



McCloud Community Services District

220 West Minnesota Avenue P.O. Box 640

McCloud, California 96057

Phone (530) 964-2017 Fax (530) 964-3175 e-mail mcsd@ci.mccloucdcsd.ca.us

REGULAR MEETING OF THE POLICY REVIEW COMMITTEE

Scout Hall – 405 E. Colombero Drive

Wednesday, February 14, 2018 – 5:00 p.m.

- 1) Discussion of Policy 2400 – Library Aide/Job Description.
- 2) Discussion of Policy 2030 – Holidays.
- 3) Discussion of Policy 3080 – Purchasing.
- 4) Discussion of Policy 2010 – Temporary Addendum to Employee Compensation, Hours of Work and Overtime.
- 5) Discussion of Policy 2010 – Employee Compensation, Hours of Work and Overtime.
- 6) Discussion of Policy 3100 – Garbage and Refuse Collection.
- 7) Discussion of Ordinance 26.
- 8) Discuss items for the next agenda.
- 9) Adjourn.

MCSD Mission Statement

McCloud Community Services District will strive to provide the full range of municipal services, at a reasonable cost applied consistently to all customers, while maintaining a healthy infrastructure, environmental integrity and promoting the economic development of our community.

McCLOUD COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: LIBRARY AIDE – Job Description
POLICY NUMBER: 2400
ADOPTED: May 28, 2013
REVIEWED: June 9, 2015; June 13, 2017
AMENDED: 03/24/14; 09/08/14; 07/13/15; 07/10/17

2400.10 The Library aide, under the broad policy guidance and with direction from the Finance Officer, the President of the Friends of the Library and Siskiyou County Librarian, works under minimal supervision with regard to the duties listed herein. This position requires the employee to have access to District facilities and equipment with little or no supervision.

2400.11 The Library Aide will be hired by the Finance Officer.

2400.12 The Library Aide will be given an annual performance evaluation by the Finance Officer with input from the President of the Friends of the Library in accordance with MCSD Policy 2175.

2400.20 ESSENTIAL FUNCTIONS

2400.21 Has responsibility for the operation and services of a library, works with library patrons, providing assistance in the use of library facilities and resources, answers questions, checks out materials for circulation, issues library cards, collects monies for overdue and damaged books and media, receives and transmits patron requests for books, media, and information, finds and reserves books and media for circulation, assigns work to volunteers groups, compiles information for statistical summaries and reports, packs and unpacks shipments of materials as requested by Siskiyou County, notifying patrons of special orders received, re-shelves returned material, prepares periodicals for patron use, instructs patrons in the use of library resources and library rules and procedures, has responsibility for building security, may train volunteers, may co-ordinate and/or provide special library programs, attends/participates in Siskiyou County Library Council meetings and Vestal Meetings and is expected to help do janitorial duties.

2400.22 This is a part time position of approximately 4 hours per week. No District benefits or holiday leave will be paid for the employee in this position except for required sick leave. The rate of pay for this position appears on the Salary Schedule and is paid

according to the District pay schedule. Three days per month will be paid proportionately by the District and the Friends of the Library with each responsible for half the total of thirty-six (36) four (4) hours days a year. Friends of the Library will pay the entire salary for an additional sixteen (16) four (4) hour days a year to enable the Library Clerk to work one (1) four (4) hour day every week. The District will send an invoice to The Friends of the Library who will pay the full amount to the District by July 15 of the year.

2400.23 The Policy Review Committee, General Manager, Finance Officer and President of the Friends of the Library will review this policy yearly by March 1st, pertaining to the monies contributed by the Friends of the Library.

2400.30 Prerequisite Qualifications:

2400.31 A pre-employment physical shall be performed, at District expense, prior to employment. As this position requires the employee to perform labor requiring manual dexterity, the successful employee will be of adequate health and physical fitness, as determined by a physician, to perform the required duties. A pre-employment drug screening showing the absence of illegal drugs and/or alcohol, and a live scan is also required as a condition of District employment.

2400.40 With little or no supervision. Must be able to lift and carry thirty (30) pounds.

2400.41 Must have a reliable personal vehicle with current liability insurance. Must possess a valid and appropriate California driver's license with a driving record acceptable to the District (Department of Motor Vehicle driving record printout required prior to employment).

2400.42 Understand and follow oral and written directions, basic computer knowledge, perform manual labor, and learn and follow District policies and procedures and County Library policies.

2400.43 Basic Work Hours:

The office hours of the District are 8:00 a.m. to 5:00 p.m., Monday through Friday. The library hours will be determined and set by District Finance Officer in conjunction with the President of the Friends of the Library.

2400.44 This position does not require work schedules outside the Districts basic work hours and/or days.

2400.50 Physical Requirements:

2400.51 Task: Completes paperwork and reports related to scheduled maintenance activity.

Physical Demand: Sitting, close vision, reading, handwriting, speaking, hearing, use Of hands to finger, handle or feel objects.

2400.52 Task: Performs duties related to the library facilities and/or equipment.

Physical Demand: Close and distance vision, color perception, hearing, clear speech, use of hands to finger, handle or feel objects, tools or controls, walking over uneven ground, climbing, kneeling, stooping, bending, sitting, squatting, upper and lower body flexibility, standing, lifting, pushing, pulling and carrying (regularly up to 30 lbs. and infrequently up to 50 lbs.).

2400.60 Environmental Demands:

2400.61 Inside: Works indoors in temperature-controlled environment.

2400.62 Outside: Occasionally works out doors in a variety of weather conditions ranging from snow to +100° F.

2400.63 Fumes/Gases: Exposure to fumes from cleaning materials and dust from cleaning operations.

2400.64 Noise/Vibration: Moderate exposure to noise and vibration from cleaning tools and equipment.

2400.70 Mental Requirements:

2400.71 Reading: Competent minimal reading skills.

2400.72 Writing: Standardized check-off sheets.

2400.73 Math: Basic math calculations.

2400.75 Repetition: Monthly repetitive work.

2400.76 Judgment: Works independently.

2400.77 Social Skills: Ability to relate cooperatively with members of the public and District personnel.

2400.78 Communication Skills: Ability to organize and communicate thoughts orally and written. Ability to understand communications from others.

