

An Annotated Transcript of Portion of the 28 October 2025 Tulare County Board of Supervisors Meeting

Agenda Item 25: Introduce an Ordinance Adding Article 14 to Chapter 3 of Part IV of the Ordinance Code

Transcript provided by [Rev.com](https://www.rev.com), edited by Emily Hansen and Laile Di Silvestro, and annotated by Laile Di Silvestro

Draft 9 November 2025.

(01:22:09):

[Supervisor Peter Vander Poel]

Okay, now we're going to move on and we are going to take up our untimed portion of our meeting today. This is a request from this is item 25 a request from the Solid Waste department to introduce an ordinance adding Article 14 to chapter three of part four of the ordinance code pertaining to bear resistant carts and enclosures, and I'm going to let you read some of it, Bryce. Otherwise I'll read your whole presentation for you. Go ahead. This is a long agenda item here, right? See that list? I just read the first sentence.

(01:22:48):

[Bryce Howard, Director of Tulare County Solid Waste]

1. This is untrue. Mid Valley Disposal is not providing any containers that are considered bear resistant; let alone any certified bear-resistant containers.

2. This is misleading. While it is true that the proposed ordinance would mandate any gray waste cart that the hauler chooses to call "bear resistant," it also mandates the same metal bins that have been involved in 48% of the 2025 garbage incidents to date. The ordinance also applies to "bear-proof enclosures" and modified carts.

3. This is untrue. The fee schedule as approved on 17 December 2024 and updated on 29 April 2025 includes a 10% Residential foothill customer surcharge for each "Bear-Proof Can" and a monthly \$12 surcharge for each "Bear-Proof Can" as a Residential customer ancillary fee. It does not include a 10% surcharge for Commercial customers.

Good morning. We are here this morning to present a proposed ordinance change related to bear resistant carts and containers. Currently, bear resistant trash carts and containers are available to customers through our franchise hauler.¹ However, they are not required. The proposed ordinance change would make them mandatory within a designated bear management zone. The implementation of this requirement will occur in two steps. Step one, today's request. The ordinance before you today would require your franchise haulers to provide a bear resistant trash cart and containers within any area that has been designated by this board as a bear management zone. Step two would be the actual physical adoption of this ordinance, but also would be when your board would designate a bear management zone. That'll happen at a future meeting more than likely on November 18th. It's important to note that this requirement applies only to trash carts and containers.² Recycling and green waste carts and containers will not be required to be bear resistant. The rates for the bear resistant carts and containers are already been established in your current franchise agreement. Residential customers will be charged an additional \$12 per month. Commercial customers will be charged an additional 10% above their existing rate.³ The ordinance would take effect on April 1st, 2026.

(01:24:24):

What the ordinance won't do. What the ordinance won't do is mandate residents to subscribe to service, still optional service. It will not mandate short-term rentals to subscribe to service, and it won't provide enforcement of properties that are not on service. Is this the video? Okay,

(01:24:59):

[Video Narrator]

The toter automated Bear Cart. Human bear conflict is a growing problem. As bears enter populated areas to scavenge for food. Toter's automated Bear Cart provides a durable, secure solution to help prevent bears from gaining access to trash while keeping humans safe. The Toter bear cart features an

4. This is untrue. As demonstrated in the video, these carts require two hands to open.

all new design to help prevent bears from chewing or clawing their way into the container. The carts are compatible with automated grabber style refuse trucks and semi-automated trucks so the locking mechanism will open automatically when tipped for emptying. The ergonomic locking mechanism allows containers to be opened with one hand⁴ but recessed to help prevent bears from opening. The rugged rim provides added durability. The beefier handle is separated from the hinge to help prevent access from repeated clawing and chewing. Plus the bear cart is backed by a five-year limited warranty. The Toter automated Bear Cart.

(01:26:10):

[Howard]

Staff requested the board take the following actions.

(01:26:12):

5. This is misleading. Depending on size, manufacturer, number purchased, and relationship between dealer and vendor, certified bear-resistant carts cost between \$200 and \$300.

[Vander Poel]

Bryce, real quick before you leave that, that was a great video and nice to actually see what the cart is gonna be. Who pays for that cart? Are residents, customers hit with a onetime \$500 cost⁵ or is this something that is paid for by the hauler in that area and recouped through the rates paid going forward?

(01:26:35):

[Howard]

The second, so

(01:26:36):

[Vander Poel]

Thank you.

(01:26:36):

6. The cost of the proposed 96-gallon cart would be recouped in less than 18 months.

[Howard]

\$12 per month is that fee to help recoup that cost.⁶

(01:26:39):

[Vander Poel]

Thank you.

(01:26:43):

[Supervisor Amy Shuklian]

I'm going to ask a question also if I may. So what is the cost of that cart?

[\(01:26:49\)](#):

[Howard]

Brand new?

[\(01:26:50\)](#):

[Shuklian]

Yeah,

[\(01:26:51\)](#):

[Howard]

They're around \$250.

[\(01:26:52\)](#):

[Shuklian]

So the \$12 is only gonna, it's only gonna be paid until that \$250 is recouped?

[\(01:27:01\)](#):

[Howard]

No, no, that's not the way the current agreement is set up or the ordinance.

[\(01:27:05\)](#):

[Shuklian]

Okay. Does this obviously from that video, cause it was a question I was going to ask, this does not require any additional work to, it's the same as picking up any cart and dumping it. Nobody has to get out and do anything to the cart. It automatically dumps it.

[\(01:27:23\)](#):

[Howard]

Correct.

[\(01:27:24\)](#):

[Shuklian] Okay. I have issue with that, that it's no different than a regular cart dumping it. Yet, if you want this cart, you have to pay \$12 a month more in perpetuity rather than just for the cost of the cart. So just wanted to,

[\(01:27:45\)](#):

[Vander Poel]

Alright. Supervisor Valero?

[\(01:27:47\)](#):

[Supervisor Eddie Valero]

Yes, that is the same concern that I do have as well. When I looked at that and noticed that it was in perpetuity, that is something that is a non-starter for me as well. Given the fact that if they've already paid for the bin, why should they keep paying that same amount ongoing? And so again, that's just an issue that I have as well.

[\(01:28:06\)](#):

[Vander Poel]

Supervisor Micari

[\(01:28:11\)](#):

[Micari]

And I understand the concern. However, there's ongoing maintenance on these, right? There's going to be, if the locks break or something happens to the lock and it's not working properly, you're going to have to maintain that. You're going to have to replace, if a bear chews up on it, you're going to have to replace the cart at additional costs. So that \$12, while it's not going to be a one-time cost for a can, is going to be continual maintenance and continue that it works. Am I understanding correct on that?

[\(01:28:39\)](#):

7. This is untrue. First, the cost of maintenance, repair, and replacement (up to one per year) is already incorporated into our base fee. Second, the proposed ordinance would make the customer responsible for maintenance and replacement, even if the cart is under warranty and if the hauler's actions caused the damage.

8. This is untrue. The contract does not accommodate the proposed ordinance. In fact, the proposed ordinance is in direct conflict with the franchise agreement.

9. The proposed ordinance as written would require an amendment. Mid Valley Disposal staff have stated that such an amendment was written and has been approved by the hauler.

[Howard]

That's correct.⁷ I'm sure there's a warranty of some sort on 'em, but not, probably not a solution.

[\(01:28:44\)](#):

[Micari]

If a bear chews it up or somebody hits it with a car or runs it over, if it's along drive and they got to have to replace it, they're not going to charge an extra amount. That \$12 is going to continue to maintain it and continue it going. I mean we see that in service agreements all the time with what we do. I don't like it, but that's what we have. So I'm just concerned that, and we do a contract and we just did what, a 15 year contract that

[\(01:29:08\)](#):

[Howard]

It is a 15-year contract,

Speaker 5 [\(01:29:10\)](#):

[Micari]

Right? We just did a 15-year contract that took all this into consideration⁸ and so we own that contract. I don't think we can go back and make amendments on that at this point,⁹ but if it's going to involve continuous maintenance, and I'm not saying every day, but

there's going to be some expense to send somebody up to fix the can to bring the broken one down to fix it. So there is an additional cost to this.

(01:29:34):

[Vander Poel]

Okay. Supervisor Shuklian?

10. This is misleading. Certified bear-resistant containers require less frequent replacement. Furthermore, not only is annual replacement of standard carts included in the base fee, but the proposed ordinance would make the customers financially responsible for replacement, even if the cart is under warranty and if the hauler's actions caused the damage. Under the terms of the proposed ordinance, the \$12 would be pure profit in less than 18 months.

(01:29:35):

[Shuklian]

Yeah, my service through the city of Visalia, I recently had two cans replaced because you know I'm sure from the constant banging and whatnot of the cans they were cracked. Wheels are broken, hinges can break yet I pay the same amount and they get replaced.¹⁰

(01:29:56):

[Vander Poel]

Alright, but you don't have bears.¹⁰ Go ahead and finish your agenda item.

(01:30:02):

[Shuklian] I could

(01:30:04):

[Vander Poel]

Your presentation.

(01:30:06):

[Howard]

11. We were unable to find a print version at the meeting, though it may have been tacked up somewhere. It was clear that Supervisors Townsend, Micari, Shuklian, and Vander Poel had not read the proposed ordinance.

Thank you. Staff requests that the board take the following actions: Introduce an ordinance adding Article 14 to chapter three of part four of the ordinance code pertaining to bear resistant carts and enclosures. Find that the title of the ordinance was included on the published agenda and that a copy of the full ordinance was made available to the public, online and in print¹¹ at the meeting before the ordinance was introduced. Set an adoption of the ordinance for November 18th, direct the clerk of the board to publish a summary of the ordinance before the adoption as required by law. That concludes my presentation.

