AVALON CITY COUNCIL MEETING WILL ALSO INCLUDE A MEETING OF THE AVALON MUNICIPAL HOSPITAL BOARD OF TRUSTEES
TUESDAY, AUGUST 2, 2016 – 6:00 P.M.
CITY COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
A G E N D A

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact Denise Radde, City Clerk (310) 510-0220. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35.104 ADA Title II). All public records relating to an agenda item on this agenda are available for the public inspection at the time the records are distributed to all, or a majority of all, members of the City Council. Such records shall be available at City Hall located at 410 Avalon Canyon Rd.

CALL TO ORDER

PLEDGE OF ALLEGIANCE / INVOCATION / ROLL CALL

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

CITY MANAGER REPORT / CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS / MAYOR REPORT

PRESENTATION - None

ORAL COMMUNICATION
Members of the public may address the City Council at this time. No action will be taken on non-agenda items at this meeting. Speakers should limit comments to three (3) minutes each.

CONSENT CALENDAR
All items listed on the Consent Calendar are considered to be routine by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a specific item is removed from the Consent Calendar for further discussion and possible action.

1. Actions
   Although the live recording is the official record of public meetings, actions are prepared for the Council's approval.
   Recommended Action
   Approve actions from the July 5, 2016 and July 19, 2016 regular City Council meetings and the July 14, 2016 Special City Council meeting.

2. Approve the Audit Committee Policy
At the July 19, 2016 City Council Meeting, Council discussed the duties of the Audit Committee. City Council directed Staff to draft a policy to clearly define the duties of the Audit Committee Members.
Recommended Action
Approve the Audit Committee Policy which defines the duties of the Audit Committee Members.

GENERAL BUSINESS

3. Parking Reconfiguration - Metropole Avenue
In January, 2007 during negotiations for the approval to construct homes in the Hamilton Cove area, there was a Development Agreement initiated and agreed to with Hamilton Pacific and the City of Avalon. This agreement called for the developer to create additional parking stalls in the City for each phase of his work.
Recommended Action
Authorize the City Manager to approve and allow Hamilton Pacific, LLC, to paint and reconfigure the parking stalls on each side of Metropole, in accordance with the attached parking plans.

4. Potential Plastic Bag/Styrofoam Ban
Councilmember MacGugan-Cassidy has asked that the City Council consider the adoption of an ordinance banning plastic bags and Styrofoam containers.
Recommended Action
Discuss and provide direction on the various options surrounding bans on plastic bags and Styrofoam in retailers in the City.

5. Shore Boat Service
City Staff feels the shore boat service is an integral part of Avalon Harbor and a vital necessity for vessels visiting Avalon, whose passengers need to get to shore to support the attractions, hotels, restaurants and the like. In March 2016, the City issued an RFP and only Island Enterprises responded with a proposal that reiterated the need for a subsidy of $573,000 to service approximately 50,000 passengers per year.
Recommended Action
Discuss and if consensus direct the City Manager and Harbor Master to pursue a City-operated shore boat service with an annual operating budget not to exceed $250,000 and an initial capital expenditure of $600,000 to $1,000,000 for three shore boats. .

******Next item on the agenda is the City Council acting as the Avalon Municipal Hospital Board of Trustees.**

6. Appointment of Two Directors to the Avalon Medical Development Corporation Board

The Bylaws of the Avalon Medical Development Corporation (AMDC) provide that the City Council will make all appointments to its Board of Directors. This Board governs the management of the Hospital under the terms and conditions of a lease and operating agreement with the City of Avalon. The Chief Executive Officer of the Catalina Island Medical Center has presented a letter making two recommendations from the AMDC Board meeting held on July 26, 2016.

Recommended Action

Appoint two members to the Board of Directors of the Avalon Medical Development Corporation (AMDC) with terms ending June 30, 2017.

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for August 2, 2016 was posted Thursday, July 28, 2016, on the City's website www.cityofavalon.com, and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall.

Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: August 2, 2016 **AGENDA ITEM:**

ORIGINATING DEP: City Clerk **CITY MANAGER:**

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve actions from the July 5, 2016 and July 19, 2016 regular City Council meetings and the July 14, 2016 Special City Council meeting.

REPORT SUMMARY: Although the live recording is the official record of public meetings, actions are prepared for the Council's approval.

FISCAL IMPACTS: N/A

GOAL ALIGNMENT: Not aligned,

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW UP ACTION: File Actions in the City Clerk's office.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS:

- Actions will be provided under separate cover.

CITY OF AVALON CITY COUNCIL AND
AVALON HOUSING AUTHORITY
TUESDAY, JULY 5, 2016
ACTIONS

CITY COUNCIL CALL TO ORDER 6:03 p.m.

ROLL CALL - Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez, and Joe Sampson. Also present Interim City Manager/City Clerk Denise Radde and City Attorney Scott Campbell.

CONSENT CALENDAR
There were four items on the Consent Calendar. Motion to approve Items 1-4 by Cinde Cassidy, seconded by Oley Olsen. (All Ayes)

1. Actions
   Approved actions from the June 7, 2016, and June 21, 2016 regular City Council meetings and the June 7, 2016 and June 28, 2016 Special City Council meetings.

2. City Manager Employment Agreement with David M. Jinkens
   Approved and authorized execution of the employment agreement for City Manager services with David M. Jinkens.

3. Adopt Resolutions of the Annual Grease Collection Service Fees, Trash Collection Service Fees, Saltwater Standby Charges, and Sewer User Fees
   Adopted resolutions adopting the reports and directing the City Clerk to file said reports with the Los Angeles County Auditor and request the Auditor place the Fiscal Year 2015/2016 fees on the Tax Roll.
   - Resolution 16-19 Trash Collection Service Fees
   - Resolution 16-20 Saltwater Standby Charges
   - Resolution 16-21 Sewer User Fees
   - Resolution 16-22 Grease Collection Service Fees

4. Law Enforcement Services Agreement with Los Angeles County
   Adopted Resolution 16-23 notifying the Los Angeles County Board of Supervisors of the City's desire to receive specified law enforcement services from the Los Angeles County Sheriff's office, authorizing the expenditure of COPS Grant Funds and authorized the City Manager to execute the City County Municipal Law Enforcement Services Agreement for Fiscal Year 2016/2017.

GENERAL BUSINESS - Public Hearing on Item 1

5. Adoption of Proposed FY 16/17 Miscellaneous Fee Schedule
   Mayor Marshall opened the Public Hearing. Comments were heard from members of the audience. Public Hearing closed and City Council discussed a couple of line items in the fee schedule. Adopted Resolution 16-24 setting fees for services, facilities and

activities of the City of Avalon for Fiscal Year 2016/2017. Motion by Oley Olsen, seconded by Joe Sampson. (All Ayes)

6. Letter to the California Public Utilities Commission (CPUC) Requesting Expedited Decision on Request for Rehearing
Councilmembers Hernandez and Cassidy recused themselves due to a potential Conflict of Interest, income from the Santa Catalina Island Company. After much discussion, Attorney Scott Campbell was directed to reach out to the CPUC legal counsel to determine the status of the motion for rehearing.

7. Consideration of Support for Virtual Reality Event in the City of Avalon at Descanso Beach
Heard a presentation regarding the potential special event out at Descanso Beach the weekend of October 28-30, 2016. The City was asked to consider waiving the noise ordinance due to the event being a 24 hour event the night of Saturday, October 29th. Staff was directed to research mitigating the sound from the event when issuing any Special Event Permit.

CLOSED SESSION – 7:26 – 8:24 p.m.
******The fourth item in Closed Session was the "City of Avalon acting for itself and the Avalon Housing Authority".**
Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: One City leased property – Casino Dock Cafe
Negotiating Parties: Russ and Jenny Armstrong
Agency Negotiators: City Council, Interim City Manager Denise Radde and City Attorney Scott Campbell
Under Negotiation: Price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Two Cases

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: One City leased property – The Catalina Island Yacht Club
Negotiating Parties: Randy Barb, Chairman
Agency Negotiators: City Council, Interim City Manager Denise Radde and City Attorney Scott Campbell
Under Negotiation: Price and terms of payment

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
   Property: 206 East Whittley
   Agency Negotiators: City Council, Interim City Manager Denise Radde and City Attorney Scott Campbell
   Negotiating Parties: Unknown
   Under Negotiation: Price and terms of payment

Following Closed Session the City Attorney reported that there were no reportable actions.

ADJOURN
Mayor Marshall adjourned the City Council meeting at 8:24 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on July 5, 2016, is the official record of that Council Meeting and is on file and maintained in City Hall.

Denise A. Radde, City Clerk / Interim City Manager

SPECIAL MEETING OF THE
CITY OF AVALON CITY COUNCIL
THURSDAY, JULY 14, 2016
ACTIONS

CITY COUNCIL CALL TO ORDER 12:30 p.m.

ROLL CALL – Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez, and Joe Sampson. Also present Interim City Manager/City Clerk Denise Radde.

GENERAL BUSINESS 1:37 p.m.

1. Study Session for Fiscal Year 2016/2017 Budget
   A budget presentation was given by Finance Director Bob Mescher. After discussion and review, changes were made to the proposed Fiscal Year 2016/2017 Budget. Staff was directed to bring the budget back at the July 19, 2016 City Council meeting for any additional public comment and adoption.

ADJOURN
Mayor Marshall adjourned the City Council meeting at 3:35 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the Special City Council Meeting on July 14, 2016, is the official record of that Council Meeting and is on file and maintained in City Hall.

Denise A. Radde, City Clerk / Interim City Manager

CITY OF AVALON CITY COUNCIL AND
AVALON HOUSING AUTHORITY
TUESDAY, JULY 19, 2016
ACTIONS

CITY COUNCIL CALL TO ORDER 6:01 p.m.

ROLL CALL - Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez, and Joe Sampson. Also present City Manager David Jinkens, Chief Administrative Officer/City Clerk Denise Radde and City Attorney Scott Campbell.