2400.80 This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

McCLOUD COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: **Holidays**
POLICY NUMBER: **2030**
ADOPTED: **November 12, 2002**
REVIEWED: **September 9, 2013; 09/23/13**
AMENDED: **09/23/13**

2030.10 This policy shall apply to all employees.

2030.20 The following days shall be recognized and observed as paid holidays:

New Years Day
Martin Luther King, Jr.'s Birthday
President's Day
César Chávez Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Friday after Thanksgiving Day
Christmas Day

2030.30 In addition to those days listed above as recognized and observed as paid holidays, all District employees shall be provided paid holiday time off according to the following schedule:

2030.31 Two (2) floating holidays per calendar year consisting of eight (8) hours each, taken one full day at a time.

2030.32 One (1) personal leave day per calendar year consisting of eight (8) hours taken one full day at a time.

2030.33 Any day declared as a holiday by the President of the United States or Governor of the state of California.

2030.34 Any day declared a holiday at the discretion of General Manager for the District.

2030.40 All regular work shall be suspended and employees shall receive one (1) day's pay for

each of the holidays listed above. An employee is eligible for any paid holiday if he/she works the day before and the day after said holiday. Eligibility is also granted if the employee was on vacation or had notified the General Manager and received permission to be absent from work on that specific day or days.

2030.50 Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.

2030.60 When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

2030.70 If any employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1-1/2) his/her regular rate of pay, or as otherwise specified under Policy 2010, Employee Compensation, Hours of Work and Overtime.

McCLOUD COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Purchasing
POLICY NUMBER: 3080
ADOPTED: November 25, 2002
AMENDED:
REVIEWED BY COMMITTEE: November 14, 2013; July 12, 2016

3080.10 To purchase small items such as office supplies, auto parts and other miscellaneous items costing less than \$500, vendors will be asked to submit pricing information. District accounts are then awarded to those firms that provide the best prices, discounts, etc. Acquisitions are processed on purchase order forms which list instructions to vendors.

3080.11 Local (McCloud) firms will be allowed a 10% preference margin.

3080.20 To purchase items costing more than \$500, competitive quotations will be solicited from vendors and received by telephone, fax or mail prior to processing a purchase order.

3080.21 For large quantity orders, the District will provide suppliers with a list of items to be purchased. Items on the list will be purchased from the supplier quoting the lowest prices and having an acceptable delivery date.

3080.22 Vehicles will be purchased through competitive bidding, unless they can be acquired less expensively otherwise.

3080.30 Purchase orders shall be prepared for all purchases, and signed by the General Manager and one additional regular full-time staff member prior to placing the order.

McCLOUD COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Temporary Addendum to:
Employee Compensation, Hours of Work and Overtime
POLICY NUMBER: 2010
REVIEWED:
ADOPTED: September 12, 2016
AMENDED:

This is a temporary addendum effective from September 23rd 2016 through December 31st 2016 to be established as needed for the purpose of effective time management while undertaking the Lateral Water Line Project. This addendum is restricted to the following sections of Policy 2010:

2010.50 Work Week and Job Assignments

The District may establish an alternative work schedule comprised of four (4) ten (10) hour days for a total of forty (40) hours in a single week for regular full time field staff. Regular office staff hours are 8:00 a.m. to 5:00 p.m., Monday through Friday; regular full time field staff hours will be 7:00 a.m. to 5:30 p.m. Monday through Thursday, when the alternative work schedule is in place. Employees shall earn Overtime Pay for authorized time worked over ten (10) hours in one day or forty (40) hours in any single work week when an alternative work schedule is in place. The basic day of work for full-time field staff while on this alternative work schedule will be ten (10) hours, exclusive of a one half (1/2) hour meal period, which is not compensated.

2010.60 Overtime Policy

2010.63 Authorized overtime is compensated at one and one-half (1 ½) times an employee's regular rate of pay for all hours worked over ten (10) hours in one day or forty (40) hours in any single workweek while an alternative work schedule of ten (10) hours four (4) days a week is in place.

McCLOUD COMMUNITY SERVICES DISTRICT
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POLICY TITLE: Employee Compensation, Hours of Work and Overtime
POLICY NUMBER: 2010
ADOPTED: September 23, 2002
REVIEWED: October 13, 2015, April 12, 2016
REVISED: October 12, 2004, September 12, 2016

2010.10 This policy shall apply to all employees.

2010.20 Regular Full-Time Employees

2010.21 The Board of Directors has established a salary schedule for each full-time regular position classification within the District. At the time of hiring, an employee shall be placed on the first step of the salary schedule unless otherwise recommended by the General Manager and approved by the Board of Directors.

2010.22 Regular full-time employees shall be entitled to a cost of living increase for the ensuing fiscal year, effective July 1st, if approved by the Board of Directors in the annual budget. Employees are eligible on their anniversary date for advancement to the next step on the salary schedule within their position classifications and the limits of the salary schedule, dependent upon satisfactory performance and upon the approval by the General Manager.

2010.23 Employees within certain position classifications may be eligible for a 1% incentive pay increase upon successful completion of coursework approved jointly by representatives of the Union, Public Works Superintendent and the General Manager and relevant to the job, achievement of certification above and beyond that required for the position held by the employee and/or for superior performance.

2010.24 Employees successfully passing/receiving certifications from the California Department of Health Services to move to the next job classification, shall go to the step which provides the next highest salary.

2010.30 Temporary or Seasonal Employees

Temporary or seasonal employees will be paid at the hourly rate detailed in the salary schedule approved by the Board of Directors. If the temporary employee is provided by a temporary personnel service, said employee will be paid by the temporary personnel service and not the District.

2010.40 Regular Part-Time Employees

2010.41 The Board of Directors has established a salary schedule for each part-time regular position classification within the District. At the time of hiring, an employee shall be placed on the first step of the salary schedule unless otherwise recommended by the General Manager and approved by the Board of Directors.

