



SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA
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September 13, 2016
6:00 PM

REGULAR
MEETING AGENDA

Palm Springs City Hall
Large Conference Room
 3200 E. Tahquitz Canyon Way
 Palm Springs, CA 92264

COMMISSIONERS	
Joe Jackson- Chair	Grant Wilson, Vice Chair
Roy Clark	David Freedman
Nancy Ferguson	Robert McCann
Jennifer Futterman	Nate Otto

Staff representatives: Michele Mician, Sustainability Manager
 Dan DeGarmo, Clerical Assistant
 Gary Calhoun, Recycling Coordinator

City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community, where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

- CALL TO ORDER**
- FLAG SALUTE**
- ROLL CALL**
- ACCEPTANCE OF AGENDA**
- CITY MANAGER AND ASSISTANT CITY MANAGER REPORT**

PUBLIC COMMENTS: This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter within jurisdiction of the City. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes for each speaker.

- A. WELCOME AND INTRODUCTIONS (10 MINUTES)**
 - 1. Introduction of Linden Conrad, Student representative from Palm Springs High School
 - i. Milkweed Meadow Project with Neighborhoods
- B. PRESENTATIONS (20 MINUTES)**
 - 1. Chris Cunningham, PSDS Programs
 - 2. Ellie Perry, Earth Watch Institute, Urban Scientist program and our urban forest
 - 3. Megan Goehring, Farmer’s Market Film Series
- C. MEETING MINUTES (5 MINUTES)**
 - 1. May 17, 2016 Minutes
 - 2. June 23, 2016 Meeting Minutes
 - 3. July 19, 2016 Meeting Minutes
- D. PARKS & RECREATION COMMISSION REPORT (5 MINUTES)**
 - Parks and Recreation Liaison
 - 1. Report on meeting of Organic Pesticide and Integrated Pest Management Subcommittee

- E. RECYCLING REPORT, Gary Calhoun (10 MINUTES)**
1. October 15, 2016 Shredding Event
 2. Multi-family recycling and Condominium Recycling efforts
 3. Construction and Demolition Debris Ordinance

- F. SUSTAINABILITY REPORT, (15 MINUTES)**
1. Moving the Office to Demuth Park Community Center and New Center for Sustainability
 2. Discuss Leaf Blower Ordinance Study Session Dates
 3. Composting Programs Update

- G. OLD BUSINESS (15 MINUTES)**
1. Review of Solar Ordinance and City Council comments

- H. NEW BUSINESS (10 MINUTES)**
1. Discussion of Film Series Funding using recycling funds
 2. Discuss adoption timeline and impact of Construction and Demolition Ordinance
 3. Assign a Subcommittee on Affordable Housing

- I. SUBCOMMITTEE REPORTS (30 MINUTES)**
1. Water Conservation Subcommittee, Commissioner Freedman
 2. Outreach Subcommittee, Commissioner Futterman
 3. Green Building/Solar Subcommittee, Commissioners Otto and Freedman
 4. Waste Reduction Subcommittee, Commissioner McCann
 5. Wellness Subcommittee, Chair Jackson
 6. Active Transportation Subcommittee, Commissioner Ferguson

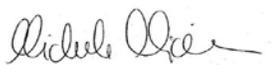
- J. COMMISSIONER COMMENTS (5 MINUTES)**

- K. ADJOURNMENT** - The meeting of the Sustainability Commission adjourns to the Rescheduled Regular Meeting to be held at 5:00 p.m. on Tuesday, October 18, 2016 in the City Hall Large Conference Room. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

THE PUBLIC IS INVITED TO ATTEND - It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible. Please advise us at that time if you need accommodations to attend or participate in meetings regularly. If additional information is needed, please contact the Office of Sustainability at (760)323-8214.

Pursuant to G.C. Section 54957.5(b) (2) the designated office for inspection of records in connection with the meeting is Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way. Complete Agenda Packets are available for public inspection at: City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92264. If you would like additional information on any item appearing on this agenda, please contact Office of Sustainability at 760-323-8248.

AFFIDAVIT OF POSTING: I, Michele C. Mician, Sustainability Manager of the City of Palm Springs, California, certify this Agenda was posted at or before 6:00 p.m. on September 5, 2016, as required by established policies and procedures.



Michele C. Mician, Sustainability Manager



United States Department of Agriculture

Conservation and Management of Monarch Butterflies: A Strategic Framework



Forest Service FS-1044 March 2015



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MONARCH MIGRATION PHENOMENON

Monarch butterflies (*Danaus plexippus* L.) are one of the most recognizable and charismatic insects of North America. Ranging across Canada, Mexico, and the United States, monarchs are especially noted for the long-distance, seasonal migrations they undertake each year from overwintering areas in the coastal California and Oyamel fir (*Abies religiosa*) forests of central Mexico to their northernmost range in southern Canada.

Like many other pollinators, monarch butterfly populations are facing serious declines. The amazing annual migrations through Mexico, the United States, and Canada capture the hearts and minds of communities along their path and bring countries together for the cause of monarch conservation. As autumn approaches and the availability of flowering plants becomes limited in northern areas, monarch butterflies leave the nectar-rich areas of native habitat they depend on during most of the year to seek areas for winter layovers. From inland mountains and meadows in the Western United States, monarch butterflies flock to critical forest habitat along coastal California, where they cling to the leaves of eucalyptus, Monterey pine, and other trees, and then to each other, forming long cascading tendrils of fluttering black and orange wings. Similarly, monarch butterflies from Eastern Canada and the Eastern United States migrate southward to high mountain forests in Mexico to spend the winter, clustering tightly on Oyamel fir tree trunks and branches. As spring approaches, monarch butterfly populations return

northbound to flower-rich areas in the Southern and Western United States, and three to four generations later, arrive at the northeastern limits of their range. Monarchs mate along their migration routes and lay eggs on milkweed plants across the Nation. Eye-catching yellow, black, and white caterpillars feeding on milkweed will morph inside a gold-flecked, lime-green chrysalis into a stunning orange, black, and white adult butterfly. The mysterious cycle of migration continues annually, with newly hatched monarchs instinctively knowing where to head for the next stage of the migration phenomenon. When fall arrives, the great-great-grandchildren of the original overwintering monarch butterflies embark on the migration route of their ancestors, finding the same forests to spend the winter in that their predecessors had found generations ago. How they consistently flock to the same locations during migration remains to this day one of science's unsolved mysteries.

Not long ago, accumulated masses of monarch butterflies on fir trees in Mexico were heavy enough to cause entire branches to break. For more than a decade, monarch butterfly numbers have been declining yearly and population estimates for 2014 are at record low levels—so low that scientists fear the migration phenomenon and monarch butterfly populations as a species are at heightened risk of extinction. Monarch butterflies need our intervention to continue to exist on the planet.



Tri-National Policy Changes

On February 19, 2014, the White House released the “Joint Statement by North American Leaders—21st Century North America: Building the Most Competitive and Dynamic Region in the World.” Under the section, “New Areas of Opportunity,” U.S. President Barack Obama, Canadian Prime Minister Stephen Harper, and Mexican President Enrique Peña Nieto issued the following statement:

We will continue to collaborate in the protection of our region’s biodiversity and to address other environmental challenges, such as wildlife trafficking and ecosystems at risk. Our governments will establish a working group to ensure the conservation of the Monarch butterfly, a species that symbolizes our association.

On June 20, 2014, the White House released a “Presidential Memorandum—Creating a Federal Strategy To Promote the Health of Honey Bees and Other Pollinators.” The memo’s introduction states the following:

The number of migrating Monarch butterflies sank to the lowest recorded population level in 2013-14 and there is imminent risk of failed migration.

Further,

Sec. 2 Mission and Function of the Task Force. Within 180 days of the date of this memorandum, the Task Force shall develop a National Pollinator Health Strategy (Strategy), which

shall include explicit goals, milestones and metrics to measure progress. The Strategy shall include the following components:

- (a) Pollinator Action Plan.
 - (iii) assessments of the status of native pollinators, including the Monarch butterfly...

A statement released by Bob Periciasepe, Deputy Administrator, Environmental Protection Agency, and Krysta Harden, Deputy Secretary, U.S. Department of Agriculture (USDA), emphasized that—

The memorandum also requires federal agencies to lead by example, taking specific measures to substantially expand pollinator habitat on federal lands and to build on federal efforts with public-private partnerships.

With this direction, the Forest Service, as an agency of USDA, issues this timely and critically needed document, *Conservation and Management of Monarch Butterflies: A Strategic Framework*. This framework will guide the Forest Service to effectively and efficiently use available resources and engage public and private partnerships in taking action for the conservation of the monarch butterfly.

Migration and Breeding

Two major populations of monarch butterflies occur in the United States. The eastern population generally occurs east of the Rocky Mountains. The western population is primarily located in California, with some outlier populations in Oregon, Nevada, and Arizona.



In the Western United States, annual migration patterns for monarch butterflies are related to areas where milkweed (*Asclepias* spp.) grows. Abundance of adult monarchs is driven by annual precipitation that supports late-season milkweeds suitable for caterpillars, and by suitable temperature regimes that allow for completion of the monarch life cycle.

Each spring, monarch butterflies of the eastern population migrate north from their overwintering sites in the States of Michoacán and México and lay eggs in northern parts of Mexico and southern Texas. Survival of the first generation is the most important. Adult monarch butterflies of the next generation fly farther north until they reach their breeding areas, which include the Central and Eastern United States and as far north as southern Canada. The Corn Belt in the Midwestern United States is the most important area for breeding.

During late summer and fall, monarch butterflies migrate back toward Mexico, primarily through a “central flyway” from southern Ontario, Canada, through Kansas, Missouri, Arkansas, and Oklahoma; then south through Texas and central Mexico. The fifth monarch generation of the year occurs in Texas, borne from adults that originated in northern breeding areas. Adults arriving on overwintering grounds in autumn are generations distant from those that originally left the same overwintering grounds the previous spring.

A nonmigratory population of monarch butterflies resides in southern Florida along the Gulf Coast. This resident population breeds continuously throughout the year on a tropical milkweed species, *Asclepias*

curassavica, which is a common introduced species often cultivated in gardens that survives through autumn.

Monarch Forage

Along their migration routes and on their summer ranges, monarch butterflies require two suites of plants: (1) host plants for monarch caterpillars, which are primarily milkweeds (*Asclepias* spp.) within the family Apocynaceae upon which adult monarchs lay eggs; and (2) nectar-producing flowering plants of many other species that provide food for adult butterflies. Having both host and nectar plants available from early spring to late fall and along migration corridors is critical to the survival of migrating pollinators.

Within the plant family Apocynaceae, several species of the invasive European species, *Vincetoxicum* (often taxonomically placed in *Cynanchum*), attract female monarch butterflies to oviposit, or lay eggs, on their stems and leaves. This leads to imminent starvation of emerging monarch caterpillars, because they are unable to survive on the foliage of this nonnative plant.

Important nectar sources during the fall migration include late-flowering genera of the plant family Asteraceae, including goldenrods (*Solidago* spp.), asters (*Symphyotrichum* spp. and *Eurybia* spp.), gayfeathers (*Liatris* spp.), and coneflowers (*Echinacea* spp.) in the north and frostweed (*Verbesina virginica*) in Texas. Cultivated alfalfa, clover, and sunflowers are also critical nectar sources for monarchs.

Changes in climate will impact the distribution and availability of plant species important to monarch populations. Increasingly threatened Oyamel fir



MONARCH BUTTERFLIES OF THE HIAWATHA'S PENINSULA POINT

In late summer and early autumn, one generation of monarch butterflies undergoes a mysterious transformation, pausing their development into mature adults. The butterflies become the generation that migrates up to 2,000 miles to their overwintering grounds in Mexico, where they will transform into adults the following spring.

When the monarch butterflies begin their southern journey, they rely on topographical features to navigate, such as the Great Lakes shoreline, and they congregate where the land juts into points. One point in particular, Peninsula Point, Michigan, has a large annual congregation of migrating monarch butterflies. Although never previously making a migratory trip, these great monarch butterflies somehow seem to know Peninsula Point affords them the shortest distance across the open waters of Little Bay de Noc and Green Bay to Wisconsin's Door Peninsula.

In the early 1990s, C.J. Meitner made an inquiry into the importance of the annual congregation of monarch butterflies at Peninsula Point in a study funded by Wildlife Unlimited of Delta County. This study concluded that Peninsula Point was a nursery and a migration gathering area for monarch butterflies. Peninsula Point has become a unique area to study two important aspects of the wondrous monarch butterfly's life history—reproduction and migration.

Volunteers from a wide variety of career backgrounds exclusively conduct studies. Together, they collect scientific data used by researchers at several universities across the Midwestern and Eastern United States. Despite the

remote nature of Peninsula Point, more than 65 individuals have volunteered since 1993. For periods of 12 years and up to 18 years, several hard-working, dedicated volunteers have been maintaining the research program and actively conducting monarch butterfly research.

Every week from June through September, a small group of volunteers walks random transects through two wildlife openings that are managed to provide suitable nectaring sources and milkweed for egg-laying monarch butterflies. Clipboards in hand, the volunteers count each milkweed plant along with the number of monarch eggs and caterpillars. The stage of the development of the caterpillars (instars) are counted and recorded. Weather data are also collected, which help researchers track local differences in climate over time. This data collection is a part of the Monarch Larval Monitoring Program (MLMP) that is based at the University of Minnesota. Data from Peninsula Point comprise one of the longest datasets in this program. Protocols developed at the site have been replicated across the United States at more than 1,025 other MLMP research sites.

As summer progresses into autumn and days turn to nights, monarch butterflies roost in the cedar trees along the shoreline. They become active as the morning sun warms and dries the dew from their wings. During this time, when the monarch butterflies are preparing for the start of their journey, volunteers run a mid-day census route to count the roosting monarch butterflies. If the roost numbers are high, before the butterflies depart on light



northerly breezes and follow a cool front, volunteers use a net to temporarily capture the butterflies. Volunteers gently apply a small adhesive sticker with a serial number on the hind wing of the butterfly. The volunteers record the serial number, date, and sex of the butterfly on a datasheet. If butterflies are recovered, the tag information aids researchers in understanding regional migration patterns, the effect of weather on migration, the successful arrival of migrants, and the routes that the butterflies use, and the information helps researchers estimate fall populations.

Tagging data are sent to Monarch Watch, a program under the direction of O.R. (Chip) Taylor at the University of Kansas. Throughout the entire time of the Monarch Watch program, more than 16,000 recoveries have been made. More than 21 tag recoveries have been made from monarch butterflies tagged at Peninsula Point and from locations as far away as 1,950 miles.

The butterflies' annual appearance also coincides with visits by hundreds of monarch butterfly fans from across the country to watch the butterflies gather in late summer and early fall. The best month is August, although migration continues throughout September when the peninsula's hardwoods begin to take on their fall colors.

forests of Mexico may vanish by the end of the century, which will necessitate intervention through assisted migration (managed relocation) of tree species to adapt their ranges to future climatic conditions. Assisted migration of plants may be required at the northern edge of the monarch's range, as well, to accommodate changes in the ranges of desired milkweed and other native flowering plants important to monarch survival.

Monarch Population Statistics

Annual surveys of the western monarch population overwintering on the California coast reveal a nearly 90-percent decline during the past decade. The eastern monarch population overwintering in Mexico was at an all-time high in the winter of 1996–97, and at an all-time low in the winter of 2013–14, which is represented by a 97-percent decline in occupied overwintering habitat. Approximately 70 percent of monarch butterflies that migrate to Mexico may be feeding on milkweed plants growing on agricultural land in the United States.

Because the population numbers of monarchs in the Midwest United States are positively correlated with counts of the subsequent overwintering population in Mexico, reduced overwintering populations are likely to be the result of the loss of milkweeds in the Midwest. Loss of milkweed is coincident with the increased use of glyphosate herbicide for transgenic glyphosate-resistant corn and soybean crops, otherwise known as "Round-Up Ready" plants. Degradation and elimination of habitat in Mexico and extreme weather events at overwintering sites have also been implicated as contributing factors to the decrease in monarch population size. Many scientists maintain that the loss of milkweed plants in the Midwest (due to the





adoption of genetically engineered, herbicide-resistant crops) is paramount—rather than climate change or forest degradation in Mexico (Jepsen et al.).

Droughts in Texas may also have effects on monarch populations. High spring precipitation in Texas is associated with the largest annual population growth of monarchs in Ohio, suggesting that spring droughts in Texas likely have a negative impact on the important, first generation of monarch butterflies arising during northbound migration.

Management Tools To Restore Monarch Habitat

Roadside weed control practices can affect forage and breeding habitat for monarch butterflies. Poorly timed mowing can interfere with monarch breeding and egg-laying. Applying herbicides could remove milkweeds and other important native plants along the monarch migration route.

Prescribed fire has been shown to be an effective management tool for improving habitat for monarch butterflies and other pollinators. In the tallgrass prairies of Oklahoma, summer burning regenerates milkweed plants that are highly desired by southbound breeding adult monarchs, providing important late-season breeding opportunities for the generation en route to Mexico. In forest habitats, prescribed burning to maintain shortleaf pine savannahs in Arkansas has improved the abundance of nectar sources for monarch butterflies and threatened fritillary butterflies. Forested stands in eastern Texas and Arkansas that have been regularly burned to support endangered red-cockaded woodpeckers have improved forb abundance in the understory that supports nectar feeders,

including monarch butterflies. In the Western United States, burned patches and fuel breaks support greater butterfly diversity.

Grazing, another management tool used for restoring habitats such as grassland prairies, often is used in conjunction with prescribed fire treatments. The intensity of grazing affects butterfly abundance and diversity. In remnant prairie in Iowa, monarch butterflies have been found in higher densities in lightly grazed units compared with burned-only units and burned-plus-grazed units. Monarch butterflies in grasslands in Iowa and Missouri have been found in lower densities in excessively grazed-and-burned units, compared with burned-only units. The stocking rate of cattle on the landscape is a critical variable to consider when using grazing as a management tool for habitat restoration for butterflies.

Timber harvest also can be used as a tool to improve habitat conditions for monarch butterflies. Thinning dense forest stands creates canopy gaps and allows for more sunlight to reach the forest floor, stimulating growth of herbaceous vegetation that can serve as host and nectar sources for monarch butterflies. Regeneration harvest creates large openings of early successional habitat that can provide host and flowering plants for several years, until the regenerating forest shades out the herbaceous component. Restoration of savannahs and woodlands is an excellent tool for monarch conservation. Savannahs and woodlands are managed for fewer trees and more herbaceous vegetation, with trees widely scattered so they do not shade out the herbaceous component. All ground-based timber harvests require roads, skid trails, and log landings; and these areas are seeded with a monarch-friendly seed mix after harvesting is completed.



Diseases and Parasites

Monarch butterflies are susceptible to a variety of diseases caused by parasites and are preyed upon by parasitoids and general predators. The best studied monarch parasite is the specialist protozoan, *Ophryocystis elektroscirrha*, whose spores are found on the scales of monarch adults and are spread from adults to larvae. Parasite spores on monarch adults are deposited or scattered onto eggs and milkweed and then ingested by their larvae. The parasite can reduce larval survival, butterfly size, life span, mating success, and ability to fly. The prevalence of infection by *O. elektroscirrha* increases with monarch density at local scales and is negatively correlated to ability to migrate. Infection prevalence is highest in sedentary monarch populations, such as those in southern Florida, with about 70 percent of individuals being heavily infected. Infection with the protozoan decreases in migratory populations of monarchs, and approximately 30 percent of western monarch individuals and 8 percent of eastern monarch individuals are heavily infected. Other parasites that have been observed in wild and captive monarch populations include a nuclear polyhedrosis virus, *Pseudomonas* bacteria, microsporidian *Nosema* species, and horsehair worms in the phylum Nematomorpha. Parasitoid insects deposit their eggs in host individuals and the developing parasitoid larvae consume the host from the inside, killing the host. Parasitoids on monarch butterflies include flies and wasps that parasitize the monarch larvae. The parasitism rate from tachinid flies varies from 5 to 20 percent in localized monarch populations.