CONSENT CALENDAR
There were eight items on the Consent Calendar. Item 1, Actions, was removed. Anni Marshall pulled Item 8 for comment. Motion to approve Items 2-7 by Cinde Cassidy, seconded by Oley Olsen. (All Ayes)

2. Expenditures Submitted for Approval
   - Warrants in the amount of $1,755,320.45.
   - Two payrolls in the amount of $494,298.
   - Six electronic fund transfers totaling $190,002.39.

   Approved total expenditure amount of $2,439,621.71.

3. Consideration of Resolution Adopting the State CEQA Guidelines as the City's Local CEQA Guidelines for Implementing the California Environmental Quality Act
   Adopted Resolution 16-25 adopting the California State CEQA Guidelines as the City of Avalon's Local CEQA Guidelines for implementing the California Environmental Quality Act.

4. Voting Delegate and Alternate for the League of California Cities Annual Conference
   Adopted Resolution 16-26 designating Mayor Pro Tem Oley Olsen as the voting delegate and Mayor Anni Marshall as the alternate for the Annual League of California Cities Conference in Long Beach, CA on October 5-7, 2016.

5. Fiscal Year 2015-16 Fourth Quarter Treasurer's Report
   Adopted Resolution 16-27 accepting the FY15-16 Fourth Quarter Treasurer's Report.

6. Consider Implementing a 1.5% Cost of Living Adjustment for All Unrepresented and Management Employees Effective July 6, 2016
   Adopted Resolution 16-28 authorizing the City Manager or authorized designee to implement a 1.5 % cost of living increase for all unrepresented and management employees effective July 6, 2016.

7. Extend the Audit Services Contract for FY 15/16
   Approved a one-year final extension of the audit services contract and authorized the City Manager and Finance Director to engage Davis Farr LLP to perform the audit of the

City's FY 15/16 financial statements and submit the annual State Controller's Report for an amount not to exceed $36,000.

Pulled Item:

8. Adoption of the Environmentally Preferable Purchasing and Practices Policy and Resolution Authorizing Submittal of Applications for CalRecycle Grants
Mayor Marshall pulled this item to inquire if the new Vons facility will be required to offer CRV. Adopted the Environmentally Preferable Purchasing and Practices Policy and adopted Resolution 16-29 authorizing submittal of applications for CalRecycle Grants for which the City of Avalon is eligible. Motion by Cinde Cassidy, seconded by Joe Sampson. (All Ayes)

GENERAL BUSINESS

9. Stormwater Permit Year 3 Compliance Consultant Contract - MS4 Permit
Approved a contract with Olaunu for a not to exceed amount of $69,810.00 to assist the City of Avalon with compliance with the Year 3 requirements of the Small Municipal Separate Storm Sewer System (MS4) Permit. Motion by Cinde Cassidy, seconded by Oley Olsen. (All Ayes)

10. Clarify the Duties of the Audit Committee
After some discussion and clarification, Staff was directed to bring back the policy for adoption defining the Audit Committee duties.

11. Adopt the FY 16/17 Budget
Adopt Resolution 16-30 approving the Budget for Fiscal Year 2016/2017.

Adjourned to the Avalon Municipal Hospital Board of Trustees' meeting – 8:12 – 8:14 p.m.

CLOSED SESSION – 8:15-8:33 p.m.
Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

1. Conference with Legal Counsel—Existing Litigation:
Amanda Cook vs City of Avalon
Case number not assigned yet.

Following Closed Session the City Attorney reported that the City Council unanimously directed Staff to defend the lawsuit filed by Amanda Cook.

ADJOURN
Mayor Marshall adjourned the City Council meeting at 8:34 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on July 19, 2016, is the official record of that Council Meeting and is on file and maintained in City Hall.

Denise A. Radde, City Clerk / Interim City Manager

CITY OF AVALON CITY COUNCIL

MEETING DATE: August 2, 2016 **AGENDA ITEM:** 2

ORIGINATING DEP: Finance **CITY MANAGER:**

PREPARED BY: Robert Mescher

SUBJECT: Approve the Audit Committee Policy

RECOMMENDED ACTION(S): Approve the Audit Committee Policy which defines the duties of the Audit Committee Members.

REPORT SUMMARY: At the July 19, 2016 City Council Meeting, the City Council discussed the duties of the Audit Committee.

Avalon is not required to have an Audit Committee.

Historically, however, the City Council has appointed two Council Members to form its Audit Committee. That Committee reviews and approves the Report of Disbursements from the past month by examining the list and questioning payments that seem out of the ordinary. Even though the Committee review is after warrants are paid, it nevertheless strengthens the internal controls of the City by helping to ensure payments were appropriate and reasonable.

Since the Audit Committee is formed by the City Council, it may also define other duties of its committee.

Other examples of audit committee duties are selecting the external auditor firm, and providing oversight of the financial reporting process, the audit process, the system of internal controls and compliance with laws and regulations.

The Audit Committee may review the results of the audit with management and external auditors, including matters required to be communicated to the City Council under generally accepted auditing standards.

Audit committees may review internal controls and their effectiveness. They may review management responses to the external auditors' observations and significant findings. They may be responsible for the controls over financial reporting, information technology security and operational matters.

The City Council directed Staff to draft a policy to clearly define the duties of the Audit Committee Members.

GOAL ALIGNMENT: Accountability - There will be mechanisms in place that help provide better transparency and accountability for City staff.

FISCAL IMPACTS: None

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The duties of the Audit Committee would not be clearly defined.

FOLLOW UP ACTION: None

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: Audit Committee Policy Dated August 2, 2016

City of Avalon
Audit Committee Policy
August 2, 2016

Purpose

The purpose of this policy is to define the purpose and duties of the Audit Committee Members

General

- The Audit Committee is intended to provide oversite of the City's financial reporting of expenditures to strengthen internal controls, transparency, and accountability;
- The Audit Committee consists of at least two persons appointed by the City Council;
- A Committee Member may be appointed or removed at any time by the City Council;
- The City Council shall review this policy at the time of any new or renewed appointments; and
- The City Council may modify this policy at any time.

Duties of the Audit Committee Members

1. **Monthly Warrant Report**
    a. As soon as possible, but no later than five days prior to the Council Meeting, Staff will provide the Committee Members a Monthly Warrant Report
    b. The report will describe the payee, the amount, and the nature of the expenditure;
    c. The Committee Members will review and approve the report; and
    d. The Committee Members will ask the Finance Director for an explanation of any disbursements that seem to be out of the ordinary.

2. **Quarterly Contractors' Report**
    a. Within 45 days following each fiscal quarter, beginning with the FY16-17 first quarter report, Staff will provide the Committee Members with a quarterly report of contracted legal and professional consultants;
    b. The report will describe the nature of the contracted services, the term of the contracts, the total authorized expenditure amounts, and the balances remaining; and
    c. The Committee Members will ask the Finance Director for an explanation of any reported items that seem to be out of the ordinary.

3. **External Audits**
    a. The Committee Members will assist in the selection of the external auditors; and
    b. The Committee Members will communicate with the external auditors any concerns regarding financial and internal controls.

CITY OF AVALON CITY COUNCIL

MEETING DATE: August 2, 2015 **AGENDA ITEM:** 3

ORIGINATING DEP: Public Works **CITY MANAGER:**

PREPARED BY: Dennis Jaich – Director of Public Works

SUBJECT: Parking Reconfiguration - Metropole Avenue

RECOMMENDED ACTION(S): That the City Council formally authorize the City Manager to approve and allow Hamilton Pacific, LLC, (HP), to paint and reconfigure the parking stalls on each side of Metropole, in accordance with the attached parking plans.

REPORT SUMMARY:
Back in January, 2007, there was a Development Agreement initiated and agreed to with HP and the City of Avalon, during negotiations for the approval to construct homes in the Hamilton Cove area. The agreement called for the developer to create additional parking stalls in the City for each Phase of his work. He is currently in Phase 1.

Some of the conditions of this Agreement called for HP to adjust the number of parking spaces to be created on Metropole Ave., as well as other locations in the City. However now, until Phase 2 starts, HP is required to provide 18 additional parking spots.

Staff has suggested that the current parking plan attached herein, be provided around and near the new Museum Building, on both sides of Metropole. On the south side, the new diagonal parking will be repainted from close to the Avalon Community Church, on down to the driveway at the parking lot near the SCICO offices. This will produce an additional 18 parking places.

On the north side of Metropole, the plan is to install parallel parking spots, in front of the Museum only, that can accommodate larger vehicles. This may not be an increase of parking spots, but it does provide an overall increase of spots for larger vehicles within City limits.

ENVIRONMENTAL REVIEW: The painting and reconfiguration of parking stalls is not a "project" for purposes of the California Environmental Quality Act given that there is no potential for it to result in either a direct physical change or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, §§ 15378(a), 15061(b)(3).) The action is further exempt from environmental review under CEQA's Class 1 categorical exemption which covers minor alterations to existing streets. (State CEQA Guidelines, § 15301(c).)

GOAL ALIGNMENT: Not aligned.

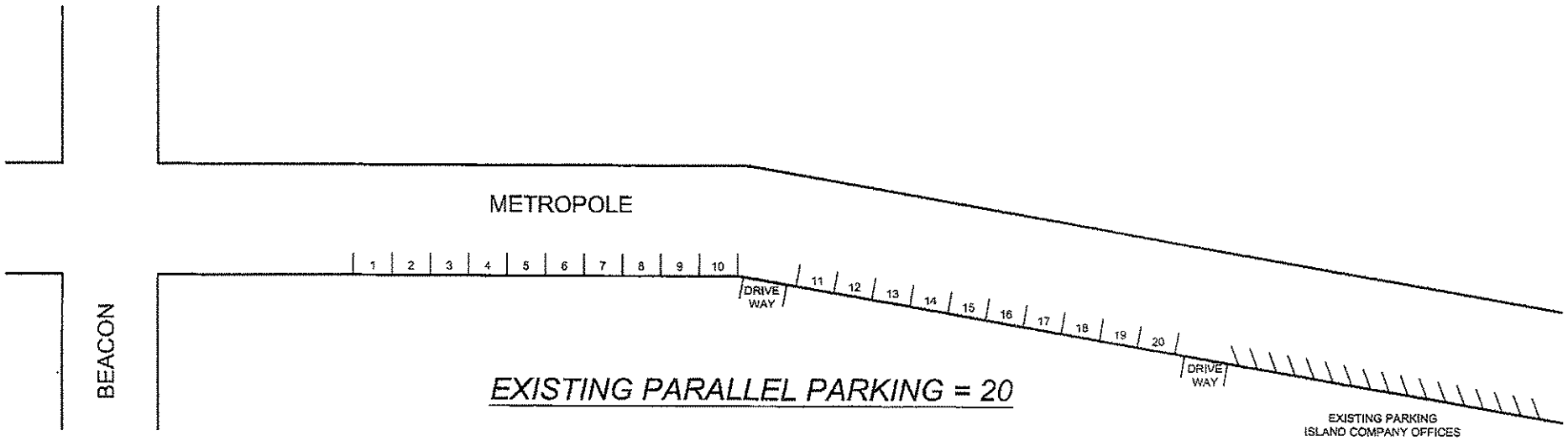
FISCAL IMPACTS: None- All work to be performed by Hamilton Pacific, LLC.

