to requests for information (RFI).
 - d. Issuance of addendum during bid advertisement.
 - e. Attend bid opening.
 - f. Following bid opening, Willdan will review and tabulate the bids received by the City.
 - g. After review of all bid documents, Willdan will make a recommendation to the City for award of the construction contract.

Construction Inspection

3. Become familiar with traffic control plans, construction schedule, construction sequence, and permit requirements from other agencies.
4. Verify that the contractor conforms to the design survey line and grades.
5. Provide full-time and as-needed construction inspection, of the work to monitor materials and methods for compliance with plans, specifications, and contract documents; address and document non-conforming items as they are discovered.
6. Monitor compliance with Cal OSHA requirements and compliance with all local, state, and federal regulations. Although Willdan will monitor the activities, it is the contractor's sole responsibility to provide workers with a safe working environment.
7. Provide Willdan's labor compliance manager with federally-compliant labor and equipment reports, labor classification interviews, and assist with certified payroll review.



8. Monitor compliance with the Clean Air Act and the Clean Water Act (National Pollutant Discharge Elimination System – NPDES best management practices). Also, monitor the contractor's compliance with approved SWPPP.
9. Meet with the contractor at the beginning of each day and review the proposed work plan, including specific details that may affect progress.
10. Conduct daily measurements of quantities of work with the contractor.
11. Review actual contractor performance throughout the day and discuss discrepancies with the contractor as they occur.
12. Assist in coordination of engineering support, surveying, specialty inspections, and fieldwork by utility companies.
13. Ensure compliance of Underground Service Alert notification/delineation.
14. Evaluate the contractor's operation and production with respect to quality and progress and report to the resident engineer.
15. Photograph continuous property frontages along the street alignment once prior to construction and once immediately following construction. Maintain a photographic record of key elements of each major operation of work each day, with increased detail in situations of potential changes or claims.
16. Closely monitor testing results and require the contractor to provide corrective measures to achieve compliance.
17. Maintain copies of all permits needed to construct the project and enforce special requirements of each.
18. Prepare and maintain detailed daily diary inspector reports on construction progress.
19. Prepare clear and concise letters and memoranda, as needed. Establish a solid paper trail.
20. Maintain field file bound workbooks during construction, including a cumulative record of quantities constructed, daily and weekly reports, working day reports, change order documentation, photographs, and other documentation.
21. Review the construction schedule and enforce requirements for updating schedules and maintaining appropriate progress of the work.
22. Analyze delays and review claims on a timely basis and make recommendations to the construction manager.
23. Assist with the review and evaluation of change order work.
24. Provide complete measurements and calculations documented to administer progress payments.
25. Maintain and submit a clean set of plans marked in red for as-built corrections on record drawings to be filed with the City. (City's design consultant will transfer the contractor's record drawings to original Mylar drawings.)



- 26. Prepare a punch list at substantial completion and follow up with the contractor regarding progress of corrections.
- 27. Schedule a final inspection with the City and applicable agencies; prepare, distribute, and inspect corrections to the final punch list for completion; and recommend final acceptance.
- 28. Prepare documentation for final payment to the contractor.
- 29. Upon project completion, provide the finished set of project workbooks to the City.

Fees

Willdan will provide the scope of services indicated above on a time-and-materials basis for a not-to-exceed fee as shown in the attached Proposed Hours and Fee Schedule.

Task	Deputy Director	Resident Engineer	Designer Engineer II	Sr. Public Works Observer	Amount
Hourly Rate	\$175	\$132	\$120	\$100	\$
Additional Design (Rebid)	-	4	8	-	\$1,488
Additional Bidding Assistance (Rebid)	-	8	8	-	\$2,016
Inspection Coordination	2	8	-	-	\$1,406
Public Works Observation	-	-	-	224	\$22,400
Total	2	8		224	\$27,310

The Public Works Observation hours indicated assume a 35-working day construction duration on a time and materials basis. If the construction duration exceeds 35-working days, additional compensation may be warranted.

This proposal assumes that the City’s Cycle 3 SRTS Project and South China Lake Rehabilitation Project will be constructed and inspected by Willdan Engineering at the same time. If construction schedules dictate otherwise, additional compensation may be warranted.



City of Ridgecrest

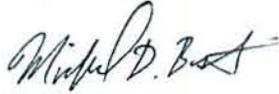
PO Amendment Request for Rebid and Construction Inspection Services for Federally-Funded
Cycle 3 Safe Routes to School Project – Federal Aid Project No. SRTSL-5385(045)

August 25, 2014

Page 7

If the additional services described herein are acceptable and desired as proposed, please prepare an amendment to our existing Purchase Order No 006990. Should you have any questions, please contact me at (805) 653-6597.

Respectfully,



Mike Bustos
Willdan Engineering



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: A Resolution Awarding a Construction Contract for the Federal Safe Routes to School Cycle 3 Project to Griffith Company and authorizing the City Manager, Dennis Speer, to execute the contract.

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

On Tuesday August 12, 2014, the bid was opened for the construction of the Federal Safe Routes to School Cycle 3 Project on Las Flores Avenue, Warner Street, and Gateway Boulevard. The construction in these areas will consist of sidewalk; curb ramps, a bus turnout, and paving marking. A total of one bid was received. The bid is as follows:

Bidder
Griffith Company

Bid
\$385,213.00

The bid was reviewed by our Resident Engineer, Mike Bustos with the engineering firm of Willdan Engineering. Based on this review, it is recommended that the contract be awarded to the lowest responsible and responsive bidder, Griffith Company with the low bid of \$385,213.00. A purchase order will be issued to Griffith for a total amount of \$385,213.00 for the construction of the Federal Safe Routes to School Cycle 3 Project. A contingency in the amount of \$38,521.30 will be set aside. This project is funded through the Federal Highway Administration and is administered by Caltrans. This project is funded at one hundred percent (100%).

Construction bids for the Federal Safe Routes to School Cycle 3 Project were opened on May 5, 2014 and the bids were higher than the City's available federal funding for the construction budget. The City elected to reject all bids, reduce the scope of the project to match the budget and re-advertise for construction bids. Willdan Engineering provided the design services to revise the plans, specifications, and estimates needed to eliminate the construction items to allow the project to be re-bid for the federal funds.

Funding for the execution of the contract shall come from account 018-4760-430-4601 ST12-01.

FISCAL IMPACT:

Reviewed by: Finance Director

ACTION REQUESTED: Adopt The Resolution That Authorizes The Award Of A Construction Contract For The Federal Safe Routes To School Cycle 3 Project To Cen-Cal And Authorizes The City Manager, Dennis Speer To Execute The Contract.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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RESOLUTION NO. 14-XX

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR THE FEDERAL SAFE ROUTES TO SCHOOL CYCLE 3 PROJECT TO GRIFFITH COMPANY AND AUTHORIZING THE CITY MANAGER, DENNIS SPEER, TO EXECUTE THE CONTRACT

WHEREAS, On Tuesday August 12, 2014 the bid was opened for the construction of the Federal Safe Routes to School Cycle 3 Project on Las Flores Avenue, Warner Street, and Gateway Boulevard; and

WHEREAS, one bid was received and the results are as follows:

<u>Bidder</u> Griffith Company	<u>Bid</u> \$385,213.00
-----------------------------------	----------------------------

WHEREAS, This bid was reviewed by the Resident Engineer, Mike Bustos from the engineering firm Willdan for a determination of no irregularities and that all the required forms were provided; and

WHEREAS, it was determined that Griffith Company was the low bidder with the low bid of \$385,213.00; and

WHEREAS, a purchase order will be issued to Griffith Company in a total amount of \$385,213.00 for construction of sidewalk, curb ramps, bus turnout and paving markings; and

WHEREAS, A contingency in the amount of \$38,521.30 will be set aside; and

WHEREAS, the Federal Highway Administration funds this project at one hundred percent (100%) and it is administered by Caltrans; and

WHEREAS, the funding for the execution of the contract shall come from account 018-4760-430-4601 ST12-01.

NOW THEREFORE, Be It Resolved that the City Council of the City of Ridgecrest hereby:

1. Authorizes award of the contract for the Federal Safe Routes to School Cycle 3 Project described herein to the lowest responsible and responsive contractor, Griffith Company, from the bids received as determined by the Resident Engineer, Mike Bustos, and
2. Authorizes the City Manager, Dennis Speer to execute the contract, and
3. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.

APPROVED AND ADOPTED this 17th Day of September 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Daniel O. Clark, Mayor

Rachel J. Ford, CMC
City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: Authorization To Award A Construction Contract to Griffith Company For The Road Rehabilitation and Resurfacing of South China Lake Boulevard from Upjohn Avenue to Bowman Avenue And Authorize The City Manager, Dennis Speer, To Execute The Contract

PRESENTED BY:

Dennis Speer, Public Work Director

SUMMARY:

On Thursday September 2, 2014 bids were opened for the road rehabilitation and resurfacing of South China Lake Boulevard from Upjohn Avenue to Bowman Avenue. A total of two bids were received as follows:

<u>Bidder</u>	<u>Bid</u>
Griffith Construction Co.	\$619,916.00
Cooley Construction	\$634,124.00

The bids were reviewed by the engineering firm of Willdan Engineering and the Resident Engineer, Mike Bustos. Based on this review, it is recommended that the contract be awarded to the lowest responsible and responsive bidder, Griffith Construction Company with the low bid of \$619,916.00. A purchase order will be issued to Griffith Construction Company in a total amount of \$619,916.00 for the construction of road rehabilitation and resurfacing. An amount of \$30,995.80 or five percent (5%) is needed for contingencies. The total project cost is \$650,911.80. The Regional Surface Transportation Program (RSTP) administered by Caltrans will provide a total of \$538,646.00 in funding for the construction and construction management of the project.

Staff is recommending that the matching funds for this project come from the Fiscal Year Measure L Funding 14-15. The amount of funding is \$112,265.80.

Funding for the execution of the contract shall come from account 018-4760-430-4601 ST1304.

FISCAL IMPACT: \$112,265.80

Reviewed by Finance Director

ACTION REQUESTED: Award A Construction Contract to Griffith Construction Company For The Road Rehabilitation and Resurfacing of South China Lake Boulevard from Upjohn Avenue to Bowman Avenue And Authorize The City Manager, Dennis Speer, To Execute The Contract

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker

Action Date: September 17, 2014

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RESOLUTION NO. 14-xx

AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT TO GRIFFITH COMPANY FOR THE ROAD REHABILITATION AND RESURFACING OF SOUTH CHINA LAKE BOULEVARD FROM UPJOHN AVENUE TO BOWMAN AVENUE AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO EXECUTE THE CONTRACT

WHEREAS, on Tuesday September 2, 2014, bids were opened for the road rehabilitation and resurfacing of South China Lake Boulevard from Upjohn Avenue to Bowman Avenue; and

WHEREAS, a total of two bids were received and the results are follows:

<u>Bidder</u>	<u>Bid</u>
Griffith Construction Co.	\$619,916.00
Cooley Construction	\$634,124.00

WHEREAS, these bids were reviewed by the engineering firm Willdan Engineering and Resident Engineer, Mike Bustos for a determination of the lowest responsible and responsive bidder; and

WHEREAS, it was determined that Griffith Construction Company was the low bidder with the low bid of \$619,916.00; and

WHEREAS, a purchase order will be issued to Griffith Construction Company in a total amount of \$619,916.00 for the road rehabilitation and resurfacing of South China Lake Boulevard from Upjohn Avenue to Bowman Avenue; and

WHEREAS, an amount of \$30,995.80 or five percent (5%) is needed for contingencies; and

WHEREAS, The Regional Surface Transportation Program (RSTP) administered by Caltrans will provide a total of \$538,646.00 in funding; and

WHEREAS, matching funds for this project be available from Measure L Funds Fiscal Year 14-15; and

WHEREAS, The amount of funding is \$112,265.80; and

WHEREAS, the funding for the execution of the contract shall come from account 018-4760-430-4601 ST1304.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Authorizes the award of the contract to Griffith Construction Company for the road rehabilitation and resurfacing of South China Lake Boulevard from Upjohn Avenue to Bowman Avenue described herein as the lowest responsible and responsive contractor from the bids received as determined by Willdan Engineering; and
2. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer to execute the contract

APPROVED AND ADOPTED this 17th day September 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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**RIDGECREST CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: Letter of Commitment to participate in the Fresno State Office of Community and Economic Development (OCED) East Kern County Economic Development Program.

PRESENTED BY:
Dennis Speer, City Manager

SUMMARY:

At the last regular council meeting which was held on August 20, 2014, a representative of the OCED at Fresno State, Mr. Ismael Herrera, presented an outline of an economic development program available to the City. The presentation included an overview of the program. Specifically covered were components of the economic development strategy, elements of the strategy, importance of an advisory committee, target industry strategy, three sector strategies, key issues, resources, and follow up.

At the conclusion of the presentation, Mr. Herrera explained to the Council what was required for participation in the program. He indicated that the City should provide a letter of commitment, sources of cash or in-kind match, and identification of a meeting place. He emphasized the immediate need for a letter of commitment. Therefore, for the City to move forward and participate in the program, a letter of commitment must be approved.

Staff recommends that the City Council approve a letter of commitment and authorize the Mayor to sign the letter.

FISCAL IMPACT: None
Reviewed by Finance Director

ACTION REQUESTED:

Approve a Letter of Commitment to participate in the Fresno State OCED East Kern County Economic Development Program.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Dennis Speer

Action Date: September 17, 2014

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RESOLUTION NO. 14-XX

APPROVAL OF A LETTER OF COMMITMENT TO PARTICIPATE IN THE FRESNO STATE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT (OCED) EAST KERN COUNTY ECONOMIC DEVELOPMENT PROGRAM

WHEREAS, the City was significantly impacted during the economic downturn; and

WHEREAS, the City is actively seeking and promoting economic development; and

WHEREAS, the OCED's East Kern Economic Development Program provides for economic development opportunities, and

WHEREAS, the City is interested in participating in the East Kern Economic Development Program; and

WHEREAS, a letter of commitment is required to participate in the program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest Hereby approves a letter of commitment and authorizes the Mayor, Daniel Clark, To Sign The letter.

APPROVED AND ADOPTED this 17th day of September 2014 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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CITY OF RIDGECREST

Telephone 760 499-5004
100 West California Avenue, Ridgecrest, California 93555-4054

September 17, 2014

Mr. Michael Dozier, Director
Office of Community and Economic Development
California State University, Fresno
5010 N. Woodrow Avenue M/S WC142
Fresno, California 93740

Attention: Ismael Diaz Herrera , Associate Director

Subject: Letter of Commitment - East Kern County Economic Development Program.

Dear Mr. Dozier:

The City of Ridgecrest is committed to fully support and participate in the Office of Community and Economic Development's East Kern County Economic Development Program as presented at the August 20, 2014 City Council Meeting. To that end, the City of Ridgecrest will contribute available resources toward the success of the program. These contributions will be intended to sustain the program and the economic benefits that will be achieved.

The expected economic development that the program will create is a priority for our City.

In light of the above, the City pledges, once the objectives of the program have been established, to continue, promoting, supporting, and participating in the East Kern County Economic Development Program.

Sincerely,

Daniel O. Clark, Mayor

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: A Resolution Of The Ridgecrest City Council Approving A Community Development Activity Agreement (CD# 17.13.1) With The County Of Kern For The Community Development Block Grant (CDBG) Funding For The Senior Center Improvements (Design Only), And Accepting The Terms Of The Receipt Of CDBG Funds And The Authorizing The City Manager, Dennis Speer To Sign The Agreement

PRESENTED BY:

Jason Patin, Recreation Supervisor

SUMMARY:

The City Of Ridgecrest is proposing to make improvements to the City of Ridgecrest Senior Center using Community Development Block Grant (CDBG) funds administered by the Kern County Resource Management Agency (RMA). The current estimated total Design Engineering, Construction Inspection, Contract Administration/HUD Monitoring, Testing and Related Work cost is approximately Twenty-Six Thousand Dollars (\$26,000.00). This Community Development Activity Agreement allows the City to be reimbursed for the Design Engineering, Construction Inspection, Contract Administration/HUD Monitoring, Testing and Related Work costs up to a maximum amount of \$26,000.00.

Staff recommends that the City enter into the subject Community Development Activity Agreement with the County of Kern, Inc. for the receipt of CDBG funds related to the subject project.

FISCAL IMPACT: No fiscal impact unless the total Design Engineering, Construction Inspection, Contract Administration/HUD Monitoring, Testing and Related Work costs exceed \$26,000.00.

Reviewed by: Finance Director

ACTION REQUESTED:

Adopt A Resolution Of The Ridgecrest City Council Approving A Community Development Activity Agreement (CD# 17.13.1) With The County Of Kern For The Community Development Block Grant (CDBG) Funding For The Senior Center Improvements (Design Only), And Accepts The Terms Of The Receipt Of CDBG Funds And The Authorizes The City Manager, Dennis Speer To Sign The Agreement

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Jason Patin
(Rev. 02/13/12)

Action Date: September 17, 2014

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RESOLUTION NO. 14-xx

A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING A COMMUNITY DEVELOPMENT ACTIVITY AGREEMENT (CD# 17.13.1) WITH THE COUNTY OF KERN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE SENIOR CENTER IMPROVEMENTS (DESIGN ONLY), AND ACCEPTING THE TERMS OF THE RECEIPT OF CDBG FUNDS AND THE AUTHORIZING THE CITY MANAGER, DENNIS SPEER TO SIGN THE AGREEMENT

WHEREAS, The City of Ridgecrest is proposing to make improvements to the Ridgecrest Senior Center using Community Development Block Grant (CDBG) funds administered by the Kern County Resource Management Agency (RMA); and

WHEREAS, the proposed project is dependent on the receipt of CDBG funds; and

WHEREAS, the Kern County Resource Management Agency (RMA) has conditioned the receipt of CDBG funds; and

WHEREAS; the Community Development Activity Agreement (CD# 17.13.1) provides for a maximum reimbursable amount of \$26,000.00 for Design Engineering, Construction Inspection, Contract Administration/HUD Monitoring, Testing and Related Work Costs; and

WHEREAS; the estimated total Design Engineering, Construction Inspection, Contract Administration/HUD Monitoring, Testing and Related Work Costs are approximately \$26,000.00.

NOW, THEREFORE, BE IT RESOLVED that the A Resolution Of The Ridgecrest City Council Approving A Community Development Activity Agreement (Cd# 17.13.1) With The County Of Kern For The Community Development Block Grant (CDBG) Funding For The Senior Center Improvements (Design Only), And Accepts The Terms Of The Receipt Of CDBG Funds And Authorizes The City Manager, Dennis Speer To Sign The Agreement.

APPROVED AND ADOPTED this 17TH Day of September, 2014 by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Lorelei H. Oviatt, AICP, Director

2700 "M" STREET
SUITE 250 (Community Development)
BAKERSFIELD, CA 93301-2372
Phone: (661) 862-5050
FAX: (661) 862-5052 TTY Relay 1-800-735-2929
E-Mail: kerncd@co.kern.ca.us
Web Address: www.co.kern.ca.us/cd



DEVELOPMENT SERVICES AGENCY

Engineering, Surveying and Permit Services
Planning and Community Development
Roads

August 28, 2014

Mr. Loren Culp, City Engineer
Mr. Jason Patin, Parks and Recreation Director
City of Ridgecrest
100 West California Avenue
Ridgecrest, California 93555-4054

RE: Agreement for CD Project #17.13.1, City of Ridgecrest Senior Center Improvements
(Design Only)

Gentlemen:

Enclosed are five (5) copies of the proposed agreement for the referenced Community Development Block Grant (CDBG) funded activity. These agreements are being transmitted for review and, if deemed acceptable by the City, execution by the City.

Please have the City Council approve the agreements, providing a certified copy of the resolution or minute order of the Council authorizing the City's signatory to execute the agreements. Please return all five executed (5) copies, and the resolution, to our offices for further processing. Please do not date the agreements. They will be dated at the time the County Board of Supervisors signs them. At that time a copy of the Board executed agreement will be returned to the City.

As a reminder, all work that is to be performed under this Agreement must conform to the terms of that Agreement and HUD requirements, and any changes to the Activity have to be discussed with this department before they are implemented by the City.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. J. Whipple", is written over the typed name.

D. J. Whipple
Accountant

Enclosures

xc: Karen Harker, Administrative Analyst, City of Ridgecrest Public Works Department
Paul Sippel, P&CD

**AGREEMENT
COMMUNITY DEVELOPMENT ACTIVITY
CITY OF RIDGECREST SENIOR CENTER IMPROVEMENTS (DESIGN ONLY)
CD#17.13.1
(County – City of Ridgecrest)**

THIS AGREEMENT is made and entered into this _____ day of _____, 2014, ("Agreement") by and between the COUNTY OF KERN, a political subdivision of the State of California ("COUNTY"), and CITY OF RIDGECREST within the County of Kern ("CITY"),

W I T N E S S E T H

WHEREAS:

(a) The Congress of the United States has enacted Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 5301 et seq.), ("Act"), which provides for Community Development Block Grants for eligible activities;

(b) COUNTY has submitted the required documents to the Department of Housing and Urban Development ("HUD") for receipt of a Community Development Block Grant, Catalogue of Federal Domestic Assistance ("CFDA") Number 14.218, ("Grant") pursuant to the Act;

(c) COUNTY and CITY entered into a Community Development Block Grant Cooperative Agreement on July 5, 2011, wherein the parties thereto agreed to undertake activities eligible for Grant assistance within the corporate limits of CITY;

(d) COUNTY is empowered under the Act to administer Grant funds pursuant to the Act, and to enter into activity agreements with cities which have executed Community Development Block Grant Cooperative Agreements with COUNTY for Community Development activities;

(e) CITY has requested the use of Grant funds for design engineering and related work for the construction of renovation improvements to the Ridgecrest Senior Center; and

(f) COUNTY desires to assist CITY by providing Grant funding for the design engineering and related work for the construction of renovation improvements to the Ridgecrest Senior Center.

NOW, THEREFORE IT IS MUTUALLY AGREED between COUNTY and CITY as follows:

1. Definitions

a. Except to the extent modified or supplemented by the Grant Agreement between COUNTY and HUD dated July 13, 2013, ("HUD Grant to COUNTY") any term

defined in Title I of the Act, or the HUD Community Development Block Grant regulations at 24 CFR Part 570 shall have the same meaning when used herein.

b. "Program" means COUNTY's Community Development Program, including the administration thereof, with respect to the terms of the HUD Grant to COUNTY.

c. "Project" means the design and construction of improvements to renovate the Ridgecrest Senior Center, all as more fully described in **Schedule "A"**, attached hereto and incorporated herein by this reference as if set forth in full.

d. "Activity" means the design engineering and related work for the construction of improvements to renovate the Ridgecrest Senior Center, all as more fully described in **Schedule "A"**, attached hereto.

e. "Program Income" shall have, with respect to the Activity undertaken pursuant to this Agreement, the same meaning as the definition found in the HUD Community Development Block Grant regulations at 24 CFR part 570.500(a)(1), as amended, at 24 CFR part 570.504, and as defined in HUD Training Bulletin CPD-90-1, dated April 1990, entitled "Program Income".

f. "Change in Use Restriction Period" means that period which starts upon filing of the Notice of Completion, in the case of construction work, or upon the close of escrow if Grant funding is solely for the acquisition of property, and ends five (5) years after HUD ceases to consider the CITY to be part of the COUNTY's entitlement jurisdiction.

CITY may cease to be part of COUNTY's entitlement jurisdiction by:

Expiration of, or CITY's failure to renew, the CITY/COUNTY Cooperative Agreement dated July 5, 2011; or

HUD's order to cancel the CITY/COUNTY Cooperative Agreement dated July 5, 2011; or

COUNTY ceasing to be a Grant entitlement jurisdiction; or

The federal government's termination of the Grant program.

g. "Expiration of Agreement" means the date of expiration of the Change in Use Restriction Period or the date of resolution of all monitoring findings as determined solely by COUNTY, whichever occurs last.

h. "Subgrantee" and "Subrecipient" as these terms are used in any of the attached exhibits, means CITY.

i. Whenever duties or obligations are performed jointly by CITY and COUNTY, CITY and COUNTY will be referred to as "PARTIES".

2. Maximum Amount Payable Under Agreement and Mode of Payment

a. COUNTY shall reimburse CITY, or its designee(s), through progress payments for Activity costs incurred pursuant to this Agreement upon CITY making satisfactory progress, as determined solely by COUNTY, towards the completion of the Activity detailed in the attached **Schedule "A"**; provided, however, that the total amount made available by COUNTY through this Agreement and payable to CITY, or its designee(s), shall not exceed TWENTY SIX THOUSAND DOLLARS (\$26,000). Unless PARTIES otherwise expressly agree in writing, CITY agrees to accept sole financial responsibility for all costs related to this Activity in excess of the TWENTY SIX THOUSAND DOLLARS (\$26,000) made available by COUNTY pursuant to this Agreement.

b. COUNTY's duty to pay CITY is expressly contingent on COUNTY's receipt and continued use of Grant funds from the federal government allocated for this Activity. In the event such funds are not received by COUNTY, or are reallocated by HUD after receipt and prior to completion of the Grant funded Activity, this Agreement shall be immediately terminated or suspended as of the date the Grant funds are or become unavailable, and COUNTY shall have no further obligation to CITY under this Agreement until such time, if ever, that Grant funds are approved by HUD and allocated for the Activity which is the subject of this Agreement. CITY agrees to indemnify and hold COUNTY harmless pursuant to the indemnification provisions of this Agreement from any costs, liabilities, losses, damages or expenses incurred as a result of termination of the Agreement due to unavailability of the Grant funds for this Activity.

c. Payments shall be made to CITY, or its designee(s), upon CITY's submittal to COUNTY of a monthly certified claim executed by a properly designated official of CITY indicating the percentage of the Activity that has been completed. Said certified claims shall be itemized and properly documented to clearly show the items, tasks or services for which reimbursement is being claimed and the basis for cost computation whether by cost per hour, cost per weight, cost per task or other measurement as agreed by and between PARTIES, as more fully described in the attached **Schedule "A"**.

d. After receipt and approval by COUNTY of a monthly certified claim for design engineering and related work, COUNTY shall make a payment to CITY, or its designee(s), in the amount of one hundred percent (100%) of COUNTY's pro rata portion of Activity costs. CITY agrees that COUNTY is hereby empowered to make an independent determination of the percentage of the Activity which has been satisfactorily completed and any such determination by COUNTY is conclusive.

3. CITY's Obligations

In addition to CITY's obligations as set forth in other sections of this Agreement, CITY agrees to perform the following specific duties:

a. CITY shall be responsible for implementation of this Activity. Implementation shall include preparation of request for proposal documents, if any; and solicitation and hiring of design engineers, construction inspectors, contract administrators/HUD compliance monitors and testing firms and other necessary related vendors. CITY will provide COUNTY

with all request for proposal documents, including changes requested during the procurement process for these services, for COUNTY review and approval prior to their use.

b. CITY agrees that COUNTY may terminate, suspend and/or reduce the amount of Grant funding provided for in this Agreement if all work performed by CITY is not completed satisfactorily and within the budgetary limits and time schedule milestones provided for in this Agreement. The length of any suspension or the amount of the reduction of Grant funding shall be at COUNTY's sole option and will be principally based on timely initiation of CITY's design obligations under this Agreement. COUNTY agrees that delays in completion of the work subject to this Agreement may result for reasons outside the control of CITY, and agrees that COUNTY will extend the time for completion of the work for unavoidable delays for a reasonable period, as determined solely by COUNTY. However COUNTY shall not be obligated to pay or to otherwise reimburse CITY for work performed subject to this Agreement if Grant funding for the Activity is revoked or suspended by HUD due in part or whole to the delay in the completion of the work contemplated by this Agreement.

c. CITY shall be responsible for complying with all applicable local, state, and federal regulations. If CITY hires a consultant to provide compliance monitoring required to ensure to the satisfaction of HUD and COUNTY, that all applicable regulations are met during the construction of the Project, CITY shall monitor the consultant's compliance efforts and shall remain responsible to COUNTY for providing compliance monitoring records in a form acceptable to COUNTY. CITY agrees to become familiar with the applicable statutes, regulations and guidelines governing the Grant program. All applicable statutes, regulations, guidelines, codes, rules and executive orders referred to in this Agreement are as from time to time amended.

d. CITY or any vendors or contractors hired by CITY to perform work on the Activity shall obtain any and all permits necessary to implement this Activity from appropriate state, COUNTY and/or CITY agencies.

e. CITY shall be responsible for the control and safety of CITY officers, employees, agents, and invitees during the implementation of this Activity. CITY shall take all actions necessary to ensure the safety of its employees and invitees during the implementation of the project and during the subsequent maintenance and operation of the Ridgecrest Senior Center Improvements funded pursuant to this Agreement.

f. CITY shall cooperate fully with COUNTY in undertaking, monitoring and completing this Project.

g. CITY shall remain fully obligated under the provisions of this Agreement notwithstanding its designation of any third party or parties for the undertaking of all or any part of the Activity to be completed under this Agreement.

h. Subsequent to proposal due dates, if the Director of COUNTY Planning and Community Development Department determines that funds budgeted herein are insufficient to satisfactorily accomplish or complete the work referenced in this Agreement, CITY will have thirty (30) calendar days from the date of such determination to obtain additional funding beyond COUNTY's maximum financial obligation or satisfactorily reduce the scope of

the work, as provided for herein. If CITY does not obtain the necessary additional funding, or a reduction of scope is not successful in satisfactorily lowering overall Activity costs, PARTIES hereby agree to mutually terminate this Agreement according to the requirements and standards of 24 CFR part 85.44, "Termination for Convenience". In the event of termination, the work contemplated herein shall be abandoned and COUNTY shall incur no liability whatsoever to CITY for expenses incurred after termination of this Agreement or for costs related to any subsequent completion of the work contemplated by this Agreement.

i. CITY shall be responsible, during the Change in Use Restriction Period, for the continued use (for the purpose described herein) of the Ridgecrest Senior Center Improvements funded pursuant to this Agreement and shall comply with federal property management regulations and standards in accordance with 24 CFR part 570.505 "Use of Real Property" (applicable to expenditure of Grant funds in excess of TWENTY FIVE THOUSAND DOLLARS [\$25,000.00]); 24 CFR part 570.501, "Responsibility for Grant Administration"; and with 24 CFR part 570.503(b)(7), "Reversion of Assets".

j. In the event that CITY cannot or fails to utilize the subject improvements for the purpose described herein throughout the Change in Use Restriction Period, CITY shall immediately notify COUNTY regarding CITY's proposed new use of the subject improvements. COUNTY shall review the Grant eligibility and national objective compliance of the proposed new use of the subject improvements prior to CITY and COUNTY performing any of the following steps listed in this section. COUNTY will communicate in writing to CITY its determination in this matter. After COUNTY has made its determination, and if directed by COUNTY, CITY shall conduct a public hearing to provide affected citizens an opportunity to comment on CITY's proposed new use of the subject improvements. After these steps have been completed, COUNTY, at its option, may require that CITY comply with one of the following:

(1) Reimburse COUNTY in an amount equal to the Grant funds expended for this Activity or its "proportionate share" of the current "Fair Market Value" (as defined by the California Code of Civil Procedure, Part 3, Title 7, Chapter 9, Article 4, Section 1263. 320) of all real property and/or improvements for which Grant assistance was provided pursuant to this Agreement, whichever is more. "Proportionate share" is that amount equivalent to COUNTY's percentage contribution toward the total acquisition, design, construction or other cost(s) of the Project, as described in **Schedule "A"** of this Agreement, or

(2) Offer the improvements for which Grant funds were expended pursuant to this Agreement for sale at "Fair Market Value" and, subsequent to sale, reimburse COUNTY for its "proportionate share" of the sales price.

PARTIES shall first use good faith efforts in an attempt to agree on the "Fair Market Value". If, however, PARTIES are unable to agree, they shall, within thirty (30) days from and after written request given by either party to the other, select an arbitrator mutually acceptable to both PARTIES. The arbitrator shall render an advisory decision as to the "Fair Market Value" of the real property and/or improvements referenced in this Agreement. The arbitrator's decision in this matter shall be nonbinding and advisory only; provided, however, that PARTIES shall, in good faith, give serious consideration to the arbitrator's decision.

If PARTIES are unable to agree with a single arbitrator within the above-referenced thirty (30) days, then each shall, within twenty (20) additional working days, appoint one (1) arbitrator and the two (2) arbitrators shall select a third arbitrator within ten (10) additional working days after both are selected. Any decision as to the "Fair Market Value" determined and jointly agreed upon by any two (2) of the three (3) arbitrators shall be nonbinding and advisory only; provided, however, that PARTIES shall each give good faith and serious consideration to the arbitrators' decision.

All arbitrators shall be real estate appraisers who have at least ten (10) years experience in appraising real estate in the State of California and must be either a member of the American Institute of Real Estate Appraisers, holding an M.A.I. (Member of Appraisal Institute) designation, or a member of the Society of Real Estate Appraisers, holding an S.R.P.A. (Senior Real Property Appraiser), or an S.R.E.A. (Society of Real Estate Analysts) designation. PARTIES shall each pay half of the fees and necessary expenses for the arbitrators.

In no event shall the amount reimbursed to COUNTY be less than COUNTY's total contribution toward the Project. The Change in Use Restriction, as stated herein, shall be in effect for that period defined in Paragraph 1.f. of this Agreement.

4. COUNTY's Obligations

a. Any regulation enacted by COUNTY to facilitate the administration of the Grant will be made available to CITY by County's Board of Supervisors or its designee.

b. COUNTY shall make available to CITY, at its written request, copies of the terms of the Grant.

c. COUNTY shall cooperate fully with CITY in undertaking this Activity and process CITY invoices for payment under this Agreement with due diligence.

d. COUNTY shall review request for proposal documents submitted by CITY and shall provide comments and approval or disapproval.

5. Laws and Regulations

a. CITY agrees to comply with the provisions of the Act, any amendments thereto, the federal regulations and guidelines now or hereafter enacted pursuant to the Act, terms of the Grant to COUNTY now or hereafter in effect, and the regulations now or hereafter enacted by COUNTY to facilitate its administration of the Grant in Kern County, or any other statute, regulation or guideline applicable to the Program. CITY shall become familiar with the applicable statutes, regulations and guidelines governing the Grant program, each of which is made a part hereof and incorporated herein by this reference as if set forth in full.

b. It is agreed that all provisions of State of California law applicable to public contracts (except to the extent California law may be waived and is waived by the PARTIES) are a part of this Agreement to the same extent as if set forth herein in full and shall be complied with by CITY under this Agreement and any related agreements.

6. Records and Administration

a. In the event CITY expends at least FIVE HUNDRED THOUSAND DOLLARS (\$500,000) in federal financial assistance in any single fiscal year, from all sources combined, it shall arrange at its own expense for performance of a "Single Audit" of its entire operation by an independent auditor. Such audit shall comply with the requirements and standards of OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations", including appendices; Pub. L. 98-502, "Single Audit Act of 1984", as amended; 24 CFR part 85.26, "Non-Federal Audit"; and OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments"; all of which are incorporated herein by this reference as if set forth in full.

The results of the audit must be submitted to COUNTY within thirty (30) days of completion. Acceptance of CITY's audit reports by COUNTY does not prohibit COUNTY from performing any additional audit work required to follow up on findings, as deemed necessary by COUNTY, or as necessary for COUNTY to comply with any administrative or audit requirements imposed by the federal or state government.

b. As a condition of receiving federal financial assistance under this Agreement, CITY agrees to comply with 24 CFR part 91.105(h), "Access to Records". It is further agreed by CITY that any agreement between CITY and its independent auditor shall provide for access during normal business hours to the independent auditor's work papers by federal, state and COUNTY auditors, or their authorized agents, as may be deemed necessary to carry out their audit responsibilities. The audit agreement must also require CITY's independent auditor to retain for review purposes said audit work papers for a minimum of five (5) years from date of audit completion or until all related audit issues are resolved, whichever should occur later.

c. CITY agrees to maintain a financial management system which complies with 24 CFR part 85.20, "Standards for Financial Management Systems", except paragraph (a). Particular reports and records that may be applicable to this Activity and require compliance by CITY are described in and attached hereto as **Exhibit "A"**, and are incorporated herein by this reference as if set forth in full.

d. CITY agrees to comply with the methods and procedures for payment as outlined in 24 CFR part 85.21, "Payment", except as modified by 24 CFR part 570.513, "Lump Sum Drawdown for Financing of Property Rehabilitation Activities".

e. CITY agrees to comply with the standards and requirements of 24 CFR part 85.33, "Supplies", and 24 CFR part 85.32, "Equipment", with the exception that in all cases in which the equipment is sold, the proceeds shall be considered to be Program Income and be immediately refundable to COUNTY.

f. CITY agrees to comply with the requirements and standards of 24 CFR part 85.36, "Procurement", except paragraph (a), and 24 CFR part 85.22, "Allowable Costs".

g. CITY agrees to comply with the standards and requirements of 24 CFR part 85.35, "Subawards to Debarred and Suspended Parties", and 24 CFR part 85.40, "Monitoring and Reporting Program Performance", except paragraphs (b) through (d) and paragraph (f)

thereof. CITY further agrees that COUNTY has the right to monitor and supervise the administration and/or implementation of the Activity to be completed pursuant to this Agreement to help ensure compliance with the requirements of the Act as now or hereinafter amended, the federal regulations as now or hereafter promulgated pursuant to the Act, or guidelines developed by the federal government for administering and/or implementing the Activity, or any other statute, rule, regulation or guideline applicable to the administration and/or implementation of the Grant program.

h. CITY agrees to comply with the standards and requirements of 24 CFR part 85.43, "Enforcement", and 24 CFR part 85.44, "Termination for Convenience". CITY also agrees that COUNTY can, by unilateral action, terminate this Agreement, with cause, by giving ten (10) days prior written notice to CITY. In the event COUNTY determines that an intentionally false or fraudulent certified claim has or is being filed, COUNTY, in its sole discretion, may immediately terminate this Agreement and/or CITY shall reimburse COUNTY for any and all funds found to be improperly paid, as well as those reasonable costs, including attorney fees, associated with the investigation and recovery of the contested claims and/or amounts.

i. CITY shall be accountable to COUNTY for any and all Grant funds expended by CITY or any officer, employee, agent or representative thereof, whether or not such officer, employee, agent or representative thereof was acting within the scope of his employment. CITY shall repay COUNTY the full amount of any improperly expended Grant funds upon demand and shall comply with the requirements of 24 CFR part 85.51, "Later Disallowances and Adjustments". COUNTY may retain any funds of CITY in COUNTY's possession as an offset against the debt resulting from such improper expenditure.

j. CITY agrees to comply with the standards and requirements of 24 CFR part 85.52, "Collection of Amounts Due".

k. CITY shall return to COUNTY, within forty-five (45) days of receipt, all Program Income which is directly generated by Grant funded activities during the Change in Use Restriction Period.

l. At COUNTY's sole option, COUNTY may either terminate this Agreement upon three (3) days written notice to CITY or withhold funds from the Activity if CITY is not complying with provisions of the Act, federal regulations thereunder, terms of the Grant from the federal government to COUNTY, the regulations of COUNTY to facilitate the administration of the Grant, the terms of this Agreement, or any other statute or regulation applicable to the Program or administration thereof as determined solely by COUNTY. Should COUNTY become subject to any claims, causes of action, costs or sanctions due to any failure by CITY or CITY's agent to comply with all applicable federal, state, and local laws and regulations, CITY hereby agrees to be solely liable for any such expenses, costs, damages and sanctions and shall fully reimburse, hold harmless, and indemnify COUNTY for any payments made or funding lost by COUNTY and COUNTY's expenses related thereto, including COUNTY's costs and attorney's fees.

7. Use Restriction Monitoring

Beginning approximately one year after the date of the filing of the Notice of Completion and resolution of all monitoring findings, COUNTY shall conduct on-site monitoring of real property purchased and/or improvements constructed with Grant funds pursuant to this Agreement for compliance with the change in use restrictions during the period defined in Paragraph 1. f. herein. The purpose of the monitoring visit is to insure that the Grant funded improvements continue to be utilized for their original eligible use or for another Grant use approved by COUNTY in accordance with applicable regulations found at 24 CFR Part 570.201, and/or that the beneficiaries continue to qualify pursuant to the national objectives of the Grant program, documented in regulations found at 24 CFR Part 570.208. Monitoring visits shall consist of interviews with the operator and key members of the staff of CITY, an examination of relevant data and application forms regarding the use of the Grant funded real property or improvements and clientele served, and, at the discretion of COUNTY, interviews with clients served by the Grant funded Project. COUNTY shall notify CITY at least two (2) weeks in advance of each monitoring visit.

In order to assist COUNTY in monitoring the continued use of the improvements constructed pursuant to this Agreement, CITY shall maintain records regarding the percentage of persons served thereby who are identified as having low or moderate incomes. The determination of low and moderate income must either be based on the benefitting individual being a member of a group presumed by HUD to have low or moderate incomes (included in such groupings are the elderly, the severely disabled, the homeless, illiterate adults, persons living with AIDS, or migrant farm workers); or by CITY obtaining information on the family income and family size of each beneficiary, and comparing this information against the "HUD INCOME LIMITS" (attached hereto as **Exhibit "B"** and incorporated herein by this reference as if set forth in full), determined by HUD for the year corresponding to the monitoring event, in order to determine low or moderate income qualification. In addition, CITY shall maintain and provide records of the number of household/persons served in each race category as follows:

Single Race Categories

1. American Indian or Alaska Native
2. Asian
3. Black or African American
4. Native Hawaiian or Other Pacific Islander
5. White

Multiple Race Combinations

1. American Indian or Alaska Native *and* White
2. Asian *and* White
3. Black or African American *and* White
4. American Indian or Alaska Native *and* Black or African American

Balance/Other

(This category will be used to report individuals that are not included in any of the single race or multiple race categories listed above.)

AND

Hispanic

“Hispanic” is an ethnicity category that cuts across all races. Those who are White, Black, Asian, Pacific Islander, American Indian, or a multi-race may also be counted as being Hispanic, if they are:

1. Mexican/Chicano
2. Puerto Rican
3. Cuban
4. Other Hispanic/Latino (please list Country/Area of origin)

In addition, CITY shall also keep records of the number of female heads of households served. CITY shall also, at the time of each COUNTY monitoring visit, make available to COUNTY any and all fee schedules for use of the property/improvements; copies of any application required of property/improvement users/beneficiaries; a list of all functions, programs or services provided at the property or made possible by the improvements; the total number of beneficiaries served; and the total number of Grant qualified beneficiaries served during the preceding twelve (12) months. A determination regarding continued compliance and/or any related findings, conditions or sanctions shall be made and communicated in writing to CITY by COUNTY following each monitoring visit.

8. Use of Debarred, Suspended or Ineligible Contractors or Subrecipients

Assistance provided under this Agreement shall not be used directly or indirectly to employ, award contracts, or otherwise engage the services of, or fund any contract or subrecipient during any period of debarment, suspension, or placement in ineligibility status under the provisions of 24 CFR part 24.

9. Political Activity

CITY agrees that no Grant funds shall be expended to finance any political activity in contravention of the Hatch Act of 1939, as amended, 5 U.S.C. 15 et seq.

10. Prohibited Use of Federal Funds for Lobbying

CITY certifies, to the best of its knowledge and belief, that no federally appropriated funds have been paid or will be paid, by or on behalf of CITY, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

If any funds, other than federally appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, CITY shall complete and submit, in accordance with its instructions, Standard Form-LLL, "Disclosure of Lobbying Activities", attached hereto as **Exhibit "C"** and incorporated herein as if set forth in full.

CITY shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under any federal grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

11. Use of Grant Funds for Religious Purpose

CITY agrees that no Grant funds shall be expended for the design, construction, operation, or maintenance of any facility used for inherently religious activities.

12. Prohibited Interest of Officials and Employees

No member of or delegate to the Congress of the United States, and no resident commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same. No member, officer or employee of CITY, or its designees or agents, no member of the Board of Supervisors of COUNTY or any other public official who exercises any functions or responsibilities with respect to the Program during his tenure, or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed pursuant to this Agreement. CITY shall incorporate or cause to be incorporated, in all contracts or subcontracts, relating in any manner to this Agreement, a provision prohibiting such interest.

The PARTIES to this Agreement have read and are aware of the provisions of section 1090 et seq. and section 87100 et seq. of the Government Code relating to conflict of interest of public officers and employees. All PARTIES hereto agree that they are unaware of any financial or economic interest of any public officer or employee of COUNTY relating to this Agreement. It is further understood and agreed that if such a financial interest does exist at the inception of this Agreement, COUNTY may immediately terminate this Agreement by giving written notice thereof. CITY shall comply with the requirements of Government Code, section 87100 et seq., during the term of this Agreement.

13. Nondiscrimination Requirements

CITY is subject to all applicable requirements of the following Acts, promulgations and regulations with respect thereto:

a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and the regulations issued pursuant thereto (24 CFR part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take

any measures necessary to effectuate this assurance. Where the federal financial assistance is to provide or is in the form of personal property or real property interest therein or structures thereon, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, via the instrument effecting any disposition by the applicant or transferee, in the case of a subsequent transfer, of such real property, structures or improvements thereon, or interests therein, to require a covenant running with the land assuring nondiscrimination for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the applicant retains ownership or possession of the property, whichever is longer. Under this assurance the United States shall have the right to seek its judicial enforcement. CITY is required to take all measures necessary to effectuate this Title in the manner set forth in Section 1.5 of the above-mentioned regulation, a copy of which is attached hereto as **Exhibit "D"** and incorporated herein by this reference as if set forth in full.

b. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284) as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and requiring action to affirmatively further fair housing in the sale, lease or rental of housing, the financing of housing, and the provision of brokerage services within COUNTY's jurisdiction.

c. Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR part 570.602), which provide that no person in the United States shall on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with Title I funds.

d. Executive Order 11063, as amended, and the regulations issued pursuant thereto (24 CFR part 107) which require that all action necessary and appropriate be taken to prevent discrimination because of race, color, religion (creed), sex, or national origin in the sale, rental, leasing or other disposition of residential property and related facilities or in the use or occupancy thereof where such property or facilities are owned or operated by the federal government, or provided with federal assistance by HUD, and in the lending practices with respect to residential property and related facilities of lending institutions insofar as such practices relate to loans insured, guaranteed or purchased by HUD.

14. Equal Employment Opportunity

During the implementation of this Activity and during subsequent operation of any facility assisted pursuant to this Agreement, CITY shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. CITY shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and the selection for training, including apprenticeship. CITY shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by COUNTY and/or HUD setting forth the provisions of this nondiscrimination clause. CITY shall state, through such nondiscrimination

clause, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

Government contracts. Except as otherwise provided for in Parts II, III and IV of Executive Order 11246, dated September 24, 1965, as amended, and in attendant Code of Federal Regulation provisions, CITY shall require to be included in each U. S. Government contract entered into by CITY and modification thereof if not included in the original contract, the "Equal Opportunity" clause contained in Section 202 of Executive Order 11246 (48 CFR part 52.222 - 26), as amended, and set out in **Exhibit "E"**, attached hereto and incorporated herein by this reference as if set forth in full.

CITY agrees that it shall assist and cooperate actively with COUNTY, HUD, and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor; that it will furnish COUNTY, HUD and the Secretary of Labor such information as they may require for the supervision of such compliance; and that it will otherwise assist COUNTY and HUD in the discharge of their primary responsibilities for securing compliance.

CITY agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by HUD or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, CITY agrees that if it fails or refuses to comply with these undertakings, HUD may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this Grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to CITY under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such; and refer the case to the Department of Justice for appropriate legal proceedings.

15. Nondiscrimination on the Basis of Age

CITY is subject to the Age Discrimination Act of 1975, as amended, (Title III, Pub. L. 94-135) and attendant regulations at 24 CFR part 146, which prohibits, except as otherwise provided, that any person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. CITY is also subject to the Age Discrimination in Employment Act of 1967 addressing age discrimination in employment for persons between the ages of forty (40) and seventy (70) years.

16. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

COUNTY and CITY will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as required under 24 CFR part 570.606(b) and Department of Transportation implementing regulations at 49 CFR part 24; the requirements in 24 CFR part 570.606(c) governing the residential anti-displacement and relocation assistance plan under Section 104(d) of the Housing and Community Development Act of 1974 (Act) and displacement under Section

104(k) of the Act, and HUD implementing regulations at 24 CFR Part 42; and COUNTY may, at COUNTY's option, comply with the relocation requirements of 24 CFR part 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

17. Rehabilitation Act of 1973 and Nondiscrimination Based on Handicap

CITY is subject to the provisions of Sections 503 and 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended (29 USC 793 and 29 USC 794, respectively) and attendant regulation at 24 CFR 570.602, which provide that no otherwise qualified individual with handicaps shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal financial assistance. CITY shall cause or require to be inserted in full, in all such contracts subject to such regulations, the clauses, or any modifications thereof, set out in 48 CFR part 52.222-36, attached hereto as **Exhibit "F"** and incorporated herein by this reference as if set forth in full.

18. Americans with Disabilities Act of 1990

Grant subgrantees and subrecipients agree to abide by the requirements of the Americans with Disabilities Act of 1990 (ADA), Pub. L. 101-336, and any regulations issued pursuant thereto, which prohibits, at Title I thereof, discrimination by any employer, employment agency, or labor organization against any qualified individual with a disability in regard to any term, condition, or privilege of employment; makes applicable, at Title II thereof, the prohibition against discrimination on the basis of disability to all programs, activities and services provided or made available by state and local agencies or instrumentalities or agencies thereof, or by public entities that provide public transportation; prohibits, at Title III thereof, discrimination against disabled persons by privately operated public accommodations and in public transportation services provided by private entities; and which, at Titles IV and V thereof, makes further provisions against discrimination against disabled persons.

19. Architectural Barriers Act of 1968

CITY is subject to the requirements of the Architectural Barriers Act of 1968, 42 USC 4151 - 4157 (Uniform Federal Accessibility Standards (UFAS)), and the regulations issued pursuant thereto (41 CFR part 102-76.25(b)), which require, except as otherwise provided, that all new construction and major renovations, provide full access to and use of Federally-controlled facilities for physically impaired persons as required by the UFAS or the ADA Accessibility Guidelines, whichever is more stringent. Minor renovations in existing buildings shall meet minimum UFAS requirements. A more detailed explanation of these standards can be found in 36 CFR parts 1190 and 1191. CITY shall be responsible for compliance with the requirements of the Act during the design and construction and for the life of any improvements to be constructed as part of the Project, as defined herein. COUNTY shall have the right, at all reasonable times, to review construction plans and conduct inspections of the Activity to determine if CITY is complying with these specifications.

20. Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era and Other Eligible Veterans

CITY shall comply with 48 CFR part 22.13 et seq., and shall take affirmative action to employ, advance in employment and otherwise treat qualified special disabled veterans, veterans of the Vietnam era, and other eligible veterans without discrimination based on their disability or veteran's status. In all contracts or agreements of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) or more relating to this Agreement, CITY shall include or cause to be included the "Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans" and the "Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans" clauses set out in **Exhibit "G"**, attached hereto and incorporated herein by this reference as if set forth in full.

21. Environmental Considerations

In order to assure that the policies of the National Environmental Policy Act of 1969 ("NEPA"), as amended, and the California Environmental Quality Act of 1970 ("CEQA"), as amended, are most effectively implemented, COUNTY shall comply with HUD Environmental Review Procedures (24 CFR part 58) leading to environmental clearance for particular projects/activities, and the CEQA review procedures (Title 14, Section 15000 et seq. of the California Code of Regulations) in connection with this Project/Activity. In order to assure that the policies of NEPA and CEQA are carried out, CITY shall be responsible for complying with all conditions/mitigation measures specified during the environmental review process, all as more fully described in **Schedule "A"** attached hereto.

22. Lead Based Paint

CITY is subject to the prohibition against the use of lead-based paint. Section 401(b) of the Lead-Based Paint Poisoning Prevention Act directs the prohibition of the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance. Such prohibitions are contained in 24 CFR part 35.135, and are applicable to residential structures constructed or rehabilitated with the assistance of Grant funds.

