

Chuck Toombs and Our Garbage Contract

As he once more seeks reelection to the KPPCSD board, incumbent Chuck Toombs is claiming that he "Supported state-of-the-art franchise agreement with our solid waste provider." Well, that's a nice way to gloss over a rather trashy story that few should consider state-of-the-art.

But first a little background for new residents or those who haven't looked under the lid of their weekly refuse pickup.

Kensington has contracted with the same refuse collection company, Bay View Refuse (BVR) for over 70 years. Because of the topographical characteristics of Kensington—small, winding streets through hilly terrain—Kensington is not an inviting community for refuse haulers. We require special, small trucks that do not equate into large profits. Our contract with Bay View stipulates a 12 percent annual profit over expenses. If actual expenses escalate above projections, the hauler may request a rate increase

In a 2010 letter to residents, Bay View reported that they were projecting losses starting in 2011 based primarily on the decision of more Kensington households to use smaller cans at a higher rate than was anticipated. After opening their books to all KPPCSD board members (I believe I was the only board member who took Bay View up on its offer to review) Bay View requested a 6 percent rate increase.

After considerable discussion, the KPPCSD board approved that increase by a 4 to 1 vote with board member Linda Lipscomb dissenting, and the rest of the board, including Chuck Toombs, voting in favor. This vote triggered Proposition 218, a state mandate that requires jurisdictions increasing fees to notify residents and provide a specific time for protest—50 percent plus 1 defeats the increase. However, the 6 percent Bay View increase was protested by only 3 percent of Kensington residents.

Then politics began to take over. Rather than the board sending the refuse hauler an official notification that the increase is approved, as stipulated by Prop 218, nothing happened. Throughout 2012, as Chuck Toombs again became president of the board and began his reelection campaign, the letter was put off. Chuck Toombs was able to run for reelection claiming that he was protecting the interest of the community by not allowing the 6 percent rate increase to move forward.

Meanwhile, Kensington was not paying Bay View enough for hauling our

trash, and the company's owner, Lewis Figone, was making payroll with his personal funds. Following the process spelled out in the contract, Figone took the case to arbitration. To make a long story short, in November 2012 Chuck Toombs was reelected, and in early 2013 the arbitration judge ruled in favor of Bay View and awarded them not the 6 percent originally requested but a whopping 21 percent increase, which immediately spiked the payments of all Kensington residents.

Throughout this process, the KPPCSD spent over \$146,000 in legal fees to defend the board's delay of the rate increase plus an additional \$28,000 for a consultant to audit Bay View's books to determine future rates. Just those fees, totaling \$174,000, translated to approximately \$79 per resident.

Playing politics with our trash collection is costly and hardly state-of-the-art.

Cathie Kosel