

REGULAR BOARD MEETING MINUTES

April 6, 2022

Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Rebecca Kujawa, President
Deborah Philips, Vice President
Kathy Hoffman, Director
Charlie Johnson, Director
Mark Roberts, Director

Board Members Absent: None

Staff Present: Don Bartz, General Manager
George Cardenas, Engineering Manager
Kim Ward, HR Manager/Executive Secretary
Sean Wright, Water Operations Manager
Chris Cummings, Water Operations Assistant Manager
Jennifer Oakes, Executive Management Analyst

District Counsel: Steve Kennedy, General Counsel (Zoom)

Public: None

Call to Order

Director Kujawa called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was conducted.

Roll Call

All Directors were present at roll call.

1) Approval of Agenda

Vice President Philips moved to approve the Agenda. Director Hoffman seconded the motion. Motion carried 5-0.

2) Public Comment

a) General Public

Zane Bower had comments regarding trash service and dump cards.

b) Community Reports

- **County Fire** – Mike McClintock stated the local station purchased a new brush engine. He gave call statistics and reported that dryness levels right now are what is typically seen in June. Firefighters participated in training over the last two months. Information was given on the Reverse 911 system for notifications.

- **Sheriff** – Sergeant Paul Solorio gave call statistics for March and provided an update on the marijuana eradication search warrants.
- **County Supervisor** – Sam Shoup, Field Representative for Supervisor Cook, mentioned the Phelan Road widening project.
- **Snowline School District** – Ryan Holman, Superintendent, stated that March 12th was a big day because masks became optional at schools. A school dance was held at Serrano High School on March 12th. San Bernardino County Superintendent of Schools, Ted Alejandro, spoke at the Greater High Desert Chamber of Commerce meeting regarding the State of Education.
- **C.E.R.T.** – Vice President Philips, on behalf of Bonnie Butler, reported that trainings will be held on April 30th, May 7th, and May 14th.

3) **Consent Items**

Vice President Philips moved to approve the Consent Items. Director Johnson seconded the motion. Motion carried 5-0.

4) **Matters Removed from Consent Items**

None

5) **Presentations/Appointments**

None

6) **Continued/New Agenda Items**

a) **Presentation, Discussion & Possible Action Regarding Phase 3 of the Phelan Park Expansion Project**

Staff Recommendation: For the Board to provide direction on which elements of Phase 3 of the Phelan Park Expansion to proceed with.

KTUA gave a presentation on this item, and it is available on the District's website.

Tom Steeno, Steeno Designs, provided an update regarding Joshua trees and the status of the project.

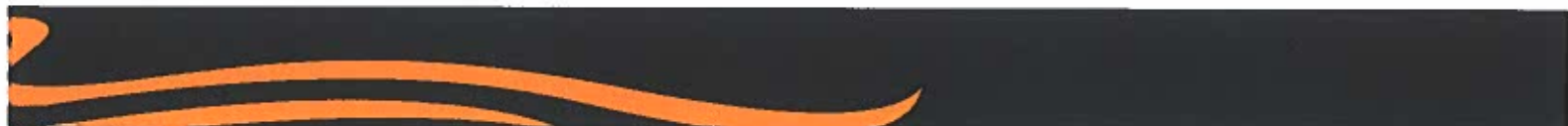
Mr. Cardenas provided an update on a modification to CEQA.

Consensus of the Board was Option A, which is the dog park being moved to the southeast corner of the pump track and the skate park being moved to the south edge of the pump track.

b) **Second Reading of Ordinance No. 2022-02; Establishing Uniform Solid Waste, Recycling, and Organic Waste Disposal Requirements**

Staff Recommendation: For the Board to waive the second reading of Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements.

Mr. Bartz presented this item.



Vice President Philips moved to approve the staff recommendation. Director Hoffman seconded the motion. Motion carried 5-0.

c) **Public Hearing on Ordinance No. 2022-02; Establishing Uniform Solid Waste, Recycling, and Organic Waste Disposal Requirements**

President Kujawa declared the Public hearing open at 7:09 pm.

1) **Secretary's Report**

Ms. Ward reported the District received one written protest, objection, or comment relating to Ordinance No. 2022-02.

2) **Attorney's Report on Action Taken Prior to this Hearing**

Mr. Kennedy reported Notice of Public Hearing was published in the Daily Press on March 23 and March 30, 2022. A summary of the Ordinance was published in the Mountaineer Progress on March 31, 2022. The first reading of the Ordinance was waived on March 30, 2022. The second reading was waived preceding this hearing. Further, notice of public hearing was posted in the District office and on the District website beginning March 23, 2022.

