

**SUBCOMMITTEE FOR THE  
KINGS COUNTY LOCAL ASSESSMENT COMMITTEE  
FOR THE PROPOSED CHEMICAL WASTE MANAGEMENT, INC.  
KETTLEMAN HILL FACILITY  
HAZARDOUS WASTE FACILITY EXPANSION PROJECT  
CONDITIONAL USE PERMIT NO. 05-10**

**Special Meeting  
5:00 P.M.**

**Kings County Agricultural Extension Building  
680 N. Campus Drive, Suite F  
Hanford, California 93230**

**AGENDA  
August 25, 2008**

- I. CALL TO ORDER** – Subcommittee for the Kings County Local Assessment Committee Meeting
- 1. ROLL CALL OF MEMBERS** - A quorum of regular members shall consist of a majority of the number of filled regular member positions on the Sub-Committee. Currently there are three filled positions therefore, a quorum is two members.
  - 2. SUMMARY OF THE AGENDA** - Staff
  - 3. UNSCHEDULED APPEARANCES**  
Any person may address the Committee on any subject matter within the jurisdiction or responsibility of the Committee at the beginning of the meeting; or may elect to address the Committee on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Committee. Unscheduled comments will be limited to five minutes.
- II. OLD BUSINESS** - None
- III. NEW BUSINESS**
- 1. Review of the draft Request for Proposals (RFP) for consulting services for an Independent Consultant to Assist the LAC in carrying out its duties and responsibilities under the “Tanner Act” (Health and Safety Code Section 25199.7).**
    - A. Public Comment – Individuals limited to five (5) minutes
    - B. Discussion
    - C. Decision/Action
- IV. MISCELLANEOUS**
- 1. FUTURE MEETING – TBA**
  - 2. CORRESPONDENCE**
  - 3. STAFF COMMENTS**
  - 3. COMMITTEE COMMENTS**
- V. ADJOURNMENT**

**DRAFT**



**COUNTY OF KINGS LOCAL ASSESSMENT COMMITTEE**  
**REQUEST FOR PROPOSALS**

For Consulting Services for an

**Independent Consultant to Assist the LAC in Carrying out  
its Duties and Responsibilities Under the “Tanner Act”  
(Health and Safety Code Section 25199.7)**

**Deadline for Submission: 5:00 p.m., Monday, September 15, 2008**

**PROPOSALS RECEIVED AFTER THIS DATE WILL NOT BE ACCEPTED**

**Kings County Planning Agency  
1400 W. Lacey Blvd., Bldg. 6  
Hanford, CA 93230**

## BACKGROUND:

The Kings County Local Assessment Committee is currently considering an application for a proposed expansion of an existing hazardous waste landfill and construction of a new hazardous waste landfill at the existing Chemical Waste management, Inc., Kettleman Hills Facility. This project is located in the Kettleman Hills of Southwestern Kings County, between community of Kettleman City and the City of Avenal. The application is titled Conditional Use Permit (CUP) No. 05-10. Whenever an application for a hazardous waste facility is proposed the local land use authority, in this case the Kings County Board of Supervisors, is required to form a Local Assessment Committee (LAC) pursuant to the "Tanner Act" as found in Health and Safety Code Section 25199.7. Excerpts from the Tanner Act that are applicable to this Request for Proposals are included below:

Health and Safety Code Section 25199.7(d) through (h):