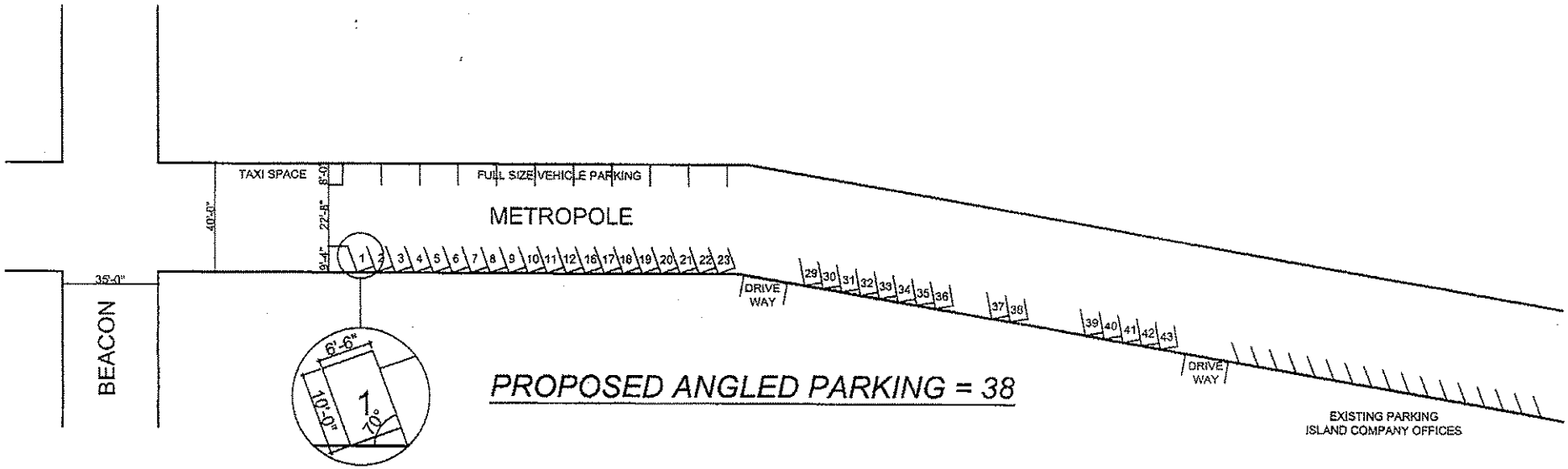
CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The parking configuration on Metropole will remain the same and no additional spaces will be created.

FOLLOW UP ACTION: Direct Staff to notify HP to start the work

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:
Metropole Parking Space Configuration Plans


METROPOLE
BEACON
1 2 3 4 5 6 7 8 9 10
DRIVE WAY
11 12 13 14 15 16 17 18 19 20
DRIVE WAY
EXISTING PARALLEL PARKING = 20
EXISTING PARKING
ISLAND COMPANY OFFICES


TAXI SPACE
8'-0"
FULL SIZE VEHICLE PARKING
40'-0"
22'-6"
METROPOLE
9'-4"
1 2 3 4 5 6 7 8 9 10 11 12 16 17 18 19 20 21 22 23
35'-0"
BEACON
DRIVE WAY
29 30 31 32 33 34 35 36
37 38
39 40 41 42 43
DRIVE WAY
6'-6"
10'-0"
1
70°
PROPOSED ANGLED PARKING = 38
EXISTING PARKING
ISLAND COMPANY OFFICES

PARKING SPACES

STREET	EXISTING PARALLEL SPACES	PROPOSED ANGLED SPACES
METROPOLE	20	38
SUMNER	17	33
TOTAL	37	71
NET GAIN	34	

REMAINING 10 SPACES WILL BE DESIGNED TO THE SATISFACTION OF THE CITY ENGINEER PRIOR TO THE CERTIFICATE OF OCCUPANCY FOR THE FINAL 20 UNITS.

CITY OF AVALON CITY COUNCIL

MEETING DATE: August 2, 2016 **AGENDA ITEM:** _____

ORIGINATING DEP: City Attorney **CITY MANAGER:** _____

PREPARED BY: Scott Campbell, City Attorney

SUBJECT: Potential Plastic Bag/Styrofoam Ban

RECOMMENDED ACTION(S): Discuss and provide direction on the various options surrounding bans on plastic bags and Styrofoam in retailers in the City.

REPORT SUMMARY: Councilmember MacGugan-Cassidy has asked that the City Council consider the adoption of an ordinance banning plastic bags and Styrofoam containers.

Plastic Bag Ban

The use of plastic bags has become a controversial issue throughout California over the last several years. Local ordinances exist in over 100 California cities such as San Francisco, Long Beach, Los Angeles, and San Jose, banning stores from using plastic bags and requiring stores to charge $0.10 for the provision of a paper bag.

The issue has also been taken up statewide. Proposition 67 will be voted on in November, and if passed, it will prohibit single use plastic bags throughout the state and mandate a $0.10 charge for paper bags. SB 270, which was initially passed by the Legislature in 2014, would have already prohibited stores from providing single use plastic bags to a customer and from distributing paper bags at a cost of less than $0.10. The bill was set to go into effect on July 1, 2015. However, because Proposition 67 qualified for the ballot, the voters will now decide whether the law will take effect.

If Proposition 67 passes, a local plastic bag ban will potentially be redundant, as provisions mirroring what has been enacted at the local level elsewhere will then be State law. If Proposition 67 fails, the City could pass a local ordinance that would enact its provisions in the City of Avalon.

There has been some litigation surrounding local ordinances on plastic bags. The central question in these cases is whether an Environmental Impact Report (EIR) is required under the California Environmental Quality Act (CEQA) prior to a plastic bag ban. A California Court of Appeal has held that such ordinances are categorically exempt from CEQA[1]. Only one plastic bag ban at the local level has ever been invalidated, in the City of Oakland, but that invalidation

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[1] *Save the Plastic Bag Coalition v. City and County of San Francisco* (1st Dist., Div. 2, 2014) 222 Cal.App.4th 863; see also *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, where the CA Supreme Court held that no EIR was required for Manhattan Beach.

was on CEQA grounds and was later superseded by contrary opinions from the California Supreme Court and Court of Appeal.

A plastic bag ban would not likely present legal issues for the City. There are a variety of ordinances enacted in cities throughout California that could serve as examples, and the likelihood of a unique challenge to any Avalon Ordinance is small, considering these issues have largely been settled by prior cases.

Styrofoam Ban

Another environmental initiative available to the City is a ban on the use of Styrofoam by retailers. This ban would prohibit Styrofoam cups, plates, and other containers from being used in restaurants or other food service establishments. The reasoning behind such a ban would be similar to the reasoning in a plastic bag ban. For example, San Francisco's ban found that Styrofoam could not be recycled or composted and that it resulted in litter and pollution.

Over 100 cities nationwide presently have some form of Styrofoam ban on the books, though arguably the most stringent was recently passed in San Francisco on June 28, 2016. The new law will go into effect January 1, 2017, and will ban polystyrene in retail sales for a wide range of products including packing peanuts, ice chests, dock floats, and to-go coffee cups. Food-packaging products, like meat and fish trays at the supermarket, will also be phased out.

The ban prevents San Francisco businesses from using Styrofoam, but does not prevent businesses outside of city limits from using it or shipping it to San Francisco residents. A copy of the San Francisco Ordinance is attached to this report. For the sake of brevity, Staff has not attached San Francisco's full agenda packet supporting the Ordinance, but Staff has maintained a copy of the full packet and will make it available to the City Council members or other interested persons upon request.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: None, other than potential costs of enforcing any enacted ban.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Even if the City does not adopt a plastic bag ban, it is possible that Proposition 67 will result in a statewide ban; otherwise local businesses may continue to utilize single use plastic bags. If the City does not adopt a Styrofoam ban, local businesses will still be allowed to serve food and drinks in, and otherwise utilize, Styrofoam containers.

FOLLOW UP ACTION: Provide direction to Staff. If the Council is interested in implementing a ban, Staff will provide a draft ordinance for the Council to consider at a future meeting.