(01:30:42):

[Vander Poel]

Okay, so at this time we will take up public comment. I do want to note Madam Clerk, I believe you might've received one or two emails, is that correct? That you want to be part of the public record?

12. This is misleading. They received at least 44, in addition to more than 320 signatures. Not one of the emails indicated support of the proposed ordinance.

(01:30:55):

[Chief Clerk Melinda Benton]

Yes, we received several actually.¹²

Vander Poel (01:30:57):

[Vander Poel]

Oh, okay. So that's that big stack of paper you have? Yes. Okay. So those will all be part of the public record and you can disseminate that to the board at this time if you'd

(01:31:04):

[Benton]

Like. Yes, I'll do that.

(01:31:11):

[Vander Poel]

13. Vander Poel did not allocate any time for the supervisors to read the emails. Nor was the number stated for the record, nor that all of them opposed the proposed ordinance.

Thank you.¹³ And then we will also be taking up a public comment at this time, so if you would like to speak before the board, please come forward. State your name for the record and public comment will be limited to three minutes per speaker. If you agree with a previous speaker, please do not come up and be repetitive. I want to make sure we give adequate time for

people to comment. Normally public comment is limited to a total of 15 minutes, but I understand there are a few residents who would like to make comments and I also believe the hauler is here as well who can make comments as well. So go ahead Madam Clerk and you can read off the names who have requested to speak.

(01:31:53):

[Benton]

Yes, we have Elizabeth Holliday.

(01:32:00)

[Community member Elizabeth Holliday]

Good morning. My name is Elizabeth Holliday and I'm a proud 13-year resident of Three Rivers and a former small business owner in Three Rivers. I'm here this morning to ask you to please vote no on the inadequate proposed ordinance and start over in collaboration with the Three Rivers Bear Smart team and the local community as required by the community plan, I'd like to give you a sense of the gravity of the problem we face in Three Rivers and share photographs to illustrate that problem. The data I will share with you comes from the Bear Smart team. 13 volunteers with expertise in communications,

education, project and program management, data analysis, government engagement and volunteer coordination including members of Sequoia National Park and the Bureau of Land Management. Going back to 2021. My colleague has photos.

Thank you Lynn. Here are some images to help you understand the numbers I'm about to report to you and what it looks like on the roadways in Three Rivers, including Highway 198. If the proposed ordinance is approved, we will see more of the same moving forward. We can do better than this and we must do better than this. As of late last week, 347 confirmed sightings and incidents have been reported in 2025. The team works in cooperation with the local community, but not all incidents are reported and so the numbers are actually higher. The incident reports include 233 reports of garbage access, 39 reports of attempted access with adverse impact. Five reports of structure entry, two reports of attempted structure entry, One report of livestock attacks, three reports of property damage and four reports of general nuisance such as the toppling of outdoor grills and patio furniture.

The plastic carts are targeted. The recycling carts, sorry, are targeted as often as the plastic garbage carts. 47% of the garbage related reports involve metal curbside bins and at least 75% involve short-term rentals. At least 64% of the trash related incidents involve code violations including plastic carts left out every day or metal bins illegally located where bears topple them onto the public roads, which has led to road blockages and at least one vehicle accident this year. But listen, bear conflicts are more than a nuisance. They are a public safety, tourism and liability issue for Tulare County. Every preventable accident and incident, a property damaged, a bear injured or a viral video of bears in the trash reflects poorly on Sequoia National Park in the county. Thank you for your time. Please vote no on this ordinance and work with the community as required.

[\(01:35:08\)](#):

[Vander Poel]

Thank you.

[\(01:35:08\)](#):

[Holliday]

Thank you.

[\(01:35:10\)](#):

[Vander Poel]

Next request,

[\(01:35:12\)](#):

[Benton]

Jennifer Kirk.

[\(01:35:20\)](#):

[Three Rivers Resident Jennifer Kirk]

Good morning. My name's Jennifer Kirk and I've lived in Three Rivers since 2011. I live on what real estate agents call highly desirable Dinely but is now known as the Dinely dump because the number of garbage incidents on it. I'm here today to urge you to vote no on this proposal and to ask the county

staff to work with our team in Three Rivers and the community as required by the Three Rivers community plan to draft an ordinance that will actually solve the problem that we're facing and that's by mandating certified bear resistant carts for all waste streams without a requirement for current bear resistant certification for carts and bins, this ordinance will not work. And let me show you, so in these photos you see the toter bins that we just saw the video of like we have over here and you can see that even though they have a latching mechanism, they don't stop the bears from getting into the trash, so it doesn't solve the problem.

In addition, as you saw from the previous speaker's photos, recycling containers make up a large portion of the bear incidents and should be included in the ordinance. Many short-term rental visitors are not educated about proper recycling procedures and as a result, recycling containers are also targets for bears. And remember, 75% of the incidents that we've documented in involve short-term rentals. And then as you can see, the metal bins that would be required by this ordinance, they're about half the bear problems that we have. And you can see in these pictures that the customer has had them locked, secured as they're designed to be, but it still doesn't work. The bears are able to get into them and so that is not a solution that's going to work. And then as you can see in this photo, there's oncoming traffic and a car going that way.

There's a bin in the roadway. You know how windy our roads are in Three Rivers? There's a lot of blind curves, there's a lot of tourists that don't understand how to drive in that, but many times residents and motorists have to actually, especially on Highway 198, cross the double yellow line to avoid trash and bins in the roadway. And that's a public safety issue as you heard. There's already been one auto crash because of that. And then finally, the last thing about the containers that you need to mandate for this ordinance is that they have to be accessible for seniors and for disabled individuals, which make up a significant portion of our population. So I urge you to include a lighter 64 gallon cart option in the ordinance and to mandate a waste cart option that does not require two hands and significant grip strength to operate. I know that my hands are not able to do jars as well as I could a few years ago and they're getting worse, so that's important. Thank you so much for addressing this issue.

[\(01:38:24\)](#):

[Vander Poel]

Thank you for your comments.

[\(01:38:27\)](#):

[Kirk]

Hope you'll vote no.

[\(01:38:28\)](#):

[Benton]

Emily Hansen.

[\(01:38:35\)](#):

[Three Rivers resident Emily Hansen]

Oh, okay. Thank you. Good morning. My name is Emily Hansen. I'm a resident of Three Rivers and I'm here to ask you to vote no on the proposed ordinance. Three Rivers is one of Tulare County's most

distinctive communities, the gateway to Sequoia National Park, world renowned destination that draws over 1 million visitors annually and generates nearly \$3 million in transient occupancy tax revenue annually. Yet the community that hosts and supports this tourism sees none of that revenue return to address its basic on the ground needs. One of these needs is urgent, a practical, affordable, and effective bear resistant waste system. We are a resilient and resourceful community, but when it comes to keeping bears out of trash, our options are limited.

We need the county's partnership. The current proposed ordinance does not solve the problem and as it stands is a waste of the county's time and money. As a recovering CPA, I like to look at the numbers. So here are a few: Three Rivers Population was 2053 in 2020. Our median age is 56 and 33% of our population is 65 and older. These residents are on a fixed income. Employment rate is under 50% in the community, 25% of households earn below \$50,000 annually. Additionally, as Jenny mentioned, 20% of our population is disabled. The extra \$12 a month fee is a 30% increase over current pricing. Maintenance is already included in contract pricing and customers are obligated under the current contract to pay in full for a replacement bin. The \$12 a month fee is in excess of these costs. You say a new bin is \$250, but we know that rehabilitated bins are regularly put in circulation in the community.

This chart shows several other bear communities across the country that have approached cost implementation in more reasonable ways. They're utilizing grants from the county to offset cost to residents or formulating plans with lower monthly fees, zero, \$4 per month, a dollar 59 a month, three 50 a month, a \$30 one-time fee. A lot of these communities are using that occupancy tax revenue to offset this cost to residents. There are opportunities and if you work with the Bear Smart Team, we can collaborate and find ways for less cost to implementation. The permanent price increase is completely unreasonable. We know that there are 610 short-term rentals in Three Rivers and as previously stated, 75% of these incidents are coming from these rental properties. This cost would unnecessarily burden owner occupied households for a problem that is mostly attributed to investment properties with absentee owners. Thank you for your time. Please vote no on this proposed ordinance and work with the Bear Smart team and the community as required in your community plan to come up with a better ordinance.

[\(01:41:40\):](#)

[Vander Poel]

Thank you.

[\(01:41:42\):](#)

[Benton]

Laile Di Silvestro

[\(01:41:44\):](#)

[Three Rivers resident Laile Di Silvestro]

Thanks.

Hi everyone. I am Laile Di Silvestro and I have been a Three Rivers resident who has been working to solve this problem, the bear trash problem in Three Rivers, since 2014. So I trust all of you and everybody in this room —and I know Mid Valley is included—have the same goal, which is to solve the trash problem in Three Rivers. For months The Bear Smart team has been sharing a simple formula with the solid waste department, which is full bear resistance plus affordability plus community collaboration equals success. This simple formula has worked in thousands of bear smart communities across the

United States and Canada. So for months the Bear Smart team has been asking the solid waste department to collaborate with us to implement this simple formula. Instead, we were given this proposed ordinance on Thursday. It is a proposal that implements absolutely none of this simple formula, no aspect of it.

And I do want to mention that the bin that's over here is not certified. You can see that it's approval pending and when I spoke with Toter about it, they said that Mid Valley has never produced or purchased a certified bear resistant cart.