23. Historic Preservation

CITY must take into account the effects of a project on any prehistoric or historic district, site, building, structure, or object listed in, or eligible for inclusion in, the National Register of Historic Places maintained by the National Park Service of the U. S. Department of the Interior. The National Register "Criteria for Evaluation" (36 CFR part 60.4) was established by the Secretary of the Interior, CITY shall make every effort to avoid, minimize, or mitigate any adverse effects on historic properties. Activities affecting such properties must comply with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 USC 470f), Pub. L. 89-665; Executive Order 11593, Protection and Enhancement of the Cultural Environment (May 13, 1971); the Advisory Council on Historic Preservation (26 CFR part 800); and Section 3 of the Reservoir Salvage Act of 1960, (Pub. L. 86-523), as amended by the Archaeological and Historic Preservation Act of 1974, (Pub. L. 93-291), (16 USC 469a-1), and their attendant implementing regulations.

24. Flood Disaster Protection

CITY is subject to the requirements of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) which prohibits Federal financial assistance for acquisition or construction purposes, as defined under Section 3(a) of said act, for Projects/Activities within special hazard areas previously identified, ("Identified Area"), by the Director of the Federal Emergency Management Agency ("FEMA"), unless the Identified Area is in a community participating in the national flood insurance program and subject to the mandatory purchase of flood insurance requirements of said act. The PARTIES to this Agreement agree that the Project described in **Schedule "A"**, attached hereto, is not located in an Identified Area.

Any contract for the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this Agreement shall contain, if such land is located in an area identified by the Director of FEMA as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, 42 USC 4001 et seq., provisions obligating the transferee and its successors or assigns to obtain and maintain, during the ownership of such land, such flood insurance as required with respect to financial assistance for acquisition or construction purposes under Section 102(a) of the Flood Disaster Protection Act of 1973. Such provisions shall be required notwithstanding the fact that the construction on such land is not itself funded with assistance provided under this Agreement.

In its compliance with the Flood Disaster Protection requirements of this Agreement, COUNTY hereby agrees to comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards.

25. Indemnification

CITY agrees to indemnify, defend, and hold harmless COUNTY and its agents, board members, elected and appointed officials and officers, employees, volunteers, and authorized representatives from any and all losses, liabilities, charges, damages, claims, liens, causes of action, awards, judgments, costs, and expenses (including, but not limited to, reasonable attorneys' fees of County Counsel and counsel retained by COUNTY, expert fees, costs of staff time, and investigation costs) of whatever kind or nature, which arise out of or are in any way connected with any act or omission of CITY or CITY's officers, agents, employees, independent contractors, sub-contractors of any tier, or authorized representatives. Without limiting the generality of the foregoing, the same shall include bodily and personal injury or death to any person or persons; damage to any property, regardless of where located, including the property of COUNTY; and any workers' compensation claim or suit arising from or connected with any services performed pursuant to this Agreement on behalf of CITY by any person or entity.

CITY acknowledges that CITY, and all contractors hired by CITY to perform services under this Agreement, are aware of and understand the Immigration Reform and Control Act ("IRCA"). CITY is and shall remain in compliance with the IRCA and shall ensure that only contractors hired by CITY to perform services under this Agreement are in compliance with the IRCA. In addition, CITY agrees to indemnify, defend, and hold harmless the County, its

agents, board members, elected and appointed officials and officers, employees, volunteers, and authorized representatives, from any liability, damages or causes of action arising out of or relating to any claims that CITY's employees or the employees of any contractor hired by CITY, are not authorized to work in the United States for CITY or its contractor and/or any other claims based upon alleged IRCA violations committed by CITY or its contractor(s).

26. Insurance

CITY in order to protect COUNTY and its board members, officials, agents, officers, and employees against all claims and liability for death, injury, loss and damage as a result of CITY's actions in connection with the performance of CITY's obligations, as required in this Agreement, shall secure and maintain insurance as described below. CITY shall not perform any work under this Agreement until CITY has obtained all insurance required under this section and the required certificates of insurance and all required endorsements have been filed with the COUNTY's authorized insurance representative, Insurance Tracking Services Inc. (ITS). Receipt of evidence of insurance that does not comply with all applicable insurance requirements shall not constitute a waiver of the insurance requirements set forth herein. The required documents must be signed by the authorized representative of the insurance company shown on the certificate. Upon request, CITY shall supply proof that such person is an authorized representative thereof, and is authorized to bind the named underwriter(s) and their company to the coverage, limits and termination provisions shown thereon. The CITY shall promptly deliver to ITS a certificate of insurance, and all required endorsements, with respect to each renewal policy, as necessary to demonstrate the maintenance of the required insurance coverage for the term specified herein. Such certificates and endorsements shall be delivered to ITS prior to the expiration date of any policy and bear a notation evidencing payment of the premium thereof if so requested. CITY shall immediately pay any deductibles and self-insured retentions under all required insurance policies upon the submission of any claim by CITY or COUNTY as an additional insured.

a. Workers' Compensation and Employers' Liability Insurance Requirement - In the event CITY has employees who may perform any services pursuant to this Agreement, CITY shall submit written proof that CITY is insured against liability for workers' compensation in accordance with the provisions of section 3700 of the California Labor Code.

CITY shall require any contractor or sub-contractor to provide workers' compensation for all of the contractor's or sub-contractor's employees, unless the contractor's or sub-contractor's employees are covered by the insurance afforded by CITY. If any class of employees engaged in work or services performed under this Agreement is not covered by Labor Code section 3700, CITY shall provide and/or require each contractor or sub-contractor to provide adequate insurance for the coverage of employees not otherwise covered.

CITY shall also maintain employers' liability insurance with limits of one million dollars (\$1,000,000) for bodily injury or disease.

b. Liability Insurance Requirements:

1. CITY shall maintain in full force and effect, at all times during the term of this Agreement, the following insurance:

- (a) Commercial General Liability Insurance including, but not limited to, Contractual Liability Insurance (specifically concerning the indemnity provisions of this Agreement with the County), Products-Completed Operations Hazard, Personal Injury (including bodily injury and death), and Property Damage for liability arising out of CITY's performance of work under this Agreement. The Commercial General Liability insurance shall contain no exclusions or limitation for independent contractors working on the behalf of the named insured. CITY shall maintain the Products-Completed Operations Hazard coverage for the longest period allowed by law following termination of this Agreement. The amount of said insurance coverage required by this Agreement shall be the policy limits, which shall be at least one million dollars (\$1,000,000) each occurrence and two million dollars (\$2,000,000) aggregate.
- (b) Automobile Liability Insurance against claims of Personal Injury (including bodily injury and death) and Property Damage covering all owned, leased, hired, and non-owned vehicles used in the performance of services pursuant to this Agreement with combined limits for Bodily Injury and Property Damage liability of at least one million dollars (\$1,000,000) each occurrence.
- (2) The Commercial General Liability and Automobile liability Insurance required herein shall include an endorsement naming the COUNTY and COUNTY's board members, officials, officers, agents and employees as additional insureds for liability arising out of this Agreement and any operations related thereto. Said endorsement shall be provided using one of the following three options: (i) on ISO form CG 20 10 11 85; or (ii) on ISO form CG 20 37 10 01 plus either ISO form CG 20 10 10 01 or CG 20 33 10 01; or (iii) on such other forms which provide coverage at least equal to or better than form CG 20 10 11 85.
- (3) Any self-insured retentions in excess of \$10,000 must be declared on the Certificate of Insurance or other documentation provided to COUNTY and must be approved by the COUNTY Risk Manager.
- (4) If any of the insurance coverages required under this Agreement is written on a claims-made basis, CITY at its option, shall either (i) maintain said coverage for at least three (3) years following the termination of this Agreement with coverage extending back to the effective date of this Agreement; (ii) purchase an extended reporting period of not less than three (3) years following the termination of this Agreement; or (iii) acquire a full prior acts provision on any renewal or replacement policy.

c. Upon acceptance of the Activity by CITY, or any portion thereof, from the contractor, CITY shall maintain Fire and Extended Coverage Insurance on a blanket basis or with an agreed amount clause in amounts not less than 100% of the replacement value for all improvements.

d. Cancellation of Insurance — The above stated insurance coverages required to be maintained by CITY shall be maintained until the completion of all of CITY's obligations under this Agreement except as otherwise indicated herein. Each insurance policy supplied by the CITY must be endorsed to provide that the coverage shall not be suspended, voided,

cancelled or reduced in coverage or in limits except after ten (10) days written notice in the case of non-payment of premiums, or thirty (30) days written notice in all other cases. Such notice shall be by certified mail, return receipt requested. This notice requirement does not waive the insurance requirements stated herein. CITY shall immediately obtain replacement coverage for any insurance policy that is terminated, canceled, non-renewed, or whose policy limits have been exhausted or upon insolvency of the insurer that issued the policy.

e. All insurance shall be issued by a company or companies admitted to do business in California and listed in the current "Best's Key Rating Guide" publication with a minimum of a "A-; VII" rating. Any exception to these requirements must be approved by the COUNTY Risk Manager.

f. If CITY is, or becomes during the term of this Agreement, self-insured or a member of a self-insurance pool, CITY shall provide coverage equivalent to the insurance coverages and endorsements required above. COUNTY will not accept such coverage unless COUNTY determines, in its sole discretion and by written acceptance, that the coverage proposed to be provided by CITY is equivalent to the above-required coverages.

g. All insurance afforded by CITY pursuant to this Agreement shall be primary to and not contributing to all insurance or self-insurance maintained by COUNTY. An endorsement shall be provided on all policies, except professional liability/errors and omissions, which shall waive any right of recovery (waiver of subrogation) against the COUNTY.

h. Insurance coverages in the minimum amounts set forth herein shall not be construed to relieve CITY for any liability, whether within, outside, or in excess of such coverage, and regardless of solvency or insolvency of the insurer that issues the coverage; nor shall it preclude COUNTY from taking such other actions as are available to it under any other provision of this Agreement or otherwise in law.

i. Failure by CITY to maintain all such insurance in effect at all times required by this Agreement shall be a material breach of this Agreement by CITY. COUNTY, at its sole option, may terminate this Agreement and obtain damages from CITY resulting from said breach. Alternatively, COUNTY may purchase such required insurance coverage, and without further notice to CITY, COUNTY shall deduct from sums due to CITY any premiums and associated costs advanced or paid by COUNTY for such insurance. If the balance of monies obligated to CITY pursuant to this Agreement is insufficient to reimburse COUNTY for the premiums and any associated costs, CITY agrees to reimburse COUNTY for the premiums and pay for all costs associated with the purchase of said insurance. Any failure by COUNTY to take this alternative action shall not relieve CITY of its obligation to obtain and maintain the insurance coverages required by this Agreement.

j. Subcontractor Requirements

If CITY hires a consultant to provide professional services, such as architectural or engineering services under this Agreement, CITY shall require its consultant to provide Professional Liability (Errors and Omissions) Insurance, for liability arising out of, or in connection with, the performance of all required services under this Agreement, with coverage

equal to the policy limits, which shall not be less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate.

27. Captions and Interpretation

Paragraph headings in this Agreement are used solely for convenience, and shall be wholly disregarded in the construction of this Agreement.

The Recitals listed at the beginning of this Agreement are hereby incorporated into this Agreement.

No provision of this Agreement shall be interpreted for or against a party because that party or its legal representative drafted such provision, and this Agreement shall be construed as if jointly prepared by the parties.

28. Successors and Assigns of COUNTY

This Agreement shall be binding upon and inure to the benefit of the successors to or assigns of COUNTY.

29. Liens and Encumbrances

Without the prior consent of COUNTY, CITY shall not transfer, pledge, hypothecate, or encumber the Project property during the Change in Use Restriction Period.

30. Assignment and Subletting

CITY shall not assign any right, title or interest it may acquire by reason of this Agreement nor sublet any Project premises except upon first obtaining the written consent of COUNTY.

31. Concurrent Remedy

No right or remedy herein conferred on or reserved to COUNTY is exclusive of any other right or remedy herein or by law or equity provided or permitted, but each shall be cumulative of every other right or remedy given hereunder or now or hereafter existing by law or in equity or by statute or otherwise, and may be enforced concurrently therewith or from time to time.

32. Non Waiver

No covenant or condition of this Agreement to be performed by CITY can be waived except by the written consent of COUNTY. Forbearance or indulgence by COUNTY in any regard whatsoever shall not constitute a waiver of the covenant or condition to be performed by CITY. A waiver of one covenant or condition by COUNTY does not grant or imply a waiver of any other covenant or condition to be performed by CITY. COUNTY shall be entitled to invoke any remedy available to COUNTY under this Agreement or by law or in equity despite said forbearance or indulgence.

33. Incorporation of Prior Agreements and Amendments

This Agreement, including all attachments hereto and any reference to pertinent federal or State laws and regulations, contains the entire Agreement between the PARTIES, relating to the services, rights, obligations and covenants contained herein and assumed by the PARTIES respectively. No inducements, representations or promises have been made, other than those recited in this Agreement. No oral promise, modification, change or inducement shall be effective or given any force or effect. This Agreement may be modified in writing only, signed by the PARTIES in interest at the time of modification.

34. Severability

Should any part, term, portion or provision of this Agreement be finally decided to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the agreement which the PARTIES intended to enter into in the first instance.

35. Signatory Authority

Each individual executing this Agreement on behalf of each party represents and warrants that he/she is duly authorized to execute and deliver this Agreement on behalf of such party and that this Agreement is binding on such party in accordance with its terms. CITY shall, prior to Agreement execution by COUNTY's Board of Supervisors, deliver to COUNTY a copy of the resolution or minute order of CITY's governing body authorizing the execution of this Agreement.

36. Procedure to Modify and Limitation of Term of Agreement

d. Except as otherwise provided herein, the terms of this Agreement may only be modified by the written consent of the PARTIES hereto.

e. The expiration of this Agreement shall be determined as provided in Paragraph 1.g. of this Agreement.

37. Execution

This Agreement is effective upon the date indicated herein above. It is the product of negotiation and all PARTIES are equally responsible for authorship of this Agreement. Section 1654 of the California Civil Code shall not apply to the interpretation of this Agreement.

38. Notices

Notices shall be sufficiently given hereunder if personally served upon the Clerk of the Board of Supervisors of the COUNTY or the Clerk of the CITY, or if sent by United States mail, postage prepaid, as follows:

directed to COUNTY, addressed to:

Planning and Community Development Department
Clerk of the Board of Supervisors
County Administrative Center
1115 Truxtun Avenue, Fifth Floor
Bakersfield, California 93301

or directed to CITY, addressed to:

City Clerk
City of Ridgecrest
100 West California Avenue
Ridgecrest, California 93555-4054

39. Construed According to California Law

The provisions of this Agreement shall be construed in accordance with the laws of the State of California.

40. Venue

This Agreement has been entered into and is to be performed in the County of Kern, California. Accordingly, the PARTIES agree that the venue of any action relating to this Agreement shall be brought in the County of Kern.

41. Opinions and Determinations

Where the terms of this Agreement provide for action to be based upon the opinion, judgment, approval, review, discretion, option, or determination of either COUNTY or CITY, such terms are not intended to be and shall not be construed as permitting such opinion, judgment, approval, review, discretion, option, or determination to be arbitrary, capricious, or unreasonable.

42. No Third Party Beneficiaries

It is expressly understood and agreed that the enforcement of these terms and conditions and all rights of action relating to such enforcement, shall be strictly reserved to COUNTY and CITY. Nothing contained in this Agreement shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of COUNTY and CITY that any such person or entity, other than COUNTY and CITY, receiving services or benefits under this Agreement shall be deemed an incidental beneficiary only.

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/

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by their respective officers and agents hereunto duly authorized as of the day and year first above written.

APPROVED AS TO CONTENT:
Planning and Community Development Dept.

COUNTY OF KERN

BY _____
Lorelei H. Oviatt, AICP, Director

BY _____
Chairman, Board of Supervisors

Printed Name

“COUNTY”

APPROVED AS TO FORM:
Office of County Counsel

CITY OF RIDGECREST

BY _____
Brian Van Wyk, Deputy

BY _____

Printed Name

Insert Title

“CITY”

I:\AFC\PROJECTS\17-Ridgecrest\13.1 Ridgecrest Senior Center Improvements\17.13.1 Agreement.doc

Title

CD Activity #17.13.1 – City of Ridgecrest Senior Center Improvements (**Design Only**)

Activity Purpose

The overall purpose of this Activity is for design engineering and related work for the construction of renovation improvements to the Ridgecrest Senior Center (“RSC”), an existing City of Ridgecrest (“CITY”) building benefiting area senior citizens.

Project/Activity Description

The Project consists of two activities: 1) design and 2) construction of improvements to renovate the RSC. The first Activity (design of the improvements and the purpose of this schedule) may include design engineering, contract administration, inspection, testing, and other eligible charges. The second Activity (construction of improvements to be completed under a separate agreement) may include removal and replacements of vinyl floor tiles; ceiling tiles; restroom ceramic floor tiles, toilets/stalls, sinks, and mirrors (ADA accessible); kitchen sinks, hardware, and fixtures; plumbing system (re-pipe, re-vent, and other upgrades); water heater and mop sink; and other related improvements. Other eligible construction costs may include advertisement.

The CITY shall implement the Project and shall be responsible for preparing Requests for Proposal, making contract awards, and administering contracts. The CITY will also be responsible for the operation and maintenance of the completed renovation improvements.

This Activity (design only) may be grant funded through a U.S. Department of Housing and Urban Development (“HUD”), Community Development Block Grant (“GRANT”), to the extent that GRANT funds are available.

Activity Cost Estimate

Funding in the amount of TWENTY SIX THOUSAND DOLLARS (\$26,000) of GRANT funds is hereby granted by the County of Kern (“COUNTY”) for the design only Activity. Individual line items and payment responsibilities within the following detailed cost estimate for GRANT funds may be modified under the authority of COUNTY's Planning and Community Development (“PCD”) Director to the extent that GRANT funds are available.

	<u>COUNTY CDBG Funds</u>
Design Engineering	\$ 8,000
Construction Inspection	12,000
Contract Administration/HUD Monitoring	4,000
Testing and Related Work	2,000
Total Activity Cost (subject of this Agreement)	\$26,000

Project Eligibility/National Objective

The proposed project is an eligible GRANT activity pursuant to 24 CFR Part 570, Subpart C, Section 570.201(c) – Public Facilities, and it meets a U.S. Department of Housing and Urban

Development (HUD) National Objective of providing primary benefit to low and moderate income persons pursuant to 24 CFR Part 570, Subpart C, Section 570.208 (a)(2)(i)(A) – “Benefit a clientele who are generally presumed to be principally low and moderate income persons.” RSC serves area senior citizens, a limited clientele, who are presumed to be principally low and moderate income.

Anticipated Activity Implementation Schedule

Where the services of an engineering consultant are hired and/or City staff are used to complete design engineering and related work, the following is a schedule of cumulative time from date of execution of the Agreement by the Board of Supervisors for completion of Activity design work.

Action

a.	CITY begins preparing RFP	Week 1
b.	CITY completes RFP	Week 4
c.	COUNTY approval of RFP	Week 5
d.	CITY circulates RFP to three or more Engineering Consultants	Week 6
e.	CITY opens bids	Week 9
f.	COUNTY approves bidder	Week 10
g.	CITY executes Engineering Services Agreement	Week 12
h.	Engineering Consultant begins design	Week 13
i.	Engineering Consultant completes design	Week 25

Other Conditions

The following provisions apply to this Activity: 1) For the reimbursement of CITY staff overhead costs (at CITY's option), CITY will submit to PCD a cost allocation plan pursuant to OMB Circular A-87 for PCD's review and approval. 2) CITY will take all steps necessary to insure completion of construction of the Project improvements as part of a second Activity and in satisfaction of a HUD National Objective. 3) Project plans will be submitted to Kern County Public Health Services (PHD), Environmental Health Division, Food Division, for approval pursuant to PHD's May 11, 2014, e-mail and May 7, 2014, Interoffice Memorandum attached herewith; 4) An asbestos survey will be conducted and submitted to Eastern Kern County Air Pollution Control District (EKAPCD) pursuant to EKAPCD's May 9, 2014, e-mail attached herewith. 5) CITY will include appropriate tenant accommodations in construction plans.

Environmental Clearance

On April 11, 2014, the COUNTY Planning and Community Development (PCD) Director approved the environmental clearance for the design only Activity. It was determined that the Activity was exempt from further environmental review pursuant to 24 CFR Part 58, Subpart D, Section 58.34(a)(5), Inspection and testing of property for hazards or defects, and (8), Engineering or design costs; and pursuant to Section 15061(b)(3), General rule, California Environmental Quality Act Guidelines. The Environmental Review Record (ERR) maintained by PCD contains the written record of the determinations made for the Project.

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From: Jeremy Ryan
To: Sippel, Paul
Date: 05/09/2014 9:16 AM
Subject: Early Consultation-Ridgecrest Senior Center
Attachments: Ridgecrest Senior Center.docx

comment attached

Jeremy Ryan
REHS
Kern County Environmental Health
2700 M St
661-862-8758



KERN COUNTY
Public Health Services
DEPARTMENT

MATTHEW CONSTANTINE
DIRECTOR

2700 M STREET, SUITE 300 BAKERSFIELD, CALIFORNIA, 93301-2370 VOICE: 661-862-8740 FAX: 661-862-8701 WWW.CO.KERN.CA.US/EH

INTEROFFICE MEMORANDUM

To: Paul Sippel
From: Jeremy Ryan
Subject: Early Consultation: City of Ridgecrest-Senior Center Renovation Improvements

Date: May 7, 2014

The Kern County Environmental Health Division has reviewed the above referenced project. This Division has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public or that may be detrimental to the environment.

The Environmental Health Division requests that the following condition be placed on the subject project and be satisfied prior to issuance of building permits:

1. The applicant shall submit plans to the Food Division's plan check specialist for the proposed facility improvements.

Paul Sippel - Comments for CD Activity #17.13.1 in Ridgecrest

From: Jeremiah Cravens
To: Paul Sippel
Date: 05/09/2014 1:51 PM
Subject: Comments for CD Activity #17.13.1 in Ridgecrest
Attachments: 44_Asbestos_Notification_ASB-02.pdf; 43_Asbestos_fees_Rule_306_ASB-01.pdf

The Eastern Kern Air Pollution Control District (District) is in receipt of the Early Environmental Consult Review for CD Activity #17.13.1 City of Ridgecrest Senior Center Renovation Improvements.

Be advised that this project is subject to 40 CFR 61 Subpart M, Asbestos. An asbestos survey must be conducted prior to the renovation. A District Asbestos Notification Form (attached) must be completed and submitted to the District even if no asbestos is present. If asbestos is present it must be abated appropriately and asbestos removal fee must be paid to the District calculated pursuant to District Rule 306, Asbestos Removal Fee (see attached).

Feel free to contact me with any questions,
Jeremiah Cravens
661-862-5250
Cravensj@co.kern.ca.us



EASTERN KERN AIR POLLUTION CONTROL DISTRICT
 2700 "M" STREET SUITE 302, BAKERSFIELD, CA 93301-2370
 PHONE: (661) 862-5250 • FAX: (661) 862-5251 • www.kernair.org

ASBESTOS NOTIFICATION

I. TYPE OF NOTIFICATION (CHECK ONE)				
<input type="checkbox"/> Original <input type="checkbox"/> Revised <input type="checkbox"/> Cancelled <input type="checkbox"/> Courtesy				
II. FACILITY OWNER, REMOVAL CONTRACTOR AND OTHER OPERATOR				
OWNER NAME:				
ADDRESS:				
CITY:		STATE:	ZIP:	
CONTACT:		TELEPHONE:		
REMOVAL CONTRACTOR:				
ADDRESS:				
CITY:		STATE:	ZIP:	
CONTACT:		TELEPHONE:		
OTHER CONTRACTOR:				
ADDRESS:				
CITY:		STATE:	ZIP:	
CONTACT:		TELEPHONE:		
III. TYPE OF OPERATION				
<input type="checkbox"/> D-Demo <input type="checkbox"/> O-Ordered Demo <input type="checkbox"/> R-Renovation <input type="checkbox"/> E-Emergency				
IV. IS ASBESTOS PRESENT				
<input type="checkbox"/> YES <input type="checkbox"/> NO				
V. FACILITY DESCRIPTION (Include building name, number and floor or room number)				
BUILDING NAME:				
ADDRESS:				
CITY:		COUNTY:	ZIP:	
SITE LOCATION:				
BUILDING SIZE:		NUMBER OF FLOORS:	AGE IN YEARS:	
PRESENT USE:		PRIOR USE:		
Operator Project #	Notification #	Postmark	Amount: \$	Date Received
(For APCO use only)			Receipt #:	
			Date:	

VI. A COPY OF THE INSPECTION REPORT WITH PROCEDURE, INCLUDING ANALYTICAL METHOD USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL MUST BE INCLUDED WITH THIS REPORT					
VII. Approximate amount of asbestos, including: 1. Regulated ACM to be removed. 2. Category III ACM not removed. 3. Non-friable ACM to be removed.		RACM <u>to be removed</u>	Non-friable asbestos material <u>not to be removed</u> Category I Category II		Non-friable ACM <u>to be removed</u>
PIPES - Linear Feet					
SURFACE AREA - Square Feet					
VOL RACM OF FACILITY COMPONENT - Cubic Feet					
VIII. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY)					
START:		COMPLETE:			
IX. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY)					
START:		COMPLETE:			
X. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK AND METHOD(S) TO BE USED					
XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS AT THE DEMOLITION AND RENOVATION SITE					
XII. WASTE TRANSPORTER					
NAME:					
ADDRESS:					
CITY:		STATE:	ZIP:		
CONTACT:		TELEPHONE:			
XIII. WASTE DISPOSAL SITE					
NAME:					
LOCATION:					
CITY:		STATE:	ZIP:		
CONTACT:		TELEPHONE:			
XIII. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW					
NAME:		TITLE:			
AUTHORITY:					
DATE OF ORDER (MM/DD/YY):		DATE ORDER TO BEGIN (MM/DD/YY):			

XIV. FOR EMERGENCY RENOVATIONS	
DATE AND HOUR OF EMERGENCY (MM/DD/YY):	
DESCRIPTION OF THE SUDDEN, UNEXPECTED EVENT:	
EXPLANATION OF HOW THE EVENT CAUSED UNSAFE CONDITIONS OR WOULD CAUSE EQUIPMENT DAMAGE OR AN UNREASONABLE FINANCIAL BURDEN:	
XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NON-FRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED OR REDUCED TO POWDER	
I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR, PART 61, SUBPART M) WILL BE ON SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS (REQUIRED ONE (1) YEAR AFTER PROMULGATION).	
_____	_____
Signature of Owner/Operator	Date
I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.	
_____	_____
Signature of Owner/Operator	Date

RULE 306 Asbestos Removal Fees - Adopted 07/11/88; Amended 06/01/93; 09/05/96; 07/24/03; 03/13/08.

I. Applicability

The National Emission Standards for Hazardous Air Pollutants, adopted by reference as District Rule 423, and therefore these fees are applicable to:

- A. All demolitions whether or not asbestos is present; and
- B. Renovations in which 260 linear feet, 160 square feet, or 35 cubic feet or more of regulated asbestos containing materials are disturbed.

II. Fees

Every person filing notification of an asbestos removal project for a facility subject to provisions of Rule 423 (National Emission Standards for Hazardous Air Pollutants), shall pay on filing the applicable fee described herein: The total fee for any project shall be the sum of the applicable fee components below, but in no case shall exceed the maximum fee listed.

Quantity of Material Removed Per Site

<u>Cubic Feet</u>	<u>Linear (or Square Feet)</u>	<u>Fee</u>
0-34*	0 to 260 linear feet* or 0 to 160 square feet*	\$175
35-109	260 linear feet or 160 square feet to 500 linear or square feet	\$350
110-218	501 or greater but less than 1,000	\$525
219-547	1,001 or greater but less than 2,500	\$700
548-1094	2,501 or greater but less than 5,000	\$875
1095-3188	5,001 or greater but less than 10,000	\$1050
3189 or Greater	10,001 or greater	\$1400

*Demolition only

STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS FOR STATE, LOCAL AND
FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS

(CDBG Fund Regulations at 24 CFR 85.20)
(April 2004)

(b) The financial management systems of other grantees and subgrantees must meet the following standards:

(1) *Financial reporting.* Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.

(2) *Accounting records.* Grantees and subgrantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

(3) *Internal control.* Effective control and accountability must be maintained for all grant and subgrant cash, real and personal property, and other assets. Grantees and subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.

(4) *Budget control.* Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

(5) *Allowable cost.* Applicable OMB cost principles, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

(6) *Source documentation.* Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.

(7) *Cash management.* Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on subgrantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their subgrantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.

(c) An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a preaward review or at any time subsequent to award.

COVER SHEET

ACTIVITY BENEFICIARY FORM
Reporting Package

This package consists of:

1. ACTIVITY BENEFICIARY FORM
2. INCOME, RACE, ETHNICITY, HOUSEHOLD STATUS
DATA COLLECTING INSTRUCTIONS
3. HUD INCOME LIMITS, EFFECTIVE JULY 1, 2014

ACTIVITY BENEFICIARY FORM

Agency/Organization Name:
 HUD Activity Number:

CD Activity Number:

A. INCOME DATA (For this table, enter data in only one of the rows, either "Number of Households" or "Number of Persons"), depending on the nature of services agency has provided:

	1 Total Number Assisted	2 Low and Moderate Income (0%-80% of County Median)	3 Low Income (30%-50% of County Median)	4 Very Low Income (0%-30% of County Median)
NUMBER OF HOUSEHOLDS				
NUMBER OF PERSONS				

B. RACE AND ETHNICITY DATA (Enter the total number of persons by racial category in Box "a". Of the total number entered in Box "a", indicate in Box "b" the number of persons who are of Hispanic/Latino Ethnicity)

SINGLE RACE AND HISPANIC/LATINO ETHNICITY CATEGORIES

	1 American Indian or Alaska Native		2 Asian		3 Black or African American		4 Native Hawaiian or Other Pacific Islander		5 White	
NUMBER OF PERSONS	a.	b.	a.	b.	a.	b.	a.	b.	a.	b.

MULTIPLE RACE AND HISPANIC/LATINO ETHNICITY CATEGORIES

	6 American Indian or Alaska Native and White		7 Asian and White		8 Black or African American and White		9 American Indian or Alaska Native and Black or African American		10 Other Multi-Racial	
NUMBER OF PERSONS	a.	b.	a.	b.	a.	b.	a.	b.	a.	b.

C. HOUSEHOLD STATUS

	1 Female-Headed Households
NUMBER OF PERSONS	

**INCOME, RACE, ETHNICITY, HOUSEHOLD STATUS
DATA COLLECTING INSTRUCTIONS
(For use in completing Activity Beneficiary Form)**

When a client is enrolled to receive your agency's programs/services, the following income, race, ethnicity, and family information must be obtained by your agency for purposes of annual reporting of beneficiary information to the U.S. Department of Housing and Urban Development (HUD). **Your agency's client intake/application forms should require this information from all clients expecting to receive services from your agency.**

A. INCOME DATA

Except for agencies serving "presumed limited clientele" groups including the elderly, "severely disabled", homeless persons, illiterate adults, abused children, persons living with AIDS, migrant farm workers, and battered spouses), all agencies are required to obtain income data from each client served.

To determine if a client meets HUD income eligibility requirements, please use the attached HUD Income Limits Table. First identify the client's household size and then match it with the corresponding income level. If the client's income is equal to or less than the income amount that corresponds to the respective household size, he/she meets HUD's income eligibility requirements.

At the end of each report period, the total number of persons served by your agency for each Income Category (Column 1 of Section A) should be tabulated and entered in Columns 1-4 of Section A of the Activity Beneficiary Report Form.

B. RACE AND ETHNICITY DATA

All agencies must provide race and ethnicity data for purposes of annual reporting. Each client expecting to be served by your agency must select one of the single race categories **or** one of the multiple race categories listed in Columns 1-10 of Section B. At the end of each report period, the total number of persons served by your agency for each race category should be tabulated and entered in Columns 1-10 (Box "a") of Section B of the Activity Beneficiary Report Form.

The following are the definitions for the five single race categories designated by HUD and used by Grantees, such as the County of Kern, to document the racial characteristics of the persons benefiting from projects, programs and services funded with monies from HUD. These categories are new and a result of recommendations to HUD from the federal Office of Management and Budget (OMB).

Single Race Categories: The five single race categories as revised by OMB are defined as follows:

1. American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
2. Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

3. Black or African American – A person having origins in any of the black racial groups of Africa. Terms such as Haitian” or “Negro” can be used in addition to “Black or African American.”
4. Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
5. White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Multiple Race Categories: OMB’s new racial categories also includes the following five multiple race categories.

6. American Indian or Alaska Native and White
7. Asian and White
8. Black or African American and White
9. American Indian or Alaska Native and Black or African American
10. Balance of individuals reporting more than one race

Hispanic/Latino Ethnicity: In addition to the racial information required, your agency must ask each client to indicate if he or she is of Hispanic/Latino ethnicity. At the end of the reporting period, the total the number of Hispanic/Latino and Not-Hispanic/Latino clients, for each racial category, should be tabulated by racial category and entered into (Box “b”) of Section B of the Activity Beneficiary Report Form.

The two ethnic categories revised by OMB are defined as follows:

1. Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term Spanish origin can be used in addition to “Hispanic or Latino.”
2. Not-Hispanic or Latino - A person not of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

C. HOUSEHOLD STATUS

1. Female clients should be asked if they are the head of the household (i.e.-a household where there is no husband present). At the end of the reporting period, total up the number of clients from female-headed households and enter the number into Section C of the Activity Beneficiary Report Form.

HUD Income Limits
Effective:
July 1, 2014

Percent of Median	Household Size							
	1	2	3	4	5	6	7	8
Moderate (80%)	30,650	35,000	39,400	43,750	47,250	50,750	54,250	57,750
Low (50%)	19,150	21,900	24,650	27,350	29,550	31,750	33,950	36,150
Extremely Low (30%)	11,670	15,730	19,790	23,850	27,910	31,750	33,950	36,150

INSTRUCTIONS FOR COMPLETION OF SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification on this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal [RFP] number, Invitation for Bid [IFB] number, grant announcement, number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(24 CFR, Subtitle A, Part 1, Section 1.5 Assurances Required)

1.5 Assurances Required

(a) General

(1) Every contract for Federal financial assistance to carry out a program or activity to which this Part 1 applies, executed on or after January 3, 1965, and every application for such Federal financial assistance submitted on or after January 3, 1965, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to such contract or application, contain or be accompanied by an assurance that the program or activity will be conducted and the housing, accommodations, facilities, services, financial aid, or other benefits to be provided will be operated and administered in compliance with all requirements imposed by or pursuant to this Part 1. In the case of a contract or application where the Federal financial assistance is to provide or is in the form of personal property or real property or interest therein or structures thereon, the assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the contract or application. The responsible Department official shall specify the form of the foregoing assurance for such program or activity, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program or activity. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interests therein, acquired through a program of Federal financial assistance, the instrument effecting any disposition by the recipient of such real property, structures or improvements thereon, or interests therein, shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case where Federal financial assistance is provided in the form of a transfer of real property or interests therein from the Federal Government, the instrument effecting or recording the transfer shall contain such a covenant.

(3) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving such assistance, the nondiscrimination requirements of this Part 1 shall extend to any facility located wholly or in part in such space.

(b) Pre-existing contracts - funds not disbursed. In any case where a contract for Federal financial assistance, to carry out a program or activity to which this Part 1 applies, has been executed prior to January 3, 1965, and the funds have not been fully disbursed by the Department, the responsible Department official shall, where necessary to effectuate the purposes of this Part 1, require an assurance similar to that provided in paragraph (a) of this section as a condition to the disbursement of further funds.

(c) Pre-existing contract - periodic payments. In any case where a contract for Federal financial assistance, to carry out a program or activity to which this Part 1 applies, has been executed prior to January 3, 1965, and provides for periodic payments for the continuation of the program or activity, the recipient shall, in connection with the first application for such periodic payments on or after January 3, 1965:

(1) Submit a statement that the program or activity is being conducted in compliance with all requirements imposed by or pursuant to this Part 1; and

(2) Provide such methods of administration for the program or activity as are found by the

responsible Department official to give reasonable assurance that the recipient will comply with all requirements imposed by or pursuant to this Part 1.

(d) Assurances from institutions.

(1) In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of persons as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such persons, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Department official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(e) Elementary and secondary schools. The requirements of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health and Human Services determines is adequate to accomplish the purposes of the Act and this Part 1 within the earliest practicable time, and provides reasonable assurance that it will carry out such plan.

(Authority: Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

[38 FR 17949, July 5, 1973, as amended at 50 FR 9269, March 7, 1985

EQUAL OPPORTUNITY

(48 CFR 52.222-26)
(April 2002)

(a) Definition. United States, as used in this clause, means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.

(b) If, during any 12-month period (including the 12 months preceding the award of this contract), the Contractor has been or is awarded nonexempt Federal contracts and/or subcontracts that have an aggregate value in excess of \$10,000, the Contractor shall comply with paragraphs (b)(1) through (b)(11) of this clause, except for work performed outside the United States by employees who were not recruited within the United States. Upon request, the Contractor shall provide information necessary to determine the applicability of this clause.

(1) The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. However, it shall not be a violation of this clause for the Contractor to extend a publicly announced preference in employment to Indians living on or near an Indian reservation, in connection with employment opportunities on or near an Indian reservation, as permitted by 41 CFR 60-1.5.

(2) The Contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. This shall include, but not be limited to, (i) employment, (ii) upgrading, (iii) demotion, (iv) transfer, (v) recruitment or recruitment advertising, (vi) layoff or termination, (vii) rates of pay or other forms of compensation, and (viii) selection for training, including apprenticeship.

(3) The Contractor shall post in conspicuous places available to employees and applicants for employment the notices to be provided by the Contracting Officer that explain this clause.

(4) The Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(5) The Contractor shall send, to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, the notice to be provided by the Contracting Officer advising the labor union or workers' representative of the Contractor's commitments under this clause, and post copies of the notice in conspicuous places available to employees and applicants for employment.

(6) The Contractor shall comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor.

(7) The Contractor shall furnish to the contracting agency all information required by Executive Order 11246, as amended, and by the rules, regulations, and orders of the Secretary of Labor. The Contractor shall also file Standard Form 100 (EEO-1), or any successor form, as prescribed in 41 CFR part 60-1. Unless the Contractor has filed within the 12 months preceding the date of contract award, the Contractor shall, within 30 days after contract award, apply to either the regional Office of Federal Contract Compliance Programs (OFCCP) or the local office of the Equal Employment Opportunity Commission for the necessary forms.

(8) The Contractor shall permit access to its premises, during normal business hours, by the contracting agency or the OFCCP for the purpose of conducting on-site compliance

evaluations and complaint investigations. The Contractor shall permit the Government to inspect and copy any books, accounts, records (including computerized records), and other material that may be relevant to the matter under investigation and pertinent to compliance with Executive Order 11246, as amended, and rules and regulations that implement the Executive Order.

(9) If the OFCCP determines that the Contractor is not in compliance with this clause or any rule, regulation, or order of the Secretary of Labor, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts, under the procedures authorized in Executive Order 11246, as amended. In addition, sanctions may be imposed and remedies invoked against the Contractor as provided in Executive Order 11246, as amended; in the rules, regulations, and orders of the Secretary of Labor; or as otherwise provided by law.

(10) The Contractor shall include the terms and conditions of subparagraphs (b)(1) through (11) of this clause in every subcontract or purchase order that is not exempted by the rules, regulations, or orders of the Secretary of Labor issued under Executive Order 11246, as amended, so that these terms and conditions will be binding upon each subcontractor or vendor.

(11) The Contractor shall take such action with respect to any subcontract or purchase order as the contracting officer may direct as a means of enforcing these terms and conditions, including sanctions for noncompliance; provided, that if the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of any direction, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

(c) Notwithstanding any other clause in this contract, disputes relative to this clause will be governed by the procedures in 41 CFR 60-1.1.

AFFIRMATIVE ACTION FOR
WORKERS WITH DISABILITIES

(48 CFR 52.222-36)
(June 1998)

(a) General.

- (1) Regarding any position for which the employee or applicant for employment is qualified, the Contractor shall not discriminate against any employee or applicant because of physical or mental disability. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination based upon their physical or mental disability in all employment practices such as -
 - (i) Recruitment, advertising, and job application procedures;
 - (ii) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
 - (iii) Rates of pay or any other form of compensation and changes in compensation;
 - (iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
 - (v) Leaves of absence, sick leave, or any other leave;
 - (vi) Fringe benefits available by virtue of employment, whether or not administered by the Contractor;
 - (vii) Selection and financial support for training, including apprenticeships, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;
 - (viii) Activities sponsored by the Contractor, including social or recreational programs; and
 - (ix) Any other term, condition, or privilege of employment.
- (2) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor (Secretary) issued under the Rehabilitation Act of 1973 (29 U.S.C. 793) (the Act), as amended.

(b) Postings.

- (1) The Contractor agrees to post employment notices stating -
 - (i) The Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified individuals with disabilities; and
 - (ii) The rights of applicants and employees.
- (2) These notices shall be posted in conspicuous places that are available to employees and applicants for employment. The Contractor shall ensure that applicants and employees with disabilities are informed of the contents of the notice (e.g., Contractor may have the notice read to a visually disabled individual, or may lower the posted notice so that it might be read by a person in a wheelchair). The notices shall be in a form prescribed by the Deputy Assistant Secretary for Federal Contract Compliance of the U.S. Department of Labor (Deputy Assistant Secretary) and shall be provided by or through the Contracting Officer.

- (3) The Contractor shall notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Section 503 of the Act and is committed to take affirmative action to employ, and advance in employment, qualified individuals with physical or mental disabilities.
- (c) Noncompliance. If the Contractor does not comply with the requirements of this clause, appropriate actions may be taken under the rules, regulations, and relevant orders of the Secretary issued pursuant to the Act.
- (d) Subcontracts. The Contractor shall include the terms of this clause in every subcontract or purchase order in excess of \$10,000 unless exempted by rules, regulations, or orders of the Secretary. The Contractor shall act as specified by the Deputy Assistant Secretary to enforce the terms, including action for noncompliance.

EQUAL OPPORTUNITY FOR SPECIAL DISABLED VETERANS,
VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS

(48 CFR 52.222-35)
(December 2001)

(a) Definitions. As used in this clause—

All employment openings means all positions except executive and top management, those positions that will be filled from within the Contractor's organization, and positions lasting 3 days or less. This term includes full-time employment, temporary employment of more than 3 days duration, and part-time employment.

Executive and top management means any employee—

- (1) Whose primary duty consists of the management of the enterprise in which the individual is employed or of a customarily recognized department or subdivision thereof;
- (2) Who customarily and regularly directs the work of two or more other employees;
- (3) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight;
- (4) Who customarily and regularly exercises discretionary powers; and
- (5) Who does not devote more than 20 percent or, in the case of an employee of a retail or service establishment, who does not devote more than 40 percent of total hours of work in the work week to activities that are not directly and closely related to the performance of the work described in paragraphs (1) through (4) of this definition. This paragraph (5) does not apply in the case of an employee who is in sole charge of an establishment or a physically separated branch establishment, or who owns at least a 20 percent interest in the enterprise in which the individual is employed.

Other eligible veteran means any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

Positions that will be filled from within the Contractor's organization means employment openings for which the Contractor will give no consideration to persons outside the Contractor's organization (including any affiliates, subsidiaries, and parent companies) and includes any openings the Contractor proposes to fill from regularly established "recall" lists. The exception does not apply to a particular opening once an employer decides to consider applicants outside of its organization.

Qualified special disabled veteran means a special disabled veteran who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such veteran holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Special disabled veteran means—

- (1) A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans Affairs for a disability--
 - (i) Rated at 30 percent or more; or
 - (ii) Rated at 10 or 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious employment handicap (i.e., a significant

impairment of the veteran's ability to prepare for, obtain, or retain employment consistent with the veteran's abilities, aptitudes, and interests); or

- (2) A person who was discharged or released from active duty because of a service-connected disability.

Veteran of the Vietnam era means a person who—

- (1) Served on active duty for a period of more than 180 days and was discharged or released from active duty with other than a dishonorable discharge, if any part of such active duty occurred—
 - (i) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or
 - (ii) Between August 5, 1964, and May 7, 1975, in all other cases; or
- (2) Was discharged or released from active duty for a service-connected disability if any part of the active duty was performed—
 - (i) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or
 - (ii) Between August 5, 1964, and May 7, 1975, in all other cases.

(b) General.

- (1) The Contractor shall not discriminate against the individual because the individual is a special disabled veteran, a veteran of the Vietnam era, or other eligible veteran, regarding any position for which the employee or applicant for employment is qualified. The Contractor shall take affirmative action to employ, advance in employment, and otherwise treat qualified special disabled veterans, veterans of the Vietnam era, and other eligible veterans without discrimination based upon their disability or veterans' status in all employment practices such as—
 - (i) Recruitment, advertising, and job application procedures;
 - (ii) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;
 - (iii) Rate of pay or any other form of compensation and changes in compensation;
 - (iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
 - (v) Leaves of absence, sick leave, or any other leave;
 - (vi) Fringe benefits available by virtue of employment, whether or not administered by the Contractor;
 - (vii) Selection and financial support for training, including apprenticeship, and on-the-job training under 38 U.S.C. 3687, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;
 - (viii) Activities sponsored by the Contractor including social or recreational programs; and
 - (ix) Any other term, condition, or privilege of employment.
- (2) The Contractor shall comply with the rules, regulations, and relevant orders of the Secretary of Labor issued under the Vietnam Era Veterans' Readjustment Assistance Act of 1972 (the Act), as amended (38 U.S.C. 4211 and 4212).

(c) Listing openings.

- (1) The Contractor shall immediately list all employment openings that exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract, and including those occurring at an establishment of the Contractor other than the one where the contract is being performed, but excluding those of independently operated corporate affiliates, at an appropriate local public employment service office of the

State wherein the opening occurs. Listing employment openings with the U.S. Department of Labor's America's Job Bank shall satisfy the requirement to list jobs with the local employment service office.

- (2) The Contractor shall make the listing of employment openings with the local employment service office at least concurrently with using any other recruitment source or effort and shall involve the normal obligations of placing a bona fide job order, including accepting referrals of veterans and nonveterans. This listing of employment openings does not require hiring any particular job applicant or hiring from any particular group of job applicants and is not intended to relieve the Contractor from any requirements of Executive orders or regulations concerning nondiscrimination in employment.
- (3) Whenever the Contractor becomes contractually bound to the listing terms of this clause, it shall advise the State public employment agency in each State where it has establishments of the name and location of each hiring location in the State. As long as the Contractor is contractually bound to these terms and has so advised the State agency, it need not advise the State agency of subsequent contracts. The Contractor may advise the State agency when it is no longer bound by this contract clause.

(d) Applicability. This clause does not apply to the listing of employment openings that occur and are filled outside the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands of the United States, and Wake Island.

(e) Postings.

- (1) The Contractor shall post employment notices in conspicuous places that are available to employees and applicants for employment.
- (2) The employment notices shall—
 - (i) State the rights of applicants and employees as well as the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants who are special disabled veterans, veterans of the Vietnam era, and other eligible veterans; and
 - (ii) Be in a form prescribed by the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor (Deputy Assistant Secretary of Labor), and provided by or through the Contracting Officer.
- (3) The Contractor shall ensure that applicants or employees who are special disabled veterans are informed of the contents of the notice (e.g., the Contractor may have the notice read to a visually disabled veteran, or may lower the posted notice so that it can be read by a person in a wheelchair).
- (4) The Contractor shall notify each labor union or representative of workers with which it has a collective bargaining agreement, or other contract understanding, that the Contractor is bound by the terms of the Act and is committed to take affirmative action to employ, and advance in employment, qualified special disabled veterans, veterans of the Vietnam era, and other eligible veterans.

(f) Noncompliance. If the Contractor does not comply with the requirements of this clause, the Government may take appropriate actions under the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(g) Subcontracts. The Contractor shall insert the terms of this clause in all subcontracts or purchase orders of \$25,000 or more unless exempted by rules, regulations, or orders of the Secretary of Labor. The Contractor shall act as specified by the Deputy Assistant Secretary of Labor to enforce the terms, including action for noncompliance.

Employment Reports on Special Disabled Veterans, Veterans
of the Vietnam Era, and Other Eligible Veterans

(48 CFR 52.222-37)
(DEC 2001)

(a) Unless the Contractor is a State or local government agency, the Contractor shall report at least annually, as required by the Secretary of Labor, on--

- (1) The number of special disabled veterans, the number of veterans of the Vietnam era, and other eligible veterans in the workforce of the Contractor by job category and hiring location; and
- (2) The total number of new employees hired during the period covered by the report, and of the total, the number of special disabled veterans, the number of veterans of the Vietnam era, and the number of other eligible veterans; and
- (3) The maximum number and the minimum number of employees of the Contractor during the period covered by the report.

(b) The Contractor shall report the above items by completing the Form VETS-100, entitled "Federal Contractor Veterans" Employment Report (VETS-100 Report)".

(c) The Contractor shall submit VETS-100 Reports no later than September 30 of each year beginning September 30, 1988.

(d) The employment activity report required by paragraph (a)(2) of this clause shall reflect total hires during the most recent 12-month period as of the ending date selected for the employment profile report required by paragraph (a)(1) of this clause. Contractors may select an ending date--

- (1) As of the end of any pay period between July 1 and August 31 of the year the report is due; or
- (2) As of December 31, if the Contractor has prior written approval from the Equal Employment Opportunity Commission to do so for purposes of submitting the Employer Information Report EEO-1 (Standard Form 100).

(e) The Contractor shall base the count of veterans reported according to paragraph (a) of this clause on voluntary disclosure. Each Contractor subject to the reporting requirements at 38 U.S.C. 4212 shall invite all special disabled veterans, veterans of the Vietnam era, and other eligible veterans who wish to benefit under the affirmative action program at 38 U.S.C. 4212 to identify themselves to the Contractor. The invitation shall state that--

- (1) The information is voluntarily provided;
- (2) The information will be kept confidential;
- (3) Disclosure or refusal to provide the information will not subject the applicant or employee to any adverse treatment; and
- (4) The information will be used only in accordance with the regulations promulgated under 38 U.S.C. 4212.

(f) The Contractor shall insert the terms of this clause in all subcontracts or purchase orders of \$25,000 or more unless exempted by rules, regulations, or orders of the Secretary of Labor.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Grant Application for State of California, Office of Traffic Safety STEP Grant
REIMBURSEMENT GRANT- NO MATCH REQUIRED

PRESENTED BY:

Ron Strand – Chief of Police

SUMMARY:

The State of California, Office of Traffic Safety is offering local law enforcement agencies overtime grants to conduct Selective Traffic Enforcement Programs (STEP) within the City of Ridgecrest during fiscal year 2015. The grant period begins October 1, 2014 and ends September 30, 2015.

This is a reimbursement grant that requires no matching funds.

The STEP program provides funding on an overtime basis to employ enforcement and innovative strategies to reduce persons killed and injured in traffic collisions. The funded strategies include:

- DUI/Driver’s License Checkpoints.
- DUI roving Saturation Patrols.
- A “Hot Sheet” program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with suspended or revoked licenses as a result of DUI convictions.
- Special enforcement operations which target red light runners.
- Motorcycle Enforcement Operations.
- Distracted Driving Operations.
- Traffic enforcement operations at intersections with disproportionate numbers of traffic crashes.

