

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



**Contract Number**

09-429 A-5

**SAP Number**

4400010478

## Public Works

**Department Contract Representative**  
**Telephone Number**

Darren Meeka

909-386-8703

**Contractor**  
**Contractor Representative**  
**Telephone Number**  
**Contract Term**  
**Original Contract Amount**  
**Amendment Amount**  
**Total Contract Amount**  
**Cost Center**

Kern County

Samuel D. Lux, Director

(661) 862-8900

July 1, 2024 through June 30, 2029

\$89,583.48

\$620,186.66

\$709,770.14

6700004250

**Briefly describe the general nature of the contract:** Amendment No. 5 with Kern County for the disposal of residential and commercial waste generated within 15 miles of the service area (unincorporated communities of Four Corners, Red Mountain, and Windy Acres).

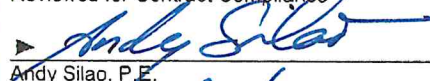
### FOR COUNTY USE ONLY

Approved as to Legal Form

  
Jolena Grider, County Counsel

Date

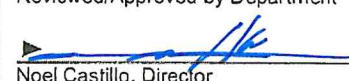
Reviewed for Contract Compliance

  
Andy Silao, P.E.

Date

5/31/24

Reviewed/Approved by Department

  
Noel Castillo, Director

Date

5/31/24

**AMENDMENT NO. 5**  
**AGREEMENT FOR USE OF**  
**KERN COUNTY SOLID WASTE FACILITIES**

(Kern County – San Bernardino County)

THIS AMENDMENT No. 5 to the Agreement for Use of Kern County Solid Waste Facilities ("Agreement") is entered into effective as of July 1, 2024, and is by and between the **COUNTY OF KERN**, a political subdivision of the State of California (hereinafter referred to as "Kern County"), and **SAN BERNARDINO COUNTY**, a political subdivision of the State of California (hereinafter referred to as "San Bernardino County").

**WITNESSETH:**

WHEREAS, on June 23, 2009, Kern County and San Bernardino County entered into Kern County Agreement 553-2009, San Bernardino County Agreement No.09-429 (hereinafter referred to as "Agreement") to allow residents from certain populated areas within 15 miles of the Kern County line (referenced in the Agreement as the "Service Area") to use the Boron and Ridgecrest Sanitary Landfills and the Randsburg Recycling/Transfer Station; and

WHEREAS, on June 19, 2012, Kern County approved Amendment No. 2 to this Agreement extending the term five additional years set to expire June 30, 2017; and

WHEREAS, on June 19, 2012, Kern County approved Amendment No. 2 to this Agreement, establishing the updated Gate Fees for Non-residential Waste of \$45.00 per ton, excluding waste for which a special rate or charge applies, and updated Land Use Fees of \$82.89 for Single Family Residences effective July 1, 2012; and

WHEREAS, Amendment No. 2 established that the San Bernardino County portion of the operational cost of the Randsburg Recycling/Transfer Station would be subject to the Agreement for the continued use by the residents of the San Bernardino County Red Mountain area; and

WHEREAS, Amendment No. 2 removed the requirement to amend the Agreement upon any change in the Kern County Land Use rate, Gate Fee, Alternate Universal Collection rate or other charge for disposal of waste at Kern County's landfills and other facilities, as may be approved from time to time by the Kern County Board of Supervisors; and

WHEREAS, on July 11, 2017, Kern County approved Amendment No. 3 to this Agreement extending the term five additional years set to expire June 30, 2022; and

WHEREAS, on June 14, 2022, Kern County approved Amendment No. 4 to this Agreement extending the term two additional years set to expire June 30, 2024; and

WHEREAS, on June 14, 2022, Kern County approved Amendment No. 4 to this Agreement, removing the use of the Boron Sanitary Landfill from the Agreement; and

WHEREAS, Kern County and San Bernardino County desire to extend the term of the Agreement for an additional five years.

**NOW, THEREFORE, IT IS MUTUALLY AGREED** by and between Kern County and San Bernardino County as follows:

1. Paragraph 1, **Acceptance of Residential Solid Waste**, is hereby amended to read as follows:

1. **Acceptance of Residential Solid Waste**. Kern County agrees to accept and dispose of non-hazardous solid waste generated in the Service Area and brought into the Ridgecrest Landfill and the Randsburg Recycling/Transfer Station by the residents of the Service Area or brought into the Ridgecrest Landfill by the authorized refuse hauler serving the Service Area.

