



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POEL
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: July 9, 2013- **REVISED**

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Denise Akins PHONE: (559) 636-5005				

SUBJECT: Set a Public Hearing for July 23, 2013 to Consider Applications for Refuse Hauling Licenses for Areas D and E from Mid Valley Disposal.

REQUEST(S):
That the Board of Supervisors:

1. Set a Public Hearing for July 23, 2013 at 9:30 a.m. for consideration of applications for Refuse Hauling Licenses for Area D and Area E from Mid Valley Disposal
2. Approve the Notice of Public Hearing to be published.

SUMMARY:

On October 12, 1999 your Board passed Resolution number 99-0760 issuing a license to collect solid waste in Area E to Waste Connections, Inc. Prior to that time and back to 1975 the licensee for Area E was Allied Disposal. Upon the approval of the new license the interests of Allied Disposal were sold to Waste Connections, Inc. After the sale Waste Connections, Inc. retained much of Allied Disposal's personnel and continued doing business as (DBA) Allied Disposal within the Area E collection zone.

On May 1, 2001 your Board passed Resolution number 01-0297 issuing a license to collect solid waste in Area D to Waste Connections, Inc. Prior to that time and back to 1975 the licensee for Area D was Three Rivers Disposal. Upon the approval of the new license the interests of Three Rivers Disposal were sold to Waste Connections, Inc. After the sale Waste Connections, Inc. retained much of Three Rivers Disposal's personnel and continued doing business as (DBA) Three Rivers

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Disposal within the Area D collection zone.

On June 21, 2013 staff met with representatives from Waste Connections and Mid Valley Disposal indicating Waste Connections' intent to sell their central valley interests to Mid Valley Disposal. The sell is contingent upon Mid Valley being issued a license to collect solid waste in Service Areas D and E.

Mid Valley has submitted an application for licenses to collect solid waste in Service Areas D and E. The applications have been reviewed by staff and have been deemed complete and adequate. Staff recommends that the licenses be granted.

Mid Valley has indicated that they will continue to operate under the Allied Disposal (Area D) and Three Rivers Disposal (Area E) service names. Additionally, Mid Valley is acquiring Waste Connections' business facilities, equipment, and will retain Waste Connections' staff. Mid Valley intends to provide their management expertise as needed and to supply the necessary capital for the continued operation of the company.

Similar transactions have occurred when Waste Management, Inc. purchased USA Waste's interests in Areas C and H in the mid 1990's.

FISCAL IMPACT/FINANCING:

There is no net impact to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The requested actions assists the County in its efforts to manage its natural resources in addition to providing for the health and safety of the general public through environmental protection.

ADMINISTRATIVE SIGN-OFF:

Denise Akins, Administrative Analyst- Water Resources
County Administration Office

Cc: Auditor-Controller
County Counsel

Attachment A- Notice of Public Hearing to be published
Attachment B- Letter from Mid Valley Disposal
Attachment C- Application for Licenses

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF SETTING A PUBLIC HEARING FOR JULY 23, 2013 TO CONSIDER APPLICATIONS FOR REFUSE HAULING LICENSES FOR AREAS D AND E FROM MID VALLEY DISPOSAL)
) Resolution No. _____
) Agreement No. _____
)
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

1. Set a Public Hearing for July 23, 2013 at 9:30 a.m. for consideration of applications for Refuse Hauling Licenses for Area D and Area E from Mid Valley Disposal
2. Approved the Notice of Public Hearing to be published.

Attachment A

**NOTICE OF HEARING PERTAINING
TO SOLID WASTE COLLECTION
IN SERVICE AREAS D & E**

NOTICE IS HEREBY GIVEN that on July 23, 2013, at the hour of 9:30 A.M., in the Chambers of the Board of Supervisors, County Administration Building, County Civic Center, 2800 Burrel Avenue, Visalia, California, the Board of Supervisors will hear the matter of a solid waste collection licenses requested by the Mid Valley Disposal pertaining to Service Areas D and E.

The Board of Supervisors shall provide reasonable time and opportunity for all interested persons to be heard at said hearing.

Dated: July 9, 2013

Jake Raper, Jr., Director
Tulare County
Resource Management Agency

Attachment B



MID VALLEY DISPOSAL
RECYCLING & TRANSFER STATION

June 24, 2013

County of Tulare
Attn: Denise Akins
2800 West Burrel
Visalia, CA 93291

Denise,

The purpose of the letter is to formally request an assignment of a Tulare County Exclusive Solid Waste Area Permits. Mid-Valley Disposal has a bill of sale to acquire all equipment, routes, franchise agreements, and assets of Waste Connections of the Central Valley. Mid-Valley Disposal understands and accepts all rights, duties, and obligations under the proposed transfer of agreements.

We are requesting the assignment of Waste Connections solid waste permits D & E to Mid Valley Disposal by July 31st 2013. We are requesting a swift review and acceptance of the assignment. A contingency of the final sale is the assignment of the County's solid waste permits. Time is of the essence to ensure a smooth transition of solid waste services.

In summary, we have performed our due diligence in assuring the County residents receive quality solid waste services. Utilizing our state of the art material recovery facility located in Kerman, the County will see an increase diversion rate. Both parties are in agreement to the transition of the Tulare County Exclusive Service Area Permit from Waste Connection of the Central Valley to Mid-Valley Disposal.