- (d) The legislative body of the affected local agency shall appoint a seven member local assessment committee to advise it in considering an application for a land use decision for a specified hazardous waste facility project. The members of the local assessment committee may be appointed at any time after the notice of intent is filed with the local agency but shall be appointed not later than 30 days after the application for the land use decision is accepted as complete by the local agency. The local agency shall charge the project proponent a fee to cover the local agency's costs of establishing and convening the local assessment committee. The fee shall accompany the application for a land use decision.
  - (1) The membership of the committee shall be broadly constituted to reflect the makeup of the community, and shall include three representatives of the community at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries. Members of local assessment committees selected pursuant to this subdivision shall have no direct financial interest, as defined in Section 87103 of the Government Code, in the proposed specified hazardous waste facility project.
  - (2) **The local assessment committee shall, as its primary function, advise the appointing legislative body of the affected local agency of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community. To carry out this function, the local assessment committee shall do all of the following:**
    - (A) **Enter into a dialogue with the proponent for the proposed hazardous waste facility project to reach an understanding with the proponent on both of the following:**
      - (i) **The measures that should be taken by the proponent in connection with the operation of the proposed hazardous waste facility project to protect the public health, safety, and welfare, and the environment of the city or county.**
      - (ii) **The special benefits and remuneration the facility proponent will provide the city or county as compensation for the local costs associated with the operation of the facility.**
    - (B) **Represent generally, in meetings with the project proponent, the interests of the residents of the city or county and the interests of adjacent communities.**
    - (C) **Receive and expend any technical assistance grants made available pursuant to subdivision (g).**
    - (D) **Adopt rules and procedures which are necessary to perform its duties.**
    - (E) **Advise the legislative body of the city or county of the terms, provisions, and conditions for project approval which have been agreed upon by the committee and the proponent, and of any additional information which the committee deems appropriate. The legislative body of the city or county may use this advice for its independent consideration of the project.**
  - (3) The legislative body of the affected jurisdiction shall provide staff resources to assist the local assessment committee in performing its duties.
  - (4) A local assessment committee established pursuant to this subdivision shall cease to exist after final administrative action by state and local agencies has been taken on the permit applications for the project for which the committee was convened.
- (e) A local agency shall notify the Office of Permit Assistance within 10 days after an application for a land use decision for a specified hazardous waste facility project is accepted as complete by the local agency and, within 60 days after receiving this notice, the Office of Permit Assistance shall convene a meeting of the lead and responsible agencies for the project, the proponent, the local assessment committee, and the interested public, for the purpose of determining the issues which concern the agencies that are required to approve the project and the issues which concern the public. The meeting shall take place in the jurisdiction where the application has been filed.
- (f) Following the meeting required by subdivision (e), the proponent and the local assessment committee appointed pursuant to subdivision (d) shall meet and confer on the specified hazardous waste facility project

proposal for the purpose of establishing the terms and conditions under which the project will be acceptable to the community.

- (g) (1) **If the local assessment committee finds that it requires assistance and independent advice to adequately review a proposed hazardous waste facility project, it may request technical assistance grants from the local agency to enable the committee to hire a consultant. The committee may use technical assistance grant funds made available to it to hire a consultant to do either, or both, of the following:**
- (A) **Assist the committee in reviewing and evaluating the application for the project, the environmental documents prepared for the project pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and any other documents, materials, and information that are required by a public agency in connection with the application for a land use decision or a permit.**
  - (B) **Advise the local assessment committee in its meetings and discussions with the facility proponent to seek agreement on the terms and conditions under which the project will be acceptable to the community.**
- (2) The local agency shall require the proponent of the proposed hazardous waste facility project to pay a fee equal to the amount of any technical assistance grant provided the local assessment committee under paragraph (1). The funds received as a result of the imposition of the fee shall be used to make technical assistance grants exclusively for the purposes described in paragraph (1).
- (3) The local agency shall deposit any fee imposed pursuant to paragraph (2) in an account created in the city or county treasury, maintain records of all expenditures from the account, and return any unused funds and accrued interest to the project proponent upon completion of the review of the proposed hazardous waste facility project.
- (h) If the local assessment committee and the proponent cannot resolve any differences through the meetings, the Office of Permit Assistance may assist in this resolution pursuant to Section 25199.4.

Pursuant to Section 25199(g) the LAC requested, and was granted, a Technical Assistant Grant from the Board of Supervisors to hire a consultant to assist them with both of the following:

1. Assist the committee in reviewing and evaluating the application for the project, the environmental documents prepared for the project pursuant to CEQA and any other documents, materials, and information that are required by a public agency in connection with the application for a land use decision or a permit, and
2. Advise the LAC in its meetings and discussions with the facility proponent to seek agreement on the terms and conditions under which the project will be acceptable to the community.

