

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



12.1

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Waste Management Department regarding the EHTS gate fee increase is approved as recommended.

Roll Call:

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 24, 2011 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: My 24, 2011
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.
12.1

xc: Waste

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

460



SUBMITTAL DATE:
April 21, 2011

FROM: Waste Management Department

SUBJECT: Introduction and Approval of Requested Gate Fee Increase at the Edom Hill Transfer Station

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce the requested Gate Fee changes at the Edom Hill Transfer Station (EHTS) as proposed by Burrtec Recovery and Transfer, LLC (Burrtec), in accordance with the Master Lease Agreement (the Agreement) related to operations at the EHTS entered into on November 5, 2002 (and assigned to Burrtec as approved by the Board of Supervisors on May 23, 2006); and
2. Set a date of May 24, 2011, for public hearing regarding the gate fee rate increase for EHTS; and
3. Direct the Clerk of the Board to advertise the public hearing through public notice for a minimum of fourteen (14) days pursuant to Section 5(d)(1) of the Agreement; and
4. Approve the requested EHTS gate fee increase at the close of the May 24, 2011, public hearing to be effective July 1, 2011

BACKGROUND: On November 5, 2002, the County entered into an agreement with Waste Management of the Desert (WMOD) to develop, construct, and operate a transfer station at the Edom Hill landfill site once the landfill closed. The Edom Hill landfill closed in November 2004, and the transfer station began operation at that time. WMOD sold their rights in the agreement to Burrtec Recovery and Transfer, LLC (Burrtec) in 2006. (Continued)

Joseph R. McCann, Assistant Chief Engineer for
Hans W. Kernkamp, General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	No
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2012

SOURCE OF FUNDS: Not applicable	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: for Alex GANN
Michael R. Shetler

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, May 24, 2011, at 1:30 p.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: May 3, 2011
 xc: Waste, COB

Kecia Harper-Ihem
 Clerk of the Board
 By: Deputy

Prev. Agn. Ref.: 12.2 (11/5/02) | District: 4 | Agenda Number:

12.1

FORM APPROVED COUNTY COUNSEL 4/21/11
BY: NEAL R. KIPNIS DATE

Departmental Concurrence

Policy
 Policy
 Consent
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

The Agreement between the County and Burrtec., as Lessee, states that gate fee adjustments are to be approved by the County Board of Supervisors following a public hearing. On April 5, 2011, Burrtec, contacted the Waste Management Department to communicate their intent to request a rate increase as outlined in the Agreement. Pursuant to Section 5(b) of the Agreement, the Waste Management Department, on behalf of Burrtec, is presenting the request to the Board of Supervisors for action.

The gate fee at Edom Hill Transfer Station is made up of four component parts. The recapture of the capital investment (i.e. the Facility Element) and the City Mitigation Fee are fixed by contract. The Disposal Fee element is based on the long-term hauling contract that Burrtec, has with the County and can be increased by that contract's allowable Consumer Price Index (CPI) increase. At the recommendation of the Waste Management Department, the Board approved that long-term hauling contract rates remain at FY 2011 levels for the new fiscal year. The Operating & Transport Elements are the only components that can be increased for FY 2012.

The maximum increase allowable in any one year is equal to 80% of the percent change in the CPI for all Urban Consumers for the Los Angeles/Anaheim/Riverside Metropolitan Area as published by the United States Department of Labor, Bureau of Labor Statistics for the twelve month period ended December 31 of the year prior to the July 1 effective date. For July 1, 2011, the maximum percent increase in the gate fee based on 80% of the change in CPI on December 31, 2010 is 1.07%.

The requested per ton Gate Fee change is as follows:

Gate Fee Components	Gate Fee per Lease Agreement July 1, 2010	Increase based on allowable 2010 CPI *	Total Proposed Gate Fee effective July 1, 2011
Facility Element	\$.89	Not applicable	\$.89
Operating & Transport Elements:	\$10.80	\$.12	\$10.92
Disposal Fee **	\$26.35	\$.00	\$26.35
City Mitigation Fee	\$ 1.00	Not applicable	\$ 1.00
Total:	\$39.04		\$39.16

* CPI increase for 2010=
 $(226.639 - 223.643) / 226.639 = 0.0134$
 Percent change = 1.34% Maximum allowable (80%) = 1.07%

** As presented to the Board of Supervisors on April 26, 2011, landfill disposal fees will remain at FY 2011 levels.



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

May 5, 2011

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

FAX: (760) 778-4731
E-MAIL: legals@thedesertsun.com

RE: NOTICE OF PUBLIC HEARING: Gate Fee Increase at Edom Hill Transfer
Station (EHTS)

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME on Sunday, May 8, 2011.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Moeller, Charlene <CMOELLER@palmspri.gannett.com>
Sent: Thursday, May 05, 2011 1:39 PM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Gate Fee Increase at Edom Hill Transfer

Ad received and will publish on date(s) requested.

Charlene Moeller | Media Sales Legal Notice Coordinator
The Desert Sun Media Group
750 N. Gene Autry Trail, Palm Springs, CA 92262
t 760.778.4578 | f 760.778.4731
legals@thedesertsun.com | dpwlegals@thedesertsun.com
The Coachella Valley's #1 Source in News & Advertising!
www.mydesert.com | twitter @MyDesert | facebook MyDesert.com

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Thursday, May 05, 2011 8:16 AM
To: tds-legals
Subject: FOR PUBLICATION: Gate Fee Increase at Edom Hill Transfer

2nd pub for today: Notice of Public Hearing for above-mentioned subject matter, for publication on Sunday, May 8, 2011. Please confirm. THANK YOU!