This grant provides funds for both overtime enforcement, and for the purchase of the following traffic enforcement equipment:

- 2- Lidar Speed detection devices
- 3- Radar Speed detection devices
- DUI Checkpoint Supplies

FISCAL IMPACT:

Approximate revenue to the city in the amount of \$ 88,040.00

Reviewed by Finance Director

ACTION REQUESTED:

Approval of Resolution

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approval of Resolution

Submitted by: RON STRAND
(Rev. 02/13/12)

Action Date: September 17, 2014

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RESOLUTION NO. 14-XX

A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF THE STATE OF CALIFORNIA, OFFICE OF TRAFFIC SAFETY STEP GRANT

WHEREAS, the Office of Traffic Safety, State of California, is offering Selective Traffic Enforcement Program (STEP) grants to employ enforcement and innovative strategies to reduce the number of persons injured and killed in traffic collisions, and;

WHEREAS, this grant does not require city matching funds, and;

WHEREAS, this grant will reimburse the City for actual overtime expenditures and the purchase of safety equipment relating to traffic enforcement, and;

WHEREAS, approximately \$ 88,040 revenue will be received by the City, and;

WHEREAS, this additional funding is to be used for DUI Enforcement, Red Light Enforcement, Speed Enforcement, Seat Belt Compliance Enforcement, Driver's License Enforcement, and the police department will administer said grant.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest authorizes the City Manager, or his designee, to apply for this reimbursement grant with the State of California, and to approve, sign and execute any and all documents relating to the grant award, including amendments, and;

BE IT FURTHER RESOLVED, that the City Council authorizes the Finance Department to increase the FY15 budget revenue and expenditure allocations in the amount of this grant, and;

BE IT FURTHER RESOLVED, that this resolution shall remain in full force and effect until a resolution of the City Council is adopted amending or rescinding this resolution.

APPROVED AND ADOPTED this 17th day of September, 2014, by the following vote.

AYES:
NOES:
ABSTAIN:
ABSENT:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT: Approve A Resolution Of The Ridgecrest City Council Announcing A Proclamation Prepared For The Month Of September and Authorizing the City Clerk to mail the proclamation to the requestors

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented at the following events.

1. Recognizing Freedom From Workplace Bullies Week – October 19-25, 2014

FISCAL IMPACT: None

None

Reviewed by Finance Director

ACTION REQUESTED:

Approve resolution recognizing proclamations for the month of September

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve resolution recognizing proclamations for the month of September

Submitted by: Rachel J. Ford
(Rev.6/12/09)

Action Date: September 17, 2014

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RESOLUTION NO. 14-xx

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
ANNOUNCING A PROCLAMATION PREPARED FOR THE
MONTH OF SEPTEMBER 2014 AND AUTHORIZING THE
CITY CLERK TO MAIL THE PROCLAMATION TO THE
REQUESTOR**

WHEREAS, The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various event and observations, and;

WHEREAS, the following proclamation has been processed:

Proclamation Titles

1. *Freedom From Workplace Bullies Week – October 19-25, 2014*

NOW THEREFORE BE IT RESOLVED the City Council of the City of Ridgecrest authorizes:

1. A proclamation recognizing October 19-25, 2014 as Freedom From Workplace Bullies Week, and
2. The City Clerk is authorized to mail the formal proclamation to the requestors.

APPROVED AND ADOPTED THIS 17th day of September 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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***A Proclamation of
The City Of Ridgecrest, California***

***Recognizing Freedom From Workplace Bullies Week
October 19-25, 2014***

WHEREAS, the of Ridgecrest has an interest in promoting the social and economic well-being of its citizens, employees and employers; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free work environments; and

WHEREAS, research has documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments are costly for employers, with consequences including reduced productivity, absenteeism, turnover, absenteeism and injuries; and

WHEREAS, protection from abusive work environments should apply to every worker, and not be limited to legally protected class status based only on race, color, gender, national origin, age, or disability;

NOW, THEREFORE BE IT PROCLAIMED that we, the City Council of the City of Ridgecrest, do hereby proclaim October 19 – 25, 2014 as **FREEDOM FROM WORKPLACE BULLIES WEEK** and commend the California Healthy Workplace Advocates and the Workplace Bullying Institute, which raise awareness of the impacts of, and solutions for, workplace bullying in the U.S.; and encourage all citizens to recognize this special observance.

Proclaimed this 17th Day of September 2014



***Marshall 'Chip' Holloway
Mayor Pro Tem***



Daniel O Clark, Mayor



***James S. Sanders
Council Member***



***Lori Acton
Council Member***



***Steven P. Morgan
Council Member***

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT:

Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of August 20, 2014

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of August 20, 2014

FISCAL IMPACT:

None

Reviewed by Finance Director:

ACTION REQUESTED:

Approve minutes

CITY MANAGER 'S RECOMMENDATION:

Action as requested: Approve Draft Minutes

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MINUTES OF THE REGULAR MEETING OF THE RIDGECREST CITY COUNCIL

City Council Chambers
100 West California Avenue
Ridgecrest, California 93555

August 20, 2014
5:30 pm

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council. Meetings are recorded for the purpose of preparation of minutes.

CALL TO ORDER – 5:30 p.m.

CALL TO ORDER

ROLL CALL

Council Present: Mayor Daniel O. Clark; Vice-Mayor Marshall 'Chip' Holloway; Council Members James Sanders, Lori Acton, and Steven Morgan

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City; City Attorney Keith Lemieux and other staff

APPROVAL OF AGENDA

- Moved Item No. 7 to Presentations

Motion To Approve Agenda As Amended Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 4 Ayes (Mayor Clark, Council Members Holloway, Acton, and Sanders); 0 Noes; 0 Abstain; 1 Absent (Council Member Sanders)

Council Member Sanders arrived prior to Closed Session

CLOSED SESSION

GC54956.8 Local Agency Real Property Negotiations – Negotiations For Lease Or Purchase – Leroy Jackson Park – Agency Negotiators City Manager Dennis Speer And Parks Supervisor Jason Patin

GC54956.9 (d) (4) Conference With Legal Counsel – Existing Litigation – City Of Ridgecrest v. William Dale Howard

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GC54956.9(d)(4) Conference With Legal Counsel - 21st Century Insurance Company v. City of Ridgecrest, Los Angeles Superior Court Case No. 14K10447

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
 - Local Agency Real Property Negotiations – Negotiations For Lease Or Purchase – Leroy Jackson Park – received report, no action taken.
 - Conference With Legal Counsel – Existing Litigation – City Of Ridgecrest v. William Dale Howard – received report, no action taken.
 - Conference With Legal Counsel - 21st Century Insurance Company v. City of Ridgecrest, Los Angeles Superior Court Case No. 14K10447 – received report, no action taken
- Other
 - None

PUBLIC COMMENT Opened at 6:15 p.m.

Randy Jenkins

- Read a prepared speech on freedom, liberty, and the constitution of the United States.
- Presented personal belief in Jesus and referenced the conception and birth of Jesus.

Eric Kaplan

- Thanked Council for their time
- Commented on outdated rules and regulations at Skate Park that does not allow bikes at the Skate Park and requirement of safety equipment.
- Commented on non-enforcement by police
- Commented on past insurance issues for BMX bikes. Suggested the possibility of insurance costs having decreased over the years.
- Spoke on \$10,000 donation which went to Skate Park
- Asked Mayor Clark for help to solve discrimination and allow BMX at the skate park.

Jake Powers

- Commented that BMX riders having been fined for riding bikes at the park.
- Asked Council to consider amending the rules and updating them to allow BMX riders at the Skate Park.

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Craig Thayer

- Requested Council amend the ordinance for the Skate Park to allow BMX bike riders to use the facility.
- Related personal experience riding BMX bikes.

Stan Rajtora

- Commented on attending the Planning Commission meeting and commented on briefing of the Housing Element update. After reviewing the briefing noticed the schedule which is very tight. Does not see in the schedule a time for public review of the update.
- Commented on past Housing Element update having public involvement.
- Stated the Housing Element is critical and requests public have an opportunity to give input.
 - Steve Morgan – Confirmed that Council will make comment to the City Planner.
- Commented on Staples closing and expressed sadness and concern. Thanked the three Council Members who voted for economic proposals and expressed concern regarding potential investors seeing a split Council which could lead to loss of future investors.
- Suggested City does something to show a united front for economic development, to let those with money to invest know that we are concerned with our economics and want their help.

Dave Matthews

- Jerry Taylor is currently on business and stated he received a notice from City today that since he is the name of record on the military banner program he must take down the banners on Ridgecrest Blvd. by Monday. Suggested maybe SCE could accumulate them and bring back to City.
 - Dennis Speer – spoke with Mr. Taylor and the notice came from SCE. We are replacing all the poles on Ridgecrest Blvd. Understand the inconvenience and will discuss with City Engineer the possibility the banners could be removed from the poles after they are taken down.
- Thanked Randy Jenkins for the inspiration. Commented about liberty.
- Referenced statements made at the previous Council meeting complimenting the Mayor about his newspaper column regarding marijuana. Spoke about the developmental aspects of youth using marijuana and referenced a report which he was unable to find.
- Commented on the issues in Ferguson Missouri where confrontation led to Mr. Brown dying. Autopsy revealed that Mr. Brown had marijuana in his system. Commented on Mr. Brown's plans to attend college which will not happen now. Stated, why take the chance with drugs.

Tom Wiknich

- Addressed public concerns about his being the owner of a television station and also a candidate for Mayor. Has filed papers and will follow the FCC rules. Noted that another candidate has access to advertising opportunities, the Swap Sheet. Stated that everybody has to be treated equal therefore the TV station will not run any Mayoral advertising during this campaign. Assured Council that he will not have any unfair advantage over other candidates. Additionally, the cost for running for Mayor is expensive and some candidates would be able to purchase more advertisement where others could not, therefore station will not sell advertisement.
- Commented on allocated time for quorums and the station manager will be in charge. Allowing the use of station for 3 quorums and will not influence the quorums in any manner. Trying to rise above any perception of impropriety.

Robert Eierman

- Complimented Council on the conduct at the public comment portion of the meeting and thanked members for the interaction.
- Proposed a solution to reduce the recent lack of decorum. Termed 'The Speak Now' practice. Compared to the wedding opportunity to speak now or forever hold your peace. If Council has a response to something said in public comment, say it then and allow open dialogue rather than speaking at the end of the meeting. If comments are made by Council at the end of the meeting then requested public be allowed to respond with open dialogue. Suggested this as a better way for everyone to express themselves without anger or frustration.

Renee Westalusk

- Stated she is deeply inconvenienced by the upcoming closure of Staples and asked where printer cartridges can be taken for recycling; copies made; and supplies purchased. Asked if there is a plan to try to keep Staples open or recruit another similar business locally or outside the community.

Carol Vaughn

- Commented on proclamations made on things we don't have a lot of control over.
- Commented on attending a recent water board meeting and a person in the audience saying 'we need to solve the problem, whatever the solution.'
- Suggested City get behind a long-term solution to the water problems.
- Expressed the need to have a long-term plan that will bring water to the valley.
- Stated the City needs to make it clear they are firmly behind a long-term solution.
- Noted there is nothing wrong with conserving water and other natural resources, but City needs to be very clear to those who want to invest, that we are firmly behind a long-term plan to bring water to the valley. Requested Council ask the people in charge to give us a plan and make it clear that we will make sure there is always going to be water.
 - Steve Morgan – asked if public would like the water district discussions to be brought here at a future Council meeting.

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Carol Vaughn *(continued)*

- At the planning commission meeting heard a tone that made her nervous that we might come across supporting a 'let's make sure we conserve everything and can't have it both ways' plan. Need a plan to get more water. Asking Council to ask the people in charge to have a plan. Conserving is a short term solution to a very long problem.

Christina Witt

- Watched the last Council meeting from out of town. Asked if there is a way for public to call in. Referenced difficulty in managing multiple calls from different locations.
- Frustrated about hiring someone with a \$26,000 budget and have not identified where the funds are coming from.
 - Chip Holloway – is in the budget.
- Commented on the frustration expressed by Ms. Acton about being compared to the base. This Council is based on the constitution. Government is answerable to the people. Expressed frustration with the sentiment that we are not like the government. Have to abide by the constitution so therefore stand by the spirit of democracy where even a minority has a say.
- People presenting their cases were not being heard and Council Member Acton stated we are not like the base. People were expressing their desires and Council did it anyway which will cause credibility issues.
- Requested Council look into the ability of people calling in to meetings.

Mike Neel

- Distributed written materials to Council, a training announcement for basic SWAT course. Stated the person taking the training also attends fully equipped. Additionally City paid for two of these trainings. Asked why we have officers taking this training if we are not setting up a SWAT team.
- Referenced recent inappropriate SWAT responses across the country. Commented on the old ways of taking care of situations before the SWAT capability.
 - Chip Holloway – requested specific concerns from Mr. Neel
- Concerned that if we are moving in this direction that they are not used for routine warrant searches and activities. We should show people how it is done right.
- Commented on the interchange between Council and citizens. Referenced a letter to Measure 'L' from Mayor Clark and provided a copy.
 - Dan Clark – did not send this document to the committee. What I was going to bring to Measure 'L' was an outline. I never saw this.
- This was provided on City website and was presented by Mr. Speer and drafted by the City Attorney.
 - Mr. Speer – acknowledged this was his outline and not the Mayor's.
- Stated that all the committee members were under the impression this came from the Mayor. Can now put this to rest.

Mike Neel *(continued)*

- Commented on letter in the paper by the Council Member Holloway.
 - Chip Holloway – clarified and read the entire letter for the public. People of this community need to support those who contribute to this community.

PUBLIC COMMENT closed at 7:08 p.m.

PRESENTATIONS

7. Proclamation For Linda Estrada **Holloway**

- Item No. 7 was moved to presentations prior to approval of the agenda.
- Council presented a proclamation honoring Ridgecrest citizen Linda Estrada.

1. Fresno State Economic Development Presentation **Speer**

Dennis Speer

- Introduced Ismael Herrera of Fresno State

Ismael Herrera

- Presented PowerPoint presentation on economic development strategy.
- Provided handouts of the presentation to Council and the public *(Copy Available In The City Clerk's Office)*

Mayor Clark

- Thanked Mr. Herrera for coming to present their plan to the City.

Lori Acton

- Asked if they are able to pursue the Chamber Of Commerce grant
 - Mr. Herrera - Will look at and submit simultaneously. Will follow up off-line with Ms. Acton
- Asked if Boron is considering the plan
 - Mr. Herrera - They are interested and are following up with them. California City is on-board and has held a training workshop. Only firm commitment to date is California City
- Suggested Mr. Herrera meet with the Indian Wells Valley Economic Development Consortium
 - Mr. Herrera - Will follow up with the committee members.

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Jim Sanders

- Thanked Mr. Herrera for the presentation. Particularly impressed with roles of government with creating jobs
- Questioned Taft strategy and working with municipal code to give incentive.
 - Mr. Herrera - Workshop for staff members to clarify assumptions of their role and review zoning codes and ordinances that are affected by economic development. Spoke on current pilot program and Mr. Speer's tour of process at a Dairy

Chip Holloway

- Credit Mr. Speer for seeing the project which won an Innovation Award.

Ismael Herrera

- Mission is to be a resource hub to smaller communities for their needs.

Chip Holloway

- We would like to be a pilot program for biodegradable plastic bags.
- Thanked Mr. Herrera for coming.
- Positive feedback and interaction
- Attending follow-up meeting with Mr. Speer at Taft and everyone was positive with clear goals.
- Excited about the community input and ability to tailor the plan in the direction we want to go.
- Asked if SWAT analysis will keep us from doing something crazy
 - Mr. Herrera - We provide the map and suggest what might fit. Sessions are honest and we facilitate. Coming from a university, we have no profit. Try to recover staff and travel time but not profit driven. Invited to Taft to talk to people who have been thru the process. This is meant to be a living document, a plan that does not collect dust on a shelf. Written in a way that is very readable and use on a daily basis with updates every 3-5 years.

Steve Morgan

- How do you deal with equality and fairness? You will find Ridgecrest has documentation on what you want to see, studies, partners, etc. Not sure other cities will be as advanced so in dealing with a regional approach, how do you handle this? You will have a lot of different strategies and studies which we already have. Not sure Boron or Mojave would have these. How do you deal with this?
 - Mr. Herrera - Committee formation is beginning and represents as many stakeholders as possible. Sessions 1-8 we bring stakeholders together, education process, informative process. Sessions 7-13 are customized with each community.

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Steve Morgan (*continued*)

- Impartial analysis will go thru challenges, exemplified Silicon Valley of alternative energy.
 - We collectively identify resources needed and available to implement the vision. Committee will let us know what the vision is then we identify what the requirements are to implement that vision. Process will be good for economy here because we will be required to stay in this area for several days per week a couple times per month.
- Clarified meetings 7-10 will digest the information we already have.
 - We would try to synthesize the documents and present to the community so they can understand.
- No issue with providing a venue and glad will be partnering with past agencies.

Dan Clark

- Concur with fellow Council Members. Appreciate your approach to Economic Development. Will open to public comment.

Dennis Speer

- Asked Mr. Herrera to explain the academic connections to other campuses and Sacramento.
 - Mr. Herrera - San Joaquin valley including Kern County. Designated secretariat by governor appointment. Connected to multiple state and national communities to bring back manufacturing in the country. States innovation Hub network. A lot of opportunity between renewable energy researches. Work with faculty at Fresno, Chico, Merced, and UC Davis. Part of national and state discussions.

PUBLIC COMMENT

Tom Wiknich

- Asked about the size of the committee
 - Mr. Herrera - Actual numbers available in the Taft strategy handout. Goal is to make it inclusive and no one is excluded from participating.
- Reviewed City commitment and request for \$150,000.
 - Mr. Herrera - Cover work by office for staff, document preparation, travel, and a portion to the communities. Regional plan and customized plan included in the amount.
- Asked for numbers for cash or in-kind match
 - Mr. Herrera - EDA allows a reduction of match based on demographics of the area. If all communities are included as a consortium numbers might reduce. Looking at a 1to1 match. Our organization has plans to issue a large percentage of the match. Anything brought to table to help the cause helps reduce the match provided by our organization. Letter would document the types of match which will be provided.

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Dave Matthews

- Commented on slide showing phrase governments don't create jobs, businesses do.
- We are not part of the San Joaquin valley
 - Mr. Herrera - Entire Kern County is part of the valley for our purposes.
- When will applications available for committee and where can I get one.
 - Mr. Herrera - Probably be available after October if Council chooses to participate. Ample time to identify members, recommend starting program in February.

Peggy Breeden

- Commented on tourism which costs nothing but brings revenue. Referenced the Dean Ruyan report. Presented tourism statistics directly affecting Ridgecrest.
- Encouraged supporting local businesses and invest in growing tourism.
 - Mr. Herrera – agreed with possibility of capturing tourism dollars to implement projects within the community. Referenced City of Taft. Commented on partnership between City and chamber of commerce.
 - Steve Morgan – City went to England which was instrumental in getting the Royal Air Force to come here and is time to do it again.
- Commented on Ian Cunningham and the royal air force. New commander can't wait to come back.

Steve Morgan

- City of Ridgecrest understands the benefit the Royal Air Force brings to this community.

Dan Clark

- This item will be on the September 17 agenda for discussion.

2. Presentation To Council From Parks And Recreation Division

Patin

Jason Patin

- Presented a PowerPoint update of the Parks & Recreation Department. *(Copy Available In The City Clerk's Office)*
- Reviewed HLA Parks Master Plan which was created in 2008 and now ADA compliance requirements have been changed therefore dollar amounts are no longer valid. HLA is preparing an updated plan.

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Steve Morgan

- Understand Parks has approximately \$2.5 million in TAB funds, there are facilities that can be improved, expanded, or increased however everything hinges on what happens with the City and County with regard to Leroy Jackson Park
- We have 3 options for Leroy Jackson park, can partner with County, give back to County, or take it over. Each has dollar ramifications. What issue is this creating for you when trying to come up with a plan?
 - Jason Patin – my job is to be prepared regardless of which direction the City goes for this park.
- There is a contingent in the community that believes we should not spend any money of this park. Not an option to just let parks go. Some people will bleed the pool or parks and the ADA compliance is massive and will cost a lot of money regardless of where we improve.
 - Jason Patin - Correct, that is why getting the numbers is imperative.

Jim Sanders

- Doing a great job and very happy with the progress in that division.
- Have wanted to see the electronic enrollments and tracking so happy to see this and will have hard numbers to look at for budget.
- Recreations are now bringing in more revenue that costs which is a product of the changes implemented.
- Lighting, as we replace lights keep in mind what it would take to put in a dark sky light. If not that costly then why not consider it in replacement lighting.
- Commented on water conservation conversation with Jason. Impressed and excited to see it moving forward.
 - Jason Patin – currently testing the smart water system thru Rain Bird

Chip Holloway

- Previously brought proposals for water conservation, grants, registrations, and USA Swimming and am glad to see you are being proactive on these areas that we have wanted to see for a long time. A lot less complaints are being received
- ADA compliance is a major problem and now have to deal with the changes made in 2013 by federal government
- You are doing a great job.

Dan Clark

- To those who doubted your ability and resigned the council to take this on, you have done a wonderful job.
- Will you be attending the parks conference to learn what is happening at other places?
 - Jason Patin – hope to attend one this fall.
- Recommend you attend a conference and bring back some new ideas for our community.

CONSENT CALENDAR

3. Approval By Minute Motion Of Designation Of Authorizing Agents For California Emergency Management Agency To Obtain Federal Financial Assistance Speer
4. Approve A Resolution To Amend The Professional Services Agreement With The Engineer Of Record, Mark Thomas & Company, For Right Of Way Acquisition And Surveying Of The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Approve The Amendment Speer
5. A Resolution Formally Approving A Vendor Solicitation Policy And Procedure For The City Of Ridgecrest Speer
6. Approve A Resolution Approving The City's Appropriations Limit Of \$19,667,895 For Fiscal Year 2014-15 (GANN Limit) McQuiston
7. Approve A Resolution Authorizing A Proclamation For Linda Estrada Holloway
 - Item No. 7 was moved to the presentation section of the meeting prior to approval of the agenda
8. Approval Of Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment/Financing Authority/Housing Authority Minutes For Meeting Date August 6, 2014 Ford

Items Pulled From Consent Calendar

- Item Nos. 4, 5, and 6

Motion To Approve Consent Calendar Items Nos. 3 and 8 as amended Made By Council Member, Second By Council Member. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, and Morgan); 0 Noes; 0 Abstain; 0 Absent.

Item No. 4 Discussion

Ron Porter

- Commented on these changes normally being done with the project. Why spending additional money for something that should have been part of the original contract
 - Dennis Speer – correct, responded with explanation.

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Ron Porter *(continued)*

- Appears someone either failed or it was hung up due to funding. These are big pieces that should have been part of the original plan and survey.
 - Loren Culp - Part of the discovery process that was prompted by the guide poles and guide wires. Trying to perfect these and in looking in the record information found ambiguity that revealed certain rights of ways were not present. Trying to clean up now.
- Did we pay an engineer to survey this and if so, why are we paying for it again.
 - Loren Culp - Right of ways the record information indicated the right of way was there and the title information was not pulled. We pursued those we did need right of way and obtained them but only when we had issues with SCE on pole placements that we discovered these right-of-ways were necessary.

Steve Morgan

- If not required to put a guide pole outside the street bed, we would not have found this discrepancy.
 - Loren Culp - Correct

Mike Neel

- Funds coming from contingency and does anyone know what will be left after this expenditure.
 - Loren Culp – continually accounting for minor expenditures so requires further accounting to give an accurate accounting.

Item No. 5 discussion

Dave Matthews

- Are these vendors which provide City services and supplies or something else?
 - Dennis Speer – vendors who approach the City regarding their services or products.

Item No. 6 discussion

Chip Holloway

- Is this another indicator that General Fund balance is below typical standards
 - Rachelle McQuiston – cities would save/hoard money and appropriations skyrocketed. Taxpayers requested money back. Everyone is now within the GANN limit because everyone is cutting back.

Motion To Approve Consent Calendar Items Nos. 4, 5, And 6 Made By Council Member Morgan, Second By Council Member Acton. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, and Morgan; 0 Noes; 0 Abstain; 0 Absent.

ORDINANCES

Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflict Of Interest **Lemieux**

Michael Silander

- Presented staff report

Dan Clark

- Called for comments from Council Members and public
 - None presented

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflict Of Interest Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; And 0 Absent

Requires A Second

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflict Of Interest Made By Council Member Holloway, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; And 0 Absent

Requires A Second

COMMITTEE REPORTS

Activate Community Talents And Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Jim Sanders, Dan Clark

Meetings: 3rd Tuesday of the Month at 4:00 P.M., Kerr-McGee Center

Next Meeting: To Be Announced

Jim Sanders

- No report

Veterans Advisory Committee

Members: Dan Clark

Meetings: 1st and 3rd Monday of the Month At 6:00 p.m., Council Conference Room

Next Meeting: To Be Announced

Dan Clark

- Shared suggested activities other veterans organizations are doing to honor veterans with stars from flags

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Chip Holloway

Meetings: 1st Wednesday Of The Month, 8:00 A.M.

Next Meeting: Date And Location To Be Announced

Chip Holloway

- No report

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- none

CITY MANAGER REPORT

Dennis Speer

- Ridgecrest Blvd. closures due to Caltrans permit requirements during construction near the intersection of China Lake Blvd. and Ridgecrest Blvd.
- Recently completed new road on Sunland between Upjohn and Bowman and will be open next week.
 - Mayor Clark – receive a lot of compliments regarding Sunland from residents.
- Information desk is short staffed and encouraged volunteers to come forward.

MAYOR AND COUNCIL COMMENTS

Steven Morgan

- To Renee Westalusk – City does need to research what copy service and office supply services are available. Will be difficult to replace Staples and staff is discussing the situation. We used to have a really nice stationary store which went out of business because other businesses came in and they couldn't compete.
- Parade of 1000 flags and Ridge fundraiser dinner coming up September 6. Encouraged community to participate
- Small changes to Municipal Code have been made with regard to zoning and staff interaction

MINUTES - CITY COUNCIL - REGULAR

August 20, 2014

Page 15 of 16

- Caltrans and SCE got pounded on a blog site about how we are supposed to be cooperative. Will not apologize to all the utilities that have caused all these problems for west Ridgecrest Blvd. Caltrans couldn't tell us earlier? Can't blame council for the negligence of the utilities.
- No quorum for September 3 meeting so meeting will be cancelled.
- Find some of the things going on already in the election cycle amusing. Found out today that a candidate has gotten his attorney to object to what I have as a job with my name. Some people say one thing and do another. Will be turning my cell phone off for the next 5 days.

Lori Acton

- To all the young gentlemen who spoke on the BMX and skate park. Learned recently about bike polo and hope we can accommodate the youth. Need to encourage them when they want to do something that is good.
- Linda Estrada is a wonderful woman. 20 years ago she taught me what it was like to be a strong woman and to excel
- Met with BLM and County about the class 1 bike path. Hopefully can work on the one section that no one knows who owns
- Good night.

Jim Sanders

- Good meeting tonight.
- 14 hours of back to back meetings, worst day of my life.
- Happy to see Mr. Herrera from Fresno State to show us their economic development program. Willing to get the public involved in the strategy of economic development. Very little involvement when hiring a consultant and this sounds like we will have more involvement and can craft our strategy
- Discussions on water with Mr. Speer and Mr. Patin. Trying to get the information and get conversations going but seems like we have some good possibilities. Council has talked about opportunities with wastewater and more will come. Want to look at selling non-potable water as a possibility. Need to keep all options open and confident we will find some solutions to the water crisis. We are only one stakeholder in this valley and will be up to each stakeholder to find their solutions. We will do our part and look into it and find as many solutions as possible.

Chip Holloway

- Last council meeting questions, can we hold any of the utilities liable for the cost their delays are creating. Business owners may have a possibility but can we do anything.
 - Dennis Speer – will approach the question with the attorney
- Suggested project for Mr. O'Neill, League of California Cities beta test program California Municipal Health Diagnostic.
- Most frustrating thing of an election is the constant reminder or realization from people. Tons of hours are spent of these ideas and you defend your efforts, then people bring the idea up again, is very frustrating.

MINUTES - CITY COUNCIL - REGULAR

August 20, 2014

Page 16 of 16

Chip Holloway *(continued)*

- Change is a process and not an event. Most people look at election as the event that will save the City. Commented on the possibility of very little corporate knowledge moving forward which is scary.
- Attended the Global leadership conference at crossroads and related a story told by Carly Fiorina.

Dan Clark

- Tom, Randy, Peggy, appreciate you being at council. if you want to be a competent candidate you need to be willing to sit thru the entire meeting and read the agenda packet. Consistency and education, and take this job seriously.
- Regarding Staples. They committed to stay another year if we increased sales. We didn't go to their store but ordered it online. Will probably not be talking to their CEO. We as a community need to learn that in the days of online shopping, we need to look at the businesses in town and utilize their supplies.
- Was interviewed by Robert and Al which was a positive experience. Encouraged Council Members to participate.
- It hurts our community when we degrade our public servants or candidates and hold a campaign that is not honorable. Takes a ton of time to sit up here and a ton of commitment to be a candidate. Take my hat off to all the candidates. I admire anyone who is dedicated to their community as a public servant.
- September 3 council meeting will be cancelled due to lack of quorum.
- Petroglyph Committee did presentation to the Chamber Of Commerce. If successful will be bringing in new money to this community. Estimates of 6000-7000 people coming into the community for the festival. Meeting dates are August 26 and September 9 & 23, every week in October and first part of November. Meetings are at City Hall, 9:00am on those dates.
- Complimentary tickets to the R. Carlos Nikkei concert given to each Council Member and City manager.
- Thanked community for sharing comments and listening to decision making process.

ADJOURNMENT at 9:40 pm

Rachel J. Ford, CMC
City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Second Reading and Adoption, Ordinance No. 14-01, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflicts Of Interest

PRESENTED BY:

Keith Lemieux – City Attorney

SUMMARY:

The Political Reform Act, Government Code Section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, division 6, Section 18730 (hereinafter "CCR 18730"), which contains the terms of a standard conflict of interest code

This ordinance amends Section 2-8.102 of the Ridgecrest Municipal Code and reinforces the employee and elected classifications required to file disclosure information with the FPPC.

The ordinance was brought before council at the regular meeting of August 20, 2014. A summary of the ordinance and notice of public hearing was duly published by the City Clerk and the ordinance is brought before council today for second reading and adoption. This ordinance requires the following two motions:

1. *Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No 14-01, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflicts Of Interest.*

Requires A Second

2. *Motion To Adopt, By Title Only, Ordinance No. 14-01, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Conflicts Of Interest.*

Requires A Second

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Approve the aforementioned motions

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: approve two motions as listed above.

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ORDINANCE NO. 14-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST
AMENDING THE RIDGECREST MUNICIPAL CODE
AS IT RELATES TO CONFLICTS OF INTEREST**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:

Section 1. Purpose.

This ordinance amends Section 2-8.102 of the Ridgecrest Municipal Code.

Section 2. Amendment.

Section 2-8.102 of the Ridgecrest Municipal Code is amended and reenacted to read as follows:

"2-8.102. - Conflicts of Interest

(a) The Political Reform Act, Government Code Section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, division 6, Section 18730 (hereinafter "CCR 18730"), which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and along with the list of designated individuals in which members and employees are designated and disclosure categories are set forth constitute the conflict of interest code of City of Ridgecrest.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the Directors, the agency shall make and retain a copy and forward the original of these statements to the Clerk of the Board of Supervisors. The original statements for all other designated employees will be retained by the agency.

(b) The following categories are established for the purpose of conflicts of interest disclosure:

Category 1. Persons in this category shall disclose all investments, business positions and sources of income, including gifts, loans and travel payments.

Category 2. Persons in this category shall disclose all interests in real property within the City's jurisdiction. The definition of "interests in real property," as used herein, can be found in the Political Reform Act. (See Government Code Section 82033.)

Category 3. Persons in this category shall disclose all income (including gifts, travel payments and loans) from investments in and business positions with business sources that provide leased facilities, manufacture, provide or sell services (including consulting

and training services) and/or supplies (including goods, equipment, vehicles or machinery) of a type utilized by the City and associated with the job assignment of designated positions assigned this disclosure category. The definitions for "income and gift," as used herein, can be found in the Political Reform Act. (See Government Code Section 82028 and 82034.)

Category 4. Persons in this category shall disclose all investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before the City and associated with the job assignment of designated positions assigned this disclosure category.

(c) The following employees, hereinafter "designated employees," shall file disclosure statements for all categories of disclosure:

- Chief of Police
- City Clerk
- Community and Economic Development Director
- Recreation Supervisor
- Public Works Director
- City Engineer
- Captains
- Support Services Manager
- Public Works Supervisor
- Wastewater Treatment Supervisor
- Chief Building Official
- Building Inspector(s)
- Associate Planner
- Assistant Planner
- Planning Technician
- City Manager
- Oversight Board members
- City council members
- Elected Mayor
- Administrative Services Director
- City Planner

And all designated employees appointed on interim or temporary duty for these listed positions.

(d) Consultants shall file conflict of interest disclosure statements for categories of disclosure affected by the consultant's work as determined by the City Manager. As used herein, the term "consultants" refers to persons identified as consultants under the regulations of the Fair Political Practices Commission. The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code."

Section 3. Other.

This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published as set forth below.

At least five (5) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and public locations in the City; and a notice shall be published once in a newspaper of general circulation in the City of Ridgecrest, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted. Within fifteen (15) days following final adoption, a summary of the Ordinance with the names of the council members and votes shall be published in a newspaper of general circulation.

Introduced and first read at a meeting of the City Council of the City of Ridgecrest held the _____ day of August, 2014.

PASSED AND ADOPTED at a regular meeting of said City Council held on _____, 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dan Clark, Mayor

ATTEST:

Rachel J. Ford, City Clerk

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August 21, 2014

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY OF RIDGECREST CITY COUNCIL IN THE COUNCIL CHAMBERS OF CITY HALL, 100 W. CALIFORNIA AVENUE, RIDGECREST, CALIFORNIA ON WEDNESDAY, SEPTEMBER 17, 2014 AT 6:00 P.M. OR AS SOON THEREAFTER AS THE MATTERS MAY BE HEARD.

UNDER CONSIDERATION WILL BE a public hearing to receive comments related to Ordinance No. 14-01, an Ordinance of the City Council of the City of Ridgecrest amending and reenacting Section 2-8.102 of the Ridgecrest Municipal Code by establishing designated employees who shall file conflict of interest disclosure statements pursuant to The Fair Political Practices Commission (FPPC) adopted regulation, California Code of Regulations, Title 2, division 6, Section 18730 (CCR 18730)

All interested persons are invited to attend and present testimony.

CITY OF RIDGECREST

Rachel J. Ford, CMC
City Clerk

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CITY OF RIDGECREST

PUBLIC NOTICE

SUMMARY OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO CONFLICTS OF INTEREST

INTRODUCTION:

Under Government Code Section 36933 (c) (1), the City may publish a summary of a proposed ordinance or a proposed amendment to an ordinance provided that a summary of the proposal is prepared by the person designated by the City Council and provided further that the summary is published at least five (5) days prior to adoption of the proposal and within fifteen (15) days after the adoption with the names of the Council Members voting for and against the proposal. This summary of a proposed amendment to the Ridgecrest Municipal Code is pursuant to Government Code Section 36933 (c) (1). A CERTIFIED COPY OF THE FULL TEXT OF THE PROPOSAL IS AVAILABLE FOR INSPECTION IN THE OFFICE OF THE CITY CLERK, CITY HALL, 100 WEST CALIFORNIA AVENUE, RIDGECREST, CA.

TITLE:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO CONFLICTS OF INTEREST"

At their regular meeting on August 20, 2014, the City Council approved this ordinance on first reading and authorized and instructed the City Clerk to prepare a summary for publication. Approval on 2nd reading, by title only, will be considered at the Regular City Council meeting to be held on September 17, 2014

GENERAL SUMMARY:

This Ordinance amends and reenacts Section 2-8.102 of the Ridgecrest Municipal Code by establishing designated employees who shall file conflict of interest disclosure statements pursuant to The Fair Political Practices Commission (FPPC) adopted regulation, California Code of Regulations, Title 2, division 6, Section 18730 (CCR 18730)

City of Ridgecrest



Rachel J. Ford, CMC
City Clerk

Dated: August 21, 2014

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Adopt a resolution of support for the Kern Citizens for Energy Coalition

PRESENTED BY:

Chip Holloway – Vice Mayor

SUMMARY:

Kern Citizens for Energy is a coalition comprised of small businesses, non-profit groups, local legislators; and concerned citizens who are dedicated to ensuring and preserving the Kern County Oil and Gas industry as a viable source of revenue and employment for the future.

It is imperative that we maintain local control over regulations that could otherwise decrease, divert, or even eliminate this resource from the citizens of Kern County.

This item was placed before council at the request of Vice Mayor Chip Holloway, requesting their support of the Kern Citizens for Energy Coalition.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Approve a resolution of support for the Kern Citizens for Energy Coalition

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as presented

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RESOLUTION NO. 14-XX

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL SUPPORTING KERN
CITIZENS FOR ENERGY**

WHEREAS, the oil and gas industry makes enormous contributions in Kern County, the state of California and throughout the nation in the form of jobs, tax revenues and philanthropy; and

WHEREAS, in Kern County, the oil and gas industry provides jobs for nearly 50,000 people; and

WHEREAS, the industry contributes \$400 million in annual Kern County property taxes; and

WHEREAS, oil and gas supplies more than \$4 billion in income to families each year; and

WHEREAS, at more than \$6.6 billion, the oil industry is responsible for nearly 20% of Kern County's gross domestic product (GDP); and

WHEREAS, the Kern County planning department is currently analyzing petroleum production in the county to ensure that we maintain local control of decision making; and

WHEREAS, the petroleum industry also contributes nearly \$300 million in sales tax annually; and

WHEREAS, a resource abundant California currently imports a disappointing 67% of our total energy needs; and

WHEREAS, taking advantage of the rich resources right beneath us will provide job opportunities for our residents in Kern County and across the state;

NOW THEREFORE BE IT RESOLVED, the city council of the city of ridgecrest supports Kern Citizens for Energy

APPROVED AND ADOPTED this 17th day of September by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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Kern Citizens for
Energy

KNOW THE FACTS



Kern Citizens for Energy is a coalition of small business owners, nonprofits, chambers of commerce, taxpayer advocates, energy companies, local elected officials and residents who support a robust oil and gas industry in Kern County. Our coalition exists to champion this important industry and the thousands of men and women who work in the oil and gas sector in Kern County.

Local oil and gas production will continue to provide jobs, reduce our dependence on foreign oil, and increase revenues for Kern County schools, roads and public safety.

Oil and gas production has been taking place in Kern County for over a century, governed during that time by an ever-increasing body of regulations—including air quality, water quality, endangered

species protections, and greenhouse gas reduction requirements.

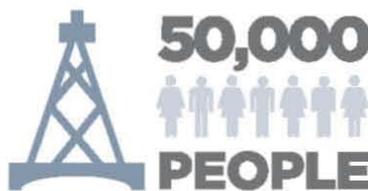
The Kern County planning department is currently analyzing petroleum production in the county to ensure that we maintain local control of decision-making and that all environmental and safety precautions are in place so that the industry can provide jobs and drive the economy in Kern for decades to come.

California has abundant natural resources yet we currently import



of our total energy needs. Taking advantage of the rich resources right beneath us will provide job opportunities for those in our own state.

In Kern County the oil and gas industry provides jobs for nearly



50,000



PEOPLE

The industry contributes \$400 million dollars in annual Kern County property taxes. These revenues represent nearly



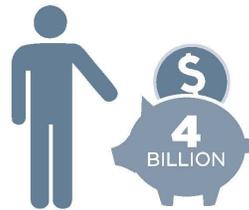
of all property taxes paid and support our local schools, roads and public safety.



Kern Citizens for
Energy



The petroleum industry contributes nearly \$300 million in sales tax annually.



Oil and gas production accounts for more than \$4 billion in income to Kern County families each year. This is nearly twice the annual budget for the entire county!



At more than \$6.6 billion dollars, the oil industry is responsible for nearly 20% of Kern County's gross domestic product (GDP).

WHAT CAN YOU DO?

Join our coalition today and show your support for the thousands of current and future jobs provided to our community by the oil and gas industry!

Go to **www.KernCitizensforEnergy.com** and add your name to our growing list of supporters. We will keep you updated on the issues and additional ways for you to get involved.

Questions? info@KernCitizensforEnergy.com



Kern Citizens for Energy

We, the undersigned, support Kern Citizens for Energy. We support local oil and gas production conducted in an environmentally responsible manner in order to reduce our dependence on foreign oil, provide local jobs and increase revenues for Kern County schools, roads and public safety. The Kern County oil and gas industry is a vital part of our local economy and we are committed to its continued success.

We thank the Kern County Board of Supervisors for their support of our local oil and gas industry and encourage the establishment of a sound and reasonable regulatory framework based on science, so that the industry might continue to operate safely and productively for the benefit of the citizens of Kern County and the state.

.....

YES! I / We support job creation and energy independence.

I would like to join the Kern Citizens for Energy coalition and you may use my information publicly.

Organization Name (if organization supporting): _____

Name: _____

Company Name or Employer: _____

Title: _____

Address: _____

Phone Number: _____

Email Address: _____

Signature (required): _____

Please contact me so I can help.

Fax completed form to 661.327.1697 or email to info@KernCitizensforEnergy.com.

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Adopt A Resolution Of The City Council Of The City Of Ridgecrest, County Of Kern, State Of California Approving Revision Of Countywide Siting Element Of The Kern County And Incorporated Cities Integrated Waste Management Plan

PRESENTED BY:

Dennis Speer – City Manager

SUMMARY:

City of Ridgecrest received a letter dated August 4, 2014 (Attachment A) requesting to set a public hearing for consideration of the proposed revision of the Countywide Siting Element (CSE) of the Kern County and Incorporated Cities Integrated Waste Management Plan.

Public Resources Code (PRC) requires that revisions to the CSE also be approved by "a majority of the cities within the county which contain a majority of the population." Thus, the Kern County Waste Management Department (KCWMD) has requested consideration of the revised CSE.

Additionally, a letter dated August 13, 2014 (Attachment B) was received informing the City that the Local Task Force (LTF) reviewed and considered the proposed revision of the CSE at its regularly scheduled meeting on August 8, 2014. The LTF written comment is attached for your review in accordance with CCR §18781 (a)(2).

A copy of the proposed siting element is included as Attachment C

The City Clerk has duly published and posted the notice of public hearing (Attachment D) as required.

FISCAL IMPACT:

No Fiscal Impact Determined
Reviewed by Finance Director

ACTION REQUESTED:

Council is requested to review the amended Siting Element and approve as presented.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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RESOLUTION NO. 14-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA APPROVING REVISION OF COUNTYWIDE SITING ELEMENT OF THE KERN COUNTY AND INCORPORATED CITIES INTEGRATED WASTE MANAGEMENT PLAN

Section 1. Whereas:

- (a) The California Integrated Waste Management Act of 1989 (AB939) mandated that each county in the State of California adopt a Siting Element as part of those jurisdictions' Countywide Integrated Waste Management Plan; and
- (b) The Countywide Siting Element is to include criteria for the siting of solid waste disposal, transformation, and engineered municipal solid waste (EMSW) conversion facilities that are needed to implement the County's Source Reduction and Recycling Element; and
- (c) The Kern County Waste Management Department, proposes to revise the text of the Countywide Siting Element to include necessary updates, a description of areas to be used for the development of EMSW conversion facilities, as required by Assembly Bill 1126, and to maintain consistency between the Countywide Siting Element and the recently amended Appendix F of the Kern County General Plan; and
- (d) The Kern County Waste Management Department has reviewed the requested action in accordance with the California Environmental Quality Act (CEQA). It can be seen with certainty that there is no possibility that the requested action may have a significant effect on the environment and qualifies for an exemption as specified in CEQA §15061(b)(3); and
- (e) On August 8, 2014, the Solid Waste Management Advisory Committee (Countywide Integrated Waste Management Planning Local Task Force) found the revisions to the Countywide Siting Element to be adequate and to satisfy the requirements of State laws and regulations; and
- (f) The City Clerk has caused notice to be duly given of the public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the City Clerk; and
- (g) During said hearing this Council duly considered the revisions to the text of the Countywide Siting Element and the recommendations of the Kern County Waste Management Department; and

(h) Said public hearing has been duly and timely conducted and before making any considerations of the proposal on its merits, this Council called for any objections or comments on said revisions of the text of the Countywide Siting Element and recommendations aforementioned and all persons desiring to be heard in said matter have been duly heard, and this Council having considered all testimony presented during said public hearing, and said public hearing have been conducted.

Section 2. NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest, State of California, hereby finds, determines, declares, orders, and resolves as follows:

1. This Council finds the facts recited hereinabove are true and further finds that this Council has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. This Countywide Siting Element is hereby approved as recommended by Staff and including modifications by this Council made during today's hearing.
3. The City Clerk shall cause copies of this Resolution to be sent to Katrina Slayton of the Kern County Waste Management Department.

APPROVED AND ADOPTED this 17th day of September, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

**BEFORE THE CITY COUNCIL OF THE CITY OF RIDGECREST
COUNTY OF KERN, STATE OF CALIFORNIA**

Resolution No.: 14-xx
In the matter of:

**REVISIONS OF COUNTYWIDE SITING ELEMENT OF THE KERN
COUNTY AND INCORPORATED CITIES INTEGRATED WASTE
MANAGEMENT PLAN**

I, Rachel J. Ford, CMC, City Clerk of the City of Ridgecrest of the County of Kern, State of California, hereby certify that the following resolution, on motion by Councilmember _____, seconded by Councilmember _____, was duly and regularly adopted by the City Council of the City of Ridgecrest at an official meeting thereof on the 17th day of September, 2014, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

Rachel J. Ford, CMC
City Clerk of the City of Ridgecrest
County of Kern, State of California

Deputy

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**KERN COUNTY WASTE MANAGEMENT DEPARTMENT**

Douglas E. Landon, Director
2700 "M" Street, Suite 500
Bakersfield, CA 93301-2372
(661) 862-8900
(800) 552-KERN (option 6)
Fax: (661) 862-8905
<http://www.kerncountywaste.com>

August 4, 2014

CERTIFIED MAIL

City of Ridgecrest
100 West California Ave.
Ridgecrest, CA 93555-4054
Attn: Rachel Ford

Dear Members of the City Council,

RE: Request to Set Public Hearing For Consideration of Proposed Revision of the Countywide Siting Element of the Kern County and Incorporated Cities Integrated Waste Management Plan

Summary

This is a request to set a public hearing for consideration of the proposed revision of the Countywide Siting Element (CSE) of the Kern County and Incorporated Cities Integrated Waste Management Plan. Public Resources Code (PRC) requires that revisions to the CSE also be approved by "a majority of the cities within the county which contain a majority of the population." Thus, the Kern County Waste Management Department (KCWMD) has requested your consideration of the revised CSE.

Background

Pursuant to PRC §41700, the CSE was originally approved by the incorporated cities and adopted by the Kern County Board of Supervisors on April 23, 1996 and revised September 4, 2004. KCWMD is proposing to again revise the CSE to include a description of areas to be used for the development of engineered municipal solid waste (EMSW) conversion facilities, as required by PRC recently amended by Assembly Bill 1126, and to maintain consistency between the CSE and the recently amended Appendix F of the Kern County General Plan.

The passage of AB 1126 (approved by the Governor on September 28, 2013 and effective January 1, 2014) amended the PRC to define the terms "EMSW conversion" and "EMSW conversion facility," and made conforming changes to existing definitions with regard to those operations and facilities. The bill additionally excluded EMSW conversion from the definition of transformation, and allows for a transformation facility that meets specified requirements related to EMSW conversion to elect to be considered an EMSW facility for purposes of the California Integrated Waste Management Act of 1989 (AB 939). The act requires the Integrated Waste Management Plan adopted by a county to include a CSE that provides a description of the areas to be used for the development of certain facilities. AB 1126 requires CSEs

be revised to include a description of areas to be used for the development of EMSW conversion.

The Kern County General Plan Appendix F was amended in 2013 providing additional criteria for the siting and designation of certain waste-to-energy facilities. The proposed revision of the CSE will ensure consistency with the Kern County General Plan, as required by PRC.

Countywide Siting Element Revision Process

The process for revising the CSE requires review and comment by the Solid Waste Management Advisory Committee Local Task Force (LTF) prior to the incorporated cities approval of the revision. The LTF will review this project at a meeting on August 8, 2014. The comments of the LTF will be forwarded to each city soon thereafter.

The KCWMD is planning for this revision to be submitted to the Kern County Board of Supervisors in September 2014 to allow for the minimum 30-day public notice per California Code of Regulations (CCR) §18782. The Board will hold a public hearing in October or November to consider this revision of the CSE.

PRC §41721 requires that revisions to the CSE also be approved by “a majority of the cities within the county which contain a majority of the population.” Thus, the KCWMD has requested your consideration of the CSE.

Packet of Information for City’s Consideration

In accordance with CCR §18788(b)(2) and §18780(a), KCWMD hereby submits a packet of information to your city by certified mail. The packet contains the following material needed for the City to take action on this matter:

- This letter to your council detailing the process and requesting action within 90 days
- Draft Notice of Publication (requiring 30 day-notice in a local newspaper of “general circulation” prior to the public hearing per CCR §18782(b))
- Draft resolution approving the revision
- Complete version of the revised CSE. Revisions made to the CSE are to:
 - Include text regarding EMSW conversion, in compliance with AB 1126.
 - Ensure consistency with the Kern County General Plan Appendix F as amended to provide that facilities designated to convert waste into useable energy (i.e. transformation or EMSW conversion facilities) shall not require the 3.7 land use designation as allowed by the General Plan.
 - Update outdated text.

Approval Information

The Board and your City Council may not “disapprove a proposed amendment unless it determines, based on substantial evidence in the record, that the amendment would cause one or more significant adverse impacts within its boundaries from the proposed project” (PRC §41721.5(e)).

As stated in the referenced statutes, if any city fails to take action within 90 days, then the amendment is deemed approved by that city.

Revisions of the CSE are subject to the California Environmental Quality Act (CEQA). The Kern County Waste Management Department has reviewed the requested action in accordance with CEQA. It can be seen with certainty that there is no possibility that the requested action may have a significant effect on the environment and qualifies for an exemption as specified in CEQA §15061(b)(3).

Please contact Katrina Slayton at (661) 862-8810 if you have any questions and with the date of your city council hearing so that the KCWMD may have someone in attendance.

Therefore, **IT IS RECOMMENDED** that your City: 1) direct the City Clerk to publish the hearing notice in a local newspaper; 2) hold a public hearing (more than 30 days after publication but less than 90 days of the receipt of this packet); 3) consider adoption of a resolution approving revisions to the text of the Kern Countywide Siting Element of the Countywide Integrated Waste Management Plan; and 4) direct the City Clerk to send one copy of each of the Proof of Publication and the signed resolution to the KCWMD (Attn: Katrina Slayton).

Sincerely,



Katrina A. Slayton
Waste Management Supervisor

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Attachment: Hearing Notice, Resolution, Revised CSE

cc: County Administrative Office;
County Counsel
EHSD
WMD SITING

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KERN COUNTY WASTE MANAGEMENT DEPARTMENT

Douglas E. Landon, Director
2700 "M" Street, Suite 500
Bakersfield, CA 93301-2372
(661) 862-8900
(800) 552-KERN (option 6)
Fax: (661) 862-8905
<http://www.kerncountywaste.com>

August 13, 2014

Rachel Ford
City of Ridgecrest
100 West California Avenue
Ridgecrest CA 93555-4054

Dear Members of the City Council:

**SUBJECT: PROPOSED REVISION OF THE COUNTYWIDE SITING ELEMENT
OF THE KERN COUNTY AND INCORPORATED CITIES
INTEGRATED WASTE MANAGEMENT PLAN – LOCAL TASK
FORCE WRITTEN COMMENT**

On August 4, 2014, your Council was provided a written request to set a public hearing for consideration of the proposed revision of the Countywide Siting Element (CSE) of the Kern County and Incorporated Cities Integrated Waste Management Plan. California Code of Regulation (CCR) §18781(a)(2) requires the Kern County Local Task Force (LTF) review and submit written comment on the proposed revision of the CSE to each incorporated city within the county. The LTF reviewed and considered the proposed revision of the CSE at its regularly scheduled meeting on August 8, 2014. The LTF written comment is attached for your review in accordance with CCR §18781(a)(2).

Please contact me at (661) 862-8810 or slaytonk@co.kern.ca.us if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katrina A. Slayton".

Katrina A. Slayton
Waste Management Supervisor

I:\CLERICAL\LETTERS\2014\2014-195 Kat_ys.docx
Attachments: LTF Comment – 8/8/2014
cc: WMD SITING

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE AND LOCAL TASK FORCE



August 8, 2014

Kern County Board of Supervisors
County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

Dear Members of the County Board of Supervisors:

Subject: PROPOSED REVISION OF THE COUNTYWIDE SITING ELEMENT OF THE KERN COUNTY AND INCORPORATED CITIES INTEGRATED WASTE MANAGEMENT PLAN

The Kern County Local Task Force (LTF) at its regularly scheduled meeting on August 8, 2014, reviewed and considered the proposed revision of the Countywide Siting Element (CSE) of the Kern County and Incorporated Cities Integrated Waste Management Plan in compliance with California Code of Regulations (CCR) Title 14, §18780(a).

