



Supplemental Agenda Related Writings/ Documents Provided To A Majority Of The Ridgecrest City Council / Redevelopment Agency Board Members After Distribution Of The August 17, 2011 Agenda Packet

- a. Add to City Attorney Reports – Other Reports
  - i. Receive report and discuss settlement agreement in the case of City of Ridgecrest v. Benz

This information is available for viewing on  
The City of Ridgecrest web page

<http://ci.ridgecrest.ca.us>

City Council Agendas

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# **AMENDED**



LAST ORDINANCE NO. 12-06  
LAST RESOLUTION CITY COUNCIL NO. 12-71  
LAST RESOLUTION FINANCING AUTHORITY NO. 12-xx  
LAST RESOLUTION OF THE HOUSING AUTHORITY NO. 12-xx  
LAST RESOLUTION OF THE SUCCESSOR REDEVELOPMENT AGENCY NO. 12-xx

## **CITY OF RIDGECREST**

### **CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY**

#### **AGENDA**

Regular Council  
Wednesday October 3, 2012

**CITY COUNCIL CHAMBERS CITY HALL**  
100 West California Avenue  
Ridgecrest, CA 93555

**Closed Session – 5:00 p.m.**  
**Regular Session – 6:00 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**PUBLIC COMMENT – CLOSED SESSION**

**AGENDA - CITY COUNCIL - REGULAR**

October 3, 2012

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**CLOSED SESSION**

- |              |   |
|--------------|---|
| GC54956.9(A) | Conference With Legal Counsel, Existing Litigation. City Of Ridgecrest v. Benz Sanitation, Inc.   |
| GC54956.9(A) | Conference With Legal Counsel, Existing Litigation. City Of Ridgecrest V. William Dale Howard   |
| GC54956.9(B) | Conference With Legal Counsel, Potential Litigation. Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest   |
| GC54957.6    | Labor Negotiations – United Food and Commercial Workers Local 8 Golden State; Unrepresented Employee Groups Confidential; Mid-Management; and Management. Agency Negotiator Interim City Manager Dennis Speer |

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORT**

- Closed Session
- Other
  - a. Receive Report and Discuss Settlement Agreement in the case of City of Ridgecrest v. Benz

**PUBLIC COMMENT**

**CONSENT CALENDAR**

1. Approve A Resolution Requesting Authorization To Enter Into A Program Supplement Agreement No. 028-N To The Administering Agency-State (State California Department Of Transportation) Agreement No 09-5385r And To Authorize The Interim City Manager, Dennis Speer To Sign The Agreement Speer
2. Approve A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Destruction Of Certain Accounting Records Sloan
3. Approve A Resolution Authorizing Proclamations For The Month Of October 2012 Ford
4. Approve Draft Minutes of City Council Meeting Dated September 19, 2012 Ford

**PUBLIC HEARING AND ORDINANCES**

5. Second Reading And Adoption Of Ordinance No. 12-07, An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise To Antonio Rubio Speer

## COMMITTEE REPORTS

### Infrastructure Committee

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders  
Meeting: 2<sup>nd</sup> Wednesday Of The Month At 5:00 P.M., Council Conference Room  
Next Meeting: moved to October 9, 2012

### Quality Of Life

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meeting: 2<sup>nd</sup> Thursday Of The Month At 5:00 P.M.; Kerr-McGee Center  
Next Meeting: October 11, 2012 (Dark in June, July, December, and January)

### City Organization

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu  
Meeting: 3<sup>rd</sup> Tuesday Of The Month At 5:00 P.M.; Council Conference Room  
Next Meeting: October 16, 2012

### Community Development Committee

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James Sanders  
Meetings: 1<sup>st</sup> Thursday Of The Month At 5:00 P.M.; Council Conference Room  
Next Meeting: Cancelled

### Activate Community Talents And Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Ron Carter, Chip Holloway, Ron Strand  
Meetings: 2<sup>nd</sup> Monday Of Odd Numbered Months At 4:00 P.M., Kerr-McGee Center  
Next Meeting: November 12, 2012

### Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Chip Holloway, Jason Patin  
Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.  
Next Meeting: November 7, 2012 at location to be announced

## OTHER COMMITTEES, BOARDS, OR COMMISSIONS

## CITY MANAGER REPORT

## MAYOR AND COUNCIL COMMENTS

## ADJOURNMENT

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

<b>SUBJECT:</b> Benz Sanitation Settlement Agreement Report
<b>PRESENTED BY:</b> Keith Lemieux – City Attorney
<b>SUMMARY:</b>  This is a supplemental Item, received after posting of the regular agenda and added to the agenda for discussion.  The Attorney General released a report on September 27, 2012 outlining the terms of a settlement agreement reached with Benz Sanitation and naming City of Ridgecrest as a recipient in the agreement.  City Attorney Keith Lemieux will present the term of the agreement to Council and respond to question as needed.
<b>FISCAL IMPACT:</b>  No fiscal impact  Reviewed by Finance Director
<b>ACTION REQUESTED:</b>  Receive report and Discuss.
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested: Receive report and Discuss