Cecilia Gil
Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, May 24, 2011, at 1:30 P.M.** regarding the Requested Gate Fee Increase at Edom Hill Transfer Station (EHTS) as proposed by the Waste Management of the Desert (WMOD) in accordance with the Master Lease Agreement related to operations at the EHTS and entered into on November 5, 2002.

The requested per ton Gate Fee change is as follows:

Gate Fee Components	Gate Fee per Lease Agreement July 1, 2010	Increase based on allowable 2010 CPI*	Total Proposed Gate Fee effective July 1, 2011
Facility Element	\$.89	Not applicable	\$.89
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**As presented to the Board of Supervisors on April 26, 2011, landfill disposal fees will remain at FY 2011 levels.

Any person wishing to testify in support of or in opposition may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the proposed Gate Fee Increase.

Please send all written correspondence to: Clerk of the Board
 4080 Lemon Street, 1st Floor
 Post Office Box 1147
 Riverside, CA 92502-1147

Dated: May 5, 2011

Kecia Harper-Ihem
 Clerk of the Board
 By: Cecilia Gil, Board Assistant

The Desert Sun

mydesert.com

750 N. Gene Autry Trail
Palm Springs, CA 92262
Billing Inquiries: (866) 875-0854
Main Office: (760) 322-8889

ADVERTISING INVOICE/STATEMENT

Make Checks payable to DESERT SUN PUBLISHING CO.
P.O. Box 677368 Dallas, TX 75267-7368
A finance charge of 1.5% per month(18% Annually) will be added to balances not paid by the 20th.

RIV06900000000000000000000040502550062593610823

92

RIVERSIDE COUNTY-BOARD OF SUP.
PO BOX 1147
RIVERSIDE CA 92502-1147

Customer No.	Invoice No.
RIV069	0004050255
For the Period	Thru
05/02/11	05/29/11
Due Date	Amount Due
06/15/11	6,259.36
AMOUNT PAID	

PLEASE RETURN THIS TOP SECTION WITH PAYMENT IN THE ENCLOSED ENVELOPE AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

Date	EDT	Class	Description	Times Run	Col	Depth	Total Size	Rate	Amount
0502			BALANCE FORWARD						3,324.36
0517			PAYMENT - THANK YOU						980.00-
0508	CLS	0001	CECILIA NO 1538 / GATE F	1	4	6.00	24.00		288.88
0508	CLS	0001	CECILIA NO 1539/ RES 201	1	4	14.00	56.00		680.64
0508	CLS	0001	CECILIA NO 1540 NOTICE O	2	2	117.00	468.00		210.22
0511	CLS	0001	CECLIA NO 1561	10	2	74.00	1480.00		630.20
0513	CLS	0001	CECILIA NO 1612 BOARD OF	2	2	207.00	828.00		359.62
0513	CLS	0001	CECILIA NO 1613 NOTICE O	2	2	89.00	356.00		163.74
0513	CLS	0001	CECILIA NO 1614 NOTICE I	4	2	105.00	840.00		364.60
0520	CLS	0001	CECILIA NO 1719 NOTICE I	4	2	79.00	632.00		278.28
0522	CLS	0001	CECILIA NO 1758 NOTICE O	2	2	71.00	284.00		133.86
0526	CLS	0001	CECILIA NO 1797 NOTICE O	2	2	70.00	280.00		132.20
0528	CLS	0001	CECILIA NO 1825 NOTICE O	2	2	196.00	784.00		341.36
0528	CLS	0001	CECILIA NO 1826 NOTICE O	2	2	190.00	760.00		331.40
Current		Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days	Total Due			
3,915.00		2,344.36	.00	.00	.00	6,259.36			
Contract Type	Contract Qty.	Expiration Date	Current Usage	Total Used	Quantity Remaining	Salesperson			
						MOELLER			

2011 JUN -8 PM 2:29

The Advertiser shall make payment within 15 days of the billing date indicated on Company's statement, and, in the event that it fails to make payment within such time, Company may reject advertising copy and / or immediately cancel this contract and Advertiser agrees to indemnify Company for all expenses incurred in connection with the collection of amounts payable under this contract, including but not limited to collection fees, attorney's fees and court costs. If this agreement is cancelled due to Advertiser's failure to make timely payment, Company may rebill the Advertiser for the outstanding balance due at the open or earned contract rate, whichever is applicable.

TO ENSURE PROPER CREDIT, PLEASE RETURN THE TOP SECTION AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

Customer Number	Name	Invoice Number	Amount Paid
RIV069	RIVERSIDE COUNTY-BOARD OF SUP.	0004050255	

THE DESERT SUN PUBLISHING CO.
ADVERTISING INVOICE/STATEMENT

12.1 of 05/03/11
5/24/2011 12.1

1538

The Desert Sun
750 N Gene Autry Trail
Palm Springs, CA 92262
760-778-4578 / Fax 760-778-4731

Certificate of Publication

State Of California ss:
County of Riverside

Advertiser:

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE CA 925013

2000261017

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Newspaper: The Desert Sun

5/8/2011

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 8th day of May, 2011 in Palm Springs, California.

Declarant's Signature

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Please send all written correspondence to:

Clerk of the Board
4080 Lemon Street, 1st Floor
Post Office Box 1147
Riverside, CA 92502-1147

Dated: May 5, 2011

Kecia Harper-Ihem
Clerk of the Board
By: Cecilia Gil, Board Assistant