Kern County may reject solid waste loads from the residents of the Service Area or the authorized refuse hauler serving the Service Area that fail to comply with the rules, regulations or instructions relating to the use of the facilities, or otherwise cause a nuisance or health hazard as described in Exhibit "B" – Amendment No. 5 attached herein and incorporated herein by this reference which replaces Exhibit "B" – Amendment No. 4 which is deleted.

2. Paragraph 2, **Non-Residential Solid Waste**, is hereby amended to read as follows:

2. **Non-residential Solid Waste**. Non-residential solid waste generated in the Service Area and brought into the Ridgecrest Landfill by the residents of the Service Area or brought into the Ridgecrest Landfill by the authorized refuse hauler serving the Service Area will be charged at the then current Gate Fee rates per Kern County Ordinance. Commercial, industrial and all construction and demolition waste (even if generated at a residential property) will be charged at the then current "Out of County" non-residential rate, which will be \$101.09 per ton effective July 1, 2024; except for waste requiring special handling which will be charged at Kern County's then current rates. Exhibit "C" – Amendment No. 4 is hereby deleted; and the current rates effective July 1, 2024, are as specified in Exhibit "C" – Amendment No. 5 attached hereto and incorporated herein by this reference. Kern County will provide San Bernardino County with any updated rates upon approval by the Kern County Board of Supervisors. Non-

residential solid waste is prohibited at the Randsburg Recycling/Transfer Station.

3. Paragraph 4, **Term**, is hereby amended to read as follows:

4. **Term**. This Agreement shall be in effect from July 1, 2024 through June 30, 2029 or until terminated by either party by giving 60 days written notice of such intention to terminate to the other party. The San Bernardino County Chief Executive Officer or designee is authorized to terminate the Agreement on behalf of San Bernardino County.

4. Paragraph 5, **Payments by San Bernardino County**, is hereby amended to read as follows:

5. **Payments by San Bernardino County**. San Bernardino County shall annually pay Kern County for the use of Kern County's Ridgecrest Landfill and the Randsburg Recycling/Transfer Station as provided by the Agreement. The annual payment for Fiscal Year 2024-2025 shall be in the amount of \$34,506. This amount equates to the annual rates approved by Kern County Ordinances of \$179.72 for each of the 167 parcels identified by San Bernardino County as single-family residences and the annual rates approved by Kern County Ordinances of \$179.72 for 25 parcels for properties which may not be readily identified.

San Bernardino County shall make one annual payment no later than 60 days after receipt of a billing statement from Kern County. The billing statement from Kern County for each fiscal year shall not be sent prior to October 31 of that fiscal year.

Kern County shall accept all payments from San Bernardino County via electronic funds transfer (EFT) directly deposited into Kern County's designated checking or other bank account. Kern County shall promptly comply with directions and accurately complete forms provided by San Bernardino County required to process EFT payments.

Upon any change in the Kern County Land Use rate, Gate Fee, Alternate Universal Collection rate or other charge for disposal of waste at Kern County's landfills and other facilities, as may be approved from time to time by the Kern County Board of Supervisors, San Bernardino County agrees to pay the equivalent Kern County rate.

4. All other terms and conditions, as previously amended, shall remain in full force and effect as written.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 5 to be executed by their respective authorized officers on the day and date herein above set forth.

COUNTY OF KERN  
"Kern County"