Pesticide and herbicide use reduces butterfly abundance and survival. In southern Florida, mosquito control activities were associated with declines of several

butterfly species. Recent work indicates that butterflies are more susceptible than honeybees to insecticides used for mosquito control; therefore, butterflies should be considered in insect testing of pesticides.

Availability of Seeds and Plants Important to Monarch Butterflies

Among the 70 to 76 species of milkweed native to the United States (depending on the taxonomy used), about 30 of them have been documented as monarch larval hosts. In North America, the total number of species is about 110, and at least 29 milkweed species occur within the critical habitat of the Central United States. The most widely used monarch host plant in the Northern United States and Southern Canada is the common milkweed, *Asclepias syriaca*. This species readily occupies disturbed areas and has expanded its range in the Central and Northeastern United States and Southeastern Canada due to conversion of grasslands and forests to agriculture. As many as 70 percent of the monarch butterflies that migrate to Mexico may have fed on milkweed growing on agricultural land in the Midwestern United States.

Of the 30 or so milkweed species known to host monarch larvae, only 19 species have known details on seed availability. Seeds are publicly available by the pound for only seven species, by the ounce for another five species, and in small packets (suitable for home gardens) for three more species.

In 2014, The Xerces Society for Invertebrate Conservation published a listing of the availability of regionally sourced seeds. In Western United States, availability ranges from very limited to limited for all areas except California. In the Central United States, seed



OAK WOODLAND RESTORATION

The staff of George Washington and Jefferson National Forests in Virginia and West Virginia work with a number of partners to restore and maintain habitat that is favorable to monarch butterflies. Using tools such as silvicultural, open lands, prescribed fire, and roadside management, habitat that is critical for this species is found at a landscape scale across the 1.8 million acres that the staff administers.

Open woodland communities, young forest habitat, grasslands, shrublands, and open wetland communities each provide unique habitat beneficial not only to monarch butterflies, but also to other rare and declining pollinators, such as the Appalachian grizzled skipper, diana fritillary, and frosted elfin.



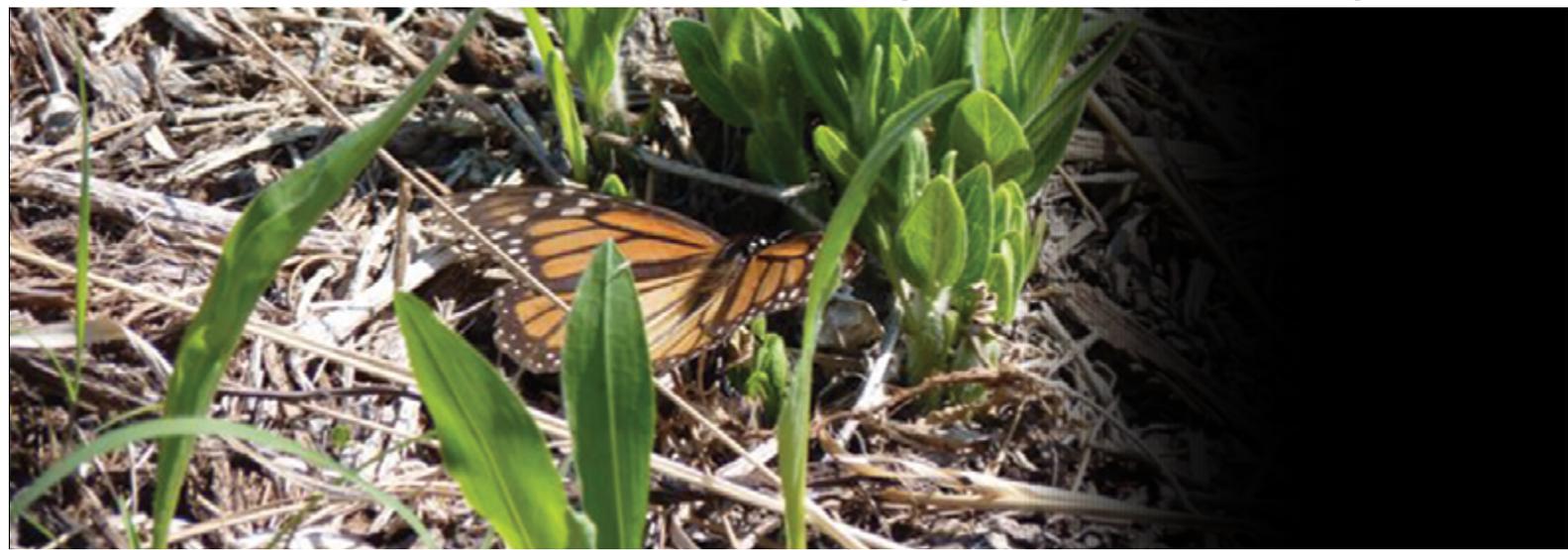
supply is limited in the northern Great Plains, good in the southern Great Plains, and very good in the Great Lakes region and the Midwestern United States. In the Eastern United States, the mid-Atlantic region has good seed availability but the Northeastern United States seed supply is very limited.

Based on Bailey's (1995) ecoregions, Monarch Watch developed provisional seed zones in 2014 and currently has supplies of seeds available for five species of milkweed: *Asclepias incarnata*, *A. syriaca*, *A. tuberosa*, *A. viridis*, and *A. speciosa* in eight ecoregions. Of these ecoregions, five (221 [*A. incarnata*], 231 [*A. incarnata*, *A. syriaca*, *A. viridis*], 331 [*A. speciosa*], M331 [*A. speciosa*], and 342 [*A. speciosa*]) appear to encompass Forest Service-managed forests and grasslands.

Quality control in the transfer of seeds within and between different ecoregions is necessary to ensure that genetically appropriate, locally adapted native plant materials are available and used for restoration of habitat.

Research Needs and Initiatives

- Document status of U.S. milkweed species distribution and availability to support monarch larvae.
- Provide multiyear data for eastern and western monarch populations to generate dynamic models that combine adult movement patterns with population dynamics, climate, and changes in land use to more effectively identify areas for restoring habitat and to identify additional factors that may influence monarch population dynamics. The models should link migratory connectivity across the landscape with local population dynamics driven by climate and resource availability.



- Analyze patterns of abundance throughout the monarch annual migration cycle for both eastern and western monarch populations.
- Assess milkweed abundance and distribution on Forest Service-managed forests and grasslands.
- Conduct studies of farmland pesticide impacts on monarch larvae and adult butterflies (and other species of butterfly) in North America to add to existing research primarily from Europe.
- Conduct more definitive work on *Bacillus thuringiensis* effects on a larger suite of Lepidoptera, including monarch butterflies.
- Establish basic seed biology and seed handling protocols for all North American milkweeds; for example, minimum number of individuals needed to sustain milkweed populations, self-fertilization versus out-crossing, seed-cleaning techniques, germination requirements, collection guidelines, number of seeds per pound of seeds, appropriate short- and long-term seed storage conditions, and causes of poor seed setting in isolated milkweed populations.
- Conduct common garden studies for prolific and resilient milkweed species to assess adaptive traits.
- Identify and implement dynamic seed transfer guidelines suitable for current and predicted climate conditions.
- Provide milkweed (and other native flowering forbs) establishment techniques using seeds and seedlings in farm filter strips, riparian buffer zones, and highway and utility rights-of-way. Include information on optimal seedling type(s), seedling storage, optimum out-planting periods, weed control, and optimum regional species blends.
- Develop control techniques (integrated pest management, best management practices) for plant fungal diseases during nursery production and seed increase of milkweeds. Update the milkweed section of the Agriculture Handbook 165 published in 1960.
- Conduct more work on monarch egg/larvae vulnerability and biology of predators. Anecdotal observations in the Western United States suggest a high predation of eggs.
- Increase rhizome production/efficiency for out-planting and subsequent success of milkweed.
- Study the effects of prescribed burn seasonality and intensity on forb abundance and composition in a variety of forest/savannah/prairie ecosystems along the central flyway, the longleaf pine zone, and the Mid-Atlantic zone.
- Study the effects of prescribed burn block size on monarch habitat availability and suitability for both larvae and adults. Reduce forest stand densities to allow for development of herbaceous understory, which will include host and nectar plants.

Habitat Management Needs

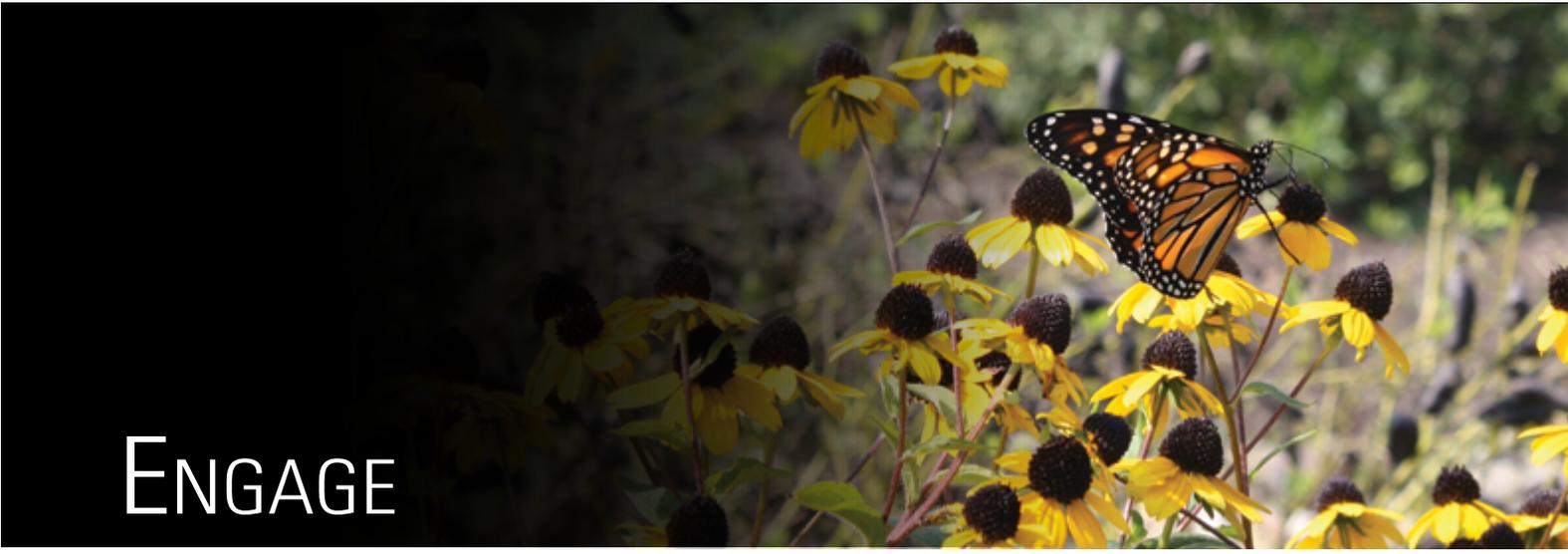
- Reduce forest stand densities to allow for development of herbaceous understory, which includes host and nectar plants.
- Accelerate restoration of prairies, savannahs, and woodlands on appropriate sites.



- Develop local monarch-friendly seed mixes for restoration efforts, soil stabilization, wildlife openings, and other resource opportunities.
- Manage the landscape to provide host and nectar sources from spring to fall.
- Maximize benefits to monarch butterflies without compromising their safety by controlling the timing of mowing wildlife openings and roadsides (best mowing time is in late winter).
- Time prescribed burning so that it does not coincide with migration. This approach is extremely important in the Southern Region, where first-generation monarch butterflies migrate north and last-generation monarch butterflies migrate south into Mexico.
- Accelerate efforts to control nonnative invasive plant species to increase abundance and diversity of butterflies and native bees.
- Develop local milkweed seed production areas.
- Reduce the amount of grass mowed by establishing pollinator gardens at administrative and recreation sites. Ensure that interpretation signs are provided at these pollinator gardens for better public understanding.
- Describe potential use of milkweeds in informal and formal landscapes, especially within pollinator gardens and corridors.
- Develop and encourage use of locally adapted milkweed seed sources (and other native forbs) and discourage long-distance transfer of germplasm by entities seeking to distribute single-species milkweed nationwide.
- Engage and leverage technical expertise within the Forest Service (for example, National Center for Reforestation, Nursery, and Genetic Resources; National Agroforestry Center; National Seed Laboratory; State and Private Forestry).
- Work with tribal governments through the Intertribal Timber Council and Intertribal Nursery Council to promote out-planting and conservation of milkweeds.
- More effectively disseminate provisional seed transfer guidelines (i.e., easy to access and easy to use) for native plants in general and milkweeds in particular.
- Engage the public in monarch conservation through the Forest Service State and Private Forestry and Urban and Community Forestry programs. This approach is very important in the East, where less than 10 percent of the land base is in public ownership.
- Develop pollinator conservation exhibits to use in conservation education programs.

Public Outreach Needs

- Reduce public perception of milkweed as “weedy” by providing information about its benefits to pollinators.
- Describe better pasture management practices to avoid potential problems with livestock toxicity.



ENGAGE

Citizen Science

Numerous citizen-science opportunities currently exist within the United States and Mexico to track monarch migrations, establish status of overwintering sites, and monitor larval populations on milkweed. Successful citizen-science programs have protocols in place that may be standardized as universally recognized methods to monitor monarch populations. The Forest Service will contact the program leads to identify commonly used tools or will develop a new protocol that will be shared with monarch monitors in the public and private sectors.

National Efforts in the United States

- **MonarchNet** has been a centralized resource of monarch monitoring data from a number of butterfly- and monarch butterfly-focused citizen-science programs since 2009.
- **Monarch Watch** has implemented an internationally accepted tagging method that gives even untrained observers the opportunity to report encounters with marked monarch butterflies in any location they are found. The dataset currently has more than 1 million tagged monarch butterflies and more than 16,000 reported tag recoveries.
- **The Butterfly and Moth Information Network** hosts Butterflies and Moths of North America, or BAMONA, a Web site to provide general information about nearly 6,000 *Lepidoptera* species with high-quality photos and identification tools.
- **The North American Butterfly Association** hosts a butterfly count program for citizen scientists to collect data about any North American butterfly population.

- **Journey North** tracks certain migratory species, including monarch butterflies, to record seasonal and climate-related changes.
- **eButterfly** enables citizen scientists across North America to report butterfly sightings and upload and store their photos in a personal profile.
- **The Monarch Larva Monitoring Project**, since 1997, has used citizen scientists to track monarch eggs and larvae on milkweed across North America during the breeding season.
- **Project Monarch Health**, a collaborative study between citizen scientists and the University of Georgia, seeks to better understand *Ophryocystis elektroscirrha*, a microscopic protozoan parasite of monarch butterflies, more commonly known as OE.

Regional and Local Efforts in the United States

- **Peninsula Point Monitoring Project**, managed by the Forest Service, monitors monarch larvae and conducts migration counts at an important stop-over site on the northern shore of Lake Michigan.
- **Monarch Monitoring Project/Cape May Monitoring Project** records Atlantic coast migrations in the fall at locations in West Cape May and Cape May Point, NJ.
- **The Southwest Monarch Study** tracks migration and breeding patterns of monarch butterflies in the Southwestern United States, most notably Arizona, where both eastern and western migratory populations are seen.



- **Monarch Alert** focuses primarily on sampling and tagging overwintering clusters found in San Luis Obispo and Monterey Counties, CA.
- **The Western Monarch Thanksgiving Count**, which has been staged by The Xerces Society since 1997, observes and collects data on monarch butterflies overwintering along the California coast during the weeks of Thanksgiving and New Year.
- **The Illinois Butterfly Monitoring Network** is a citizen-science-based population monitoring program in Illinois.
- **The Ohio Butterfly Monitoring Program** of the Ohio Society of Lepidopterists focuses on long-term monitoring of butterfly populations in the State.

Public and Private Partnerships

Forest Service public and private partnerships are essential to successfully implement monarch butterfly habitat restoration and overall monarch conservation. Primary partnership with the Monarch Joint Venture (MJV) enables Federal and State agencies, nongovernment organizations, academic programs, and private industry to coordinate efforts that support collaborative monarch conservation initiatives associated with protecting and restoring monarch habitat and improving migration within the United States. MJV is an extensive collaboration that supports habitat; maintains and enhances monarch butterfly habitat; improves and restores areas; and provides improved access to and delivery of education, research, and monitoring activities.

Some current and traditional partners under the MJV include—

- National Forest Foundation.
- The Nature Conservancy.
- Private industry.
- Private citizens.
- Schools and universities.

Partnerships with national nonprofit organizations (e.g., the Pollinator Partnership) are important in helping to elevate collaborative conservation efforts in areas such as utility rights-of-way, monarch habitat development on corporate lands, and education initiatives related to the importance of host and nectar plants for monarch butterflies. These organizations facilitate mutually beneficial partner relationships that fulfill the needs of monarch butterflies, share valuable resources, and enhance partnerships.

Forest Service partnerships with longstanding collaborators, such as Prince William Network, National Project Learning Tree-GreenSchools!, National Science Teachers Association, North American Association of Environmental Educators, and the Ad Council's Discover the Forest Campaign, have been vital in interfacing with a broad public, from schoolchildren and their educators to community members who are interested in conservation and having the opportunity to take actions that help.

The Forest Service continues to enhance opportunities through innovative partnership agreements and partnership authorities that serve as models in supporting these types of fruitful collaborative efforts.



INVASIVE SWALLOW-WORT ASSESSMENT AND CONTROL AT PENINSULA POINT

According to a study on monarch butterfly oviposition on swallow-worts by Casagrande and Dacey (2007), female monarch butterflies will lay eggs on black swallow-wort even when it is in the same field as common milkweed. Laboratory tests have shown that monarch caterpillars cannot feed on black swallow-wort, which means that swallow-worts act as dead-end hosts and those monarch butterfly eggs are essentially wasted. As if that was not enough, black swallow-wort also comes with all the bad attributes and symptoms of most invasive species, such as reduction of biological diversity, crowding out native milkweeds, invading open grasslands, and allelopathy. All these effects hinder not only the monarch butterfly population, but they also affect the grass-nesting birds, insect diversity, and the overall ecological integrity of any environment in which black swallow-worts exist. Fortunately, this problem is being recognized and actions are beginning to take place.

The Central Upper Peninsula Cooperative Weed Management Area (CUPCWMA) has received funding this year from the Monarch Joint Venture, which will fund project efforts through 2016 to study treatment methods for black

swallow-wort at Peninsula Point in the western Hiawatha National Forest. The money will also fund additional surveying for possible unknown populations. Work associated with this project will be completed by staff from the Hiawatha National Forest and Superior Watershed Partnership, entities that are CUPCWMA partners. The treatments being tested will be the mechanical pulling of swallow-wort and the use of prescribed burns. The Forest Service is planning to establish test plots where the effectiveness of treatment methods can be monitored and analyzed for effectiveness.

After this treatment and subsequent monitoring process has been completed, CUPCWMA hopes to have a clear idea of what best management practices are most suitable for black swallow-wort control and to form a database on its locations along Peninsula Point. This project will be important in protecting a sensitive monarch butterfly breeding and research site at Peninsula Point and in providing a model for future control of these species in the crucial Corn Belt breeding range for eastern North American monarch butterflies.



New Areas of Opportunity

The future of successful monarch butterfly conservation lies in the ability to nurture current partnerships and to develop nontraditional partnerships that enable new perspectives, viewpoints, and opportunities to connect with nontraditional audiences. New nontraditional audiences and partners may have the capacity and capability to influence residents in their communities and create positive changes within them.