Submitted by:  
(Rev. 02/13/12)

Keith Lemieux

Action Date: October 3, 2012

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State of California Department of Justice  
**OFFICE of the ATTORNEY GENERAL**  
KAMALA D. HARRIS

## Attorney General Kamala D. Harris Reaches \$2.4 Million Plea Agreement in Kern County Fraud Case

Thursday, September 27, 2012

Contact: (415) 703-5837

BAKERSFIELD -- Attorney General Kamala D. Harris today announced a plea agreement with the owner of a garbage collection company that illegally dumped Los Angeles County garbage in a Kern County landfill.

Paul Michael Benz, 68, owner and operator of Benz Sanitation, pled guilty today in Kern County Superior Court to one felony charge of presenting a fraudulent claim for payment to the government. As part of today's plea agreement, Benz will pay nearly \$2.4 million in restitution, and take other actions to prevent illegal conduct in the future.

Between January 2008 and September 2012, Benz Sanitation had a waste removal services contract with Kern County that allowed it to take Kern County's residential garbage and deposit it at local landfills at no charge. During this time, Benz Sanitation also contracted with almost 1,500 residents and businesses in Los Angeles County to remove their residential and commercial garbage. Benz then manipulated these contracts by fraudulently mislabeling the Los Angeles County garbage as originating in Kern County so that he could dump it free of charge in Kern County's landfills.

Benz Sanitation's dumping practices were first questioned when deposits in the local Kern County landfill dropped dramatically after the City of Ridgecrest ended its contract with Benz and hired a new garbage collection company. Further investigation revealed that Benz Sanitation was hauling garbage from Los Angeles County to the Material Recovery Facility in Kern County and falsely reporting that the garbage had originated in Kern County, defrauding the county of approximately \$2 million.

As a result of today's plea agreement, Benz is required to leave the company and pay \$2,375,000 in restitution. He will also be placed on felony probation. To prevent future illegal conduct, Benz Sanitation will place GPS trackers on all vehicles to provide location data to Kern County. County officials will randomly audit the company's records, will review weight tickets in the company's scale house, and barcode all vehicles by route.

The California Attorney General's Office was initially asked to look into CalRecycle's concerns about violations of statewide disposal reporting in Kern County. The office then coordinated with local law enforcement agencies during the investigation of Benz and his company.

A copy of the agreement is attached to the electronic version of this release at <http://oag.ca.gov/news>.

###

Attachment

 benz.pdf

Size

177.44 KB

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1 KAMALA D. HARRIS  
Attorney General of California  
2 MARK BRECKLER  
Chief Assistant Attorney General  
3 DIANA CALLAGHAN  
Deputy Attorney General  
4 State Bar No. 132460  
KRISTOPHER S. YOUNG  
5 Deputy Attorney General  
State Bar No. 220013  
6 300 South Spring Street, Suite 1702  
Los Angeles, CA 90013



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8  
9 *Attorneys for the People of the State of California*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF KERN

12  
13 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

14 Plaintiff,

15 v.

16  
17 **1. PAUL MICHAEL BENZ**  
**(09/25/1944)**

18 Defendant  
19

DA: 821624

Case No.

**BF 144213A**

**FELONY COMPLAINT**

20  
21 The undersigned is informed and believes that:

22 **COUNT 1**

23 On and between January 1, 2008 and September 1, 2012, in the County of Kern, the crime  
24 of PRESENTING A FRAUDULENT CLAIM, in violation of Penal Code section 72, a Felony  
25 was committed by **PAUL MICHAEL BENZ**, who did unlawfully and with intent to defraud,  
26 present for allowance and payment a false and fraudulent claim, bill, account, voucher and writing, to  
27 wit: misrepresenting the origin of and failing to disclose imported Los Angeles County waste being  
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**ENDORSED**

FILED  
SUPERIOR COURT, METROPOLITAN DIVISION  
COUNTY OF KERN

SEP 26 2012

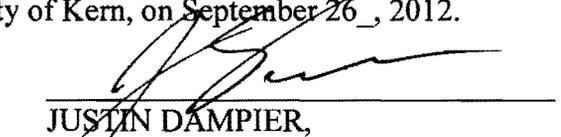
TERRY McNALLY, CLERK  
BY \_\_\_\_\_ DEPUTY

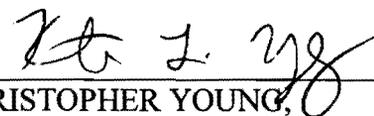
1 dumped in Kern County landfills; misrepresenting commercial and construction waste as residential  
2 in order to avoid paying waste disposal fees.