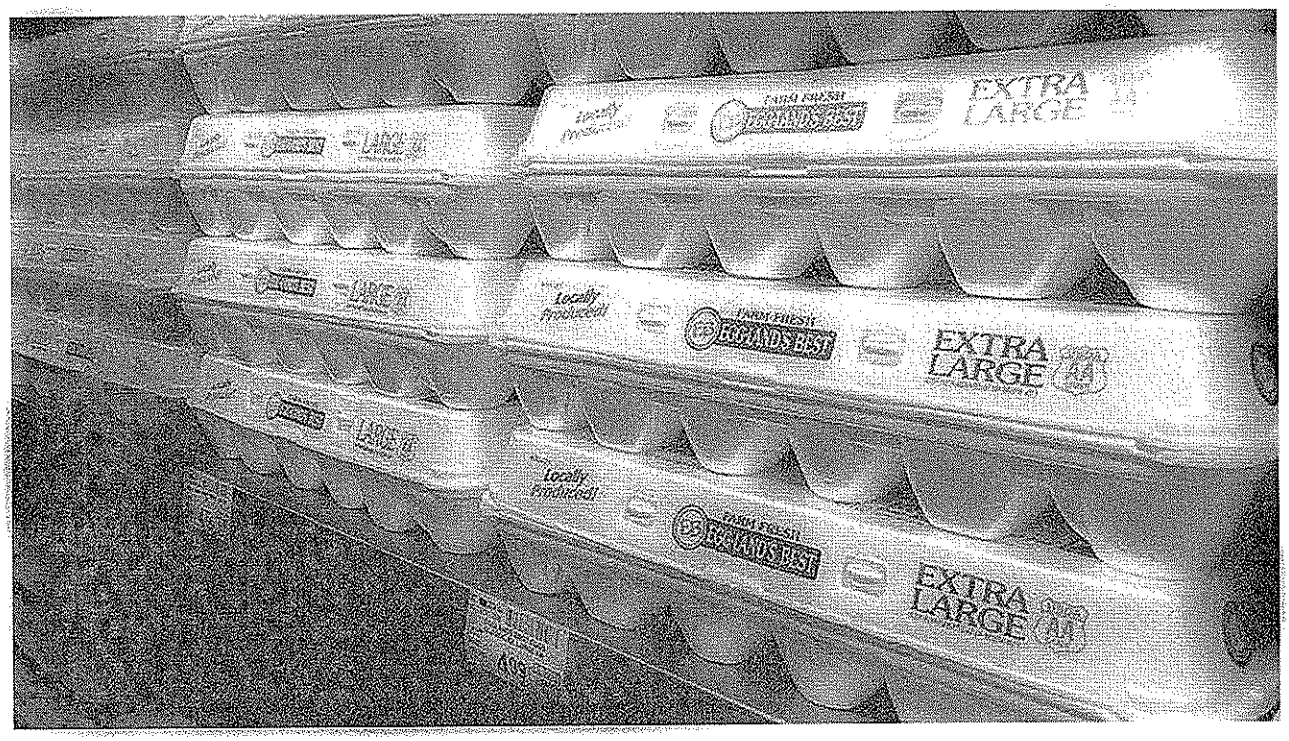
ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS:

1. Los Angeles Times article on San Francisco ban.
2. San Francisco Ordinance (full SF agenda packet available at City Hall).

LOCAL / L.A. Now

San Francisco enacts extensive ban on all things foam



Consumers won't be able to buy polystyrene kiddie floats, egg cartons or coolers in San Francisco after supervisors approved what environmentalists are calling the most comprehensive ban in the country on the cheap insulating foam. (Jeff Chiu / Associated Press)

By Ben Poston

JULY 9, 2016 3:02 PM

Those ubiquitous stacks of plastic foam coffee cups at family picnics and church suppers are going the way of the plastic bag in San Francisco.

Local officials approved a measure last month that bans all uses of plastic foam, from food packaging to disposable coolers.

Set to take effect next year, the ordinance creates the most extensive ban on polystyrene foam in the country among large cities and counties. It is an extension of a 2007 ban on take-out food containers made of the foam, commonly but incorrectly called styrofoam.

Environmentalists praised the action, while industry groups countered that the foam can be recycled and cautioned that the law could cost local jobs.

Banning foam creates more problems than it solves, according to trade group California GoFoam, which opposes a statewide ban.

"Small businesses can't afford the alternatives, which in most cases lead to greater waste," according to a post on the group's website. "Foam, on the other hand, is recyclable and avoids the negative financial impact on the community and the environment."

Foam food containers and cups have long been a target of environmental groups. Known as expanded polystyrene, the material — essentially plastic puffed into a white, rigid foam — can take hundreds of years to degrade, according to the environmental group Heal the Bay, based in Santa Monica.

National Oceanic and Atmospheric Administration estimates show that ingested ocean plastics kill 1 million seabirds and 100,000 marine mammals a year, according to the nonprofit ocean advocacy group Surfrider Foundation.

In California, more than 70 cities, including San Francisco, San Jose and Santa Monica, have restrictions on plastic foam container use.

In 2010, Los Angeles County supervisors voted to restrict foam food containers from most county offices and concessions. The ban covers restaurants, catering trucks, beach concessions, golf courses and even food delivery to senior citizens.

The Los Angeles Unified School District stopped using plastic foam trays in 2012, swapping them out for recyclable paper trays at all district schools.

New York City tried to ban single-use plastic foam products last year, but that was overturned by a state judge who said the foam containers could be recycled.

Like single-use plastic grocery bags, polystyrene foam is the latest plastic to be targeted by cities in California. San Francisco outlawed the bags in 2007 and Los Angeles followed suit in 2014.

FILE NO. 160383 AMENDED IN BOARD 7/12/2016 ORDINANCE NO.

[Environment Code - Food Service and Packaging Waste Reduction]

Ordinance amending the Environment Code to prohibit the sale of food service ware and other specified products including packing materials that are made from polystyrene foam or that are non-recyclable and non-compostable; setting ~~an~~ operative dates ~~date of January 1, 2017~~; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 160383 and is incorporated herein by reference. The Board affirms this determination.

Section 2. Findings.

(a) The City and County of San Francisco has a duty to protect the natural environment, the economy, and the health of its citizens.

(b) Polystyrene foam, commonly but often incorrectly referred to as "styrofoam" ~~aka "Styrofoam"~~, is an environmental pollutant that is commonly used for packaging and as food service ware in the City and County of San Francisco.

(c) Due to the physical properties of polystyrene foam, the U.S. Environmental Protection Agency (EPA) states "that such materials can have serious impacts upon human health, wildlife, and aquatic environment, and the economy."

(d) Polystyrene foam packaging and food service ware cannot be recycled through San Francisco's recycling (blue bin) collection program and is otherwise difficult or impossible to recycle, and is not compostable. Compostable or recyclable disposable packaging and food service ware are an affordable, safe, more ecologically sound alternative.

(e) Disposable food service ware and packaging foam constitute a significant source of litter on San Francisco's street, parks, and public places, and the costs of managing this litter is substantial.

(f) A new report by the Ellen MacArthur Foundation, World Economic Forum, and McKinsey & Company finds an increasing rate of plastics entering the oceans and predicts that, without significant action to reduce that flow, by 2050 there will be by weight more plastic in the oceans of the world than fish. According to the report, most of these plastics come from packaging, including food and beverage containers, and much of these plastics are made from polystyrene foam.

(g) ~~(f)~~ The Bay Area Stormwater Management Agencies Association and Caltrans found that between 8 to 15% of plastics in San Francisco storm drains are polystyrene foam. The San Francisco Estuary Institute found that 8% of the microplastics entering San Francisco Bay from wastewater treatment facilities are polystyrene foam. And a recent study concluded that 71% of the microplastics found in the Los Angeles and San Gabriel Rivers were polystyrene foam pieces.

(h) ~~(g)~~ Polystyrene foam is a notorious pollutant that breaks down into smaller, non-biodegradable pieces that are often mistaken for fish eggs by seabirds and other marine life.

(i) ~~Unlike harder plastics, polystyrene~~ Polystyrene contains a chemical used in the production process called "styrene" that ~~is metabolized after ingestion and threatens the entire food chain, including humans who consume contaminated marine wildlife.~~

~~(h) Styrene~~ has been linked to cancer as well as reproductive and developmental disorders by the National Research Council, and that ~~styrene~~ leaches from polystyrene into food and drink, according to the Styrene Information Research Center, whose membership consists of approximately 95% of the North American styrene industry. ~~U.S. Food and Drug Administration.~~

(j) Styrene is also a chemical known by the State of California to cause cancer, and is included as a listed chemical under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) by the California Office of Environmental Health Hazard Assessment.

(k) ~~(i)~~ The general public typically is not warned or aware of any potential hazard from styrene, particularly in the immigrant and non-English speaking community.

(l) ~~(j)~~ Due to these concerns, more than 100 U.S. cities have enacted ordinances banning or restricting the sale and/or use of polystyrene foam service ware and/or packaging materials, and many local businesses and a number of national corporations have successfully replaced polystyrene foam and other non-biodegradable food service ware and packaging materials with alternative, cost-competitive products.

(m) ~~(k)~~ San Francisco food service providers are already prohibited, under Environment Code Section 1604, from using polystyrene food containers, and this ordinance extends such prohibition to the sale of such products.

(n) ~~(l)~~ The ordinance also prohibits packaging providers from selling polystyrene foam packaging materials, including polystyrene foam "packing peanuts."

(o) ~~(m)~~ Restricting the use of polystyrene foam food service ware and requiring it to be replaced with less-hazardous, compostable, or readily recyclable products, and barring the sale of polystyrene foam food service ware, packaging products, and other polystyrene products will further protect the public health and safety of San Francisco's residents, as well as its natural environment, waterways and wildlife. Taking these steps will also advance the City's goal of Zero Waste by 2020 and fulfill Article 10 of the Environmental Accords, in which the City committed with other cities around the globe to eliminate or restrict the use of one chemical or environmental hazard each year.

Section 3. The Environment Code is hereby amended by revising Chapter 16, Sections 1601 through 1610, to read as follows:

CHAPTER 16: FOOD SERVICE *AND PACKAGING*
WASTE REDUCTION ORDINANCE

Sec. 1601.	Title.
Sec. 1602.	Definitions.
Sec. 1603.	*Sale or Distribution of Non-Compliant Food Service Ware Prohibited.*
Sec. *1604* ~~*1603*~~.	*Use of Non-Compliant* ~~*Prohibited Disposable*~~ Food Service Ware *Prohibited.*
~~*Sec. 1604.*~~	~~*Required Biodegradable/Compostable or Recyclable Disposable Food Service Ware.*~~
Sec. 1605.	*Other Polystyrene Foam Products.*
Sec. *1606* ~~*1605*~~.	Implementation~~; *City Contracts and Leases*~~.
Sec. *1607* ~~*1606*~~.	Enforcement and Penalties.
~~*Sec. 1607.*~~	~~*Report to the Board of Supervisors.*~~

~~*Sec. 1608.*~~ ~~*Operative Date.*~~

Sec. *1608* ~~*1609*~~. Severability.

