DEPARTMENT: Public Works
BY: Dana Hertfelder
PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:
Public Hearing to approve request from Total Waste Systems, Inc. for a Consumer Price Index increase of 4.0% to be effective November 1, 2008 for the Mariposa Franchise Area.

The Mariposa Franchise Agreement Section13, Rates for Service, establishes the procedures of CPI increase requests for trash pick up services. Total Waste Systems has requested the increase in accordance with the terms of the Agreement.

Staff review has found that the CPI of 4.0% is accurate and in accordance with the Index from the Agreement. The proposed fee schedule reflecting the 4.0% increase was also reviewed and found to be accurate.

This item has no fiscal impact on the Solid Waste and Recycling Division.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On October 25, 2005, the Board approved a 3% CPI rate increase for Total Waste Systems, Resolution No. 05-508.

On November 28, 2006, the Board approved a 3.6% CPI rate increase for Total Waste Systems, Resolution No. 06-544.

On September 11, 2007, the Board approved a 25.53% Franchise Rate increase for Total Waste Systems of Mariposa County, Resolution No. 07-439

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Negative action would result in the County being out of compliance with the terms of the Franchise Agreement.

<table>
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<tr>
<th>Financial Impact?</th>
<th>( ) Yes</th>
<th>( ) No</th>
<th>Current FY Cost: $</th>
<th>Annual Recurring Cost: $</th>
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<td>Budgeted In Current FY?</td>
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<tr>
<td>Amount in Budget:</td>
<td>$</td>
<td></td>
<td>List Attachments, number pages consecutively</td>
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<tr>
<td>Additional Funding Needed:</td>
<td>$</td>
<td></td>
<td>1. Letter dated April 2, 2008 from TWS requesting cost of living adjustment</td>
<td></td>
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<tr>
<td>Source:</td>
<td></td>
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<td>2. Letter dated April 7, 2008 from TWS requesting cost of living adjustment</td>
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<td>Internal Transfer</td>
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<td>3. Letter dated August 20, 2008 from TWS requesting cost of living adjustment</td>
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<td>4/5's vote</td>
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<tr>
<td>Transfer Between Funds</td>
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<tr>
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</tr>
<tr>
<td>( ) Other</td>
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</tbody>
</table>

CLERK'S USE ONLY:
Res. No.: 08-555
Vote - Ayes: ______ Noes: ______
Absent: ______

Approved ______ Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: __________
Attest: MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California
By: __________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
[Signature]
Comments:

Revised Dec. 2002

[Signature]
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LYLE TURPIN, CHAIR
DIANNE A. FRITZ, VICE CHAIR
BRAD ABORN
JANET BIBBY
BOB PICKARD

DISTRICT II
DISTRICT IV
DISTRICT I
DISTRICT III
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: DANA HERTFELDER, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: A) PUBLIC HEARING to Approve Request from Total Waste Systems, Inc. for a Consumer Price Index Increase (CPI) of 4.0% to be Effective November 1, 2008 for the Mariposa Franchise Area

RESOLUTION No. 08-455

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on September 16, 2008

ACTION AND VOTE:

10:42 a.m., Dana Hertfelder, Public Works Director;
   A) PUBLIC HEARING to Approve Request from Total Waste Systems, Inc. for a Consumer Price Index Increase (CPI) of 4.0% to be Effective November 1, 2008 for the Mariposa Franchise Area

BOARD ACTION: Dana Hertfelder presented the staff report; and he responded to questions from the Board relative to this request for an increase and how it compares to rate increases in other areas; and whether there has been a trash dumping impact with the last rate increase.

   The public portion of the hearing was opened and input was provided by the following:
   Stuart Katte, Total Waste Systems, Inc., advised that the CPI is used by all consumers.
   Eleanor Keuning stated she feels that there has been an increase in people using dumpsters; and she addressed recycling issues.
   Paul Chapman stated he owns property in Madera and their trash disposal fees are less that Mariposa’s.

   The public portion of the hearing was closed and the Board commenced with deliberations.
   Supervisor Bibby asked if Total Waste Systems, Inc., would go back and compare their rates with other providers in rural areas. Staff responded to a question from the Board and clarified that this does not raise the rates at the landfill. (M)Aborn, (S)Pickard, Res. 08-455 was adopted approving the request for the CPI increase/Ayes: Aborn, Turpin, Bibby, Pickard; Noes: Fritz. The hearing was closed.