So what will happen if this ordinance is approved? We have a pretty good idea because there are other communities that have also failed to implement this simple formula. You can take a look at some of the Tahoe communities for some very sobering examples of this. So what happens? The number of incidents increase. Bears become more habituated to human derived food, they become more accustomed to people. This makes them more bold. They break into homes with increasing frequency, they break into cars and as we've seen in California, they even kill people. So communities that have failed to implement this simple formula have to turn their homes into electrified fortresses. Electric mats at every door and every window deliver a painful shock. This doesn't sound like a great short-term rental scenario, right?

So let's not fail. We have already had home entry, some terrible home entry, car entry, and considerable property damage. But if we implement this simple formula this winter, the cubs next spring will not be raised as garbage bears and our older bears can start relearning to be wild. So I urge you to collaborate with us, to work with us, for full bear resistance and affordability. I urge you to reject this proposed ordinance and instruct the solid waste department to collaborate with the Bear Smart team and the community. We will succeed. Thank you.

[\(01:44:47\)](#):

[Vander Poel]

Thank you. Next comment.

[\(01:44:50\)](#):

[Benton]

Linn Gassaway.

[\(01:44:54\)](#):

[Three Rivers resident Linn Gassaway]

I don't have this polished presentation. My name's Linn Gassaway. I'm relatively new to Three Rivers and I would just, like I say, I would hope that we could find something that is cheaper and easy for people who don't have a lot of waste. I just had a shoulder replacement surgery and it was hard enough to just get the regular bin out and trying to have to do a bin that has you have to use two hands is that much harder and there are a lot of people in the community that could use that help on both the ease and use and the cost. We do appreciate that there's work being done to solve our bear problem and the garbage, but just to be able to walk around the community on a dog walk and not see the garbage all over the place and the bears coming in and harassing my community, if we could come to a solution on that, that would be great. Thank you very much.

[\(01:45:57\)](#):

[Vander Poel]

Thank you. Next public comment,

[\(01:45:59\)](#):

[Benton]

Linda Kaercher.

[\(01:46:00\)](#):

[Three Rivers resident Linda Kaercher]

Good morning. My name is Linda Kaercher. I'm a resident of Three Rivers. I've been there for four years. Here's what's happening currently. We modified our trash can some time ago to ensure that the bears couldn't get in. After one failure we learned how to do it correctly. It's been working properly for nearly four years now. Without notifying us, we began to be charged the \$12 a month. We've been paying that. So when we discovered this due to information, coming from a neighbor to whom the same thing happened, we asked for the bear proof can. The bear proof can. We received one of these? My husband was out of town and I went to throw my trash away. I broke my arm four months ago.

That video stated that it takes one hand, go back to the picture, pinch the tool lift with the other hand. It absolutely requires two hands. I cannot take out my own trash with a Toter that is non-certified to protect from the bears for which I was already paying a regular can that could work and caused no problem for the disposal company. You ask a disposal company to propose an ordinance that you're going to pass and who do you think that ordinance is going to benefit? There is no reason for that charge to be in perpetuity. This ordinance needs to be re-looked at and redone again with the information from the Bear proof team in Three Rivers. Thank you.

[\(01:47:46\)](#):

[Vander Poel]

Next public comment.

[\(01:47:50\)](#):

[Benton]

Shannon Malloy.

[\(01:47:58\)](#):

[Three Rivers resident Shannon Malloy]

Hello, my name is Shannon Malloy and I am an eight year resident and business owner in Three Rivers. I speak here to the men and women of Tulare County Supervisor Board. I appeal here first to your honor and second to your accepted responsibilities to advocate for the needs of your constituents and to resolve problems with county services. The negotiated contract with Mid-Valley lacks perimeters of service for wildlife prevention, which has become an increasingly pressing issue with an unrestricted growth of short-term rentals as documented with the data which has been shared with you by the Bear Wise Three Rivers Committee. Short-term rental trash is particularly tempting to wildlife as it often contains much more disposed food than a normal household, is left out for extra days in the trash can. And lastly, one can may include trash upwards of 10 plus people versus a normal household family size of four people per week.

The Bear team has painstakingly volunteered their time to collect data and conduct research on solutions this past summer in support of a Trash-Free community and for the safety of wildlife and humans. I believe this data has illustrated for you the breadth of daily interactions with strewn trash. The county contract with Mid Valley indicates that "once discarded materials are placed in a container for collection, ownership of such discarded materials shall transfer to contractor." Thus it appears well within the scope of mid Valley's contracted responsibilities to resolve this trash problem which you have now had a peek into the scope of. Additionally through though Mid Valley has proposed a wildlife resistant can, this can does not meet the needs of either being certified against wildlife nor being a suitable recommendation for the 33% of elderly representatives of our community, an unnecessarily discriminatory mandate. Luckily the Bear Smart team has done integral legwork researching similar communities in identifying successful cans.

I urge you to consider their suggestions to remedy the problem most quickly and effectively rather than dragging our community through a cycle of trash can rollout that does not address the outlined problem. The ordinance must not be passed because one, the ordinance listed the bear resistant container replacement must be purchased by the customer when it is within the parameters of mid Valley's original contract to maintain trash receptacles and all other acquired equipment. And in addition, the customer doesn't in this case believe that Mid-Valley has chosen a can which will not be damaged. Two, the ordinance does not explicitly outline how the responsibility of Mid-Valley regarding trash placed inside their receptacle has now become the responsibility of the customer. Three, there seems to be an unfortunate conflict of interest for the county as raising the price to the Three Rivers customers for the new enclosure in this system results in an increase of funds directly to the county budget from franchise fees paid as a result of this change.

Lastly, as we return to the issue of cost, there are multiple ways to address this. First and most obvious being an allocation from the 2.8 million TOT generated by this community last year, particularly as we see from the data the reasons listed and the comparison with Springville that this issue has grown in large part from transients occupying Three Rivers. A second solution would be, use necessary portion of the 5% franchise fee. I'm sure there is other creative solutions. I thus require a no vote to this ordinance and a remedy which includes the needs of our community. Thank you.

[\(01:51:02\)](#):

[Vander Poel]

Thank you for your comments. Any additional requests? Madam Clerk,

[\(01:51:06\)](#):

[Benton]

Mr. Chair, that concludes the public comment cards.[\(01:51:09\)](#):

[Vander Poel]

Do we have any members of the public or any of the haulers or any representative from Mid Valley who hauls up there if you want to come forward? Go ahead. Both microphones work. Yeah,

14. Even though this is purportedly a public comment, Kalpakoff dialogs with the Board members for more than 9 minutes.

[\(01:51:25\)](#):

[Mid Valley Disposal owner Joseph Kalpakoff] ¹⁴

Good morning Board. Joseph Kalpakoff, owner Mid Valley Disposal. I want to thank everybody that showed up today to make their comments on the bear cart. I'll let you know we are not, we're right in

the middle of this, we have a contract with the county to provide garbage service. We'll do that. If you want to do bear carts, we'll do that as well. A little bit on the cost really quick. I think that was one of the main things. I want to just walk through that so you can understand and everyone understands what the cost was. We were. Last year we were looking at a new franchise agreement. The county requested that we come up with a bear resistant cart that would and a cost for that. It's not in there now. People, there was something that we could offer but we didn't have a price for it. ¹⁵

15. Note that the entire dialog focuses exclusively on the carts and ignores the critical elements of the proposed ordinance that address bins, enclosures, and modified containers.

16. This is misleading. As the company's own numbers indicate, this is a bit of an exaggeration.

17. This is misleading. If the carts were good, they'd be reusable. Many of the carts in Three Rivers are ancient carts that Mid Valley Disposal acquired from other companies or from a cart dump.

18. This is misleading. The cost of delivery and removal is incorporated into our base fee, which accommodates up to one cart replacement per year.

19. This is untrue. Two Three Rivers bears learned how to access the uncertified carts within two weeks. Three of these carts have been involved in four confirmed garbage incidents. According to Toter, the carts are not bear resistant and were never intended to be sold as bear-resistant carts.

20. This is misleading. According to Toter, the uncertified test carts Mid Valley Disposal have no warranty.

21. This is misleading. A warranty does not equate to the expected life of a product. Our preferred certified bear-resistant cart has been demonstrated to last for more than a decade. Also, many of the carts in Three Rivers are not Toter carts, and they are certainly no longer under warranty.

22. Mid Valley Disposal has not had a successful track record in addressing the bear issue in either Shaver Lake or Three Rivers. Indeed, the problems have gotten worse in both locations.

These bear carts are five times the cost of a regular garbage can. ¹⁶ Just so you know, a new, a regular garbage can we provide up there runs around \$60 a month or 60 bucks for a cart. They last 12 years with a guaranteed warranty, we can turn those carts back in to our supplier. If they get damaged, we can get a new cart from them. The new bear carts, like I said, they're about \$275, not \$60. And so the cost that they pay now includes a \$50 cart, not a \$275 cart. I have to go, with this ordinance, Mid Valley's gonna have to buy a thousand carts at \$275,000 that are not contemplated in that current rate today. The carts that are up there are contemplated in the current rates, so I'm going to have to remove a thousand good carts. Some of them will probably not never go back out again. ¹⁷

I have to replace them, deliver a brand new cart at 275 bucks and then dispose of all the other carts. There's a cost to do that, right? There's a huge cost to do that. It's going to be probably a half a million dollars to go up there and do this. ¹⁸ We'll do it. We're on board. This cart, we use it not just in Three Rivers, we use it in Shaver Lake. I have videos on my phone of Bears jumping on this cart. I have them at my house in Shaver Lake. They work, we have not had a problem with them. ¹⁹ Again, there is a five-year warranty, ²⁰ so it's half the life of regular cart knowing that it can be damaged. ²¹ We're putting 'em up in highly in areas of elevation where there are bears. It's a problem. There is no doubt that bears are a problem. We want to solve that problem as well with the county. If this is the way to go, we're all for it. Any questions?