Sec. *1609* ~~*1610*~~. No Conflict With Federal or State Law.

Sec. *1610* ~~*1611*~~. Undertaking for the General Welfare.

SEC. 1601. TITLE.

This *Chapter 16* ~~*Ordinance*~~ shall be known as the Food Service *and Packaging* Waste Reduction Ordinance.

SEC. 1602. DEFINITIONS.

For purposes of this Chapter 16, the following definitions shall apply:

~~*(a) "Affordable" means purchasable for not more than 15 percent more than the purchase cost of the non-Biodegradable non-Compostable or non-recyclable alternative(s).*~~

~~*(b)*~~ "ASTM Standard *Specification*" means ~~*meeting the standards of the*~~ *Standard Specification for Compostable Plastics D6400 or Standard Specification for Biodegradable Plastics D6868, as adopted or subsequently amended by the* American Society for Testing and Materials (ASTM) ~~*International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.*~~

"City" means the City and County of San Francisco.

~~*(c) "Compostable" means all the materials in the product or package will break down into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner in San Francisco's Composting Program. Compostable Disposable Food Service Ware must meet ASTM Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that San Francisco's compost collector and processor can easily distinguish the ASTM Standard Compostable plastic from*~~

~~non-ASTM Standard Compostable plastic. For the purposes of this ordinance the term biodegradable shall have the same meaning as compostable. This ordinance uses the terms biodegradable and compostable interchangeably and in all cases whether the terms are used separately, in the disjunctive or in the conjunctive they shall always be interpreted and applied consistent with this definition of the term "compostable".~~

~~(d) "City Administrator" means the City Administrator appointed under Section 3.104 of the Charter or his or her designee.~~

~~(e)~~ "City contractors and lessees" means any person or entity that has a contract with the City for public works or improvements to be performed, for a franchise, concession, or lease of property, for grant monies or goods and services or supplies to be purchased at the expense of the City ~~and County~~, or to be paid out of monies deposited in the Treasury or out of trust monies under the control *of* or collected by the City ~~and County~~.

~~(f)~~ "City Facility" means any building, structure, or vehicle owned or operated by the City ~~of San Francisco~~.

~~(g)~~ "City Facility Food Provider" means an entity that provides, but does not sell, Prepared Food in City Facilities, including without limitation, San Francisco General Hospital, Laguna Honda Hospital, *the* San Francisco County Jail, and the San Bruno Jail Complex.

"Compostable" means material that can be broken down into, or otherwise become part of, usable compost (e.g., soil-conditioning material) in a safe and timely manner and as accepted in San Francisco's compostables collection program. "Compostable" also includes a plastic-like material if the material meets the ASTM Standard Specification for compostability and the product is labeled in accordance with California Public Resources Code Section 42357 et seq. and Department of the Environment regulations for easy identification of Compostable products meeting the ASTM Standard Specification for compostable plastics.

"Department" means the Department of the Environment.

"Director" means the Director of the Department of the Environment, or his or her designee.

~~*(h) "Disposable Food Service Ware" means all containers, bowls, plates, trays, carton, cups, lids, straws, forks, spoons, knives, napkins, and other items that are designed for one-time use for Prepared Foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by Food Vendors. The term "Disposable Food Service Ware" does not include items composed entirely of aluminum, or polystyrene foam coolers and ice chests that are intended for reuse.*~~

"Distribute" means the sale, offer for sale, or other transfer of possession of an item for compensation, either as a separate transaction or as part of the sale, offer for sale, or other transfer of possession of another item for compensation.

"Egg Carton" means a carton for raw eggs sold to consumers from a refrigerator case or similar retail appliance.

"Food Service Ware" means all containers, bowls, plates, trays, cups, lids, straws, forks, spoons, knives, napkins, and other like items that are designed for one-time use for Prepared Foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by Food Vendors. The term "Food Service Ware" does not include items composed entirely of aluminum, or polystyrene foam coolers and ice chests.

~~*(i)*~~ "Food Vendor" means any Restaurant or Retail Food Vendor located or operating within the City ~~*and County of San Francisco*~~.

"Meat and Fish Tray" means a tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"Packing Material" means material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.

~~*(j)*~~ "Person" means an individual, trust, firm, joint stock company, corporation including a government corporation, partnership, or association.

~~(k)~~ "Polystyrene Foam" means blown polystyrene and expanded and extruded foams ~~(sometimes called Styrofoam™)~~ which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

~~(l)~~ "Prepared Food" means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared (collectively "prepared") ~~within the City *and County of San Francisco*~~ for individual customers or consumers. ~~*For the purpose of this Chapter,*~~ Prepared Food ~~includes take-out food, but~~ does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

~~(m)~~ "Recyclable" means material that can be sorted, cleansed, and reconstituted using ~~*San Francisco's*~~ *the City's* available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

~~(n)~~ "Restaurant" means any establishment located within the City ~~*and County of San Francisco*~~ that sells Prepared Food for consumption on, near, or off its premises. ~~*For purposes of this Chapter, The*~~ term includes a Restaurant operating from a temporary facility, cart, vehicle, or mobile unit.

~~(o)~~ "Retail Food Vendor" means any store, shop, sales outlet, or other establishment, including a grocery store or a delicatessen, other than a Restaurant, located within the City ~~*and County of San Francisco*~~ that sells Prepared Food.

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SEC. 1603. SALE OR DISTRIBUTION OF NON-COMPLIANT FOOD SERVICE WARE PROHIBITED.

(a) No person may sell, offer for sale, or otherwise Distribute within the City (1) any Food Service Ware that is not either Compostable or Recyclable using the City's then-available collection programs, or (2) any Food Service Ware made, in whole or in part, from Polystyrene Foam.

(b) The Director shall, after a noticed public hearing, adopt a list of suitable alternative Compostable or Recyclable Food Service Ware products. "Suitable alternative Compostable or Recyclable Food Service Ware products" means Food Service Ware products that the Director determines serve the same intended purpose as non-compliant products, meet the standards for what is Compostable and/or Recyclable set under this Chapter 16, and are reasonably affordable. The Director shall regularly update the list ~~by regulation~~.

If a product is included on the Director's list, it will be deemed to comply with this Section 1603. If a product is not included on the Director's list, the person using the product as Food Service Ware will have the burden of establishing to the Director's satisfaction that the product complies with this Section.

SEC. *1604* ~~*1603*~~. ~~***PROHIBITED***~~ ***USE OF NON-COMPLIANT*** ~~***DISPOSABLE***~~ FOOD SERVICE WARE ***PROHIBITED***.

(a) Food Vendors may not sell, *offer for sale, or otherwise Distribute* Prepared Food *(1)* in ~~*Disposable*~~ Food Service Ware *made, in whole or in part, from* ~~*that contains*~~ Polystyrene Foam, *or (2) in Food Service Ware that is not Compostable or Recyclable*.

(b) City Facility Food Providers may not provide Prepared Food *to City Facilities (1)* in ~~*Disposable*~~ Food Service Ware *made, in whole or in part, from* ~~*that contains*~~ Polystyrene Foam, *or (2) in Food Service Ware that is not Compostable or Recyclable*.

(c) City Departments may not purchase, acquire, or use ~~*Disposable*~~ Food Service Ware *for Prepared Food (1) where the Food Service Ware is made, in whole or in part, from* ~~*that contains*~~ Polystyrene Foam, *or (2) where the Food Service Ware is not Compostable or Recyclable*.

(d) City contractors and lessees may not use ~~*Disposable*~~ Food Service Ware *for Prepared Food* ~~*that contains Polystyrene Foam*~~ in City Facilities and while performing under a City contract or lease *(1) where the Food Service Ware is made, in whole or in part, from Polystyrene Foam, or (2) where the Food Service Ware is not Compostable or Recyclable*.

(e) The Director shall, after a noticed public hearing, adopt a list of suitable alternative Compostable or Recyclable Food Service Ware products. "Suitable alternative Compostable or Recyclable Food Service Ware products" means Food Service Ware products that the Director determines serve the same intended purpose as non-compliant products, meet the standards for what is Compostable and/or Recyclable set under this Chapter 16, and are reasonably affordable. The Director shall regularly update the list ~~by regulation~~.

If a product is included on the Director's list, it will be deemed to comply with this Section 1604. If a product is not included on the Director's list, the person using the product as Food Service Ware will have the burden of establishing to the Director's satisfaction that the product complies with this Section.

(f) It shall not be a violation of this Section 1604 to sell, provide, or purchase Prepared Food packaged in Food Service Ware otherwise prohibited by subsections (a) through (c), or to use Food Service Ware otherwise prohibited by subsection (d), if the Prepared Food is packaged outside the City and is sold or otherwise provided to the consumer in the same Food Service Ware in which it originally was packaged. Businesses packaging Prepared Food outside the City are encouraged to use Food Service Ware that is Compostable or Recyclable and is not made, in whole or in part, from Polystyrene Foam.

~~*SEC. 1604. REQUIRED BIODEGRADABLE/COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD SERVICE WARE.*~~

~~*(a) All Food Vendors using any Disposable Food Service Ware shall use a suitable Affordable alternative Biodegradable/Compostable or Recyclable product, unless there is no suitable Affordable Biodegradable/Compostable or Recyclable product available as determined by the City Administrator in accordance with this subsection. Not later than 30 days before the operative date of this Chapter, and after a public hearing, the City Administrator shall adopt a list of available suitable Affordable Biodegradable/Compostable or Recyclable alternatives for each product type. The City Administrator shall regularly update the list.*~~

~~*(b) All City Facility Food Providers and City departments using any Disposable Food Service Ware shall use Biodegradable/Compostable or Recyclable Disposable Food Service Ware unless there is no Affordable Biodegradable or Compostable product available as determined by the City Administrator in accordance with Subsection 1604(a).*~~

~~*(c) City contractors and lessees using any Disposable Food Service Ware shall use suitable Biodegradable/Compostable or Recyclable Disposable Food Service Ware in City Facilities and while performing under a City contract or lease unless there is no suitable Affordable Biodegradable/Compostable or recyclable product available as determined by the City Administrator in accordance with Subsection 1604(a).*~~

SEC. 1605. OTHER POLYSTYRENE FOAM PRODUCTS.