The proposed revision will update the CSE to:

- Include a description of areas to be used for the development of adequate engineered municipal solid waste (EMSW) conversion, as required by Public Resources Code.
- Ensure CSE consistency with the recent amendment to the Kern County General Plan, Appendix F, as required by California Government Code.
- Include updated information from the 2013 Kern County Infrastructure Plan, prepared by the Kern County Waste Management Department.
- Update the descriptions and remaining capacity of existing solid waste facilities.
- Update other text to reflect changes that have been made since the previous CSE revision in 2004.

The LTF concurs with the proposed revisions to the CSE and directs staff to submit the proposed revision to the incorporated cities and the Kern County Board of Supervisors for consideration.

The LTF hereby submits this comment to the Board of Supervisors, the City Councils of the incorporated cities and California Department of Resources Recycling and Recovery (CalRecycle) in accordance with CCR §18781(a)(1-2,4).

Sincerely,

Michael Geyer, Chairman
Kern County Local Task Force

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cc: County Administrative Office
County Counsel
Environmental Health Svcs
Incorporated Cities
WMD-Siting

MEMBERS

ASSOCIATION OF CITIES
City of Tehachapi
Ed Grimes

BAKERSFIELD CITY COUNCIL
Councilman Ken Weir

COUNTY OF KERN
Supervisor David Couch

COUNTY OF KERN
Supervisor Leticia Perez

FRANCHISE HAULERS,
METRO-BAKERSFIELD
Larry Moxley

FRANCHISE HAULERS,
NON-METRO BAKERSFIELD
Bob Hampton

PUBLIC-AT-LARGE,
NON-UNIVERSAL COLLECTION AREA
Michael Geyer (Chairman)

PUBLIC-AT-LARGE,
UNIVERSAL COLLECTION AREA
John Duffy (Vice-Chair)

RECYCLER
Michael Shain

ALTERNATE MEMBERS

ASSOCIATION OF CITIES
(Not Designated)

BAKERSFIELD CITY COUNCIL
Councilman Terry Maxwell

COUNTY OF KERN
Supervisor Mick Gleason

c/o Kern County Waste Management Department
2700 "M" Street, Suite 500, Bakersfield, CA 93301 (661) 862-8900

KERN COUNTY AND INCORPORATED CITIES INTEGRATED WASTE MANAGEMENT PLAN

Countywide Siting Element



DOUGLAS E. LANDON, DIRECTOR
Waste Management Department
2700 M Street, Suite 500
Bakersfield, CA 93301

Printed on Recycled Paper 

April 23, 1996
Revised October 2014

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Appendix A	Siting Element Regulations
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Appendix J	Kern County General Plan – Solid Waste Disposal Facilities (from Appendices E and F of General Plan)
Appendix K	Kern County Environmental Checklist Form
Appendix L	Land Uses Appropriate for Solid Waste Management Facilities and Adjacent Property
Appendix M	Amendments to the Siting Element (Class II Facilities)

1 PURPOSE

The California Integrated Waste Management Act of 1989 (AB 939) redefined solid waste management concerning both objectives and planning responsibilities for local jurisdictions and the State of California. AB 939 required cities and counties to reduce solid waste disposal 25 percent by January 1, 1995 and 50 percent by January 1, 2000. The law and subsequent legislations also established a hierarchy that the local jurisdictions must comply with to address waste management issues. This planning hierarchy includes, in order of priority, source reduction and material reuse, recycling and composting, and solid waste disposal including landfill disposal, transformation, and engineered municipal solid waste (EMSW) conversion.

To carry out waste management according to this hierarchy, California Public Resources Code (PRC) required each local jurisdiction to prepare and implement the following solid waste elements:

- Source Reduction and Recycling Element (SRRE)
- Household Hazardous Waste Element (HHWE)
- Non-disposal Facility Element (NDFE)

In addition, PRC required each county to prepare a Countywide Integrated Waste Management Plan (CIWMP) consisting of all the SRREs, HHWEs and NDFEs of jurisdictions within the county; a Countywide Siting Element (CSE); and a Countywide Integrated Waste Management Summary Plan (Summary Plan).

1.1 Statutory and Regulatory Overview

The basic statutory requirements for the content and format of the CSE are found in Public Resources Code (PRC), §41700-41721.5. These requirements are further clarified in regulations adopted by the California Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, and approved by the Office of Administrative Law for the preparation of a CSE (California Code of Regulation (CCR), Title 14, Division 7, Chapter 9, Article 6.5, §18755 through 18756.7) (Appendix A). CCR Title 14, Division 7, Chapter 9, Article 8.0, §18776 through 18788 contain additional regulations governing the procedures for preparing and revising CSEs.

Statutes and regulations are very specific about the contents of the CSE. The element must prove a countywide minimum of 15 years of combined permitted disposal capacity through existing or planned solid waste landfill disposal, transformation, and EMSW conversion facilities or through additional strategies.

The element must describe and identify the areas, numbers, and types of solid waste disposal facilities. It must also describe the expansion of existing solid waste disposal facilities necessary to provide the 15-year minimum mentioned above. If 15 years of disposal capacity are not available, then the element must discuss strategies for the disposal or diversion of excess waste.

CCR §18755(d) requires that the element contain the following items (see Appendix A for the text of the regulations):

- Goals and Policies (CCR §18755.1)
- Disposal Capacity Requirements (CCR §18755.3)
- Description of Existing Solid Waste Disposal Facilities (CCR §18755.5)
- Criteria for Establishing New or Expanding Existing Solid Waste Disposal Facilities (CCR §18756)
- Proposed Facility Location and Description (CCR §18756.1)
- Consistency with City and County General Plans for New or Expanded Solid Waste Disposal Facilities (CCR §18756.3)
- Strategies for Disposing of Solid Waste in Excess of Capacity When New or Expanded Sites are not Available (CCR §18756.5)
- Siting Element Implementation (CCR §18756.7)

1.2 Background

The original approval of the CSE involved a review of the draft with a later review of the final CSE. Kern County held four public workshops during July 1995. In October 1995, the county's Local Task Force (LTF) received the draft CSE. The California Integrated Waste Management Board (CIWMB) and the incorporated cities in the county received the draft in November and December 1995. Kern County held two additional public workshops on the draft CSE in December 1995. The county received comments during the review period for the draft documents. The LTF approved the original Countywide Siting Element in its final form on April 12, 1996. The Kern County Board of Supervisors approved Resolution Number 96-178, adopting the CSE, on April 23, 1996. The KCWMD, the lead agency in the countywide adoption of the element, notified (between October 27 and December 6, 1995) all eleven incorporated cities of the requirement to adopt the CSE by city council resolution. The CSE was approved by a majority of the incorporated cities having a majority of the population in Kern County.

In 2004, Kern County revised the CSE to:

- Ensure Countywide Siting Element consistency with the Kern County General Plan, as required by California Government Code.
- Accurately state the remaining capacity of existing solid waste landfill disposal or transformation facilities.
- Provide information on public participation in the siting process, as required by PRC §41701(e).

The passage of AB 1126 (approved by the Governor on September 28, 2013 and effective January 1, 2014) amended the PRC to define the terms "EMSW", "EMSW conversion" and "EMSW conversion facility," and made conforming changes to existing definitions with regard to those operations and facilities. The bill additionally excluded EMSW conversion from the definition of transformation, and allows for a transformation facility that meets specified requirements related to EMSW conversion to elect to be considered an EMSW facility for purposes AB 939. AB 1126 requires countywide siting

elements be revised to include a description of areas to be used for the development of adequate EMSW conversion.

Therefore, Kern County proposes the 2014 revisions to the CSE to:

- Include text regarding EMSW conversion, in compliance with AB 1126.
- Ensure consistency with the Kern County General Plan, Appendix F, as amended in 2013. The Kern County General Plan Appendix F was amended to provide that facilities designed to convert waste into usable energy (i.e. transformation or EMSW conversion facilities) shall not require the 3.7 land use designation as allowed by the General Plan.
- Update outdated text.

Documentation of local government approval include, but are not limited to, LTF comments, City Council hearing notices and resolutions of approval or letters stating disapproval, and Kern County Board of Supervisors hearing notice and approval resolution. Appendix B will contain all documentation related to the 2014 CSE revision process prior to the submittal of the CSE to CalRecycle for approval.

2 GOALS AND POLICIES

Kern County recognizes that solid waste facility siting, operations and closure are significant commitments of County resources. In 1995, the County developed a Solid Waste Infrastructure Plan in which regulatory trends from the previous 30 years were evaluated and related to the County's experience in owning and operating landfills. The purpose of the Infrastructure Plan is to thoughtfully develop a comprehensive facility plan to handle the current and future solid waste needs of Kern County while attempting to anticipate and minimize future liabilities. The County concluded that the economies of scale resulting from fewer, but larger, disposal sites would result in more cost effective disposal operations and limit future liability.

The *Solid Waste Infrastructure Plan* (1995 Infrastructure Plan) was first adopted by the Board of Supervisors on August 1, 1995, and provided a blueprint for the Countywide Siting Element. The *2005 Solid Waste Infrastructure Plan* (2005 Infrastructure Plan) updated the 1995 Infrastructure Plan. The *2013 Kern County Solid Waste Infrastructure Plan* (2013 Infrastructure Plan) again updated assumptions as well as the objectives of the 2005 Infrastructure Plan, provided a status update for each objective, outlined emerging issues and system impacts, and updated the implementation schedule. The 2013 Infrastructure Plan can be found in Appendix C.

The primary goal of the Infrastructure Plan is to project the future solid waste facility needs of Kern County. Specific policies, as stated in the Infrastructure Plan, have been established to assist the County obtain this goal. These specific goals and objectives include:

- Provide disposal capacity for at least 15 years for municipal solid waste disposal.
- Respond to growth and waste generation spatial distribution.

- Assess facility options to achieve and maintain mandated source reduction and recycling goals.
- Assess facility options to provide adequate Household Hazardous Waste (HHW) collection and processing countywide.
- Balance level of service with economic and environmental constraints.
- Develop a facility implementation schedule.

Policies, as adopted in the Infrastructure Plan and subsequent updates include:

- Kern County Waste Management Department (KCWMD) will site no new sanitary landfills; instead expand existing disposal facilities only.
- Consolidate County owned disposal sites down to three regional waste management facilities.
 - Recognize and reserve the Shafter-Wasco Integrated Waste Management Facility (IWMF), the Mojave-Rosamond IWMF, and the Bena IWMF as the regional waste management facilities, and designate these facilities for advanced/conversion technologies.
- Protect County owned landfills from encroachment of incompatible uses by acquiring buffer zones around disposal sites.
- Certificates of Participation will no longer be used to finance County capital projects. The Solid Waste Enterprise Fund will accrue capital reserves to fund future capital project.
- Utilize the following guidelines to balance the level of service with economic and environmental constraints.
 - Tailor days and hours of operation commensurate with community demand and usage.
 - Limit volume of waste accepted at transfer stations based on haul distance to nearest disposal site (direct haul-large commercial and franchise loads to nearest landfill).
 - Implement a “30-minute” travel standard for small volume customers as a guideline for facility retention/siting.
 - Provide communities with options to elect alternate levels of service when appropriate.
 - Implement Universal Refuse Collection as appropriate.

3 DISPOSAL CAPACITY REQUIREMENTS

Kern County has more than the required 15 years of capacity as demonstrated in Appendix D. Table D-1 demonstrates the remaining municipal solid waste disposal capacity of County owned public landfills. Private or U.S. Government-owned facilities were not factored in to the countywide municipal solid waste disposal capacity due to limitations on use by the public and lack of contractual obligation. Table D-2 demonstrates the countywide municipal solid waste disposal projection for a 15-year period.

The information in tables D-1 and D-2 is based on the KCWMD 2014 Capacity Study. The Capacity Study is updated annually by the KCWMD, and therefore these tables may be updated to provide more current remaining permitted capacities and/or as

facilities close. Such updates do not constitute a revision of this document and, therefore, do not require approval by the County and by a majority of the cities within the County which contain a majority of the population of the incorporated area of the County.

4 DESCRIPTION OF EXISTING MUNICIPAL SOLID WASTE DISPOSAL FACILITIES

This chapter provides descriptive information for each existing solid waste landfill and non-landfill disposal facility.

A few non county-owned landfills are located in the County. These landfills either serve the special needs of the oil industry or the military, or are limited to a certain material type such as inert wastes. All Information regarding County-owned facilities is based on the 2014 Capacity Study for the individual landfill site. The KCWMD updates the Capacity Study annually. Information regarding non County-owned disposal facilities is taken from the CalRecycle SWIS database: <http://www.calrecycle.ca.gov/SWFacilities/Directory> (accessed July 2014).

Site maps of each facility listed here can be found in Appendix E. The quantities of cubic yards per day and year are based upon current fill efficiency factors and are subject to change. The solid waste facility permits for these facilities contain average and maximum daily disposal rates expressed in tons only.

4.1 Landfill Disposal Facilities

The facility descriptions of facilities amended to this element after its approval date will be in Appendix F.

As disposal facilities identified in this document are certified closed by CalRecycle, their descriptions will be placed in Appendix G. Such updates do not constitute a revision of this document and, therefore, do not require approval by the County and by a majority of the cities within the County which contain a majority of the population of the incorporated area of the County.

American Tire Tech

Owner:	American Tire Tech
Operator:	American Tire Tech
Address:	1316 J Street, Wasco, CA 93280
Solid Waste Facility Permit No.:	15-AA-0346 (Issued October 19, 2004)
Date of Next Permit Review:	Not Available
Projected Closure Date:	Not Available
Estimated Remaining Site Life:	Not Available
Remaining Disposal Capacity:	Not Available

Maximum Permitted Tonnage: 500 tons per day
Permitted Types of Wastes: Accepts inert waste
Post-closure Land Use: Unknown at this time

Bakersfield Metropolitan (Bena) Sanitary Landfill (Phase 2A)

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 2951 Neumarkel Road, Bakersfield, CA 93220
Solid Waste Facility Permit No.: 15-AA-0273 (Issued October 27, 2000)
Date of Last Permit Review: March 29, 2011
Date of Next Permit Review: March 29, 2016
Projected Closure Date: April 2044
Estimated Remaining Site Life: 30.82 years
Remaining Disposal Capacity: 19,091,057 tons (32,454,797 cy)
Maximum Permitted Tonnage: 4,500 tons (7,650 cy) per day
1,620,000 tons (2,754,000 cy) per year
Ave. Rate of Waste Receipt: 1,253 tons (2,130 cy) per day projected for calendar year 2013
Permitted Types of Wastes: Accepts non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, demolition debris, non-friable asbestos, non-hazardous ash, dead animals, and treated wood waste.
Post-closure Land Use: Open Space

Boron Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 11400 Boron Avenue, Boron, CA 93516
Solid Waste Facility Permit No.: 15-AA-0045 (Issued June 19, 2014)
Date of Last Permit Review: June 19, 2014
Date of Next Permit Review: June 19, 2019
Projected Closure Date: August 2048
Estimated Remaining Site Life: 34 years
Remaining Disposal Capacity: 120,239 tons (216,430 cy)

Maximum Permitted Tonnage: 200 tons (360 cy) per day
72,000 tons (129,600 cy) per year

Ave. Rate of Waste Receipt: 14.9 tons (26.8 cy) per day projected for calendar year 2013

Permitted Types of Wastes: Accepts non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, demolition debris, and dead animals.

Post-closure Land Use: Open Space

Edwards Air Force Base – Main Base Landfill

Owner: Department of Defense – United States Air Force

Operator: Department of Defense – United States Air Force

Address: T10N, R10W, Portions of Sections 17, 20, and 21, SBBM

Solid Waste Facility Permit No.: 15-AA-0150 (Issued December 8, 2009)

Date of Last Permit Review: Unknown

Date of Next Permit Review: December 8, 2014

Projected Closure Date: July 2023

Estimated Remaining Site Life: Approximately 9 years

Remaining Disposal Capacity: 1,078,875 cy (as of June 5, 2001)

Maximum Permitted Tonnage: 510 tons per day

Permitted Types of Wastes: Accepts construction/demolition, mixed municipal, green materials, dead animals.

Post-closure Land Use: Unknown at this time.

H.M. Holloway Landfill

Owner: H.M. Holloway, Inc.

Operator: H.M. Holloway, Inc.

Address: 13850 Holloway Road, Lost Hills, CA 93249

Solid Waste Facility Permit No.: 15-AA-0308 (Issued June 4, 2009)

Date of Last Permit Review: June 4, 2009

Date of Next Permit Review: June 4, 2019

Projected Closure Date: 2019

Estimated Remaining Site Life: Approximately 6 years

Remaining Disposal Capacity: 8,350,000 cy (November 1, 2006)

Maximum Permitted Tonnage: 2000 tons per day
72,000 tons (129,600 cy) per year

Ave. Rate of Waste Receipt: 14.9 tons (26.8 cy) per day projected for calendar year 2013

Permitted Types of Wastes: Accepts non-hazardous waste including biosolids, spent sandblast media, cogeneration ash (fly ash), treated auto shredder waste and lime filter cake.

Post-closure Land Use: Unknown at this time.

Mojave-Rosamond Recycling & Sanitary Landfill

Owner: County of Kern

Operator: Kern County Waste Management Department

Address: 400 Silver Queen Road, Mojave, CA 93501

Solid Waste Facility Permit No.: 15-AA-0058 (Issued May 29, 2014)

Date of Last Permit Review: May 29, 2014

Date of Next Permit Review: May 29, 2019

Projected Closure Date: 2123

Estimated Remaining Site Life: 109 years

Remaining Disposal Capacity: 44,900,392 tons (72,793,710 cy)

Maximum Permitted Tonnage: 3,000 tons (5,400 cy) per day
1,080,000 tons (1,944,000 cy) per year

Ave. Rate of Waste Receipt: 45.3 tons (81.5 cy) per day projected for calendar year 2013

Permitted Types of Wastes: Accepts non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, demolition debris, and dead animals.

Post-closure Land Use: Open Space

Ridgecrest Recycling & Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 400 Silver Queen Road, Mojave, CA 93501
Solid Waste Facility Permit No.: 15-AA-0059 (Issued May 19, 2011)
Date of Last Permit Review: May 19, 2011
Date of Next Permit Review: May 19, 2016
Projected Closure Date: May 2049
Estimated Remaining Site Life: 35.38 years
Remaining Disposal Capacity: 2,631,219 tons (4,394,135 cy)
Maximum Permitted Tonnage: 701 tons (1,171 cy) per day
252,360 tons (421,441 cy) per year
Ave. Rate of Waste Receipt: 139 tons (232 cy) per day projected for calendar year 2013
Permitted Types of Wastes: Accepts non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, demolition debris, treated wood waste, non-friable asbestos, and dead animals.
Post-closure Land Use: Open Space

Robinson-Grogg Partnership Disposal Facility

Owner: Robinson-Grogg Partnership
Operator: Robinson-Grogg Partnership
Address: Assessor's Parcel Number 482-010-22
Solid Waste Facility Permit No.: Proposed Facility
Date of Last Permit Review: N/A
Date of Next Permit Review: 5 years from permit approval date
Projected Closure Date: Unknown
Estimated Remaining Site Life: Approximately 10 years; the figures in this profile are estimates provided by the facility owner
Remaining Disposal Capacity: Estimated 3,000,000 cubic yards (reclamation of pre-SMARA borrow pit)
Maximum Permitted Tonnage: Estimated 2,000 tons (cy unknown) per day
720,000 tons (cy unknown) per year
Ave. Rate of Waste Receipt: Proposed facility; no figures on file with LEA

Permitted Types of Wastes: Shredded or baled tires, inorganic demolition debris (glass, brick, tile, soil, rock, cement, concrete and/or asphalt rubble and approved construction/ demolition waste).

Post-closure Land Use: Unknown at this time; this information will be included in the closure/post-closure maintenance plans.

Shafter-Wasco Recycling & Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 17621 Scofield Avenue, Shafter, CA 93263
Solid Waste Facility Permit No.: 15-AA-0057 (Issued February 24, 2010)
Date of Last Permit Review: February 24, 2010
Date of Next Permit Review: February 24, 2015
Projected Closure Date: February 2059
Estimated Remaining Site Life: 45.1 years
Remaining Disposal Capacity: 9,689,907 tons (14,534,860 cy)
Maximum Permitted Tonnage: 2,250 tons (3,375 cy) per day
810,000 tons (1,215,000 cy) per year
Ave. Rate of Waste Receipt: 410 tons (615 cy) per day projected for calendar year 2013
Permitted Types of Wastes: Accepts non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, demolition debris, and dead animals.
Post-closure Land Use: Open Space

Taft Recycling & Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 13351 Elk Hills Road, Taft, CA 93268
Solid Waste Facility Permit No.: 15-AA-0061 (Issued January 13, 2014)
Date of Last Permit Review: January 13, 2014
Date of Next Permit Review: January 13, 2019
Projected Closure Date: August 2076
Estimated Remaining Site Life: 62.64 years

Remaining Disposal Capacity: 4,337,461 tons (7,156,810 cy)
Maximum Permitted Tonnage: 800 tons (1,320 cy) per day
288,000 tons (475,200 cy) per year
Ave. Rate of Waste Receipt: 110 tons (181 cy) per day projected for calendar year 2013
Permitted Types of Wastes: Accepts non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, demolition debris, and dead animals. Non-hazardous ash accepted upon LEA approval.
Post-closure Land Use: Open Space

Tehachapi Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 12001 Tehachapi Boulevard, Tehachapi, CA 93561
Solid Waste Facility Permit No.: 15-AA-0062 (Issued December 18, 2007)
Date of Last Permit Review: August 22, 2012
Date of Next Permit Review: August 22, 2017
Projected Closure Date: July 2017
Estimated Remaining Site Life: 3.58 years
Remaining Disposal Capacity: 219,447 tons (329,171 cy)
Maximum Permitted Tonnage: 1,000 tons (1,500 cy) per day
360,000 tons (540,000 cy) per year
Ave. Rate of Waste Receipt: 29 tons (43 cy) per day projected for calendar year 2013
Permitted Types of Wastes: Accepts non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, demolition debris, and dead animals.
Post-closure Land Use: Open Space

US Borax, Inc. – Gangue/Refuse Waste Pile – Boron Operations

Owner: U.S. Borax, Inc. – Boron Operations
Operator: U.S. Borax, Inc. – Boron Operations
Address: 14486 Borax Road, Boron, CA 93516-2000
Solid Waste Facility Permit No.: 15-AA-0278 (Issued July 16, 1996)

Date of Last Permit Review: February 22, 2013
 Date of Next Permit Review: February 22, 2018
 Projected Closure Date: 2023
 Estimated Remaining Site Life: Approximately 9 years
 Remaining Disposal Capacity: 995,196 cy (as of June 30, 2006)
 Maximum Permitted Tonnage: 443 tons per day
 Permitted Types of Wastes: Accepts non-hazardous industrial, and construction/demolition waste.
 Post-closure Land Use: Unknown at this time.

Valley Tree and Construction Disposal Site

Owner: Arthur W. Jones
 Operator: Arthur W. Jones
 Address: 4233 Quinn Road, Bakersfield, CA 93308
 Solid Waste Facility Permit No.: 15-AA-0153 (Issued February 3, 1997)
 Date of Last Permit Review: December 13, 2002
 Date of Next Permit Review: December 13, 2007
 Projected Closure Date: Ceased Operations January 1, 2006
 Estimated Remaining Site Life: The disposal area of this facility is currently inactive.
 Remaining Disposal Capacity: The disposal area of this facility is currently inactive.
 Maximum Permitted Tonnage: 750 tons per day
 Permitted Types of Wastes: Accepts inert waste, some wood waste, metals, and construction/demolition waste.
 Post-closure Land Use: Continue transfer station activities.

Note: The active transfer station portion of this facility is identified in the Kern County Unincorporated Area's Non-Disposal Facility Element of the Kern County Integrated Waste Management Plan.

4.2 Transformation Facilities

Transformation facilities (formerly called waste-to-energy facilities and defined in PRC §40201) are those designed to convert waste into usable energy.

The facility descriptions of transformation facilities amended to this element after its approval date will be in Appendix H.

4.3 Engineered Municipal Solid Waste Conversion Facilities

AB 1126 amended PRC to require that Countywide Siting Elements provide a description of areas to be used for the development of adequate EMSW conversion facilities. An EMSW conversion facility, as defined by PRC, is a facility designed to convert solid waste through a process that meets all of the requirements found in PRC §40131.2(a). Furthermore, AB 1126 specifically *excludes* EMSW conversion from the definition of transformation. However, a transformation facility where solid waste conversion takes place that meets all of the requirements of §40131.2(a) may elect to be considered an EMSW facility for purposes of this document.

The facility descriptions of EMSW conversion facilities amended to this element after its approval date will be in Appendix I.

5 CRITERIA FOR ESTABLISHING OR EXPANDING EXISTING SOLID WASTE FACILITIES

5.1 Development of Siting Criteria

State regulations (CCR, Title 27, §18756) require the CSE to describe the following categories of solid waste disposal facility siting criteria:

- ***Environmental considerations:*** These are baseline environmental characteristics of a site that affects its suitability for the development of solid waste disposal or transformation facilities. Included in this category might be ambient air quality, faulting and seismicity, location and quantity of groundwater and soil drainage patterns.
- ***Environmental impacts:*** These are potential adverse environmental consequences that might result from the development of a landfill or transformation facility at a given site. Included in this category might be deterioration of ambient air quality, landslides and soil erosion, groundwater pollution, and alterations to the course or flow of surface water.
- ***Socioeconomic considerations:*** These considerations might include proximity to major highways and railroads; compatibility with existing and future land uses; consistency with local general plans, zoning, and post-closure uses; and estimated development and operational costs.
- ***Legal considerations:*** These are statutory, regulatory, or other legal requirements such as federal, State, and local minimum standards and permits; and potential liabilities.
- Additional criteria as desired.

Since 1986, Kern County has adopted solid waste landfill disposal and other waste facility siting policies and criteria in the Kern County General Plan Land Use, Open Space and Conservation Element. For the purpose of this document, other waste facilities include, but are not limited to, transformation and EMSW conversion facilities.

Per the implementation measures of the General Plan, each adopted site for a solid waste disposal facility (Map Code 3.4) or other waste facility (Map Code 3.7) shall be depicted on the General Plan map. Furthermore, appendices E and F of the Kern County General Plan include decision procedures for siting these facilities (these procedures can be found in Appendix J of this document). Chapter 7 of this document, General Plan Consistency, lists and discusses these policies and criteria.

“Solid waste landfill disposal facility” is defined by the Kern County General Plan as an existing or planned public, semi-public, or private solid non-hazardous waste disposal facility.

“Transformation facilities” (formerly called waste-to-energy facilities and defined in PRC §40201) are those designed to convert waste into usable energy, excluding facilities that meet the EMSW criteria of PRC §40131.2(a).

“Engineered Municipal Solid Waste (EMSW) conversion facilities,” as defined in PRC §40131.2(a), are those designed to convert solid waste through a process that meets all of the following requirements:

1. The waste to be converted is beneficial and effective in that it replaces or supplements the use of fossil fuels.
2. The waste to be converted, the resulting ash, and any other products of conversion do not meet the criteria or guidelines for the identification of a hazardous waste adopted by the Department of Toxic Substances Control pursuant to §25141 of the Health and Safety Code.
3. The conversion is efficient and maximizes the net calorific value and burn rate of the waste.
4. The waste to be converted contains less than 25 percent moisture and less than 25 percent noncombustible waste.
5. The waste received at the facility for conversion is handled in compliance with the requirements for the handling of solid waste imposed pursuant to this division [PRC], and no more than a seven-day supply of that waste, based on the throughput capacity of the operation or facility, is stored at the facility at any one time.
6. No more than 500 tons per day of waste is converted at the facility where the operation takes place.

7. The waste has an energy content equal to, or greater than, 5,000 BTU per pound.
8. The waste to be converted is mechanically processed at a transfer or processing station to reduce the fraction of chlorinated plastics and materials.

§40131.2 goes on to state that:

Notwithstanding §40201, a transformation facility where solid waste conversion takes place that meets all of the requirements of subdivision (a) may elect to be considered an EMSW facility for purposes of this division and Division 31 (commencing with §50000), except that if a portion of a transformation facility's operations does not meet the requirements of subdivision (a), the facility shall be considered to be a transformation facility.

Transformation or EMSW conversion facilities shall not require the 3.7 designation if they meet one or more of the following criteria:

1. The total land area used for transformation or EMSW conversion activities as a primary use totals less than 20 acres in size; or
2. The transformation or EMSW conversion facilities are being constructed exclusively for the purpose of being incidental and accessory to an existing permitted or conditionally permitted operation that is the primary use of the site.

5.2 Kern County Siting Criteria

Kern County's solid waste landfill disposal, transformation, or EMSW conversion facility siting criteria are based upon site specific environmental review. The topics outlined in the most current Kern County Environmental Checklist form shall be addressed by the California Environmental Quality Act (CEQA) documentation for the proposed or expanding facility and should result in mitigation measures tailored to the specific facility type and geographic location. The current checklist is located in Appendix K; however, the topics and checklist questions are subject to change. Therefore, the Kern County Environmental Checklist form in use at the time of project proposal will be used. As the Kern County Environmental Checklist form is updated, Appendix K will be updated. Such update does not constitute a revision of this document and, therefore, does not require approval by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county.

5.3 Siting Element Revision and Amendment Process

5.3.1 Revision

From time to time, substantive changes within the body of the existing CSE may be necessary to remain consistent with statutory law, regulations, or the Kern County General Plan. CCR §18788(b)(2) states that a revised Countywide Integrated Waste Management Plan (CIWMP), including the CSE, be resubmitted pursuant to the requirements of §18780 through 18784.

- Per PRC §18780, any proposed revisions to the CSE will be submitted to the local task force (LTF) for review and comment.
- Per PRC §18781, the LTF will submit written comments to the County, each incorporated city within the County, and CalRecycle.
- PRC §18782 requires the county and each incorporated city schedule and notice a public hearing to take comments of the CSE. The notice shall be published in a local newspaper of general circulation at least 30 days prior the scheduled hearing.
- Per PRC §18783, local adoption will occur when the revised CSE are adopted by the county and a majority of the cities within the county which contain a majority of the population of the incorporated area of the county.
- Per PRC §18784, after local adoption of the revised CSE, the KCWMD will submit a copy of the local adoption document and the revised CSE to CalRecycle for approval.

Should EMSW conversion no longer be considered disposal by statute or regulation in the future, this CSE will be updated to remove any reference to EMSW conversion. Such an update will not constitute a revision of this document and, therefore, will not require approval by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county.

5.3.2 Amendment

PRC §50001(a) requires the identification and location of a new or expanding solid waste facility be identified in the CSE or amendment to that CSE. Therefore, when a facility proposes to be established or expanded and is not already identified in the CSE, an amendment will be processed to provide for such facility. PRC §50001(c) states that a person or agency proposing to establish a solid waste facility shall prepare and submit a site identification and description of the proposed facility to the LTF.

An amendment to identify a facility in the CIWMP Siting Element requires comment from the LTF and approval of the Board of Supervisors and “a majority of the incorporated cities with a majority of the population” (PRC §41721.5(a)), as well as the approval of CalRecycle, unless the facility is an EMSW conversion facility. In this case, approval is only required by the city in which it is locate, or if the facility is not located in a city, by the county (PRC §41721(b)).

The same review and approval process as outlined for a revision (above) will be followed for an amendment, unless the amendment is to provide for an EMSW

conversion facility. In this case, the LTF will submit written comments only to the jurisdiction which the facility is located, and only that jurisdiction will be required to schedule and notice a public hearing for local approval of the amendment.

5.3.3 Public Participation

KCWMD is committed to involving and informing the public when amending the CSE. In order to encourage public involvement and input on proposed amendments, KCWMD will undertake the following steps:

- Siting of facilities is subject to the land use approval process and CEQA, both of which require public notification and public hearing prior to approval.
- In addition, amendment of the CSE requires the Kern County Solid Waste Management Advisory Committee/Local Task Force to consider the project at a public meeting and make recommendations to the Kern County Board of Supervisors and the incorporated cities, prior to Board of Supervisors and City Council approval of the CSE amendment. All meetings and the agenda of the Advisory Committee are posted and noticed as required under State law.
- The Board of Supervisors will hold a public hearing, notice of which will be posted and published in a newspaper of general circulation, prior to considering amendments to the CSE.
- As well, amendment of the CSE generally requires concurrence of the majority of the incorporated cities having a majority of the population in Kern County.
- If the amendment of the CSE is to include or expand an Engineered Municipal Solid Waste (EMSW) conversion facility, this procedure changes. AB 1126, approved by the Governor on September 28, 2013, amended PRC §41721 to include that a siting element providing for an EMSW conversion facility is only required to be approved by the city in which it is located, or if the EMSW conversion facility is not located in a city, by the County.

6 PROPOSED FACILITY LOCATION AND DESCRIPTION

Based on the County of Kern having more than 15 years of available public landfill disposal capacity (see Appendix D), proposed facility locations and descriptions are not necessary. Additionally, the Kern County Board of Supervisors has adopted a policy to site no new public solid waste landfill disposal facilities; therefore, proposed facility locations and descriptions are not warranted.

The KCWMD is not aware of proposed private solid waste facilities at this time. Existing cement plants within the County may choose to replace or supplement their existing fuel sources in the future by converting solid waste to energy. If the facilities are designed to convert solid waste through a process that meets the eight (8) requirements described in PRC §40131.2(a), the facility may qualify as an EMSW conversion facility. Current facilities that may potentially operate an EMSW conversion facility within the

County include, but are not limited to, National Cement Company, Lehigh Southwest Cement Company, and California Portland Cement Company.

Should solid waste landfill, transformation, or EMSW conversion facilities be proposed in the future, this document will be amended per the process described in Section 5 of this document.

7 GENERAL PLAN CONSISTENCY

This element includes goals, policies, and implementation measures that deal with the Kern County General Plan Land Use, Open Space and Conservation Element, the Circulation Element, and the Seismic Safety and Safety Element. Likewise, the 11 incorporated city general plans are affected. Government Code requires internal consistency among all local jurisdictions general plans, and consistency of various development and related ordinances.

7.1 Internal Consistency, as used in California Planning Law

The idea of internal consistency, as used in California Planning Law, means that no policy conflicts exist, either textual or diagrammatic, between components of the General Plan, and supporting plans directed toward special land uses and events. All elements of the general plan have equal legal status. No element is legally subordinate to another. All General Plan elements and supporting plans directed toward special land uses and events, whether mandatory or optional, must be consistent with each other. The General Plan and supporting plans directed toward special land uses and events represent an officially adopted statement of local policy regarding community development. The local General Plan is to function as the basis for all land use decisions. Government Code §65860 and 66473.5 require that local zoning and subdivision ordinances and activities be consistent with the General Plan. Appendix L includes zone classification districts consistent with the Kern County General Plan Land Use, Open Space and Conservation Element map code designations (Solid Waste Disposal Facility - Map Code 3.4, Solid Waste Disposal Facility Buffer – Map Code 3.4.1, Other Waste Facility – Map Code 3.7, and Other Waste Facility Buffer – Map Code 3.7.1).

Selection of suitable solid waste landfill disposal or transformation sites is crucial to the protection of public health, safety and the environment. Any solid waste landfill disposal or transformation site will be consistent with the goals and policies of whichever plans are appropriate. These plans may include the *Kern County and Incorporated Cities Integrated Waste Management Plan CSE*, the *Kern County General Plan*, the *Metropolitan Bakersfield General Plan*, or any affected incorporated city general plan. The County may also design facilities to meet the County's broader commitments determined by the Kern County Board of Supervisors that the project meets local planning criteria and serves public need.

7.2 General Plan Requirements

Kern County Land Use, Open Space and Conservation Element map code designations (Solid Waste Disposal Facility - Map Code 3.4, Solid Waste Disposal Facility Buffer – Map Code 3.4.1, Other Waste Facility – Map Code 3.7, and Other Waste Facility Buffer – Map Code 3.7.1) are instituted as part of the siting criteria. These criteria do not reasonably impair the feasibility of siting new facilities.

It should be noted that EMSW conversion facilities are typically existing industrial facilities (i.e. cement plants) that meet the siting criteria for the primary land use of that site. If EMSW conversion is constructed at an industrial facility for the purpose of being incidental and accessory to an existing permitted or conditionally permitted operation that is the primary use of the site, a General Plan Map Code 3.7 (Other Waste Facility) is not required.

Incorporated cities may devise map designations for solid waste disposal, transformation, or EMSW conversion facilities for their general plans. These designations will apply to sites of proposed solid waste disposal facilities, or existing facilities when seeking a renewal or modification of an existing conditional use permit or zone district. The cities must apply these designations following the Kern County General Plan, the Kern County and Incorporated Cities Integrated Waste Management Plan Siting Element, and any other applicable County Integrated Waste Management Plan Elements.

The Kern County General Plan also requires closure plans and financial assurance estimates to guarantee closure. This requirement may be satisfied if a State or federal agency will have lead permit responsibility for approval or operational oversight of the facility and which also will require the posting of financial assurances to guarantee site closure.

All proposed or expanding municipal solid waste landfill disposal, transformation facilities, or EMSW conversion facilities found to be inconsistent with the General Plan map provisions, shall require an amendment to the General Plan or applicable Specific Plan to designate the site as a Solid Waste Disposal Facility (Map Code 3.4) or, in the case of a transformation facility, or an EMSW conversion, an Other Solid Waste Facility (Map Code 3.7). Transformation or EMSW conversion facilities shall not require the 3.7 designation if they meet one or more of the following criteria:

1. The total land area used for transformation or EMSW conversion activities as a primary use totals less than 20 acres in size; or
2. The transformation or EMSW conversion facilities are being constructed exclusively for the purpose of being incidental and accessory to an existing permitted or conditionally permitted operation that is the primary use of the site.

Furthermore, the following findings will be made by the Board of Supervisors when the amendment is approved:

1. That the Jurisdiction has adopted a General Plan which complies with the requirements of Article 5 (commencing with §65300) of Chapter 3 of Division 1 of Title 7;
2. That the proposed establishment or expansion of a site for a solid waste disposal or transformation facility is consistent with the Land Use, Open Space and Conservation Element Map Code provisions or with applicable special treatment area provisions;
3. That adjacent Land Use, Open Space and Conservation Element Map Code provisions, or applicable special treatment area provisions, are deemed compatible with the proposed establishment or expansion of the solid waste landfill disposal, transformation facility, or EMSW conversion;
4. That a conditional use permit may be required, authorizing the establishment or expansion of the solid waste landfill disposal, transformation facility, or EMSW conversion facility, including site improvements;
5. That the project has been evaluated pursuant to the requirements of the California Environmental Quality Act, PRC §21000, et seq.

8 SOLID WASTE LANDFILL DISPOSAL STRATEGIES WHEN SITES FOR ADDITIONAL CAPACITY ARE NOT AVAILABLE

Kern County has demonstrated in Section 3 and Appendix C of this Element that sufficient solid waste landfill capacity is currently available. No additional capacity is required and, therefore, additional sites are not warranted.

9 COUNTYWIDE SITING ELEMENT IMPLEMENTATION

CCR §18756.7, requires that the Siting Element include, but not be limited to, the following:

1. Identification of local government agencies, Local Task Forces, regional agencies, organizations, and any others, responsible for implementing the countywide or regionwide solid waste disposal facility siting program.

Local Agencies

- Kern County Environmental Health Division (KCEHD) (Local Enforcement Agency for CalRecycle).
- Kern County Planning and Community Development Department
- Kern County Planning Commission

Local Task Force

- Solid Waste Management Advisory Committee (SWMAC)

State or Regional Agencies

- CalRecycle

Federal Agencies

- None identified

2. Implementation schedules addressing each task in §18755.1(d) for a minimum of 15 years beginning with the year in which the element is prepared. See Section 2 of this Siting Element.
3. Identification of revenue sources sufficient to support the administration and maintenance of the countywide or regionwide solid waste disposal facility siting program.

Scheduling and financing the myriad of capital projects, as well as ongoing solid waste operations, is a daunting and complicated task but it is necessary to assure adequate funding and stable rates. The KCWMD invests significant staff resources in developing and maintaining a minimum 10-year financial forecast and modeling various scenarios to optimize capital investment and operational efficiency. As a result of this extensive financial forecast and modeling tool, the KCWMD was able to demonstrate to the Kern County Board of Supervisors in 2011 that significant savings could be realized by avoiding debt financing of future capital projects. The Board of Supervisors approved fee increases over two fiscal years to provide the additional revenue necessary to fully fund future capital projects.

10 REFERENCES

California Integrated Waste Management Board, *California Laws Relating to Integrated Waste Management*. June 1995.

County of Kern, *Countywide Integrated Waste Management Plan: Source Reduction and Recycling Element*. August 1994.

County of Kern, *Countywide Integrated Waste Management Plan: Non-disposal Facility Element*. August 1994. Updated August 2012.

County of Kern, *Final Environmental Impact Report, Kern County Integrated Waste Management Plan: Source Reduction and Recycling Element*, SCH #91072054, June 1992.

County of Kern, *General Plan*; 2004.

County of Kern, *Solid Waste Diversion Strategy*, December 1992; October 2001.

County of Kern, *Solid Waste Infrastructure Plan*. August 1, 1995; January 2005; August 2013.

APPENDIX A
Siting Element Regulations

APPENDIX A

SITING ELEMENT REGULATIONS

California Code of Regulations, Title 14 – Natural Resources, Division 7 – California Integrated Waste Management Board, Chapter 9 – Planning Guidelines and Procedures for Preparing and Revising Countywide and Regional Agency Integrated Waste Management Plans, Article 6.5 – Siting Elements

18755	General Requirements
18755.1	Goals and Policies
18755.3	Disposal Capacity Requirements
18755.5	Description of Existing Solid Waste Disposal Facilities
18756	Criteria for Establishing or for Expanding Existing Solid Waste Disposal Facilities
18756.1	Proposed Facility Location and Description
18756.3	Consistency with City and County General Plans for New or Expanded Solid Waste Disposal Facilities
18756.5	Strategies for Disposing of Solid Waste in Excess of Capacity When New or Expanded Sites are not Available
18756.7	Siting Element Implementation

Section 18755. General Requirements

- (a) The Siting Element shall demonstrate that there is a countywide or regionwide minimum of 15 years of combined permitted disposal capacity through existing or planned solid waste disposal and transformation facilities or through additional strategies.
- (b) The Siting Element shall describe and identify the areas, numbers and types of new solid waste disposal and transformation facilities, as well as the expansion of existing solid waste disposal and transformation facilities necessary to provide a minimum of 15 years of combined permitted disposal capacity.
- (c) If the requirements of subdivision (b) of this section cannot be demonstrated, then strategies shall be discussed for the transformation, disposal, or diversion of excess waste.
- (d) The Siting Element shall include the items identified in sections 18755.1 through 18756.7 of this article.
- (e) A "Siting Element" may be prepared by a regional agency when the regional agency is composed of two or more counties and all incorporated cities of those counties.
- (f) For the purposes of this article, "countywide" shall be defined as including the incorporated cities within the county and the unincorporated areas of the county. For purposes of this article, "county" shall include the Board of Supervisors as the

legislative and executive body of county government, and any designated agency responsible for solid waste management.

- (g) For the purposes of this article, "regionwide" shall be defined as including the member agencies of the regional agency. For the purposes of this article, a "regional agency" shall be the governing entity created by a voluntary agreement between cities and counties for the purpose of complying with Part 2 of Division 30 of the Public Resources Code. A city or county which is a party to such an agreement shall be considered a "member agency" of the regional agency. A regional agency may authorize one district, as defined in subdivision (a) of Section 41821.2 of the Public Resources Code, to include as a member of the regional agency.

Section 18755.1. Goals and Policies

- (a) The Local Task Force (LTF) shall develop goals, policies, and procedures to provide guidance to the county to prepare the Siting Element. Based upon this guidance, the Siting Element shall include a statement on the goals and policies established by the county.
- (b) The LTFs of each county, which are member agencies of a regional agency formed pursuant to section 18776(b)(3) of this chapter, shall develop goals, policies, and procedures to provide guidance to the regional agency to prepare the Siting Element. Based upon this guidance, the Siting Element shall include a statement on the goals and policies of the regional agency.
- (c) The goals shall be consistent with the mandates of Public Resources Code Section 40051. The goals shall describe the method for the environmentally safe disposal of solid waste generated within the boundaries of the county and regional agency.
- (d) The policies shall specify any programs, regulatory ordinances, actions, or strategies that may be established to meet the goals described in subdivision (c) of this section and to assist in the siting of solid waste disposal facilities. An implementation schedule shall be included which identifies tasks necessary to achieve each selected goal.

Section 18755.3. Disposal Capacity Requirements

- (a) Each county and the regional agency, with assistance from the Local Task Force, shall include documentation in the Siting Element of the following information:
 - (1) the January 1, 1990 disposal capacity in cubic yards and in tons established pursuant to CCR 18777(b);
 - (2) the existing disposal capacity in cubic yards and in tons in the year the Siting Element is prepared; and
 - (3) the disposal capacity in cubic yards and in tons in any year the Siting Element is revised.

- (b) The anticipated disposal capacity needs shall be described in cubic yards and tons, on an annual basis and aggregated for a minimum 15-year period, beginning with the year in which the Siting Element is prepared, and any year the Siting Element is revised.
- (c) Area(s) shall be selected where solid waste disposal facilities are envisioned to be expanded or sited and constructed for the purpose of meeting a required minimum of 15 years of combined permitted disposal capacity. Each county and regional agency shall consider the following in determining the areas where solid waste disposal facilities are planned to be expanded or sited and constructed:
 - (1) the total amount of solid waste generated, expressed in cubic yards and in tons for volumetric capacity for the required 15-year period;
 - (2) the existing remainder of combined permitted disposal capacity in cubic yards and in tons for the required 15-year period; and
 - (3) an estimation of the total disposal capacity in cubic yards and in tons needed to meet a minimum of 15 years of combined permitted disposal capacity.

Section 18755.5. Description of Existing Solid Waste Disposal Facilities

- (a) The Siting Element shall include an identification of each permitted solid waste disposal facility located countywide and regionwide. The description shall include, but not be limited to, the following information for each facility:
 - (1) the name of the facility and the name of the facility owner and operator;
 - (2) the facility permit number, permit expiration date, date of last permit review, and an estimate of remaining site life, based on remaining disposal capacity;
 - (3) the maximum permitted daily and yearly rates of waste disposal, in tons and cubic yards;
 - (4) the average rate of daily waste receipt, in tons and cubic yards;
 - (5) the permitted types of wastes; and,
 - (6) the expected land use for any site being closed or phased out within the 15-year planning period.
- (b) The Siting Element description shall include a map showing each existing permitted solid waste disposal facility countywide and regionwide. The map shall be drawn to scale and the scale legend included on the map sheet. The type of map may be a 7.5 or 15 minute USGS quadrangle.

Section 18756. Criteria for Establishing New or for Expanding Existing Solid Waste Disposal Facilities

- (a) To establish a new solid waste disposal facility or to expand an existing solid waste disposal facility, the county and regional agency shall describe the criteria to be used in the siting process for each facility. The criteria shall include, but not be limited to, a description of the major categories of Environmental Considerations, Environmental Impacts, Socioeconomic Considerations, Legal Considerations, and additional criteria as developed by the county, cities, regional agency and member agencies. The following are examples of criteria that may be considered within those major categories:
- (1) Environmental Considerations (for example: geology and soils including faulting and seismicity, ground settlement, surface hydrology and ground water, quantity and quality of ground water, surface water, surface water contamination, drainage patterns, etc.);
 - (2) Environmental Impacts (for example: air quality including climatic and meteorological conditions and emissions, visibility, cultural resources including regional setting, inventory and significance, paleontological resources including inventory and significance, vegetation, and wildlife, etc.);
 - (3) Socioeconomic considerations (for example: transportation including local and regional transportation systems, highways and major roadway corridors, rail transportation and corridors, land use including regional and local land uses such as military use, mineral extraction, agriculture, recreation/tourism, compatibility with existing and future land uses, consistency with county general plan(s) and future post-closure uses, economic factors including estimates of development costs and operational costs, etc.);
 - (4) Legal considerations (for example: federal, state, and local minimum standards and permits, liabilities, and monitoring, etc.);
 - (5) Additional criteria as may be included by the county, cities, regional agency and member agencies approving the Siting Element.
- (b) The Siting Element shall describe the process instituted countywide or regionwide to confirm that the criteria set forth in (a)(1-5) of this section are included as part of the solid waste disposal facility siting process.
- (c) The countywide Siting Element shall be approved by the county and the cities as described in Public Resources Code section 41721. The regionwide Siting Element shall be approved by the regional agency as described in Section 18783(c) of this chapter. The Siting Element shall include: a resolution from each jurisdiction and member agency approving or disapproving of the Siting Element or any proposed amendment to the element; and a record of any jurisdiction or member agency failing to act upon the Siting Element.

- (d) No solid waste disposal facility in the Siting Element shall be established that does not satisfy the minimum criteria that are adopted in the Siting Element pursuant to section 18756(a) of this article.
- (e) A solid waste disposal facility not described within the Siting Element shall not be established unless an amendment to the Siting Element has been approved identifying and describing the facility, and the date of its inclusion in the element pursuant to PRC section 41721.5.

Section 18756.1. Proposed Facility Location and Description

- (a) The Siting Element shall include a description of each proposed new solid waste disposal facility and a description of each proposed expansion of an existing solid waste disposal facility for each county and regional agency included in the Siting Element which complies with the criteria identified in Section 18756 of this article. The description shall include the type of facility, location, size, volumetric capacity of the facility expressed in cubic yards and in tons, life expectancy (years), expansion options of the existing or proposed facility, and post-closure uses.
 - (1) Each Siting Element shall include one or more maps indicating the location of each proposed solid waste disposal facility and adjacent and contiguous parcels. The map(s) shall be drawn to scale and include the scale on the map sheet. The type of map(s) may be a 7.5 or 15 minute USGS quadrangle.
- (b) A description shall be provided in the Siting Element of how each proposed solid waste disposal facility contributes to and maintains for each county or regional agency included in the Siting Element the minimum of 15 years of combined permitted disposal capacity as described in CCR 18755(a) of this article and is consistent with the diversion goals of Public Resources Code section 41780.

Section 18756.3. Consistency with City and County General Plans for New or Expanded Solid Waste Disposal Facilities

- (a) Reserved areas for proposed new or the expansion of existing solid waste disposal facilities shall be identified in the Siting Element. Verification shall be made that the expanded or proposed facilities are located in areas where the land use is designated or authorized for solid waste disposal facilities and that the areas are consistent with the applicable city and county general plans. Verification of general plan consistency shall include a resolution, notarized statement, or affidavit from each applicable city and the county. Proposed areas that are consistent with the current city and county general plans shall be reserved pursuant to the requirements of Public Resources Code sections 41702 and 41720.
- (b) Proposed areas that are not situated in, coextensive with, or adjacent to an area authorized for land use as a solid waste disposal facility, within an applicable city and county general plan, may be "tentatively reserved" for future or expanded solid waste disposal facilities. Proposed areas that are inconsistent with applicable city

and county general plans shall be tentatively reserved pursuant to the requirements of Public Resources Code sections 41710 through 41712.

- (c) Proposed areas included in the Siting Element may be identified as "tentatively reserved" in the initial filing of a Countywide and Regionwide Integrated Waste Management Plan, as determined by Public Resources Code section 41791. However, by the first five-year revision of the Countywide and Regionwide Integrated Waste Management Plan all areas identified to assure the minimum of 15 years of combined permitted disposal capacity as described in CCR 18755(a) of this article must meet the requirements of Public Resources Code section 41702.