- Develop partnership programs with youth conservation leaders and engage these youth in partnership-driven efforts, which will allow for increased visibility and interest in future generations.
- Create connections with nontraditional stakeholders.
- Create more partner connections with health and wellness organizations and governmental agencies, because pollinator conservation is related to healthy foods and healthy living.
- Improve Spanish-language education and outreach materials to promote partnerships among Mexican communities that may have a direct tie to the monarch butterfly through its migration routes.
- Improve multilingual materials in partnership with nontraditional groups to reach broad and diverse audiences with information about the monarch conservation issues.
- Work with Forest Service International Programs to create stronger mutually beneficial partnerships between countries.

Expanding and Coordinating Existing Public Education Efforts

Existing efforts that could be expanded include the following.

- **Forest Service Celebrating Wildflowers Web pages.** “The Monarch Butterfly in North America” Web page contains detailed public education information and links to external online resources under several topics: biology, migration and overwintering, habitat needs, citizen science, conservation, things to do, teachers and students, and monarch resources (with 13 technical papers, 18 books, 6 field guides, and 16 publications oriented toward children). http://www.fs.fed.us/wildflowers/pollinators/Monarch_Butterfly/index.shtml.
- **MonarchLIVE.** The Forest Service Conservation Education and International Programs staffs, the Prince William Network, and multiple partners coordinate “MonarchLive—A Distance Learning Adventure.” MonarchLIVE is an online repository of education and informational resources, webinars, and live broadcasts around the theme of monarch butterflies. The project integrates distance-learning methods with hands-on activities to promote conservation and foster student-led research with 500,000 students in classrooms across Canada, Mexico, and the United States. <http://monarch.pwnet.org/>.
- **Online training course by MJV, Monarchs in the Classroom, and the Monarch Larva Monitoring Project.** The online training course teaches volunteers about natural history and monitoring.



This course can be broadly advertised to encourage additional volunteers and land managers to engage in active monitoring and conservation of monarch butterflies.

- **MJV-funded partnerships and factsheets.** Core funding for the MJV is provided by the Forest Service.
 - ◆ MJV-funded public education partnerships include—
 - Monarch Citizen Science Training and Outreach (University of Minnesota Monarch Lab).
 - Monarch Larva Monitoring Project Online Training (University of Minnesota Monarch Lab).
 - North American Butterfly Association Web site update.
 - Promoting Citizen Science Monitoring of Monarchs and Milkweed in Texas (Cibolo Nature Center).
 - Wild for Monarchs Campaign (Wild Ones, Native Plants, Natural Landscapes)
 - ◆ MJV factsheets include—
 - Milkweed Information Sheet.
 - Gardening for Monarchs.
 - Monarch Rearing Instructions.
 - Potential Risks of Growing Exotic Milkweeds for Monarchs.
 - Invasive Species Alert: Swallow-Wort.
 - Monarch Conservation Talking Points.
 - 2009–14 Summary of MJV Accomplishments.

OUACHITA MOUNTAINS

The shortleaf pine-bluestem ecosystem restoration project began in 1991. The purpose is to restore ecosystem function to this ecosystem in the Ouachita Mountains of Arkansas and Oklahoma. Management actions include prescribed burning, timber harvest, both thinning and regeneration, and mid-story reduction. Management actions are coordinated with a massive research effort involving the Forest Service Southern Research Station and numerous colleges and universities. This coordination enables the Ouachita National Forest to adapt its management actions based on sound science. The total project area is nearly 350,000 acres, with more than 100,000 acres already in a restored condition. In 2013, more than 54,000 acres were prescribed burned, 4,600 acres had basal areas reduced through thinning, 1,000 acres of shortleaf pine were regenerated, and more than 7,000 acres had mid-story removal. It takes multiple treatments to reach a restored condition. Some of the research has focused on monarch migration and nectar resources. Areas that are undergoing restoration activities support increased abundances of nectar resources and migrating monarch compared with areas with untreated control activities.



Coordination efforts that could be expanded include the following.

- **Existing partnerships.** The Forest Service will expand coordination with existing partnerships, such as Prince William Network, Project Learning Tree, National Science Teachers Association, National Association of Environmental Educators, and the Ad Council's Discover the Forest Campaign to update existing monarch butterfly education materials and identify the broadest audiences with which to share monarch conservation resources.
- **Internal staffs.** Internal coordination through an assigned Forest Service task force will be established among staffs in Rangelands Management and

Vegetation Ecology; Watershed, Fish, Wildlife, Air and Rare Plants (including the NatureWatch Program); Conservation Education; Recreation, Heritage, and Volunteer Resources (including interpretive services and volunteers); and the Office of Communications.

- **External groups.** The Monarch Conservation Specialist Group, founded by Monarch Watch, coordinates monarch ambassadors consisting of regional experts from across the United States. This group provides an invaluable educational resource for monarch conservation by giving local monarch presentations and advising citizens, land managers, and researchers and could be a key partner in disseminating current information.





MANAGEMENT

Conservation Actions for Monarch Butterfly

The Monarch Joint Venture is a partnership of Federal and State agencies, nongovernment organizations, and academic programs working together to support and coordinate efforts to protect monarch butterfly migration across the lower 48 United States. For several years, the Forest Service has generated MJV reports describing the Forest Service's accomplishments as a partner with the MJV. The Forest Service management actions that support monarch conservation include habitat restoration, maintenance, and enhancement; public education; research; and monitoring. In addition to providing milkweed host plants, one of the Forest Service's key objectives is to provide nectar sources across both regions, from spring through fall, to fuel monarchs during the migration. The following list summarizes some MJV activities within the Eastern and Southern Regions of the Forest Service.

- During fiscal year (FY) 2013, the Forest Service Southern Region improved nearly 1 million acres of habitat for pollinators, including the monarch butterfly. These restoration efforts included pre-commercial and commercial timber sales, prescribed burning, nonnative invasive species control, and planting. About 40 percent of this habitat is in good condition, either restored or nearly so, and is immediately available to pollinators. The remaining acres are at some stages of restoration: some suitable but not optimal for pollinators, and some were treated but are yet to be of use to pollinators. Considerable attention is being given to locally sourced seed and plants to best maintain the genetic integrity of the region's native plants.
- The Forest Service conducted several pollinator workshops in the Eastern Region, with Southern Region personnel also in attendance. More of these workshops are scheduled to be held in FY 2015—and beyond. A main focus of the workshops is the development of citizen-science opportunities and partnerships for work on behalf of the country's native pollinators, such as the monarch butterfly. <http://www.fs.fed.us/wildflowers/regions/eastern/index.php>.
- The Forest Service has developed three monarch butterfly brochures in cooperation with the Butterfly Conservation Initiative (Florida Museum of Natural History) for public outreach and education. These brochures are available at http://www.fs.fed.us/wildflowers/pollinators/Monarch_Butterfly/documents/MonarchButterfliesEasternUS.pdf.
- The Forest Service recently worked with the MJV to provide the Invasive Species Alert: black swallow-wort (*Cynanchum louisea*) and pale swallow-wort (*C. rossicum*). The MJV subsequently helped the Hiawatha National Forest control swallow-wort at the Peninsula Point Lighthouse (Michigan), which is an important and significant staging area for monarch migration.
- The Forest Service has monitored and tagged monarch butterflies at several key locations for decades. This information is shared with the monarch program at the University of Minnesota (Karen Oberhauser) and with Monarch Watch at the University of Kansas (Chip Taylor).



MANAGEMENT OF MONARCH BUTTERFLY OVERWINTERING GROVES ON THE LOS PADRES NATIONAL FOREST

Monarch butterflies have historically aggregated en masse in the fall and winter at numerous sites scattered along 620 miles of the California coast from northern Mendocino County to as far south as Baja California and Mexico. Most of the sites are within 2.37 kilometers (about 1.5 miles) from the Pacific Ocean, which moderates temperature fluctuations. Local topography and forest structure determine the microclimate within monarch butterfly overwintering habitat. Many groves exist in wind-sheltered areas, such as bays, coastal inlets, deep stream beds, ravines, drainages, or mountain valleys. In California, monarch butterflies have been known to cluster in groves that contain Monterey pine (*Pinus radiata*), blue gum eucalyptus (*Eucalyptus globulus*), red river gum eucalyptus (*E. camaldulensis*), Monterey cypress (*Cupressus macrocarpa*), coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), western sycamore (*Platanus racemosa*), willow (*Salix* spp.), and acacias (*Acacia* spp.).

Using funding from the Monarch Joint Venture in the winter of 2011–12, The Xerces Society (Xerces) surveyed the three known monarch butterfly overwintering sites on Los Padres National Forest and thoroughly searched for new sites at 15 potential locations. Xerces staff found one potential new

transient overwintering site on Los Padres National Forest. They completed full monarch butterfly counts and habitat assessments at the known sites and the newly discovered site on Forest Service lands.

In the winter of 2012–13, Xerces staff conducted a comprehensive site analysis at the largest known overwintering site on Los Padres National Forest, Plaskett Creek Campground. This site has been surveyed most years since the 1990s and has been monitored for a number of years by Monarch Alert out of the California Polytechnic State University. This site has historically had large numbers of monarch butterflies, with the highest count of 35,000 recorded in January 1998. Recent surveys show that Plaskett Creek Campground has hosted more than 1,000 monarch butterflies within the past 5 years.

Three monarch butterfly overwintering sites are known to exist on lands managed by Los Padres National Forest: Plaskett Creek Campground, Prewitt Creek, and Sycamore Canyon. In 2012, Xerces staff identified a fourth potential site known as the Cal Trans Grove. This site is potentially on shared land between the California Department of Transportation and the Forest Service, and ownership needs to be confirmed.



Plaskett Creek Campground is the largest site on Los Padres National Forest land and is currently 1 of the 45 largest sites in California. The southern half of the site functions as a campground, while the northern portion houses the Pacific Valley School, a K–12 school for children who live in the region.

Prewitt Creek and Sycamore Canyon are transient sites that monarch butterflies use as a temporary refuge in fall and early winter. Monarch butterflies may use these sites for only a portion of the season in years with normal weather conditions but may occupy this habitat throughout the fall and winter in years with milder weather. Monarch butterflies may also use these sites in the fall as stopovers on their way to different sites in southern California for the winter.

The Monterey Ranger District staff met with The Xerces Society staff and collaboratively established a conservation and management plan for the Plaskett Creek Campground site. The plan focuses on three separate groves within the Plaskett Creek Campground site complex: (1) the current overwintering grove directly south of the entrance of the campground between the driveway and California Highway 1, (2) a historic overwintering grove directly to the east of the campground, and (3) what is thought to be a transient or autumnal grove between the school and California Highway 1.

The plan provides a site description and site threats, and it describes management needs for each site. The goal is to manage the roost sites and overwintering monarch butterflies with minimum effect to the existing vegetation or camping resources.

- With more than 100 native plant and pollinator gardens, the Forest Service is now in an excellent position to provide outreach and education within these important topic areas. These gardens also provide the agency with much coveted locally native plant materials, seeds, or other propagules, which are needed for ecological restoration and rehabilitation. In concert with the gardens, the Forest Service also offers numerous posters, interpretative panels, signage, etc., related to the monarch butterfly and other pollinators. These materials have been tremendously important for public outreach and education regarding the needs and threats of native pollinators. <http://www.fs.fed.us/wildflowers/features/panels.shtml>.
- The Forest Service is actively attempting to add native milkweed seeds (*Asclepias* spp.) and other native plants useful to native pollinators to the various seed mixes that are used in different management efforts, such as along roadways, openings, meadows, log landings, landscaping at facilities, and much more. Detailed information regarding MJV-Forest Service Accomplishments is located at http://www.fs.fed.us/wildflowers/pollinators/Monarch_Butterfly/conservation/mjvaccomplishments.shtml.

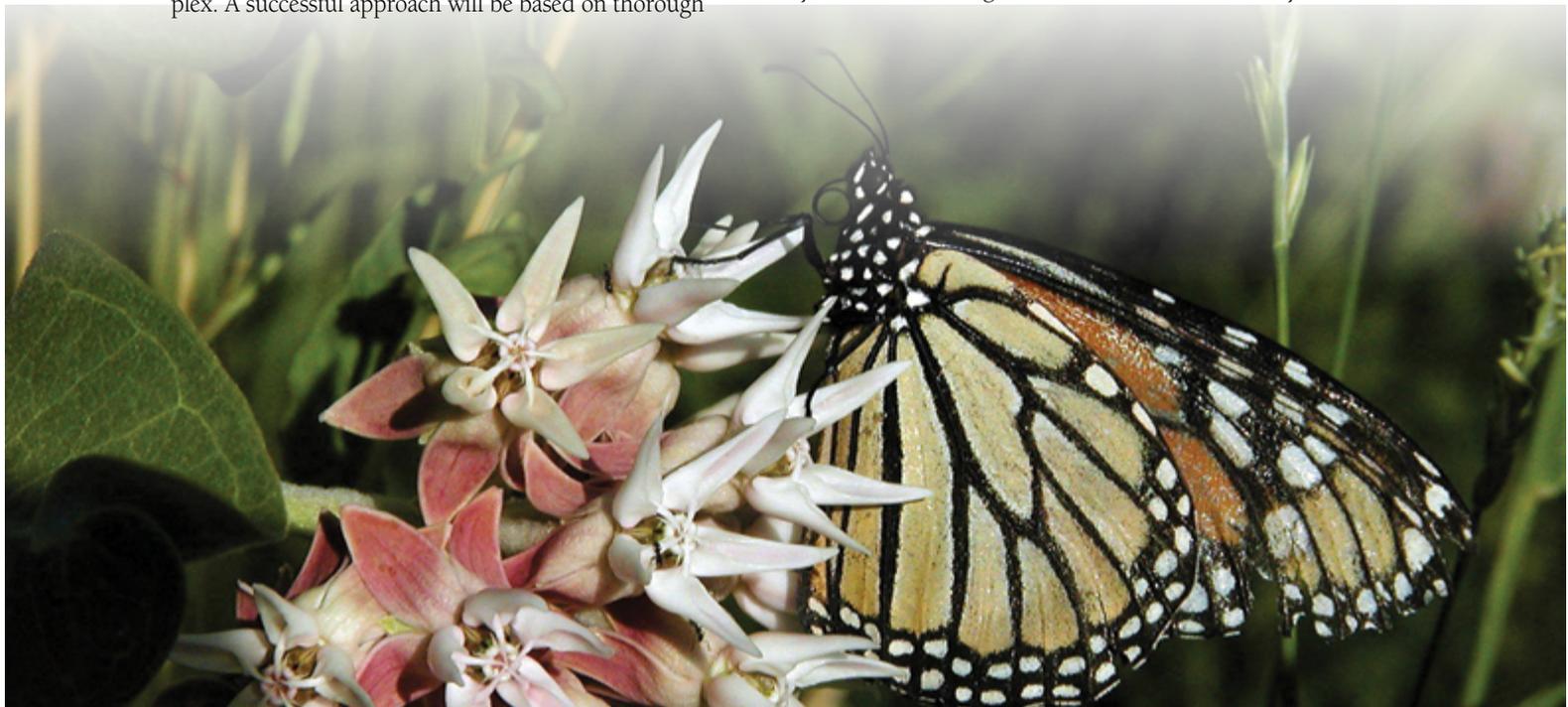


THE WAY FORWARD

Monarch butterflies and their annual long-distance migrations to overwintering sites in Mexico and California are among the most unique and spectacular biological phenomena in the world. The conservation and management of monarch butterflies is at a critical juncture. Overwintering numbers of monarch butterflies are at all-time lows in the Oyamel fir forests in Mexico and in the forests of coastal California. In February 2014, U.S. President Barack Obama, Canadian Prime Minister Stephen Harper, and Mexican President Enrique Peña Nieto committed their nations to ensuring the conservation of monarch butterflies. The implications for conserving and managing monarch butterflies for future generations are and will be profound and complex. A successful approach will be based on thorough

assessments, well-tailored policies, and land management actions, engaging a full range of partners and stakeholders across Canada, Mexico, and the United States in activities designed to adapt, mitigate, and educate for the conservation of monarch butterflies.

America's response to the conservation and management of monarch butterflies is inherently fraught with risk and uncertainty. The Forest Service will need to adapt its conservation and land management actions quickly and incorporate lessons learned into future agency direction. The agency is ready to collaborate with others, sharing its knowledge, skills, and experience to ensure that present and future generations will continue to experience and enjoy the wondrous lifecycle and annual migrations of the monarch butterfly.





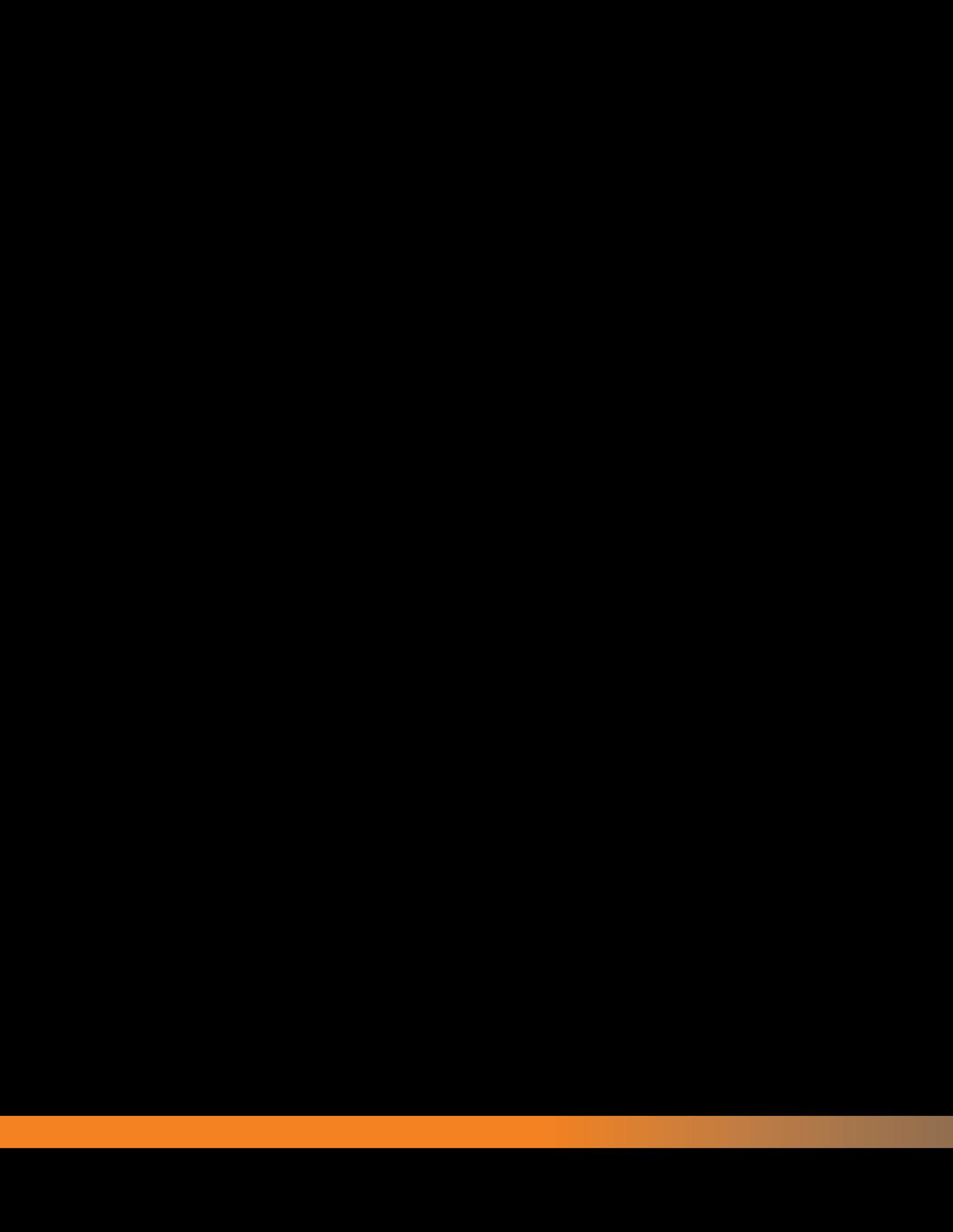
REFERENCES

Bailey, R.G. 1995. Description of the ecoregions of the United States. <http://www.fs.fed.us/land/ecosysgmt/>. (19 February 2015).