2010.42 Regular part-time employees shall be entitled to a cost of living increase for the ensuing fiscal year, effective July 1, if approved by the Board of Directors in the annual budget. Employees are eligible on a fiscal year basis for advancement to the next step on the salary schedule within their position classification and the limits of the salary schedule, dependent upon satisfactory performance and written recommendation by the General Manager.

2010.50 Work Week and Job Assignments

The workweek shall consist of seven (7) consecutive days from 12:00 a.m. Monday through midnight Sunday. Regular office staff hours begin at 8:00 a.m. and end at 5:00 p.m., Monday through Friday. Regular field staff hours are 7:00 a.m. to 3:30 p.m. Alternative work hours may be established by the District as necessary to facilitate snow removal and/or emergency situations. The basic day of work for full-time employees is eight (8) hours, exclusive of a one (1) hour meal period, which is not compensated. Rest periods are provided on employer-paid time for a period of fifteen (15) minutes during each four (4) consecutive hours of work. Such rest periods will be scheduled in accordance with District business requirements and in a location acceptable to the District. Various factors such as work load, operational efficiency and staffing needs may require variations in an employee's starting and quitting times and total hours worked each day or each week. The District reserves the right to assign employees to jobs other than their usual assignments when required. When reasonable justification or public service needs require, employees may be required to work "on-call time", "call-out time", overtime or hours other than those normally scheduled. As part of its responsibility to its customers, the District expects its employees to be at work as scheduled, to arrange their personal schedules to accommodate the District's established working hours and to notify the District prior to their schedule start time if they expect to be absent or tardy. If it becomes necessary for non-exempt

employees to leave during working hours for personal business, permission to leave must be obtained from the employee's supervisor or the General Manager. A leave application form must be completed for time to be charged to accrued vacation or sick leave.

2010.60 Overtime Policy

2010.61 Employees shall be paid for their hours worked in accordance with all legal requirements. Employees who qualify as administrative, executive or professional employees within the meaning of the State and Federal Wage and Hour laws are exempt from overtime pay and are not subject to this policy. Only regular, full-time employees, other than employees who qualify as administrative, executive, or professional employees within the meaning of the State and Federal Wage and Hour laws may normally be authorized to work overtime hours within the meaning of this policy.

2010.62 Overtime should be kept to a minimum. All overtime other than overtime for "on-call duty" described below necessitates prior written authorization by the General Manager or his/her designated representative. Employees subject to this policy or authorized to work overtime shall receive overtime pay or compensatory time as provided below.

2010.63 Authorized overtime is compensated at one and one-half (1 ½) times an employee's regular rate of pay for all hours worked over eight (8) hours in one day or forty (40) hours in any single workweek. For the purposes of this overtime policy, the District's work week begins at 12:00 a.m. Monday and ends at 11:59 p.m. the following Sunday. For purposes of the overtime policy, each work day begins at 12:00 a.m. and ends at 11:59 p.m. on the same day.

2010.64 Authorized overtime shall be recorded on the timesheet by the employee in writing, along with reference to the date and time of authorization by the General Manager or his/her designated representative. The timesheet shall be initialed and dated by the General Manager. The General Manager may waive the requirement to initial for overtime authorization in order to avoid an unfair result but any such waiver shall be made in the sole discretion of the General Manager.

2010.641 Overtime is rounded out to the nearest quarter of an hour.

2010.642 Sick time, holiday and vacation hours paid but not worked are not included in calculating overtime. Overtime is based on actual hours worked as required by law.

2010.70 Compensatory Time Off in Lieu of Overtime Pay

2010.71 Employees who qualify as administrative, executive or professional employees within the meaning of the State and Federal wage and hour laws (exempt employees) are paid a fixed salary that is intended to cover all of the compensation to which they are entitled, regardless of the number of hours worked in any work week. As such, exempt employees are not entitled to overtime pay under any circumstances. However, the General Manager may authorize compensatory time off for exempt employees under special circumstances who perform authorized work in excess of forty (40) hours during any work week.

2010.72 Full-time non-exempt employees may choose to be given compensatory time off in lieu of overtime pay for authorized work in excess of forty (40) hours per week to be computed at one and one-half (1 ½) times the excess hours worked. The District Finance Officer shall keep an accurate record of compensatory time earned and compensatory time off for all such employees. An employee may not accrue more than two hundred and forty (240) hours of compensatory time off. After two hundred and forty (240) hours have been accrued, any additional authorized overtime worked will be compensated with overtime pay at the rate of one and one-half (1 ½) times the excess hours worked over forty (40) hours in one week. Request for taking compensatory time off should be submitted to the General Manager in writing as far in advance as feasible. Accumulated compensatory time off may not be used in excess of the total amount specified in the current Memorandum of Understanding between the District and an employee organization.

2010.80 On-Call Duty

“On-call duty” is defined as that time during which a non-exempt employee of the District is assigned to be available for work after normal working hours Monday through Friday and on those Saturdays, Sundays and holidays officially designated by the District. Any District employee assigned on-call duty shall be entitled to additional pay in the amount of \$150 per week in addition to any overtime hours incurred as a result of a call-out during this period. In the event there are less than 3 field staff who are Operating Engineer members, and available on the roll, staff shall be temporarily compensated \$200 per week in addition to any overtime hours incurred as a result of a call-out during this period.

2010.90 Call-Out Time

2010. When the employee is required to return to work outside of the employee’s normal work schedule after the employee has completed the employee’s usual work shift and has left the work site, the employee shall earn call back pay. An employee

who has been called back shall earn call back pay in an amount equal to a minimum of two (2) hours of overtime pay or the overtime pay for the hours actually worked, whichever is greater. If an employee is called back to work on a holiday, all compensated hours will be paid at double-time (2x the normal hourly wage).