By: [Signature]  
Chairman, Board of Supervisors

Dated: JUN 25 2024

APPROVED AND RECOMMENDED:  
Kern County Public Works Department

By: [Signature]  
Public Works Director

APPROVED AS TO FORM:  
Office of County Counsel

By: [Signature] for PW  
Deputy County Counsel

SAN BERNARDINO COUNTY

By: [Signature]  
Dawn Rowe, Chair  
Board of Supervisors

Dated: JUN 11 2024

SIGNED AND CERTIFIED THAT A COPY  
OF THIS CONTRACT HAS BEEN  
DELIVERED TO THE CHAIRMAN OF THE  
BOARD

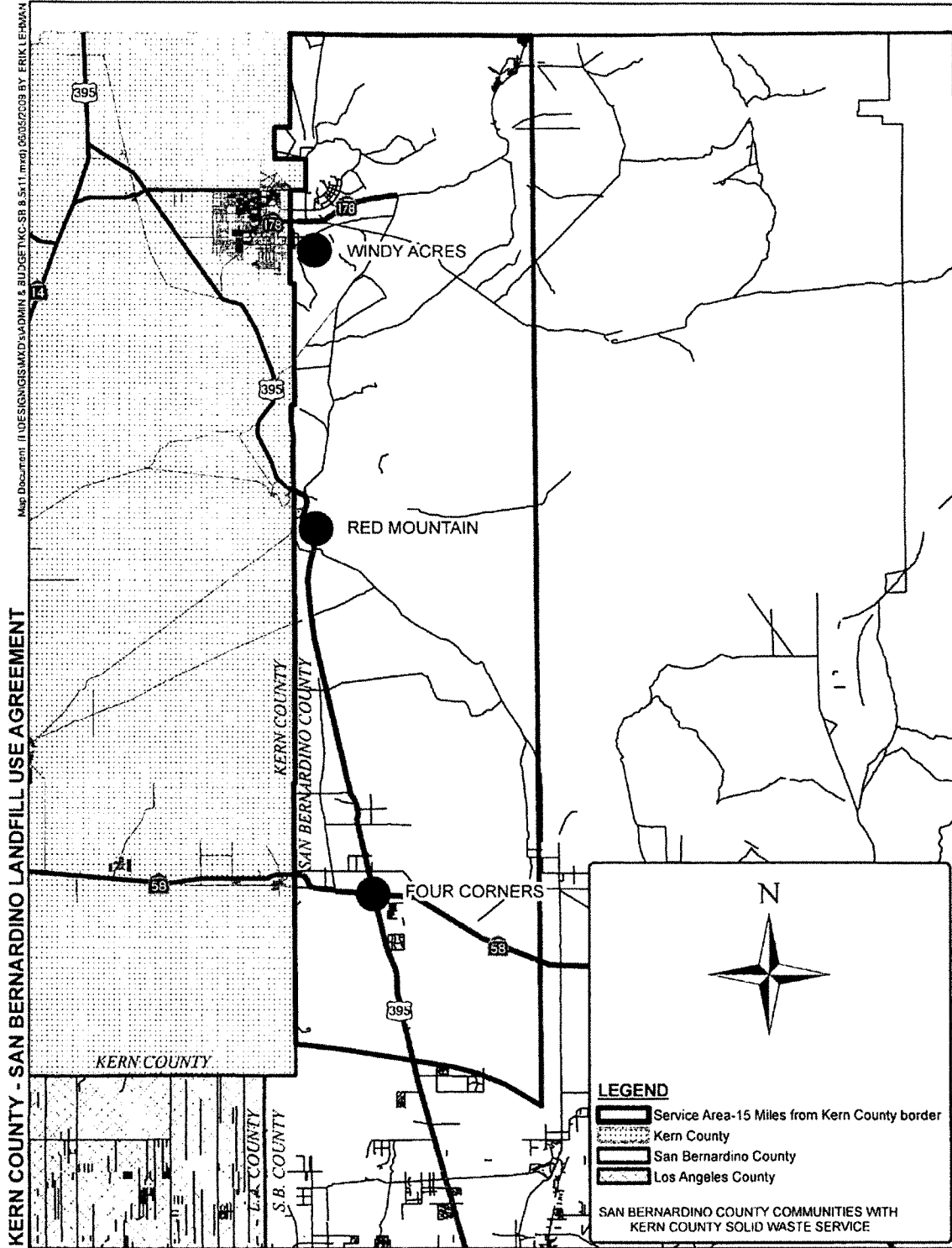
Lynna Monell  
Clerk of the Board of Supervisors  
San Bernardino County

By: [Signature]  
Deputy

APPROVED AS TO FORM:  
TOM BUNTON,  
San Bernardino County Counsel

By: [Signature]  
Jolena E. Grider,  
Deputy County Counsel

# EXHIBIT A



# **EXHIBIT “B” – Amendment No. 5**

## **Rules for Use of the Ridgecrest Sanitary Landfill and the Randsburg Recycling/Transfer Station**

1. Unless otherwise posted, the Ridgecrest Sanitary Landfill shall be open to the public as follows:
  - Daily 8:00 a.m. to 4:00 p.m.
  - Extended hours of 7:00 a.m. to 8:00 a.m. Monday through Friday for franchise and city contractor haulers only.
  - The Landfill shall be closed on New Year's Day, Easter Sunday, Independence Day, Thanksgiving Day and Christmas Day.
2. Unless otherwise posted, the Randsburg Recycling/Transfer Station shall be open to the public as follows:
  - Thursday – 8:00 a.m. to 12:00 p.m.
  - Saturday – 8:00 a.m. to 12:00 p.m.
  - Sunday – 1:00 p.m. to 5:00 p.m.
  - The Transfer Station shall be closed on New Year's Day, Easter Sunday, Independence Day, Thanksgiving Day and Christmas Day.
3. Days and hours of the Ridgecrest Landfill and Randsburg Recycling/Transfer Station are subject to change by Kern County, and Kern County has no obligation to amend this Agreement to update days and hours.
4. Only non-hazardous solid waste generated within the Service Area may be accepted for disposal.
5. Solid waste disposal must be done under the general direction of the Kern County staff working at the site and in accordance with directional signs.
6. Solid waste hauled in roll-off containers is not accepted for disposal at the Randsburg Transfer Station.
7. No children under the age of 12 years or pets shall be permitted within the disposal site unless within the confines of a motor vehicle.
8. All solid waste being transported for disposal must be covered or secured in a manner that prevents it from falling or blowing away from the transporting vehicle.
9. Dead animals and tires of any kind or size from outside Kern County will not be accepted at any County waste facility.