Jepsen, S.; Schweitzer, D.F.; Young, B.; Sears, N.; Ormes, M.; Black, S.H. 2015. Conservation status and ecology of the Monarch butterfly in the United States. Arlington, VA: NatureServe and Portland, OR: The Xerces Society for Invertebrate Conservation. 28 p.

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Cover photo: *Forest Service.*



346 direct billing effective any July 1st, upon sixty (60) day written notice
347 to City.

348 Should City fail to disburse payments to Contractor for Solid Waste
349 charges levied on the County property tax bill as prescribed in
350 Attachment D, Contractor may withhold payment of Franchise
351 Fees, Waste Diversion Fees and any other Pass-Through City
352 Fees until payments due Contractor are collected in full.

353 8.01.3 Commercial Bin and Industrial Direct Billing. Contractor
354 shall bill regular Commercial and Industrial Customers monthly in
355 arrears.

356 8.01.4 Temporary Service Billings. Contractor may require
357 Customers arranging for Temporary Services to pre-pay for the
358 services requested.

359 8.01.5 Service to Delinquent Accounts. Contractor shall not
360 discontinue service to Customers that do not pay for services
361 rendered.

362 8.01.6 Collection of Payment from Delinquent Accounts. City
363 agrees to handle the collection of delinquent accounts as a lien on
364 the property collected on the County property tax bill in accordance
365 with the procedures outlined in Attachment D, County Property Tax
366 Roll Billing Procedure.

367 Should City fail to disburse payments to Contractor for Solid Waste
368 charge liens on the County property tax bill as prescribed in
369 Attachment D, Contractor may withhold payment of Franchise
370 Fees, Waste Diversion Fees and any other Pass-Through City
371 Fees until payments due Contractor are collected in full.

372 8.02 CUSTOMER SERVICE. Contractor shall maintain a staffed Customer
373 service center Monday through Friday, 8:00 AM to 5:00 PM, for the
374 purpose of receiving payments, responding to customer inquiries and
375 receiving customer reports regarding service.

376 8.03 PUBLIC EDUCATION. Contractor shall provide the personnel and
377 resources necessary to perform the services described in Attachment E,
378 Public Education Program.

379 8.04 WASTE DIVERSION.

380 8.04.1 Authorized Recycling Agent. City hereby designates
381 Contractor as its "authorized recycling agent" for the purposes of
382 conducting recycling activities within the City pursuant to the terms
383 of Public Resources Code Section 40105. Notwithstanding the
384 foregoing, Contractor at all times shall be and remain an
385 independent contractor.

386 8.04.2 Preferred C&D Waste Hauler. City hereby designates
387 Contractor as its "preferred Construction and Demolition Waste

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hauler” for the purposes of diverting such materials. Contractor hereby agrees to perform the duties described in Attachment “G” attached hereto and made a part hereof, adhere to the terms of Chapter 8.08, and adhere to all other applicable laws when serving as the City’s preferred C&D Waste hauler.

Amendment to Construction & Demolition Incentive Program.
Simultaneous with the consideration of this Agreement, City agrees to offer the following to the City Council for its consideration:

- A. A resolution amending City’s Development Fees: (1) Increasing the amount of the C&D Debris deposit for demolition and building projects FROM One Percent (1%) of the estimated valuation with a maximum deposit of Seventy-Five Thousand Dollars TO Two Percent (2%) of estimated valuation with no maximum limit; (2) Establishing a Three Thousand Dollar (\$3,000.00) minimum C&D Waste permit deposit for all demolition and building projects; and (3) Establishing a C&D Waste permit re-filing fee of Three Thousand Dollars (\$3,000.00) for demolition or building project permittees that arrange for but do not actively use Contractor’s services after a C&D Waste permit waiver is issued by City.

- B. An ordinance amending City’s Municipal Code Chapter 8.08 waiving the requirement for a C&D Permit as required by Chapter 8.08, provided that the building permit applicant has arranged for and continually utilizes Contractor’s services for C&D Debris Diversion and Disposal during the full period of demolition or construction.

- C. Direct the City Manager to cause the immediate removal of the following sentence from its form titled “Construction and Demolition Waste Reduction/Recycling Plan”, also identified as “City of DHS Plan Form 03/27/2013”, and any other related forms, pamphlets or regulations during the Term of this Agreement:

“Private waste haulers may be used to haul materials if they are properly licensed within the City of Desert Hot Springs.”

- D. Direct the City Manager to cause the following notice to be printed on or affixed to each building permit application and all related forms, pamphlets or regulations distributed physically or electronically by City during the Term of this Agreement:

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"Desert Valley Disposal, Inc. is the exclusive franchised hauler for the City of Desert Hot Springs. It is illegal for clean-up companies and other haulers to haul waste from your project. Self-hauling is permitted under certain conditions. Building Department personnel may explain your options."

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8.04.3 Liaison and Reporting. Contractor, at its own expense and without additional compensation, shall serve as City's liaison with State agencies regulating solid waste generation and diversion and shall prepare required analyses, correspondence and reports on behalf of City, subject to the City's direction and approval. City shall designate Contractor's representative, Robert Kuznik, as the City's CalRecycle jurisdiction contact who shall keep City Manager abreast of all correspondence and reporting. City shall cooperate with Contractor by providing records and documentation needed for reporting in a timely fashion.

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8.04.4 Waste Audits. Contractor shall offer complimentary waste audits and recycling consultation to all Commercial and Industrial Customers.

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ARTICLE 9. OPERATING REQUIREMENTS

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9.01 COLLECTION HOURS AND SCHEDULES.

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9.01.1 Residential Collection. Contractor shall: (a) Organize collections of Solid Waste, Recyclables and Green Waste from Residential Premises according to a regular Collection schedule which shall not be changed without providing a fourteen (14) calendar day advance notice to City and a seven (7) calendar day advance notice to Customers; (b) Perform collections of Solid Waste, Recyclables and Green Waste once each week each on the same scheduled day; (c) Collect Solid Waste and Recyclables from Residential Premises between the hours of 6 AM and 6 PM, Monday through Friday.

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9.01.2 Commercial and Industrial Collection. Contractor shall: (a) Organize collections of Solid Waste and Recyclables from Commercial and Industrial Premises according to a regular collection schedule which shall not be changed without providing a seven (7) calendar day advance notice to Customers; (b) Perform collections of Solid Waste and Recyclables once each week, or more frequently as may be required by Customer; (c) Perform collections of Solid Waste and Recyclables between the hours of 6 AM and 6 PM, Monday through Saturday.

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9.01.3 Holidays. Contractor shall annually notify Customers of its Holidays. When a regularly scheduled Collection falls on a Holiday, Contractor shall perform that and all other collections for the

Desert Valley Disposal, Inc.

4690 East Mesquite Avenue
P.O. Box 2720
Palm Springs, California 92262
760-329-5030

November 9, 2015

<p>Mr. Daniel Porras Public Works Manager City of Desert Hot springs 65-950 Pierson Boulevard Desert Hot Springs, CA 92240</p>	<p>Via Electronic Mail To: dporras@cityofdhs.org</p>
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Dear Mr. Porras:

Re: PREFERRED CONSTRUCTION & DEMOLITION HAULER PROGRAM

The purpose of this letter is to document procedures, clarifications, and refinements to the "Preferred Construction & Demolition Hauler Program" component of the City's mandatory construction and demolition waste diversion program and serve to provide guidance to City of Desert Hot Springs ("City") staff and Desert Valley Disposal ("DVD") staff when implementing the program.

The Preferred Construction & Demolition Hauler Program ("Program" is a new and innovative program designed to maximize diversion of construction and demolition waste. It is our intent to operate the Program in the manner described herein for a period of approximately six (6) months, making further adjustments during that time as needed. If any of the procedures described below should be embodied by amendment of Municipal Code Chapter 8.08, we will then prepare a recommendation for the consideration of the City Council in the next calendar year.

Desert Hot Springs Municipal Code Section describes the Program as follows:

8.08.180 Preferred construction and demolition hauler program.

A. Notwithstanding the foregoing, the City hereby designates its franchised contractor to serve as its preferred hauler of construction and demolition waste for recycling and diversion.

B. An applicant may arrange exclusively with the City's preferred hauler to remove construction and demolition waste for recycling or diversion from a project covered by this chapter, with written evidence of said arrangement delivered to the City, whereupon certain Chapter 8.08 requirements of applicant shall be waived: (1) submittal of the C&D waste plan required by Section 8.08.070; (2) posting of the performance security required by Section 8.08.080; and (3) reporting required by Section 8.08.110. In entering into an arrangement with the City's preferred hauler to remove construction and demolition waste for recycling and diversion, applicant agrees to actively and regularly utilize the City's preferred hauler's services during the entire period of demolition and/or construction on an as-needed basis, and abide by the City's and the City's preferred hauler's rules and regulations pertaining to the storage for removal of construction and

demolition waste. Self-hauling of construction and demolition waste shall not be permitted when requirements of Sections 8.08.070, 8.08.080 and 8.08.110 have been waived.

C. The City's preferred construction and demolition waste hauler shall report to the City the recycling and diversion attributed to each applicant and each project.

D. Hauling services performed by the City's preferred construction and demolition waste hauler shall be subject to the rates and charges established by the City. (Ord. 548 9-2-14; Ord. 542 3-18-14)

Objective. The objective of the Program is to offer individuals performing construction or demolition activities a convenient and cost effective alternative to the requirements of Municipal Code Chapter 8.08 requiring surety, written plan and reporting in order to attain fifty percent (50%) diversion of construction and demolition waste.

DVD Guarantee. Through the Franchise Agreement, DVD guarantees City that DVD will divert a minimum of fifty percent (50%) of C&D waste collected through the Program. This guarantee applies to the gross total of material collected in the program each year.

Site Inspection. When the situation warrants, DVD staff will perform site inspections to assist each permittee with selecting the service most appropriate for their project.

DVD Discretion. Certain generally smaller projects requiring a building permit may not generate waste that can be diverted. An example of a project not generating waste and therefore not requiring a container is the change out of an electrical panel. When DVD staff determines that a permitted project does not generate waste and does not require a container, DVD staff will advise City of the determination and City will excuse such projects from the requirements of Municipal Code Chapter 8.08.

Containers. When arranging service under the Program, DVD representatives will evaluate the scope of the project and determine: (1) The appropriate container size (3-cubic yard construction bin or 10-, 20-, 30- or 40 cubic yard debris box); (2) The container delivery date; and, (3) The frequency of collection (weekly, monthly or will-call).

Costs.

3-Cubic Yard Container, 7-day use including delivery and removal (1 dump),
\$134.84;

3-Cubic Yard Container, monthly rental including delivery, up to three (3)
collections (will-call) and removal (total of 4 dumps), \$539.36;

Diversion Debris Box, weekly or monthly rental including delivery and removal,
(10-, 20-, 30- and 40-cubic yard containers):

\$344.75 per pull service fee; plus,

\$79.42 Per Ton Fee (rate based on \$60.00 per ton for mixed construction
debris at the processing facility PLUS Report fees & City Waste Diversion
fees).

Mr. Daniel Porras

November 9, 2015

Re: PREFERRED CONSTRUCTION & DEMOLITION HAULER PROGRAM

Page 3 of 3

Note: The "Per Ton Fee" may be charged at a lesser amount for clean, source-separated materials based upon the processing facility's posted rate for those materials. Examples: clean concrete \$15.00 per ton, clean fill dirt \$10.00 per ton, etc.

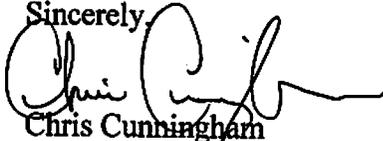
Payment Policies. When services are arranged under the Program, DVD will require prepayment of fees, which shall be applied to the cost of service. Prepaid fees for services arranged but not used are non-refundable.

Failure to Participate. DVD staff will advise City of projects that fail to accept delivery of a container for diversion or who fail to regularly utilize the container for the intended purpose at the intended frequency. Service arrangers that fail to follow through with accepting a container or regularly utilizing an arranged container shall forfeit the benefits of the Program and be subject to the surety, written plan, and reporting requirements and penalties of Municipal Code Chapter. The City will not perform a final inspection until the project is in full compliance with Municipal Code Chapter 8.08.

Thank you to you and the other members of City Staff for you attention to this matter. With refinement, we think that this program will be a great success.

Please let me know if you have any questions or comments. If the foregoing is acceptable, please indicate your concurrence by signing and returning a copy of this letter.

Sincerely,



Chris Cunningham
Vice President

CONCURRENCE BY CITY:

By: _____

_____ (Date)

(Printed Name)

(Title)

Operation Resilient Trees

Measure trees.
Make a difference!



Do you live or work in Palm Springs? Volunteer now!

Being a citizen scientist is as easy as 1, 2, 3!

- 1) **Volunteer** to measure urban trees at an Earthwatch data collection event near you
and/or
- 2) **Get Trained** as an independent Earthwatch Certified Citizen Scientist online or in-person
- 3) **Influence** the future of urban forests in your community

Visit our Website:



www.earthwatch.urbanresiliency.org

Visit our [Urban Resiliency Program website](http://www.earthwatch.urbanresiliency.org) for full information and upcoming events.

ABOUT

We are collecting data to understand how urban trees grow in different climactic conditions. The data you collect will be used by scientists at the University of California, Riverside to determine the water usage and cooling benefits of common urban tree species in Greater Los Angeles, including the City of Palm Springs. The results will help build urban resiliency in Southern California.

CONTACT US

Please email Ellie Perry at eperry@earthwatch.org or visit earthwatch.urbanresiliency.org if you have additional questions.



2016 SUSTAINABLE SATURDAY

FREE FILM SERIES

ALL FILMS BEGIN AT 9 AM

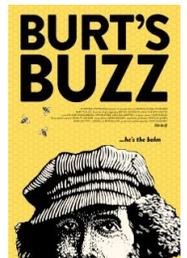
Sponsored by the City of Palm Springs Sustainability Commission

Camelot Theatres 2300 Baristo Road, Palm Springs Leisure Center Pavilion 401 S Pavilion Way, Palm Springs

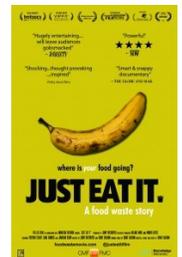


THE CITY OF PALM SPRINGS AND THE PALM SPRINGS CULTURAL CENTER PRESENT A MONTHLY *FREE SUSTAINABLE FILM SERIES* AT THE CAMELOT THEATRES AND THE LEISURE CENTER PAVILION. BE GREEN AND BRING NEW OR GENTLY USED BOOKS, DVD'S OR CD'S TO DONATE TO THE FRIENDS OF THE PALM SPRINGS LIBRARY. IT'S RECYCLING AT ITS BEST. DONATE TO A GREAT CAUSE!

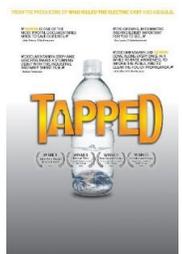
January 23 - Camelot Theatres - *Burt's Buzz* - Burt's Buzz takes an intimate look at the world of Burt Shavitz, the face and co-founder of *Burt's Bees*, exploring his fascinating and utterly unique life. Wise and wry, ornery and opinionated, the reclusive Shavitz is committed to living off the land and keeping true to his humble beginnings despite his celebrity status. The film chronicles Burt's life as a photographer, beekeeper, and brand spokesman, following his complicated relationship with the company, his fans, and the world around him. Exposing the collision between business and personal values, *Burt's Buzz* is a compelling and fascinating portrait of this highly idiosyncratic pioneer, and a revealing study of what it means to be a living icon. *Running time: 88 min.*



February 27 - Camelot Theatres - *Just Eat It* - We all love food. As a society, we devour countless cooking shows, culinary magazines and foodie blogs. So how could we possibly be throwing nearly 50% of it in the trash? Filmmakers and food lovers Jen and Grant dive into the issue of waste from farm, through retail, all the way to the back of their own fridge. After catching a glimpse of the billions of dollars of good food that is tossed each year in North America, they pledge to quit grocery shopping and survive only on discarded food. What they find is truly shocking. *Running time: 75 min.*



March 26 - Camelot Theatres - *Tapped* - Is access to clean drinking water a basic human right, or a commodity that should be bought and sold like any other article of commerce? Stephanie Soechtig's debut feature is an unflinching examination of the big business of bottled water. From the plastic production to the ocean in which so many of these bottles end up, this inspiring documentary trails the path of the bottled water industry and the communities which were the unwitting chips on the table. A powerful portrait of the lives affected by the bottled water industry, this revelatory film features those caught at the intersection of big business and the public's right to water. *Running time: 76 min.*



April 23 - Camelot Theatres - *Bikes vs. Cars* - The bicycle, an amazing tool for change. Activists and cities all over the world are moving towards a new system. But will the economic powers allow it? *Bikes vs Cars*, a new film project from *BANANAS!** and *Big Boys Gone Bananas!** director Fredrik Gertten, looks into and investigates the daily global drama in traffic around the world. *Running time: 90 min.*



SUSTAINABILITY FILMS SPONSORED BY CITY OF PALM SPRINGS SUSTAINABILITY COMMISSION

Call 760-323-8214 for information or visit www.yoursustainablecity.com

2016 SUSTAINABLE SATURDAY

FREE FILM SERIES

ALL FILMS BEGIN AT 9 AM

Sponsored by the City of Palm Springs Sustainability Commission

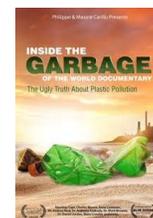
Camelot Theatres 2300 Baristo Road, Palm Springs Leisure Center Pavilion 401 S Pavilion Way, Palm Springs



May 28 - Camelot Theatres - *Landfill Harmonic* - *Landfill Harmonic* follows the Recycled Orchestra of Cateura, a Paraguayan musical youth group of kids that live next to one of South America's largest landfills. This unlikely orchestra plays music from instruments made entirely out of garbage. When their story goes viral, the orchestra is catapulted into the global spotlight. With the guidance of their music director, they must navigate this new world of arenas and sold out concerts. However, when a natural disaster devastates their community, the orchestra provides a source of hope for the town. The film is a testament to the transformative power of music and the resilience of the human spirit. *Running time: 84 min.*



June 25 - Leisure Center Pavilion - *Inside the Garbage of the World* - While you may not directly feel the impact of garbage while going about your day to day life, it's quite literally choking the life out of our ecosystem, and the situation is getting worse with each passing day. Eventually, we will all suffer the very real consequences as the world dies around us. As stated in the featured documentary, *Inside the Garbage of the World*, "we're going to create an environmental catastrophe that we may not be able to recover from." *Running time: 80 min.*



July 23 - Leisure Center Pavilion - *The Starfish Throwers* - Worlds apart, a five-star chef, a twelve year-old girl, and a retired schoolteacher discover how their individual efforts to feed the poor ignite a movement in the fight against hunger. This documentary tells the tale of these remarkable individuals and the unexpected challenges they face. Despite being constantly reminded that hunger is far too big for one person to solve, they persevere and see their impact ripple further than their individual actions. *Running time: 83 min.*



August 27 - Leisure Center Pavilion - *Switch* - Every energy resource — fossil, nuclear and renewable — is undergoing profound changes. And overall, we're gradually shifting from coal and oil to the energies of tomorrow. This sweeping transition is the subject of *Switch*. But rather than advocate for how it should happen, *Switch* travels the world to discover how it *most likely* will happen. *Switch* is also about a changing energy conversation. Today, it's polarized and unproductive. *Switch* focuses on practical realities and encourages a balanced understanding. Finally, *Switch* is about changing the way we use energy, to realize the many economic and environmental benefits of efficiency. *Running time: 90 min.*



SUSTAINABILITY FILMS SPONSORED BY CITY OF PALM SPRINGS SUSTAINABILITY COMMISSION

Call 760-323-8214 for information or visit www.yoursustainablecity.com

SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA



MEETING MINUTES

Tuesday, May 17, 2016
Palm Springs City Hall, Large Conference Room

CALL TO ORDER: Chair Jackson called the meeting to order at **5:04** p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Bettinger

ROLL CALL: A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.