(01:53:55):

[Vander Poel]

I appreciate you bringing up the fact that you haul up in Shaver Lake as well because I wanted to make sure the point was made that Three Rivers is not the only bear prone area that you haul in as a hauler. Correct. ²²

23. Mid Valley Disposal does not provide the same carts and bins in Sequoia and Kings Canyon National Parks as it does in Shaver Lake and Three Rivers.

24. Incorrect. Of the two certified bear resistant carts, the Kodiak Can is most used. This is because the Kodiak Can has been certified since 2016. The 66-gallon Toter model was certified in November 2024, and the certification was revised in December 2024 when a problem was found in the earlier model. It hasn't been on the market long enough to become "prominently used" in any sense of the phrase.

(01:54:08):

[Kalpakoff]

We have both national parks as well,²³

(01:54:10):

[Vander Poel]

So I think that's an important point. This is not a product that you designed, correct? Toter is probably the most prominently used bin, correct? Or is?²⁴

(01:54:23):

[Kalpakoff]

Yeah let me, so there's, it goes deeper than that, than a Toter cart. There is a manufacturer called Wastequip. Wastequip manufacturers carts, bins, and trucks. So when we buy a Wastequip truck to pick up a Wastequip cart, the warranty is tied together on it and that's why we do that as well. And you could get a third party cart up there, but if the truck damages it with the mechanisms, we have a full replacement on a warranty that we can use the same vendor on everything. That's why we chose this cart. It's strictly business and it is a better value. It's cheaper long run for the community

25. Incorrect. It is the Board members' job to dictate the hauler's profit. It is not the hauler's "call." Per county code, haulers are allowed a "fair profit," which averages about 10% of the cost of doing business. (See section 4-03-1250 of Chapter 3 of Part IV of the Tulare County Ordinance Code below.)

Section 4-03-1780(b) of the proposed ordinance is a glaring example of county irregularity in this regard. It allows carts with bear-resistant modifications and allows the hauler to apply the \$12 surcharge for them even if they entail no increased cost to the hauler (which is typically the case).

It is notable that Vander Poel is openly indicating that he supports unrestricted hauler profits after being reminded that some members of the community cannot afford the rate increase.

(01:54:58):

[Vander Poel]

And I appreciate you actually commenting on what the various costs are for you. It's not, I'm not going to dictate what your profit's going to be and what your costs are as a county supervisor.²⁵ You are the business owner and you're going to recoup the costs of having to meet the mandates put upon you by your jurisdiction that you're hauling within, and you have a franchise right to haul in. So you have to meet a mandate and how you meet that mandate is your call and you have to pass that on to your customers to make sure that you can survive as a business and I want to make that point very clear. Okay, any other questions for the hauler. Go ahead, supervisor Micari.

4-03-1250 RATE APPROVAL:

The Board is authorized to approve, disapprove or modify the proposed schedule of maximum rates submitted by the Franchise Haulers. All rates shall be reasonably related to the costs of doing business, to a fair profit to the Franchise Hauler, and to providing sufficient and proper service to the public. In determining whether such rates are reasonable, the Board may consider the length of haul, types of Solid Waste collected, stored or transported, the number, types and locations of customers served, the investment in equipment and facilities, the local wage scales, the cost of disposal, and any other factor deemed by the Board to be relevant to the cost of doing business, to a fair profit to the Franchise hauler, and to providing a sufficient and proper service to the public.

(01:55:46):

[Micari]

Joe, you touched on it, the cost difference. So even on a normal cart though, you do include that in the bill, right? It's spread out.

(01:55:55):

[Kalpakoff]

Yep. The current cart's up there are included in that bill? That's correct.

(01:55:58):

[Micari]

Now. Right. So they're paying for something already that they already have because it's a cost doing business. You talked about Shaver Lake and both national parks. You're talking about Sequoia and Kings?

(01:56:08):

[Kalpakoff]

Yes, both of them.

26. This is misleading. Although not captured in the transcript, people in the audience associated with Mid Valley Disposal and/or the Solid Waste department responded in a manner that led Micari and others to believe that Mid Valley Disposal provides the same carts and bins to SEKI as they provide to Three Rivers customers. This is untrue.

(01:56:10):

[Micari] And they had complained to you at all about the carts being [...].²⁶

(01:56:15):

[Kalpakoff]

I've only gotten praises out of Shaver Lake. We've rolled 'em out beginning of this year. There was a big, there's a huge bear problem up there, same as Three Rivers. It's identical. I mean, yeah,

(01:56:23):

[Micari]

And there's question regarding the certification of that cart, however the video shows, it says Grizzly certified by somebody on

27. This is untrue. Kalpakoff and an unidentified person are claiming that there was a drain hole in the rim of **one** of the non-certified carts they provided us and that this drain hole allowed bear entry. At least three of our carts were accessed by two bears (one of them twice), and a drain hole was **not** involved in any of the incidents.

(01:56:30):

[Kalpakoff]

The, this cart you're looking at is not certified. We bought these in December of 2024. There was a little bit an issue with one of these carts. There's a hole in it that a bear could get in.²⁷ They resolved that issue and today they are certified. The ones that we would buy for Three Rivers are the newer cart that are certified.

(01:56:50):

[Micari] Alright

28. This is misleading. Kalpakoff is implying that because he purportedly hasn't heard of any issues in Shaver Lake the uncertified cart "still works."

29. This is misleading. The Toter 79A96-B is the certified model. It has two drain holes that stop the latches from rusting quite so rapidly. The certified 79A96-B differs from the uncertified product that the hauler has been providing differs from in a couple of ways. 79A96-B has a different latch and a modified indentation for the external portion of the latch. One characteristic the certified model and the uncertified product share is the two drain holes.

30. This is untrue. Toter engineers examined the photos of the compromised uncertified carts. It was the form and the soft plastic that allowed the bears entry. The drain holes were not implicated in any way.

(01:56:50):

[Kalpakoff]

This one a year ago was not. It still works. Again, I have 'em in Shaver, I haven't had a bear get in one yet.²⁸

(01:56:57):

[Unknown Mid-Valley representative]

It's a weep hole for the locking mechanism. So the locking mechanism lasts longer.²⁹

(01:57:02):

[Micari]

Right. And they were able to manipulate that.

(01:57:05):

[Kalpakoff]

Yeah.³⁰

31. This is misleading. Although there is an applicable line item in the fee schedule, such accommodation is not required in the franchise agreement available on the county website, and, according to our disabled seniors who have the service, Mid Valley Disposal is charging for it. Furthermore, people who do not have the strength to pull 96-gallon carts that weigh 52.4 pounds when empty, cannot open the carts with two hands, or do not have the strength or ability to pinch are not necessarily senior or disabled. Accordingly, the Bear Smart team has been advocating that 65-gallon carts be made available, as well, including the Kodiak Can, which does not require two hands or the ability to pinch.

(01:57:05):

[Micari]

They're smart. What about disabled? Have you got any complaints regarding disabled people unable to access them?

(01:57:12):

[Kalpakoff]

I think we have a pullout service that we offer. If there was a disabled person, they can call us. We can put 'em on route. The driver will pull it out, dump it and put it back for 'em.

(01:57:20):

[Micari]

Okay, so you do try, you do accommodate that?

(01:57:23):

[Kalpakoff]

Oh yeah and³¹

(01:57:23):

[Micari]

That's everything's all I have right now. Thank you.

(01:57:26):

[Vander Poel]

Alright, thank you. Any other questions for the hauler?

32. Shuklian has questions for the community; however, Vander Poel explicitly states that he will allow questions for the hauler only, after which he will close public comment period.

(01:57:30):

[Shuklian]

A lot of questions. Some are for the hauler.

(01:57:33):

[Vander Poel]

If you have any questions specifically for the hauler, this is your time because we're done with the public comment after this. ³²

(01:57:41):

[Shuklian]

So one of the items or concerns are there are not any recycling. Now could this can, if somebody got it, use it as a recycling can paint it blue, do something to say this is my recycling.

33. This is misleading. About a quarter of the garbage incidents are associated with recycling carts. The proposed ordinance includes no provisions that would facilitate proper handling of recycling, especially by STR visitors.

34. This is misleading. Mid Valley Disposal has consistently instructed all customers in Three Rivers to put food waste in the organic waste cart. As a result, food waste sometimes does go into the green cart. The proposed ordinance includes no provisions that would facilitate proper handling of food waste, especially by STR visitors.

(01:58:01):

[Kalpakoff]

So, the recycling. This is a in-depth conversation we had. Do we include the blue cart? Do we not include the blue cart? If recycling's done properly, if it's done properly, and that's I mean it's a hard thing. Not everyone does it properly. The food's rinsed out of it. It's paper, bottles and cans. There's no food residue. There should not be a problem. If there are food residues in there, there could possibly be that issue. Again, if it's done properly, then it won't become an issue. ³³ There's a green cart up there as well, but food waste is exempt in the Three Rivers area, so food waste does not go into the green cart. ³⁴ So we didn't use, we thought that would not be a prudent way to go as well with the green cart. So we just, we looked at the gray one first. If there's a need for the blue one, we can add a blue one on there. We could do that. We can order blue ones. If there's a demand for a blue cart where they subscribe to a garbage can and they want a blue one, we can add a blue one on there. There will be a fee for that obviously,

(01:59:00):

[Micari]

35. Shuklian has the floor, but Micari is taking over. This is not procedurally allowed.

36. This is misleading. Note how the cost of the current carts and the proposed carts keeps shifting...

37. This is misleading. See note 34 above. Mid Valley Disposal has consistently instructed all customers in Three Rivers to put food waste in the organic waste cart. As a result, food waste sometimes does go into the green cart. The proposed ordinance includes no provisions that would facilitate proper handling of food waste, especially by STR visitors.