Section 18756.5. Strategies for Disposing of Solid Waste in Excess of Capacity When New or Expanded Sites are not Available

- (a) The Siting Element shall provide an analysis describing the reasons why there are no available locations for establishing new or expanding existing solid waste disposal facilities within each county or regional agency included in the Siting Element. This analysis shall include a determination of whether the inability to establish new or to expand existing solid waste disposal facilities is due to the lack of locations with the appropriate physical or environmental site characteristics or because of other considerations; and,
- (b) If new or expandable solid waste disposal facilities are not available, or are not sufficient to meet countywide or regionwide needs, each county and regional agency shall include strategies for disposing of solid waste. The discussion of strategies shall include, but is not limited to, the following:
 - (1) A description of the types (residential, commercial, industrial, and special) and quantities in cubic yards and in tons of waste in excess of remaining volumetric capacity of existing solid waste disposal facilities;
 - (2) A description of the diversion or export programs which will be implemented to safely handle and divert or dispose of excess solid waste. The description shall identify the existing solid waste disposal facilities, including those outside of the county or regional agency that will be used to implement these strategies. The description shall document how the proposed programs shall provide the county or regional agency with sufficient disposal capacity to meet the required minimum of 15 years of combined permitted disposal capacity as described in CCR 18755(a) of this article.

Section 18756.7. Siting Element Implementation

(a) The Siting Element shall include, but not be limited to, the following:

- (1) identification of local government agencies, Local Task Forces, regional agencies, organizations, and any others, responsible for implementing the countywide or regionwide solid waste disposal facility siting program;
- (2) implementation schedules addressing each task identified in Section 18755.1(d) for a minimum of 15 years beginning with the year in which the element is prepared; and,
- (3) identification of revenue sources sufficient to support the administration and maintenance of the countywide or regionwide solid waste disposal facility siting program.

APPENDIX C

2013 Kern County Solid Waste Infrastructure Plan

2013 Kern County Solid Waste Infrastructure Plan



AUGUST 6, 2013



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2013 KERN COUNTY SOLID WASTE INFRASTRUCTURE PLAN

Background

The Kern County Waste Management Department (Department) recognizes that solid waste facility siting, operations and closure are significant commitments of County resources. The Department is committed to constantly improving the way in which we manage the County's waste stream. In 1992, the Department developed the original Solid Waste Infrastructure Plan in which regulatory trends from the previous 30 years were evaluated and related to the County's experience in owning and operating landfills. The purpose of the Infrastructure Plan is to thoughtfully develop a comprehensive facility plan to handle the current and future solid waste needs of Kern County while attempting to anticipate and minimize future liabilities. The Department concluded that the economies of scale resulting from fewer, but larger, disposal sites would result in more cost effective disposal operations and limit future liability.

In 1995, the Department proposed consolidating 14 disposal sites down to five (5) regional disposal sites as a bold, yet prudent, move. In 2005, the Department further refined its strategy to limit risk and minimize future liabilities by committing to the following:

1. Site no new sanitary landfills; instead, expand existing disposal facilities only;
2. Further consolidate disposal sites down to three regional disposal sites; and
3. Protect landfill from encroachment of incompatible land uses by acquiring buffer zones around disposal sites.

Historically, Kern County has viewed disposal operations as a system, even though facilities are operated independently of one another. The original Infrastructure Plan networked the overall system of transfer stations and regional disposal sites to realize the efficiency, stability and security of an integrated waste management system. The *Solid Waste Infrastructure Plan* (1995 Infrastructure Plan) was first adopted by the Board of Supervisors on August 1, 1995 and provided a blueprint for the Countywide Siting Element. The *2005 Solid Waste Infrastructure Plan* (2005 Infrastructure Plan) updated the 1995 Infrastructure Plan. This document updates assumptions as well as the objectives of the 2005 Infrastructure Plan, provides a status update for each objective, outlines emerging issues and system impacts, and updates the implementation schedule. Lastly, the *2013 Kern County Solid Waste Infrastructure Plan* (2013 Infrastructure Plan) outlines a series of recommendations for the Board of Supervisors' consideration.

Planning Periods

The 1995 and 2005 Infrastructure Plans set forth goals for the short-, medium-, and long-term planning periods and scheduled the phasing of implementation. The 1995 and 2005 Infrastructure Plan's planning periods were as follows:

Short Term.....Year 1990 to 2000 (complete)

Medium Term.....Year 2001 to 2020

Long Term.....Year 2021 to 2040

The 2013 Infrastructure Plan will amend these planning periods to provide for future amendments.

- Period I.....Year 1990 to 2000 (complete)
- Period II.....Year 2000 to 2010 (complete)
- Period III.....Year 2010 to 2020 (in progress)
- Period IV.....Year 2020 to 2030
- Period V.....Year 2030 to 2040

Assumptions

The previous Kern County Solid Waste Infrastructure Plans were based on the following major assumptions:

- A1** The level of County solid waste services will be balanced/equalized.
- A2** Existing permitted landfill capacity will be fully utilized.
- A3** The respective Annual Capacity Report provides the basis for growth projections and capacity utilization.
- A4** The combination of Land Use Fee, Gate Fee and Certificates of Participation (COP) will allow the Department to fund the capital projects proposed by the Infrastructure Plan, while keeping fees to a minimum.

The 2013 Infrastructure Plan proposes to amend assumption A4 and eliminate the financing of capital projects through the issuance of COP.

As discussed above, the Department recognizes that solid waste facility siting, operations and closure are significant commitments of County resources. Solid waste landfills require decades to site and permit, sizable financial reserves to construct and a substantial financial assurance mechanism to maintain in perpetuity. While many jurisdictions are responsible for one or two solid waste facilities, Kern County is responsible for seven active landfills, eight closed landfills, seven transfer stations, three special waste facilities and 43 burn dumps.

Scheduling and financing the myriad of capital projects, as well as ongoing solid waste operations, is a daunting and complicated task but it is necessary to assure adequate funding and stable rates. The Department invests significant staff resources in developing and maintaining a minimum 10-year financial forecast and modeling various scenarios to optimize capital investment and operational efficiency. As a result of this extensive financial forecast and modeling tool, the Department was able to demonstrate to the Board of Supervisors in 2011 that significant savings could be realized by avoiding debt financing of future capital projects. The Board of Supervisors approved fee increases over two fiscal years to provide the additional revenue necessary to fully fund future capital projects. The Department has committed to eliminate the issuance of COPs as a future funding mechanism. Therefore, the Department recommends amending Assumption 4 as follows:

- A4** The combination of Land Use Fee and Gate Fee will allow the Department to fund the capital projects proposed by the Infrastructure Plan, while keeping fees to a minimum.

Goals and Objectives

The primary goal of the Kern County Solid Waste Infrastructure Plan is to project the future solid waste facility needs of Kern County. Kern County must accomplish this while responsibly addressing environmental, social, political and economic issues associated with developing, operating, and maintaining solid waste facilities. Specific objectives updated and addressed in the 2013 Infrastructure Plan include:

- O1** Provide disposal capacity for at least 15 years for municipal solid waste;
- O2** Respond to growth and waste generation spatial distribution;
- O3** Assess facility options to achieve and maintain mandated source reduction and recycling goals;
- O4** Assess facility options to provide adequate Household Hazardous Waste (HHW) collection and processing countywide;
- O5** Balance level of service with economic and environmental constraints; and
- O6** Develop a facility implementation schedule.

A status update for each objective is discussed below.

O1 PROVIDE DISPOSAL CAPACITY FOR AT LEAST 15 YEARS FOR MUNICIPAL SOLID WASTE

Annually, the Department updates and calculates municipal landfill capacity to assess the permitted disposal capacity in Kern County. Since 1990, the Department, together with the cities, landfill operators and haulers, have taken a number of steps to extend the capacity at Kern County landfills. As a result, many landfills have been able to operate up to 15 years longer than originally anticipated, maximizing the investment in existing facilities and postponing the need for replacement facilities. The primary reasons for extended life at Kern County landfills are as follows:

- Improved air space density as a result of better waste compaction and operations;
- Implementation of Alternate Daily Cover programs, using tarps in lieu of soil cover;
- Approval to vertically expand the Ridgecrest, Shafter-Wasco, Taft and Tehachapi landfills;
- Approval to expand the Mojave-Rosamond Landfill; and
- Effective waste diversion and recycling programs.

The 2013 Infrastructure Plan builds on data from the 2013 Capacity Study to project what facilities will be required in the future to ensure that Kern County residents and businesses have sufficient long-term disposal capacity (see Appendix A, "Kern County Disposal Capacity"). Utilizing the 2013 Capacity Study, current countywide permitted capacity is estimated to provide Kern County with approximately 37 years of disposal capacity. The full countywide master-planned capacity approved in California Environmental Quality Act (CEQA) documents is estimated to provide Kern County approximately 127 years of disposal capacity.

O2 RESPOND TO GROWTH AND WASTE SPATIAL DISTRIBUTION

Solid waste facility growth projections were developed in the 1990s and are tracked on an annual basis. From 2000 through 2005, receipt of waste at certain facilities increased faster than projections and faster than population growth. Starting in 2006, coincident with the economic recession, receipt of waste sharply declined 17% over four consecutive years, slowing in 2010. The Department develops trend analysis on a site-specific basis, considers new and/or pending legislation, and tracks several chief indicators to forecast disposal capacity utilization.

Despite the recent economic recession, the Department continues to forecast that four areas of the County have the greatest potential for significant growth. These areas include Rosamond, Tehachapi, Metro Bakersfield and the Interstate 5 corridor from Highway 99 through Tejon Ranch. The Department has worked diligently to optimize the disposal capacity and amend the operating permits at key facilities to provide for future growth.

However, the Interstate 5 corridor from Highway 99 through Tejon Ranch and southwest Bakersfield are not ideally serviced by any existing waste management facility. If growth and development continues, the Department projects that a new transfer station will be needed to service this area sometime after 2020. The Department also anticipates there will likely be a need to expand the Lebec Transfer Station to address the projected development of Tejon Mountain Village and other growth in the area.

The Department's approach to growth and development will continue to include:

- Active involvement in the planning process for all new development for both incorporated and unincorporated areas;
- Recommend mitigation measures for all large projects/developments;
- Require Universal Collection for all large new developments in the unincorporated area, depending on feasibility; and
- Incorporate curbside recycling and/or greenwaste services into Universal Collection Areas, as applicable.

O3 ASSESS FACILITY OPTIONS TO MAINTAIN AND ACHIEVE MANDATED DIVERSION GOALS

The passage of the Integrated Waste Management Act of 1989 (AB 939) mandating waste diversion resulted in the early development of diversion infrastructure, including the following:

- Diversion programs at County landfills and transfer stations;
- Tehachapi Recycling - Material Recovery Facility;
- Composting at the City of Bakersfield's Mt. Vernon Facility; and
- Construction and Demolition recycling by Granite Construction and Metropolitan Recycling Corporation (MRC).

The Non-Disposal Facility Element of the County Integrated Waste Management Plan identifies the public and private facilities located in Kern County supporting recycling and

diversion programs. Recycling and waste diversion facilities located within Kern County and identified in the Kern County Non-Disposal Facility Element are listed in Appendix B.

While a variety of facilities are located in Kern County, several cities contract for refuse collection and recycling services with private haulers which utilize recycling facilities that are located in other counties (i.e., Fresno County and Los Angeles County). Recycling and waste diversion facilities not located in Kern County, but utilized by Kern County jurisdictions, are also listed in Appendix B.

With the passage of AB 341 (Chesbro) in 2011, a new state goal was established where, by the year 2020, 75% of solid waste generated in the state would be managed solely by source reduction, recycling and composting. CalRecycle is currently developing a plan for achieving this new statewide goal to be submitted to the Legislature by January 2014. For calendar year 2011, the most current year of approved diversion reporting, the County unincorporated area had achieved 62.5% waste diversion, and the County and cities combined had achieved 62.8% waste diversion.

AB 341 also required that Mandatory Commercial Recycling (MCR) and Mandatory Multi-Family Residential Recycling be implemented by July 1, 2012. In response to AB 341, the County approved an MCR ordinance in 2012 to encourage compliance and facilitate monitoring of MCR. The County also approved implementation of mandatory residential curbside recycling in the Metro Bakersfield area and implementation of voluntary residential curbside recycling in the remainder of the unincorporated County. In anticipation of the passage of AB 341, several additional source separated recycling/processing facilities have been developed or expanded. In the metropolitan Bakersfield area, MRC, Inc., BARC and RockTenn, Inc., all provide recyclable and processing services. American Refuse, operating the Carousel Recycling facility in Wasco, provides service to northwest Kern County.

Currently, convenient solid waste collection services (including recycling and greenwaste collection and processing) have expanded throughout the County. Appendix C, "Residential Solid Waste Collection Services", indicates the availability of curbside solid waste collection services countywide. As of July 2013, mandatory or voluntary curbside recycling is available to 98% of the countywide population. Similarly, mandatory or voluntary curbside greenwaste collection is available to 72% of the countywide residential population.

The existing and recently expanded recycling infrastructure is projected to fully support the new MCR and Mandatory Multi-Family Residential Recycling, as well as the expanded mandatory and voluntary residential curbside programs. The Department recommends evaluating the effects of the full implementation of the above new programs prior to identifying new infrastructure to meet the 75% statewide goal. That said, the Department continues to track legislative and industry trends. According to Department of Resources Recycling and Recovery (CalRecycle) Organic Roadmap IV (2011), food waste is the largest fraction of compostable material disposed of statewide, comprising five million tons annually. Also, according to CalRecycle, diverting this amount of food waste to technologies such as anaerobic digestion and composting, statewide diversion could reach 75% when coupled with MCR. Draft legislation currently proposes to require mandatory organic (greenwaste and food waste) composting as early as 2018, and require existing solid waste facilities to provide organics programs.

The Metro Bakersfield area is currently served by the City of Bakersfield composting facility co-located with the Mt. Vernon Wastewater Treatment Plant. The Mt. Vernon greenwaste facility is ideally suited to implement anaerobic digestion for food waste. Similarly, the Department has been operating a valley-wide greenwaste diversion program included at the Shafter-Wasco Recycling and Sanitary Landfill for many years. The program transports greenwaste, collected from individual customer loads, to composting facilities elsewhere in Kern County. The Shafter-Wasco facility has the space and centralized location to expand the program, if warranted, including composting on site.

In addition to recycling and composting, there are existing and emerging technologies that can significantly reduce waste disposal by converting the waste to energy. Some of these technologies involve incineration of the waste and others limit oxygen to avoid combustion. Technologies that make the conversion without combustion are generally referred to as conversion technologies. In some cases, the preparation takes place in one location and the actual energy conversion takes place at another. The Department, for purposes of this Plan, will refer to the full range of these technologies as advanced/conversion technologies. These technologies have the potential to reduce waste disposal by as much as 80%.

Some of the key issues affecting the application of the advanced/conversion technologies are cost, environmental impact, reliability and whether CalRecycle will recognize the process as diversion or disposal. Despite these issues, the Department believes there is a lot of potential for one or more of these technologies to warrant application in the County system at some point. To this end, the Department has reserved sufficient space at the Bena, Mojave-Rosamond and Shafter-Wasco Recycling and Sanitary Landfills to accommodate advanced/conversion technology projects.

It is the Department's intention to rename these three facilities as Integrated Waste Management Facilities (IWMF) in recognition of the full range of service they can provide: recycling, household hazardous waste, composting, advanced/conversion technology and disposal. These three facilities are ideally located for regional support in the valley and desert.

04 ASSESS FACILITY OPTIONS TO PROVIDE ADEQUATE HOUSEHOLD HAZARDOUS WASTE (HHW) COLLECTION AND PROCESSING COUNTYWIDE

In 1991, the Department prepared the Household Hazardous Waste Element (HHWE) of the Integrated Waste Management Plan. At the same time, the incorporated cities developed individual HHWEs designating the Department as the lead agency to design and implement HHW programs throughout the County, with funding provided by the Solid Waste Enterprise Fund. From 1990 through 1995, the Department conducted periodic one-day collection events throughout the County. A One-day collection event was held in Metro Bakersfield every "odd" year and small one-day collection events were held in the outlying areas every "even" year.

In 1995, the Department sited and permitted the Metro Bakersfield Special Waste Facility (SWF). Subsequently, the Department permitted permanent satellite facilities at the Mojave Airport (2005) and the Ridgecrest Landfill (2009). While the Metro Bakersfield SWF is opened four days per week to residents and businesses, the Mojave and Ridgecrest facilities are scaled down facilities that operate one day per month for residents and one day per

month for businesses. Satellite facilities allow the Department to provide frequent, periodic collection events on a set schedule, for which residents and businesses can anticipate and plan. A satellite facility provides equipment storage, eliminating the need to mobilize and demobilize for each collection event, saving staff resources. Most importantly, the satellite facility provides a safe, controlled environment for the collection of hazardous waste. Hazardous waste collected is categorized and transported to the Metro Bakersfield SWF for processing, consolidation and distribution/shipping.

Currently, in addition to the permanent SWFs, the Department continues to conduct eight one-day collection events annually: Kern Valley TS (2), Lebec TS (2), and the Tehachapi SLF (6). As these facilities are replaced or upgraded, the Department will assess the need to provide small satellite SWFs at each location. Similarly, the Department will assess the need and efficiency of relocating the Mojave SWF from the Mojave Airport to the Mojave-Rosamond IWMF once the regional facility is constructed.

The Department continues to provide full special waste collection services countywide. The programs have been expanded to include sharps, pharmaceuticals, e-waste and universal waste (fluorescent tubes and batteries). The Department continues to leverage the existing infrastructure to provide full integrated waste management services.

O5 BALANCE LEVEL OF SERVICE WITH ECONOMIC AND ENVIRONMENTAL CONSTRAINTS

The 2005 Infrastructure Plan recognized as an objective to "balance the level of service with economic and environmental constraints." The Infrastructure Plan recognized that one standard of service applied to all County solid waste facilities was not realistic. For example, keeping all facilities open 10 hours per day, 360 days per year when some facilities received as much as 1,000 tons and 373 vehicles per day while others received only 11 tons and 47 vehicles per day, was not prudent or practical. In 2001, the Department conducted an evaluation and held a series of public meetings to discuss facility usage and operational efficiency. As a result, the operating days and hours of each facility were tailored to community demand and customer usage; for example, the Bena Landfill is operated 56 hours/seven days per week, with an additional 11 hours reserved for franchise haulers. By contrast, the Keene Transfer Station is open 20 hours/three days per week.

Additionally, the Department evaluated service area, facility location and customer travel time on a system-wide basis. While most facilities were intentionally sited in the early 1970s to provide reasonable access for self-haulers from each service area, the closure of the China Grade Landfill and the siting of the Bena Landfill, the growth in Metro Bakersfield and the implementation of Universal Refuse Collection significantly changed waste-shed dynamics. For example, the City of Arvin and community of Lamont, originally serviced by the Arvin Landfill, are geographically closer than downtown Bakersfield to the Bena Landfill and are covered by mandatory refuse collection. Similarly, transfer stations such as Caliente and Buttonwillow were less than ten miles from regional facilities, but with no mandatory refuse collection. The data indicated that 98% of the Kern County population could be serviced by a facility with no more than a "30-minute" drive. With 80% of the Kern County population required to have mandatory refuse collection, at a cost of approximately \$200 per parcel per year, it was concluded that sustaining the operation of small facilities to provide convenient

service to residents that could subscribe to refuse collection services or had reasonably close alternative facilities (less than 30-minute drive) was not warranted.

As a result, the Department recommended no replacement of the Arvin Landfill when the facility reached capacity in 2003. Additionally, when Universal Refuse Collection was implemented in Lost Hills, the Department recommended closure of the Lost Hills Transfer Station. In 2010, as part of a number of cost cutting measures, the Department recommended closure of the Buttonwillow, Caliente, Keene and Randsburg Transfer Stations. Following a series of public meetings, Universal Refuse Collection was implemented in the Buttonwillow community and the transfer station was closed. The Caliente Transfer Station was also closed with residents utilizing the Loraine-Twin Oaks Transfer Station, Keene Transfer Station or Bena Landfill. But the communities near the Keene and Randsburg Transfer Stations, which have access to alternate facilities but where Universal Refuse Collection is difficult in some cases, elected to financially support the continued operation of the transfer station as an alternative to curbside collection or self-hauling to an alternate facility (less than 30-minute drive).

Evaluating the service level and customer travel time also led the Department to analyze the load size accepted at transfer stations. For example, the McFarland-Delano Transfer Station is located 24 miles from the Shafter-Wasco Landfill with a travel time of 35 minutes, while the Kern Valley Transfer Station is located 55 miles from the Ridgecrest Landfill with a travel time of over one hour. The Department determined that transferring small loads, such as pickup trucks and small trailers, is cost effective in both cases while transferring large loads such as packer trucks and dump trucks is only cost effective in the case of Kern Valley. As a result, all loads are accepted at the Kern Valley Transfer Station while the McFarland-Delano Transfer Station has a limit of 20 cubic yards. The Department informally refers to these transfer stations with limitations on inbound vehicle volume as "self-haul" transfer stations.

Therefore, by applying a reasonable standard for facility operation and refuse collection services, the following have been implemented to balance the level of waste handling services and waste collection services:

- Tailor days and hours of operation commensurate with community demand and usage;
- Limit volume of waste accepted at transfer stations based on haul distance to nearest disposal site;
- Implement a "30-minute" travel standard for small volume customers as a guideline for facility retention/siting;
- Provide communities with options to elect alternate levels of service when appropriate; and
- Implement Universal Refuse Collection as appropriate.

Facility Modification and Consolidation

Facility	Year	Action/Alternate Facility or Service
McFarland-Delano TS	2001	Limited to small volume loads (< 20 CY)
Arvin Landfill	2003	Closed - Redirected to Bena Landfill
Lost Hills TS	2004	Closed - Universal Collection Implemented
Buttonwillow TS	2011	Closed - Universal Collection/Shafter-Wasco SLF
Caliente TS	2011	Closed - Bena Landfill or Keene TS
Keene TS	2011	Retained - Alternate Universal Collection
Randsburg TS	2011	Retained - Alternate Universal Collection

Consistent with these policies, the Department proposes to maintain the level of service in the Tehachapi area by replacing the Tehachapi Landfill, which is projected to reach capacity in March 2017, with a self-haul transfer station on the existing site. However, to optimize disposal facility operations and postpone capital expenditures, the Department proposes to re-direct the Tehachapi waste stream to the Bena Landfill, rather than the Mojave-Rosamond Landfill as identified in the 2005 Infrastructure Plan. The Department projects that this realignment will save the Solid Waste Enterprise Fund approximately \$260,000 per year in operational costs and postpone the expenditure of approximately \$12 million in capital improvements over a three-year period.

O6 DEVELOP A FACILITY IMPLEMENTATION SCHEDULE

The Infrastructure Plan provides the Board of Supervisors with a tentative schedule for existing facility closure and new facility construction. Operational efficiencies and facility expansions continue to result in extending the capacity and site life at many facilities. The Department continues to update the Landfill Capacity Report on an annual basis and will update the Infrastructure Plan as needed.

Facility Extended Capacity

Facility	2005 Projected Closure Date Permitted Disposal Capacity	2013 Projected Closure Date Permitted/(Site) Capacity
Bena RSLF	2039	2046/2155*
Boron SLF	2031	2040
Mojave-Rosamond RSLF	2015	2024/2129*
Ridgecrest RSLF	2014	2050
Shafter-Wasco RSLF	2028	2058
Taft RSLF	2045	2079
Tehachapi RSLF	2008	2017

* Closure Date represents the projection based on the capacity listed in the CEQA documents for the entire landfill site.

PERIOD I (1990-2000):

The Department has implemented the 1995 Infrastructure Plan. While operational efficiency resulted in extending the capacity at many sites, as these sites eventually reached capacity they were closed. During the short term planning period, six landfills reached capacity, five landfills were replaced with transfer stations, and the China Grade SLF was replaced with the Bena SLF.

PHASE I (1990-2000) 1990 FACILITY STATUS			
Transfer Stations	Active Landfills	Special Waste	Closed Landfills
Caliente (1974) Keene (1974) Lor-Twin Oaks (1974) Randsburg (1976)	Arvin Boron Buttonwillow China Grade Glennville Kern Valley Lebec Lost Hills McFarland-Delano Mojave-Rosamond Ridgecrest Shafter-Wasco Taft Tehachapi		

PHASE I (1990-2000) 2000 FACILITY STATUS			
Transfer Stations	Active Landfills	Special Waste	Closed Landfills
Caliente (1974) Keene (1974) Lor-Twin Oaks (1974) Randsburg (1976) <u>Lebec (1991)</u> <u>Glennville (1991)</u> <u>McFarland-Delano (1992)</u> <u>Buttonwillow (1996)</u> <u>Kern Valley (1997)</u>	Arvin <u>Bena</u> Boron Lost Hills Mojave-Rosamond Ridgecrest Shafter-Wasco Taft Tehachapi	<u>Bakersfield (1995)</u>	<u>Lebec (1991)</u> <u>Glennville (1991)</u> <u>McF-Delano (1992)</u> <u>China Grade (1992)</u> <u>Buttonwillow (1996)</u> <u>Kern Valley (1997)</u>

The Infrastructure Plan Period I implementation is complete.

PERIOD II (2000-2010):

During Period II, one landfill closed due to depleted capacity: Arvin SLF (2003). Due to the proximity of the Arvin and Lamont communities to the Bena Landfill, the Arvin facility was not replaced with a transfer station. The Lost Hills SLF was temporarily decommissioned

(mothballed) and replaced with a transfer station in 2001. Subsequently, universal refuse collection was implemented in Lost Hills in 2004 and the transfer station was closed.

PHASE II (2000-2010) 2010 FACILITY STATUS			
Transfer Stations	Active Landfills	Special Waste	Closed Landfills
Caliente (1974)	Bena	Bakersfield (1995)	Lebec (1991)
Keene (1974)	Boron		Glennville (1991)
Lor-Twin Oaks (1974)	Mojave-Rosamond	<u>Mojave (2005)</u>	McF-Delano (1992)
Randsburg (1976)	Ridgecrest	<u>Ridgecrest (2009)</u>	China Grade (1992)
Lebec (1991)	Shafter-Wasco		Buttonwillow (1996)
Glennville (1991)	Taft		Kern Valley (1997)
McFarland-Delano (1992)	Tehachapi		<u>Lost Hills (2001)</u>
Buttonwillow (1996)			<u>Arvin (2003)</u>
Kern Valley (1997)			
<u>Lost Hills (2001-2004)</u>			

The Infrastructure Plan Period II implementation is complete.

PERIOD III (2010-2020):

During Period III, Universal Collection was implemented in the community of Buttonwillow and the Buttonwillow Transfer Station was closed. The Caliente Transfer Station was also closed and residents re-directed to the Keene Transfer Station. Both closures were a consequence of cost-cutting measures brought on by economic recession. The Tehachapi Landfill is projected to reach capacity in 2017. The Department proposed to transition to a transfer station on the existing landfill site. The Department also recommends re-directing the Tehachapi waste stream temporarily to the Bena Landfill for operational efficiency and to postpone the capital construction of liner and road improvements at the Mojave-Rosamond Landfill.

The 2005 Infrastructure Plan identified the Taft Landfill and the Lost Hills Landfill as suitable for potential expansion, with either facility able to serve as the regional landfill for western Kern County. Since 2005, the Department has acquired buffer property surrounding the Shafter-Wasco Landfill. Additionally, the Department has worked with the State and Federal Wildlife agencies to amend the Kern County Solid Waste Facilities Habitat Conservation Plan. Both the Taft and Lost Hills Landfills are located in areas identified as prime habitat for a suite of endangered species. Expansion of either the Taft or Lost Hills facilities would require the acquisition of significant habitat offset. Re-evaluation of facility options show that the Shafter-Wasco facility provides a more centralized regional integrated waste management facility for western Kern County, while at the same time eliminating one additional transfer station and minimizing disturbance of prime habitat. Therefore, the Department recommends designating the Shafter-Wasco RSLF as the regional integrated waste management facility for western Kern County and relinquishing the remaining capacity of the Lost Hills site.

PHASE III (2010-2020) 2020 FACILITY STATUS			
Recycling Transfer Stations	Active Landfills and IWMFs	Special Waste	Closed Landfills
Keene (1974)	Bena IWMF (2155)*		Lebec (1991)
Lor-Twin Oaks (1974)	Boron SLF (2040)	Bakersfield (1995)	Glennville (1991)
Randsburg (1976)	Moj-Ros IWMF (2129)*	Mojave (2005)	McF-Delano (1992)
Lebec (1991)	Ridgecrest RSLF (2050)	Ridgecrest (2009)	China Grade (1992)
Glennville (1991)	Shafter-Wasco IWMF (2058)		Buttonwillow (1996)
McFarland-Delano (1992)	Taft RSLF (2079)		Kern Valley (1997)
Kern Valley (1997)			Lost Hills (2001)
<u>Tehachapi (2017)</u>		<u>Tehachapi (2017)</u>	Arvin (2003)
			<u>Tehachapi (2017)</u>

* The Mojave-Rosamond and Bena Landfill closure dates reflect CEQA approved capacity; all other facilities reflect CEQA and permitted capacity.

PHASE IV (2020-2030)

Due to the vertical expansions of the Shafter, Taft and Ridgecrest Landfills, no disposal facilities are expected to reach final capacity during Phase IV. Waste Management Unit 1 of the Mojave-Rosamond Landfill will reach capacity in 2024 and move into closure construction, with the facility expansion serving eastern Kern County until 2129. Growth projections indicate that sometime between 2020 and 2030, the Lebec Transfer Station will need to be upgraded and expanded to meet the development demands of the Tejon Mountain Village, including the potential of a satellite Special Waste Facility. Similarly, development of the Tejon Industrial Park and southwest Bakersfield indicate that a Metro/I-5 Corridor Transfer Station may be warranted.

PHASE IV (2020-2030) 2030 FACILITY STATUS			
Recycling Transfer Stations	Active Landfills and IWMFs	Special Waste	Closed Landfills
Keene (1974)	Bena IWMF (2155)*		Lebec (1991)
Lor-Twin Oaks (1974)	Boron SLF (2040)	Bakersfield (1995)	Glennville (1991)
Randsburg (1976)	Moj-Ros IWMF (2129)*	Mojave (2005)	McF-Delano (1992)
Lebec (1991)	Ridgecrest RSLF (2050)	Ridgecrest (2009)	China Grade (1992)
Glennville (1991)	Shafter-Wasco IWMF (2058)	<i>Lebec</i>	Buttonwillow (1996)
McFarland-Delano (1992)	Taft RSLF (2079)		Kern Valley (1997)
Kern Valley (1997)			Lost Hills (2001)
Tehachapi (2017)		<u>Tehachapi (2017)</u>	Arvin (2003)
<u>Metro/I-5 Corridor</u>			Tehachapi (2017)

Italicized facilities are proposed with uncertain dates of construction/operation

* The Mojave-Rosamond and Bena Landfill closure dates reflect CEQA approved capacity; all other facilities reflect CEQA and permitted capacity.

PHASE V (2030-2040)

During Phase V, the Boron Landfill will reach capacity and is proposed to be replaced by a self-haul transfer station.

PHASE V (2030-2040) 2030 FACILITY STATUS			
Recycling Transfer Stations	Active Landfills and IWMFs	Special Waste	Closed Landfills
Keene (1974)	Bena IWMF (2155)*	Bakersfield (1995)	Lebec (1991)
Lor-Twin Oaks (1974)	Moj-Ros IWMF (2129)*	Mojave (2005)	Glennville (1991)
Randsburg (1976)	Ridgecrest RSLF (2050)	Ridgecrest (2009)	McF-Delano (1992)
Lebec (1991)	Shafter-Wasco IWMF (2058)	<i>Lebec</i>	China Grade (1992)
Glennville (1991)	Taft RSLF (2079)		Buttonwillow (1996)
McFarland-Delano (1992)			Kern Valley (1997)
Kern Valley (1997)			Lost Hills (2001)
Tehachapi (2017)		Tehachapi (2017)	Arvin (2003)
<i>Boron (2040)</i>			Tehachapi (2017)
<i>Metro/I-5 Corridor</i>			<i>Boron (2040)</i>

Italicized facilities are proposed with uncertain dates of construction/operation

* The Mojave-Rosamond and Bena Landfill closure dates reflect CEQA approved capacity; all other facilities reflect CEQA and permitted capacity.

Infrastructure Plan Policy

Since 2005, the Department has completed the acquisition of almost all buffer properties adjacent to existing solid waste landfills and transfer stations, as well as the acquisition of facility and buffer properties to expand the Mojave-Rosamond Landfill into a regional facility for eastern Kern County.

The 2005 Infrastructure Plan identified Bena, Mojave-Rosamond and either Lost Hills or Taft as regional waste management facilities. Given the approved increased disposal capacity, the increased mandates for diversion and recycling programs, the habitat sensitivity of the Taft and Lost Hills facilities and the completion of buffer acquisition, the Department recommends utilizing the Shafter-Wasco Recycling and Sanitary Landfill as the third regional facility. The Shafter-Wasco facility is uniquely situated to provide full integrated waste management capacity for western Kern County, as well as support for the Metro Bakersfield area.

Regional Integrated Waste Management Facilities

Regional IWM Facilities	Service Area
Bakersfield Metro (Bena)	Arvin, Bakersfield, Frazier Park and Lebec
Mojave-Rosamond	Boron, California City, Kern Valley, Mojave, Ridgecrest, Rosamond and Tehachapi
Shafter-Wasco	Metro Bakersfield, Delano, McFarland, Shafter, Taft and Wasco

Lastly, while the original Infrastructure Plan was primarily focused on assuring adequate disposal capacity to Kern County residents and businesses, solid waste management has grown ever more integrated and complex. As a result, the functionality of Kern County solid waste facilities has expanded to provide integrated services including disposal, diversion, recycling and Household Hazardous Waste (HHW) collection and processing. These facilities are adequately protected, with the potential to provide full integrated waste management services into the 22nd century. The system of County owned facilities, complemented by the wide range of recycling/processing facilities, is projected to provide Kern County and the incorporated cities with the necessary recycling infrastructure to meet the statewide goal of 75% diversion by 2020.

The *2013 Kern County Solid Waste Infrastructure Plan* recommends the following modifications:

- Amend Assumption 4 to reflect that Certificates of Participation (COPs) will no longer be used to finance capital projects. The Solid Waste Enterprise Fund will accrue capital reserves to fund future capital projects.
- Designate the Shafter-Wasco Recycling and Sanitary Landfill as the third Regional Integrated Waste Management Facility to serve western Kern County, and relinquish the remaining disposal capacity of the Lost Hills Landfill.
- Adopt the policies outlined to balance the level of service with economic and environmental constraints.
- Upon closure of the Tehachapi Landfill and operation of the Tehachapi Transfer Station, re-direct the Tehachapi waste stream temporarily to the Bena Landfill for operational efficiency and to postpone the capital construction of liner and road improvements projected for the expansion of the Mojave-Rosamond IWMF.
- Recognize and reserve the Shafter IWMF, the Mojave IWMF and the Bena IWMF as the regional integrated waste management facilities, and designate these facilities for advanced/conversion technologies.

Conclusion

The Waste Management Department recognizes that waste facility siting, operations and closure are significant commitments of County resources. The Department is also committed to constantly improving the way in which we manage the County's waste stream. Therefore, in developing and updating the Infrastructure Plan, regulatory trends are evaluated and related to industry trends and the County's experience in owning and operating facilities. Over the last 25 years, the recycling, composting and disposal infrastructure have become truly integrated, and are poised to expand and evolve to include anaerobic digestion and advanced/conversion technology. Existing public and private solid waste infrastructure provides adequate recycling and composting capacity and is capable of being expanded to meet the 75% diversion goal by 2020. The Kern County solid waste infrastructure provides adequate Household Hazardous Waste (HHW) services and is capable of being expanded to meet public demand. And finally, the Kern County solid waste infrastructure provides adequate disposal capacity and is capable of meeting the projected integrated waste management needs of the County through 2040 and beyond.

APPENDIX A

Kern County Permitted Disposal Capacity

Sanitary Landfill (SLF)	Jan. 1, 2013 Remaining Disposal Capacity (Tons)	Remaining Life Span (Years)	Estimated Closure Date
Arvin SLF	0	0	Closed
Bena SLF*	20,715,311	33.3	2046*
Boron SLF	92,380	27.6	2040
Buttonwillow SLF	0	0	Closed
China Grade SLF	0	0	Closed
Kern Valley SLF	0	0	Closed
Lebec SLF	0	0	Closed
Lost Hills SLF	0	0	Closed
McFarland-Delano	0	0	Closed
Mojave-Rosamond SLF *	312,117	11.3	2024*
Ridgecrest SLF	2,675,954	37.0	2050
Shafter-Wasco SLF	9,819,837	46.1	2058
Taft SLF	4,623,230	66.1	2079
Tehachapi SLF	247,822	4.2	2017
Composite Capacity	38,486,651	37.5	

* The Mojave-Rosamond and Bena Landfills have CEQA approved capacity that greatly exceeds permitted capacity.

APPENDIX B

Kern County Non-Disposal Facility Element

Facility	Diversion Program
Mt. Vernon Greenwaste & Composting	Composting
CRRR (Arvin)	Composting
Synagro	Composting
Tehachapi Recycling	Mixed Waste Processing
MRC at Mt. Vernon	C & D Recycling and Source Separated Processing
BARC	Source Separated Processing
RockTenn	Source Separated Processing
American Refuse	Source Separated Processing
Granite Construction	C & D Recycling
Bena Recycling and SLF	Diversion/Recycling Programs
Boron Recycling and SLF	Diversion/Recycling Programs
Mojave Recycling and SLF	Diversion/Recycling Programs
Ridgecrest Recycling and SLF	Diversion/Recycling Programs
Shafter-Wasco Recycling and SLF	Diversion/Recycling Programs
Taft Recycling and SLF	Diversion/Recycling Programs
Tehachapi Recycling and SLF	Diversion/Recycling Programs
Glennville Recycling and TS	Diversion/Recycling Programs
Kern Valley Recycling and TS	Diversion/Recycling Programs
Lebec Recycling and TS	Diversion/Recycling Programs
Lorraine-Twin Oaks TS	Diversion/Recycling Programs
McFarland-Delano Recycling and TS	Diversion/Recycling Programs
Sierra Iron and Metals	Metal Recycling
Golden State Metals	Metal Recycling

Out-of-County Non-Disposal Facilities

Facility	Diversion Program
Sunset (Fresno County)	Mixed Waste Processing
Waste Management, Inc. (LA County)	Mixed Waste Processing

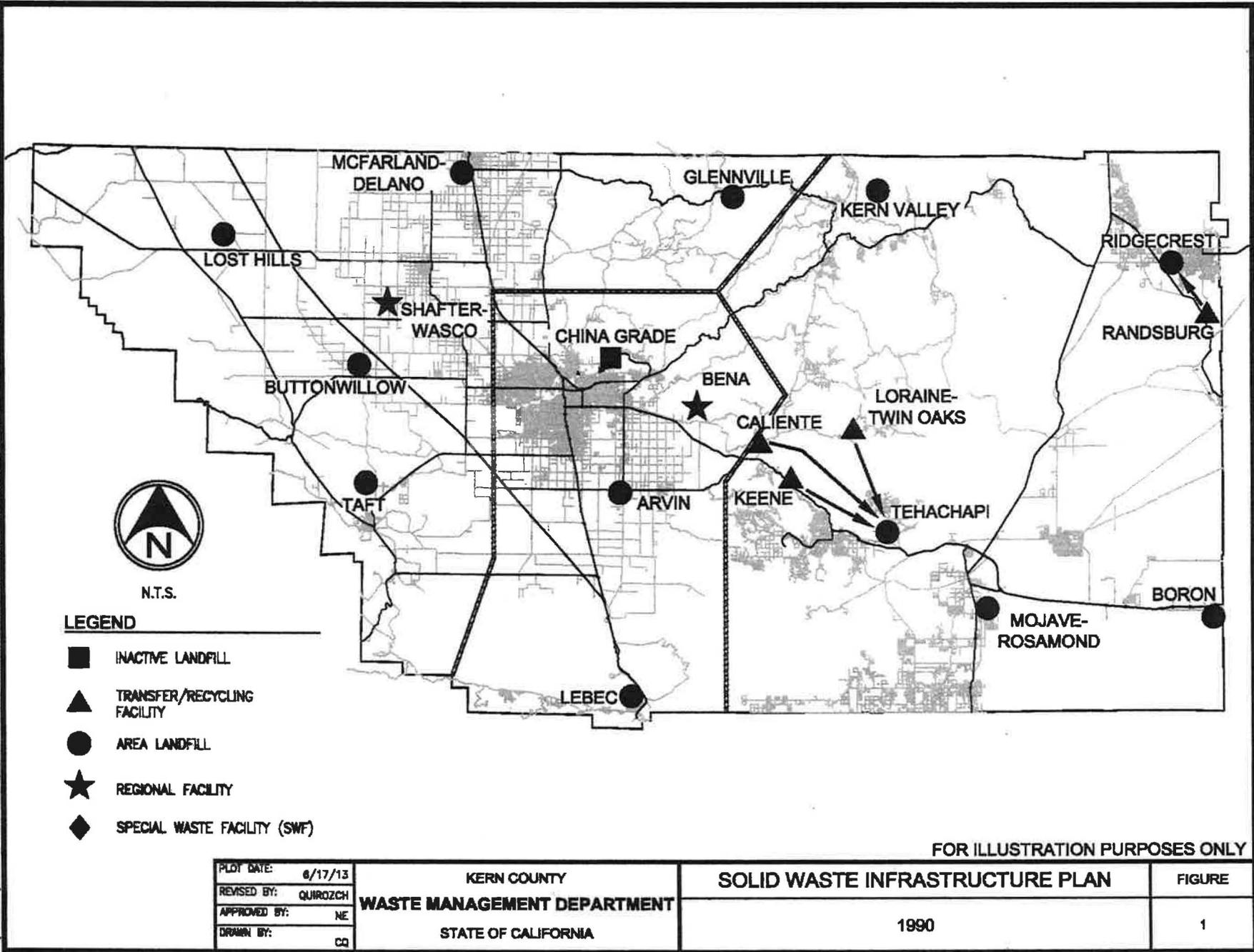
APPENDIX C

Residential Solid Waste Collection Services

Incorporated Areas	Population (2012)	Refuse	Recycling	Greenwaste (Curbside)
Arvin	19,849	M	M	M
Bakersfield	354,480	M	M	M
California City	13,260	M	M	N/A
Delano	52,005	M	M	M
Maricopa	1,163	M	M	M
McFarland	12,333	M	M	M
Ridgecrest	28,089	V	V	N/A
Shafter	16,928	M	V	N/A
Taft	8,906	M	V	N/A
Tehachapi	13,872	M	M	N/A
Wasco	25,324	M	M	M
Incorporated Total/ Percent Availability	546,209	100%	100%	85%
Unincorporated Areas	Population (2012)	Refuse	Recycling	Greenwaste (Curbside)
Metro Bakersfield Universal Collection	149,433	M	M	M
Eastern Kern UCA	1,074	M	M	N/A
Other UCAs	12,885	M	V	N/A
Other Unincorporated	121,308	V	V	N/A
Permit Areas	19,096	V	N/A	N/A
Unincorporated Total/ Percent Availability	303,797	100%	94%	49%
Countywide Total/ Percent Availability	850,006	100%	98%	72%

(M) Mandatory, (V) Voluntary, (N/A) Not Available

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N.T.S.

LEGEND

- INACTIVE LANDFILL
- ▲ TRANSFER/RECYCLING FACILITY
- AREA LANDFILL
- ★ REGIONAL FACILITY
- ◆ SPECIAL WASTE FACILITY (SWF)

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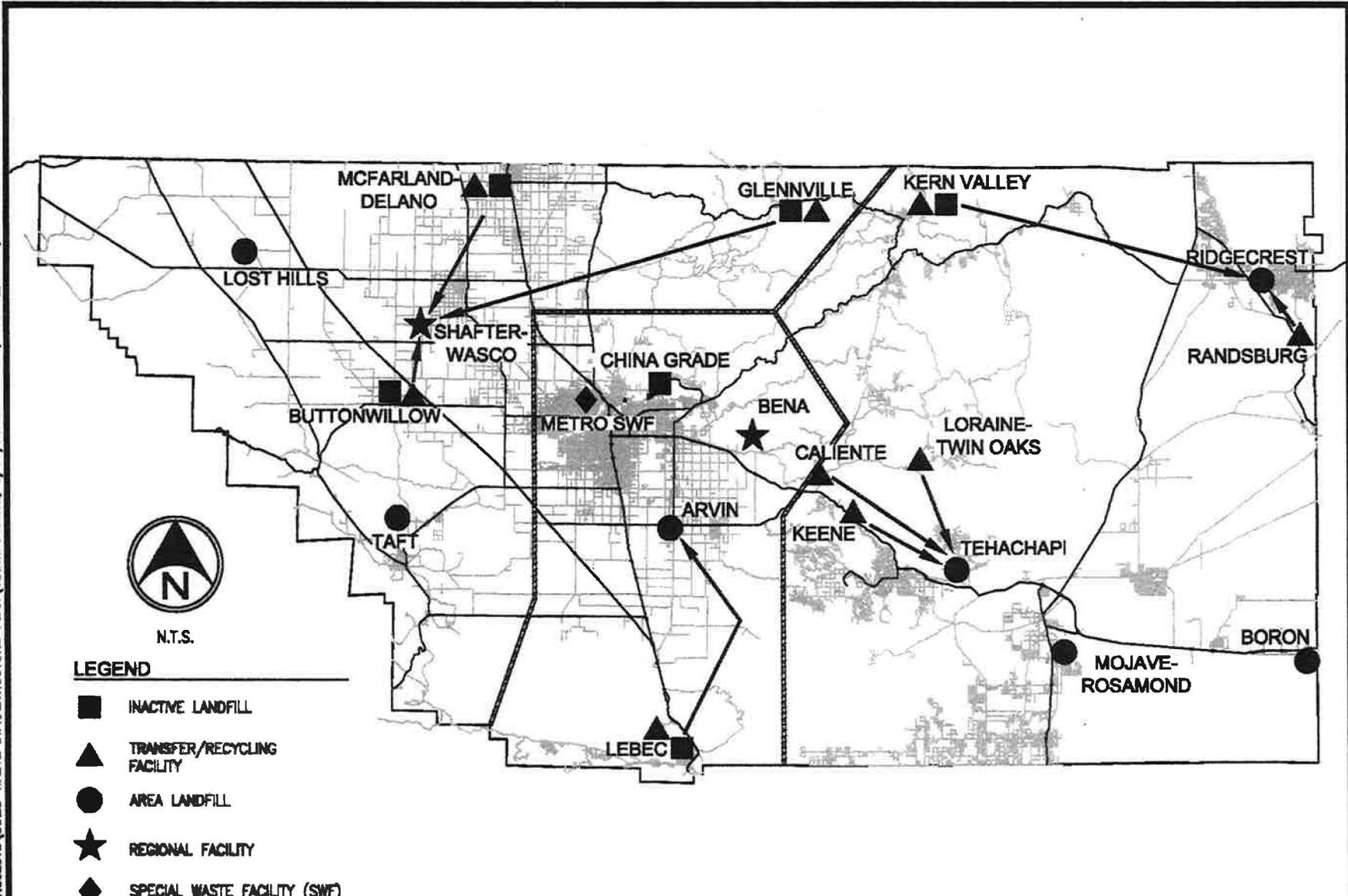
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APPROVED BY:	NE
DRAWN BY:	CD