AGENDA APPROVAL: The agenda was presented by Sustainability Manager Mician. Agenda Item A.1. tabled due to Councilmember Kors inability to be present at the meeting. A motion to approve agenda as changed by Commissioner Wilson and seconded by Commissioner Freedman and unanimously carried.

	<u>This Meeting</u>	<u>Present to Date</u>	<u>FY 2015/2016 Excused Absences</u>	<u>FY 2015/2016 Unexcused Absences</u>
Thom Bettinger	X	46		
Joe Jackson	X	37		
Grant Wilson	X	39	1	
Travis Armstrong	X	33	1	
Tara Lazar	E	18	4	
Nate Otto	E	19	2	
David Freedman	X	12		
Nancy Ferguson	E	10	1	
Robert McCann	X	4		

X = Present

E = Excused (notified Chair and Staff of absence)

L = Late

U = did not notify of absence

CITY STAFF PRESENT: Michele Mician MS, Manager, Office of Sustainability
Dan DeGarmo, Clerical Assistant
Gary Calhoun, Recycling Coordinator

CITY MANAGER AND ASSISTANT CITY MANAGER REPORT - None

PUBLIC COMMENTS: None

A. PRESENTATIONS

1. Discuss Salton Sea, Councilman Kors - Tabled

B. MEETING MINUTES

1. April 19, 2016 Meeting Minutes
Motion by Commissioner Freedman and seconded by Commissioner Bettinger to approve minutes as submitted. Unanimously approved.

C. PARKS & RECREATION COMMISSION REPORT

Commissioner Armstrong reported that Parks and Recreation Commissioner Les Young will be on the joint subcommittee with the Sustainability Commission on Pesticide Use in City Facilities.

Sustainability Commission Regular Meeting Agenda

May 17, 2016, 5 p.m. - Page 2

Chair Jackson stated that Commissioners Armstrong and Ferguson are the Sustainability Commission members on the Pesticide Use in City Facilities subcommittee.

D. RECYCLING REPORT, Gary Calhoun

1. Update on Composting and AB 1826
Mr. Calhoun reported that AB 1826 became effective April 1, 2016. Contact has been made to those affected by the new law.
2. Mr. Calhoun also stated that recycling centers will be charging for recycling services.
3. He also reported that the lids are in for Village Fest containers for the recycling containers
4. There are 18 construction sites in the City that Mr. Calhoun is visiting to inform them of the new recycling ordinance.
5. New state law in effect for beverage recycling containers that City file a resolution and Gary will complete the application for the resolution.

Questions and comments by the Commissioners were presented.

E. SUSTAINABILITY MANAGERS REPORT, Michele Mician

- i. Manager Mician reported that the Sustainability Master Plan will be received on May 18, 2016 by City Council and is slated for Adoption at Joint Council/Commission Special Study Session on June 8, 2016. However, no confirmation has been received for the adoption by City Council. The Green for Life, Leaf Blower Ordinance and the Solar ordinance for new building are also on the agenda.
2. The Leaf Blower Ordinance has been assigned to a Subcommittee.
3. Eagle Crest Project Update and Council Action will also be on the City Council agenda for May 18, 2016
4. Dunn Road Property: Proposition 1 Funding for the environmental review has been received.
5. New Legacy Tree Brochure has been created to reflect change in plaque that we will offer.
Commissioner Armstrong suggested that we put the Legacy brochures at the Dog Park and other City Parks

Questions and comments by the Commissioners were presented.

F. OLD BUSINESS

1. Manager Mician reported on the Six Goals and Policy Recommendations to Present for Council Adoption for 2016-2020:
 - i. Multi Family Recycling - in progress with goal for end of 2016
 - ii. Product Stewardship - First for meds in Early 2017 and more products to 2020 adoption
 - iii. Pesticide Policy - 2017 adoption
 - iv. No Idling Policy - 2018 for City fleet and extend to commercial through 2020 by sector
 - v. Tree Protection Ordinance -2017 City facilities replacement/removal policy. All trees 2019
 - vi. Mandatory Green Building Practices – In Progress. Slated for 2016-17 adoption

Questions and comments from Commissioners were presented

2. Chair Jackson reported that an Open Streets Event is being prepared for 2017. Showing the public how streets can be more pedestrian and bike friendly. May have an event to co-inside with Bike Month. Also working on participation with the Agua Caliente tribe and the Palm Springs Unified School District.
3. Manager Mician reported that the Joint Sustainability Commission and City Council Study Session meeting date has not been verified as of yet (Note: Date has now been set for June 22, 2016) Items up for discussion are:
 - i. Adoption of Sustainability Master Plan
 - ii. Leaf Blower Ordinance Discussion
 - iii. Consideration of Mandatory Green Building Requirements

Questions and comments from Commissioners were presented.

G. NEW BUSINESS

1. Chair Jackson and Manager Mician reported on the possibility of canceling the June Regular Commission Meeting Due to Joint Meeting Session with the City Council.

H. SUBCOMMITTEE REPORTS

1. Water Conservation Subcommittee,
Commissioner Freedman reported that DWA stated that the Water Reduction goal is at 23% for April 2016, cumulative reduction at 25%. State Water Resources Control Board to meet to decide on a new framework for water reduction based on a local determination.
DWA is now issuing fines on watering hardscape due to an executive decision by Governor Brown. A facilities tour of DWA was held and several Commissioners were on the tour.
DWA will have a new Turf Buyback Program.
DWA is also considering a training program for gardeners/landscapers via an on-line course.
Manager Mician reported that the money from DWA for the City Hall Landscape to be converted to the Dog Park conversion.
2. Outreach Subcommittee, Commissioner Lazar – No Report
Manager Mician reported that the Clinton Foundation project at James O. Jesse tree planting is up for a Neighborhoods USA award. (Note: Won a third place award).
3. Green Building/Solar Subcommittee,
Commissioner Freedman reported that California has 4 cities with solar energy in their building codes. Sub-committee using the Santa Monica code as a guide for Palm Springs.
Commissioner Freedman also reported on Green Building code requirements and the Green for Life program.
4. Waste Reduction Subcommittee, Chair Jackson stated no report
5. Wellness Subcommittee, Chair Jackson stated no report
6. Active Transportation Subcommittee, Commissioner Ferguson absent, no report.
Manager Mician reported that a new “Let’s Move” campaign is underway.
Questions and comments from Commissioners were presented.

I. COMMISSIONER COMMENTS

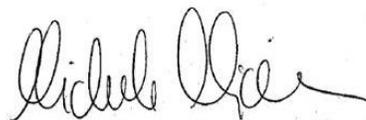
Manager Mician reported that the budget for Sustainability is down for the 2016-17 fiscal year due to reduction in demand for plastic. She stated that she will be working on ways to use the Fund 125 Recycling money for projects.

Commissioner McCann asked if a tour of the waste disposal plant could be set up. Manager Mician stated that a plan is in place already for a tour.

Chair Jackson acknowledged Commissioners Bettinger and Armstrong for their time on the Commission.

- J. ADJOURNMENT** - The meeting of the Sustainability Commission adjourned at 6:08 P.M. A motion to adjourn was made by Commissioner McCann and seconded by Commissioner Freedman. Unanimously approved. They adjourned to the Joint Meeting with the City Council which will be held at 6:00 p.m. on Thursday, June 23, 2016 in the Council Chambers at City Hall. The Sustainability Commission’s normal meeting schedule is at 5 P.M. on the third Tuesday of every month except August unless otherwise noted or amended.

Respectfully Submitted,



Michele Mician, Manager
Office of Sustainability

CITY COUNCIL ACTION SUMMARY

WEDNESDAY, JUNE 23, 2016

CALL TO ORDER: 6:09 p.m.

ROLL CALL: All Present.

ROLL CALL SUSTAINABILITY COMMISSION: Lazar Absent.

ACCEPTANCE OF THE AGENDA:

ACTION: Accept the Agenda as presented. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1. JOINT MEETING WITH THE SUSTAINABILITY COMMISSION:

1.A. SUSTAINABILITY MASTER PLAN:

ACTION: Adopt Resolution No. 24053, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE 2016-2021 CITY OF PALM SPRINGS SUSTAINABILITY MASTER PLAN," amending the references to PSNIC to ONEPS. **Motion Councilmember Foat, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

1.B. DISCUSSION AND DIRECTION REGARDING LEAF BLOWERS:

ACTION: 1) Direct Staff and the Sustainability Commission to continue to conduct studies and develop options for the reductions and/or elimination of gas powered leaf blowers including grant or incentive options, educational component, health protections for workers, and a potential phased-in regulations; and 2) Direct Councilmember Kors and Staff to present a regional approach to leaf blowers to the CVAG Energy and Environment Committee. **By unanimous consent of the City Council.**

1.C. DISCUSSION AND DIRECTION REGARDING MANDATORY SOLAR INSTALLATION POLICY FOR NEW CONSTRUCTION:

No action taken.

1.D. DISCUSSION AND DIRECTION REGARDING THE "GREEN FOR LIFE VOLUNTARY GREEN BUILDING PROGRAM" AS MANDATORY FOR CONSTRUCTION WITHIN THE CITY OF PALM SPRINGS:

ACTION: Direct Staff to further develop the Green for Life Incentive Program. **By unanimous consent of the City Council.**

The Sustainability Commission adjourned and the City Council recessed at 9:06 p.m.
The City Council reconvened at 9:14 p.m.

2. ADJOURNED REGULAR MEETING:

2.A. APPROVAL OF AN ADMINISTRATIVE SERVICES AGREEMENT FOR COUNTY SERVICE AREA 152 NATIONAL POLLUTANT DISCHARGE ELIMINATION PROGRAM WITH RIVERSIDE COUNTY:

ACTION: 1) Adopt Resolution No. 24054, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS AND REAFFIRMING THE ESTABLISHMENT AND SETTING OF RATES FOR COUNTY SERVICE AREA 152 FOR FISCAL YEAR 2016-17 TO FUND THE CITY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ORDER TO OPERATE AND MAINTAIN THE CITY'S DRAINAGE AND FLOOR CONTROL SYSTEMS;" 2) Approve an Administrative Services Agreement with Riverside County for the CSA 152 National Pollutant Discharge Elimination System (NPDES) Program; and 3) Authorize the City Manager to execute all necessary documents. A6027. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

2.B. APPROVAL OF VARIOUS AGREEMENTS WITH SOLARCITY CORPORATION FOR SOLAR PHOTOVOLTAIC SYSTEMS AT THE PALM SPRINGS ANIMAL SHELTER AND THE PALM SPRINGS CONVENTION CENTER, AND APPROVAL OF A CEQA CATEGORICAL EXEMPTION, AS PART OF THE CITYWIDE SOLAR PROJECT (CITY PROJECT NO. 15-03):

ACTION: 1) Adopt Resolution No. 24055, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN INFRASTRUCTURE FINANCING AGREEMENTS AND ASSOCIATED CONTRACTS WITH SOLARCITY CORPORATION PURSUANT TO GOVERNMENT CODE SECTION 5956, ET SEQ., FOR THE COMPLETE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF SOLAR PHOTOVOLTAIC SYSTEMS AT THE PALM SPRINGS ANIMAL SHELTER AND THE PALM SPRINGS CONVENTION CENTER, AND APPROVING AND ORDERING THE FILING OF A CEQA NOTICE OF EXEMPTION;" and 2) Authorize the City Manager to execute all necessary documents. A6867. A6868. **Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

ADJOURNMENT: The City Council adjourned at 9:36 p.m. to the next regular meeting Wednesday, July 6, 2016, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, at 4:00 p.m. in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA



MEETING MINUTES

Tuesday, July 19, 2016
Palm Springs City Hall, Large Conference Room

CALL TO ORDER: Chair Jackson called the meeting to order at **5:00** p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Clark

ROLL CALL: A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.

AGENDA APPROVAL: The agenda was presented by Sustainability Manager Mician. A motion to approve as presented by Commissioner Wilson and seconded by Commissioner McCann and unanimously carried.

	This Meeting	Present to Date	FY 2015/2016 Excused Absences	FY 2015/2016 Unexcused Absences
Joe Jackson	X	38		
Grant Wilson	X	40	1	
Roy Clark	X	1		
Nancy Ferguson	X	11	1	
David Freedman	X	13		
Jennifer Futterman	X	2		
Tara Lazar	E	18	4	Resigned on 7/18/2016
Robert McCann	X	5		
Nate Otto	X	20	2	

X = Present E = Excused (notified Chair and Staff of absence)
L = Late U = did not notify of absence

CITY STAFF PRESENT: Michele Mician MS, Manager, Office of Sustainability
Dan DeGarmo, Clerical Assistant
Gary Calhoun, Recycling Coordinator

CITY MANAGER AND ASSISTANT CITY MANAGER REPORT – No report

PUBLIC COMMENTS:

Roxann Ploss (Palm Springs) – Spoke on promoting a ban on leaf blowers.

A. WELCOME AND INTRODUCTIONS

1. Welcome New Commissioners:

Chair Jackson welcomed new Commissioners Roy Clark and Jennifer Futterman.

Commissioner Clark stated he is happy to be a member and is interested in Transportation and Water Conservation subcommittees.

Commissioner Futterman stated she is honored to be a member and is interested in Health and Wellness and Outreach subcommittees.

Welcome bags were given to new Commissioners and Chair Jackson asked if a badge or Commission shirt could be provided to all Commissioners.

2. Commission Chair and Vice-Chair Election

Chair Jackson requested nominations for Vice-Chair and Chair positions for the 2016-17 Fiscal Year.

Commissioner Ferguson nominated Vice-Chair Wilson for the Vice-Chair position. No further

nominations were presented. Vice-Chair Wilson nominated Chair Jackson for the Chair position. No further nominations were presented. Poll was unanimously passed by the Commissioners for both positions.

B. PRESENTATIONS

1. Councilman Sub-Committee Report

Councilmember Kors spoke on his interpretation of the direction from City Council on Leaf Blowers and Solar policies from the June 23, 2016 Joint Meeting with the City Council and the Sustainability Commission. Manager Mician noted that the official Minutes have not been received from the City Clerk's office and that no official direction has been received from the City Manager's office.

C. MEETING MINUTES

1. June 23, 2016 Meeting Minutes Review – Minutes have not yet been received. No action taken at this time.
2. May 17, 2016 Meeting Minutes have not been presented to Commissioners. No action taken on these minutes.

Chair Jackson requested that the September meeting be moved to September 13, 2016 as both he and Vice-Chair Wilson will not be available. Discussion ensued and the revised date was accepted.

D. PARKS & RECREATION COMMISSION REPORT

Parks and Recreation

1. Report on Organic Pesticide and Integrated Pest Management Subcommittee

Manager Mician stated that the Subcommittee has been given examples of ordinances from other cities and that they are working on an ordinance.

Chair Jackson asked if Commissioner Ferguson is interested in working with the Subcommittee.

Commissioner Ferguson stated that yes, she is still interested.

E. RECYCLING REPORT, Gary Calhoun

1. Update on Outreach Campaigns – Mr. Calhoun stated that the AB1826 Organic recycling bill has been sent to all businesses in the City of Palm Springs.
2. October 15, 2016 Shredding Event – Mr. Calhoun updated the Commissioners on the next shredding event to be held at City Hall.
3. Multi-family recycling and Condominium Recycling efforts – AB341 reminder letter has been sent to all affected entities.

Commissioner Otto asked if PSDS is meeting with the Multi-family entities. Mr. Calhoun stated that yes, PSDS is constantly meeting with them but the issue is the enforcement of the ordinance.

Commissioner Otto asked if PSDS can come to a meeting to educate the Commission on their services.

Manager Mician and Chair Jackson requested that Commissioner McCann meet with the Waste Subcommittee and PSDS.

4. Mr. Calhoun also stated that he is working on the annual report for recycling.

F. SUSTAINABILITY MANAGERS REPORT, Michele Mician

1. Sustainability Master Plan Implementation

Manager Mician stated that the Implementation Plan has been color coded as to Time Frame implementation and Subcommittee assignment. This will be discussed at the September meeting.

2. Leaf Blower Ordinance Study Session Assigned to Subcommittee

Manager Mician stated that the Leaf Blower ordinance needs to be assigned to a subcommittee. Chair Jackson assigned this to the Outreach and Health and Wellness Subcommittees.

Manager Mician stated that a mailer will go out to affected entities for input at a Study Session.

Councilman Kors asked that we reach out to Health Organizations and Non-Profit organizations. He also stated that there are concerns from citizens who are against any ban on leaf blowers. He is available to meet with the subcommittees.

Comments and questions from commissioners on health and noise levels were presented and discussed.

3. Composting Programs Brochure

Manager Mician presented information on a composting rebate program.

4. New City Landscaping Firm Application of Tree Inventory and Arbor Pro programs
Manager Mician stated that the new City landscaping firm will be utilizing the on line tree inventory. Landscapers from the firm will have the inventory on their tablets and will keep maintenance records on the trees. She also mentioned that Earth Watch Institute is doing an Urban Resiliency Program and they noticed our tree inventory and they want to speak with the Commission on how to educate the public to become Urban Scientists.
5. Dunn Road Property Proposition 1 Funding
Manager Mician stated that the City received \$69,000.00 from CVMC to begin phase 1 of the property to determine the cost of cleaning up the site. CalRecycle will also help out with the costs. A field trip for the Commission will be arranged.

G. OLD BUSINESS

1. Review of Solar Ordinance and City Council comments
Manager Mician stated that the City Manager is suggesting more town hall meetings. More fact finding is needed.
Councilmember Kors stated that he and the Mayor are in support of the ordinance and more focus is needed on the cost of the ordinance. He also brought up that discussion on the possibility of adding the additional cost into the mortgage for the home.
Commissioner Freedman stated that the subcommittee is into the information gathering process.
Manager Mician stated that Dale Cook from Community and Economic Development and Jim Zicaro from Building and Safety should also be consulted prior to making a decision.
Comments and questions from commissioners were presented and discussed.
2. Green for Life Program Outreach Discussion
Manager Mician stated that the program needs to be updated and matched to the Cal Green Code. She also requested that information for the Green for Life program be sent out to all building permit requestors. Contact with the Building Department needs to be addressed.
Councilmember Kors added that discussion on specific needs should be addressed in the subcommittee.
Commissioner Freedman gave information on updating the Building Codes.
Comments and questions from commissioners were presented and discussed.
3. Six Goals and Policy Recommendations to Present for Council Adoption for 2016-2020
Manager Mician stated that this item is here to keep the Commission focused on the goals. She briefly updated what is occurring for these goals. Commissioner Ferguson volunteered to be liaison to the Parks and Rec Commission.
 - i. Multi Family Recycling - in progress with goal for end of 2016
 - ii. Product Stewardship - First for meds in Early 2017 and more products to 2020 adoption
 - iii. Pesticide Policy - 2017 adoption
 - iv. No Idling Policy - 2018 for City fleet and extend to commercial through 2020 by sector
 - v. Tree Protection Ordinance -2017 City facilities replacement/removal policy. All trees 2019
 - vi. Mandatory Green Building Practices –2016-17 adoption

H. NEW BUSINESS

1. Backyard Composting Rebate – Introduce new rebate program FY 2016-17 backyard composting.
Manager Mician requested feedback from the Commissioners on the rebate program as presented. Comments and questions from commissioners were presented and discussed including offering an income qualifying program to the rebate program.
Vice Chair Wilson motioned to create a backyard composting rebate as presented and also with an income qualifying program, second by Commissioner Ferguson. Discussion followed and the motion was unanimously passed.
2. Review of Sub-Committee membership
Chair Jackson reviewed the status of the commissioner roster and also requested volunteers for the subcommittees. The subcommittee roster was updated per commissioner requests.