Right. ³⁵

(01:59:00):

[Kalpakoff]

because again, I'm have to switch this whole \$50 can out for a \$275, can deliver it and get rid of the other one. ³⁶

(01:59:07):

[Micari]

So organic waste, food waste and stuff goes in the gray can up there.

(01:59:10):

[Kalpakoff]

It goes in gray can up there? That's correct. They're exempt from the food waste ordinance 1383. ³⁷

(01:59:16):

[Vander Poel]

Sorry. Sorry that supervisor Micari interrupted and I allowed

38. This is untrue. Tulare County Solid Waste refused to collaborate. Tulare County Solid Waste ignored all team and community calls and emails for months and ignored all requests for a meeting. In September, Eddie's assistant was able to arrange a short-notice meeting that only four team members were able to attend. This meeting occurred about one month before the Board of Supervisor's meeting and after Mid Valley Disposal and Tulare County Solid Waste had finalized the proposed ordinance. The Bear Smart team was given no opportunity to see the proposed ordinance before, during, or after the meeting. During the meeting, Solid Waste staff revealed a small portion of the content of the proposed ordinance. No team input was considered. As Supervisor Valero notes below, "Yes, the solid waste department met with the Bear Smart Three Rivers team on September 24th. One meeting. One meeting after the ordinance was already written is called notification, not collaboration. We can't check the box of community engagement after the decision has already been made." NOTE: At this point, Mid Valley Disposal and Tulare County Solid Waste were standing together at the podium.

(01:59:18):

[Shuklian]

That's all right. I'm used to it. My other question, it could be for the hauler and also for our staff. Has there been any dialogue with the community regarding this?

(01:59:37):

[Tulare County Solid Waste representative Luke Feldstein]

Luke Feldstein solid waste. Yeah, we had one meeting, was it two? Just about two months ago. That was the only outreach from Bear Smart to our staff and Mid Valley. ³⁸

(01:59:51):

[Shuklian]

Okay. Okay. Thank you. And what are certified cans? I mean what's the difference in this can and a certified can?

39. This is untrue. At this point, the Tulare County Solid Waste representative is referring to the uncertified cart that Mid Valley Disposal had brought to the meeting, which is the same one the hauler has been distributing in Three Rivers. Not only is it uncertified, but it is not bear resistant. It does not have a double wall, and it is made of soft plastic. Two bears have been able to chew the rim, rip through the wall, and pop the lid open.

(02:00:07):

[Tulare County Solid Waste representative]

Well, this is a certified can.³⁹ That's just one wasn't passed through the model number. The difference is you've got a double wall, you've got a rigid line deal. The animal can't get inside there necessarily. It's not going to pop open. There are instances where things happen, people leave them unsecured, they do pop open, but the difference is the thickness of the plastic and it can get tossed around. The lid can't pop open is basically,

(02:00:32):

[Shuklian]

Is this the only certified can that Toter makes?

(02:00:36):

[Tulare County Solid Waste representative]

No, and I think in the packet there's a list

(02:00:39):

[Shuklian]

Of somebody else makes

(02:00:39):

[Tulare County Solid Waste representative]

IGBC certified containers across the board.

40. This is untrue. During the September 24 meeting, the Bear Smart team asked that a 64-gallon Toter option be provided in addition to the 96-gallon cart and that the 65-gallon Kodiak Can be provided for people who can't open the Toter carts. The Kodiak Can is fully-automated and compatible with Mid Valley's trucks. Although it is slightly more expensive than the Toter, it costs less to maintain, it is proven effective, and more people can use it. The bid we received was for under \$300. Note that the \$12 rate is in clear violation of section 4-03-1250 of Chapter 3 of Part IV of the Tulare County Ordinance Code regardless of the carts provided.

(02:00:43):

[Kalpakoff]

Yeah, I think that's where the question comes into. I mean, so we're ultimately responsible for the cart. The customer's not, the garbage man is. We have to go procure 'em. Again, there's a reason why we chose this one. It is certified. There's a Kodiak one out there. I think it's \$500 or \$600. \$400 or \$500 you guys probably know. So again, when we put the \$12 together with the county, it was based upon this cart at 275. If there's a \$500 cart that they want, we'll have to put that back in the model ordinance and the price to adjust that up a little bit. And as long as it works with our truck, again, this is a cart that we're not familiar with.⁴⁰

[\(02:01:25\)](#):

[Shuklian]

And that was my other question is another cart, and I don't know what the folks from Three Rivers are referring to when they say a different cart than this, would that other cart require you know, manual, you know somebody to get out of the truck and do something manually? Would it not work with just a regular pickup and dump into the truck? I don't know. I don't know if anybody knows that.

[\(02:01:51\)](#):

[Kalpakoff]

Again,

[At this point, because Kalpakoff didn't know the answer, there was back-and-forth dialog between the hauler and the Bear Smart team, which did know the answer.]

[\(02:01:53\)](#):

[Vander Poel]

This isn't for dialogue back and forth. You're asking a hauler directly.

[\(02:01:56\)](#):

[Shuklian]

I am, but I would like to ask somebody from the community what they mean by that. I don't know if they have a representative that could answer that.

[\(02:02:11\)](#):

[Bear Smart Three Rivers lead, Laile Di Silvestro]

Yes. Yeah, so I've been leading the Bear Smart Three Rivers team for quite some time now, so I should hopefully be able to answer your questions.

[\(02:02:18\)](#):

[Shuklian]

So is it something different than this can, is it a different maker? Is it a different, what's the difference in

[\(02:02:24\)](#):

[Di Silvestro]

Yeah

[\(02:02:24\)](#):

[Shuklian]

what you guys keep saying this is certified, but you're thinking is something different?

[\(02:02:29\)](#):

[Di Silvestro]

This one is not certified. They have not yet provided a certified cart for us. The certified carts actually have a completely different material. They have a different form that's used. And as they mentioned, the lock was actually modified. This was a test version that wasn't ever intended to be on the market.

41. This is a very important point. The proposed ordinance does not define 'bear resistant', it does not require any 'certified' bear resistant containers, and it mandates the bear-friendly metal bins the hauler is currently providing. The hauler can provide any cart that it chooses to label bear resistant (which is what Mid Valley Disposal has been doing). Here Shuklian is introducing a concept that other Board members will embrace— that it is acceptable for the ordinance not to require certified bear resistant carts if the Mid Valley Disposal owner says he will provide certified bear-resistant carts in the future. At this meeting, the Board members are required to consider the intent of the proposed ordinance, its ability to fulfill that intent, and its legality. Instead, they are engaging in a hand-shake agreement.

[\(02:02:46\)](#):

[Shuklian]

But they said they're going to be bringing the certified.⁴¹

[\(02:02:49\)](#):

[Laile]

So if they bring the certified ones,

[\(02:02:51\)](#):

[Shuklian]

This is just an example

[\(02:02:51\)](#):

[Di Silvestro]

that's right. So there are two currently that meet our requirements. One is the Kodiak can that's from Northland products and the other is the Toter. The issue with the Toter is that it does require two hands, whereas the Kodiak doesn't. It's also newly certified, so it hasn't been on the market long. And the initial comments that are coming in from other communities, especially those in Florida and Colorado, is that the locks have a tendency to rust. So that's an issue that the Kodiak doesn't have. So the Kodiak is one handed, it costs about the same amount, and it's been in use and certified for 10 years. The other thing I want to mention though is that we're talking about having the 64 gallon available as well. Most of our residents would only need the 64 gallon. It costs much less and it weighs a lot less. These weigh over 50 pounds, so they're definitely difficult for a lot of our community to handle,

[\(02:03:49\)](#):

[Shuklian]

But they can request a rollout service. I know you can do that in the city if you're handicap

[\(02:03:55\)](#):

[Laile] that costs more than most of our community can afford, especially our seniors and disabled.

[\(02:03:58\)](#):

[Shuklian] Oh, it's not a,

42. Although there is an applicable line item in the fee schedule, such accommodation is not required in the franchise agreement available on the county website, and, according to our disabled seniors who have the service, Mid Valley Disposal is charging for it. Furthermore, people who do not have the strength to pull 96-gallon carts that weigh 52.4 pounds when empty, cannot open the carts with two hands, or do not have the strength or ability to pinch are not necessarily senior or disabled. The hauler is authorized to charge \$20.54 per month for so-called "backyard" service. If the carts are 25 feet or less from the road, no "backyard" service is available at all.

43. The hauler was justifying the \$12 monthly surcharge based on increased maintenance and replacement costs. Yet, the cost of maintenance, repair, and replacement (up to one per year) is already incorporated into our base fee, and the proposed ordinance would make the customer responsible for maintenance and replacement, even if the cart is under warranty and if the hauler's actions caused the damage.

(02:04:00):

[Di Silvestro]

No, it's not free.⁴²

(02:04:00):

[Di Silvestro]

A complimentary service. Okay

(02:04:01):

[Di Silvestro]

No, it's not.

(02:04:02):

[Shuklian]

I think it is in Visalia. Alright

(02:04:04):

[Laile]

The other thing I want to mention is that the ordinance as written does require that we pay for a full replacement cost if there's any issue with them. That was something that was misunderstood before.⁴³

(02:04:16):

[Shuklian]

Alright,

44. At this point, the Bear Smart team is denied any further ability to respond to Board member questions.

(02:04:16):

[Vander Poel]

thank you.⁴⁴

(02:04:17):

[Shuklian]

Thank you. Okay, that's it for now.

(02:04:18):

[Vander Poel]

At this time I'm going to close the public comment. We've received the emails and comment in the chambers and I'm going to bring it back to the board for deliberations.