2010.92 Non-exempt District employees required to return to work outside of the employees' normally assigned work shift for the purpose of attendance at District meetings or functions will receive a minimum of two (2) hours of compensation. If actual time spent in such meetings or at such functions exceeds the minimum two (2) hours, employees will receive compensation for actual time of attendance in excess of the two (2) hour minimum. Employees will be compensated at their regular hourly rate for all such time worked except to the extent that such work exceeds forty (40) hours in any work week for any particular employee, and such excess hours shall then be compensated at one and one-half (1 ½) that employee's regular hourly rate of pay by means of overtime, compensation or compensatory time off as defined in these policies. Employees who qualify as administrative, executive or professional employees within the meaning of the State and Federal wage and hour laws are not subject to this policy and shall not receive payment for call-out time in addition to their usual salary.

2010.100 Paydays

Timesheets are due on Monday from each employee. Yearly paydays will consist of a total of twenty-six (26) pay periods with paydays being every other Friday; unless Friday falls on a scheduled holiday, in which instance the pay date shall be the last regular work day immediately prior to that holiday.

McCLOUD COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Garbage and Refuse Collection
POLICY NUMBER: 3100
ADOPTED: January 25, 1999
REVIEWED: 01/22/13; 01/28/13; 07/12/16; 10/11/16
AMENDED: February 11, 2013

3100.10 Board policy regarding the collection of garbage and/or refuse is found in Ordinance 4, appended herein.

3100.11 Definitions appear in Section 3.

3100.12 Garbage container requirements appear in Section 4.

3100.13 Location placement of containers for pickup appears in Section 5.

3100.14 Allotment entitlements for both residential and commercial properties appear in Section 6.

3100.15 A list of restricted items appears in Section 9.

3100.16 Additional collection services appear in Section 7.

3100.17 Regulations concerning burning rubbish appear in Section 11. (Refer to Mutual Aid Agreement, 1981)

3100.18 Miscellaneous policies concerning burying garbage, accumulating offensive matter and littering appear in Section 12, 13 and 14 respectively.

3100.20 The collection of refuse: The administration of this Policy shall be the responsibility of the General Manager and Public Works Superintendent. The General Manager and Public Works Superintendent shall establish a regular schedule for the collection of garbage in conjunction with the project contractor for all the premises within the boundaries of the District. This schedule shall be posted in the office of the District and on the web site.

3100.30 The General Manager shall have the authority to provide for reasonable accommodation to customers determined to be handicapped in regard to the required location of containers (Ordinance 4, Section 5).

3100.40 Owners/operators of commercial enterprises have the option to add or decrease dumpster size once per month (by the 5th of each month). This can or will be based on refuse or garbage generated by customers and the dumpster(s) available at that time. The District will bill based on the dumpster size/cubic yards and how many times per week the dumpster is emptied.

Bulk refuse customers who engage in commercial enterprises must have a minimum of a one-yard dumpster or equivalent at any given time.

The District finds that loose refuse or garbage that is on the ground draws wildlife such as rats, raccoons and bears, which pose public health and safety risks. Based on this finding, the District finds it in the best of interest of owners and operators of businesses to closely monitor their bulk refuse needs.

The District will perform random inspections at trash/dumpster containments areas. If overfilling or loose refuse or garbage is apparent, the District incident shall be photographed and a report made of the findings. Based on the evidence, a citation may be issued pursuant to Ordinance No. 4, Section 16.1 for violation of Ordinance No. 4, Section 5.3. In addition to the citation, the owner or operator will be notified of the garbage consequences and issues in writing. If the overflowing refuse is not removed and additional dumpster capacity is not acquired by the owner/operator within ten (10) business days of the mailing of such notice, the District will have the excess refuse or garbage collected and disposed of at the owner's expense.

ORDINANCE 26

McCLOUD COMMUNITY SERVICES DISTRICT SUMMARY OF PROPOSED ORDINANCE NO. 26, REVISING ORDINANCE NO. 4, AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE

By motion of May 27, 2014 of the Board of Directors of the McCloud Community Services District, the following Summary of the Proposed Ordinance 26, an Ordinance Regulating the Collection of Solid Waste, is hereby authorized to be published in a newspaper of general circulation throughout the jurisdiction of McCloud Community Services District in order to notify citizens of a public hearing before the Board of Directors of McCloud Community Services District to determine whether to adopt Ordinance 26. That public hearing is scheduled to occur on July 14, 2014 at 6:00 p.m. at Scout Hall, 405 E. Colombero, McCloud, CA.

The following Summary of Ordinance 26 is adopted by the Board of Directors of McCloud Community Services District pursuant to the provisions of Government Code section 25124(b)(1) and has been prepared by McCloud Community Services District's Legal Counsel at the direction of the Board of Directors.

This Summary of Ordinance 26 proposes revisions to existing Ordinance No. 4 regarding Refuse Collection and Transfer Recycling Center Operations. This Summary shall be published at least five (5) days prior to the meeting of the Board of Directors at which Proposed Ordinance 26 is to be adopted.

The following constitutes the official Summary of Proposed Ordinance 26, an Ordinance Regulating the Collection of Solid Waste.

Proposed Ordinance No. 26 Regulating the Collection of Solid Waste makes the following revisions to existing Ordinance No. 4, an Ordinance Regulating the Collection of Refuse and Transfer Recycling Center Operations.

These changes are as follows:

1. Adds to the Ordinance in Section 1 – Findings, by which the Board of Directors declares that the accumulation of solid waste and construction refuse within the District is unhealthy, unsanitary, and unsightly; that a continuing program of mandatory solid waste and construction refuse collection is necessary for the public health, safety and welfare; and that the benefit derived by each residence and business establishment within the District from routine solid waste collection requires that each person and business establishment pay a minimum

monthly service charge for solid waste collection whether or not the service is actually used (See Sections 1.1-1.3 of Proposed Ordinance).

2. Adds Section 4 – Applicability of Provisions, which provides that the Ordinance applies to all residents and property owners within the District collecting solid waste, green waste or recyclables within the District; and that no person or entity shall collect or remove solid waste, green waste or recyclables from any property within the District without a valid permit issued by the District pursuant to this Ordinance (See Sections 4.1-4.2 of Proposed Ordinance).