(a) No person may sell, offer for sale, or otherwise Distribute for compensation within the City:

(1) Packing Materials, including shipping boxes and packing peanuts;

(2) coolers, ice chests, or similar containers;

(3) pool or beach toys; or

(4) dock floats, mooring buoys, or anchor or navigation markers;

made, in whole or in part, from Polystyrene Foam that is not wholly encapsulated or encased within a more durable material.

(b) No person may sell, offer for sale, or otherwise Distribute for compensation within the City Meat and Fish Trays and Egg Cartons made, in whole or in part, from Polystyrene Foam, or that are not Compostable and/or Recyclable, either as separate items or as part of the sale of raw meat, fish, poultry, or eggs sold to consumers from a refrigerator case or similar retail appliance.

(c) No person may sell, offer for sale, or otherwise Distribute within the City any Packing Materials made, in whole or in part, from Polystyrene Foam, as prohibited in subsection (a), or that are not Compostable or Recyclable. For purposes of this Section 1605, Distribution of Packing Materials shall include using such materials to hold, cushion, or protect items to be packed in a container for shipping, transport, or storage, for compensation, where the packing takes place within the City.

(d) For purposes of this Section 1605, Distribution of Packing Material shall not include:

(1) Receiving shipments within the City that include Polystyrene Foam, or some other non-Compostable and non-Recyclable product, used as Packing Material;

(2) Re-using Packing Materials for shipping, transport, or storage within the same distribution system, where the Packing Materials are not sent to a consumer or end user;

(3) Donating used Packing Materials to another person, where the donor receives nothing of value for the donated Packing Materials; or.

(4) Using Packing Materials donated under subsection (d)(3) for shipping, transport, or storage, where the person using the Packing Materials receives nothing of value for the donated Packing Materials.

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SEC. *1606* ~~*1605*~~. IMPLEMENTATION~~; *CITY CONTRACTS AND LEASES*~~.

(a) The Director shall create, maintain, and regularly update the product lists referenced in Sections 1603(b) and 1604(e).

(b) ~~*(a)*~~ The *Director* ~~*City Administrator*~~ is authorized to promulgate regulations, guidelines and forms and to take any and all other actions reasonable and necessary to implement and enforce this Chapter.

(c) The Director may waive the provisions of Sections 1603(a), 1604(a), and 1605(a), (b), and (c) due to a feasibility-based hardship. The person seeking the waiver must demonstrate to the Director's satisfaction that no reasonably feasible alternative exists to a specific non-compliant product.

(d) The Director may waive the provisions of Sections 1603(a), 1604(a), and 1605(a), (b), and (c) due to a financial hardship. The person seeking the exemption must demonstrate to the Director's satisfaction both (1) that the applicant has a gross income of less than $500,000 on the applicant's annual income tax filing for the most recent tax year, and (2) that with respect to each specific non-compliant product, there is no suitable and reasonably affordable alternative product available.

(e) A person seeking a waiver under subsections (c) or (d) of this Section 1606 must submit a written application on a form approved by the Director. The Director may require the applicant to submit additional information or documentation to make a determination regarding the waiver requested. The Director shall review requests for waivers on a case-by-case basis, and may grant the waiver in whole or in part, with or without conditions, for a period of up to 36 months. An applicant for renewal of a waiver must apply for a new waiver period no later than 60 days prior to the expiration of the then-current period to preserve a continuous waiver status. The Director shall review each application anew and base his or her determination on the most current information available. The Director's determination shall be final and shall not be subject to appeal.

(f) ~~(b)~~ *A City officer, employee, or department* ~~*Any person*~~ may seek a waiver from the requirements of *subsections (b), (c), or (d) of* Section 1604 ~~*of this Chapter*~~ by filing a request on a form *approved* ~~*specified*~~ by the *Director* ~~*City Administrator*~~. The *Director* ~~*City Administrator, consistent with this Chapter,*~~ may *grant a waiver in whole or in part, with or without conditions,* ~~*waive any specific requirement of this Chapter*~~ for a period of up to *36 months* ~~*one year*~~ if the *officer, employee, or department* ~~*person*~~ seeking the waiver has demonstrated *to the Director's satisfaction* that strict application of the specific requirement would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances, *or the waiver is otherwise justified*. ~~*The City Administrator's decision to grant or deny a waiver shall be in writing and shall be final.*~~

(g) In addition to individual waivers provided for under subsections (c), (d), and (f) of this Section 1606, the Director may waive the provisions of Section 1605 with respect to particular categories of uses of Packing Materials or of Egg Cartons or Meat and Fish Trays made, in whole or in part, from Polystyrene Foam, or other non-Compostable or non-Recyclable material. The Director may grant a waiver under this subsection (g) in whole or in part, with or without conditions, for a period of up to 36 months, upon finding that no suitable and reasonably affordable alternative to use of the non-compliant product is feasible. The Director's determination shall be final and shall not be subject to appeal.

~~*(c) All City contracts and leases, including without limitation, contracts with City Facility Food Providers, shall contain the following minimum language: "Contractor agrees to comply fully with and be bound by all of the provisions of the Food Service Waste Reduction Ordinance, as set forth in San Francisco Environment Code Chapter 16, including the remedies provided, and implementing guidelines and rules. The provisions of Chapter 16 are incorporated herein by reference and made a part of this agreement as though fully set forth. This provision is a material term of this agreement. By entering into this agreement, contractor agrees that if it breaches this provision, City will suffer actual*~~

~~*damages that will be impractical or extremely difficult to determine; further, Contractor agrees that the sum of one hundred dollars ($100.00) liquidated damages for the first breach, two hundred dollars ($200.00) liquidated damages for the second breach in the same year, and five hundred dollars ($500.00) liquidated damages for subsequent breaches in the same year is a reasonable estimate of the damage that City will incur based on the violation, established in light of the circumstances existing at the time this agreement was made. Such amounts shall not be considered a penalty, but rather agreed monetary damages sustained by City because of contractor's failure to comply with this provision."*~~

SEC. *1607* ~~*1606*~~. ENFORCEMENT AND PENALTIES.

(a) The *Director* ~~*City Administrator*~~ shall issue a written warning to any person he or she determines is violating *Sections 1603(a), 1604(a), (b), or (d), or 1605(a), (b), or (c)* ~~*Sections 1603(a) or 1604(a)*~~ of this Chapter. If after issuing a written warning of violation from the *Director* ~~*City Administrator*~~, the *Director* ~~*City Administrator*~~ finds that person continues to violate the provisions of *Sections 1603(a), 1604(a), (b), or (d), or 1605(a), (b), or (c)* ~~*Sections 1603(a) or 1604(a)*~~, the *Director* ~~*City Administrator*~~ may apply for or impose the various sanctions provided in this Section.

(b) Any person who violates the provisions of *Sections 1603(a), 1604(a), (b), or (d), or 1605(a), (b), or (c)* ~~*Sections 1603(a) or 1604(a)*~~ of this Chapter shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished for the first offense by a fine of not more than $100.00 for a first violation; not more than $200.00 for a second violation in the same year and not more than *$500.00* ~~*$250.00*~~ for each subsequent violation in the same *12-month period* ~~*year*~~.

(c) The *Director* ~~*City Administrator*~~ may issue an administrative *fine* ~~*civil liability citation*~~ to *any* ~~*such*~~ person *violating Sections 1603(a), 1604(a), (b), or (d), or 1605(a), (b), or (c) in accordance with Administrative Code Chapter 100, which is hereby incorporated by reference.* ~~*in an*~~

~~amount not exceeding $100.00 for the first violation, an amount not exceeding $200.00 for the second violation in the same year, and an amount not exceeding $500.00 for each subsequent violation in the same year. In determining administrative civil penalties, the City Administrator shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.~~

~~Any person to whom the City Administrator issues a written warning of violation or an administrative civil liability citation may request an administrative hearing to appeal such warning or determination of liability. Not later than 30 days before the operative date of this Chapter, and after a public hearing, the City Administrator shall promulgate rules and procedures for requesting and conducting an administrative hearing under this Chapter. In any administrative hearing under this Article, all parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to see and copy all documents and other information the City relies on in the proceeding, and to confront and cross-examine any witnesses against them. A decision by the hearing officer shall be final. Any person assessed a penalty under this subsection may contest such decision to the Superior Court within 20 days after service of the City's decision.~~

(d) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter, including without limitation, civil penalties in an amount not exceeding $100.00 for the first violation, $200.00 for the second violation, and *$500.00* ~~$250.00~~ for each subsequent violation in any given *12-month period* ~~year~~.

(e) The City may not recover both administrative and civil penalties pursuant to *subsections* ~~Subsections~~ (c) and (d) ~~of this Section~~ for the same violation. Penalties collected under *subsections* ~~Subsections~~ (c) and (d) ~~of this Section~~, which may include recovery of enforcement costs, shall be used to fund implementation and enforcement of this Chapter.

~~*SEC. 1607. REPORT TO THE BOARD OF SUPERVISORS.*~~

~~*No later than June 1, 2008, the Director of the Department of the Environment, in consultation with the City Administrator and with input from members of the public, shall submit to the Board of Supervisors a report recommending changes, if any, to this Chapter, including whether the ban imposed by this Chapter should be extended to other products, as supported by the report. If the Director recommends banning additional products, the report must include an estimate of the costs and benefits of compliance with a ban on additional products, including the increased costs to the City as well as to the City's food service industry.*~~

~~*SEC. 1608. OPERATIVE DATE.*~~

~~*This ordinance shall become operative on June 1, 2007.*~~

SEC. *1608* ~~*1609*~~. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Chapter *16* is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SEC. *1609* ~~*1610*~~. NO CONFLICT WITH FEDERAL OR STATE LAW.

