



**2011 - 2012
Madera County Grand Jury
Final Report
Madera County Solid Waste Management
and Recycling Revisited**

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Introduction:

The Madera County Board of Supervisors (BoS) declined to submit written response to the Recommendations contained in the 2010 – 2011 Madera County Grand Jury Final Report on Madera County Solid Waste Management and Recycling, even after second and third requests to do so. Consequently, the Grand Jury conducted a follow-up investigation into the operation of the Fairmead Landfill as recommended by the previous Grand Jury. Members of the BoS, County Counsel, County Administrative Office (CAO) staff, and Resource Management Agency (RMA) staff were interviewed, and the Grand Jury toured the Landfill facilities.

Findings:

1. In regard to the 2010-2011 Recommendation "*that the County should avoid the appearance of impropriety in the granting and management of contracts in the area of solid waste management as millions of dollars are involved*", the Grand Jury found that on March 27, 2012, the BoS contracted with consulting firm Gershman, Brickner & Bratton, Inc. (Contract No. MCC 9543-C-2012) to perform a business needs assessment, develop a scope of work to be sent out to bid, and solicit/select a new contractor(s) to assume responsibility for the various operations.
2. In regard to the 2010-2011 Recommendation "*that the RMA, subject to appropriate BoS guidance, give thirty days (30) notice to contractor A for contract non-compliance*", the Grand Jury found that on March 31, 2011 the BoS gave the thirty (30) day notice to contractor for contract non-compliance.
3. In regard to the 2010-2011 Recommendation "*that the County renegotiate the contracts for the operation of the landfill and the MRF [Materials Recovery Facility] to better represent the interests of the residents of Madera County*", the Grand Jury found that the BoS is considering options for future operation of the Landfill and MRF.
4. In regard to the 2010-2011 Recommendation "*that, in the future, contracts for solid waste management should be awarded on the basis of competitive bid*", the Grand Jury found that the BoS has contracted with a consulting firm to develop a scope of work to be sent out for bid.
5. In regard to the 2010-2011 Recommendation "*that the landfill revert to a County operation resulting in increased control, cost savings, and opportunities for substantial revenue from recycling*", the Grand Jury found that:
 - a. the County does not have the in-house expertise to operate the Landfill; and
 - b. options for future operation of the Landfill will be studied by the contracted consulting firm.

6. In regard to the 2010-2011 Recommendation "*that ... the request for proposal should include hauling, managing the landfill and MRF, and managing the North Fork Transfer Station*", the Grand Jury found that the BoS has given notice of termination for the contracts for these four operations.
7. In regard to the 2010-2011 Recommendation "*that the BoS take the necessary steps to amend the agreements with contractors A and B in regard to the process used to determine appropriate increases in service fees for collection of solid waste in the unincorporated areas of the county ... based upon legitimate changes in operating costs*", the Grand Jury found that this issue has not been addressed.
8. In regard to the 2010-2011 Recommendation "*that the MRF should be operated as a dirty MRF as required by the contract and state permit*", the Grand Jury found that the County has taken the position that it does not matter whether the MRF is operated as clean or dirty.
9. In regard to the 2010-2011 Recommendation "*that the County fund a method for separating recyclable materials in the unincorporated areas of the county to increase recycling*", the Grand Jury found that no action has been taken; however, County staff is exploring options for partial implementation of recycling efforts in the unincorporated areas.
10. In regard to the 2010-2011 Order that "*the District Attorney ... recover funds and reasonable interest for the over-charges collected by the contractor for that portion of the tipping fee designated for operation of the MRF*", the Grand Jury found that:
 - a. the District Attorney's request for the funding needed to comply with this Order was denied by the BoS; and
 - b. the BoS has filed a lawsuit (Case No. MCV059402) against the contractor to recover these funds along with 10% interest.
11. In regard to the 2010-2011 Order that "*the District Attorney ... recover monies generated from the sale of recyclable materials as called for in the contract*", the Grand Jury found that:
 - a. the District Attorney's request for the funding needed to comply with this Order was denied by the BoS; and
 - b. the BoS has filed a lawsuit (Case No. MCV059402) against the contractor to recover these funds along with 10% interest.
12. In regard to the 2010-2011 Recommendation that "*special attention be paid to insure that the contractor is not co-mingling expenses from the various businesses that it operates out of the landfill*", the Grand Jury found that the BoS addressed this issue in pending litigation No. MCV059402.
13. In regard to the 2010-2011 Recommendation "*that the County complete a comprehensive, independent audit of the landfill and MRF operations every three years*", the Grand Jury found that the BoS has caused an independent audit to be performed.

14. In regard to the 2010-2011 Recommendation "*that the [current] audit ... should be reviewed in detail by the BoS and a copy provided promptly to the Grand Jury. Deficiencies noted should result in a thirty (30) day notice of contract non-compliance and steps needed for the contractor to come into compliance*", the Grand Jury found that:
 - a. the BoS has reviewed the audit report;
 - b. the Grand Jury was not provided with a copy of the audit report; and
 - c. the BoS issued a thirty (30) day notice of contract non-compliance.
15. In regard to the 2010-2011 Recommendation "*that the BoS require that enforcement of the contract receive active and direct attention by the CAO, the RMA Director, County Counsel, and the Division of Solid Waste Management [with] frequent, scheduled reports as to such activities from County agencies*", the Grand Jury found that weekly monitoring and reporting on the Landfill operations are being performed by RMA staff.
16. In regard to the 2010-2011 Recommendation "*that the Department of Environmental Health develop stricter inspection and documentation procedures to insure that the proper handling and storage of household hazardous wastes is in compliance with health and safety regulations*", the Grand Jury found that the handling and storage of household hazardous waste appears to be in compliance with regulations.
17. In regard to the 2010-2011 Recommendation "*that the BoS pursue corrective action to insure that the contractor ceases and desists from operating unrelated businesses on County property, until such time as a negotiated agreement for the contractor to pay fair market value to do so is in effect*", the Grand Jury found that the BoS has entered into a contract (Agreement No. 9434-C-2011) with the Landfill operator for lease of property on which to store his equipment for other businesses.

Conclusions:

1. The Grand Jury concluded that the BoS has taken an active role in addressing many of the Landfill operation issues identified by the 2010-2011 Grand Jury.
2. The Grand Jury concluded that RMA staff is actively and directly monitoring the Landfill operations.

Recommendations:

1. The Grand Jury recommends that contracts for collection of solid waste provide that service fee increases require specific approval of the BoS and that such increases be based upon changes in operating costs.
2. The Grand Jury recommends that the County increase recycling county-wide by identifying and implementing methods for separating recyclable materials in the unincorporated areas where feasible.

3. The Grand Jury recommends that the County require that the MRF be operated as a dirty MRF to further increase recycling of materials.
4. The Grand Jury recommends that subsequent Grand Juries continue to monitor issues regarding solid waste management and recycling in the county.

Respondent: written response required pursuant to PC 933(c)

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Informational: response optional

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