The Kings County Planning Agency staff will provide any assistance requested by the LAC and the consultant concerning the project.

#### **AVAILABLE REFERENCE INFORMATION:**

- The Draft Subsequent EIR for CUP No. 05-10
- Previous LAC reports from the 1990 project.
- All current LAC files.
- Kings County Planning Agency staff resources.
- Special legal counsel has been hired by Kings County for the LAC.

#### **PROPOSAL REQUIREMENTS:**

Responses to this RFP must include all of the following:

1. A statement of qualifications that describes the firm's experience as it relates to:
  - a) conflict resolution,
  - b) evaluating land use permit applications,
  - c) CEQA compliance, and

- d) professional backgrounds of those who will be involved in the project.
2. Identification of any sub-consultants that may be employed to assist in the review and recommendation associated with this project and the work they would perform. The information required under item 1 above should also be submitted for any sub-consultant.
3. A statement of related project experience for the last two years. References for each project must include a contact, telephone number and address of the agency for which the project was prepared.
4. A statement describing the anticipated approach in completing this project.
5. Identification of any information, materials, and/or work assistance required from our agency or any other entity to complete the project.
6. The anticipated project cost and payment schedule, including the hourly rates for each person who will be involved in the work, including the rates for any sub-consultant.

### **REPORTING:**

The Consultant will report to the Kings County Local Assessment Committee. The Kings County Planning Agency staff will provide any requested administrative assistance, but will not be directly involved in the LAC/Consultant activity.

### **SUBMISSION REQUIREMENTS:**

#### **DUE DATE:**

On or before 5 P.M., Monday, September 15, 2008

#### **NUMBER OF COPIES:**

1 Original copy, 1 electronic copy (Microsoft Word format) on CD or DVD, and 1 fully reproducible copy.

#### **DELIVER TO:**

Bill Zumwalt, Director  
Kings County Planning Agency  
1400 W. Lacey Blvd., Bldg 6  
Hanford, CA 93230

An interview with the prospective consultant by a three member LAC Subcommittee will be required. If your firm is considered for this project, please plan on having the project manager and/or senior staff who will be assigned to the project participate in the interview.

### **CONTACT INFORMATION:**

All questions or inquiries concerning this request should be directed to:

Bill Zumwalt, Planning Director  
Voice: (559) 582-3211 ext. 2686  
Fax: (559) 584-8989  
Email: [bill.zumwalt@co.kings.ca.us](mailto:bill.zumwalt@co.kings.ca.us)

## **COUNTY AGREEMENT REQUIREMENTS:**

A County Agreement will be required to be entered into which requires that the Consultant indemnify the County, and that the Consultant carry General Liability Insurance of not less than \$1,000,000. A draft agreement is attached as a preliminary reference for information on other requirements. The agreement must be approved by the Kings County Board of Supervisors upon recommendation and request of the LAC.

## **SELECTION PROCEDURE:**

Evaluations of the proposals will be conducted by a subcommittee of the Kings County Local Assessment Committee appointed to review consultant proposals and make a recommendation to the full LAC. The LAC reserves the right to select a proposal that does not have the lowest cost provided the proposal demonstrates substantially greater experience with similar projects. Should additional information be needed, the LAC Subcommittee may contact the firm to evaluate qualifying experience. It is anticipated that a recommendation by the subcommittee will be made to the full LAC at its October 16, 2008 meeting. When the full LAC selects a preferred consultant their request will be placed on the next available Board of Supervisors agenda for approval after the terms of the agreement are reached. The Board of Supervisors reserves the authority to modify the agreement to ensure that it complies with Kings County's standards for contracting with consulting firms for professional services.

If agreement cannot be reached with the top ranked consultant firm, the LAC will then contact the next highest firm and attempt to negotiate a contract scope of work and fee. This process will be continued until a contract scope of work and fee is successfully negotiated, or until the County determines to cease negotiations with any firm.

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