I. SUBCOMMITTEE REPORTS

1. Water Conservation Subcommittee, Commissioner Freedman
Commissioner Freedman reported on the actions from the DWA meeting. He also reported on the City Council actions regarding additional water being allowed into the sewage system for recycling. Commissioner Freedman reported on a company who is offering new water meters. He will set up a meeting with them to review their product.
Comments and questions from commissioners were presented and discussed.
2. Outreach Subcommittee, Commissioners Futterman and Clark – No Report
3. Green Building/Solar Subcommittee, Commissioners Otto and Freedman
Commissioner Freedman reported that a cost effectiveness study is needed for anything submitted to the Energy Commission.
4. Waste Reduction Subcommittee, Commissioner McCann – No Report
5. Wellness Subcommittee, Chair Jackson – No report
6. Active Transportation Subcommittee, Commissioner Ferguson
Commissioner Ferguson reported that since the funding for bike lanes has stopped, the future of the subcommittee is in question. She also reported that it may be possible to do some public outreach programs such as walkability and way finding signage.
Manager Mician stated that there is also a possibility of putting bike racks at the trailheads.

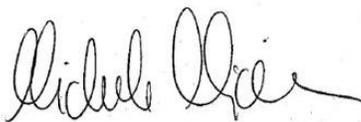
Commissioner Ferguson reported on the meeting with City Council and a follow up meeting on the most important streets to be completed for bike lanes.
Comments and questions from commissioners were presented and discussed.

J. COMMISSIONER COMMENTS

Vice Chair Wilson also welcomed the new Commissioners.

K. ADJOURNMENT - The meeting of the Sustainability Commission adjourned at 6:08 P.M. A motion to adjourn was made by Commissioner Freedman and seconded by Commissioner Otto. Unanimously approved. They adjourned to the Revised Standard Meeting which will be held at 6:00 p.m. on Tuesday, September 13, 2016 in the Council Chambers at City Hall. The Sustainability Commission's normal meeting schedule is at 5 P.M. on the third Tuesday of every month except August unless otherwise noted or amended.

Respectfully Submitted,



Michele Mician, Manager
Office of Sustainability

ORDINANCE NO. 06-12 N.S.

AN ORDINANCE ADDING CHAPTER 9.48 TO THE RICHMOND MUNICIPAL CODE TO REQUIRE THAT THE CITY OF RICHMOND MANAGE PESTS AT CITY MAINTAINED PROPERTIES AND FACILITIES USING INTEGRATED PEST MANAGEMENT (IPM) PRINCIPLES AND TECHNIQUES

The City Council of the City of Richmond does ordain as follows:

SECTION 1 Findings.

WHEREAS, the City of Richmond recognizes that there is an ongoing need to manage pests to protect public health and safety, wildlife, our environment and City assets; and

WHEREAS, the City of Richmond recognizes that chemical pesticides may be harmful to humans, wildlife and the environment; and

WHEREAS, the use of an Integrated Pest Management (IPM) program that emphasizes non-chemical methods of pest prevention and management and the use of the least-toxic pesticides as a last resort, will significantly reduce, if not eliminate the use of and exposure to chemical pesticides while controlling pest populations; and

WHEREAS, Integrated Pest Management complements other important goals of the City of Richmond such as storm water management, energy and water conservation; and

WHEREAS, this ordinance has no potential to cause a significant adverse effect on the environment and is therefore exempt from review under the California Environmental Quality Act.

NOW THEREFORE, the City Council of the City of Richmond does ordain as follows:

SECTION 2

Chapter 9.48 entitled “**Integrated Pest Management (IPM)**” is hereby added to the City of Richmond Municipal Code to read as follows:

CHAPTER 9.48 INTEGRATED PEST MANAGEMENT (IPM)

Sections:

- 9.48.010 Definitions.**
- 9.48.020 Applicability.**
- 9.48.030 Exclusions and Exemptions.**
- 9.48.040 Enforcement and Appeal.**

9.48.010 Definitions.

Whenever used in this Chapter, the following terms shall have the meanings set forth below.

- (a) “City Department” means any department of the City of Richmond and includes any contractor hired by a City department to control pests on City property. City Department does not include any other local agency or any federal or state agency.
- (b) “City Property” means property owned, leased or managed by the City of Richmond.
- (c) "Contractor" means a person, firm, corporation or other entity, including a governmental entity, which enters into a contract with a City Department or with a tenant leasing City Property for the management of pests.
- (d) "Integrated Pest Management [IPM]" means a decision making process for managing pests that uses monitoring to determine pest injury levels and combines biological, cultural, physical, and chemical tools to minimize health, environmental and financial risks. The method uses extensive knowledge about pests, such as infestation thresholds, life histories, environmental

requirements and natural enemies to complement and facilitate biological and other natural control of pests. This method uses the least toxic synthetic pesticides only as a last resort to controlling pests.

(e) "IPM Coordinator" means the City of Richmond staff member designated by the City Manager who is responsible for the oversight of this ordinance as well as pest control activities on City property.

(f) "Least-Toxic" means if treatment is necessary, non-chemical means are given priority. Traps and enclosed baits, beneficial organisms, freezing and flame or heat treatments, among others, are all examples of non-chemical or least-toxic pest treatment strategies. When it is deemed necessary to apply a pesticide, chemicals used must pose the least possible risk of toxicity to humans and the environment.

(g) "Pest" means any animal, plant, or plant pathogen (virus, fungi, bacteria or other microorganism) that is, or is liable to become, dangerous, detrimental to public health, or posing a serious economic hardship.

(h) "Pesticide" has the meaning set forth in Section 12753 of the California Food and Agricultural Code but does not include antimicrobial agents. Pesticide includes the following:

- (1) Any substance or combination of substances which is intended to be used for defoliating plants, retarding plant growth, or for preventing, destroying, repelling, or mitigating any pest which may infest or be detrimental to beneficial species, wildlife, pets, people, or the built environment, or be present in any agricultural or nonagricultural environment whatsoever;
- (2) Any spray agent that modifies the effects of other agents for the control of pests (also known as a "spray adjuvant").

(i) "Riparian Area" means an area characterized by vegetation that thrives in the interface between dry land and the wet environment of a stream, creek, pond, or other water body. Riparian Area includes wetlands, floodplains, and all area within a minimum of fifteen feet from the top of a stream or creek bank, whether or not riparian vegetation is observed within that area.

(j) "Signal word" means the applicable word- "Danger", "Warning", "Caution", or some other word signifying the level of toxicity designated by federal law under 40 C.F.R. 156.64.

9.48.020 Applicability.

A. Restricted use of pesticides

Pesticides shall be used only as a last resort following other feasible IPM efforts including cultural, mechanical, and biological methods. When it is deemed necessary to use pesticides the least-toxic pesticides shall be used.

B. Ban on the use of any pesticide containing organophosphates or carbamates

Except for pesticides granted an emergency exemption pursuant to Section 9.48.030, no City Department or Contractor shall use any material containing any organophosphates or carbamates as listed by the U.S. Environmental Protection Agency. No exemptions of pesticides containing organophosphates or carbamates shall be granted for use in a riparian area.

C. Ban the use of any pesticide that is a known carcinogen

Except for pesticides granted an emergency exemption pursuant to Section 9.48.030, no City Department shall use any pesticide, as listed by the U.S. Environmental Protection Agency, which is a known carcinogen.

D. Riparian Areas, playgrounds, and picnic areas are pesticide-free zones

Except for pesticides granted an emergency exemption pursuant to Section 9.48.030, no pesticides shall be used on Riparian Areas, within playgrounds, or within picnic areas located on City Property. The pesticide-free zone shall extend a minimum of fifteen feet from top of bank in Riparian Areas, and a minimum of fifteen feet from the perimeter of a playground or picnic area.

E. Notification of Pesticide Use

In those areas in which pesticides are used, the City shall provide notification in the following manner:

- (a) Signs of a standard design and size, easily recognizable by the public and workers, shall be posted at public access points to the targeted area 72 hours in advance of the application and remain in place for 72 hours following the application.
- (b) Signs shall contain the following information:

Pesticide product name; active ingredient; target pest; dates of anticipated pesticide application; signal word (such as “Danger,” or “Warning”) indicating toxicity level; timeline for re-entry of staff and public; name and contact information for the IPM Coordinator.
- (c) Exemptions to the advance notification requirements may be granted by the IPM Coordinator pursuant to Section 9.48.030, subsection B or C. However, in areas accessible to the public, signs shall be posted within five days prior to the time of application stating that, weather permitting, pesticides will be applied in the area within the next five days and shall remain in place for a minimum of 72 hours following the application.
- (d) Pesticide use in areas not readily accessible to the public, such as street medians or unimproved rights of way, shall not require the posting of signs.

F. Recordkeeping and Reporting

(a) Each City Department and Contractor that uses pesticides shall keep records of all pest management activities and submit monthly reports to the IPM Coordinator. Each record shall include the following information:

- (1) The target pest;
- (2) Prevention and other non-chemical methods of control used;
- (3) Exemption granted by the IPM Coordinator (if any) to authorize use of pesticide;
- (4) The type and quantity of pesticide used;
- (5) A description of the exact location of the pesticide application, with a diagram if appropriate;
- (6) The date the pesticide was used;
- (7) The name of the pesticide applicator; and
- (8) The application equipment used.

(b) All pesticide applications shall be reported as required by the California Department of Pesticide Regulation.

(c) All pest management records shall be made available to the public upon request.

G. City Contracts

As of the effective date of this Chapter, when a City Department enters into a new contract or extends the term of an existing contract for pest management services on property owned managed or leased, the contract shall obligate the Contractor to comply with provisions of this ordinance.

H. Planning and Design Practices

As of the effective date of this chapter, to the maximum extent possible, Integrated Pest Management strategies shall be incorporated into the planning and design of City buildings,

landscapes, road rights-of way, or other facilities. Design factors such as site selection, types of uses, soils, grade, slope, water table, drainage, and proximity to sensitive areas shall be evaluated and pest prevention strategies, such as native plant selection and construction of pest barriers incorporated.

9.48.030. Exclusions and Exemptions.

A. Exclusions.

(a) This Chapter shall not apply to the use of chemical agents for the purpose of disinfecting water at:

- (1) Public swimming pools;
- (2) Drinking water treatment plants;
- (3) Wastewater treatment plants;
- (4) Reservoirs; and
- (5) Related collection, distribution and treatment facilities.

(b) This Chapter shall not apply to the use of chemical agents for the purpose of disinfecting child care centers; first aid or other health care facilities; crime or accident scenes; or for abating a public nuisance on private property pursuant to either Richmond Municipal Code Section 9.22.120 (Summary abatement) or a warrant issued by the court.

B. Emergency exemption.

The IPM Coordinator may approve an emergency exemption to use a pesticide banned or restricted pursuant to Section 9.48.020 in the event that a pest outbreak poses an immediate threat to public health or a significant risk of severe and immediate damage to City Property. The IPM Coordinator's decision regarding an exemption shall be in writing, stating the reasons for the decision and all conditions attached to the exemption.

C. Invasive/Noxious weed exemption

The IPM Coordinator may approve an exemption to use a pesticide banned or restricted pursuant to Section 9.48.020 in an effort to support the eradication of invasive or noxious weeds as identified in the City of Richmond's Municipal Code Chapter 9.50.040 Weed and Rubbish Abatement ordinance (32-97-NS).

9.48.040 Enforcement and Appeal

(a) The IPM Coordinator shall have primary responsibility for enforcement of this Chapter, and may promulgate regulations or guidelines to implement this Chapter.

(b) Any Contractor who violates any provision of this Chapter, or of any regulation or guideline that implements this Chapter, shall be ordered immediately to stop all work. The IPM Coordinator will issue a written notice describing the violation and demanding that the Contractor respond within three business days with a detailed written description of the pest management practice(s) used. If the Contractor fails to respond, the Contract may be terminated.

(c) Within five business days after receiving a response to a Notice of Violation, the IPM Coordinator shall contact the Contractor to discuss a plan of action for continued pest management in accordance with this Chapter and all implementing regulations and guidelines. The agreed-upon plan of action will become an addendum to the Contract. If the IPM Coordinator and the Contractor are unable to agree upon a plan of action within a reasonable time, not to exceed fifteen business days, the Contract may be terminated.

(d) If a Contract is terminated because of a violation of this Chapter or any regulation or guideline for the implementation of this Chapter, the IPM Coordinator shall inform the Contractor in writing that he or she shall be placed on a list of Contractors ineligible to enter into pest management contracts with any City Department for a period of one year.

(e) The Contractor may appeal the IPM Coordinator's notice of ineligibility by filing a written protest with the City Manager within ten business days from the date of the notice. Within ten

business days of receiving a Contractor's appeal, the City Manager shall conduct a hearing at which the Contractor and the IPM Coordinator may present evidence. The City Manager's decision on appeal shall be final.

SECTION 3

(a) Within 180 days of the effective date of this Ordinance, each City Department that conducts pest control activities shall submit an implementation plan to the IPM Coordinator. The IPM Coordinator may require periodic IPM plan updates. The IPM implementation plan shall:

- (1) Identify the types of pest problems that may be found in all City workplaces and other City Property;
- (2) Identify behaviors that attract pests and methods for preventing infestation for each identified pest;
- (3) Provide protocols for addressing pest infestations without using pesticides;
- (4) Describe situations in which limited pesticide use is authorized and provide directions on the least toxic method for using pesticides; and
- (5) Include a procedure for reporting IPM practices, including use of pesticides, to the IPM Coordinator.

(b) Within 180 days of the effective date of this Ordinance, the IPM Coordinator shall present pest management training for all City Departments involved in pest management activities. Each Department shall assign at least one staff member to attend the training.

SECTION 4

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Richmond hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION 5

This ordinance shall become effective on 8-24-12.

First read at a regular meeting of the Council of the City of Richmond, California, held May 15, 2012, and finally passed and adopted at a special meeting thereof held July 24, 2012, by the following vote:

AYES: Councilmembers Bates, Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE REED GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 06-12 N.S., finally passed and adopted by the City Council of the City of Richmond at a special meeting held on July 24, 2012.



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: February 23, 2016

TITLE: DISCUSSION OF CITY POLICY FOR PESTICIDE USE ON CITY PROPERTY

Director of Public Works

City Manager

RECOMMENDED ACTIONS

Receive staff presentation and direct staff to implement the City-wide Pest Management Guiding Principles and Revised Integrated Pest Management (IPM) Policies as described in the staff report for the use of pesticides on City properties.

EXECUTIVE SUMMARY

Councilwoman Christina Shea requested City Council discussion regarding developing a policy for use of organic pesticides and requested a staff presentation on the City's pesticide practices on City properties (Attachment 1). In November 2015, the City received a request from the community organization "Non Toxic Irvine" asking the City to eliminate the use of non-organic chemical based pesticides on City property. In response, staff suspended the use of non-organic pesticides on City landscapes to research organic alternatives. The information in this report was prepared to assist the City Council in its consideration of this topic.

COMMISSION RECOMMENDATION

Not applicable.

ANALYSIS

City Properties

The City of Irvine, assisted by contract providers, maintains:

- More than 570 acres of community and neighborhood parks and athletic fields;
- More than 800 acres of public right-of-way, including street medians and parkways;
- 70,000 trees; and
- Nearly 1.5 million square feet of facilities.

Historically, the City and its agents have applied pesticides to control the following in or on City properties: 1) Broadleaf and grassy weeds in turf, hardscapes, undeveloped rights-of-way, bike trail edges, tree well and planter areas; 2) rodents; 3) insects in trees, planters and buildings; and 4) soil pathogens/fungi and snails. Pests controlled in interior facilities generally include ants, spiders, rodents and roaches.

Integrated Pest Management

The City's Public Works Landscape Maintenance Division follows an Integrated Pest Management (IPM) Policy for landscape maintenance functions on City property (Attachment 2). An integrated approach to pest management represents an industry standard, prioritizing prevention and non-chemical control measures before the use of pesticide controls, in compliance with State and Federal regulations. The IPM method is a systematic approach that uses extensive knowledge about pests and their hosts, such as infestation thresholds, life histories, and environmental requirements to compliment and facilitate biological and other natural control of pests.

The systems and methods used include:

1. Prevention: Select plants compatible with the site's environment.
2. Monitoring: Determine pest levels, tolerance thresholds, impact of controls available/used.
3. Non-Chemical Control Measures: Biological, Cultural, Physical.
4. Chemical Controls: Used when other methods fail to provide adequate control, before pests cause unacceptable damage and mindful of harm to beneficial organisms and resistance, and impact on water quality. Irvine uses the least toxic pesticides, listed as Level III (Levels range from I to III) as defined by the Environmental Protection Agency (EPA). Pesticides are recommended by a licensed California Pest Control Adviser and applied by Licensed Qualified Applicators pursuant to Department of Pesticide Regulation guidelines.
5. Advanced Notification: Signs are posted at park entrances 48 hours prior to application, and remain for 72 hours after the application.

Facilities maintenance for City public buildings pest management is implemented with similar steps following State and Federal regulations. Facilities IPM guided strategies include prevention measures such as good housekeeping and sealing points of entry, and mechanical and non-chemical measures that include using deterrents and removal of pests. Pesticides controls are applied when other methods fail and to prevent damage and risk to public health.

Pesticides

A pesticide is any substance, or mixture of substances, used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest that may be detrimental to vegetation, humans or animals. By definition, whether the

chemical is organic or synthetic, it is still a pesticide if the intent is to treat for a pest. The City's IPM practices include using organic fertilizer, using beneficial insects and landscape design adjacent to buildings that reduce pest habitat.

City policies regarding pesticide use apply only to properties managed by the City. The City does not have legal authority to regulate the use of pesticides by external agencies or organizations.

Next Steps

Following are options for City Council consideration of this matter and possible direction to staff. These options incorporate the use of organic pesticides in all City properties as part of the City's maintenance protocols:

A. City-wide Pest Management Guiding Principles:

1. Emphasize use of effective organic pesticides in and on all City properties whenever practical.
2. Limit exposure to any pesticides where children and the general public congregate.
3. Use EPA Level pesticides in a targeted manner, and only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff, when pests cannot be managed by other methods.

B. The Landscape Maintenance IPM policy could be modified as follows:

1. Parks, Fields and Playgrounds – Prioritized Use of Pesticides:
 - a. Use organic pesticides first, when pesticides are needed.
 - b. Use Clean Water Act allowed pesticides.
 - c. EPA Level III "caution" label pesticide only when deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff.
2. Rights of Way (Street medians/parkways) – Prioritized Use of Pesticides:
 - a. Use organic pesticides first, when pesticides are needed.
 - b. Use Clean Water Act allowed pesticides.
 - c. EPA Level III "caution" label pesticide only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff.
 - d. EPA Level II "warning" label pesticides, only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff, when other methods do not adequately control the pest.
 - e. EPA Level I "danger" label pesticides, only if deemed necessary to protect public health and economic impact by a licensed pest

control adviser and City staff, when other methods do not adequately control the pest.

3. Facilities/Buildings – Prioritized Use of Pesticides:
 - a. Use organic pesticides first, when pesticides are needed.
 - b. Use Clean Water Act allowed pesticides.
 - c. Bait formulations of insecticides will be used where appropriate.
 - d. EPA Level III “caution” label pesticide only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff.
 - e. EPA Level II “warning” label pesticides, only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff, when other methods do not adequately control the pest.
 - f. EPA Level I “danger” label pesticides, only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff, when other methods do not adequately control the pest.