[\(02:04:28\)](#):

[Supervisor Eddie Valero]

Yes, go ahead. Alright, thank you Chair. First, I do want to acknowledge the residents here today as well as those that are listening online before us today is an ordinance that aims to address an issue that has challenged the foothills for years, for many years. But what is before us today does not rise to that standard. It is not a solution built on partnership or data or trust, it's a reaction, one that risks deepening a wound that has already gone untreated for far too long. Let's begin. What has led us here? Three Rivers has had four different supervisors in 10 years. Again, four different supervisors in 10 years, that kind of turnover is destabilizing. When leadership changes this often, institutional memory is lost, relationships must be rebuilt and progress slows to a crawl. For residents, it feels like starting over again and again and again without resolution, without continuity, without hope that the county is truly listening.

And I do apologize to Mid Valley because we have been placed in this middle. Three Rivers deserves consistency, it deserves presence and it deserves leadership that invests. And I do not think that the solid waste department has done just that. This ordinance is a shortcut and the shortcuts rarely lead to sustainable outcomes. Yes, the solid waste department met with the Bear Smart Three Rivers team on September 24th. One meeting, one meeting after the ordinance was already written is called notification, not collaboration. We can't check the box of community engagement after the decision has already been made. Residents have told me again and again that their concerns go unanswered, that their emails vanish, that their calls echo in silence. And I want to be very clear that if that is true, then this is a breakdown in governance. We are told that there is a system in place for residents to submit complaints, but a system that doesn't respond is worrisome for many.

If residents take the time to voice their concerns, they deserve acknowledgement, follow through and results. They also have every right to verify that their voices are heard, to see the record of their engagement, to know that their county is accountable. There is a process for that and I urge residents to use that mechanism and that mechanism is PRA. And reasons why they're not reporting anymore because there's no follow through to begin with. And so the residents have been tired and tired because there is no follow through from solid waste department. Now let's talk about fairness because this is where policy meets principle. This ordinance would impose a \$12 monthly surcharge per household and a 10% increase for commercial containers. To some, this may seem minor, but to the people of Three Rivers, many of them seniors, many living on fixed income. This is significant and as have you've heard from the residents today.

Meanwhile, that same community contributes again, and we've said this before and it's been brought up many a times the 2.1 million last year in transient occupancy taxes. It may not come from them directly. Yes, it may not come from them directly from their pockets, but they've had to burden the changes and challenges in their community due to the business transactions that have been happening up in this community. Let's say that again, 2.8 million, almost entirely driven by visitors short-term rentals and tourism. And yet the financial burden of this ordinance falls on its residents. We're effectively asking those who have done the least to cause this problem, to pay the most to fix it. That's misplaced responsibility. If we are serious about equity, then we should be using a portion of that. The same funds generated by the very activity that creates the overflow of trash and human bear conflict to help cover these costs.

But I know that we won't probably get there. Even beyond cost this ordinance fails on substance. It requires bear resistance containers only for gray waste carts. Again, not for the recycling or the organics, we've talked about that, but as has been mentioned, bears don't discriminate between bins. They follow the scent of food. We cannot legislate biology out of existence. If we want to a bear resistant

community we need a comprehensive science-based strategy. What we have before us is a piecemeal patch. Partial bear resistance is no bear resistance. Communities across the mountain west like Mammoth Lakes, Tahoe, Aspen, big Sky, have developed Bear Smart models that pair certified bear resistant infrastructure with education, visitor accountability and local stewardship. These programs work because they are community built and scientifically grounded. And again, I'm sorry that I'm passionate about this, but this has been impacting and affecting me for quite some time.

Three Rivers has asked us for years to adopt that same approach. Instead we've given them a mandate without a partnership. We also cannot ignore accessibility. These proposed carts as already been mentioned, weighing over 50 pounds and require two hands to open for seniors and residents living with disabilities. This is exclusionary. The Aging in Community Group has already sounded the alarm and they are right to do so as well. We cannot write ordinance that unintentionally sideline our elders. And a policy that makes compliance impossible for a portion of our population is also regression. At its heart this issue is about trust. Trust between the county and the community. Trust between leadership and its residents. Trust that when people speak, their government listens, not dismisses. Three Rivers has done everything we ask of an engaged community. They've organized, they've created a bear smart team that unfortunately you have not been able to connect with for more than just one meeting.

They've gathered data, they've built coalition, and they've offered solutions. And I know that we're not going to get a hundred percent on one side and a hundred percent on another side, but again, we need to meet in the middle. What they have not received is consistency and that is partnership. And partnership is a price of doing business as a public agency. That partnership is a price of doing business. So what do we do? Again, I still believe that we bring together the Bear Smart team, Sequoia Conservancy, whether it's also Cal Fish and Wildlife, Mid-Valley Disposal, and yes, the residents themselves. We designed a bear Smart Tulare County, not a quick fix, but a comprehensive collaborative model grounded in education and environmental integrity as well. It's about whether people in unincorporated rural and historically underrepresented communities believe that their government sees them and truly sees them.

For far too long, this town has been on the edge, yes, geographically, but Three Rivers is also where the edge of policy can meet the heart of its people if we are doing our job correctly. And so again, I cannot support this ordinance as written. It is not complete, it is not equitable and it's not collaborative. We can do better and yes, we must do better and we owe it to Three Rivers and to every community that feels unheard to prove that government still listens and still learns and still works with its people. I oppose this measure as written and I urge my colleagues, and I'm sorry to put it out there, but especially Supervisor Townsend who also shares a region just like District Four, to oppose this measure as well.

45. At this point, Vander Poel deviates from procedural norms to angrily discredit Supervisor Valero.

(02:12:45):

[Vander Poel]

And I am going to break the order here.⁴⁵ I have other requests, but I take deep offense to saying that rural areas have been historically underrepresented and misrepresented. I've served on this board of supervisors. I'm in my 17th year and I've done a damn good job and I've worked hard to represent rural areas and make sure they have a voice. I may not represent only just a portion of my population, like my colleague who is picking and chosen specific interest groups to cater to. It is this issue, this issue that we're talking about. Mr. Valero, you can be quiet when you're not, you don't have the floor. I've given you the floor. I have the floor at this time. So keep your mouth shut please. So I take

great pride in representing all of my communities, not just a portion of them. You do represent short-term rentals as well as permanent residents.

46. This is untrue. Tulare County Solid Waste staff did not put any effort into making sure the issue was resolved, let alone resolved adequately. They did not “have community outreach.” They did not solicit, listen to, or consider community opinion. They did not entertain feedback, and they did not speak directly with residents until after the proposed ordinance was completed.

NOTE: Tulare County Solid Waste staff did, however, collaborate very closely with Mid Valley Disposal.

You don't represent just a portion of the population. Now that impassioned, pre-typed reelection speech, you know I can appreciate that. But I think that this is something that needs to focus on an issue that has been brought to the attention of the county. And I will not throw my county staff under the bus saying that they do a poor job and that they did not do any effort, put any effort forward to make sure that this issue was resolved adequately. You did have community outreach. You took into consideration community opinion. While it may not have been exactly what the District four supervisor may have prescribed, you entertained feedback and spoke directly with residents who were concerned and I appreciate that. ⁴⁶ I appreciate the work that all of our county staff does. The work that you do is not always appreciated. But from this dias, I appreciate you and I will not throw you under the bus. So I say

thank you for doing what you do. I'm going to have other comments, but I just had to say that Supervisor Micari.

(02:14:45):

[Micari]

Well, thank you Mr. Chair. So I just want to start off by saying that I've been everywhere in this county day and night throughout my law enforcement career. And I've seen other communities where trash scattered everywhere and there's no bears in that community. It's dogs and coyotes and everything else getting into it. I patrolled Three Rivers for several years, day and night going up there and I saw bears, deer, coyotes, loose dogs, squirrels, skunks, raccoons, all going through the trash and getting out there. I remember driving by and a raccoon popping his head up, scared the what out of me anyway, in the middle of the night. So I understand that bears is a big issue and they're being blamed for the culprit of this. But there's also other things that could be prevented by this then maybe it's not a bear. Now Three Rivers is right next to the park.

47. This is untrue. According to Sequoia and Kings Canyon National Park data, this statement is false. What is true, however, is that the population of bears in Three Rivers is high due to the high-calorie human food readily available to bears.

The park, they are protected and they are overpopulated. ⁴⁷ And you have moved into a home of the bears. They've been there for many, many, many, many years and you moved into their home. So we do have to have an interface with them and we have to do what we can to control 'em. And I remember going to the national park one time for a meeting and it was our job at the sheriff's department and we brought sodas and they had us back up to the building and they put a ranger next to the car to protect our unit from getting destroyed cause the bear was going to come get our sodas and they were literally walking in the parking lot, like feral cats just walking around. Of course, they were a lot calmer than feral cats. So I've seen it and I know very well that there's a problem.

The cost of the cans, I can understand. However, I live out in the county and I know, and it was said here today that even in my regular cans, that cost is included in my service that I have to pay. This can is now

48. This is an important point. The proposed ordinance does not define 'bear resistant' and it does not require any 'certified' bear resistant carts. The hauler can provide any cart that it chooses to label bear resistant (which is what Mid Valley Disposal has been doing). Here Micari is embracing the concept that Shuklian introduced— that it is acceptable for the ordinance not to require certified bear resistant carts if the Mid Valley Disposal owner says he will provide certified bear-resistant carts in the future. At this meeting, the Board members are required to consider the intent of the proposed ordinance, its ability to fulfill that intent, and its legality. Instead, they are engaging in a hand-shake agreement.

49. This is untrue. Customers are not responsible for unfair profits. The \$12 rate is in clear violation of section 4-03-1250 of Chapter 3 of Part IV of the Tulare County Ordinance Code.