3. Adds Section 5 – Definitions which defines the terms "Commercial Refuse" "Construction Refuse," "Green Refuse," "Solid Waste," "Residential Refuse," "Industrial Refuse," "Permittee," "Property Owner" and "Household Hazardous Waste" (See Sections 5.1-5.5, 5.8, 5.9-5.15 and 5.19 of Proposed Ordinance).

4. Adds Section 6 – Compliance with Chapter which provides that it is unlawful for any person any person to deposit, store or maintain Solid Waste or Construction Refuse within the District except as provided in this Ordinance and requires that every owner of developed property within the District shall subscribe to a Solid Waste collection service with either the District or a Solid Waste collector having a valid permit issued by the District (See Sections 6.1-6.2 of Proposed Ordinance).

5. Adds Section 7 – Franchise which provides that the Board of Directors may grant an exclusive franchise to a private company to perform Solid Waste and Construction Refuse collection and disposal within the District (See Section 7.1 of Proposed Ordinance).

6. Adds Section 8 – Mandatory Solid Waste Collection which provides that the Ordinance imposes a mandatory scheme of Solid Waste collection within the District and that all owners of residential, commercial or industrial property within the District are liable for minimum collection charges applicable to the collection of one (1) container per week whether or not the collection service is used (See Section 8.1 of Proposed Ordinance).

7. Adds Section 9.4 to the Ordinance to provide that if Solid Waste containers are provided by the collector with a valid permit at no charge to a customer, then the customer is responsible to pay for damage to the container due to customer misuse or negligence (See Section 9.4 of Proposed Ordinance).

8. Adds Section 10.2 to the Ordinance providing that no container shall be placed for collection more than 24 hours prior to the time of collection, nor allowed to remain at the place of collection for more than 24 hours after collection (See Section 10.2 of Proposed Ordinance).

9. Adds Sections 11.5 to the Ordinance providing that all Solid Waste hauled by any person over public streets within the District shall be secured to prevent spillage or littering

(See Sections 11.5 of Proposed Ordinance).

10. Adds Sections 12.1 and 12.2 to the Ordinance regarding restricted items for collection which adds abandoned vehicles, discarded home and industrial appliances, biosolids and animal wastes as a refuse which will not be collected.

In addition, Section 12 provides that the District General Manager may require that the costs of any extra Solid Waste collection service which violates this provision may be performed at District expense and cause the costs thereof to be added to the regular billing for the customer responsible for depositing such Solid Waste in accordance with the other provisions of this Ordinance (See Sections 12.1 and 12.2 of Proposed Ordinance).

11. Adds new Section 16 which prohibits the burying of garbage within the jurisdictional boundaries of the District (See Sections 16.1 of Proposed Ordinance).

12. Adds new Section 17.1 – Storage of Solid Waste which provides that Property Owners within the District are not permitted to permit accumulation of Solid Waste on their premises for a period in excess of one (1) week; that all Solid Waste shall be stored in containers provided by the District (See Sections 17.1 of Proposed Ordinance).

13. Adds Section 19 providing for the right of the General Manager to inspect all premises within the boundaries of the District from time to time to determine compliance with and to enforce the provisions of this Ordinance. If the General Manager determines that additional collection services necessary to ensure that Solid Waste is not accumulated or stored on any property in violation of this Ordinance, the General Manager may cause the costs thereof to be added to the regular billing for Solid Waste collection service for such property (See Sections

20.1-20.2 of Proposed Ordinance).

14. Adds new Section 20 -Liability for Charges which provides that each customer receiving Solid Waste collection service from the District shall be liable for the rates, charges and fees established by the District's Board of Directors pursuant to Policy 1060.

15. Adds new Section 21 – Collection of Solid Waste Collection Charges with Charges for Other Utility Services which provides that Solid Waste collection service charges shall be collected together with charges imposed by the District for water, wastewater and other services provided to District customers. Failure of a customer to pay Solid Waste collection charges imposed by the District may result in the termination of other utility services billed on the same statement including water service charges (See Section 22.1 of Proposed Ordinance).

16. Adds new Section 22 – Enforcement which provides that any customer found by

the District to be in violation of the provisions of this Ordinance shall be guilty of an infraction, and each day such violation is permitted to continue shall constitute a separate offense. Each violation of the provisions of this Ordinance shall constitute an infraction subjecting violators to a fine not exceeding \$500 per infraction. In addition, the District retains the right to file civil actions alleging a public nuisance against any customer who fails to comply with the provisions of this Ordinance. Any unpaid and delinquent charges for Solid Waste collection services shall become a lien upon the property to which the collection service is rendered. (See Sections 22.1 of Proposed Ordinance.)

THE BOARD OF DIRECTORS HEREBY CERTIFIES that this Summary of Ordinance No. 26 was duly considered and adopted by Resolution of the Board of Directors at its regular board meeting scheduled on July 14, 2014. The Board of Directors hereby directs District staff to publish and post this Summary of Ordinance No. 26 as provided in Government Code §25124.

McCLOUD COMMUNITY SERVICES DISTRICT

July 14, 2014_



Anne Simons, President of the Board

ATTEST:

I HEREBY CERTIFY that the foregoing Summary of Ordinance No. 26 was duly agendized and adopted by a majority vote of the Board of Directors at a regular meeting of the Board of Directors of the McCloud Community Services District on July 14, 2014 and was duly adopted by the following vote at a regular meeting:

AYES: Ott, Schoensteinn, Simons, Young

NOES: None

ABSENT: Scarbrough

By: 
Secretary of the Board

McCLOUD COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 26

**AN ORDINANCE REGULATING THE COLLECTION
OF SOLID WASTE**

BE IT ORDAINED by the Board of Directors of the McCloud Community Services District as follows:

Section 1 – Findings

The Board of Directors hereby finds and declares:

- 1.1. The accumulation of solid waste and construction refuse within the District is unhealthy, unsanitary and unsightly;
- 1.2. A continuing program of mandatory solid waste and construction refuse collection is necessary for the public health, safety and welfare;
- 1.3. The benefit derived by each residence and business establishment within the District from routine solid waste collection requires that each such person and business establishment pay a minimum monthly service charge for solid waste collection whether or not the service is actually used.