Cc: Chris Ebie, Auditor
    Thomas P. Guarino, County Counsel
    File
April 2, 2008

Dana Hertfelder, Director
Mariposa County Dept. Of Public Works
4639 Ben Hur Road
Mariposa, CA 95338

RE: Cost of Living Adjustment
    County of Mariposa Solid Waste Franchise Agreement

Dear Mr. Hertfelder:

In accordance with Section 13, Rates for Service, Part B, of the County of Mariposa Solid Waste Franchise Agreement with Mariposa County Total Waste Systems, Inc., we hereby request a rate adjustment based upon the CPI. The CPI increased 4.0% from February, 2007 to February, 2008. Therefore our rate request increase is for 4.0% effective November 1, 2008.

Attached is a print out of the Bureau of Labor Statistics Consumer Price Index-All Urban Consumers which is the CPI to be used as set forth in the Agreement.

If you have any questions regarding our request please contact me by phone at 707-479-0005 or by e-mail at skatte@earthlink.net.

Sincerely yours,

Stuart H. Katte

attachment
April 7, 2008

Dana Hertfelder, Director
Mariposa County Dept. of Public Works
4639 Ben Hur Road
Mariposa, CA 95338

RE: Cost of Living Adjustment

Dear Mr. Hertfelder:

On April 2, 2008, I sent you a letter requesting the annual cost of living adjustment in accordance with the franchise agreement.

Attached is the new rate schedule prepared by John Warren, CPS reflecting that increase.

Please attach this to our request.

Thank you,

[Signature]
Stuart H. Katte
August 20, 2008

Dana Hertfelder, Director
Mariposa County Dept. Of Public Works
4639 Ben Hur Road
Mariposa, CA 95338

RE: Cost of Living Adjustment

Dear Mr. Hertfelder:

On April 2, 2008 and April 7, 2008 I submitted letters to you regarding the annual cost of living adjustment for our residential and commercial customers in accordance with the franchise agreement. The increase is to be effective November 1, 2008.

To the best of my knowledge our request has not yet been acted upon by the Board of Supervisors. In view of the fact that we do our quarterly billing for residential customers about October 1 for the last quarter of the year (October, November and December) it is requested this item be scheduled for action by the BOS early next month. This will enable us to include the increase in the billing and avoid a costly back billing later for the increase for the months of November and December.

Enclosed are copies of the two letters mentioned above for your information.

Thanks for your help in scheduling this matter in a timely manner. Please notify me of the date of the BOS meeting at which this item will be acted upon.

Sincerely yours,

Stuart H. Katte
MARIPOSA COUNTY FRANCHISE AREA
RATE INCREASE EFFECTIVE 11/1/2008
BASED ON CPI INCREASE
CREATED: 4/4/08

RATE INCREASE EFFECTIVE 11/1/2008
CPI INCREASE
SUBTOTAL
LANDFILL FEE PASS-THROUGH
TOTAL RATE INCREASE

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<th>RATE INCREASE 11/1/2008</th>
<th>NEW RATE EFFECTIVE 11/1/2008</th>
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ATTACHMENT #4
Consumer Price Index—All Urban Consumers

Series Catalog:

Series ID: CUUR0000SA0
Not Seasonally Adjusted
Area: U.S. city average
Item: All items
Base Period: 1982-84=100

Data:

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http://data.bls.gov/cgi-bin/dsrv
NOTICE OF PUBLIC HEARING

The Board of Supervisors of Mariposa County, State of California, will conduct a Public Hearing on Tuesday, September 23, 2008 at 10:30 a.m. in the Board of Supervisors Meeting Room at 5100 Bullion Street, Mariposa, California. The purpose of the hearing is to consider a proposed increase of the Mariposa Area Franchise service rates by 4% for a Consumer Price Index increase (CPI) for all Mariposa Franchise Area Total Waste Systems customers. This adjustment has been requested by Total Waste Systems for consideration. For more information contact the Mariposa County Public Works Department, Division of Solid Waste and Recycling at 4639 Ben Hur Road, Mariposa, CA 95338 or call (209) 966-5356.

Please publish the week of September 8, 2008