ASSIGNEE
Mid-Valley Disposal


x _____
Joseph Kalpakoff, Vice President

CONTRACTOR
Waste Connections


x _____
Chris Nottenkamper

Attachment C

APPLICATION FOR LICENSE TO COLLECT SOLID WASTE

Board of Supervisors
County of Tulare
Administration Building
County Civic Center
2800 West Burrel
Visalia, CA 93291

I hereby apply for a license to collect solid waste in the County of Tulare, pursuant to the terms and conditions of sections 4-03-1195 through 4-03-1350 of the Ordinance Code of Tulare County and for that purpose I certify as follows:

1. Applicant's Name:

Mid Valley Disposal
PO BOX 12385
Fresno, CA 93777

2. Business Name:

Waste Connections Inc.

3. Address of Main Business Office:

15300 W Jensen Avenue
Kerman, CA 93630

Zone Classification:

M-2

4. Location of Business Related
Collection Facilities:

a. 1535 Ave. 392, Kingsburg

C-3

b. 15300 W Jensen Ave, Kerman

M-2

5. Names of Owners & Officers
of the Business:

What percentage of the Business
Does Each Own:

a. Jay Kalpakoff

51%

b. Joseph Kalpakoff

25%

c. Jonathan Kalpakoff

15%

d. Roy Mendrin

9%

6. Service Area to be Served:

D & E

<u>7. Type of Service Proposed: (Residential, Commercial, Size and Number of Containers, Curbside or Walk-in, etc.)</u>	<u>Approximate No. of Customers:</u>	<u>Rates Proposed to be Charged:</u>
a. Residential 96 gallon service(D)	950	County Approved
b. Commercial Bin Service(various)(D)	145	County Approved
c. Residential Service (E)	3450	County Approved
d. Commercial Bin Service(various) (E)	725	County Approved

8. Vehicles

<u>Make of Truck</u>	<u>Make of Com- paction Equip.</u>	<u>Year Manuf.</u>	<u>Engine No.</u>	<u>License No.</u>	<u>Condition of Equip.</u>
a. Autocar	McNeilus/FEL	2012	5VCACS6F3A H211234		NEW
b. Autocar	Amrep/FEL	2008	5VCHC6JF78 H206500		GOOD
c. Peterbuilt	Heil/FEL	2006	1NPZL00X76D 716853		GOOD
d. Autocar	Amrep/FEL	2004	5VCDC6MF15 H200858		GOOD
e. Autocar	Amrep/FEL	2004	5VCDC6MF35 H200781		GOOD
f. Autocar	Heil/ASL	2006	5VCEC6MF66 H202823		GOOD
g. Condor	Heil/ASL	2004	1FVHCFCY25R N86805		GOOD
h.			1FVHCFCY25R N86804		
i. Condor	Heil/ASL	2005	5VCD36LFX4 N195046		GOOD
j. Autocar	Heil/ASL	2004	4V1D42UE9Y N245497		GOOD
k. Volvo	Heil/ASL	2000			FAIR

<u>9. Disposal Location to be Used:</u>	<u>Approx. Tons Per Months:</u>
a. Visalia Landfill	750-900
b. TCR (WM)	100-150
c. TCC (Green)	40-75

10. Documents to be Submitted with Application:

- a. Map showing the service area described in Paragraph 6 above.
- b. Security in the amount of \$1,000, per collection vehicle, in the form of a faithful performance bond, cash, negotiable bonds, instrument of credit, or certificate of deposit, for approval by the Board of Supervisors.
- c. Insurance Policy, for the approval by County Counsel, co-insuring the County and the Applicant against public liability (not less than \$1,000,000 for inquiries, including wrongful death, to any one person, \$3,000,000 for any one accident) and property damage (not less than \$500,000), and containing a clause that the policy will not be canceled without thirty (30) days prior notice to the County.

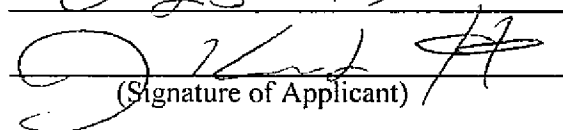
11. To the Best of Your Knowledge:

- a. Is the area you wish to serve presently licensed to another? YES
- b. If so, is the licensee presently serving the area? YES
- c. If already licensed and being served,
 - (1) Is the area being adequately served by the licensee? YES
 - (2) Is there a substantial demand for a change of service in the area from the customers you propose to serve? NO

12. Investigation. Recommendation. Public Hearing. Issuance of License, and Payment of License Fee:

The Resource Management Agency Director may investigate an applicant and audit an applicant's books in order to make a recommendation to the Board of Supervisors on the issuance of a license. The RMA Director, with the approval of the Clerk of the Board of Supervisors, is required to establish a time and date for a public hearing before the Board of Supervisors on the issuance of the license and to give notice of the hearing as required by the Ordinance code. At the conclusion of the hearing, the Board of Supervisors will grant, deny, or conditionally award a license. The Tax Collector issues the license after the approval of the Board of Supervisors and upon the applicant paying the license fee of \$25 per collection vehicle.

Date

6-25-13

(Signature of Applicant)