Section 2 – Administration

The administration of this ordinance shall be the responsibility of the General Manager in conjunction with the Public Works Superintendent. The General Manager shall establish a regular schedule for the collection of garbage for all the premises within the boundaries of the District. This schedule shall be posted in the office of the District. There will be no garbage collection on New Years' Day, Memorial Day, July 4th and Christmas.

Section 3 - Organization

- 3.1 The Sanitation Branch of the Operations Department of the McCloud Community Services District is hereby authorized and established.

Section 4 – Applicability of Provisions

- 4.1 The provisions of this ordinance shall apply to all residence and property owners within the District, and any person or entity collecting solid waste, green waste and/or recyclables within the District.

Section 5 – Definitions

- 5.1 "Collection" means collection and transport of solid waste or green waste.
- 5.2 "Collector" means a person authorized by a valid permit issued by the District to collect solid waste and green waste within the boundaries of the District.

- 5.3 “Commercial Refuse” means all types of solid waste material which originate from commercial businesses such as restaurants, hotels, motels, mobile home parks and other establishments that sell products or services at retail.
- 5.4 “Construction Refuse” means refuse produced by a person engaged in the building, alteration or demolition of buildings or structures, including building materials, packaging and debris resulting from construction, remodeling, repair and demolition operations on pavement, houses, commercial buildings and other structures.
- 5.5 “Green Refuse” means grass, tree or shrub trimmings and other plant material accumulated as a result of non-commercial gardening and fireplace ashes.
- 5.6 Garbage is defined as all kitchen and table food waste and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of foodstuffs.
- 5.7 Rubbish includes non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, wood, glass, fabric, crockery, plastics, rubber by-products or litter.
- 5.8 “Solid Waste” means all non-hazardous putrescible and non-putrescible solid, semi-solid and liquid wastes, including garbage, trash, green waste, food processing waste, residential refuse, paper, rubbish, ashes, industrial refuse, commercial refuse, Construction Refuse, discarded home and industrial appliances, de-watered, treated or chemically fixed sewage sludge (biosolids), manure, vegetables or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
- Solid Waste does not include:
- a) Hazardous wastes regulated under Section 25800 et seq. of the Health & Safety Code;
 - b) Medical waste which is regulated under Section 25015 et seq. of the Health & Safety Code;
 - c) Abandoned vehicles and parts thereof
- 5.9 “Refuse” includes Solid Waste, Commercial, Industrial and Residential refuse, or, rendering waste, garbage and Construction Refuse.
- 5.10 “Resident” shall mean any person residing within the boundaries of the District.
- 5.11 “Residential Refuse” means all types of Solid Waste material which originate from habitation units or parcels upon which a habitation unit is located, except that waste from hotels, motels and mobile home parks is not considered residential refuse.
- 5.12 “Industrial Refuse” means all liquid, semisolid or Solid Waste, except sewage, from any producing, manufacturing or processing business or operation.
- 5.13 “Permittee” means any person collecting or transporting Solid Waste or green waste pursuant to as permit issued by the District’s Board of Directors.
- 5.14 “Person or Entity” means any individual, firm, association, organization, partnership, joint venture, corporation or company and any city or other political subdivision of the State of California.

- 5.15 “Property Owner” shall mean any person owning property within the boundaries of the District.
- 6 “Regular Refuse Customers,” for the purpose of this ordinance, are those customers who use cans placed by the District vendor.
- 5.17 “Bulk Refuse Customers, for the purposes of this ordinance, are those customers who use bulk refuse receptacles (dumpsters) provided by the District vendor.
- 5.18 “Hazardous Wastes” include any waste material or mixture of material which is toxic, corrosive, flammable or an irritant that may cause substantial personal injury, serious illness or harm to humans, domestic animals or wildlife during, or as a proximate result of any disposal of such wastes, including all substances defined as hazardous waste in the California Health and Safety Code, or identified and listed as hazardous wastes by the U.S. Environmental Protection Agency pursuant to the Federal Resource Conservation and Recovery Act and all future amendments thereto.
- 5.19 “Household Hazardous Waste” means hazardous waste generated at a residential location within the District’s boundaries and includes, but is not limited to, batteries, antifreeze, soaps, cleaners, glues, paints, pesticides, pharmaceuticals and petroleum products. These products, when discarded, may become household hazardous waste if not properly discarded.
- 5.20 “Non-Combustible Solid Waste” includes miscellaneous refuse materials that are un-burnable at ordinary incinerator temperatures (1300 E to 2000E F).
- 1 “Scavenging” is the uncontrolled and/or unauthorized removal of Solid Waste materials.
- 5.22 “Salvaging” is the controlled removal of Solid Waste materials for reutilization.
- 5.23 “Vector” is defined as any insect, rodent or other animal capable of transmitting the causative agents of human disease or disrupting the normal enjoyment of life by adversely affecting the public health and well-being.
- 5.24 “Nuisance” includes anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property and affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage may be unequal, and which occurs as a result of the storage, removal, transport or disposal of Solid Waste.
- 5.25 “Infectious Wastes” include:
- a) Equipment, instruments, utensils and other fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;
 - b) Laboratory wastes and disposable fomites attendant thereto;

c) Surgical operating room pathologic specimens;

5.26 “Litter” includes any post-consumer Solid Waste which is not deposited in authorized sites or containers.

5.27 “Household Equivalent” is defined as the average quantity of Solid Waste generated by a single family residence.

5.28 “Special Collection of Bulk Refuse” is a service available by request and includes the delivery and subsequent removal of a bulk refuse receptacle and disposal of the contents therein.

5.29 “Additional Collection of Bulk Refuse” is the disposal of the contents of an existing bulk refuse receptacle in excess of the customer’s regularly scheduled Collection and Household Equivalent designation.

Section 6 – Compliance with Chapter

6.1 It is unlawful for any person to deposit, store or maintain Solid Waste or Construction Refuse within the District excepted as provided in this ordinance.