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
 STATE OF CALIFORNIA

SOLID WASTE INFRASTRUCTURE PLAN
 1990

FIGURE
 1

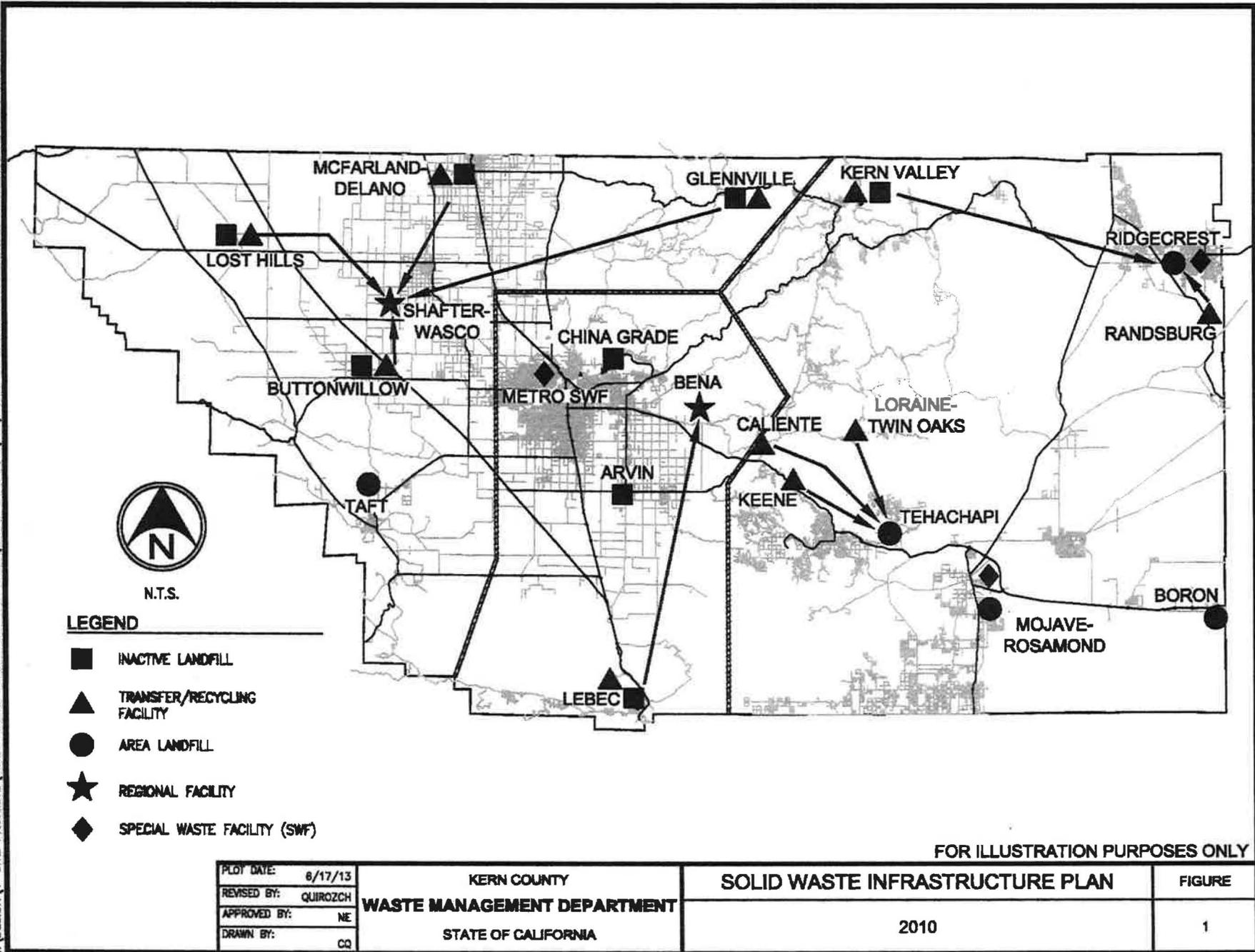
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PREP BY: 6/17/13 REVISIONS BY: QUIROZCH APPROVED BY: NE DRAWN BY: CQ	KERN COUNTY WASTE MANAGEMENT DEPARTMENT STATE OF CALIFORNIA	SOLID WASTE INFRASTRUCTURE PLAN 2000	FIGURE 1
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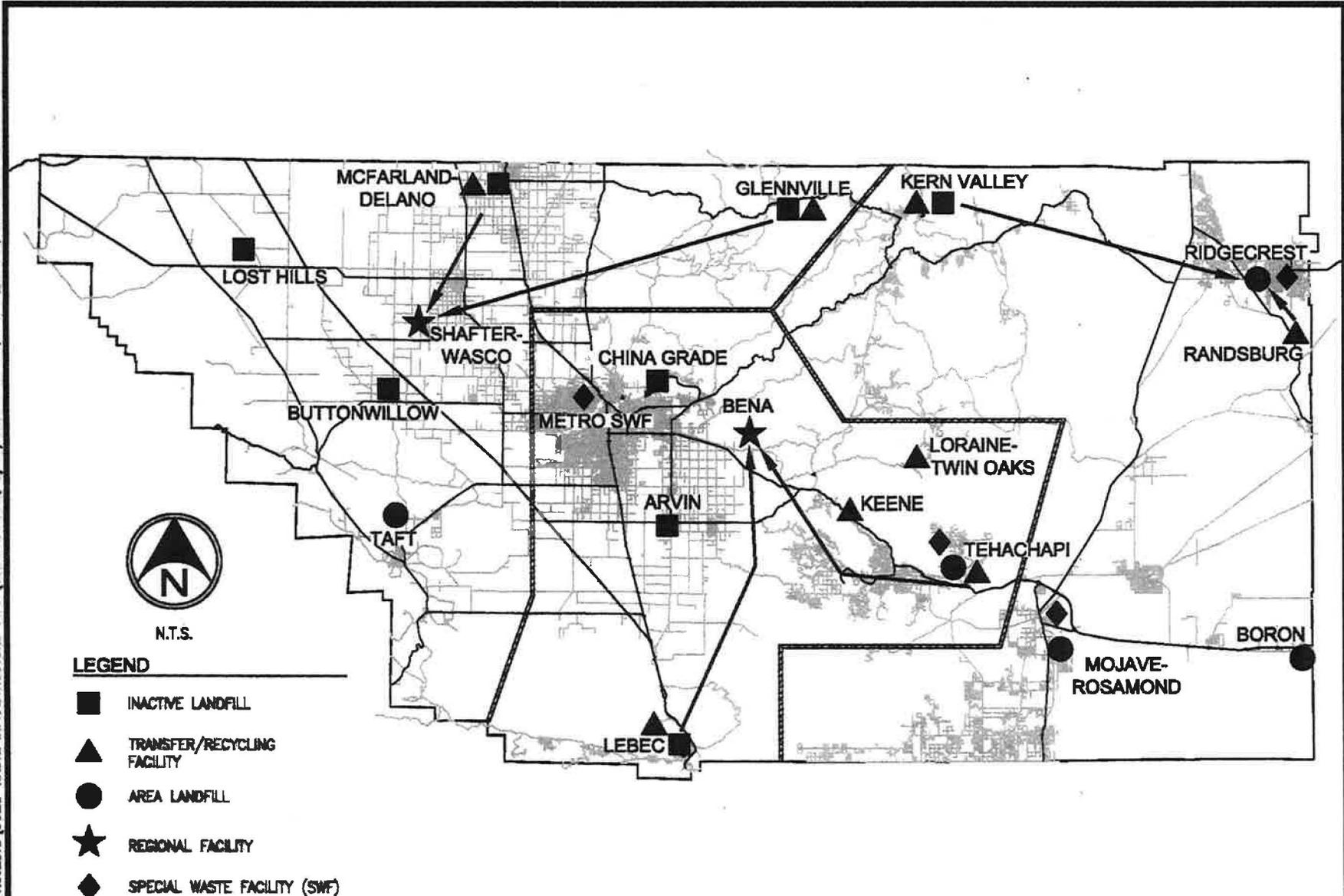
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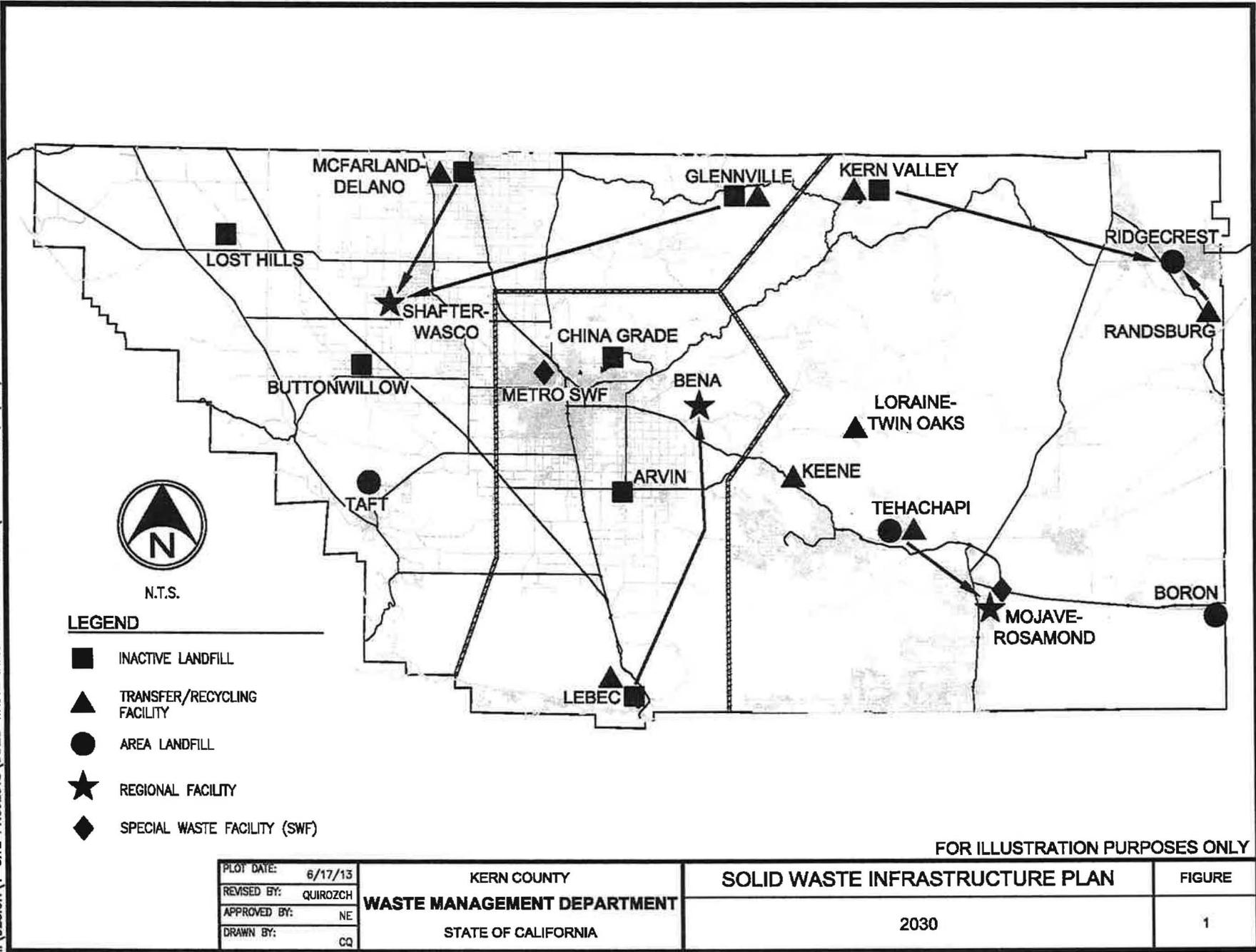
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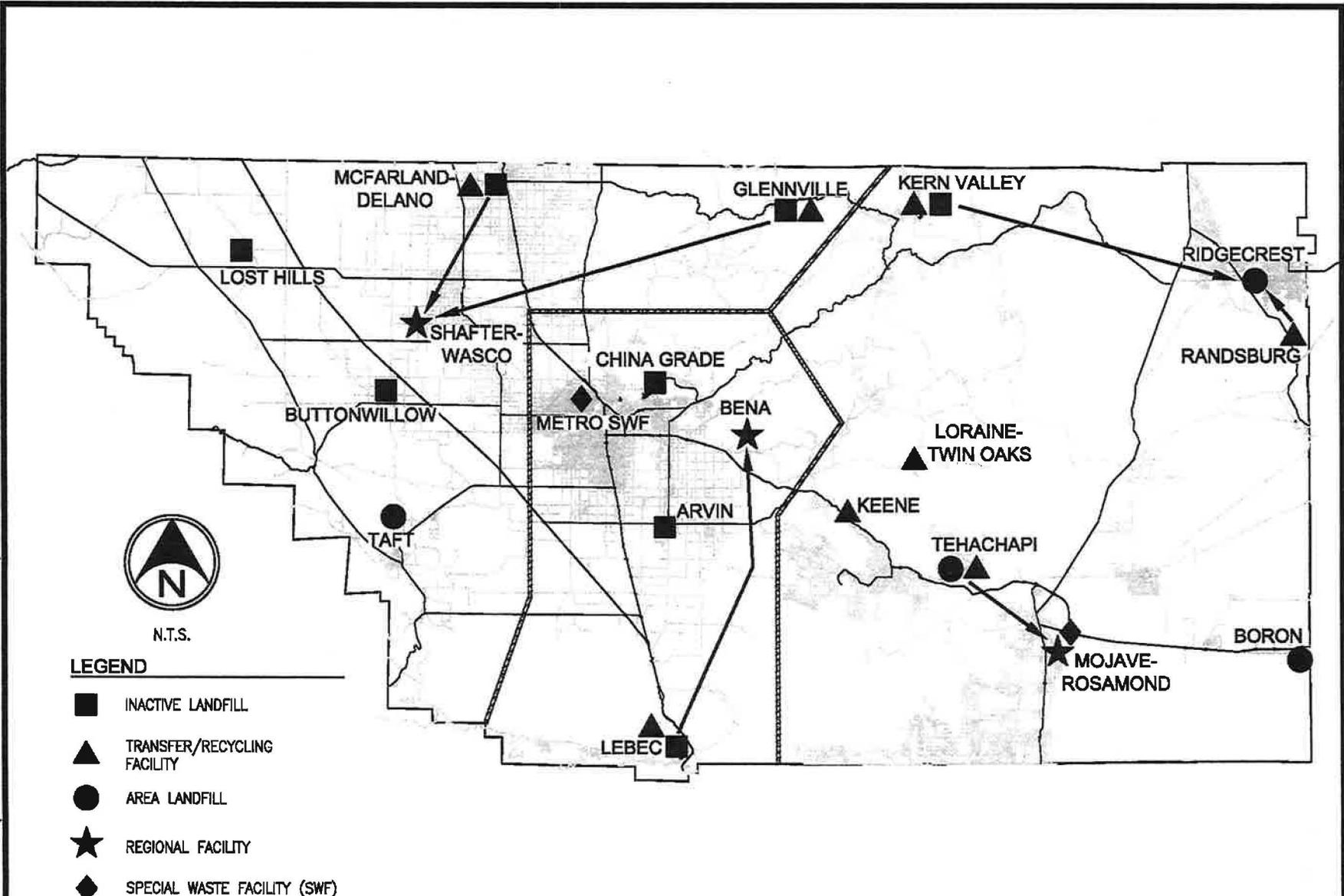
PLOT DATE: 6/17/13 REVISED BY: QUIROZCH APPROVED BY: NE DRAWN BY: CQ	KERN COUNTY WASTE MANAGEMENT DEPARTMENT STATE OF CALIFORNIA	SOLID WASTE INFRASTRUCTURE PLAN 2020	FIGURE 1
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PLOT DATE: 6/17/13 REVISED BY: QUIROZCH APPROVED BY: NE DRAWN BY: CQ	KERN COUNTY WASTE MANAGEMENT DEPARTMENT	SOLID WASTE INFRASTRUCTURE PLAN	FIGURE
	STATE OF CALIFORNIA	2030	1

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PLOT DATE: 6/17/13	KERN COUNTY	SOLID WASTE INFRASTRUCTURE PLAN	FIGURE
REVISED BY: QUIROZCH	WASTE MANAGEMENT DEPARTMENT		
APPROVED BY: NE	STATE OF CALIFORNIA	2040	1
DRAWN BY: CQ			

APPENDIX D

DISPOSAL CAPACITY REQUIREMENTS

DISPOSAL CAPACITY REQUIREMENTS

Table D-1 lists the permitted disposal capacity for County owned and operated public municipal solid waste landfill disposal facilities, as of January 1, 1990 (base year), January 1, 1995 (year CSE prepared), and January 1, 2014 (year CSE revised) (14 CCR §18755.3(a)(1)-(3)). Private or U.S. Government-owned facilities were not factored in to the countywide municipal solid waste disposal capacity due to their limitations on use by the public and lack of contractual obligation.

Increases in permitted capacity between 1990 and 1995 are due to:

- Improved air space density as a result of better waste compaction and operations.
- Implementation of Alternate Daily Cover programs, using tarps in lieu of soil cover.
- Effective waste diversion and recycling programs.
- Updated final fill plans.

Increases in permitted capacity between 1995 and 2014 are also due to those reasons listed above, as well as permit revisions for several facilities providing for additional capacity. These permit revisions include:

- Bena
- Boron
- Mojave-Rosamond
- Ridgecrest
- Shafter-Wasco
- Taft
- Tehachapi

The Bena Sanitary Landfill “remaining CEQA-approved capacity” takes into account the 447,000,000 cy (262,941,176 tons using 2014 fill rate of 1.70 cy/ton) of CEQA-approved total capacity of this site for future phases to be permitted.

Data from the KCWMD’s 2014 Capacity Study was used to project what facilities will be required in the future to ensure that Kern County residents and businesses have sufficient long-term landfill disposal capacity. Utilizing the 2014 Capacity Study, current countywide permitted capacity of County of Kern owned public disposal facilities is estimated to provide Kern County with approximately 63 years of landfill disposal capacity. The full countywide master-planned capacity approved in California Environmental Quality Act (CEQA) documents is estimated to provide Kern County approximately 125 years of landfill disposal capacity. Therefore, the County of Kern has more than 15 years of available landfill disposal capacity.

Table D-2 demonstrates the anticipated municipal solid waste disposal projection for a 15-year period, beginning in 2014 (the year the CSE was revised).

The information in tables D-1 and D-2 is based on the KCWMD Capacity Study, updated annually by the KCWMD. Therefore, these tables may periodically be updated to provide more current remaining permitted capacities and/or as facilities close. Such updates do not constitute a revision of this document and, therefore, do not require approval by the County and by a majority of the cities within the County which contain a majority of the population of the incorporated area of the County.

**TABLE D-1
Remaining Disposal Capacity**

FACILITY NAME	REMAINING PERMITTED LANDFILL CAPACITY (1/1/90)		REMAINING PERMITTED LANDFILL CAPACITY (1/1/95)		REMAINING PERMITTED LANDFILL CAPACITY (1/1/14)		REMAINING CEQA APPROVED CAPACITY**	
	tons* x 10 ³	cy x 10 ³	tons* x 10 ³	cy x 10 ³	tons* x 10 ³	cy x 10 ³	tons* x 10 ³	cy x 10 ³
ARVIN	1,658	2,769	827	1,382	0	0		
BENA	0	0	2,998	5,007	19,091	32,454	165,198	280,837
	not permitted until 4/17/91		phase 1		phases 2A		all phases	
BORON	88	221	56	140	120	216		
BUTTON-WILLOW	104	209	3	7	0	0		
CHINA GRADE	473	790	0	0	0	0		
GLENNVILLE	1	2	0	0	0	0		
KERN VALLEY	1,169	1,953	18	30	0	0		
LEBEC	70	117	0	0	0	0		
LOST HILLS	589	1,178	464	928	0	0		
MCFARLAND-DELANO	195	327	0	0	0	0		
MOJAVE-ROSAMOND	432	722	198	330	43,643	70,531		
RIDGECREST	2,239	3,739	1,303	2,176	2,631	4,394		
SHAFTER-WASCO	1,950	3,256	3,438	5,742	9,689	14,534		
TAFT	909	1,519	2,499	4,174	4,337	7,156		
TEHACHAPI	253	424	339	566	219	329		
TOTAL REMAINING PERMITTED CAPACITY	10,130	17,226	12,143	20,482	79,732	129,617		
TOTAL AVAILABLE CEQA CAPACITY							225,840	378,000
<i>*Tonnages are based upon current fill efficiency factors and are subject to change.</i>								
<i>**Based on 2009 Master Plan</i>								

Sources: Landfill Capacity Studies, January 1995 and 2014

APPENDIX E

SOLID WASTE DISPOSAL FACILITY SITE MAPS

APPENDIX E

SOLID WASTE DISPOSAL FACILITY SITE MAPS

Public Resources Code Section 18755.5(b) requires the Siting Element include a map showing each existing permitted solid waste disposal facility countywide. For each solid waste disposal facility identified in section 4 of this Siting Element, the respective facility map is included here.

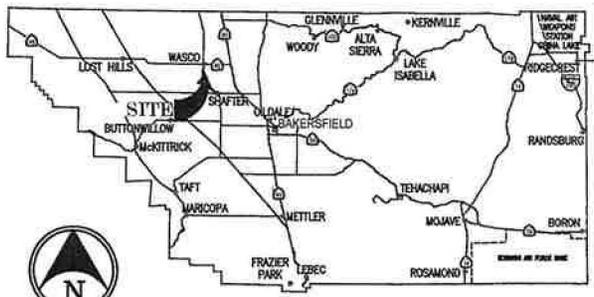
Solid Waste Facility

American Tire Tech (Landfill)
Bakersfield Metropolitan (Bena) Sanitary Landfill
Boron Sanitary Landfill
Edwards Air Force Base – Main Base Landfill
H.M. Holloway Landfill
Liquid Waste Management (McKittrick Waste), Class II
Mojave-Rosamond Recycling and Sanitary Landfill
Ridgecrest Recycling and Sanitary Landfill
Robinson-Grogg Partnership Disposal Facility (proposed)
Shafter-Wasco Recycling and Sanitary Landfill
Taft Recycling and Sanitary Landfill
Tehachapi Sanitary Landfill
US Borax, Inc. – Gangue/Refuse Waste Pile – Boron Operations
Valley Tree and Construction Disposal Site



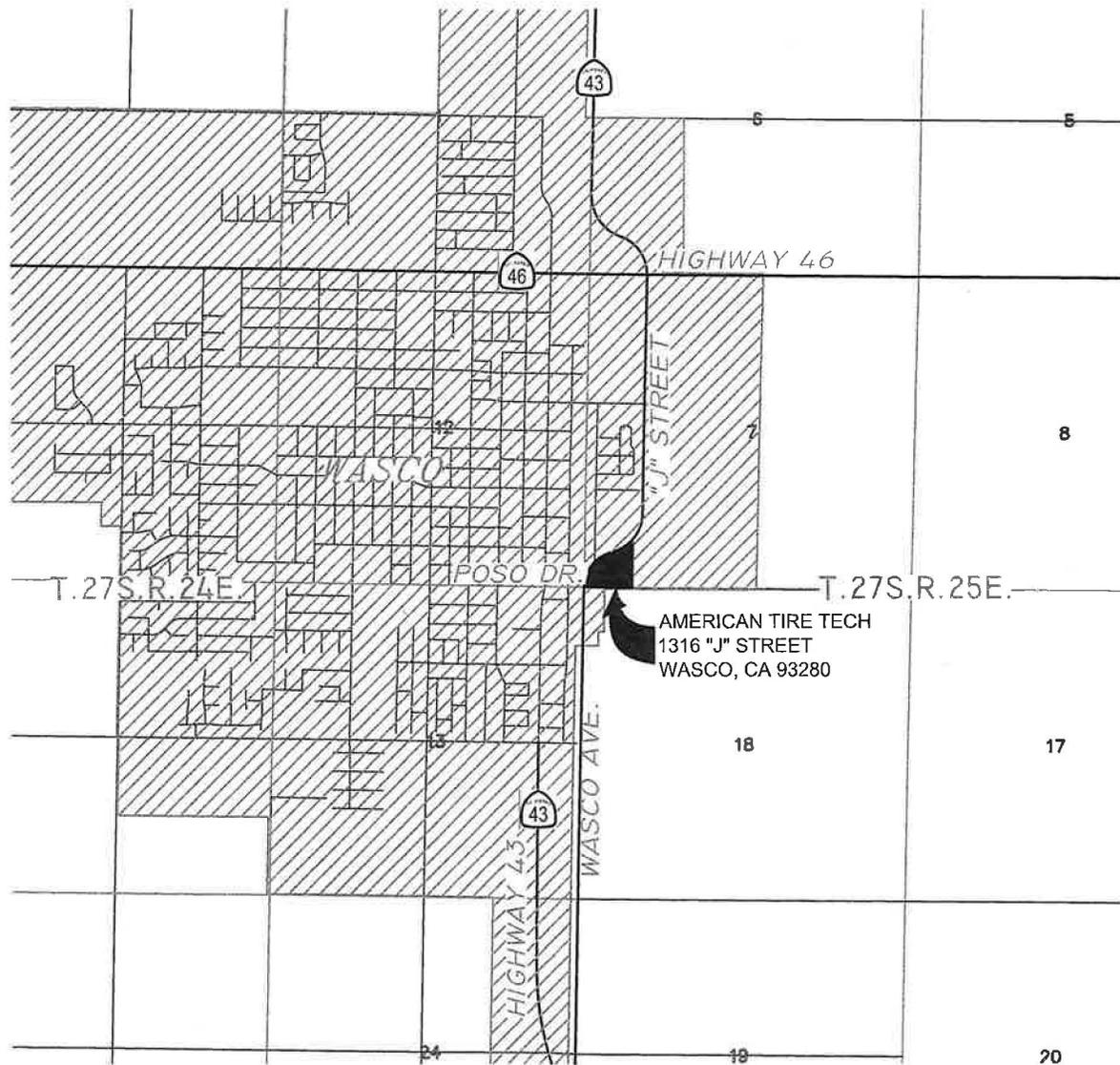
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TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

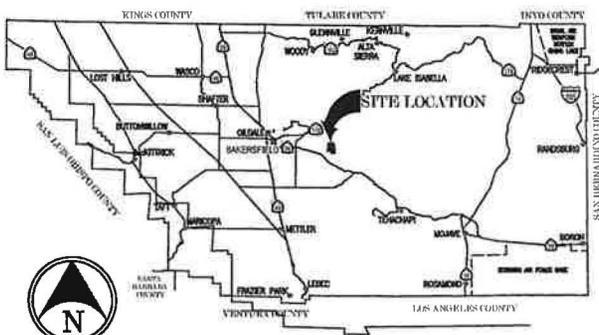
AMERICAN TIRE TECH
SITING ELEMENT FACILITY MAP

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA



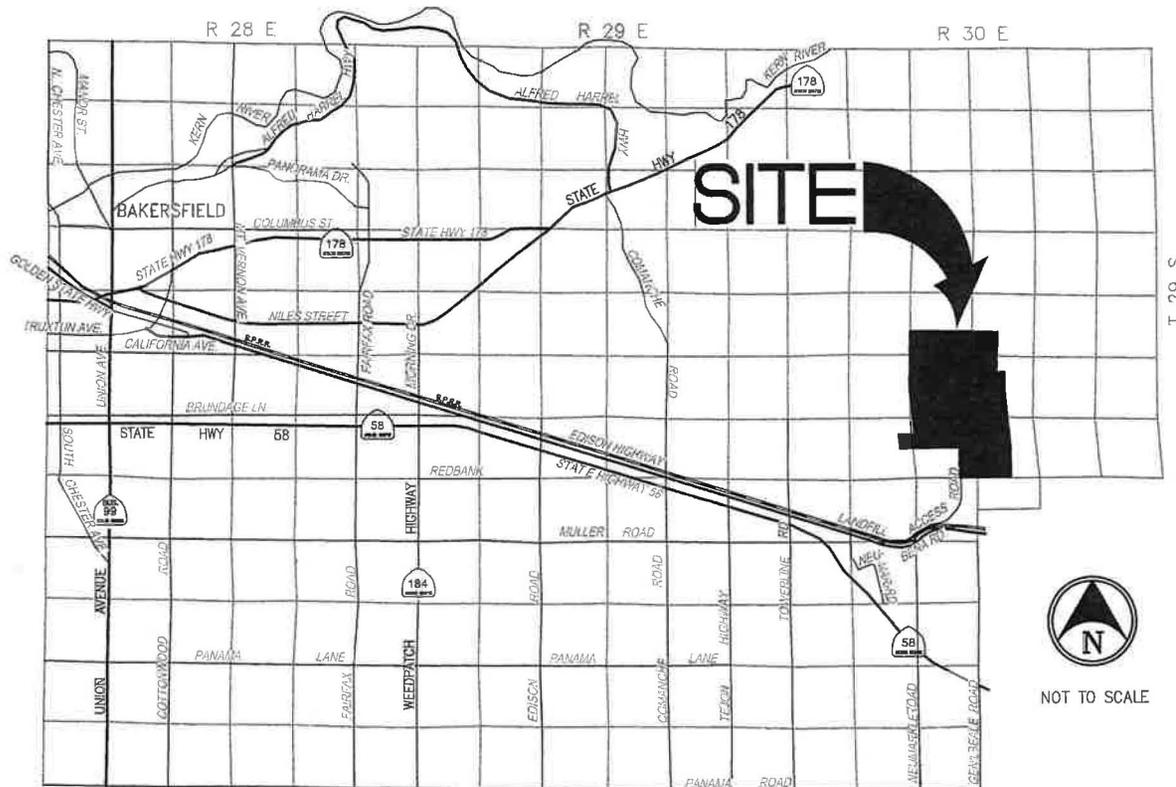
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DAC TECHNICIAN	S.E.

**BENA SANITARY LANDFILL
SITING ELEMENT FACILITY MAP**

**KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA**



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DAC TECHNICIAN	C.Q.

H.M. HOLLOWAY LANDFILL
SITING ELEMENT FACILITY MAP

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA



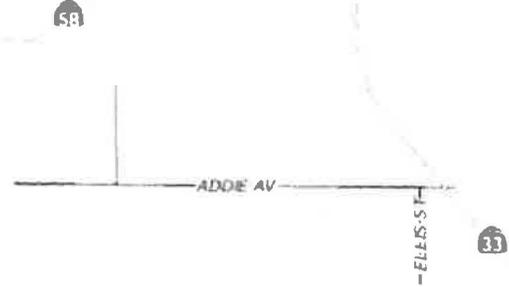
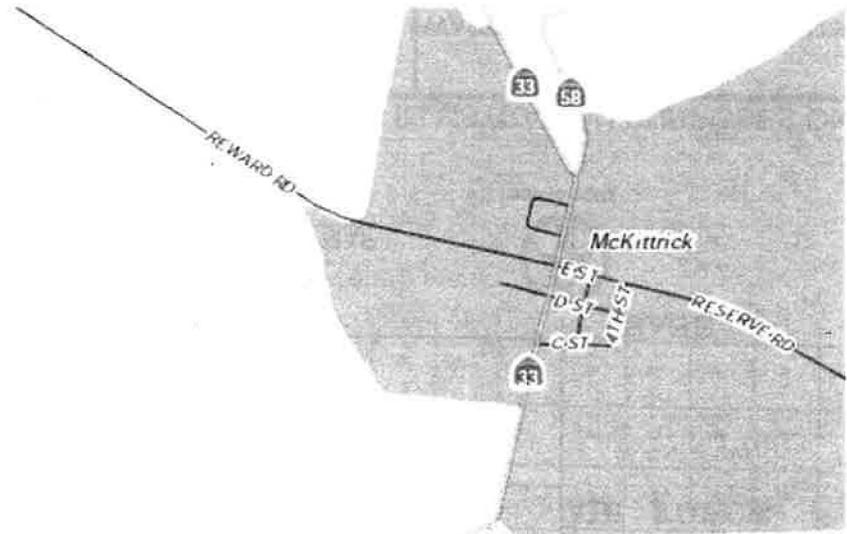
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VICINITY MAP

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TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

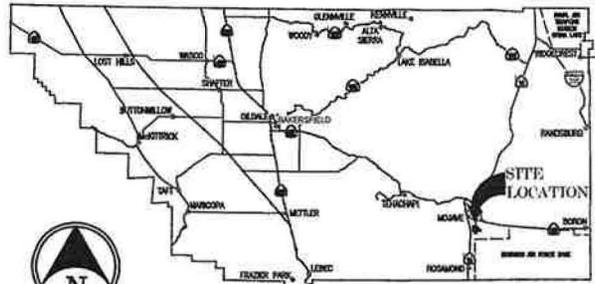
LIQUID WASTE MANAGEMENT, INC.
SITING ELEMENT FACILITY MAP

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA



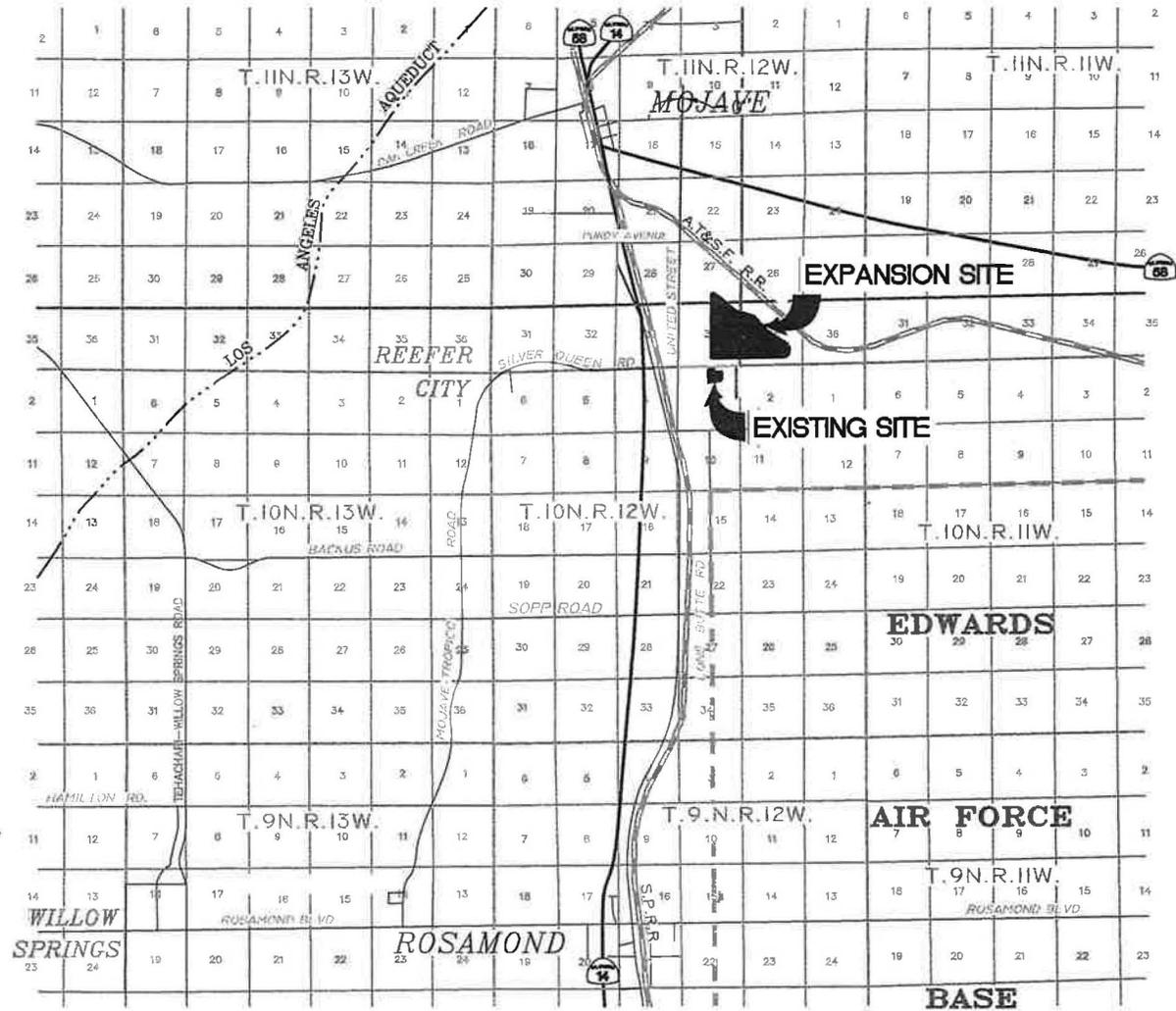
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NOT TO SCALE

KERN COUNTY, CALIFORNIA



VICINITY MAP



NOT TO SCALE

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TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

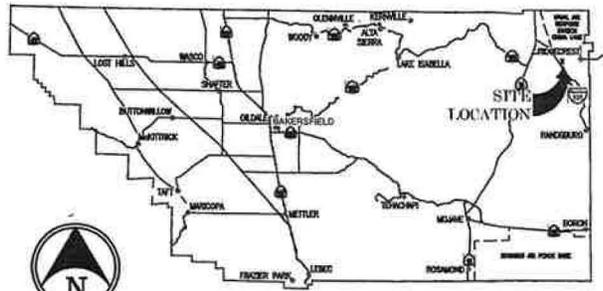
**MOJAVE-ROSAMOND RECYCLING &
SANITARY LANDFILL
SITING ELEMENT FACILITY MAP**

**KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA**



NOT TO SCALE

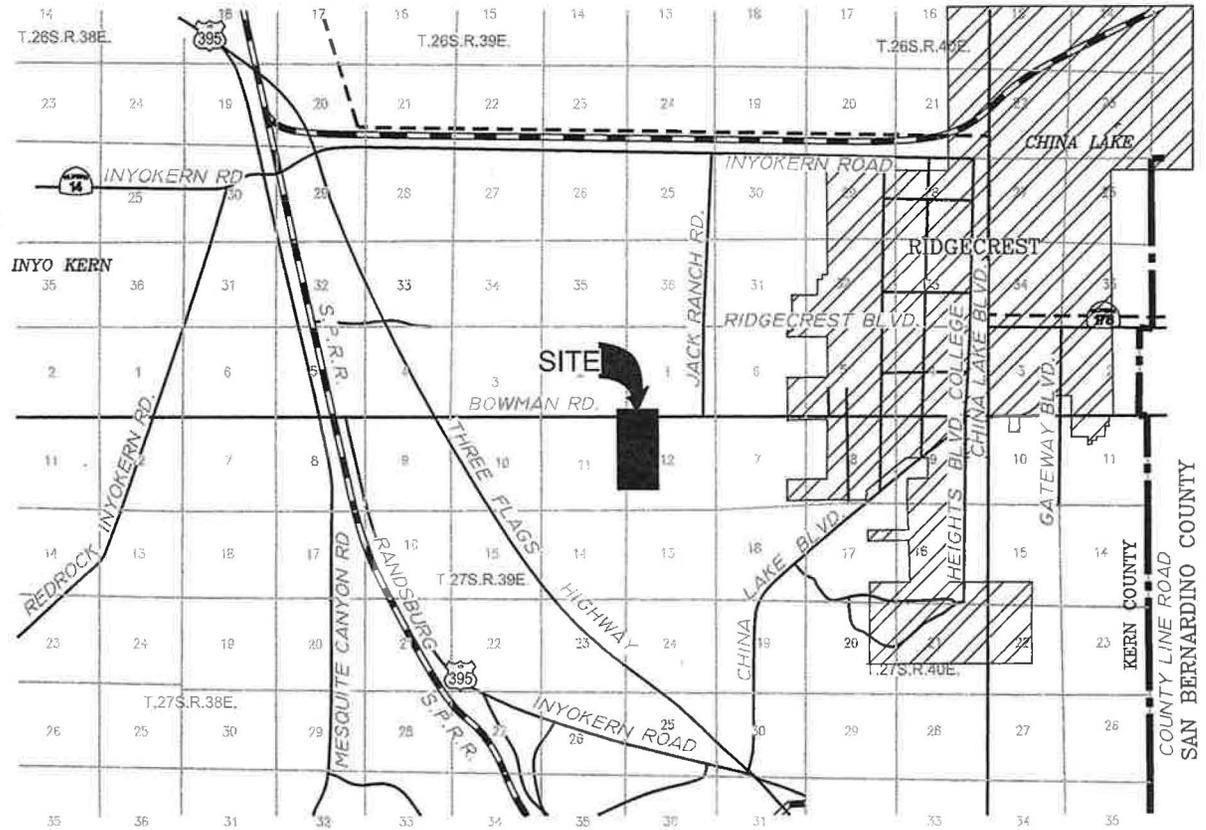
STATE OF CALIFORNIA



NOT TO SCALE

KERN COUNTY, CALIFORNIA

U.S. NAVAL WEAPONS CENTER



VICINITY MAP



NOT TO SCALE

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DAC TECHNICIAN	J.G.

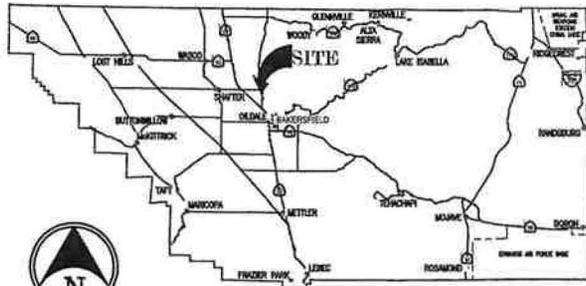
**RIDGECREST RECYCLING &
SANITARY LANDFILL
SITING ELEMENT FACILITY MAP**

**KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA**



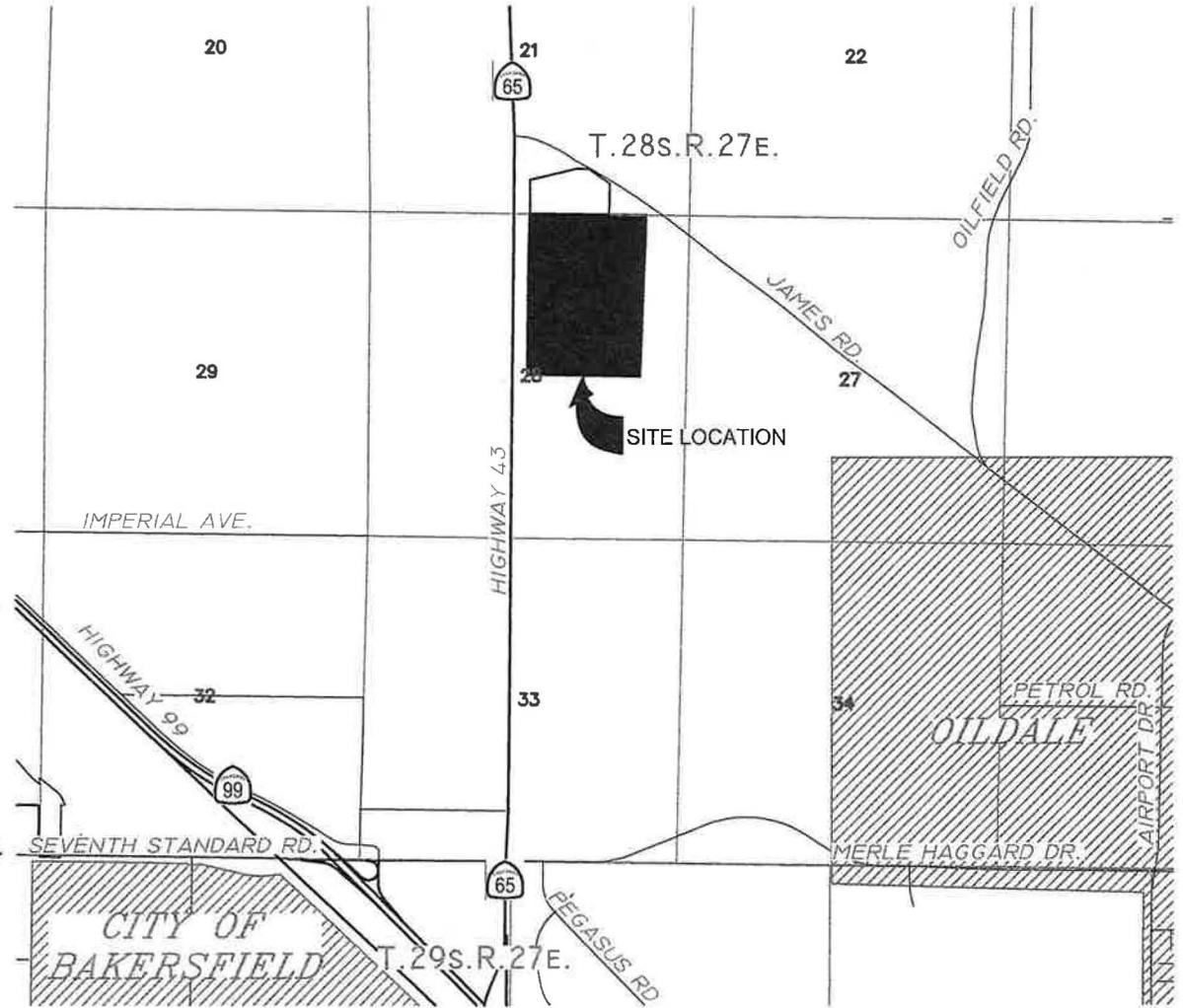
NOT TO SCALE

STATE OF CALIFORNIA



NOT TO SCALE

KERN COUNTY, CALIFORNIA



VICINITY MAP



NOT TO SCALE

FOR ILLUSTRATION PURPOSES ONLY

LAST PLOTTED	7/29/2014
LAST REVISED BY	QUIROZCH
TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

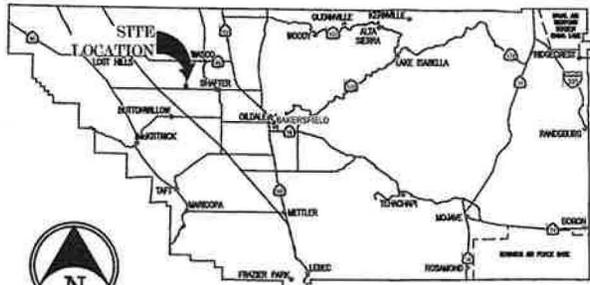
ROBINSON-GROGG PARTNERSHIP
DISPOSAL FACILITY
SITING ELEMENT FACILITY MAP

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA



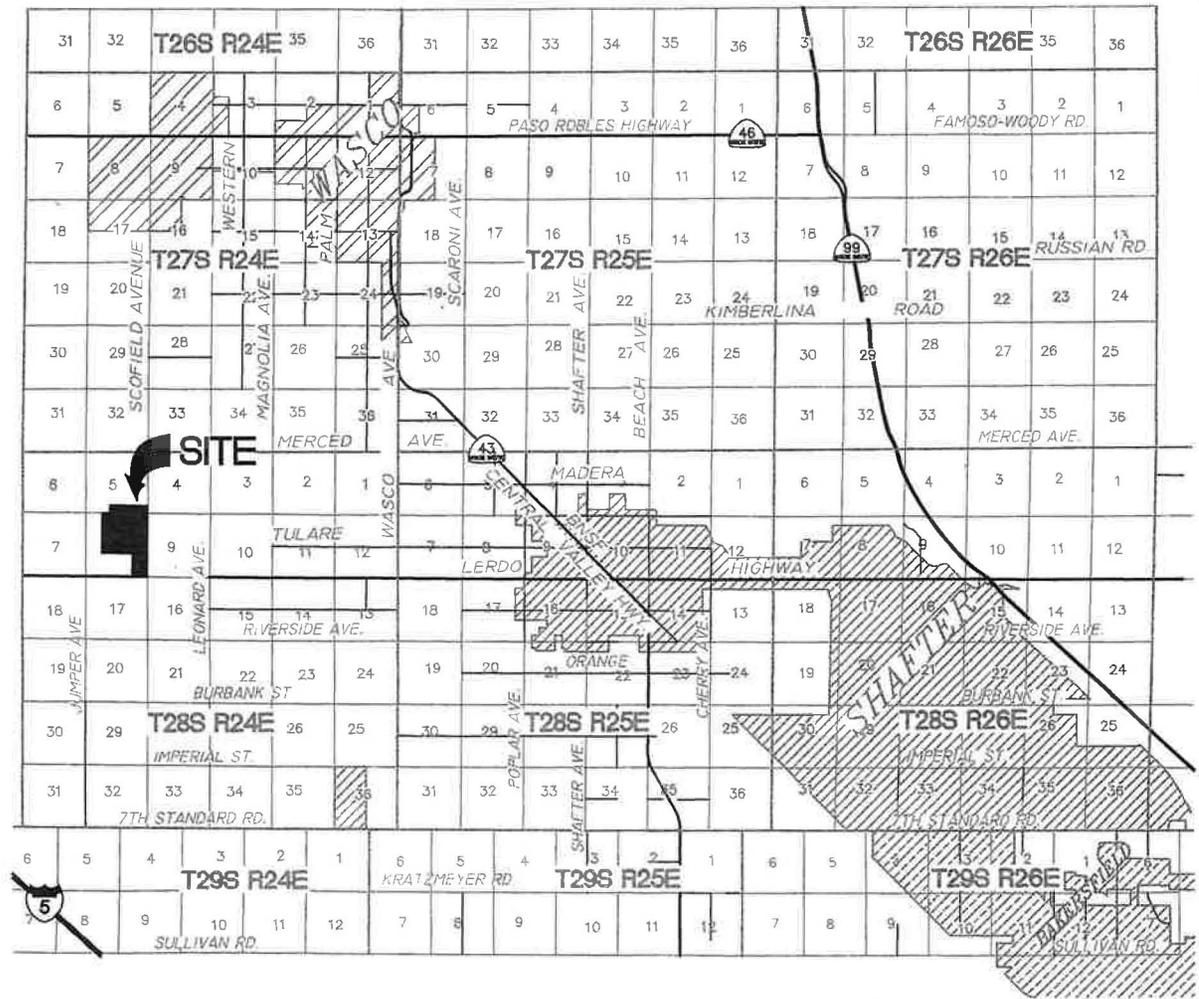
NOT TO SCALE

STATE OF CALIFORNIA



NOT TO SCALE

KERN COUNTY, CALIFORNIA



VICINITY MAP



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FOR ILLUSTRATION PURPOSES ONLY

LAST PLOTTED	7/29/2014
LAST REVISED BY	QUIROZCH
TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

**SHAFTER-WASCO RECYCLING &
SANITARY LANDFILL
SITING ELEMENT FACILITY MAP**

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA



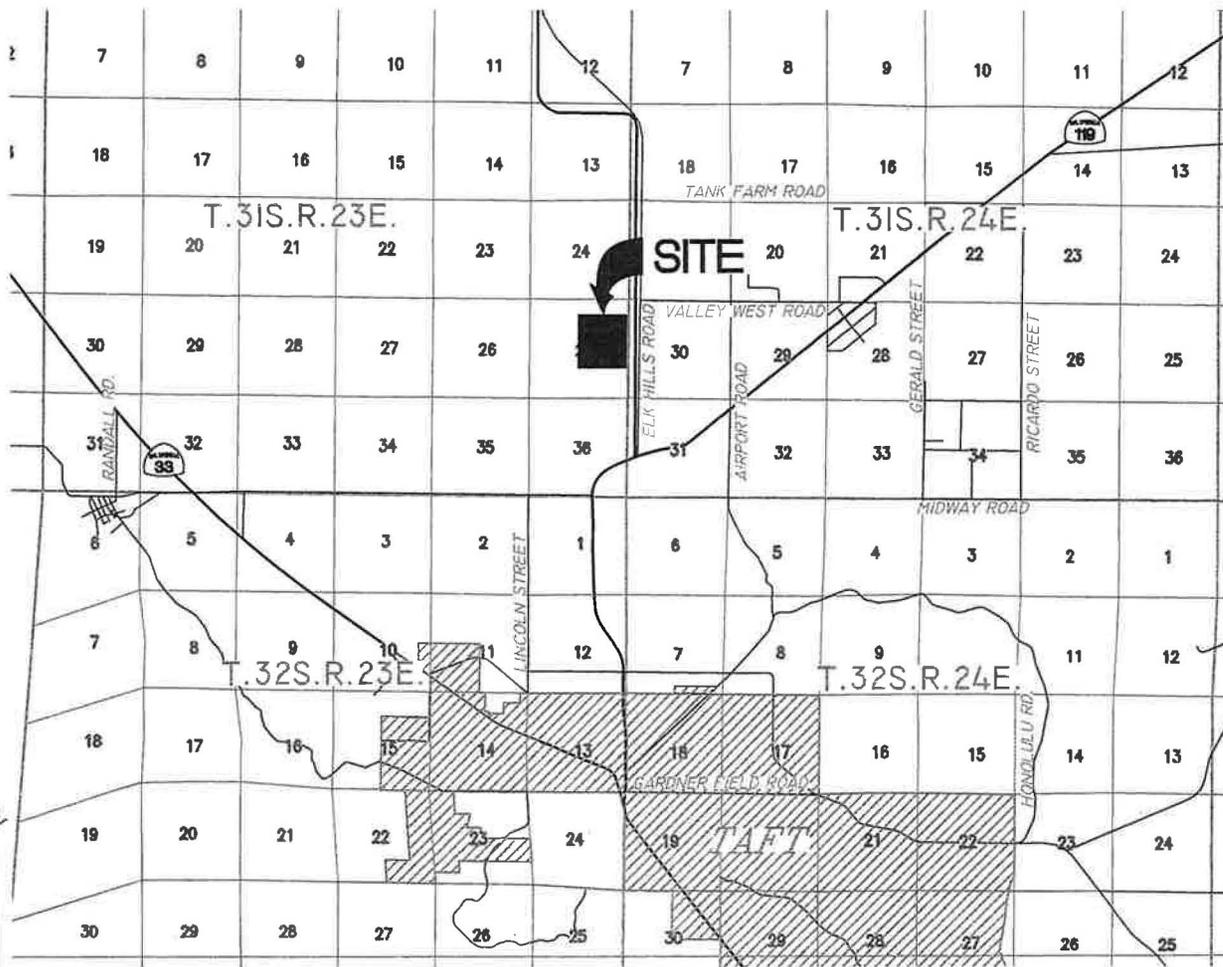
NOT TO SCALE

STATE OF CALIFORNIA



NOT TO SCALE

KERN COUNTY, CALIFORNIA



VICINITY MAP



NOT TO SCALE

FOR ILLUSTRATION PURPOSES ONLY

LAST PLOTTED	7/29/2014
LAST REVISED BY	QUIROZCH
TRD SPECIALIST	K.S.
DAC TECHNICIAN	J.S.