10. The following is PROHIBITED at all disposal sites:
  - a. Use of firearms.
  - b. Salvaging by the public.
  - c. Disposal of hot ashes or causing any material to burn.
  - d. All liquid waste.
  - e. Objects not readily handled at the facility without special permission of the site manager.
  - f. Smoking.
  - g. Hazardous and designated wastes which consist of or contain toxic substances as defined in the California Code Regulations, Title 23, Chapter 3, Subchapter 15, Sections 2521 and 2522, (any substance which could significantly impair the quality of usable waters).
  - h. Any material which by nature of its character or quantity is considered hazardous or detrimental to the efficient and sanitary operation of the facility.
11. Disposal of solid waste at the Ridgecrest Landfill and the Randsburg Recycling/Transfer Station shall conform to Kern County Ordinance G-5584 and subsequent amendments thereto and Kern County Ordinance Code Chapter 8.28.
12. Questions regarding the Rules and Regulations of the disposal site should be directed to the Kern County Public Works Department.



# EXHIBIT “C” – Amendment No. 5

## Schedule of Special Rates and Charges Effective July 1, 2024

### Basic Per Ton Gate Fee for Non-residential Waste:

The basic per ton Gate Fee for non-residential solid waste brought to a Kern County waste facility from outside of Kern County, excluding wastes for which a special rate or charge is specified below, is one hundred-one and 9/100 dollars (\$101.09) per ton.

### Schedule of Special Rates and Charges

#### Fees for Recyclable, Reusable, or Divertable Material

|                                                                             |                |
|-----------------------------------------------------------------------------|----------------|
| Clean fill dirt.....                                                        | \$5.62 per ton |
| Clean inerts such as concrete, asphalt, bricks,<br>or similar material..... | \$16.85/ton    |
| Construction or Demolition Waste.....                                       | \$89.86/ton    |

#### Tire Program Fees

All tires, whether from residential or non-residential sources, will be charged the following fees to offset the cost of County's waste tire diversion program:

Tires in bulk loads ..... \$280.81/ton

#### Individual Tires:

|                                                                       |              |
|-----------------------------------------------------------------------|--------------|
| Light Duty Tires - 18" diameter rim or smaller .....                  | \$3.37/tire  |
| Heavy Duty Tires -19" to 24" diameter rims .....                      | \$16.85/tire |
| Oversize Tires .....                                                  | \$22.47/tire |
| (Racing tires and tires with more than 24" rims, but not mover class) |              |
| Earth Mover Tires.....                                                | \$280.81/ton |
| (Extremely large tires used on earth moving equipment)                |              |

#### Non-residential Bin Fee:

|                                            |                   |
|--------------------------------------------|-------------------|
| Municipal solid waste in a bin.....        | \$3.37/cubic yard |
| Transfer Station Fee – additional fee..... | \$0.58/cubic yard |
| Out of County waste in a bin.....          | \$4.83/cubic yard |

**Treated Wood Waste (as defined in Health & Safety Code §25150.7)**

The following Special Fees shall be charged at any County waste Facility which accepts treated wood waste:

Disposal of treated wood waste other than railroad ties..... \$168.49/ton  
Disposal of treated wood waste that is in the form of railroad ties..... \$16.85/tie

Disposal will be limited to a maximum of 2 cubic yards per load at any site other than Bena Landfill, Shafter-Wasco Landfill, and Taft Landfill.

**Other Special Fees**

The following Special Fees shall be charged, in addition to the normal Gate Fee, regardless of whether the source of the waste is residential or non-residential and in addition to any other fees that may apply:

Hourly rate for Department personnel (1/2 hour minimum) ..... \$101.09/hour

Processing fee for each check returned to the County..... \$25.00/ea.

Travel trailers disposed of at County waste  
facilities authorized to accept them for dismantling  
and disposal (subject to removal of all hazardous  
and unacceptable waste) .....\$561.63/ea.

Any other hard to handle items ..... \$224.65/ton

Untarped/Unsecured Loads.....2X the Gate Fee or \$20.00 minimum  
charge