6.2 Unless otherwise provided in this ordinance, the owner of every developed property within the boundaries of the District shall subscribe for Solid Waste collection services with either the District or a Solid Waste collector having a valid permit issued by the District.

Section 7 – Franchise

The Board of Directors may provide for Solid Waste and Construction Refuse collection by the granting of an exclusive franchise for such purposes, subject to such terms and conditions as the Board deems appropriate. The franchisee shall, during the term of the franchise, be the sole person permitted to perform Solid Waste collection within the District.

Section 8 – Mandatory Solid Waste Collection

8.1 This ordinance imposes a mandatory scheme of Solid Waste Collection within the District. The owner of a single family dwelling, multiple family dwelling, or commercial or industrial establishment is liable for the minimum collection service charge applicable to the collection of one (1) container per week of the type specified in Section 9, whether or not the collection service is used.

Section 9 – Receptacles

9.1 Refuse shall be placed in the receptacle that was furnished to you by the franchisee not to exceed capacity. Receptacles shall be maintained by the owner or occupant in a sound, sanitary, clear, watertight condition.

9.2 Bulk refuse receptacles (dumpsters) of various sizes are available for use. Customer generating in excess of one (1) cubic yard of refuse per week shall be required to utilize such bulk refuse receptacles.

Refuse receptacles or containers, as defined by this ordinance, shall be of adequate size (65 gallon receptacle

maximum of 100 pounds and/or 95 gallon receptacle maximum of 150 pounds) to contain all of the refuse, within fully closed receptacles or containers, which ordinarily accumulates on the premises within one (1) week.

- 9.4 If Solid Waste containers are provided by the District's vendor at no charge to the customer, then the customer shall be responsible to pay for damage to the container or loss of the container when a loss or damage is due to customer misuse or negligence as determined by the District General Manager. The customer shall reimburse the vendor at the current invoice cost for replacement of such container as approved by the District General Manager.

Section 10 – Location of Containers

- 10.1 Refuse containers shall be located or placed prior to collection within fifteen (15) feet of the edge of the access used by the refuse collection vehicle and visible from such access.
- 10.2 No container shall be placed for collection more than 24 hours prior to the time of collection or allowed to remain at the place of collection for more than 24 hours after collection.
- 10.3 Collection will not be made from containers placed inside locked gates, garages, woodsheds or other buildings.
- 10.4 Areas around the containers and providing access from the collection vehicle to the containers shall be kept free of high weeds, brush, scrap lumber, large rocks, wire and other debris which may pose a safety hazard to collection personnel.
- 5 During winter periods collection personnel will not remove refuse from any form of receptacles which have not been cleared of snow or are difficult to access safely.
- 10.6 In no event shall a refuse receptacle be placed upon any access way in such a manner that interferes with or impedes the movement or parking of vehicles and/or snow plowing operations.
- 10.7 Bulk refuse receptacles shall be placed on the premises in a location approved by the District. A hard surface acceptable to the District shall be maintained in the bulk receptacle location by the owner of the premises to facilitate movement of the receptacle into position for dumping.

Section 11 – Disposal

- 11.1 It is unlawful in the District for a person or business not to have each and every can or bulk refuse receptacle used for the accumulative of refuse material emptied and the contents thereof removed from the premises and disposed of, as provided in this ordinance, at least once each week.
- 11.2 Refuse collection service shall be provided to bulk refuse customers in accordance with Section 13, 14 and 15 of this ordinance. Bulk refuse customers or regular customers who engage in commercial enterprise which produce Solid Waste may request collection of Solid Waste more frequently than once per week, but in no instance more frequently than twice per week. Rates for such additional services are detailed in Policy 1060.
- 11.3 Regular customers who engage in commercial enterprises requesting twice weekly collection must notify the District by the 5th of the month for a second collection.

- 11.4 It is unlawful in the District for a person or business to place refuse into a refuse receptacle without the authority of the customer and/or permission from the customer to do so.
- 11.5 All Solid Waste hauled by any person over public streets within the boundaries of the District shall be secured during the hauling thereof so as to prevent spillage, blowing or littering.

Section 12 – Normal Collection – Restricted Items

- 12.1 Some Construction Refuse, abandoned vehicles and parts thereof, discarded home and industrial appliances, de-watered, treated or chemically fixed sewage sludge (biosolids), manure, animal solid and semisolid wastes, tree limbs (all green waste), pipes, bars, automotive mufflers and other refuse that could potentially damage collection equipment will not be collected as part of the normal collection.
- 12.2 The District General Manager may require any extra Solid Waste collection service that the General Manager deems reasonably necessary to ensure that Solid Waste is not accumulated or stored on property in violation of any provisions of the ordinance. The General Manager may cause the costs thereof to be added to the regular billing for such parcel of property for such Solid Waste collection services in the same manner as other charges, rates or fees are collected and as detailed in Policy 1060.

Section 13 – Items Restricted from Collection

- 13.1 Hot ashes will not be collected.
- 2 Animal wastes will not be collected.
- 13.3 Hazardous wastes will not be collected.
- 13.4 Infectious wastes cannot be collected.
- 13.5 Dead animals are not to be placed in refuse.

Section 14 – Rate Structure

- 14.1 The District Board of Directors shall establish household equivalents, rates for regular and bulk refuse collection, special and additional bulk refuse collection, additional can collection. Rates shall appear in Policy 1060 – Miscellaneous Fee Schedule.
- 14.2 A minimum of one (1) Household Equivalent is assigned to each regular customer.
- 14.3 Where the amount of refuse generated by a regular refuse customer exceeds one (1) Household Equivalent the customer may increase the household equivalent designation or pay additional per can rates.
- 14.4 Household Equivalent levels for bulk refuse customers are based on the total annual amount of Solid Waste generated on the premises, such as Solid Waste to be collected throughout the year, according to a predetermined seasonal operating schedule. Those bulk refuse customers operating on a seasonal schedule may request additional bulk receptacle capacity to the District by the 5th of each month to be provided during

the operating season with disposal of the contents of the additional receptacles provided in accordance with Section 7 of this ordinance.