**TAFT RECYCLING &
SANITARY LANDFILL
SITING ELEMENT FACILITY MAP**

**KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA**



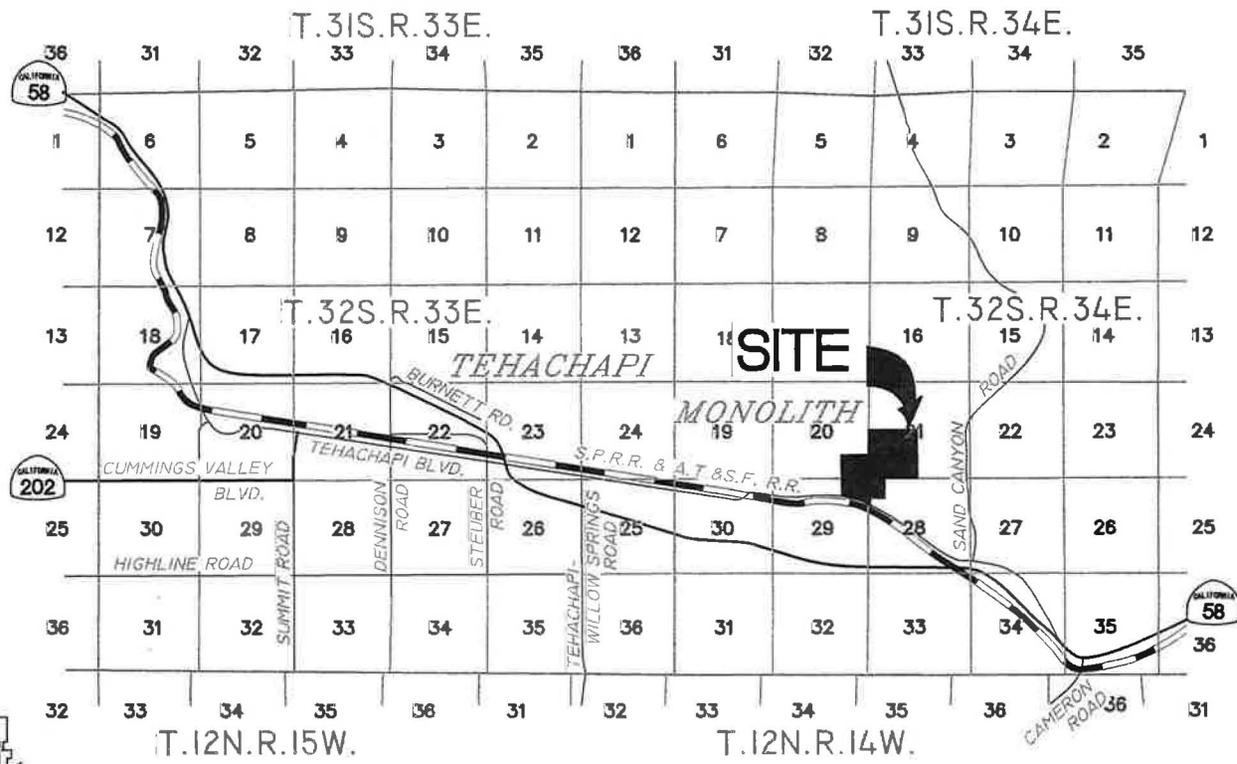
NOT TO SCALE

STATE OF CALIFORNIA



NOT TO SCALE

KERN COUNTY, CALIFORNIA



VICINITY MAP



NOT TO SCALE

FOR ILLUSTRATION PURPOSES ONLY

LAST PLOTTED	7/29/2014
LAST REVISED BY	QUIROZCH
TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

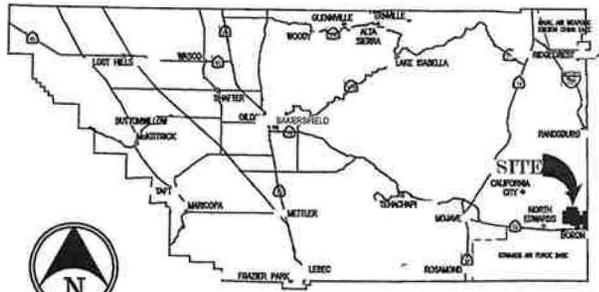
TEHACHAPI SANITARY LANDFILL
SITING ELEMENT FACILITY MAP

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA



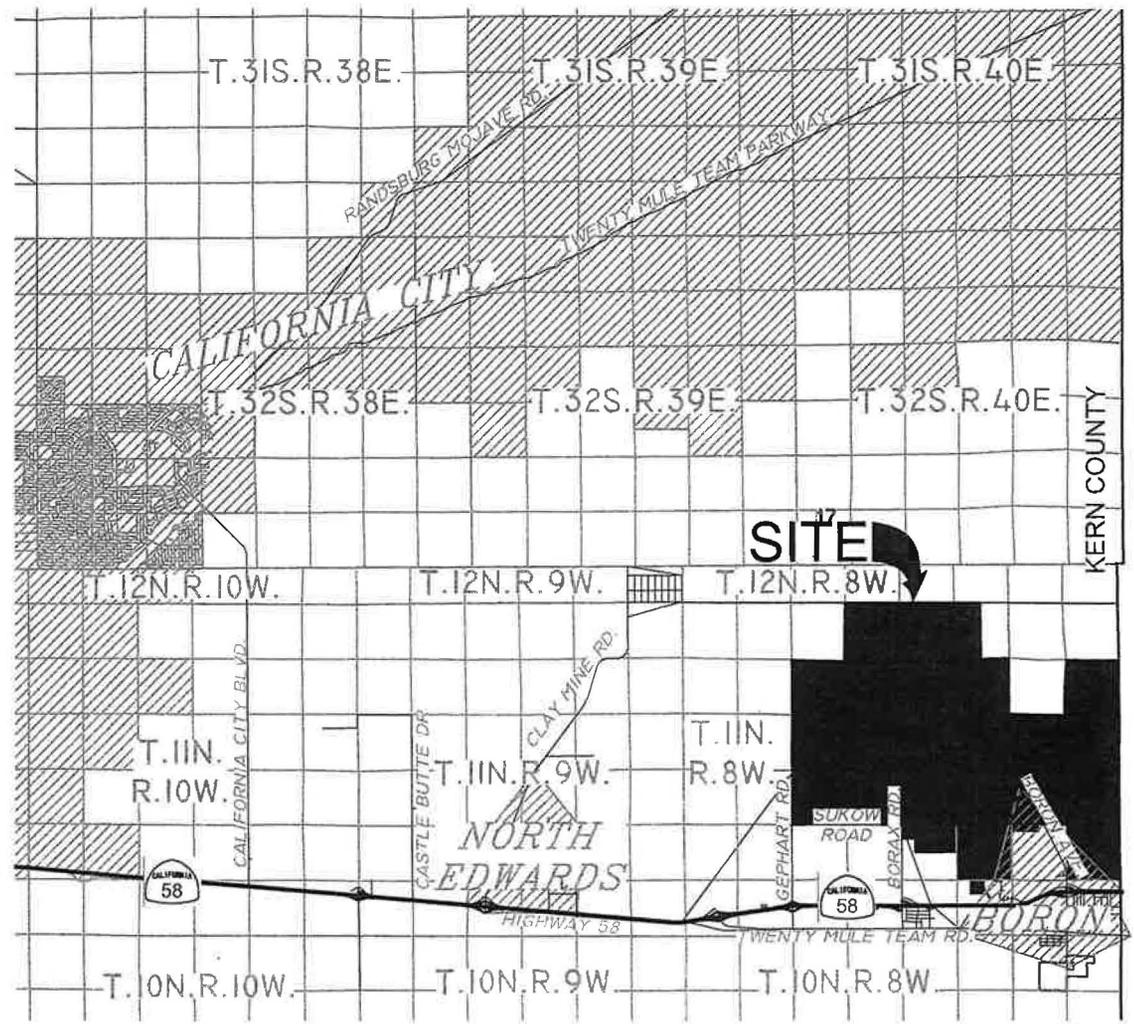
NOT TO SCALE

STATE OF CALIFORNIA



NOT TO SCALE

KERN COUNTY, CALIFORNIA



KERN COUNTY
SAN BERNARDINO COUNTY

VICINITY MAP



NOT TO SCALE

FOR ILLUSTRATION PURPOSES ONLY

LAST PLOTTED	7/29/2014
LAST REVISED BY	QUIROZCH
TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

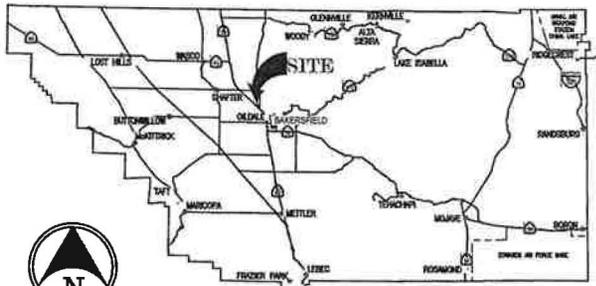
U.S. BORAX, INC.-GANGUE/REFUSE
WASTE PILE - BORON OPERATIONS
SITING ELEMENT FACILITY MAP

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA



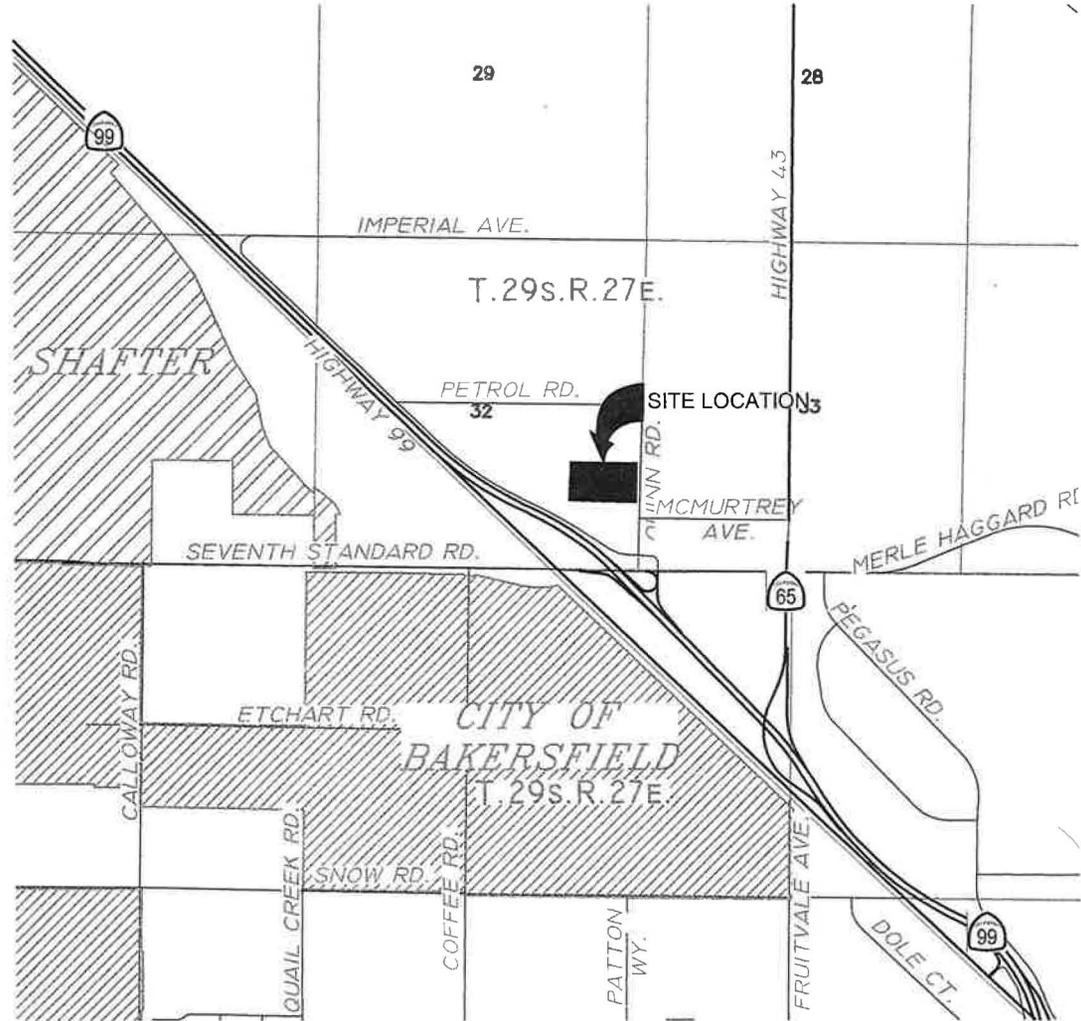
NOT TO SCALE

STATE OF CALIFORNIA



NOT TO SCALE

KERN COUNTY, CALIFORNIA



NOT TO SCALE

VICINITY MAP

FOR ILLUSTRATION PURPOSES ONLY

LAST PLOTTED	7/29/2014
LAST REVISED BY	QUIROZCH
TRD SPECIALIST	K.S.
DAC TECHNICIAN	C.Q.

VALLEY TREE AND
CONSTRUCTION DISPOSAL SITE
SITING ELEMENT FACILITY MAP

KERN COUNTY
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA

APPENDIX F

AMENDMENTS TO THE SITING ELEMENT (Landfill Disposal Facilities)

APPENDIX F
AMENDMENTS TO THE SITING ELEMENT
(Landfill Disposal Facilities)

Contents:

Name of Facility	Purpose of Amendment	Local Approval Date	CalRecycle Approval Date
<i>Example:</i>			
<i>XYZ Company</i>	<i>Facility Expansion</i>	<i>MO/DY/YR</i>	<i>MO/DY/YR</i>

The description of each facility follows, in order of amendment (earliest to most recent). At the next revision of the CSE text, these descriptions will be incorporated into the body of the text in the section noted above.

APPENDIX G

AMENDMENTS TO THE SITING ELEMENT (Closed Facilities)

APPENDIX G

AMENDMENTS TO THE SITING ELEMENT (Closed Facilities)

The description of each closed facility follows, in order of closure (earliest to most recent).

McFarland-Delano Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 11298 Stradley Ave, Delano, CA 93215
Solid Waste Facility Permit No.: 15-AA-0063 (Issued January 14, 2010)
Date of Last Permit Review: January 14, 2010
Date of Next Permit Review: January 14, 2015
CalRecycle Certified Closure Date: August 6, 1996
Permitted Types of Wastes: Accepted non-hazardous municipal solid wastes.
Post-closure Land Use: Open Space

Glennville Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: Portion of Section 30, T25S, R31E
Solid Waste Facility Permit No.: 15-AA-0051 (Surrendered March 11, 2002)
Date of Last Permit Review: N/A
Date of Next Permit Review: N/A
CalRecycle Certified Closure Date: September 9, 2002
Permitted Types of Wastes: Accepted non-hazardous solid wastes.
Post-closure Land Use: Open Space

Lebec Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 300 Landfill Rd, Lebec, CA 93216
Solid Waste Facility Permit No.: 15-AA-0056 (Issued April 4, 2011)
Date of Last Permit Review: April 4, 2011
Date of Next Permit Review: April 4, 2016
CalRecycle Certified Closure Date: September 4, 2004
Permitted Types of Wastes: Accepted non-hazardous solid wastes, including residential, commercial, industrial, and agriculture wastes, liquid, Types 2 & 3
Post-closure Land Use: Open Space/Transfer Station

China Grade Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 6500 Camino Grande Dr., Bakersfield, CA 93306
Solid Waste Facility Permit No.: 15-AA-0048 (Issued January 25, 2012)
Date of Last Permit Review: December 9, 2009
Date of Next Permit Review: December 9, 2014
CalRecycle Certified Closure Date: October 28, 2010
Permitted Types of Wastes: Accepted non-hazardous solid wastes, including residential, commercial, industrial, Group 2 & 3 waste
Post-closure Land Use: Open Space

Kern Valley Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 9800 Sierra Way, Kernville, CA 93238
Solid Waste Facility Permit No.: 15-AA-0055 (Issued June 24, 2013)

Date of Last Permit Review: June 24, 2013
Date of Next Permit Review: June 24, 2018
CalRecycle Certified Closure Date: February 27, 2007
Permitted Types of Wastes: Accepted non-hazardous solid wastes, including residential, commercial, and industrial.
Post-closure Land Use: Open Space/Adjacent Transfer Station

Lost Hills Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 14251 Holloway Rd, Lost Hills, CA 93249
Solid Waste Facility Permit No.: 15-AA-0067 (Issued April 12, 2013)
Date of Last Permit Review: January 1, 2010
Date of Next Permit Review: January 1, 2015
CalRecycle Certified Closure Date: August 31, 2011
Permitted Types of Wastes: Accepted non-hazardous municipal solid wastes.
Post-closure Land Use: Open Space

Buttonwillow Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 41751 Sullivan Rd, Buttonwillow, CA 93208
Solid Waste Facility Permit No.: 15-AA-0047 (Issued August 25, 2011)
Date of Last Permit Review: June 8, 2010
Date of Next Permit Review: June 8, 2015
CalRecycle Certified Closure Date: August 25, 2011
Permitted Types of Wastes: Accepted non-hazardous solid wastes, including residential, commercial, industrial, and Group 2 & 3 waste.
Post-closure Land Use: Open Space

Arvin Sanitary Landfill

Owner: County of Kern
Operator: Kern County Waste Management Department
Address: 5500 North Wheeler Ridge Rd., Arvin, CA 93220
Solid Waste Facility Permit No.: 15-AA-0050 (Issued June 10, 2013)
Date of Last Permit Review: June 10, 2013
Date of Next Permit Review: June 10, 2018
CalRecycle Certified Closure Date: June 4, 2013
Permitted Types of Wastes: Accepted non-hazardous solid wastes, inert solid wastes, treated medical wastes, dead animals, non-friable asbestos, and triple-rinsed pesticide containers.
Post-closure Land Use: Open Space

North Belridge Sanitary Landfill

Owner: Aera Energy, LLC
Operator: Terrain Technology
Address: North ½ of Section 2, Township 28S, Range 20E, MDB&M
Solid Waste Facility Permit No.: 15-AA-0067 (Issued June 13, 2013)
Date of Last Permit Review: June 13, 2013
Date of Next Permit Review: June 13, 2018
CalRecycle Certified Closure Date: September 2, 2009
Permitted Types of Wastes: Accepted asbestos, construction and demolition, and industrial wastes.
Post-closure Land Use: Open Space

APPENDIX H

AMENDMENTS TO THE SITING ELEMENT (Transformation Facilities)

APPENDIX H
AMENDMENTS TO THE SITING ELEMENT
(Transformation Facilities)

Contents:

Name of Facility	Purpose of Amendment	Local Approval Date	CalRecycle Approval Date
<i>Example:</i>			
<i>XYZ Company</i>	<i>New Facility</i>	<i>MO/DY/YR</i>	<i>MO/DY/YR</i>

The description of each facility follows, in order of amendment (earliest to most recent). At the next revision of the CSE text, these descriptions will be incorporated into the body of the text in the section noted above.

APPENDIX I

AMENDMENTS TO THE SITING ELEMENT (Engineered Municipal Solid Waste Conversion Facilities)

APPENDIX I

AMENDMENTS TO THE SITING ELEMENT (Engineered Municipal Solid Waste Conversion Facilities)

Contents:

Name of Facility	Purpose of Amendment	Local Approval Date	CalRecycle Approval Date
<i>Example:</i>			
<i>XYZ Company</i>	<i>Facility Expansion</i>	<i>MO/DY/YR</i>	<i>MO/DY/YR</i>

The description of each facility follows, in order of amendment (earliest to most recent). At the next revision of the CSE text, these descriptions will be incorporated into the body of the text in the section noted above.

APPENDIX J

KERN COUNTY GENERAL PLAN SOLID WASTE DISPOSAL FACILITIES GUIDELINES

APPENDIX J

GENERAL PLAN SOLID WASTE DISPOSAL FACILITIES GUIDELINES (General Plan – Appendix E)

Map Code 3.4

“Solid waste disposal facility” is defined as an existing or planned public, semi-public, or private solid non-hazardous waste disposal facility.

Pursuant to Public Resources Code 43000 et seq., certain findings are required for designating sites for solid waste disposal facilities. Findings must show that an existing organic or municipal solid waste disposal facility, a new facility, or future expansion of an existing facility is consistent with the Kern County and Incorporated Cities Integrated Waste Management Plan and the Kern County General Plan, and that adjacent authorized land uses are compatible with such a facility.

This Appendix is intended to provide procedural guidance and criteria to ensure land use compatibility for the health and safety of the resident of Kern County.

All proposed and existing organic or municipal solid waste disposal facilities found to be inconsistent with the General Plan map provisions, shall require an amendment to the General Plan or applicable Specific Plan to designate the site as a Solid Waste Disposal Facility (Map Code 3.4). Furthermore, the following findings shall be made:

1. That the County of Kern has adopted a General Plan which complies with the requirements of Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7;
2. That the proposed establishment or expansion of a site for a solid waste disposal facility is consistent with the Land Use, Open Space and Conservation Element Map Code provisions or with applicable special treatment area provisions, and is to be designated “Solid Waste Disposal Facility” (Map Code 3.4);
3. That adjacent Land Use, Open Space and Conservation Map Code provisions, or applicable special treatment area provisions, are deemed compatible with the proposed establishment or expansion of the solid waste disposal facility;
4. That a conditional use permit will be required, authorizing the establishment or expansion of the solid waste disposal facility, including site improvements;

5. That the project has been evaluated pursuant to the requirements of the California Environmental Quality Act, Public Resources Code Section 21000, et seq.

DECISION PROCEDURE FOR SITING SOLID WASTE FACILITIES

1. Solid waste disposal facilities shall be designated on applicable General Plan maps or Specific Plan maps as "Solid Waste Disposal Facility" (Map Code 3.4).

A. When planning new organic and municipal solid waste disposal facilities, all sites shall exclude:

- 1) Existing or planned areas of urban density (residential and commercial) as defined by this General Plan.
- 2) Public facilities which are deemed not compatible with organic and municipal solid waste disposal facilities (Map Codes 3.1, 3.2, and sensitive existing land use within 3.3).
- 3) Significant historic, or archaeological, areas as defined by CEQA Guidelines Section 15064.5.
- 4) 100-year floodplain (Map Code 2.5).
- 5) High groundwater defined for facilities as:
 - Unlined Facilities: 100 feet below the proposed depth of refuse.
 - Lined Facilities: 25 feet below the proposed depth of refuse.

Facilities may be sited in areas of high groundwater if subsurface studies and Regional Water Quality Control Board concurrence, indicates conditions exist that could allow for development.

- 6) Class VIII soils (rock outcrops).
- 7) Nonqualified soils based on Natural Resource Conservation Service criteria (soils presently not rated an not included in Table 9, page 149, Soil Survey for Southeaster Part of Kern County, 1981 edition).

- 8) Classes I and II agricultural soils with surface water delivery systems.
- 9) Classes I, II, and III soils.
- 10) Agricultural Preserve areas having a minimum productivity of \$200 an acre per year.
- 11) Gas and oil producing areas that cannot be mitigated or accommodated.
- 12) Areas containing rare or endangered plant or animal life that cannot be mitigated or accommodated.

GENERAL PLAN
OTHER WASTE FACILITIES
NON-HAZARDOUS/NON-DISPOSAL GUIDELINES
(General Plan – Appendix F)

Map Code 3.7

“Other Waste Facilities (non-hazardous/non-disposal)” is defined as non-hazardous waste facilities that do not have an on-site disposal. Examples include, but are not limited to the following: Large and medium volume transfer facilities; Materials Recovery Facilities (MRF); organic composting facilities (green waste and biosolids); wood waste (chipping and grinding facilities); tire recycling; soil remediation; transformation facilities; and construction and demolition recycling.

Pursuant to Public Resources Code 43000 et seq., certain findings are required for designating sites for Other Waste Facilities (non-hazardous/non-disposal). Findings must show that an existing Other Waste Facilities (non-hazardous/non-disposal), a new facility, or future expansion of an existing site is consistent with the Kern County and Incorporated Cities Integrated Waste Management Plan and the Kern County General Plan, and that adjacent authorized land uses are compatible with such a facility. All Other Waste Facilities (non-hazardous/non-disposal) are governed by the Kern County General Plan.

This Appendix is intended to provide procedural guidance and criteria to ensure land use compatibility for the health and safety of the residents of Kern County.

All proposed Other Waste Facilities found to be inconsistent with the General Plan map provisions, shall require an amendment to the General Plan or applicable Specific Plan to designate the site as a Other Waste Facilities (Map Code 3.7). Furthermore, the following findings shall be made:

1. That the County of Kern has adopted a General Plan which complies with the requirements of Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7;
2. That the proposed establishment or expansion of a site for a Other Waste Facilities is consistent with the Land Use, Open Space and Conservation Element Map Code provisions or with applicable special treatment area provisions, and is to be designated Other Waste Facilities (non-hazardous/non-disposal) (Map Code 3.7);
3. That adjacent Land Use, Open Space and Conservation Map Code provisions, or applicable special treatment area provisions, are deemed compatible with the proposed establishment or expansion of the Other Waste Facilities (non-hazardous/non-disposal);

4. That conditional use permits will be required, authorizing the establishment or expansion of the Other Waste Facilities (non-hazardous/non-disposal), including site improvements;
5. That the project has been evaluated pursuant to the requirements of the California Environmental Quality Act, Public Resources Code Section 21000, et seq.

DECISION PROCEDURE FOR SITING OTHER WASTE FACILITIES (NON-HAZARDOUS/NON-DISPOSAL)

1. Transfer Stations

- A. Large-volume transfer stations (more than 100 tons per day) are designed to retain refuse from public/private haulers and the general public and then have the refuse transported to a sanitary landfill on a daily basis. These sites are to be designated on the applicable General Plan maps or Specific Plan maps as "Other Waste Facilities" (Map Code 3.7). The following criteria will be used in evaluating a proposed facility for a large-volume transfer station:
 - 1) The site shall be a minimum of 2.5 acres in size.
 - 2) The facility shall be sited in such a manner that traffic, litter, odor, or fire would be mitigated to acceptable levels.
 - 3) Landscaped buffer strips or other suitable buffers shall be required to establish a minimum of 200 feet between the new transfer facility and edge of the property. This 200 foot buffer shall be owned by the transfer facility and shall be designated Map Code 3.7.1.
 - 4) The area shall conform to standards set forth in the Kern County Noise Element.
 - 5) Primary access shall be from arterials or collectors.
 - 6) The location must be sited in such a manner so as not to preclude future expansion.
- B. Medium-volume transfer stations (greater than 15 tons but less than 100 tons per day) shall adhere to the siting criteria for large-volume transfer stations, but slight deviation may be considered.
- C. The facility shall be sited in such a way so as to minimize impacts on County owned streets and highways.

2. Transformation facilities (formerly called waste-to-energy facilities and defined in Public Resources Code, section 40201) are those designed to convert waste into usable energy. Those sites where the transformation facility is the primary use of the site and the total land area used for transformation activities (including operations, materials storage area, routing, etc.) total 20 acres or more in size shall be designated on the applicable General Plan maps or Specific Plan maps as “Other Waste Facilities” (non-hazardous/non-disposal) (Map Code 3.7).

Transformation facilities shall not require the 3.7 designation if they meet one or more of the following criteria: (1) The total land area used for transformation activities as a primary use totals less than 20 acres in size; or (2) The transformation facilities are being constructed exclusively for the purpose of being incidental and accessory to an existing permitted or conditionally permitted operation that is the primary use of the site. Example: The incorporation of alternative fuels to replace some or all of the fossil fuels used to power an existing industrial facility would not require a Map Code 3.7 designation.

All Transformation facilities, whether primary or incidental to a permitted use, shall be described and shown in the Kern County and Incorporated Cities Integrated Waste Management Plan.

For those sites that require a Map Code 3.7 designation, the following siting and/or decision criteria will be used in addition to any State or federal requirements:

- A. Landscaped buffer strips or other suitable buffers shall be required to establish a minimum of 660 feet between the new transformation facility and the edge of the property. This 660 foot buffer shall be owned by the transformation facilities facility and shall be designated Map Code 3.7.1.
 - B. The facility shall be sited in such a manner that traffic, litter, or fire would be mitigated to acceptable levels.
 - C. The facility shall be sited in such a way so as to minimize impacts on County owned streets and highways.
3. Commercial organic composting facilities are those designed to yield a safe and nuisance free product through a controlled microbial degradation of organic wastes as defined in Section 40116 of the Public Resources Code. A “Composting Facility” includes the following:

1. Green materials composting facilities that have greater than 1,000 cubic yard of feedstock and active compost on-site at any one time;
2. Animal material composting facilities;
3. Sewage sludge composting facilities; and
4. Mixed solid waste composting facilities.

These sites are to be designated on the applicable General Plan maps or Specific Plan maps as “Other Waste Facilities” (non-hazardous/non-disposal) (Map Code 3.7) the following criteria shall be used in evaluating a proposed commercial organic composting facility site:

- A. Landscaped buffer strips or other suitable buffers shall be required to establish a minimum of 660 feet between the new commercial organic composting facility and residential dwelling unit(s), existing or future. This 660 foot buffer shall be owned by the commercial composting facility and shall be designated Map Code 3.7.1.
- B. The facility shall be sited in such a manner that traffic, litter, odor, or fire would be mitigated to acceptable levels.
- C. The facility shall be sited in such a way so as to minimize impacts on County owned streets and highways.

APPENDIX K

Kern County and Incorporated Cities Integrated Waste
Management Plan

Siting Element

Kern County Environmental Checklist Form

APPENDIX K
KERN COUNTY
ENVIRONMENTAL CHECKLIST FORM

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Land Use and Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation and Traffic |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> |

DETERMINATION. (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENT IMPACT REPORT (EIR)** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

Evaluation of Environmental Impacts:

- (1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
- (4) Negative Declaration: “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The Lead Agency must describe the mitigation measure and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, Earlier Analyses, may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration, Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- (6) Lead Agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- (7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- (8) This is only a suggested form, and lead agencies are free to use different formats; however, Lead Agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- (9) The explanation of each issue should identify:
 - (a) The significance criteria or threshold, if any, used to evaluate each question.
 - (b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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2. AGRICULTURE AND FOREST RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 or more acres (Section 15206(b)(3) Public Resources Code)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b) Violate any air quality standard as adopted in (c)i, (c)ii, or as established by EPA or air district or contribute substantially to an existing or projected air quality violation?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Specifically, would implementation of the project exceed any of the following adopted thresholds:</p>				
<p>i. San Joaquin Valley Unified Air Pollution Control District:</p>				
<p><u>Operational and Area Sources</u></p>				
<p>Reactive Organic Gases (ROG) 10 tons per year.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Oxides of Nitrogen (NO_x) 10 tons per year.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Particulate Matter (PM₁₀) 15 tons per year.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>Stationary Sources as determined by District Rules</u></p>				
<p>Severe Nonattainment 25 tons per year.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Extreme Nonattainment 10 tons per year.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
4. AIR QUALITY. (Continued)				
ii. Eastern Kern Air Pollution Control District.				
<u>Operational and Area Sources</u>				
Reactive Organic Gases (ROG) 25 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oxides of nitrogen (NO _x) 25 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Particulate Matter (PM ₁₀) 15 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Stationary Sources - determined by District Rules</u>				
25 tons per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
5. BIOLOGICAL RESOURCES.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
6. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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7. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii. Strong seismic groundshaking?
 - iii. Seismic-related ground failure, including liquefaction?
 - iv. Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (194), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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8. GREENHOUSE GAS EMISSIONS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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9. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within the adopted Kern County Airport Land Use Compatibility Plan, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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10. HAZARDS AND HAZARDOUS MATERIALS.
(Continued)

i) Would implementation of the project generate vectors (flies, mosquitoes, rodents, etc.) or have a component that includes agricultural waste?

Specifically, would the project exceed the following qualitative threshold:

The presence of domestic flies, mosquitoes, cockroaches, rodents, and/or any other vectors associated with the project is significant when the applicable enforcement agency determines that any of the vectors:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| i. Occur as immature stages and adults in numbers considerably in excess of those found in the surrounding environment; and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. Are associated with design, layout, and management of project operations; and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. Disseminate widely from the property; and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv. Cause detrimental effects on the public health or well being of the majority of the surrounding population. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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11. HYDROLOGY AND WATER QUALITY.

Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on site or off site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on site or off site?
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

- j) Contribute to inundation by seiche, tsunami, or mudflow?

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
12. LAND USE AND PLANNING.				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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13. MINERAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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16. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services:

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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17. RECREATION.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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18. TRANSPORTATION AND TRAFFIC.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for performance of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to, Level of Service standard and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways? | | | | |
| i. Metropolitan Bakersfield General Plan LOS "C"? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii. Kern County General Plan LOS "D"? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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19. UTILITIES AND SERVICE SYSTEMS.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, State, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (*) -

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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20. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESPONSES:

Response to (a) –

Response to (b) –

Response to (c) –

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APPENDIX L

**LAND USES APPROPRIATE FOR SOLID WASTE
MANAGEMENT FACILITIES AND ADJACENT PROPERTY**

APPENDIX L

LAND USES APPROPRIATE FOR SOLID WASTE MANAGEMENT FACILITIES AND ADJACENT PROPERTY

The State (Planning and Zoning Law Section 65860) requires that consistency exist between the General Plan, which represents long-range public policy, and the Zoning Ordinance, a set of specific development regulations. The Kern County General Plan includes a “General Plan and Zoning Consistency Matrix” as a method of defining consistency by comparing each zone district with land use categories set forth in the General Plan. The Matrix illustrates the suitability of the specific zoning districts with the polices specified in the text of the General Plan.

The General Plan and Zoning Consistency Matrix identifies the following zone classification districts as compatible with the 3.4 (Solid Waste Disposal Facility) and 3.4.1 (Solid Waste Disposal Facility Buffer) designations:

- A (Exclusive Agriculture)
- M-2 (Medium Industrial)
- M-3 (Heavy Industrial)
- NR (Natural Resource)

The General Plan and Zoning Consistency Matrix additionally identifies the following zone classification districts as compatible the 3.7 (Other Waste Facility) and 3.7.1 (Other Waste Facility Buffer) designations:

- C-2 (General Commercial)
- CH (Highway Commercial)
- M-1 (Light Industrial)
- RF (Recreation-Forestry)

The Kern County Zoning Ordinance, Title 19 of the Kern County Ordinance Code, lists the types of permitted uses, uses permitted with a conditional use permit, and prohibited uses, within the zone classification districts listed above.

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY COUNCIL OF THE CITY OF RIDGECREST
FOR CONSIDERATION OF TEXT REVISIONS TO THE COUNTYWIDE SITING ELEMENT
OF THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN**

NOTICE IS HEREBY GIVEN that on September 17, 2014, at the hour of 6:00 p.m., at the City of Ridgecrest Council Chambers located at 100 W. California Avenue, Ridgecrest, California the City Council of the City of Ridgecrest will consider the following project:

2014 TEXT REVISIONS TO THE COUNTYWIDE SITING ELEMENT OF THE KERN
COUNTY AND INCORPORATED CITIES WASTE MANAGEMENT PLAN.

Pursuant to Public Resources Code (PRC) §41700, the County has adopted a Countywide Siting Element and which has been approved by California's Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board. The Kern County Waste Management Department is proposing to revise the Countywide Siting Element to include necessary updates, a description of areas to be used for the development of engineered municipal solid waste conversion facilities, as required by Assembly Bill 1126, and to maintain consistency between the Countywide Siting Element and the recently amended Appendix F of the Kern County General Plan.

PRC §41700 requires that a revision of the Countywide Siting Element be approved by a majority of the incorporated cities having a majority of the population in Kern County.

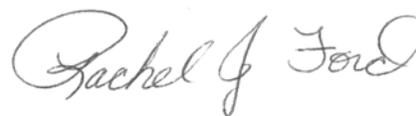
The revision of the Countywide Siting Element is subject to environmental review, in compliance with the California Environmental Quality Act (CEQA). The Kern County Waste Management Department has reviewed the requested action and has determined that it can be seen with certainty that there is no possibility that the requested action may have a significant effect on the environment and qualifies for an exemption as specified in CEQA §15061(b)(3).

Copies of the proposed revised Countywide Siting Element are available for inspection by interested persons during normal business hours at the Kern County Waste Management Department, located at 2700 "M" Street, Suite 500, Bakersfield, California. Persons seeking additional information regarding this Countywide Siting Element amendment should contact Katrina Slayton at (661) 862-8810.

Anyone wishing to present evidence or be heard regarding this matter may appear at the hearing of the matter or any continuation thereof. If you challenge the action taken on this matter in court, you may be limited to raising only issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Dated: August 6, 2014

Rachel J. Ford, CMC
City Clerk
City of Ridgecrest, State of California



Deputy

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Request for acceptance of the Speed Zone Survey Report and authorization to post the speed zones accordingly

PRESENTED BY:

Dennis Speer – City Manager

SUMMARY:

The Consulting Traffic Engineer, Hall Foreman Inc., completed an Engineering and Traffic Survey Study (Study) as defined in Section 627 of the California Vehicle Code (CVC) on three street segments in the City of Ridgecrest. The Study was performed in accordance with the provisions of the CVC and as recommended by the California Department of Transportation *Manual on Uniform Traffic Control Devices*. Once adopted, the Study will establish the prima facie speed limits on those street segments included in the Study. California cities, counties, and other state agencies must provide these surveys every five to seven years to allow the Police Department and other law enforcement agencies to enforce the speed limits through the use of radar or laser. Radar or laser is the safest and most effective method of speed enforcement. Without a properly performed survey, the Police Department cannot use radar or laser and must rely on less effective alternatives such as pacing after speeding offenders. In addition, effective radar or laser enforcement will promote the orderly movement of vehicles and reduce collisions.

The Study consists of individual surveys conducted on the three street segments. Each survey contains a brief roadway description and the recommended speed limits for each segment. The results of the study for the street segments and the corresponding recommended speed limits are identified in Table 1 (attached).

Based on the 85th percentile speed criteria and engineering judgment, it is recommended to update the speed limits at the following locations.

1. Norma Street between Ridgecrest Boulevard to Argus Avenue; It is recommended to increase the speed limit from the existing speed limit of 25 mph to 30 mph.
2. Norma Street between Argus Avenue to Las Flores Avenue; It is recommended to increase the speed limit from the existing speed limit of 25 mph to 30 mph.

FISCAL IMPACT: The cost of posting the speed signs.

Reviewed by Finance Director

ACTION REQUESTED:

Accept the Speed Zone Survey Report and authorize the posting of the speed zones accordingly.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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RESOLUTION NO. 14-xx

**REQUEST FOR ACCEPTANCE OF THE SPEED ZONE SURVEY
REPORT AND AUTHORIZATION TO POST THE SPEED ZONES
ACCORDINGLY**

WHEREAS, the Vehicle Code Sections 22357 and 22358 permit local authorities to set Intermediate speed limits between 25 miles per hour and 65 miles per hour on the basis of an engineering and traffic survey;

WHEREAS, an engineering and traffic survey, as defined in California Vehicle Code Section 627 and in accordance with the California Manual of Uniform Traffic Control Devices methodology for conducting an engineering and traffic survey, was performed on each street segment identified in the Speed Zone Survey Report for the purpose of establishing radar enforceable speed limits;

WHEREAS, the results of the engineering and traffic surveys are presented in the Speed Zone Survey Report;

WHEREAS, the Ridgecrest Municipal Code Sections 4-1.501 and 4-1.503 require the recommendation of the Traffic Engineer and the authorization of City Council to establish and post the speed limits within speed zones;

WHEREAS, the Traffic Engineer recommends accepting the results and posting the speed limits in accordance with the Speed Zone Survey Report;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Ridgecrest accepts the results of the Speed Zone Survey Report and authorizes the posting of the speed zones accordingly.

APPROVED AND ADOPTED this 17th day of September 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

**TABLE 1
2013 SPOT SPEED STUDY
CITY OF RIDGECREST**

STUDY LOCATIONS	Hourly Traffic Volumes	Posted Speed Limit (mph)	85TH Percentile Speed (mph)	50TH Percentile Speed (mph)	Speed change (mph)	Recommended Speed Limit (mph)
1 Downs Street between Upjohn Avenue and Ridgecrest Boulevard	312	40	40.28	36.19	0	40
2 Norma Street between Ridgecrest Boulevard and Argus Avenue	311	25	37.22	30.58	5	30
3 Norma Street between Argus Avenue and Las Flores Avenue	383	25	36.99	30.41	5	30



Engineering ▪ Planning ▪ Surveying

September 9, 2013

Job No.VV.130207.0800

Mr. Loren Culp
City Engineer
City of Ridgecrest
100 West California Avenue
Ridgecrest, CA 93555

Re: Speed Zone Survey – Downs Street and Norma Street - Ridgecrest, California

Dear Mr. Culp:

As requested, please find attached the letter report for the Speed Zone Survey on Downs Street and Norma Street. The report outlines the existing and the recommended 85th percentile speed limits at the survey locations. The surveys were conducted on June 11, 2013 at the study locations.

California Manual on Uniform Traffic Control Devices (CAMUTCD) requires the state and local agencies to reevaluate non-statutory speed limits on their roadways every 5, 7 or 10 years depending on the changes in the traffic or roadway conditions. The City of Ridgecrest requested Speed Zone Survey on Downs Street and Norma Street.

The following locations were selected for the Speed Zone Survey:

1. Downs Street between Upjohn Avenue to Ridgecrest Boulevard
2. Norma Street between Ridgecrest Boulevard to Argus Avenue
3. Norma Street between Argus Avenue to Las Flores Avenue

The approximate survey location is illustrated in Exhibit A, attached.

Newport Traffic Studies (NTS), a professional counting firm, conducted the Speed Zone Survey at the study locations on June 11, 2013. One hour speed survey at the study locations were conducted using Radar meter. This device directly measures the speed of the vehicles and is commonly used for Spot Speed studies. To obtain free flowing (unimpeded) speed at the study locations, the Radar Survey was conducted on a clear day during the non-peak hour period. Manual Radar Survey was conducted for an hour and at least 50 vehicles were surveyed at the study locations as required by the CAMUTCD. The results from the survey are attached in the appendix.

The data compiled from the survey is attached to this report and the results are summarized in Table 1. As illustrated in Table 1, the recommended speed limit is based on the 85TH percentile speed. The 85TH percentile speed is the speed at or below which 85 percent of the free flowing vehicles are traveling. Setting the speed limit closer to 85TH percentile would encourage most drivers to travel at more uniform speed thereby minimizing conflicts between vehicles. Furthermore, the 85TH percentile speed corresponds to the upper limit of 10 mph pace. Pace is a 10 mph increment in speed that encompasses the majority of speed.

TABLE 1
2013 SPOT SPEED STUDY
CITY OF RIDGECREST

STUDY LOCATIONS		Hourly Traffic Volumes	Posted Speed Limit (mph)	85 TH Percentile Speed (mph)	50 TH Percentile Speed (mph)	Speed change (mph)	Recommended Speed Limit (mph)
1	Downs Street between Upjohn Avenue and Ridgecrest Boulevard	312	40	40.28	36.19	0	40
2	Norma Street between Ridgecrest Boulevard and Argus Avenue	311	25	37.22	30.58	5	30
3	Norma Street between Argus Avenue and Las Flores Avenue	383	25	36.99	30.41	5	30

Based on the 85th percentile speed criteria and engineering judgment, it is recommended to update the speed limits at the following locations.

1. Norma Street between Ridgecrest Boulevard to Argus Avenue;
It is recommended to increase the speed limit from the existing speed limit of 25 mph to 30 mph.
2. Norma Street between Argus Avenue to Las Flores Avenue;
It is recommended to increase the speed limit from the existing speed limit of 25 mph to 30 mph.

We are pleased to have been of assistance to you in processing and obtaining approval for the project. If you have any questions or comments, please feel free to contact me at 760-524-9115.

Respectfully submitted,

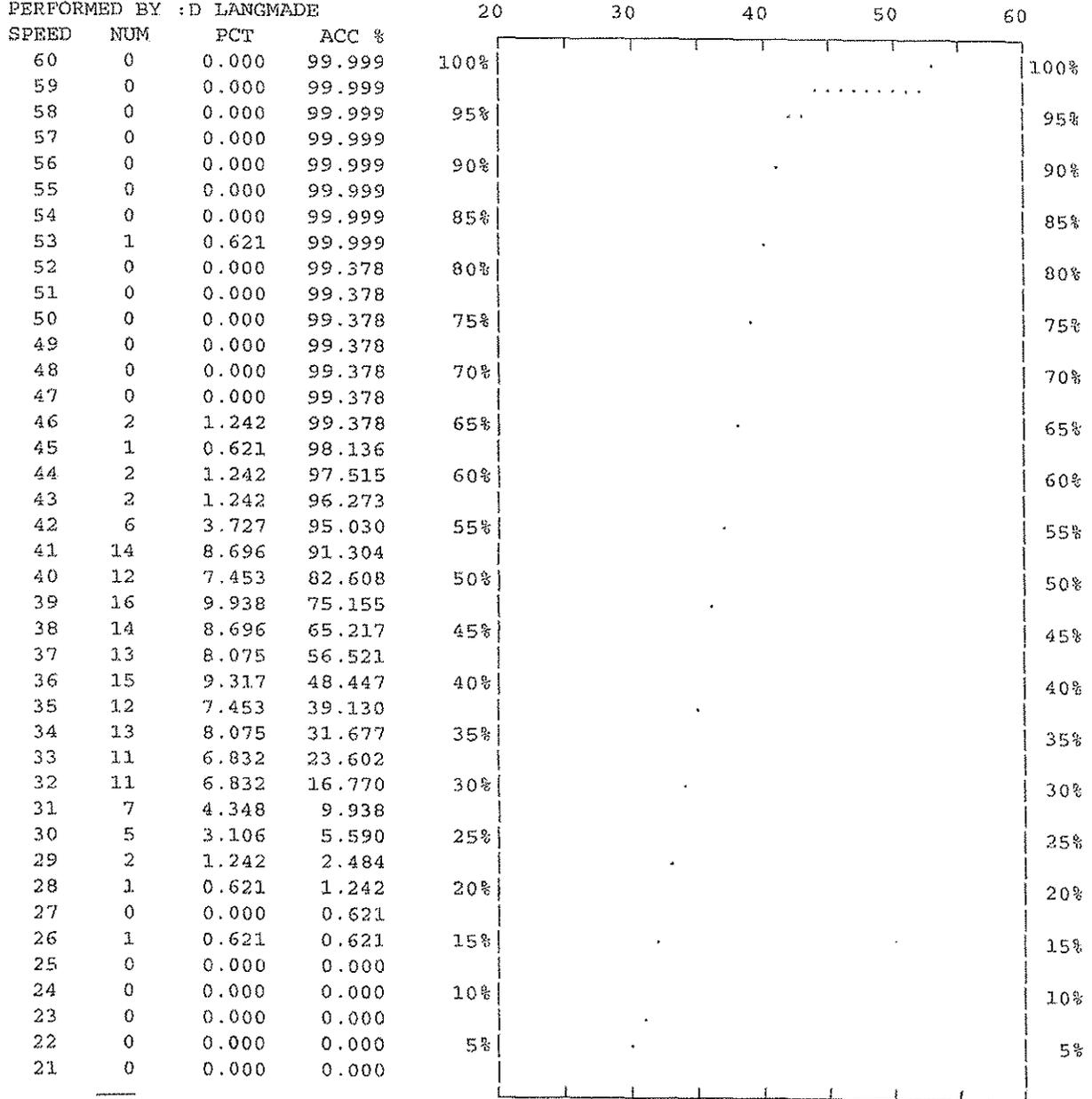
Hall & Foreman Inc.