50. This is untrue. There was no community meeting. There was absolutely no outreach to the community, and there was absolutely no collaboration.

51. This is untrue. The community contributed \$2.8 million in TOT last year. The community has not seen an increase in community services since the start of the 10% TOT. We are in a State Responsibility Area, so the state continues to provide most of our fire services. We still have one part-time deputy. The county has not been maintaining the roads and drainage adequately, and it has not yet repaired critical damage from the winter of 2022-2023 (much of which could have been avoided if Tulare County had maintained the roads and drainage).

52. This is misleading. Some hospitality providers pay a portion of the TOT themselves. Furthermore, the presence of over 600 STRs has an adverse impact on the community that is not being addressed. Other jurisdictions use TOT to offset and mitigate the negative impact of a high density of STRs, including the increase in trash and associated property damage.

53. This is misleading. Here Supervisor Micari is suggesting that any failures in the carts Mid Valley Disposal provides are inevitable because "nothing is proof" and all we can do is mitigate risks. Although nothing is "bear proof," the certified bear resistant Kodiak Cans carts provided by Northland Products have been proven extremely effective during their decade of use. The certified Toter carts the hauler says it will provide are new and unproven. They have withstood the efforts of a grizzly to break in; however, their locks have already demonstrated serious rusting issues. Accordingly, many other jurisdictions, including Los Angeles County, are providing the Kodak Cans (with no extra charge to customers).

certified. Maybe the other one wasn't, but I'm told it's now certified and what we have. ⁴⁸ We have the costs that they incur and we all know that everything is a responsibility of the customer. ⁴⁹ I don't care where you go, what you do. The state passes a tax, it filters down. We pay. We talked about that earlier. I don't like it, but that's a fact of life. I do not like it. Was there a community meeting? Yes. ⁵⁰ Now maybe it doesn't meet your needs or not. Transient occupancy tax. Look, I represented Three Rivers. I'm a little offended by what happens. I spent 90% of my time up there and I worked with every place up there.

My first community meeting Mid Valley brought up five trash cans of bear cans. That was in the spring cause I knew what was coming in the fall. I knew. Everyone turned their nose up. There's no problem. It's not going to work. Come October, November, everyone's screaming about the bears. Well, and we've had that conversation and bears. People complained over and over and over. We tried then. There is a need. Trying the occupancy tax. You know I've heard that so many times. I brought the first figures up. I know it's \$2 million. However, there's all kinds of services are up there. ⁵¹ Sheriff's department, first responder service with the fire. Roads, it's all split up. It goes through. Plus it also helps the experience of more tourism to help bring in so we can do provide more services. The people that pay that tax are the customers that come, the tourists that come. ⁵²

The tourists that three residents complain about showing up. Don't shake your head no, because it's true. It's a pass through. I pay the owner who then pays it back. It's a pass through. It's not part of their money. ⁵² So nothing is proof. I wore a ballistic vest, I wore a seatbelt. Our cars have seat bags, airbags, nothing is a proof that you're not going to get injured when you get in a collision or when you get shot on duty. Nothing is proof. It is resistant and all we're doing to take safety measures and anything we do in life is to mitigate and to reduce costs. ⁵³ So we talked

54. This is misleading. People who do not have the strength to pull 96-gallon carts that weigh 52.4 pounds when empty, cannot open the carts with two hands, or do not have the strength or ability to pinch are not necessarily senior or disabled. **Not only will many residents be unable to roll the carts, but many residents will not be able to open the carts to put garbage in them.**

The hauler is authorized to charge \$20.54 per month for so-called "backyard" service whereby the hauler gets out of the truck and brings the carts roadside. According to our senior and disabled residents, Mid Valley Disposal is charging in full for this service. If the carts are 25 feet or less from the road, no "backyard" service is available at all.

54. This is untrue. Mid Valley Disposal does not provide cart service in Sequoia and Kings Canyon National Parks. The uncertified carts have been used in Shaver Lake and Three Rivers only, where confirmed reports have demonstrated failure.

55. This is misleading. There is a third option, which is to collaborate with the community on a solution that has been proven effective in thousands of communities across the U.S. There is no indication that this proposed ordinance will work. It does not require certified bear-resistant gray carts; it does not require bear resistant recycling and green waste carts, which are involved in more than 25% of our garbage incidents, and it mandates the bear-friendly metal bins that have been involved in 48% of our garbage incidents. The ordinance is internally inconsistent, it conflicts with the franchise hauler agreement and fee schedule, and the surcharge is in violation of state and county code.

56. This is untrue.

57. Micari is suggesting that it is a disgrace to accurately state in public that county staff failed to collaborate with the community.

58. Micari's comments indicate that his support of the ordinance is based on false and misleading information. The fact that he didn't even mention the metal bins, enclosures, and cart modifications covered by the ordinance, suggests that he may be unaware of the contents of the proposed ordinance.

about someone being disabled and that's been brought up that accommodations to be made right Joe, is that correct? ⁵⁴ So we talked about other areas deployed. It's right there at Sequoia Kings National Park right there next door and they seem and they're happy with 'em when they work. ⁵⁵

So I don't understand what the border is. I don't understand what the border is between Three Rivers and Sequoia. So I do I am leaning to all cans to be honest with, I know when you go camping and you're up and you're bear canned man, they liked them sweet stuff and so you got empty soda cans or partial soda cans in there. We may see a problem, but I think that's something that can come back and be addressed. So I thank you for the pictures. Thank you for coming. Your pictures demonstrate to me that we have to have a need. There is a need and we can either sit back and do nothing and be ineffective and provide nothing to help solve this problem in Three Rivers or we can do something to work on it and if it doesn't work, we can always come back and figure out something different. ⁵⁵

But these are deployed in other communities and they seem to be working very well. ⁵⁶ So staff, thank you. Man what a kick in the nuts to be told what you were told. And I apologize to you. I really do. That's a disgrace that our staff is treated publicly and things were made. ⁵⁷ So you do an amazing job. It's a hard job. You do what you can and you're a thankless job. We all learn, we are in government, nobody's ever happy with us. So thank you for everything you've done and I appreciate it and I'm absolute in full support of this ordinance. ⁵⁸

(02:20:33):

[Vander Poel]

Alright, supervisor Shuklian.

(02:20:37):

[Shuklian]

All right, thank you. Couple things I want to mention. A lot of, I got a lot of letters, a lot of them had the same concerns. The \$12 a month charge in perpetuity, the certified can, wanting to use TOT. So

I'm going to address those from what I've seen today and I just pulled up a video of the Kodiak can. To me there, I mean just from the video and whatnot, there doesn't really seem to be a lot of difference.

59. This is untrue. The cart brought by Mid Valley Disposal is not certified and never will be because it is not bear resistant. Furthermore, the proposed ordinance does not define 'bear resistant' and it does not require any 'certified' bear resistant carts. The hauler can provide any cart that it chooses to label bear resistant (which is what Mid Valley Disposal has been doing). Here Shuklian is suggesting that it is acceptable for the ordinance not to require certified bear resistant carts if the Mid Valley Disposal owner says he will provide certified bear-resistant carts in the future. At this meeting, the Board members are required to consider the intent of the proposed ordinance, its ability to fulfill that intent, and its legality. Instead, they are engaging in a hand-shake agreement.

60. This is misleading. There is no indication that this proposed ordinance will work in any way. It does not require certified bear-resistant gray carts; it does not require bear resistant recycling and green waste carts, which are involved in more than 25% of our garbage incidents, and it mandates the bear-friendly metal bins that have been involved in 48% of our garbage incidents. The ordinance is internally inconsistent, it conflicts with the franchise hauler agreement and fee schedule, and the surcharge is in violation of state and county code.

61. This is untrue. The community contributed \$2.8 million in TOT last year. The community has not seen any increase in community services since the start of the 10% TOT; however, there has been a degradation in community health and safety. We are in a State Responsibility Area, so the state continues to provide most of our fire services. We still have one part-time deputy. The county has not been maintaining the roads and drainage adequately, and it has not yet repaired critical damage from the winter of 2022-2023 (much of which could have been avoided if Tulare County had maintained the roads and drainage). Other jurisdictions use TOT to offset and mitigate the negative impact of a high density of STRs, including the increase in trash and associated property damage.

62. This is untrue. As indicated above, the community has not seen any increase in community services since the start of the 10% TOT; however, there has been a degradation in community health and safety.

63. This is untrue. The hauler has demonstrated a lack of expertise in providing effective garbage service in bear areas. Earlier in the conversation the hauler conceded that the cart is not certified and that bears were able to break in.

This is now a certified can.⁵⁹ So I think this is hopefully will suffice. If it doesn't, then maybe we come back to it or come back to the hauler and see what can be done.⁶⁰

The TOT as supervisor Micari said, we provide a lot of safety services and that's what that TOT is for.⁶¹ So I am not in agreement that TOT should be used to pay for these trash cans or any additional service. My biggest heartache on this is the \$12 a month in perpetuity. I know Joe said there's other costs and I understand that. I don't know if these cans that you pull, the regular cans can be used somewhere else and somebody calls, like I said, I have a cracked can, a broken hinge, they replace it. So if they're in good enough condition, if they could be used for that. Maybe rather than paying the \$12 a month for the price of the can you pay for double the price of the can to cover those additional costs. I don't know. But to me that's the biggest heartache in this whole thing. And so at this time, I'm not really sure if I can support the ordinance and I too want to apologize for the behaviors that you've seen up here today because it was very inappropriate on many parts and not should not be indicative of the Tulare County Board of Supervisors.