- .5 The bulk refuse collection rates will be charged to in-District customers as specified in Policy 1060.
- 14.6 Special delivery and collection of bulk refuse containers is available. Applicable charges will apply per Board Policy 1060 – Miscellaneous Fee Schedule.
- 14.7 Each customer receiving Solid Waste collection service from the District shall be liable for the rates, charges and fees for that service as established by the District’s Board of Directors.

Section 15 – Burning of Rubbish

- 15.1 The burning of natural vegetation by owners or occupants of property within the District is permissible, providing:
 - a) Such burning is performed on a “burn day” designated by the Air Pollution Control Authority;
 - b) An areas of at least eight (8) feet around the material to be burned is cleared of all combustible materials;
 - c) A hose, already connected to a usable water supply is available;
 - d) The fire is not left unattended; and,
 - e) A burn permit has been obtained from the District office and notification has been given to the District that the owner/occupant intends to burn in order that the Fire Officer on duty may be notified.
- 15.2 The burning of any Solid Waste other than natural vegetation is not allowed pursuant to this ordinance.

Section 16 – Burying of Garbage

- 16.1 No person shall throw, drop, leave, dump, bury, place or otherwise dispose of any Solid Waste upon any property within the boundaries of the District, whether with or without intent to remove the same from such property; or upon any street, sidewalk, gutter, stream or creek or the banks thereof, or any public place or public property within the District, except as otherwise approved by the District General Manager at a permitted disposal area approved for such use, or in an approved Solid Waste collection container.
- 16.2 No person shall throw Solid Waste in the Solid Waste container of another customer without that customer’s permission.
- 16.3 Solid Waste material transported for disposal outside the boundaries of the District shall be disposed of in a location approved by the District General Manager.

Section 17 – Storage of Solid Waste

- 17.1 Every person who occupies the premises or utilizes the premises as a business location, and every owner of an unoccupied premises or property, including multiple family dwellings or properties zoned for other than residential use shall keep the same in a clean and sanitary condition, and shall not cause, suffer or permit any Solid Waste to accumulate on such premises or property for a period in excess of one (1) week. All Solid

Waste created, produced or accumulated at any industrial, commercial or residential establishment anywhere within the District shall be removed from the premises at least once each calendar week.

- .2 All Solid Waste shall be stored in a container provided by the commercial entity contracted by the District. The container shall be stored with the lid closed and in a location that is as discrete as possible.

Section 18 – Littering

- 18.1 It shall be unlawful for any person to place, scatter or dump, on any of the streets, sidewalks, lots, public alleys, District facilities or any other property, Solid Waste which is required to be disposed of pursuant to the provisions of this ordinance. All Solid Waste hauled by any person over public streets within the boundaries of the District shall be secured during the hauling thereof so as to prevent spillage, blowing or littering. Any such littering shall be subject to the endorsement mechanism specified in Section 22 of this ordinance.

Section 19 – Inspection and Enforcement

- 19.1 The District General Manager may, from time to time, inspect all premises within the boundaries of the District to determine compliance with and to enforce the provisions of this ordinance.
- 19.2 The District General Manager may cause to be accomplished any extra Solid Waste collection service that the District General Manager deems reasonably necessary to ensure that Solid Waste is not accumulated or stored on any property in violation of the provisions of this ordinance. The District General Manager may cause the costs thereof to be added to the regular billing for such Solid Waste collection service for such property in the same manner as other charges, rates or fees are charged and collected.

20 – Liability for Charges

- 20.1 Each customer receiving Solid Waste collection service from the District shall be liable for the rates, charges and fees for that service as established by the District's Board of Directors in Policy 1060.

It shall be and is hereby made the duty of each customer to ascertain from the District the amount and due date of any rates, charges and fees for which the customer is liable. It shall also be, and it is hereby made, the duty of each customer liable for the rates, charges and fees to inform the District immediately of all circumstances, and of any change in circumstances, which will in any way affect the applicability or the amount of any rates, charges and fees to that customer's premises for Solid Waste collection services provided.

Section 21 – Collection of Solid Waste Collection Charges With Charges of other Utility Services

- 21.1 Solid Waste collection service charges, rates and fees imposed for Solid Waste collection to a customer shall be collected together with the charges for water, wastewater and other services provided by the District to its customers. Such Solid Waste collection charges shall be billed upon the same bill and collected as one item with such other utility charges. Failure of a customer to pay Solid Waste collection charges imposed by the District may result in the termination of other utility services billed on the same statement, including water service charges.

Section 22 – Enforcement

- 22.1 Any customer found by the District to be in violation of any of the provisions of this ordinance shall be deemed guilty of an infraction, and each day such violation is committed or permitted to continue after written notice has been served on the customer by the District General Manager or the Board of Directors shall constitute a separate offense and shall be punishable as such. Each violation of the provisions of this ordinance shall constitute an infraction and shall subject violators to fines not exceeding \$500 per infraction. In addition, the District retains the right to file a civil action alleging a public nuisance against any customer who fails to comply with the terms of this ordinance with respect to periodic Solid Waste collection services.
- 22.2 Any unpaid and delinquent charges for solid rate collection services levied by the District pursuant to Policy 1060 become a lien upon the property to which the Solid Waste collection service was rendered upon the recordation of such lien by the District.
- 22.3 The remedies and penalties provided for in this ordinance shall be cumulative and shall be in addition to any and all other remedies available to the District General Manager pursuant to the Community Services District Law at Government Code Section 61000 et seq.



Anne Simons/President of the Board

ATTEST:



Diana R. King/Secretary of the Board

I hereby certify that the foregoing Ordinance 26 was first read at a regular meeting of the Board of Directors of the McCloud Community Services District on April 28, 2014 and was duly adopted by the following vote at a regular meeting of July 14, 2014. This ordinance shall become effective 30 days after adoption.

Ayes: Ott, Schoenstein, Simons, Young
Noes: None
Absent: Scarbrough