4. Other City Properties – Prioritized Use of Pesticides:
 - a. Use organic pesticides first, when pesticides are needed.
 - b. Use Clean Water Act allowed pesticides.
 - c. EPA Level III “caution” label pesticide only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff.
 - d. EPA Level II “warning” label pesticides, only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff, when other methods do not adequately control the pest.
 - e. EPA Level I “danger” label pesticides, only if deemed necessary to protect public health and economic impact by a licensed pest control adviser and City staff, when other methods do not adequately control the pest.

With this prioritized approach, organic pesticides would be used first and as long as they are effective managing pests to meet Irvine’s standards. The second tier, “Clean Water Act allowed pesticides” would exclude pesticides containing chemicals on the State list known to cause cancer, birth defects or other reproductive harm. This State list is updated annually based on input from two scientific committees, and other measures, to address changing information. Synthetic pesticides would be used only if other treatment options fail to control pests posing a risk to public health and economic impact. Prohibiting the use of synthetic pesticides could leave the City vulnerable to infestations and loss of plant materials on City property.

ALTERNATIVES CONSIDERED

The City Council can provide any alternative direction for the use of organic and synthetic pesticides on City property. The City Council may also consider directing the

prioritized approach described above be implemented as a pilot program and evaluated for effectiveness to assist in identifying potential unintended consequences of a complete prohibition of synthetic pesticides.

FINANCIAL IMPACT

The financial impact to City maintenance operations will vary depending on the direction provided to staff by the City Council. Any changes to maintenance cost could be presented with the Fiscal Year 2016-17 budget process, for the City Council's consideration.

REPORT PREPARED BY Dennis Chiotti, Landscape Maintenance Superintendent
Veronica Dolleschel, Senior Management Analyst

ATTACHMENTS

1. January 21, 2016 Memo from Councilwoman Christina Shea
2. Integrated Pest Management Policy for Landscape Maintenance

Memo

To: Sean Joyce, City Manager
From: Councilmember Shea 
Date: January 21, 2016
Re: **Agenda Request – Organic Pesticide Policy**

Please place on the February 23, 2016, Council agenda, a discussion to develop a policy that will eliminate the use of all toxic chemicals on City properties, and replace them with organic alternatives.

Please ask our Staff to prepare a presentation of our current practices, and be prepared to discuss how such a policy might be implemented.

cc: City Council
City Attorney
City Clerk



Public Works Department Landscape Maintenance Division Policies and Procedures

INTEGRATED PEST MANAGEMENT PROGRAM

REVISED: 3/17/09

PURPOSE: To establish criteria for an Integrated Pest Management (IPM) Program.

POLICY: The City of Irvine Landscape Division will focus on long-term prevention or suppression of pest problems with minimum impact on human health, the environment, and non-target organisms with the limited use of pesticides.

PROCEDURES:

1. Prevention

Landscape staff shall review all new development and rehabilitation project plans to verify the plants selected are compatible with the site's environment.

2. Monitoring

The Landscape Division shall hire a consultant to provide regular monitoring services for all of the City's landscape.

- The consultant shall determine if pest populations are increasing, decreasing, or staying the same and to determine when to use a control tactic.
- The consultant shall provide monthly monitoring records which include information such as date of examination, pests found, size and extent of the infestation, location of the infestation, control options utilized, effectiveness of the control options, labor and material costs.

3. Non-Chemical Control Measures

Cultural controls are modifications of normal plant care activities that reduce or prevent pests.

- Cultural control methods include adjusting the frequency and amount of irrigation, fertilization, and mowing height.
- Mechanical control tactics involve the use of manual labor and machinery to reduce or eliminate pest problems using methods such as handpicking, physical barriers, or machinery to reduce pest abundance indirectly.
- Environmental manipulations indirectly control or prevent pests by altering temperature, light, and humidity and can be effective in controlling pests. Although in outdoor situations these tactics are difficult to use for most pests, they can be effective in controlling birds and mammals if their habitat can be modified such that they do not choose to live or roost in the area.
- Biological control practices use living organisms to reduce pest populations. These organisms are often also referred to as beneficials, natural enemies or bio-controls. They act to keep pest populations low enough to prevent significant economic damage. Biocontrols include pathogens, parasites, predators, competitive species, and antagonistic organisms. Beneficial organisms can occur naturally or can be purchased and released. The most common organisms used for biological control in landscapes are predators, parasites, pathogens and herbivores.

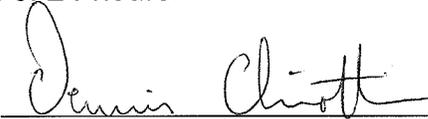
4. Pesticide Controls

Pesticides should only be used when other methods fail to provide adequate control of pests and just before pest populations cause an unacceptable damage, as the overuse of pesticides can cause beneficial organisms to be killed and pest resistance to develop.

- Pesticides with a Caution label shall be the first option for control measures.
- Pesticides shall be approved by the Landscape Supervisor prior to use. A written recommendation of proposed pesticide, including commercial name, concentrations, application rates, usage and re-entry time shall be prepared by a licensed California Pest Control Advisor and site specific schedule submitted a minimum of 14 days prior to intended use. No work shall begin until written approval of use is obtained and a notice of intent has been filed with the County Agricultural Commissioner's office, as required. Copies of Material Safety Data Sheets and specimen labels shall be given to the City prior to pesticide use on City property and rights-of-way.
- Chemicals shall only be applied by those persons possessing a valid California Qualified Applicator license/certificate or have a Q.A.L./C. on site

for supervision. Application shall be in strict accordance with all governing regulations. Records of all operations shall be kept per California Department of Pesticide Regulations.

- Records of all pesticides used by the Contractor on City property shall be retained in accordance with Department of Pesticide Regulations.
- Pesticides shall be applied in a manner to avoid contamination of non-target areas. Precautionary measures shall be employed to keep the public from entering the spray zone until it is safe.
- Posting of signs shall be required at all park facilities when any aerial, large-scale or 'blanket' applications of pesticides are performed. This posting notification is part of the Safe Schools Act of 2000, with which the City of Irvine complies. Specific requirements for posting are as follows:
 - Post signs at all park entrances at least 48 hours prior to spraying applications. The vendor's contact information, chemical name and application date must be listed.
 - Place spray notices inside plastic page protectors. Attach them to a four-foot (4') high wooden stake. Signs must be readable 25' away from posted area.
 - Leave the same signs up for 72 hours after the spraying applications are completed, then remove promptly.
 - A temporary mesh fence such as orange plastic construction fencing can be erected on the perimeter of any area that is to be treated with a broadcast type application with the intent to keep people and pets off the treated area for a period of 24 hours.



Dennis Chiotti, Landscape Maintenance Superintendent

3/17/10

Date

FREE Electronic Waste & Shredding **RECYCLING EVENT** **Saturday, October 15, 2016**

8 a.m. to 12 p.m. (or until trucks are full)

Located at Palm Springs City Hall Parking Lot
3200 East Tahquitz Canyon Way, Palm Springs, CA 92262

For more information: 760-323-8214 or 760-323-8248

Limit three normal size file containers of shredding per vehicle, per day. Size of container should be no larger than 9" X 13" X 17". Recycling available on a first come, first served basis or until trucks are full.

Protect Yourself Against Identity Theft - Protect yourself and destroy unneeded documents containing confidential information at the City's free document shredding event.



Electronic Equipment - All electronic equipment received at the event is dismantled and recycled. Any information stored on hard drives or cell phones is destroyed during the processing.

What Can You Bring?

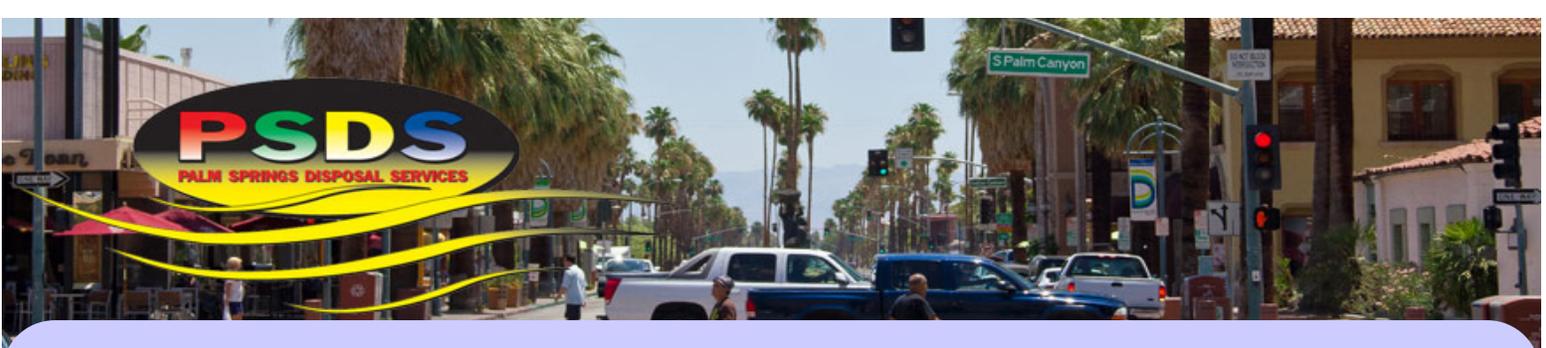
- Computers & Monitors
- Microwaves and small appliances
- Keyboards, Printers & Televisions
- Cell Phones & Fax Machines
- Batteries sizes AAA, AA, C, D, button cell, 9 Volt,
- Any rechargeable batteries.



Items Not Accepted

- NO Tires
- NO Household Hazardous Waste
- NO Large Household Appliances
- NO Trash
- NO Car Batteries
- NO Air Conditioning or Heating Units





Palm Springs Disposal Services City-Wide Clean-up Event October 17- 22, 2016

A week-long cleanup event is provided to Palm Springs residents and is held twice a year in April and October. Help clean up your community and get rid of extra household waste, bulky items, motor oil and more.



Call 760-327-1351 for information or visit www.Palmspringsdisposal.com

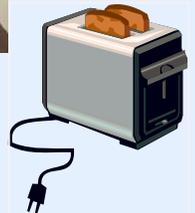


The City of Palm Springs Office of Sustainability offers **FREE** Sharps Containers and assistance in safely disposing of Medicines. Palm Springs Residents can pick up **FREE** Sharps Containers and Drop off Medicines at City Hall at 3200 East Tahquitz Canyon Way or at the Palm Springs Fire Department at 300 El Cielo Rd, Palm Springs, CA 92262.

PLEASE ONLY DROP OFF SHARPS CONTAINERS @ 1100 VELLA ROAD.
Saturdays from 8:00 am to 12:00 pm

24-HOUR ELECTRONIC WASTE DROP-OFF IS AVAILABLE AT
425 CIVIC DRIVE IN PALM SPRINGS

Properly dispose of anything with a plug at this location! Questions?
Gary Calhoun, Recycling Resource Consultant 760-574-2582
Or 760-323-8214 or www.yoursustainablecity.com



FOUNTAIN GRASS DANGER - Don't Plant This Grass!

What You Should Know About This Plant:

- ❖ **Fire Hazard!**
- ❖ Invasive and Fast Growing
- ❖ Sold as an Ornamental
- ❖ Seeds Spread by Wind
- ❖ **Overtakes Landscapes**
- ❖ Chokes out Native Plants
- ❖ Disrupts Flow of Water



Fountain Grass
(*Pennisetum setaceum*)
Visit our website for more photos!

How To Identify Fountain Grass

- Approx. 3'-5' tall with feathery purple or white plumes
- Dense clumping growth with erect stems
- Basal leaves have tiny 'teeth' when brushed backward
- During dormancy it appears straw yellow as if it is dead



**paint recycling
made easy**

www.paintcare.org

CalRecycle

Model Construction and Demolition Diversion Ordinance

To use the form online, you may fill in the blanks. Please use the Tab key to advance to the next fillable blank. To modify the text of the form, unprotect the form by clicking on the tools menu bar and choosing the unprotect option. You may then change text, remove instructions, or add rows to tables. If you have the Forms tool bar active, you can also click on the "Protect Form" icon on the forms tool bar.

If you have any questions, please contact your Local Assistance representative (916) 341-6199.



ORDINANCE NO. [] (*Insert ordinance number*)

ORDINANCE OF THE CITY/COUNTY OF [] (*Insert jurisdiction name*)
AMENDING THE [] (*Insert jurisdiction name*) **MUNICIPAL CODE, ADDING**
CHAPTER [] (*Insert chapter number*) **RELATING TO RECYCLING AND**
DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE

The Governing Body of the City/County of [] (*insert jurisdiction name*) **does hereby enact as follows:**

Chapter [] (*insert chapter number*) [**Recycling and Diversion of Construction and Demolition Waste**] is hereby added to **Title** [] (*insert title number*) of the **City/County of** []'s (*insert jurisdiction name*) **Municipal Code to read as follows:**

Chapter []: (*insert chapter number*) **Recycling and Diversion of Construction and Demolition (C&D) Waste**

Section [] .01. []: (*insert section number*) **Findings and Statement of Intent**

Section [] .02. []: (*insert section number*) **Definitions**

Section [] .03. []: (*insert section number*) **CALGreen Requirements**

Section [] .04. []: (*insert section number*) **Diversion Requirement**

Section [] .05. []: (*insert section number*) **Diversion Requirement Exemption**

Section [] .06. []: (*insert section number*) **Thresholds for Covered Projects**

Section [] .07. []: (*insert section number*) **Waste Management Plan**

Section _____.08. _____.: (insert section number) **Deposit Required**

Section _____.09. _____.: (insert section number) **On-Site Practices**

Section _____.10. _____.: (insert section number) **Reporting**

Section _____.11. _____.: (insert section number) **Fines/Penalties**

Section _____.12. _____.: (insert section number) **Appeals**

Section _____.13. _____.: (insert section number) **Option to Revise**

Section _____.14. _____.: (insert section number) **Severability**

Section _____.01. : Findings and Statement of Intent

RESOLVED, by the Governing Body of the City/County of _____, (insert jurisdiction name) California, that:

WHEREAS, under California law as embodied in the California Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.), the City/County of _____ (insert jurisdiction name) is required to prepare, adopt and implement source reduction and recycling plans to reach landfill diversion goals, and is required to make substantial reductions in the volume of waste materials going to the landfills, or face fines up to \$10,000 per day;

WHEREAS, in order to meet these goals it is necessary that the City/County promote the reduction of solid waste, and reduces the stream of solid waste going to landfills; and

WHEREAS, waste from construction, demolition, and renovation of buildings represents a significant portion of the volume of waste presently coming from the City/County of _____, (insert jurisdiction name) and much of this waste is particularly suitable for recycling and reuse;

WHEREAS, the City's/County's commitment to the reduction of waste requires the establishment of programs for recycling and salvaging of construction and demolition (C&D) waste;

WHEREAS, certain types of projects are exempt from these requirements;

NOW, THEREFORE, THE Governing Body OF THE CITY/COUNTY OF _____, (insert jurisdiction name) CALIFORNIA, ORDAINS THAT:

Chapter _____ (insert chapter number) is added to the _____ (insert jurisdiction name) Municipal Code.

Section .02.: Definitions

(Note to jurisdictions: It is suggested jurisdictions include a list of definitions in the ordinance, for example, covered projects, exempt projects, and types of activities that qualify as diversion. Examples of applicable definitions can be viewed in the [Construction and Demolition \(C&D\) Guide](#). CalRecycle's [Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements](#) also contain applicable definitions that may be used.)

Section .03.: CALGreen Requirements

Note to jurisdictions: Effective Jan. 1, 2011, the 2010 California Green Building Standards Code (CALGreen) requires newly constructed buildings to divert from landfills at least 50 percent of the construction materials generated during the project (CALGreen Sections 4.408 and 5.408). Starting July 1, 2012, certain additions and alterations to non-residential buildings or structures shall also recycle and/or salvage for reuse a minimum 50 percent of the nonhazardous construction and demolition debris (CALGreen Section 5.713). For more information, see Sections 4.408, 5.408 and 5.713 of [CALGreen](#) and visit CalRecycle's C&D [FAQ](#) page.

Section .04.: Diversion Requirement

It is required that at least [redacted] (*insert waste diversion goal here*) of waste tonnage from demolition or existing construction such as addition, alteration, or repair projects (existing construction) shall be diverted from disposal. *(Note to jurisdictions: it is encouraged that the goal be at least 50 to 75 percent, but the goal needs to reflect the jurisdiction's conditions. Also, some jurisdictions set separate goals for demolition projects than for construction projects, or individual diversion goals for each material type, some of which could be higher than 75 percent, e.g., for concrete/asphalt. In addition, jurisdictions should be aware that clean inerts disposed in engineered fills are not counted as disposal or diversion in the CalRecycle's CDI regulations [PRC Section 41821.3 (h)].*

Section .05.: Diversion Requirement Exemption

- a. Application: If an Applicant for a covered project experiences circumstances that the Applicant believes make it infeasible to comply with the diversion requirement, the Applicant may apply for a diversion requirement exemption at the time that he or she submits the Waste Management Plan required under **Section .07.** (Waste Management Plan) of this Ordinance.
- b. Meeting with Compliance Official: The WMP Compliance Official shall review the information supplied by the Applicant and may meet with the Applicant to discuss feasible ways of meeting the diversion requirement. Upon request of the jurisdiction, the WMP Compliance Official may request that staff from [redacted] (*insert agency name*) attend this meeting or may require the Applicant to request a separate meeting with this agency. *(Note to jurisdictions: this will be a local agency that provides waste diversion assistance.)* Based on the information

- supplied by the Applicant and, if applicable, the [redacted] (*insert agency name*) agency listed above, the WMP Compliance Official shall determine whether it is feasible for the Applicant to meet the diversion requirement.
- c. Granting of Exemption: If the WMP Compliance Official determines that it is infeasible for the Applicant to meet the diversion requirements, he or she shall determine the maximum feasible diversion rate for waste generated by the project and shall indicate the new diversion requirement the Applicant shall be required to meet, and will inform the Applicant in writing of the new requirement. The Applicant shall then have [redacted] (*insert number of days*) days to resubmit another WMP, which is in compliance with the new diversion requirement. If the Applicant fails to resubmit, or if the resubmitted WMP does not comply with Section [redacted].07 (Waste Management Plan), the WMP Compliance Official shall disapprove the WMP in accordance with Section [redacted].07 (Waste Management Plan).

Section [redacted].06.: Thresholds for Covered Projects

(Note to jurisdictions: Consider options one through three. In addition to the options presented, many other variations are included in the sample ordinances on the CalRecycle website. For example, some jurisdictions include multi-family structures only over a certain number of units.)