3) **Staff's Report**

CalRecycle, in consultation with the California Air Resources Board, has adopted regulatory requirements (Regulations), consistent with the mandate of SB 1383 that are designed to achieve the organic waste reduction goals established in Section 39730.6 of the Health and Safety Code through a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

The regulations created to reduce organic waste consist of various components including providing an organic recycling service to all residential and commercial properties, establishing an edible food recovery program, meeting procurement requirements, tracking third-party organic waste haulers, creating education and outreach material, and conducting inspection and enforcement activities.

Beginning January 1, 2022, jurisdictions that were not in full compliance risked facing enforcement measures including financial penalties of up to \$10,000 per day. The District adopted and submitted a Notice of Intent to Comply with CalRecycle in accordance with Senate Bill 619 (SB 619) which creates a mechanism to delay penalties for local agencies.

Additionally, the District is currently failing to meet the state diversion (recycling) requirements of AB 341 and AB 939 and is subject to punitive action. The District must come into compliance, or at least show reasonable attempts to come into compliance, in order to stop future punitive action, especially now that it is likely the District will be reporting all diversion activity to the state and now that the county, the District's current reporting agency for recycling, is receiving notice of violation from the state related to recycling. This Ordinance is necessary to aid the District in meeting SB 1383 requirements and also the state recycling requirements.



For commercial customers, this Ordinance implements a 3 container, uniform service requirement beginning July 1, 2022. Commercial customers are already required to have trash and recycling service as adopted by Ordinances 2017-02 & 2017-03. This Ordinance would require a third container for organics and green waste, where applicable.

At this time, the District does not require residential customers to have collection service. There are approximately 7,130 households in Phelan and Pinon Hills. Of those households, approximately 4,800 subscribe to voluntary trash service with CR&R. This means roughly 67% of District residents have collection service for solid waste through the District's hauler. This service does not include a separate recycling bin with the exception of a very small area located in downtown Phelan which includes the District office. This is due to the need of having separate truck routes for solid waste and recycling.

The state now requires residents to subscribe to and participate in organics "curbside" collection service and Residents are required to properly sort their organic waste into the correct containers. The District must also monitor contamination and conduct various record keeping and reporting activities for the state. To make this feasible, the District needs to require residential collection service. This Ordinance implements a 3 container, uniform service requirement for residential customers beginning not earlier than July 1, 2023.

4) **Public Comment, Protests, and Objections**

- Leonard Walquist asked how the trash service will be billed to customers and how much the new bins will increase the bill. He asked if water service can be turned off if a person doesn't pay their trash bill. He wanted to know if the dump card fee will be removed from property tax bills. He asked if the CRV charge will be removed from purchases since people will be required to put their recyclables in one of the new bins. He wanted to know what the qualifications are to become a self-hauler. He stated his concerns with what the additional traffic from more routes and trucks will do to the roads.
- Mike Troeger stated his concern with removing the capability to burn brush on your own land. He said this affects him greatly because he has a large property and currently burns his brush with Cal Fire's approval. He thinks the only reason the ability to burn brush is being removed is so that someone can show the state how much organic waste is being hauled away. He thinks it's better to burn brush on site instead of having diesel trucks transporting organic waste to wherever it is going. He stated that if people aren't allowed to burn brush, it will create a huge fire hazard. He sees this as a major problem and feels that burning brush is an effective way to mitigate fire hazards. He would like to know how this issue will be addressed.
- Zane Bower made a comment regarding the trash service pick up and the roads in the area. He stated the roads where he lives are not public and they aren't open to public access. He hopes to keep the rural way of life out here and for people to be able to keep doing things the way they like.
- Debbie McAfee noted she is a 16-year resident of Pinon Hills. She stated the District is not being forced by the state to require curbside trash service, and

that they are only required to reduce the amount of green waste in the landfill. She said it is clear to her from listening to discussions about the parks that the Board's job is to listen to the community and to accommodate the needs of the public. She asked what alternative methods have been looked at to meet the state's requirements. She would like to see a copy of the proposed budget along with a comparison of costs with everybody being forced to pay for trash service versus the way it is now with 33% of people not having trash service and only using dump cards. She stated that none of these regulations refer to regular trash service being required and wants to know why people are being forced to pay for regular trash pickup.

- Meredith Hergenrader commented regarding trash service in Wrightwood, stating that they have separation, but the trash company dumps the separated trash into the same truck. She asked where the money is coming from to buy all the extra trucks for the different bins and wanted to know if it is coming from grants. She said she knows there are billions of dollars in grant funds available because she knows someone that received grant funding to purchase an entire fleet of trucks for a recycling center. She asked why our area is the only one being forced to do this and stated that Barstow, El Mirage, and Lucerne are not doing the same thing that we have to do.