(02:22:47):

[Vander Poel]

Thank you for your comments. I want to say a few other, make a few other comments. The comment was made about the culprit of this being short-

term rentals, but short-term rentals also bring in a lot of tax revenue to Tulare County, the TOT tax, the TOT tax that supervisor Micari mentioned, the sales tax at local restaurants or local stores. There are benefits to that and allocating dollar for dollar, what's received just paid back into the community. I don't know. Can you really quantify everything that's invested in the community by the county in terms of public safety services, both fire and police, all of the others up and down?⁶² We don't do that in any other community. I also think that the hauler is the solid waste expert. We are not, they say that's a bear resistant or certified can.⁶³ We saw a pretty fancy video that showed the same, and again, both of my

64. This is misleading. There is no indication that this proposed ordinance will work in any way. It does not require certified bear-resistant gray carts; it does not require bear resistant recycling and green waste carts, which are involved in more than 25% of our garbage incidents, and it mandates the bear-friendly metal bins that have been involved in 48% of our garbage incidents. The ordinance is internally inconsistent, it conflicts with the franchise hauler agreement and fee schedule, and the surcharge is in violation of state and county code. If the arguably illegal proposed ordinance fails as predicted, Three Rivers will experience an increase in property damage, including home and car entry.

65. This is misleading. Most of Mid Valley Disposal's customer in Three Rivers do not live two miles apart. Indeed, many live feet or yards apart. Furthermore, the customer density has already been incorporated into the base fee.

66. This is a code violation. Leaving the rate up to the hauler is a violation of section 4-03-1250 of Chapter 3 of Part IV of the Tulare County Ordinance Code.

67. This is misleading. As written, the proposed ordinance does not address any of the garbage challenges in Three Rivers. See point 64 above.

68. This is untrue. Per section 4-03-1250 of Chapter 3 of Part IV of the Tulare County Ordinance Code, only the cost of doing business and fair profit can be included in the fee. It should be noted that the fee also includes a 5% franchise fee, which per state law cannot exceed the costs directly related to the preparation, adoption, and implementation of the plan and the setting and collection of the local fee. Three Rivers customers are already paying more to the county via this Franchise fee than Valley customers, and the ordinance would entail a further increase of 30-40% in potential violation of CA Govt Code § 66016 (2024), CA Pub Res Code § 41901 (2024), and CA Pub Res Code § 41902 (2024)

69. Micari seems to be suggesting that it would be much less expensive for us to haul our own trash. This is very true.

colleagues that have spoken about this have said, if it doesn't work, we can address it and we can fix it at a later date.⁶⁴

I used to live in the city of Tulare and I paid, I want to say my solid waste hauling fees were probably 20 to 30% cheaper than what they are now in the unincorporated area of the county. But I have chosen to live in the unincorporated area, not inside city limits. There's more of an economy of scale inside the city when you go door to door and you're getting 10 trash carts on one street versus having to drive 10 miles to get five carts.⁶⁵ So there's a higher cost of living in the unincorporated community or in the unincorporated area, and that's where I've chosen to live. So the \$12 fee, it's already more expensive to collect solid waste in unincorporated areas, let alone in unincorporated mountainous areas, let alone having to deal with replacing and upgrading various carts in mountainous areas that are more prone to bears. And so I'm going to leave that up to the hauler.

⁶⁶ I think I've already made my various points. I am supportive of this ordinance. I do think that this is something that is addressing a need in the community.⁶⁷ While it may not be addressing the deemed culprit in short-term rentals only, if short-term rentals have to have a certain type of can I think everybody should have that same can supervisor Micari.

[\(02:25:47\)](#):

[Micari]

Thank you. One thing I forgot to add is that Three Rivers is the only mountain community really that has this much trash...Three Rivers. I think Badger has some stuff too, but on the South county you got to use a satellite station. My mom had a place at Pine Flat above California Hot Springs. We still have it. And I went to take trash, a pickup load of trash to the satellite station here. It cost me \$16 for a back, for a pickup truckload because there is such an increase in costs to provide that service. So like I said, I don't like it, but the reality is is that, again, it all trickles downhill to the consumer no matter what happens.⁶⁸ So I don't know what they pay in the other communities, but I think it's all about the same price. Lucas shaking his head yes. So unfortunately that's where you live. It is more expensive. I live out in the country. It's more expensive what I have the services I get, so I get it. Anyway, I just wanted to pass that on, that you could get charged \$16 a pickup load.⁶⁹

(02:26:50):

[Vander Poel]

Supervisor Townsend, do you have anything you want to add to the discussion? You've been awfully quiet down there.

(02:26:55):

[Townsend]

Yeah, just you know I interesting kind of a take that I have on it and that is that whenever it was being discussed, they were talking about moving it over to the Springville area. And I can tell you that I live in Springville. I have had a few bears over the years come in and knock over trash cans. I ask a couple of people that I know in Camp Nelson that deal with 'em all the time because there is a bear overpopulation right now. That is directly attributable by the way to disallowing hunting dogs, hunting bear, that California Fish and Wildlife you can talk to that things trickle down like that because now they don't take the bear during the year, you get way less harvesting of the bears and so they become overpopulated in the area. So Camp Nelson, we'll call about people there, but what they found out when the bears were coming in there, there was a couple of people that were feeding 'em thinking they were starving.

They were poor wild animals. So they're feeding the bear and they're bringing them in. So whenever that stopped, the tremendous amount of problems stopped. There's still a problem. And so I asked, Hey, what about the trash cans? They said, well, when we leave the cabin and we just take a paint brush and put ammonia by the door, never had a bear problem because the bears hate ammonia. So I, we've got a little bottle of ammonia at our house, pour it on top of the trash can. If we happen to have food waste, we're usually pretty careful about double bagging if you have food waste and put that on there. I think what I'm hearing, the problem is, is you have so many short-term rentals, you don't have the owner occupier that can take those sort of steps. So you just get a lot of food trash in there.

70. This is misleading. Here Townsend reiterates the same false choice as his colleagues. There is a third option, which is to collaborate with the community on a solution that has been proven effective in thousands of communities across the U.S. Not only does the proposed ordinance not provide a 100% solution, but it provides a 0% solution. There is no indication that it will reduce the number of bear-related garbage incidents and, based on the data from other communities, there is every indication that it will not. It does not require certified bear-resistant gray carts; it does not require bear-resistant recycling and green waste carts, which are involved in more than 25% of our garbage incidents, and it mandates the bear-friendly metal bins that have been involved in 48% of our garbage incidents. The ordinance is internally inconsistent, it conflicts with the franchise hauler agreement and fee schedule, and the surcharge is in violation of county code.

So a couple things we could do. We could do nothing and just allow it to continue to go as it is. They can put it on the short-term rental people or community members to police it themselves. We could approve this and try this step towards it, even if it's not a hundred percent.⁷⁰ Or we could take a step back and look at short-term rentals again and see if we need to mandate them doing trash service this way. Because heard a lot of complaints about, well, if you do this, it's going to affect those people that don't have short-term rentals. Okay, we can go back and re-look at our short-term rental ordinance and say, well, in that area we can require them to do those trash cans that are resistant the way that the community wants them to be. And they can bear the cost of those, which will be, and if you went to the cans that you want, it'll be, I heard a couple of numbers thrown out there.

71. This is untrue. The Bear Smart team has been asking that a 64-gallon Toter option be provided in addition to the 96-gallon cart and that the 65-gallon Kodiak Can be provided for people who can't open the Toter carts. The Kodiak Can is fully automated and compatible with Mid Valley's trucks. Although it is slightly more expensive than the Toter, it costs less to maintain, it is proven effective, and more people can use it. The bid we received was for under \$300. Note that the \$12 rate is in clear violation of section 4-03-1250 of Chapter 3 of Part IV of the Tulare County Ordinance Code regardless of the carts provided.

72. Again, there is no indication that the proposed ordinance will reduce the number of bear-related garbage incidents and, based on the data from other communities, there is every indication that it will not. It does not require certified bear-resistant gray carts; it does not require bear-resistant recycling and green waste carts, which are involved in more than 25% of our garbage incidents, and it mandates the bear-friendly metal bins that have been involved in 48% of our garbage incidents. It does not address the critical education and outreach element. The ordinance is internally inconsistent, it conflicts with the franchise hauler agreement and fee schedule, and the surcharge is in violation of county code. It is unclear how this proposed ordinance is "fair" and it is unclear how it would be "revisited" if it fails as predicted.

I think it's over \$500 for one of the Kodiak cans that I looked up online really quick while we were talking.⁷¹ So anyway, we could always go back and take aim at the STRs. It seems like the fairest way would be just to try this, see how it works for a while, and then come back and revisit it if we're not.⁷² I think we took the stance that we weren't going to limit STRs and we weren't going to put any overt regulations on top of them. I think that's been our stance so far. So we would have to revisit that to directly go after the STRs.

[\(02:30:05\)](#):

[Vander Poel]

All right. So at this time I will entertain a motion from a member of the board.

[\(02:30:09\)](#):

[Micari]

I'll move.

[\(02:30:10\)](#):

[Vander Poel]

Okay. We have a motion by Supervisor Micari to approve this as presented.

[\(02:30:15\)](#):

[Townsend]

I second.

[\(02:30:15\)](#):

[Vander Poel] We have a second From Supervisor Townsend, please cast your votes. Motion passes three to two with supervisors, Micari, VandervPoel, and Townsend voting for and supervisor Shuklian and Valero voting against. That concludes this agenda item. I'll now look to county council to see if we have need for closed session.

[\(02:30:45\)](#):

[Counsel Flores]

Thank you, Mr. Chair. We do have need for closed session. Items A and D are off calendar. The balance of the agenda will be heard and I do not anticipate any announcement out.

[\(02:30:55\)](#):

[Vander Poel]

Alright, thank you. Meeting is adjourned. Closed session at this time.