Option One (Threshold Based on Project Cost)

- A. Covered Projects (Existing Construction): All existing construction projects within the City/County, the total costs of which are projected to be greater than or equal to \$ [redacted], (*insert threshold dollar amount*) shall comply with Chapter [redacted], shall submit a Waste Management Plan prior to beginning any construction activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of Chapter [redacted] shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section [redacted].10 (Fines/Penalties) below.
- B. Covered Projects (Demolition): All demolition projects within the City/County, the total costs of which are projected to be greater than or equal to \$ [redacted], (*insert threshold dollar amount*) shall comply with Chapter [redacted], shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of Chapter [redacted] shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section [redacted].10 (Fines/Penalties) below.
- C. Non-Covered Projects (Existing Construction): Applicants for existing construction projects within the City/County whose total costs are less than \$ [redacted] (*insert threshold dollar amount*) are not required, but shall be encouraged, to divert at least

_____ (*insert diversion requirement percentage*) of all project-related construction and demolition waste.

- D. Non-Covered Projects (Demolition): Applicants for demolition projects within the City/County whose total costs are less than \$_____, (*insert threshold dollar amount*) are not required, but shall be encouraged, to divert at least _____ (*insert diversion requirement percentage*) of all project-related demolition waste.
- E. City/County-sponsored Projects (Existing Construction): All City/County-sponsored construction projects whose total costs are equal or greater than \$_____, (*insert threshold dollar amount*) shall be considered “covered projects” for the purposes of this Chapter, shall submit a Waste Management Plan prior to beginning any construction or demolition activities, and shall be subject to the provisions of this Chapter. City/County sponsored projects whose total costs are less than \$_____ (*insert threshold dollar amount*) shall be considered non-covered projects and are not required, but shall be encouraged, to divert at least _____ (*insert diversion requirement percentage*) of all project-related construction and demolition waste.
- F. City/County-sponsored Projects (Demolition): All City/County-sponsored demolition projects whose total costs are equal or greater than \$_____, (*insert threshold dollar amount*) shall be considered “covered projects” for the purposes of this Chapter, shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this Chapter. City/County sponsored projects whose total costs are less than \$_____ (*insert threshold dollar amount*) shall be considered non-covered projects and are not required, but shall be encouraged, to divert at least _____ (*insert diversion requirement percentage*) of all project-related demolition waste.
- G. Deconstruction/Recovery Interval for Covered Demolition Projects - Optional (*use in conjunction with covered demolition projects language B or F*): Every covered demolition project shall be made available for deconstruction, salvage, and recovery prior to demolition. It shall be the responsibility of the applicant to recover the maximum feasible amount of designated recyclable and reusable materials prior to demolition. In order to provide sufficient time for deconstruction, salvage, and recovery, no demolition may take place until a period of _____ (*insert number of working days*) working days has elapsed from the date of issuance of the demolition permit. Recovered and salvaged designated recyclable and reusable material from every project shall qualify to be counted in meeting diversion requirements of Section _____ .04 (Diversion Requirement). Recovered or salvaged designated recyclables and reusable materials may be given away or sold on the premises, or may be removed to reuse facilities for storage or sale.
- H. Compliance with this Chapter shall be listed as a condition of approval on any existing construction or demolition permit issued for a covered project.

Option Two (Threshold Based on square footage)

- A. Covered Projects (Existing Construction): All existing construction projects within the City/County that are [redacted] (*insert threshold size*) square feet or greater shall comply with Chapter [redacted], shall submit a Waste Management Plan prior to beginning any construction activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of Chapter [redacted] shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section [redacted].11 (Fines/Penalties) below.
- B. Covered Projects (Demolition): All demolition projects within the City/County that are [redacted] (*insert threshold size*) square feet or greater shall comply with Chapter [redacted], shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of Chapter [redacted] shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section [redacted].11 (Fines/Penalties) below.
- C. Non-Covered Projects (Existing Construction): Applicants for existing construction projects within the City/County whose projects are [redacted] (*insert threshold size*) square feet or less are not required, but shall be encouraged, to divert at least [redacted] (*insert diversion requirement percentage*) of all project-related construction and demolition waste.
- D. Non-Covered Projects (Demolition): Applicants for demolition projects within the City/County whose projects are [redacted] (*insert threshold size*) square feet or less are not required, but shall be encouraged, to divert at least [redacted] (*insert diversion requirement percentage*) of all project-related demolition waste.
- E. City/County-sponsored Projects (Existing Construction): All City/County-sponsored construction projects that are [redacted] (*insert threshold size*) square feet or greater, shall be considered “covered projects” for the purposes of this Chapter, shall submit a Waste Management Plan prior to beginning any construction activities, and shall be subjected to the provisions of this Chapter. City/County sponsored construction projects that are less than [redacted] (*insert threshold size*) shall be considered non-covered projects and are not required, but shall be encouraged, to divert at least [redacted] (*insert diversion requirement percentage*) of all project-related construction waste.
- F. City/County-sponsored Projects (Demolition): All City/County-sponsored demolition projects that are [redacted] (*insert threshold size*) square feet or greater, shall be considered “covered projects” for the purposes of this Chapter, shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subjected to the provisions of this Chapter. City/County sponsored demolition projects that are less than [redacted] (*insert threshold size*) shall be considered non-covered projects and are not required, but shall be encouraged, to divert at least [redacted] (*insert diversion requirement percentage*) of all project-related demolition waste.

- G. Deconstruction/Recovery Interval for Covered Demolition Projects: Optional (*use in conjunction with covered demolition projects language B or F*): Every covered demolition project shall be made available for deconstruction, salvage, and recovery prior to demolition. It shall be the responsibility of the applicant to recover the maximum feasible amount of designated recyclable and reusable materials prior to demolition. In order to provide sufficient time for deconstruction, salvage, and recovery, no demolition may take place until a period of [REDACTED] (*insert number of working days*) working days has elapsed from the date of issuance of the demolition permit. Recovered and salvaged designated recyclable and reusable material from every project shall qualify to be counted in meeting diversion requirements of Section [REDACTED].04 (Diversion Requirement). Recovered or salvaged designated recyclables and reusable materials may be given away or sold on the premises, or may be removed to reuse facilities for storage or sale.
- H. Compliance with this Chapter shall be listed as a condition of approval on any building or demolition permit issued for a covered project.

Option Three (Progressive Threshold): (Note to jurisdictions: In this approach, a jurisdiction can choose to establish a threshold in phases, by first targeting specific types and sizes of projects to be subject to the ordinance, in order to stimulate markets for the recovered materials and divert materials from projects that generate the most waste. Then, once markets have been established, the types or sizes of projects covered by the ordinance can be expanded. For example, a jurisdiction may choose to first target only large projects to allow C&D markets time to develop, and then expand the types of projects subject to the ordinance to include smaller projects by gradually decreasing the minimum square footage threshold or dollar amount threshold for complying with the ordinance.)

- A. Covered Projects (Existing Construction): The [REDACTED] (*insert time frame*) the ordinance is in effect, all existing construction projects within the City/County that are [REDACTED] (*insert threshold amount here*) shall be considered covered projects, shall comply with Chapter [REDACTED], shall submit a Waste Management Plan prior to beginning any construction or demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of this Chapter shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section [REDACTED].11 (Fines/Penalties), below.
- B. Covered Projects (Existing Construction): The [REDACTED] (*insert time frame*) the ordinance is in effect, all existing construction projects within the City/County that are [REDACTED] (*insert threshold amount here*) shall be considered covered projects, shall comply with Chapter [REDACTED], shall submit a Waste Management Plan prior to beginning any construction or demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of this Chapter shall subject

the Project Applicant to the full range of enforcement mechanisms set forth in Section _____ .11 (Fines/Penalties), below.

- C. Covered Projects (Existing Construction): The _____ (*insert time frame*) the ordinance is in effect, all existing construction projects within the City/County that are _____ (*insert threshold amount here*) shall be considered covered projects, shall comply with Chapter _____, shall submit a Waste Management Plan prior to beginning any construction or demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of this Chapter shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section _____ .11 (Fines/Penalties), below.
- D. Covered Projects (Existing Construction): The _____ (*insert time frame*) the ordinance is in effect, all existing construction projects within the City/County that are _____ (*insert lowest final threshold amount here*) shall be considered covered projects, shall comply with Chapter _____, shall submit a Waste Management Plan prior to beginning any construction or demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of this Chapter shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section _____ .11 (Fines/Penalties), below.
- E. Covered Projects (Demolition): The _____ (*insert time frame*) the ordinance is in effect, all demolition projects within the City/County that are _____ (*insert threshold amount here*) shall be considered covered projects, shall comply with Chapter _____, shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of this Chapter shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section _____ .11 (Fines/Penalties), below.
- F. Covered Projects (Demolition): The _____ (*insert time frame*) the ordinance is in effect, all demolition projects within the City/County that are _____ (*insert threshold amount here*) shall be considered covered projects, shall comply with Chapter _____, shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of this Chapter shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section _____ .11 (Fines/Penalties), below.
- G. Covered Projects (Demolition): The _____ (*insert time frame*) the ordinance is in effect, all demolition projects within the City/County that are _____ (*insert threshold amount here*) shall be considered covered projects, shall comply with Chapter _____, shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines*

or Penalties, insert the following text) Failure to comply with any of the terms of this Chapter shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section _____ .11 (Fines/Penalties), below.

- H. Covered Projects (Demolition): The _____ (*insert time frame*) the ordinance is in effect, all demolition projects within the City/County that are _____ (*insert lowest final threshold amount here*) shall be considered covered projects, shall comply with Chapter _____, shall submit a Waste Management Plan prior to beginning any demolition activities, and shall be subject to the provisions of this Chapter. (*For ordinances including Fines or Penalties, insert the following text*) Failure to comply with any of the terms of this Chapter shall subject the Project Applicant to the full range of enforcement mechanisms set forth in Section _____ .11 (Fines/Penalties), below.
- I. Deconstruction/Recovery Interval for Covered Demolition Projects: Optional (*use in conjunction with covered demolition projects language E, F, G & H*): Every covered demolition project shall be made available for deconstruction, salvage, and recovery prior to demolition. It shall be the responsibility of the Applicant to recover the maximum feasible amount of designated recyclable and reusable materials prior to demolition. In order to provide sufficient time for deconstruction, salvage, and recovery, no demolition may take place until a period of _____ (*insert number of working days*) working days has elapsed from the date of issuance of the demolition permit. Recovered and salvaged designated recyclable and reusable material from every project shall qualify to be counted in meeting diversion requirements of Section _____ .04 (Diversion Requirement). Recovered or salvaged designated recyclables and reusable materials may be given away or sold on the premises, or may be removed to reuse facilities for storage or sale.
- J. Compliance with this Chapter shall be listed as a condition of approval on any building or demolition permit issued for a covered project.

Exemptions:

A diversion deposit and a Waste Management Plan shall not be required for the following (*select from the following samples and/or include your own*):

1. Work for which a building or demolition permit is not required;
2. Residential alterations of less than \$ _____ (*insert dollar amount*) in value;
3. Non-residential alterations of less than \$ _____ (*insert dollar amount*) in value;
4. Roofing projects that do not include tear-off of existing roof;
5. Work for which only a plumbing, only an electrical, or only a mechanical permit is required;
6. Seismic tie-down projects;
7. Projects where no structural building modifications are required; and
8. Emergency demolition required to protect the public health and safety.

While not required, it shall be encouraged, that at least (*insert diversion requirement percentage*) of all project-related existing construction and demolition waste from Exempt projects be diverted.

Section .07.: Waste Management Plan

Prior to starting the project, every Applicant shall submit a properly completed “Waste Management Plan” (WMP) to the WMP Compliance Official, in a form as prescribed by that Official, as a portion of the building or demolition permit process. The completed WMP shall contain the following:

- A. The estimated volume or weight of project waste to be generated by material type;
- B. Determine if materials will be sorted on-site or mixed;
- C. The maximum volume or weight of such materials that can feasibly be diverted via reuse, recycling or salvage for future use or sale by material type;
- D. The vendor(s) that the Applicant proposes to use to haul the materials;
- E. Facility(s) the materials will be hauled to, and their expected diversion rates (by volume or weight) by material type; and
- F. Estimated volume or weight of construction and demolition waste that will be disposed.

Because actual material weights are not available in this stage, estimates are used. In estimating the volume or weight of materials as identified in the WMP, the Applicant shall use the standardized conversion rates approved by the City/County of [REDACTED] (*insert jurisdiction name*) for this purpose. Approval of the WMP as complete and accurate shall be a condition precedent to the issuance of any building or demolition permit. If the Applicant calculates the projected feasible diversion rate as described above, and finds the rate does not meet the diversion goal, the Applicant must then submit information supporting the lower diversion rate. If this documentation is not included, the WMP shall be deemed incomplete.

- a. Approval: No building or demolition permit shall be issued for any covered project unless and until the WMP Compliance Official has approved the WMP. Approval shall not be required, however, where emergency demolition is required to protect public health or safety. The WMP Compliance Official shall only approve a WMP if he or she determines that all of the following conditions have been met:
 - i. The WMP provides all of the information set forth in this section.
 - ii. The WMP indicates that [REDACTED] (*insert required diversion goal*) percent of all construction and demolition waste generated by the project shall be diverted (or new diversion goal set in accordance with the Applicant’s approved Diversion Exemption request); and
 - iii. The Applicant has submitted an appropriate Deposit for the project (*If a deposit is required by the ordinance*).
- b. Non-Approval: If the WMP Compliance Official determines that the WMP is incomplete or fails to indicate that at least [REDACTED] (*insert required diversion goal*) percent (or new diversion goal set in accordance with the Applicant’s approved Diversion Exemption request) of all construction and demolition waste generated by the project will be diverted, he or she shall either:

- i. Return the WMP to the Applicant marked “Disapproved,” including a statement of reasons, and will notify the building department, which shall then immediately stop processing the building or demolition permit application, or
- ii. Return the WMP to the Applicant marked “Further Explanation Required.”

Section .08.: Deposit Required

(Note to jurisdictions: Some jurisdictions base the deposit amount on project type, e.g., new construction, demolition, or renovation. In deciding whether to utilize a deposit as part of your ordinance, be aware that general law cities and counties may have some limitations on their use of this enforcement mechanism. You should check with your city attorney’s office or county counsel’s office before making any decisions on how to proceed.)

As a condition precedent to the issuance of any permit for construction or demolition for a covered project, the Applicant shall post a deposit (cash, letter of credit, performance or surety bond, money order) in the amount of \$ [redacted] (*insert deposit amount*) for each estimated [redacted] (*insert applicable standard of measurement; e.g., ton of waste, square footage, project cost, fixed amount, etc.*) waste, but not less than [redacted] (*insert minimum deposit amount*). The deposit shall be returned, without interest, in total or pro-rated, upon proof of satisfaction by the WMP Compliance Official that no less than the required percentage of construction and demolition waste tonnage generated by the covered project has been diverted from disposal and has been recycled or reused or stored for later reuse or recycling. If a lesser percentage of construction and demolition waste tonnage than required is diverted, a proportionate share of the deposit shall be returned. The deposit shall be forfeited entirely or to the pro-rated extent that there is a failure to comply with the requirements of this chapter. The City/County may, by formal resolution, modify the amount of the required deposit.

Section .09.: On-site Practices

During the term of the Covered project, the Applicant shall recycle and reuse the required percentage of waste, and keep records of the tonnage or other measurements approved by the City/County that can be converted to tonnage amounts. The WMP Compliance Official will evaluate and may monitor each covered project to determine the percentage of waste salvaged and recycled or reused from the covered project. For covered projects including both construction and demolition, diversion of materials shall be tracked and measured separately. To the maximum extent feasible, project waste shall be separated on-site if this practice increases diversion. For construction and/or demolition projects, on-site separation shall include salvageable materials (e.g., appliances, fixtures, plumbing, metals, etc.) and dimensional lumber, wallboard, concrete, and corrugated cardboard.

Section .10. : Reporting

Within _____ (insert number of days) days following the completion of the demolition phase of a covered project, and again within _____ (insert number of days) days following the completion of the construction phase of a covered project, the Applicant shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy or final approval of project, submit documentation to the WMP Compliance Official that proves compliance with the requirements of Sections _____ .07 (Waste Management Plan) and _____ .04 (Diversion Requirement). The documentation shall consist of a final completed WMP showing actual waste tonnage data, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors, and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether waste generated from the covered project has been or are to be recycled, reused, salvaged or disposed. The Applicant shall make reasonable efforts to ensure that all designated recyclable and reuse waste salvaged or disposed are measured and recorded using the most accurate method of measurement available.

To the extent practical, all construction and demolition waste shall be weighed in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition waste for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the Applicant shall use the standardized conversion rates approved by the City/County for this purpose.

If a covered project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the WMP compliance official before issuance of a building permit for the construction phase of a covered project. Alternatively, the Applicant may submit a letter stating that no waste or recyclable materials were generated from the covered project, in which case this statement shall be subject to verification by the WMP Compliance Official. Any deposit posted pursuant to Section _____ .08 (Deposit Required) shall be forfeited if the Applicant does not meet the timely reporting requirements of this section

Section .11.: Fines/Penalties

(Note to jurisdictions: Some jurisdictions have adopted C&D ordinances that do not include mechanisms for fines or penalties. Others have initially implemented an ordinance without the use of fines or penalties and then added them after a specified time period, or added them when it was determined that compliance with the ordinance could be more effective with fines or penalties used as an enforcement mechanism. General law cities and counties need to consult Government Code sections 25132 and 36901, as well as their respective legal counsel, prior to determining the dollar amounts to use in this section.)

Option One. Fines According to Degrees of Infraction

Violation of any provision of this Chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the

City/County shall be entitled to recover its attorneys' fees and costs from an Applicant who is determined by a court of competent jurisdiction to have violated this Chapter.

- A. Violation of any provision of this Chapter shall constitute an infraction punishable by a fine not to exceed \$ [redacted] (*insert dollar amount*) for the first violation, a fine not to exceed \$ [redacted] (*insert dollar amount*) for the second violation within [redacted] (*insert time frame*), a fine not to exceed \$ [redacted] for each additional violation within [redacted] (*insert time frame*). There shall be a separate infraction for each day on which a violation occurs. Where the violation is the failure to achieve the diversion requirement applicable to the project and the construction and demolition materials from the project have already been disposed, the violation shall be deemed to have ceased after a period of [redacted] (*insert time frame*) days. The City/County shall recover costs and attorneys' fees incurred in connection with enforcement of this Chapter.
- B. Enforcement pursuant to this section shall be undertaken by the City/County through its [redacted] (*insert compliance official*) and the City/County Attorney.

Option Two- Misdemeanor Violation

Each violation of the provisions of this Chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the County jail for a time period not to exceed [redacted] (*insert time frame*) months, or by fine not exceeding [redacted], (*insert fine amount*) or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense.

Section .12.: Appeals

(Note to Jurisdictions: Cities/Counties may want to provide for appeals of any determinations made under this Article pursuant to their existing procedures and those of the department responsible for making WMP determinations. Determinations subject to appeal would include, but not necessarily be limited to: (1) the granting or denial of an exemption; (2) whether the applicant has acted in good faith; and (3) the amount of deposit to be released.)

Section [redacted].13.: Option to Revise

Beginning [redacted], (*insert date*) the City/County will evaluate the Recycling and Diversion of Construction and Demolition Waste Ordinance to determine its effectiveness in reducing the amount of construction and demolition waste disposed. In this determination, the City/County will consider issues such as the amount of construction and demolition waste disposed, volume of construction and demolition activity, markets for construction and demolition waste, and other barriers encountered by applicants. If the City/County determines the construction and demolition disposed had the potential for diversion, then the City/County may amend these provisions and implement the necessary measures to divert more construction and demolition waste.

Section .14.: Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City/County Governing Body hereby declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. To this end, the provisions of this Ordinance are declared severable.

1. This ordinance is hereby PASSED and ADOPTED by the Governing Body of the City/County of _____ (insert jurisdiction name) at a regular meeting on the (insert day) day of _____, (insert month) 200____ (insert year).

Mayor/Chair, Board of Supervisors

City/County Clerk

ORDINANCE CERTIFICATION

2. STATE OF CALIFORNIA
COUNTY OF _____ (insert County name)
CITY OF _____ (insert jurisdiction name)

ORDINANCE NO. _____ (insert ordinance number)

-
3. I, _____, (insert clerk's name) City/County Clerk of the City/County of _____ (insert jurisdiction name) do hereby certify that the foregoing ordinance was introduced at a regular meeting of the Governing Body held on the _____ (insert day) day of 200____ (insert year) and adopted thereafter at a regular meeting of the Governing Body held on the _____ (insert day) day of 200____ (insert year) by the following vote:

Ayes:
Noes:
Abstained:
Absent:

City/County Clerk

Published: _____ (insert date)

(insert date)