3 It is further alleged as to count 1 that the above violation was not discovered until December 1,  
4 2011 by City of Ridgecrest Police Sergeant Justin Dampier after following a trash truck from Los  
5 Angeles County to the Material Recovery Facility in Tehachapi, CA. On March 12, 2012 Police  
6 Sergeant Justin Dampier reviewed the Kern County landfill scale ticket for the trash truck that was  
7 followed and was able to determine that the origin of the waste was falsely reported as being from  
8 Kern County, and that no victim of said violation and no law enforcement agency chargeable with the  
9 investigation and prosecution of said violation had actual and constructive knowledge of said  
10 violation prior to said date because no other person brought the matter to their attention, within the  
11 meaning of Penal Code section 803(c).

13 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
14 CORRECT AND THAT THIS COMPLAINT, CASE NUMBER \_\_\_\_\_  
15 CONSISTS OF 1 COUNT.

16 Executed at Bakersfield, County of Kern, on September 26, 2012.

17   
18 JUSTIN DAMPIER,  
19 DECLARANT AND COMPLAINANT  
20 KAMALA HARRIS,  
21 ATTORNEY GENERAL

22 BY:   
23 KRISTOPHER YOUNG,  
24 DEPUTY ATTORNEY GENERAL

25 AGENCY: RIDGECREST POLICE DEPARTMENT

26 PRELIM. TIME. EST.: 1 day

<u>DEFENDANT</u>	<u>CII</u>	<u>DOB</u>	<u>BOOKING</u> <u>NO.</u>	<u>BAIL</u> <u>RECOM'D</u>	<u>CUSTODY</u> <u>RTN DATE</u>
PAUL MICHAEL BENZ		09/25/1944		\$1,000	

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Pursuant to Penal Code section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code section 1054.3.

FELONY COMPLAINT – ORDER HOLDING TO ANSWER– P.C. SECTION 872

IT APPEARING TO ME FROM THE EVIDENCE PRESENTED THAT THE FOLLOWING OFFENSE(S) HAS/HAVE BEEN COMMITTED AND THAT THERE IS SUFFICIENT CAUSE TO BELIEVE THAT THE FOLLOWING DEFENDANTS GUILTY THEREOF, TO WIT:

(STRIKE OUT OR ADD AS APPLICABLE)

PAUL MICHAEL BENZ

<u>Count No.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Special Allegation</u>	<u>Alleg. Effect</u>
1	PC 72	16-2-3		

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

PAUL MICHAEL BENZ \_\_\_\_\_ DOLLARS

and be committed to the custody of the Sheriff of Kern County until such bail is given. Date of arraignment in Superior Court will be:

PAUL MICHAEL BENZ \_\_\_\_\_ in Dept \_\_\_\_\_

at: \_\_\_\_\_ A.M.

Date \_\_\_\_\_

\_\_\_\_\_  
*Committing Magistrate*

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**DECLARATION IN SUPPORT OF ARREST WARRANT**  
(Made under Code of Civil Procedure section 2015.5)

The undersigned hereby declares:

That your declarant is currently employed as a Sergeant with the Ridgecrest Police Department. That pursuant to said employment, your declarant has been assigned to investigate allegations that PAUL MICHAEL BENZ, did commit the crime(s) set forth in the attached complaint.

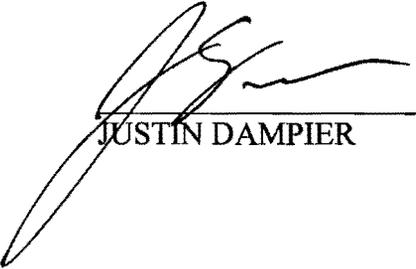
That pursuant to said assignment, your declarant has contacted persons having knowledge of said offenses and who have prepared written reports and/or statements, and/or have received and read written reports and/or statements prepared by others known by your declarant to be law enforcement officers, whose reports and/or statements are attached hereto and incorporated by reference.

That each of these documents is presently an official record of a law enforcement agency.

WHEREFORE, your declarant prays that a warrant issue for the arrest of the herein above-named defendants and that said defendants be dealt with according to law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2012, in Bakersfield, California.

  
JUSTIN DAMPIER

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**ORDER**

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for **PAUL MICHAEL BENZ**, the Warrant is so ordered:

**PAUL MICHAEL BENZ.**

Bail: \$1,000

DATE: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court of Kern

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