This Chapter 16 is intended to be a proper exercise of the City's police power and role as a market participant, to operate only upon its own officers, agents, employees, and facilities, and other persons acting within the City's boundaries, and not to regulate inter-city or interstate commerce.

Nothing in this *Chapter* ~~*Ordinance*~~ shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

SEC. *1610* ~~*1611*~~. UNDERTAKING FOR THE GENERAL WELFARE.

In undertaking the implementation of this Chapter *16*, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 4. Effective Date; Operative Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. This ordinance shall become operative on January 1, 2017; provided, however, that the application of this ordinance to Meat and Fish Trays shall become operative on July 1, 2017.

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Section 5. Scope of Ordinance. In enacting this Chapter 16, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS J. OWEN
Deputy City Attorney

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CITY OF AVALON CITY COUNCIL

MEETING DATE: August 2, 2015 **AGENDA ITEM:** 5

ORIGINATING DEP: Harbor **CITY MANAGER:**

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Shore Boat Service

RECOMMENDED ACTION(S): Direct the City Manager and Harbor Master to pursue a City-operated shore boat service with an annual operating budget not to exceed $250,000 and an initial capital expenditure of $600,000 to $1,000,000 for three shore boats. The procurement of the boats and proposed funding would be presented to the City Council prior to committing the purchase.

REPORT SUMMARY:
Island Enterprises, formerly known as Island Navigation, has been providing shore boat service in Avalon since 1975. In 1977, the City granted Island Navigation an exclusive franchise agreement for providing shore boat service in City waters. In 1983, Island Navigation built a float which was added to the end of the Green Pier for use of their shore boat and glass bottom boat operations during the summer months.

The franchise renewal agreement for shore boat services executed in 1994 following a formal bid process was extended a couple of times and has since expired. During the 1994 formal bid process, only Island Navigation Inc. submitted a bid.

On July 29, 2015, Island Enterprises delivered a letter to the City Manager stating they will no longer be able to provide the harbor shore boat services at its current hours and levels of service due to a $600,000 shortfall.

On November 16, 2015, Island Enterprises amended their schedule and stopped operating shore boat service starting on Monday at noon until Friday at 4:00pm. When Island Navigation is closed, the Harbor Department has been transporting passengers to and from moored and anchored vessels in the Harbor Patrol Boats.

If the City Council would like the Harbor Patrol to continue providing transportation for passengers when the shore boat is closed, it is recommended for safety reasons, that a specific type vessel made for the purpose solely of transporting passengers is obtained, and more personnel be scheduled to operate the service.

The Harbor Master feels the shore boat service is an integral part of Avalon Harbor and a vital necessity for vessels visiting Avalon whose passengers need to get to shore to support the attractions, hotels, restaurants and the like. If a shore boat service did not exist, visitors would

need to bring a dinghy with them to get ashore which is not always practical or affordable. In addition the existing dinghy docks are overcrowded which would limit accessibility for our visitors.

In January 2016, Island Enterprises suggested three options:

1. City purchase shore boats and provide shore boat services

In order for the City to operate a shore boat service, the City would need to purchase three to four Coast Guard certified passenger carrying vessels with an initial cost of approximately $600,000-$1,000,000 in addition to the on-going employee labor and benefit costs associated with the shore boat operating year around.

2. Island Enterprise continues to operate the existing shore boat service with a $600,000 subsidy

Shoreboat rates are set by a tariff issued by the Public Utilities Commission which is currently $4.00 per person, each way.

The Harbor is an enterprise fund and must be self-funded. Providing a $600,000 subsidy to Island Enterprises, would cause the Harbor to operate in a deficit, despite the recent increase in Harbor fees.

It is my opinion the boaters and mooring owners would be against any additional increase in Harbor fees to subsidize a shore boat service they may not use, as boaters are accustomed to having their own dinghy for immediate transportation.

3. Another option suggested by Island Enterprises would be to issue a Request for Proposal to see if there is interest in operating a shore boat service in City waters.

In March 2016, the City issued an RFP and only Island Enterprises responded with a proposal that reiterated the need for a subsidy of $573,000 to service approximately 50,000 passengers per year. Staff cannot justify that dramatic rise in the cost of service projected by the contractor. Staff has analyzed Island Enterprises projections and believes the $573,000 shortfall includes $342,000 of over-allocated expenses from their other operations, leaving only a more realistic shortfall of $231,000.

The Finance Director and Harbor Master estimated $250,000 as a fair charge for the City to pay, if the shore boat service was provided by contract. That amount is contained in the adopted FY16-17 Budget. However, Island Enterprises rejected the idea of accepting a subsidy of only $250,000 from the City.

Staff projects that the City of Avalon could operate its own shore boat service with the $250,000 already included in the FY16-17 Budget. The most significant challenge would be the acquisition of three vessels designed for shore boat services. The estimated cost of a new shore boat can be up to $270,000 and the specialized boats are not commonly found.

Island Enterprises has again offered to sell their used boats, Shore Boat I built in 1969, Shore Boat IV built in 1970, and Shore Boat VII built in 1967 for $190,000 each or to lease three boats for $73,000 per year for ten years with an additional payment for a required maintenance agreement.

The City has issued a franchise for shore boat service in Avalon for many years, and the service has been ably provided by the current contractor. Staff and the City Council need to discuss the impact of not providing this service, or viable options for the boating public who do not own or bring skiffs to Avalon. Staff is concerned about prioritizing expenditures in the Harbor Enterprise Fund, spending $600,000 to $1,000,000 for Harbor shore boats versus other needs such as repairs to the Mole and seawall. The City Council needs to weigh this matter carefully and then provide direction to staff on how to proceed.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: Substantial capital outlay of up to $1,000,000 and net operational costs of up to $250,000 would be incurred if the City were to operate the shore boat service. The adopted FY16-17 Budget includes a contingency of $250,000 for increased shore boat costs.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City of Avalon would not have shore boat service which is considered to be a vital necessity in the harbor.

FOLLOW UP ACTION: Staff to act on City Council directions.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: None.

City Manager Comments:

As stated in the report, the cost of the service under the proposal by the current provider would increase *dramatically*. The Finance Director and Harbor Master have provided an estimate to operate the service and that amount is contained in the adopted budget for FY 2016-2017 and what is determined to be a "fair" charge for the service if provided by contact. Staff cannot justify the rise in cost projected by the contractor. I did learn today that another government funding source may be willing to provide a subsidy for this service, but I have not been able to confirm this view and will ask staff to do so.

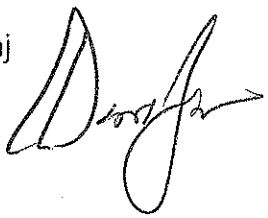
I remain concerned with the need to spend $600,000 to $1,000,000 for a City shore boats as well. The City has numerous other needs for which funds are needed including the Mole repairs and seawall. I understand and respect the insight provided by Staff but my concerns about this expenditure is not any less.

While the City has contracted for shore boat service for visiting boats in the harbor over many years, and the service has been ably provided by the current contractor, *is the required costs*

and investment a good return on investment given other City priorities? What would be the impact if this service is not provided by the City? In relationship to the number of visitors to Avalon per year, is the cost becoming too expensive for the number of people benefiting from the service or is there a reasonable way to recover these additional costs or a portion of these added costs if the City Council wants to make the additional investment.

The City Council needs to weigh this matter carefully and then provide direction to Staff on how to proceed. ***Whatever direction you provide will be implemented.***

dmj



AVALON MUNICIPAL HOSPITAL BOARD OF TRUSTEES

MEETING DATE: August 2, 2016 **AGENDA ITEM:** 8

ORIGINATING DEP: City Clerk **CITY MANAGER:**

PREPARED BY: Denise Radde, City Clerk

SUBJECT: Appointment of Two Directors to the Avalon Medical Development Corporation Board

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RECOMMENDED ACTION(S): Appoint two members to the Board of Directors of the Avalon Medical Development Corporation (AMDC) with terms ending June 30, 2017.

REPORT SUMMARY: The Bylaws of the Avalon Medical Development Corporation (AMDC) provide that the City Council will make all appointments to its Board of Directors. This Board governs the management of the Hospital under the terms and conditions of a lease and operating agreement with the City of Avalon. The Chief Executive Officer of the Hospital and Clinic reports to the AMDC Board of Directors.

The Board positions were advertised and four applications were received from Erik Barton M.D., Anne Marincovich-Julien, Carol Reynolds, and Alene Mack.

The Chief Executive Officer of the Catalina Island Medical Center has presented a letter making two recommendations from the AMDC Board from their meeting on July 26, 2016.

Recommendation is to appoint Erik Barton, M.D. and Carol Reynolds for a three year term ending June 30, 2018.

FISCAL IMPACTS: N/A

GOAL ALIGNMENT: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Positions will remain unfilled and Board may be unable to take action.

FOLLOW UP ACTION: City Clerk will notify all applicants.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the brown Act.

ATTACHMENTS: Letter of Recommendation from the CEO of the Catalina Island Medical Center and four applications.

Catalina Island Medical Center

P.O. Box 1563
100 Falls Canyon Rd
Avalon, Calif. 90704
(310) 510-0700
Appointments (310) 510-0096
CatalinaIslandMedicalCenter.org

July 27, 2016

Anni Marshall, Mayor
City of Avalon
P.O. Box 707
Avalon, CA 90704

Oley Olsen
Mayor Pro Tem
City of Avalon
P.O. Box 707
Avalon, CA 90704

Dear Anni and Oley,

The Avalon Medical Development Corporation at its regular monthly Board Meeting held on July 26, 2016 discussed the existing position vacancies on the Hospital Board.

The Board had available for its review the applications of those individuals who as of the date of the meeting had submitted their application to the City Clerk of Avalon and which had been forwarded to the Hospital. In its evaluation process two additional members would be added to total number of seven members.

The AMDC Board unanimously recommends Erik Barton, M.D. and Carol Reynolds to fill the remaining 2017 position vacancy.

The Board would appreciate your careful consideration to the recommendation of the AMDC Board.