Robert A. Kilpatrick, P.E., T.E.
 Project Director/Associate



RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION DOWNS ST UPJOHN/ RIDGECREST
 DIRECTION TOTAL 15th PERCENTILE SPEED 31.74
 DATE 06-11-13 50th PERCENTILE SPEED 36.19
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 40.28
 TIME OF DAY 10:30AM - 11:01AM 95th PERCENTILE SPEED 41.99
 POSTED SPEED LIMIT NP RANGE OF SPEEDS 26 TO 53
 NUMBER OF LANES 2 10 MPH PACE SPEEDS 32 TO 41
 DEVELOPMENT RES/SCHOOL PERCENT IN PACE 81.37
 WEATHER CLEAR CALCULATED MEAN 36.66
 ROAD CONDITION PAVED STANDARD DEVIATION 5.00
 95% CONFIDENCE GAP 35.91 TO 37.42 SKEWNESS INDEX 0.05
 PERFORMED BY :D LANGMADE

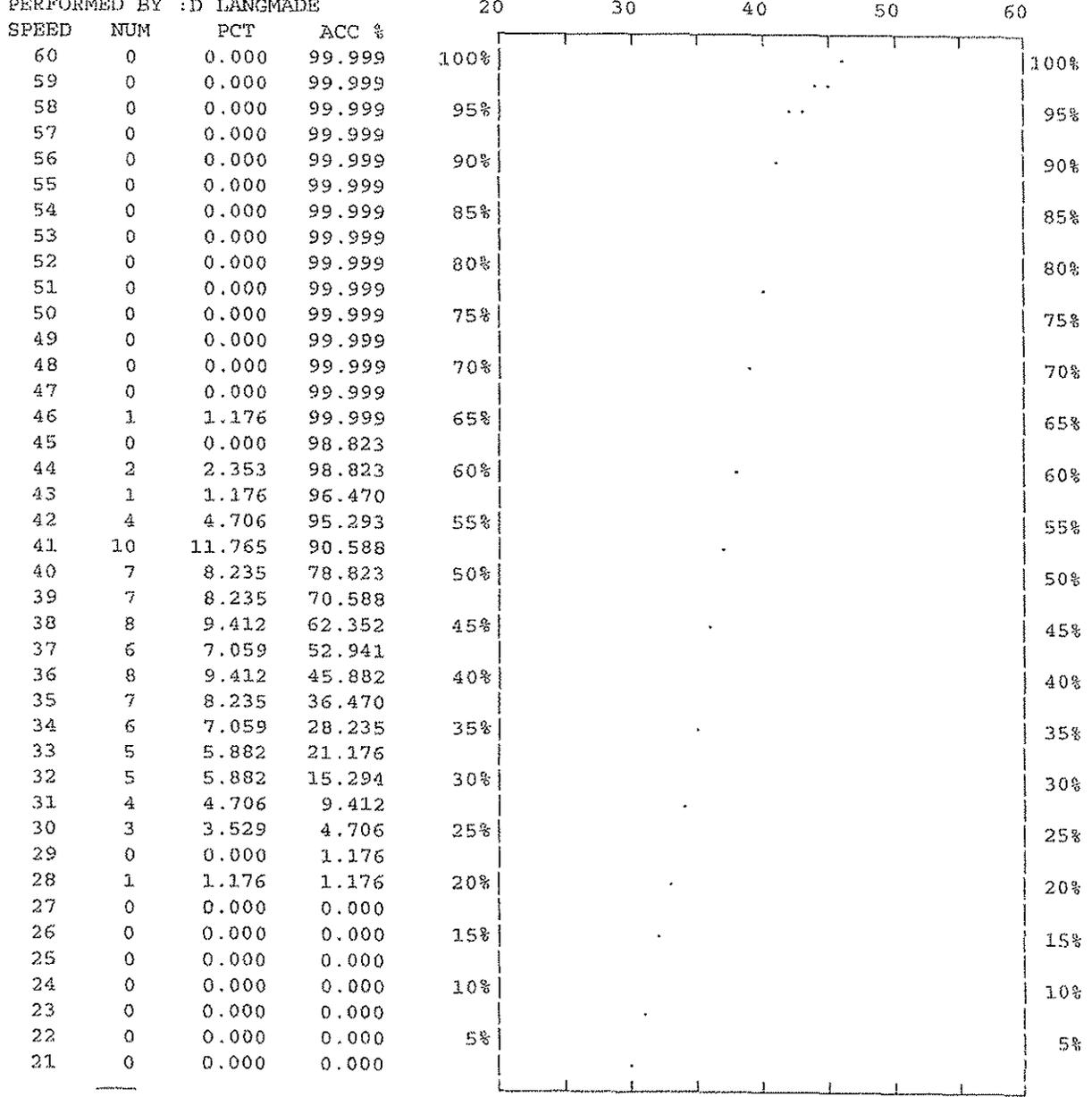


161 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION DOWNS ST UPJOHN/ RIDGECREST
 DIRECTION NORTHBOUND 15th PERCENTILE SPEED 31.95
 DATE 06-11-13 50th PERCENTILE SPEED 36.58
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 40.53
 TIME OF DAY 10:30AM - 11:01AM 95th PERCENTILE SPEED 41.94
 POSTED SPEED LIMIT NP RANGE OF SPEEDS 28 TO 46
 NUMBER OF LANES 2 10 MPH PACE SPEEDS 32 TO 41
 DEVELOPMENT RES/SCHOOL PERCENT IN PACE 81.18
 WEATHER CLEAR CALCULATED MEAN 36.92
 ROAD CONDITION PAVED STANDARD DEVIATION 5.57
 95% CONFIDENCE GAP 35.76 TO 38.07 SKEWNESS INDEX 0.11
 PERFORMED BY :D LANGMADE

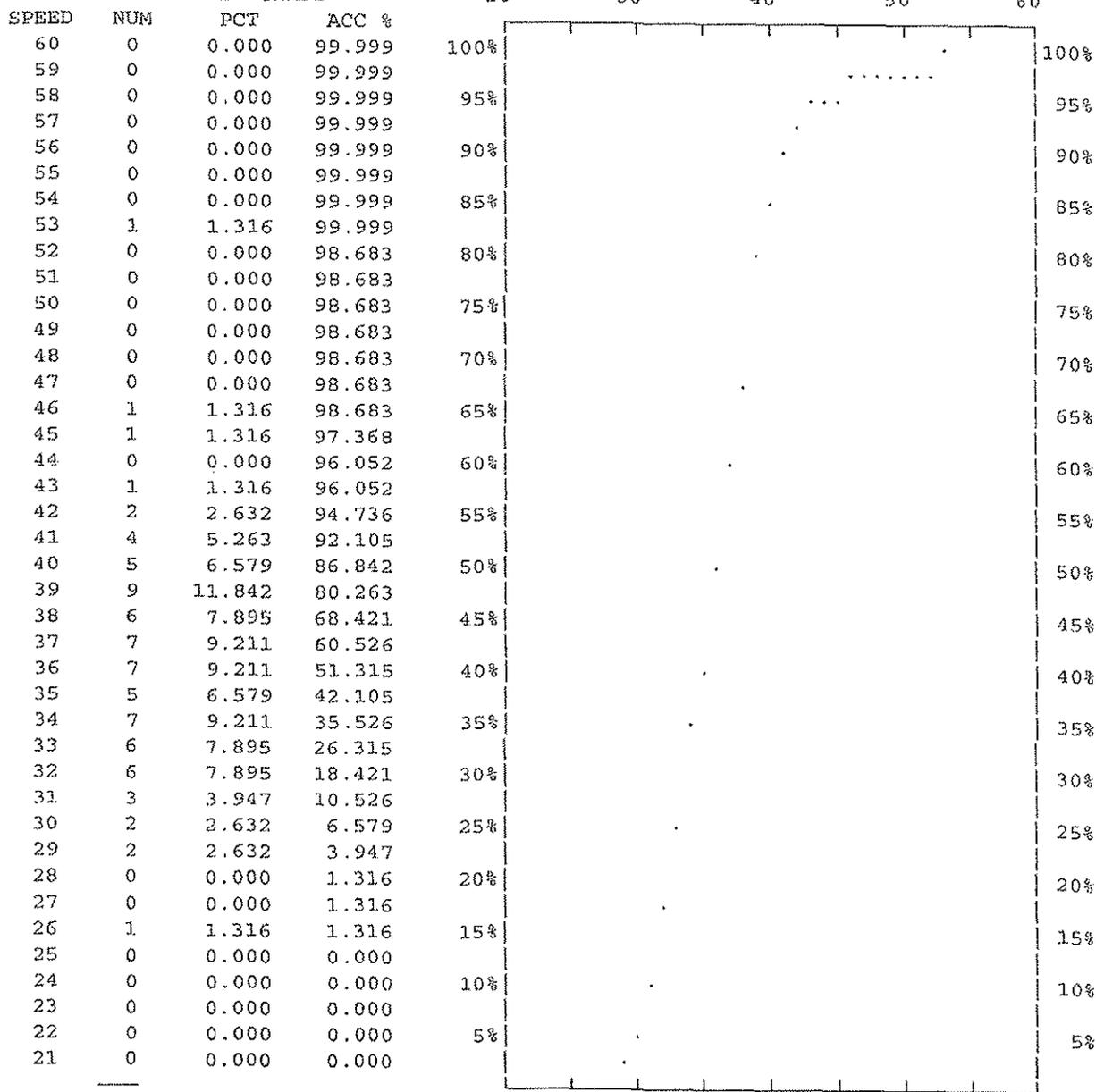


85 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION DOWNS ST UPJOHN/ RIDGECREST
 DIRECTION SOUTHBOUND 15th PERCENTILE SPEED 31.57
 DATE 06-11-13 50th PERCENTILE SPEED 35.86
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 39.72
 TIME OF DAY 10:30AM - 11:01AM 95th PERCENTILE SPEED 42.20
 POSTED SPEED LIMIT NP RANGE OF SPEEDS 26 TO 53
 NUMBER OF LANES 2 10 MPH PACE SPEEDS 32 TO 41
 DEVELOPMENT RES/SCHOOL PERCENT IN PACE 81.58
 WEATHER CLEAR CALCULATED MEAN 36.38
 ROAD CONDITION PAVED STANDARD DEVIATION 6.03
 95% CONFIDENCE GAP 35.06 TO 37.70 SKEWNESS INDEX 0.02
 PERFORMED BY :D LANGMADE

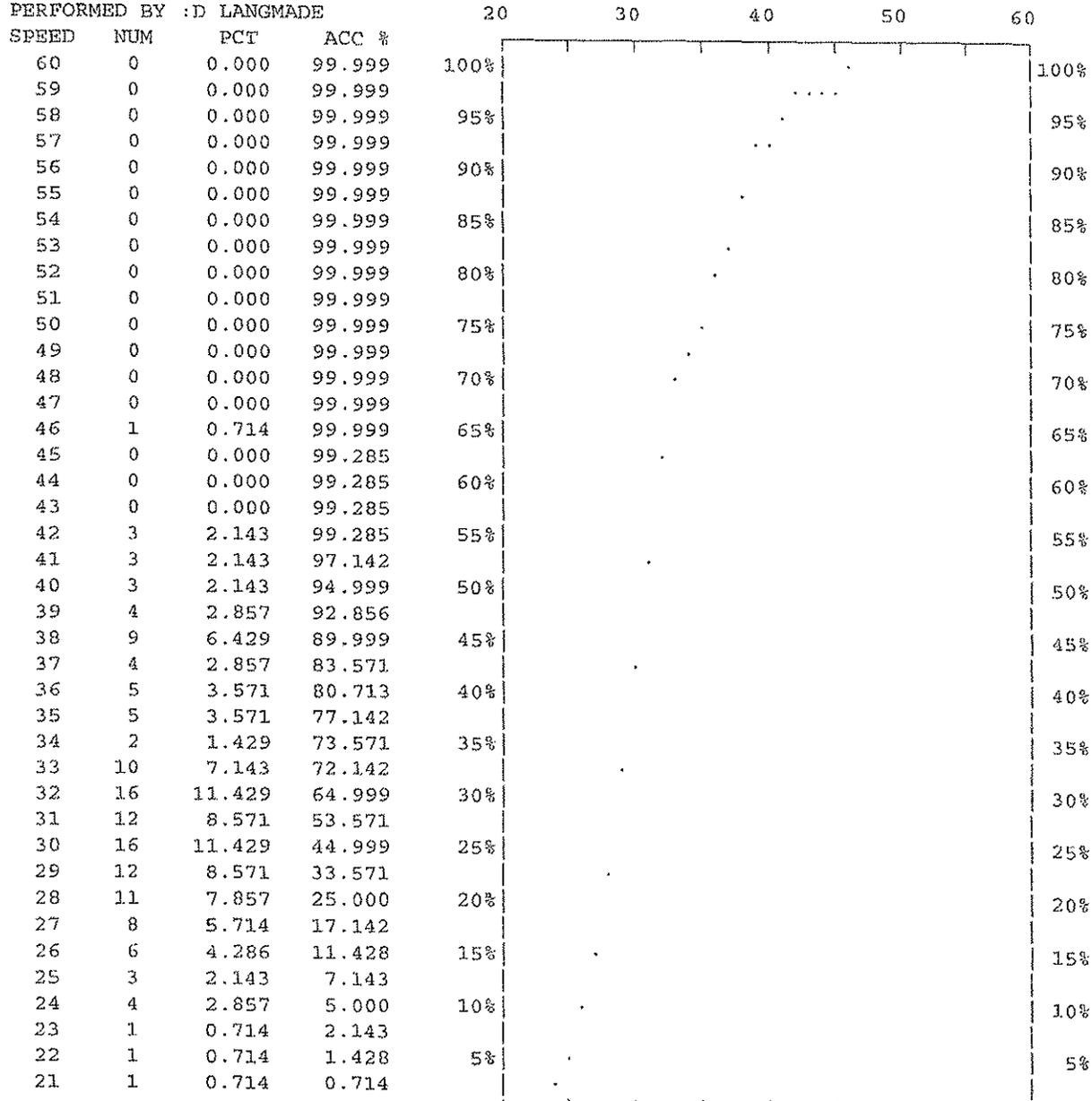


76 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION NORMA N/O RIDGECREST
 DIRECTION TOTAL 15th PERCENTILE SPEED 26.63
 DATE 06-11-13 50th PERCENTILE SPEED 30.58
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 37.22
 TIME OF DAY 11:05AM - 11:32AM 95th PERCENTILE SPEED 40.00
 POSTED SPEED LIMIT 25 RANGE OF SPEEDS 21 TO 46
 NUMBER OF LANES 3 10 MPH PACE SPEEDS 24 TO 33
 DEVELOPMENT RES PERCENT IN PACE 70.00
 WEATHER CLEAR CALCULATED MEAN 31.74
 ROAD CONDITION PAVED STANDARD DEVIATION 5.48
 95% CONFIDENCE GAP 30.85 TO 32.62 SKEWNESS INDEX -0.20
 PERFORMED BY :D LANGMADE

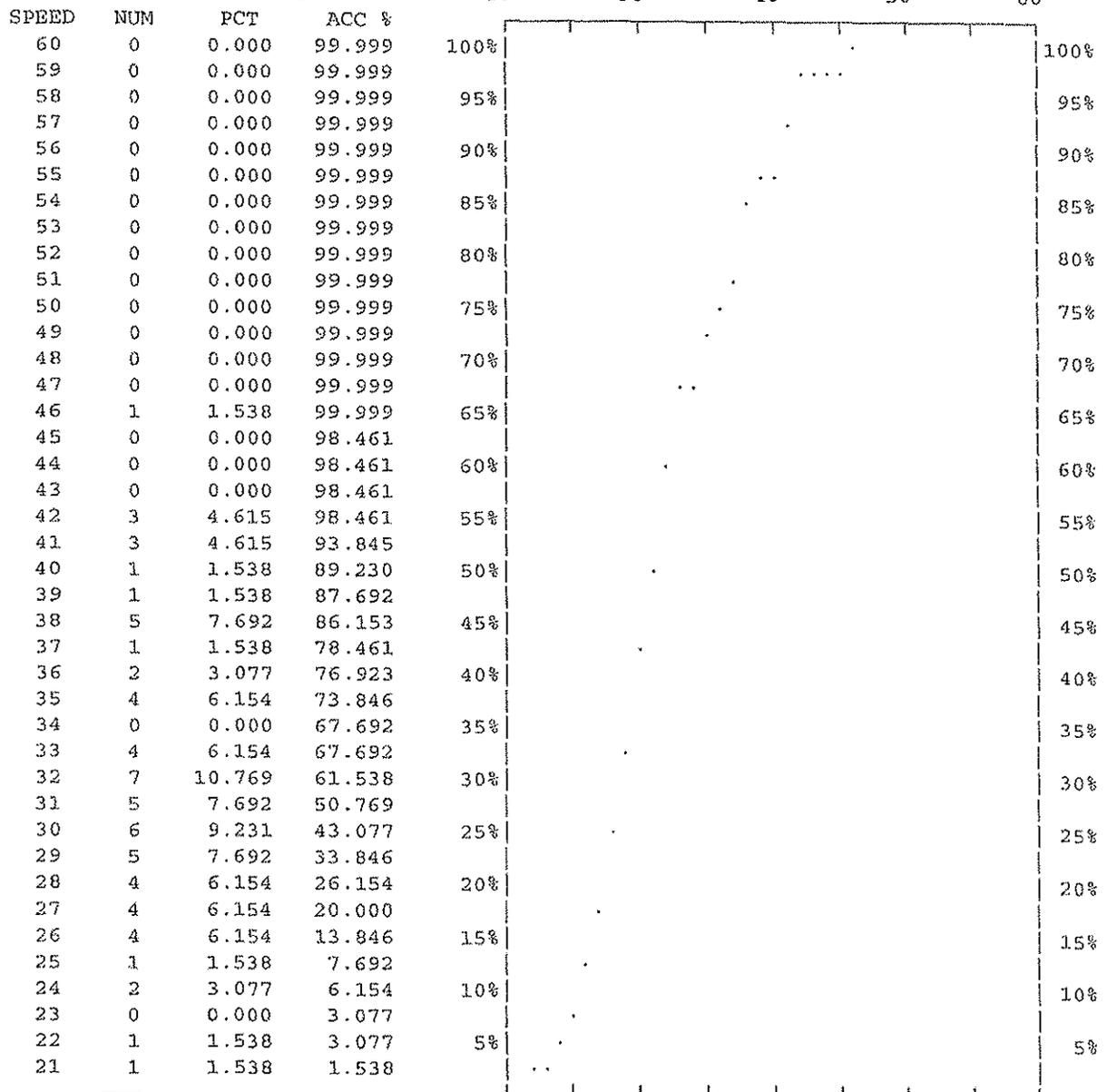


140 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION NORMA N/O RIDGECREST
 DIRECTION NORTHBOUND 15th PERCENTILE SPEED 26.19
 DATE 06-11-13 50th PERCENTILE SPEED 30.90
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 37.85
 TIME OF DAY 11:05AM - 11:32AM 95th PERCENTILE SPEED 41.25
 POSTED SPEED LIMIT 25 RANGE OF SPEEDS 21 TO 46
 NUMBER OF LANES 3 10 MPH PACE SPEEDS 26 TO 35
 DEVELOPMENT RES PERCENT IN PACE 66.15
 WEATHER CLEAR CALCULATED MEAN 32.14
 ROAD CONDITION PAVED STANDARD DEVIATION 6.78
 95% CONFIDENCE GAP 30.53 TO 33.74 SKEWNESS INDEX -0.22
 PERFORMED BY :D LANGMADE

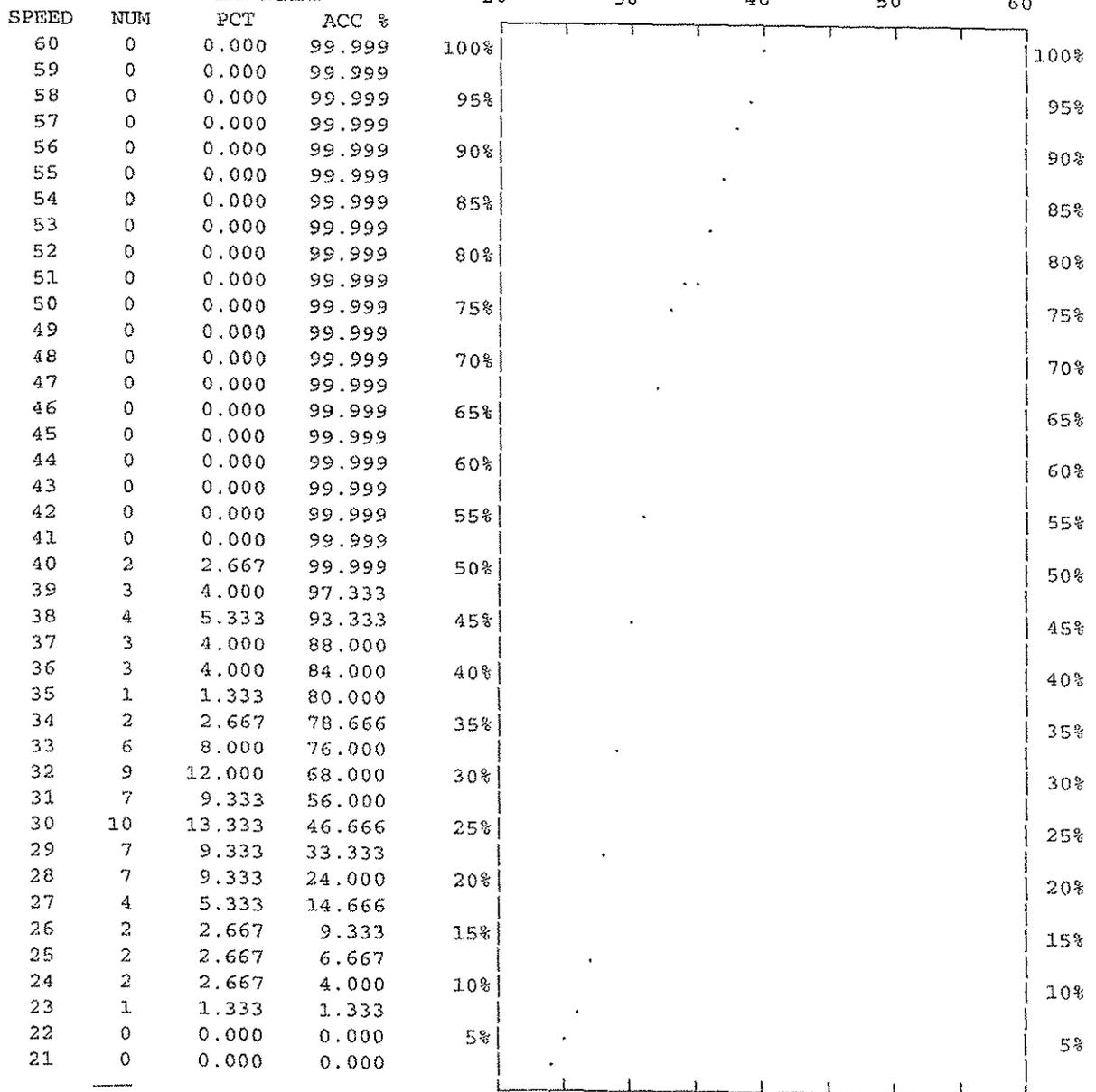


65 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION NORMA N/O RIDGECREST
 DIRECTION SOUTHBOUND 15th PERCENTILE SPEED 27.04
 DATE 06-11-13 50th PERCENTILE SPEED 30.36
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 36.25
 TIME OF DAY 11:05AM - 11:32AM 95th PERCENTILE SPEED 38.42
 POSTED SPEED LIMIT 25 RANGE OF SPEEDS 23 TO 40
 NUMBER OF LANES 3 10 MPH PACE SPEEDS 24 TO 33
 DEVELOPMENT RES PERCENT IN PACE 74.67
 WEATHER CLEAR CALCULATED MEAN 31.39
 ROAD CONDITION PAVED STANDARD DEVIATION 5.48
 95% CONFIDENCE GAP 30.18 TO 32.60 SKEWNESS INDEX -0.18
 PERFORMED BY :D LANGMADE



75 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION NORMA S/O LAS FLORES
 DIRECTION TOTAL 15th PERCENTILE SPEED 25.76
 DATE 06-11-13 50th PERCENTILE SPEED 30.41
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 36.99
 TIME OF DAY 11:35AM - 11:58AM 95th PERCENTILE SPEED 39.93
 POSTED SPEED LIMIT 25 RANGE OF SPEEDS 21 TO 47
 NUMBER OF LANES 4 10 MPH PACE SPEEDS 27 TO 36
 DEVELOPMENT RES PERCENT IN PACE 65.99
 WEATHER CLEAR CALCULATED MEAN 31.29
 ROAD CONDITION PAVED STANDARD DEVIATION 5.83
 95% CONFIDENCE GAP 30.37 TO 32.21 SKEWNESS INDEX -0.08
 PERFORMED BY :D LANGMADE 20 30 40 50 60

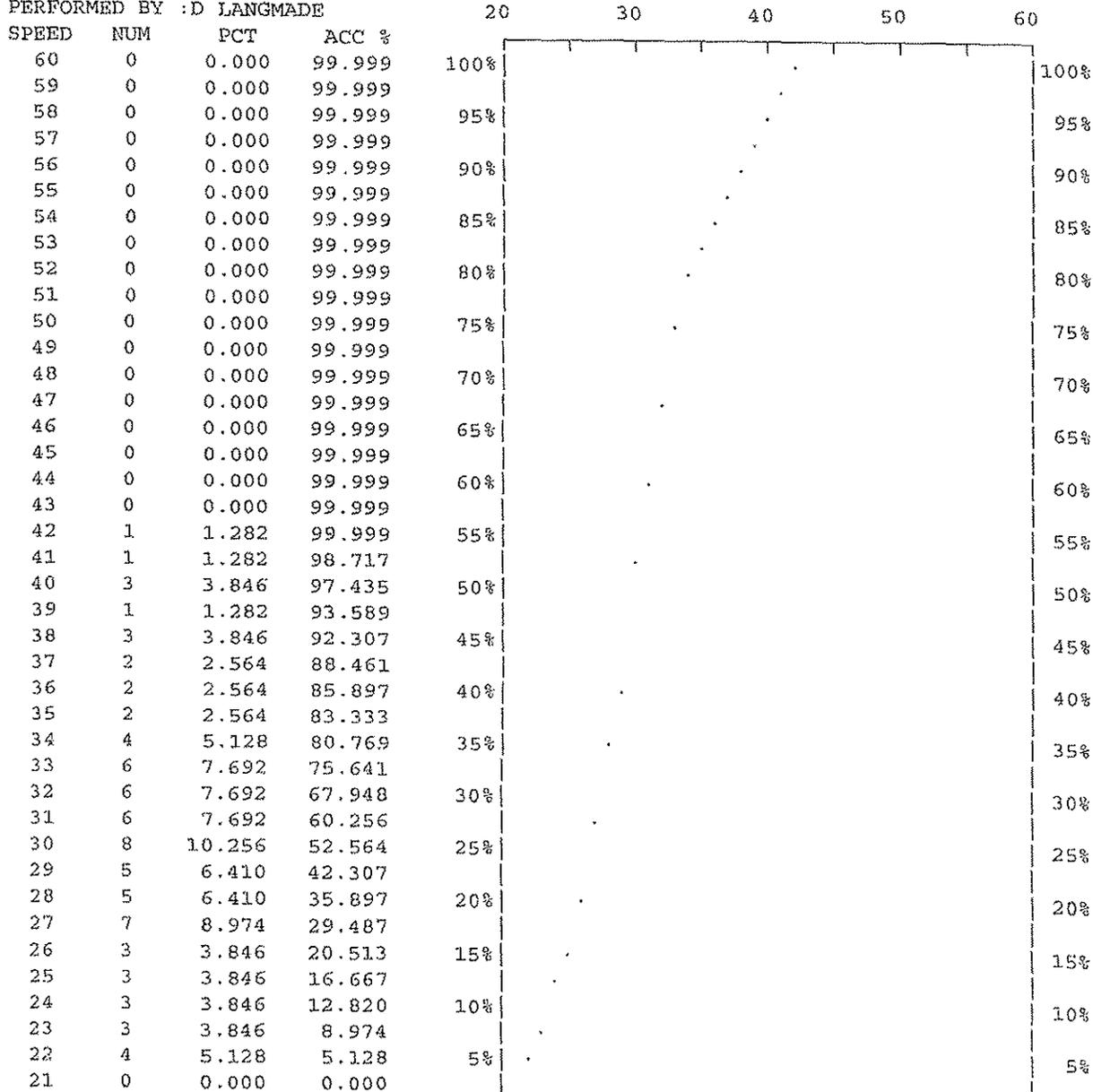
SPEED	NUM	PCT	ACC %			
60	0	0.000	99.999	100%		100%
59	0	0.000	99.999		
58	0	0.000	99.999	95%	.	95%
57	0	0.000	99.999			
56	0	0.000	99.999	90%	..	90%
55	0	0.000	99.999			
54	0	0.000	99.999	85%	.	85%
53	0	0.000	99.999			
52	0	0.000	99.999	80%	.	80%
51	0	0.000	99.999			
50	0	0.000	99.999	75%	.	75%
49	0	0.000	99.999			
48	0	0.000	99.999	70%	.	70%
47	1	0.680	99.999		.	
46	0	0.000	99.319	65%		65%
45	0	0.000	99.319		.	
44	0	0.000	99.319	60%		60%
43	0	0.000	99.319			
42	2	1.361	99.319	55%		55%
41	4	2.721	97.958		.	
40	5	3.401	95.237	50%		50%
39	2	1.361	91.836			
38	8	5.442	90.475	45%	.	45%
37	5	3.401	85.033			
36	5	3.401	81.632	40%		40%
35	6	4.082	78.231		.	
34	7	4.762	74.149	35%		35%
33	10	6.803	69.387			
32	12	8.163	62.584	30%	.	30%
31	11	7.483	54.421			
30	13	8.844	46.938	25%		25%
29	10	6.803	38.095		.	
28	10	6.803	31.292	20%		20%
27	13	8.844	24.489			
26	4	2.721	15.646	15%	.	15%
25	4	2.721	12.925		.	
24	4	2.721	10.204	10%	.	10%
23	3	2.041	7.483			
22	7	4.762	5.442	5%	..	5%
21	1	0.680	0.680			

147 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION NORMA S/O LAS FLORES
 DIRECTION NORTHBOUND 15th PERCENTILE SPEED 24.57
 DATE 06-11-13 50th PERCENTILE SPEED 29.75
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 35.65
 TIME OF DAY 11:35AM - 11:58AM 95th PERCENTILE SPEED 39.37
 POSTED SPEED LIMIT 25 RANGE OF SPEEDS 22 TO 42
 NUMBER OF LANES 4 10 MPH PACE SPEEDS 25 TO 34
 DEVELOPMENT RES PERCENT IN PACE 67.95
 WEATHER CLEAR CALCULATED MEAN 30.51
 ROAD CONDITION PAVED STANDARD DEVIATION 6.07
 95% CONFIDENCE GAP 29.20 TO 31.83 SKEWNESS INDEX -0.10
 PERFORMED BY :D LANGMADE

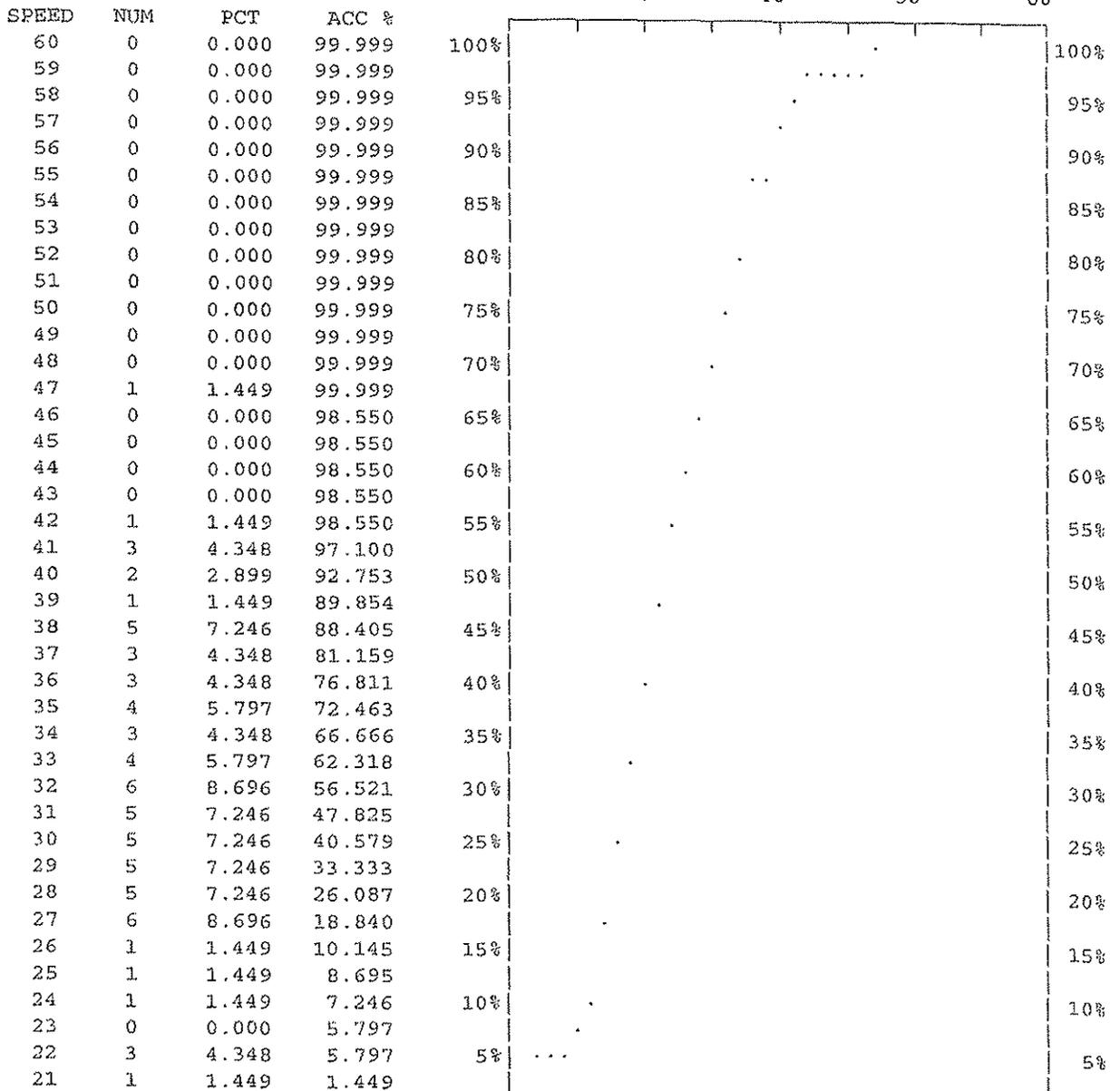


78 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

RADAR SURVEY STATISTICS

CITY RIDGECREST
 LOCATION NORMA S/O LAS FLORES
 DIRECTION SOUTHBOUND 15th PERCENTILE SPEED 26.56
 DATE 06-11-13 50th PERCENTILE SPEED 31.25
 DAY OF WEEK Tuesday 85th PERCENTILE SPEED 37.53
 TIME OF DAY 11:35AM - 11:58AM 95th PERCENTILE SPEED 40.52
 POSTED SPEED LIMIT 25 RANGE OF SPEEDS 21 TO 47
 NUMBER OF LANES 4 10 MPH PACE SPEEDS 27 TO 36
 DEVELOPMENT RBS PERCENT IN PACE 66.67
 WEATHER CLEAR CALCULATED MEAN 32.17
 ROAD CONDITION PAVED STANDARD DEVIATION 6.65
 95% CONFIDENCE GAP 30.65 TO 33.70 SKEWNESS INDEX -0.09
 PERFORMED BY :D LANGMADE



69 VEHICLES OBSERVED

Prepared by Newport Traffic Studies

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**RIDGECREST CITY COUNCIL/RIDGECREST REDEVELOPMENT SUCCESSOR
AGENCY/HOUSING AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT:

Review And Approve Recognized Obligations Payment Schedule (ROPS 2014-15B) Of The Former Ridgecrest Redevelopment Agency And Approval Of Resolution

PRESENTED BY:

Gary Parsons

SUMMARY:

The City Council at their regular meeting of January 11, 2012 adopted Resolution No 12-02, electing to serve as the Successor Agency to the prior Ridgecrest Redevelopment Agency and making certain findings in connection therewith.

The staff has prepared the Ridgecrest Redevelopment Successor Agency Recognized Obligations Payment Schedule (ROPS 2014-15B) of the prior Ridgecrest Redevelopment Agency and is recommending approval by the Ridgecrest Successor Agency and its adoption by Resolution.

The City Council acting as the Ridgecrest Redevelopment Agency, Successor Agency at its regular meeting of September 10, 2014 is being asked to review and approve or deny its ROPS 2014-15B submission to the DOF.

The Recognized Obligations Payment Schedule (ROPS 2014-15B) is for the period of January 1, 2015 through June 30, 2015.

The following represents the changes/ modifications made to the previously approved 2014-2015A ROPS:

- 1) Line 12 entitled legal costs in this line item we are requesting that it be increased from the previous \$24,000 per year to \$64,000 per year or \$32,000 per 6 months. This amount is for our successor agency bond counsel Stradling Yucca and Carlson. This increase is due to additional bond agency and bond legal requirements. This is a non-administrative expense
- 2) Line 14 entitled consulting fees has been zero out due to the inability of the consultant to continue his services to the agency original amount was \$53,756 per year or \$26,880 per 6 months. This is a non-administrative expense.
- 3) Line 13 entitled employee costs is being requested to increase from the 2014-2015A ROPS amount of \$166,000 per year or \$83,000 per 6 months to \$206,000 or \$103,000 per 6 months this is an administrative expense.
- 4) Line 15 entitled attorney fees is being reduced from the current amount of \$84,000 per year in the 2014-2015A ROPS to an amount of \$44,000 per year or \$22,000 per 6 months this is an administrative expense

- 5) Line 17 entitled waste water loan is being again submitted for funding. Although this obligation was approved by the DOF under the 2014-2015A ROPS (see DOF Letter attached) is was not funded in that period and is being resubmitted for funding in this ROPS period
- 6) Line 18 entitled waste water loan / solar loan. This line item is being resubmitted for approval by DOF. Although approved by the successor agency and the oversight board as a legitimate obligation of the agency it is again being submitted to the DOF for it's approval. More information will be provided to DOF on the legitimacy of the loan with this ROPS
- 7) A new line number 27 has been included in these periods ROPS, It is entitled PMP implantation expense. This item is for the services of Kosmont assoc. to aid in the implementation of the PMP and the development of multiple compensation agreements in this ROPS period. The amount being requested is \$36,000 per year or 18,000 per 6 months. This is a new non administrative expense/ obligation.
- 8) A new line number 28 is entitled administrative expenses for the Ridgecrest Housing Authority the amount being requested for this item is \$600,000 as the total obligation with an amount of 150,000 per year or \$75,000 per 6 months. Please see bill AB 471 which clearly states that the Ridgecrest housing authority can request up to \$150,000 per year for a period of 6 years of the administrative expenses with taking over the housing assets of the former Ridgecrest Redevelopment Agency low and moderate housing obligations

Staff will provide an overview and respond to any questions of the Board concerning the ROPS 2014-15B and recommends approval of the 2014-2015B ROPS and the attached resolution approving it for submission to the Ridgecrest Successor Agency Oversight board and the State of California Department of Finance (DOF).

FISCAL IMPACT:

Funding of Recognized Obligations of the Successor Agency

ACTION REQUESTED:

Review and approval of ROPS 2014-15B and Corresponding Resolution

SUCCESSOR AGENCY EXECUTIVE DIRECTOR RECOMMENDATION:

TO APPROVED ATTACHED RESOULTION AND 2014-2015B ROPS

RESOLUTION NO. 14-xx

**A RESOLUTION OF THE RIDGECREST REDEVELOPMENT AGENCY
SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION
PAYMENT SCHEDULE (ROPS) 2014-15B**

WHEREAS, the Ridgecrest Redevelopment Successor Agency has met and has duly considered a Draft Recognized Obligation Payment Schedule (ROPS) for the period JANUARY 1, 2015 through JUNE 30, 2015 in the form submitted by the Successor Agency staff (the "Draft ROPS14-15B"); and

WHEREAS, prior to its meeting on SEPTEMBER 10, 2014, the members of the Ridgecrest Redevelopment Successor Agency have been provided with copies of the Draft ROPS14-15B and instruments referenced in the Draft ROPS14-15B; and

WHEREAS, the Ridgecrest Redevelopment Successor Agency has reviewed the Draft ROPS14-15B and those instruments referenced in the Draft ROPS14-15B; and

WHEREAS, the Ridgecrest Redevelopment Successor Agency desires to express and memorialize its approval of the Draft ROPS14-15B with this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Ridgecrest Redevelopment Successor Agency, as follows:

SECTION 1. The Ridgecrest Redevelopment Successor Agency finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Ridgecrest Redevelopment Successor Agency approves as the Recognized Obligation Payment Schedule for the period January 1, 2015 through June 30, 2015.

SECTION 3. The Successor Agency is authorized and directed to submit the ROPS14-15B to the Ridgecrest Oversight Board and the California Department of Finance.

SECTION 4. The Successor Agency shall maintain on file as a public record this Resolution and the ROPS14-15B as approved hereby.

PASSED, APPROVED, AND ADOPTED at a meeting of the Ridgecrest Redevelopment Successor Agency, held on this the 10th day of September, 2014 by the following vote, to wit:

Ayes:
Nays:
Absent:
Abstain:

Daniel O. Clark, Chairman

ATTEST:

Rachel J. Ford, CMC, Secretary

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Recognized Obligation Payment Schedule (ROPS 14-15B) - Summary

Filed for the January 1, 2015 through June 30, 2015 Period

Name of Successor Agency: Ridgecrest
 Name of County: Kern

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):		
A	Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):	\$ -
B	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 3,727,395
F	Non-Administrative Costs (ROPS Detail)	3,602,395
G	Administrative Costs (ROPS Detail)	125,000
H	Current Period Enforceable Obligations (A+E):	\$ 3,727,395
Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	3,727,395
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	(316,099)
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 3,411,296
County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	3,727,395
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	3,727,395

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name	Title
/s/ _____	
Signature	Date

Recognized Obligation Payment Schedule (ROPS 14-15B) - ROPS Detail
January 1, 2015 through June 30, 2015
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					O	P
										Funding Source						
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF			
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total	
								\$ 66,764,662		\$ -	\$ -	\$ -	\$ 3,602,395	\$ 125,000	\$ 3,727,395	
2	2005 COP (Building Lease)	Bonds Issued On or	11/1/2005	3/1/2026	U.S. Bank via City of	Building Lease	Ridgecrest RDA	8,814,630	N				598,519		598,519	
3	2010 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	6/2/2010	6/30/2037	U.S. Bank	Bonds issued to fund housing/non projects	Ridgecrest RDA	53,436,408	N				1,945,697		1,945,697	
4	Jail Operations/Maintenance	Miscellaneous	1/17/1990	6/30/2015	Kern County	Jail Operations/RDA settlement Agreement	Ridgecrest RDA		N						-	
6	Agency held property	Property Maintenance	1/1/2014	6/30/2015	IWV Water District	Assessment District Special Tax	Ridgecrest RDA	950	N						-	
8	2005 COP (Building Lease)	Fees	11/1/2005	3/1/2026	BLX Group LLC	Arbitrage Analysis Report	Ridgecrest RDA	1,800	N				1,800		1,800	
9	Continuing Disclosure Reporting	Fees	11/1/2005	6/30/2037	Rosenow Spevacek Group	Annual Bond Reporting Requirement	Ridgecrest RDA	5,500	N				5,000		5,000	
10	2005 COP (Building Lease)	Fees	11/1/2005	3/1/2026	U.S. Bank	Bond Administration Fee	Ridgecrest RDA	2,000	N				2,000		2,000	
11	Project Management	Project Management Costs	7/1/2013	6/30/2015	Gary Parsons	Bond Project Management	Ridgecrest RDA	140,758	N				70,379		70,379	
12	Legal Cost	Legal	1/1/2014	6/30/2015	Stradling Yocca, Carlson	Attorney Bond Assistance	Ridgecrest RDA	64,000	N				32,000		32,000	
13	Employee Costs	Admin Costs	1/1/2014	6/30/2015	Various City Employees	Successor Agency & Debt Administration Costs	Ridgecrest RDA	204,000	N					103,000	103,000	
15	Attorney Fees	Admin Costs	1/1/2014	6/30/2015	Lemieux & O'neil	Legal Assistance	Ridgecrest RDA	44,000	N					22,000	22,000	
17	Wastewater Loan	City/County Loans On or Before 6/27/11	6/19/2002	6/30/2015	Ridgecrest WasteWater Fund	Loan to Build Business Park Infrastructure	Ridgecrest RDA	220,000	N				220,000		220,000	
18	Wastewater Loan	City/County Loans On or Before 6/27/11	11/3/2010	11/3/2015	Ridgecrest WasteWater Fund	Loan to Finance Solar Park	Ridgecrest RDA	3,185,616	N				634,000		634,000	
20	2002 Tax Allocation Bonds	Fees	1/1/2014	6/30/2015	BLX Group LLC	Arbitrage Analysis Report	Ridgecrest RDA	3,000	N						-	
21	2010 Tax Allocation Bonds	Fees	1/1/2014	6/30/2038	BLX Group LLC	Arbitrage Analysis Report	Ridgecrest RDA	3,000	N						-	
23	2010 Tax Allocation Bonds	Fees	1/1/2014	6/30/2037	U.S. Bank	Fiscal Agent Fees	Ridgecrest RDA	3,000	N						-	
27	PMP impletenation	Fees			Kosmont assoc.	Consultant Fees	Ridgecrest RDA	36,000	N				18,000		18,000	
28	Ridgecrest Housing Authority	Admin Costs	1/1/2014	6/30/2015	Ridgecrest Housing Authority	Housing Agency Administration Costs allocations per AB 471	Ridgecrest RDA	600,000	N				75,000		75,000	
29									N						-	
30									N						-	
31									N						-	
32									N						-	
33									N						-	
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Recognized Obligation Payment Schedule (ROPS 14-15B) - Report of Cash Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf.

A	B	C	D	E	F	G	H	I	
Cash Balance Information by ROPS Period		Fund Sources						Comments	
		Bond Proceeds		Reserve Balance		Other	RPTTF		
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin		
ROPS 13-14B Actuals (01/01/14 - 06/30/14)									
1	Beginning Available Cash Balance (Actual 01/01/14)	24,882,818	-	-	-	-	531,738		
2	Revenue/Income (Actual 06/30/14) RPTTF amounts should tie to the ROPS 13-14B distribution from the County Auditor-Controller during January 2014	31,002	-	-	-	3,000	3,705,878		
3	Expenditures for ROPS 13-14B Enforceable Obligations (Actual 06/30/14) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	-	-	-	-	-	3,949,994		
4	Retention of Available Cash Balance (Actual 06/30/14) RPTTF amount retained should only include the amounts distributed for debt service reserve(s) approved in ROPS 13-14B	-	-	-	-	-			
5	ROPS 13-14B RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 13-14B PPA in the Report of PPA, Column S	No entry required						316,099	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	24,913,821	-	-	-	3,000	(28,477)		
ROPS 14-15A Estimate (07/01/14 - 12/31/14)									
7	Beginning Available Cash Balance (Actual 07/01/14) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	24,913,821	-	-	-	3,000	287,622		
8	Revenue/Income (Estimate 12/31/14) RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014						1,248,973		
9	Expenditures for ROPS 14-15A Enforceable Obligations (Estimate 12/31/14)						1,268,923		
10	Retention of Available Cash Balance (Estimate 12/31/14) RPTTF amount retained should only include the amount distributed for debt service reserve(s) approved in ROPS 14-15A								
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	24,913,821	-	-	-	3,000	267,672		



DEPARTMENT OF
FINANCE

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

Sdan Loan ISR

May 13, 2014

Mr. Gary Parsons, Project Manager
City of Ridgecrest
100 West California Ave
Ridgecrest, CA 93555

Dear Mr. Parsons:

Subject: Determination of Oversight Board Action

The City of Ridgecrest Successor Agency (Agency) notified the California Department of Finance (Finance) of its February 24, 2014 Oversight Board (OB) resolution on April 10, 2014. Pursuant to Health and Safety Code (HSC) section 34179 (h), Finance has completed its review of the OB action.

Based on our review and application of the law, the Agency's OB Resolution No. 14-03 making a finding loans between the former redevelopment agency and the City of Ridgecrest (City) were for legitimate redevelopment purposes is partially approved.

The Agency received a Finding of Completion on December 17, 2013. As a result of the OB finding these loans were for valid redevelopment purposes and with Finance approval, the Agency may place the loans on a Recognized Obligation Payment Schedule (ROPS). However, the repayment of these City loans is subject to the repayment formula outlined in HSC section 34191.4 (b) (2) (A). HSC section 34191.4 (b) (2) (A) allows this repayment to be equal to one-half of the increase between the ROPS residual pass-through distributed to the taxing entities in that fiscal year and the ROPS residual pass-through distributed to the taxing entities in the 2012-13 base year.

In addition, HSC section 34191.4 (b) (2) requires the interest be calculated from loan origination at the Local Agency Investment Fund (LAIF) rate. The accumulated interest on the loans should be recalculated from the date of loan origination using the quarterly LAIF interest rate at the time when the Agency's OB makes a finding that the City loans were for legitimate redevelopment purposes. This will supersede any existing interest rates in the loan agreements. Therefore, the repayment amounts of the Agreements are subject to Finance's review and approval on subsequent ROPS.

It is our understanding the Agency has two loans with the City. Finance's determinations are as follows:

- 2002 Loan -- The Agency provided an executed loan agreement for \$2,000,000. It is our understanding; the Agency has made nine annual principal payments of \$200,000. As such, the outstanding principal and recalculated LAIF interest for this loan will be recognized as an enforceable obligation.

Mr. Gary Parsons
May 13, 2014
Page 2

- 2010 Loan – While the OB made a finding this loan was for legitimate redevelopment purposes; a signed and executed loan agreement supporting the loan was not provided to Finance. Absent an executed loan agreement, the Agency cannot demonstrate a promise to repay, or whether mandatory repayment terms exist. Therefore, the loan is not considered enforceable obligation.

In the event the OB desires to amend the portion of the resolution not approved by Finance, Finance is returning it to the board for reconsideration. However, the Agency can move forward with the portion of the resolution approved by Finance.

Please direct inquiries to Kylie Oltmann, Supervisor, or Veronica Green, Lead Analyst at (916) 445-1546.

Sincerely,



JUSTYN HOWARD
Assistant Program Budget Manager

cc: Ms. Tess Sloan, Assistant Finance Director, City of Ridgecrest
Ms. Mary B Bedard, Auditor-Controller, Kern County
California State Controller's Office

Assembly Bill 471:

Allows a successor agency to schedule ROPS payments beyond the existing six-month ROPS cycle upon a showing that a lender requires cash on hand beyond the ROPS cycle.

Allows a successor agency to utilize reasonable

AB 471 -- 1/6/14 -- Page 3

estimates and projections to support payment amounts for enforceable obligations if it submits appropriate supporting documentation of the basis for the estimate or projection to the DOF.

Specifies that a ROPS can include appropriation of moneys from bonds subject to passage during the ROPS cycle when an enforceable obligation requires the successor agency to issue the bonds and use the proceeds to pay for project expenditures.

State law requires a county auditor-controller to make allocations from the RPTTF to successor agencies to pay for specified administrative costs. In some communities, an entity other than the former RDA's successor agency has assumed a former RDA's housing responsibilities. Assembly Bill 471 requires a county auditor-controller, before distributing residual revenues from the RPTTF to taxing entities, to allocate a "housing entity administrative cost allowance" to an entity that has assumed a former RDA's housing duties. Assembly Bill 471 specifies that the housing entity administrative cost allowance would be 1 percent, but not less than \$150,000 annually, of the property tax allocated to the Redevelopment Obligation Retirement Fund each fiscal year. The bill requires an auditor-controller to make the housing entity administrative cost allocations on March 1, 2014, and each January 2 and June 1 thereafter until June 1, 2018. If a successor agency complies with state laws that require it to remit specified RDA property tax allocations and cash assets identified through a "due diligence review" process, it receives a "finding of completion" from the DOF (AB 1484, Assembly Budget Committee, 2012). Close to 300 successor agencies have received a finding of completion.

A successor agency that receives a finding of completion can repay specified loans made to a former redevelopment agency by the city or county that created it. State law requires that a successor agency must repay the loans according to a schedule that meets specified conditions. One condition requires that the maximum annual loan repayment amount cannot exceed 50% of the increase in the amount of money distributed to taxing entities from the Redevelopment Property Tax Trust Fund in the current fiscal year over the amount distributed in the 2012-13 base year. Assembly Bill 471 requires that calculation of the maximum loan repayment amount must exclude amounts paid to taxing

AB 471 -- 1/6/14 -- Page 4

entities during the 2012-13 base year from the Redevelopment Property Tax Trust Fund pursuant to the "due diligence review" process.

Current law allows a successor agency that receives a finding of completion to retain a former RDA's real property assets in a trust and use those assets subject to provisions of a long-range property management plan approved by the agency's oversight board and the DOF. State law requires that property must transfer from a successor agency to a city, county, or city and county if, under an approved long-range management plan, the property will be used for a project identified in an approved redevelopment plan. Assembly Bill 471 specifies that the phrase "identified in an approved redevelopment plan" includes properties listed in a community plan or a five-year implementation plan. Assembly Bill 471 also requires a successor agency to provide notice to its oversight board at least 10 days before entering into a contract or agreement for the use or disposition of properties pursuant to a long-range property management plan. During the 10-day period, the oversight board may notify the successor agency that it intends to conduct a hearing to determine whether the contract or agreement is consistent with the successor agency's long-range property management plan. Assembly Bill 471 requires the board to hold the hearing and issue findings within 30 days after it notifies the successor agency.

Assembly Bill 471 allows a successor agency that has received a finding of completion to amend an existing contract or agreement related to long-term enforceable obligations, or enter into a new contract or agreement in furtherance of any existing contract or agreement, if:

The amendment, new contract, or agreement is for the purpose of administering projects in connection with long-term enforceable obligations,

The existing contract or agreement has been approved by the department as an enforceable obligation on a Recognized Obligation Payment Schedule, and

The existing contract or agreement has received a final and conclusive determination.

Assembly Bill 471 prohibits any amendment of an existing contract or agreement, or any new contract or agreement, if

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the amendment, new contract, or new agreement will adversely affect the flow of property tax revenues or payments made to taxing entities pursuant to state law.

II. Infrastructure Financing Districts . Cities and counties can create Infrastructure Financing Districts (IFDs) and issue bonds to pay for community scale public works: highways, transit, water systems, sewer projects, flood control, child care facilities, libraries, parks, and solid waste facilities. To repay the bonds, IFDs divert property tax increment revenues from consenting local governments -- but not schools -- for 30 years (SB 308, Seymour, 1990).

State law prohibits an IFD's territory from including any portion of a redevelopment project area. Assembly Bill 471 repeals this prohibition, allowing IFDs to use tax increment revenues to finance public works in former RDA project areas.

Assembly Bill 471 prohibits an IFD from financing any project or portion of a project in a former redevelopment project area unless the former redevelopment agency's successor agency has received a finding of completion. The bill also declares that any IFD debt or obligation is subordinate to an enforceable obligation of a former redevelopment agency and prohibits tax increment revenues allocated to an IFD from including any revenues that state law requires a county auditor-controller to deposit in a Redevelopment Property Tax Trust Fund (RPTTF).

Assembly Bill 471 allows a city or county forming an IFD to dedicate any portion of its "net available revenue" to the IFD. The bill defines "net available revenue" as periodic distributions to the city from the Redevelopment Property Tax Trust Fund that are available to the city after all preexisting legal commitments and statutory obligations funded from that revenue are made pursuant to state law. The bill excludes funds payable to school entities pursuant to a specified statute from the definition of "net available revenue."

Assembly Bill 471 makes additional technical and conforming changes to current law.

State Revenue Impact

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No estimate.

Comments

1. Purpose of the bill . Local officials and developers have identified ambiguities and obstacles in current law which prevent them from completing vital economic development projects that began before redevelopment agencies were dissolved. Because state law doesn't provide successor agencies any flexibility to adjust contracts for enforceable obligations in ways that don't affect tax increment or to schedule ROPS payments beyond a single six-month ROPS period, many successor agencies may be unable to finance or complete long-term phased development projects that are already underway. By eliminating these ambiguities and obstacles, and eliminating an unnecessary prohibition against an IFD including any portion of a redevelopment project area for the purposes of collecting

tax increment, AB 471 will support the completion of numerous development projects that already have received millions of dollars of public investments, support state policy goals, and benefit residents throughout California.

2. Zero-sum game . Allocating former RDAs' property tax increment revenues is a zero-sum game; every reallocation creates winners and losers. Administrative cost allocations to housing successor entities will reduce the residual property tax revenues that are available to distribute to taxing entities - including school districts - from the RPTTF. A successor agency that, under AB 471's provisions, repays loans under the revised base-year formula or schedules ROPS payments beyond a current ROPS cycle will receive larger allocations of former property tax increment revenues in some fiscal years than it would under current law. Other local governments will, as a result, receive smaller allocations than they would under current law. One fiscal loser will be the State General Fund, which must backfill the revenues that the schools won't get.

3. Not just cities . Until this year, the statutes governing IFDs defined the term "city" to mean both cities and counties. Legislation passed last year changed that definition and inserted separate references to counties throughout the IFD statutes (SB 184, Senate Governance &

AB 471 -- 1/6/14 -- Page 7

Finance Committee, 2013). Because AB 471's amendments to IFD law refer only to a "city," they could be interpreted to exclude county-formed IFDs. To clarify the bill's intent, the Committee may wish to consider amending AB 471 to add references to a "county" next to references to a "city" in lines 34 and 38 on page 5 and line 2 on page 6 of the bill.

4. Take two . AB 471 is similar to AB 662 (Atkins, 2013), which the Governance & Finance Committee passed on a 7-0 vote last year. Governor Brown vetoed AB 662, citing his concern that the bill's "language to authorize new or amended contracts for existing enforceable obligations could result in unintended costs to the General Fund." AB 471 contains revised language intended to address the concerns the Governor raised in his veto message.

5. Urgency . Regular statutes take effect on January 1 following their enactment; bills passed in 2014 take effect on January 1, 2015. The California Constitution allows bills with urgency clauses to take effect immediately if they're needed for the public peace, health, and safety. AB 471 contains an urgency clause declaring that it is necessary for its provisions to go into effect immediately to facilitate the smooth and effective implementation and completion of the dissolution of redevelopment agencies.

6. Gut-and-amend . As introduced, AB 471 eliminated a statutory limit on the number of state contracts with Program for All Inclusive Care of the Elderly (PACE) organizations. The Committee never heard that version of the bill. The January 6 amendments deleted the bill's contents and inserted the language relating to former redevelopment agencies and infrastructure financing districts.

Assembly Actions

Not relevant to the January 6, 2014 version of the bill.

Support and Opposition (1/9/13)

Support : City of West Sacramento; Infill Builder Federation; BRIDGE Housing; Mission Bay Development Group;

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and Strada Investment.

Opposition : Unknown.

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