Director Johnson moved to close the Public Hearing. Vice President Philips seconded the motion. Motion carried 5-0 and the Public Hearing was closed at 7:25 pm.

Questions and comments from the public were addressed by staff.

d) **Discussion & Possible Adoption of Ordinance No. 2022-02; Establishing Uniform Solid Waste, Recycling, and Organic Waste Disposal Requirements**

Staff Recommendation: For the Board to adopt Ordinance No. 2022-02: Establishing Uniform Solid Waste, Recycling and Organic Waste Disposal Requirements.

Mr. Bartz presented this item.

Director Roberts moved to approve the staff recommendation. Director Hoffman seconded the motion. Motion passed 3-2; Vice President Philips and Director Johnson were opposed.

e) **Discussion & Possible Action Regarding Materials Purchase for Well No. 15**

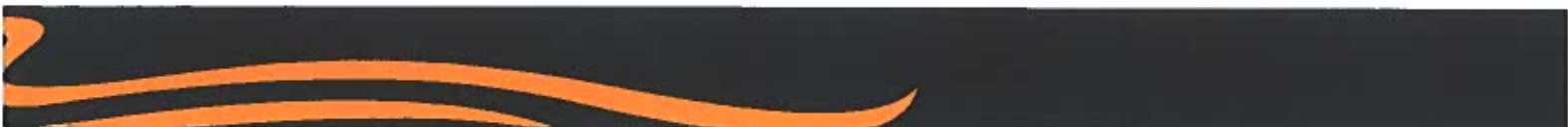
Staff Recommendation: Staff recommends for the Board to approve the materials purchase of six (6) valve & hydrant assemblies with six (6) 12" transmission mainline valves and accompanying fittings.

Mr. Bartz presented this item.

Director Johnson moved to approve the purchase from Ferguson Waterworks. Vice President Philips seconded the motion. Motion carried 5-0.

f) **Update on the Proposed Civic Center & Phelan Park Expansion Projects**

Staff Recommendation: None



Nothing further at this time.

No action taken; not an action item.

g) **Update on the Status of Negotiations for the Consolidation of Sheep Creek Mutual Water Company into the District**

Staff Recommendation: None

Mr. Cardenas reported that the application for funding was submitted to the state.

No action taken; not an action item.

h) **Discussion & Possible Action Regarding Increasing Purchase Order for Fuel for an Additional \$25,000**

Staff Recommendation: Staff recommends for the Board to approve increasing the Purchase Order for Fuel for an additional \$25,000.

Mr. Bartz presented this item.

Director Roberts moved to approve the staff recommendation. Vice President Philips seconded the motion. Motion carried 5-0.

7) **Committee Reports/Comments**

a) **Antelope Valley Adjudication Committee (Ad Hoc)** – None.

b) **Engineering Committee (Standing)** – Meeting minutes are included in this packet. MWA recharge project is progressing. There is nothing finite on chromium-6 yet; the updated MCL is expected soon.

c) **Finance Committee (Standing)** – Met on March 22nd; discussed the budget.

d) **Legislative Committee (Standing)** – Meets in May.

e) **Parks, Recreation & Street Lighting Committee (Standing)** – Meeting on April 12th.

f) **Waste & Recycling Committee (Standing)** – Meets in June.

8) **Staff and General Manager's Report**

None

9) **Reports**

a) **Director's Report**

Hoffman – Nothing further to report.

Philips – Attended Helendale CSD's 15th Anniversary celebration. Attended ASBCSD meeting.

Roberts – Nothing further to report.

Johnson – Referred the Board to listen to the last MWA Watermaster meeting. Discussed information regarding frequently asked questions.

b) **President's Report** – Report included in the packet.

10) **Correspondence/Information** – The items in the packet were noted.



11) **Review of Action Items**

a) **Prior Meeting Action Items**

- Completed

b) **Current Meeting Action Items**

- None

12) **Set Agenda for Next Meeting**

- Regular Board Meeting – April 20, 2022

13) **Recess to Closed Session**

With no further business before the Board, the Board recessed to closed session at 8:31 p.m.

Closed Session: Conference with Legal Counsel
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case

14) **Return to Open Session** – Announcement of Reportable Action

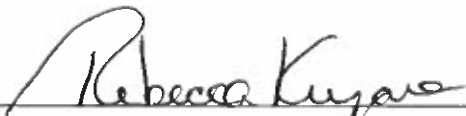
The Board returned to open session at 9:02 p.m.

There was no reportable action.

15) **Adjournment**

With no further business before the Board, the meeting was adjourned at 9:02 p.m.

Agenda materials can be viewed online at <https://www.pphcsd.org>



Rebecca Kujawa, President of the Board



Date



Kim Ward, HR Manager/Executive Secretary



Date