Sincerely,

Jason D. Paret
Chief Executive Officer

cc: Michael Ponce, Chairperson Avalon Medical Development Corporation
Denise Radde, Chief Administrative Officer/City Clerk City of Avalon

CATALINA ISLAND MEDICAL CENTER BOARD
Application Form

If you are interested in serving on the seven member non-profit board that oversees operation of the Catalina Island Medical Center (CIMC), please complete the attached application and supplemental questionnaire and return it to the City of Avalon, City Clerk's Office, 410 Avalon Canyon Road, Post Office Box 707, Avalon, CA, 90704. If you have any questions, you may call Bryan Ballard, Chief Executive Officer of CIMC at 310-510-0700 or Denise Radde, City Clerk, at 310-510-0220 x 122. This application is also available on the City's website www.cityofavalon.com.

If possible, applicants are asked to attend at least one meeting of the committee for which they are applying prior to participating in the application process.

The City Council is the appointive body for the CIMC Board. The City of Avalon is an equal employment opportunity employer and does not discriminate in making appointments upon any basis prohibited by law, including race, color, creed, religion, age, sex, national origin, ancestry, sexual orientation, marital status, military status, or disability. None of the questions or information sought in this application is intended to discriminate based upon any status protected by law.

Please Print:

(MS.)/MRS./ MR.: Alene Mack

TELEPHONE: 440 783 2982

HOME ADDRESS: (HOME) 93 Avalon Terrace (WORK)

MAILING ADDRESS: PO 1628

YEAR YOU BECAME AN AVALON RESIDENT/CONNECTION TO AVALON: 2013 / citizen

ARE YOU A REGISTERED VOTER IN THE CITY OF AVALON? yes

WOULD YOU BE ABLE TO ATTEND DAYTIME MEETINGS? maybe

WOULD YOU BE ABLE TO ATTEND EVENING MEETINGS? yes

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07/11/16
DR

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Please Print:
MS./MRS./ MR.: Erik D. Barton, MD, MBA

TELEPHONE: 714-497-5779 (HOME) 435-640-7061 (WORK)

HOME ADDRESS: 651 Vista Bonita

MAILING ADDRESS: Newport Beach, CA 92660

YEAR YOU BECAME AN AVALON RESIDENT/CONNECTION TO AVALON: 2015

ARE YOU A REGISTERED VOTER IN THE CITY OF AVALON? NO

WOULD YOU BE ABLE TO ATTEND DAYTIME MEETINGS? Yes

WOULD YOU BE ABLE TO ATTEND EVENING MEETINGS? Yes

DESCRIBE YOUR INTEREST IN THE CATALINA ISLAND MEDICAL CENTER:

(See attached)

WHAT PERSONAL STRENGTHS DO YOU HAVE THAT WOULD MAKE YOU QUALIFIED FOR THIS POSITION?

WHAT HAS BEEN YOUR EXPERIENCE WITH OTHER BOARDS/ORGANIZATIONS THAT YOU BELIEVE WOULD BE BENEFICIAL TO YOU SERVING IN THIS POSITION?

CURRENT OCCUPATION AND LAST TEN YEARS EMPLOYMENT HISTORY:

EDUCATIONAL BACKGROUND:

WHAT ADDITIONAL INFORMATION WOULD YOU LIKE US TO KNOW TO BETTER ASSESS YOUR SUITABILITY FOR THIS APPOINTMENT?

REFERENCES: (Provide Name and Phone Number)

1. _____
2. _____
3. _____

DATE: 5/11/16 PRINT NAME: ERIK D. BARTON

SIGNATURE: _____

WHAT IS YOUR INTEREST IN THE CATALINA ISLAND MEDICAL CENTER:

As the Chairman of the Department of Emergency Medicine at UC Irvine Health and School of Medicine I have been intimately involved in assisting the previous and current CEO with an improved staffing model for ED physician coverage at CIMC. Through that process I have learned what a unique institution CIMC is to the island's citizens and its visitors. Our partnership goal with CIMC is to enhance the quality of the clinical care of providers and help to expand clinical services as needed by the community.

WHAT PERSONAL STRENGTHS DO YOU HAVE THAT WOULD MAKE YOU QUALIFIED FOR THIS POSITION:

During the course of my career, I have worked at a number of both academic and community health centers, including critical access hospitals in Martha's Vineyard and Northern Utah. I have developed my leadership skills around operational and financial improvements in medical care, while continuing to focus on high quality and a "patient-centered" mindset.

WHAT HAS BEEN YOUR EXPERIENCE WITH OTHER BOARDS/ORGANIZATIONS THAT YOU BELIEVE WOULD BE BENEFICIAL TO YOU SERVING IN THIS POSITION?

I have served in leadership roles in academic medical centers for my entire career. This includes positions such at the Chief of Emergency Medicine and Executive Medical Director for all of my departments at the University of Utah for 13 years, 4 years of serving on the University of Utah Hospital Board as the President of the Medical Staff elect (2yrs) and active (2yrs), UUMG Executive Committee, and numerous other hospital and SOM leadership committees. I currently serve on the UPS (University Physicians & Surgeons) Executive Committee and Board, Dean's Leadership Council, Medical Executive Committee, and chair a number of other committees at UC Irvine Health (please see my CV).

CURRENT OCCUPATION AND LAST TEN YEARS EMPLOYMENT HISTORY:

(Please see attached CV).

EDUCATIONAL BACKGROUND:

(Please see attached CV).

REFERENCES:

Dr. Shahram Lotfipour, ED Medical Director CIMC (714 -456-5239)

Dr. Kevin Hutton, (858-518-0953)

Dr. Chris Fox, (714-456-5239)

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Please ~~Print~~:
MS./MRS./ MR.: Anne Marincovich-Julien

TELEPHONE: (425) 442-2663 —
HOME WORK

HOME ADDRESS: 9-60 Playa Azul, Avalon, CA. 90704

MAILING ADDRESS: PO Box 2487, Avalon, CA. 90704

YEAR YOU BECAME AN AVALON RESIDENT/CONNECTION TO AVALON: January 2016. Born here. Family immigrated from Yugoslavia in 1905 & settled here.

ARE YOU A REGISTERED VOTER IN THE CITY OF AVALON? Yes

WOULD YOU BE ABLE TO ATTEND DAYTIME MEETINGS? Yes

WOULD YOU BE ABLE TO ATTEND EVENING MEETINGS? Yes

- I am interested in being a part of the CIMC growth, as well as working on a collaboration for quality of care.
- I have managed various sizes of medical clinics within organizations. I have worked with community leaders in a community hospital setting. I have worked with physicians and administrative personnel to bring quality care to patients.
- In my last position, I worked for a practice that served a community hospital. We worked very closely with the hospital board and well as administration, to bring care and education to the community.
- My last position ended in December, 2014. I managed an OB GYN practice with 8 physicians, 3 NPs, and 35 staff. Our Press Ganey scores were in the 99th percentile. When I came to the practice, they were severely in debt. When I left the practice, we were profitable. We implemented an EMR system. Prior to that, I worked for a hospital based organization and managed 6 specialty clinics, remotely. I managed 2 of the largest primary care clinics for a large, Seattle hospital. In my very early career, I had my own medical billing company. I have done every job in a clinic. Medical records, quality control, surgery scheduling, etc.
- Some college. Various MGMA training classes.
- I believe, with my background and experience, I could bring good ideas to the table. I love this community. I would like to leave a legacy for my grandchildren, and make a difference in quality of care for our citizens and visitors.

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CATALINA ISLAND MEDICAL CENTER BOARD
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Please Print:

MS./MRS./ MR.: Carol Reynolds

TELEPHONE: (310) 510-1631 (818) 203-7715
HOME ~~WORK~~ CELL

HOME ADDRESS: 93 Playa Azul, Avalon 90704

MAILING ADDRESS: P.O. Box 2637, Avalon, 90704

YEAR YOU BECAME AN AVALON RESIDENT/CONNECTION TO AVALON: 1990

ARE YOU A REGISTERED VOTER IN THE CITY OF AVALON? YES

WOULD YOU BE ABLE TO ATTEND DAYTIME MEETINGS? YES

WOULD YOU BE ABLE TO ATTEND EVENING MEETINGS? YES

DESCRIBE YOUR INTEREST IN THE CATALINA ISLAND MEDICAL CENTER:
I am completing a 6-year term as Chairperson of the CIMC Foundation. I am very excited about the future of the hospital under the leadership of Jason Paret and want to help shape its future. I am committed to help facilitate the best quality healthcare to our island community and visitors.

WHAT PERSONAL STRENGTHS DO YOU HAVE THAT WOULD MAKE YOU QUALIFIED FOR THIS POSITION?
I am known to be a leader, good listener, well-organized, and task-oriented. I do not make decisions in haste as I think things through and do my best to be fair. I am a strong believer in process and am considered to be fair and wise.

WHAT HAS BEEN YOUR EXPERIENCE WITH OTHER BOARDS/ORGANIZATIONS THAT YOU BELIEVE WOULD BE BENEFICIAL TO YOU SERVING IN THIS POSITION?
President of my Pasadena HOA, Volunteer at Huntington Memorial Hospital, Served on various boards at San Marino Community Presbyterian Church.

CURRENT OCCUPATION AND LAST TEN YEARS EMPLOYMENT HISTORY:
Retired in 2005 from full time employment as Coordinator Health Programs, Glendale Unified School District. Retired in 2014 from part-time employment in the Glendale Unified School District.

EDUCATIONAL BACKGROUND:
Bachelors of Science and Elementary Education Teaching Credential, University of Southern California.

WHAT ADDITIONAL INFORMATION WOULD YOU LIKE US TO KNOW TO BETTER ASSESS YOUR SUITABILITY FOR THIS APPOINTMENT?
I have the time, interest, and willingness to serve to the best of my ability

REFERENCES: (Provide Name and Phone Number)
1. Rose Ellen Gardner – (310) 510-0126
2. Mesa Bradley – (310) 749-6811
3. Ken Putnam - (310) 266-6081

DATE: 6/7/16 PRINT NAME: Carol Reynolds

SIGNATURE: Carol Reynolds