DEPARTMENT: Public Works/Solid Waste  

RECOMMENDED ACTION AND JUSTIFICATION:

Approve the request from Total Waste Systems (TWS) of Mariposa, Inc. for a Consumer Price Index (CPI) increase of 3% to be effective November 1, 2005 for the Mariposa Franchise Area.

The Mariposa Franchise Agreement Section 13, Rates for Service, establishes the procedures of CPI increase requests for garbage hauling services. TWS has requested the increase in accordance with the terms of the agreement.

Staff review has found that the CPI of 3% is accurate and in accordance with the Index from the agreement. And the proposed rate structure reflecting the 3% is accurate.

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

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board action on previous CPI approval in December 2003 of the existing rates for service that became effective January 1, 2004.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative action would result in the inability to pay for needed services, compliance problems, resultant overflow and/or reduction of hours of operation for the facility, and hence less opportunity for the public to utilize the facility.

Financial Impact? ( ) Yes  (x) No  
Current FY Cost: 
Budgeted In Current FY? ( ) Yes  ( ) No  ( ) Partially Funded 

Amount in Budget: $ 
Additional Funding Needed: $ 
Source: 
Internal Transfer 
Unanticipated Revenue 4/5's vote 
Transfer Between Funds 4/5's vote 
Contingency 4/5's vote 
( ) General  (x) Other 

CLERK'S USE ONLY: 
Res. No.: 05-308 
Ord. No. ______ 
Vote – Ayes: 5 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: ______

COUNTY ADMINISTRATIVE OFFICER: 

t Requested Action Recommended 
( ) No Opinion 
Comments: 

CAO: ______ Deputy
TO: DANA HERTFELDER, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: TOTAL WASTE SYSTEMS – CPI INCREASE
Resolution No. 05-508

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on October 25, 2005

ACTION AND VOTE:

10:49 a.m. Dana Hertfelder, Public Works Director;
PUBLIC HEARING: Discussion and Possible Action Regarding a Request from Total Waste Systems of Mariposa, Incorporated for a Consumer Price Index (CPI) Increase of Three-Percent (3%) Effective November 1, 2005, for the Mariposa Franchise Area
BOARD ACTION: Dana Hertfelder provided the staff report, and he responded to questions from the Board relative to clarification of the landfill fee pass-through; and clarifying that the increase is based on the contract and is not tied to performance or any other standards. The public portion of the hearing was opened. There was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Bibby, Res. 05-508 was adopted approving the request for the CPI increase/Ayes: Unanimous. The hearing was closed.

cc: Auditor
Agreement File
Resolution File
August 8, 2005

Dana S. Hertfelder, P.E.
Director, County of Mariposa DPW
4639 Ben Hur Road
Mariposa, CA 95338

RE: CPI Request

Per your request of July 28, 2005 attached is a copy of the franchise rate collection schedule reflecting the 3% CPI increase to be effective November 1, 2005.

Please give me as much advance notice as possible as to when the Board will consider the request so I can hopefully arrange my schedule to attend the Board Meeting.

Sincerely yours,

Stuart H. Katte

Stuart H. Katte
### Consumer Price Index - All Urban Consumers

**Series Catalog:**

Series ID: CIUR00000SA0

- Not Seasonally Adjusted
- Area: U.S. city average
- Item: All Items
- Base Period: 1982-84=100

**Data:**

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MARIPOSA COUNTY FRANCHISE AREA
RATE INCREASE EFFECTIVE 11/1/2005

RATE INCREASE EFFECTIVE 11/1/2005
CPI INCREASE 3.00%
SUBTOTAL 3.00%
LANDFILL FEE PASS-THROUGH
TOTAL RATE INCREASE 3.00%

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ATTACHMENT #2
Section 13: Rates for Service.

A. Rates shall be established at a level which fairly and reasonably compensates Collector for services provided under this Agreement and includes a net profit to Collector of not less than ten percent (10%) determined as follows: ten percent (10%) of the net cost of the haul operation minus the tip fees and income from the YCS haul, collected by Collector within the Franchise Area.

B. After the rates have been initially established in accordance with the methodology mutually agreed upon by the County and Collector and adopted by the Board of Supervisors, Collector shall be entitled to annual rate adjustments beginning November 1, 2001, and November 1 of each succeeding calendar year during the initial term and any extension of the term of this Agreement. Each such annual adjustment shall be a percentage increase or decrease equal to the percentage increase or decrease in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items (1982-84=100), as published by the Bureau of Labor Statistics of the U.S. Department of Labor (the "CPI"), between the Base Index and the Adjustment Index. The Adjustment Index shall be the CPI for the month of February immediately preceding the applicable November 1. For the first annual adjustment, the Base Index shall be the CPI for the month of February 2000. For each subsequent annual adjustment, the Base Index shall be the same CPI used as the Adjustment Index in calculating the immediately preceding annual adjustment. The annual adjustments under this subsection B shall be in addition to any rate adjustments automatically resulting under subsection D on account of any changes in the Franchise Fee or in the tipping fees charged by the Designated Disposal Facility. If the CPI is discontinued during the term of this Agreement, the annual rate adjustment shall be calculated using the most closely comparable statistics on the purchasing power of the consumer dollar as published by a responsible financial authority.

C. Applications for rate increases shall not be considered by the Board of Supervisors more often than once in any one twelve (12) month period. Any proposals by Collector for a rate increase shall be received by County on or before May 1 of each year.

D. If there is a change in the Franchise Fee or in the tipping fee charged by the Designated Disposal Facility, the rates shall automatically be adjusted to reflect such changes, and no application for a rate increase or for a special rate review shall be required.

E. Collector shall have no authority to impose upon rate payers any charges over and above the rates as described in this Section 13, except as provided in Section 14.

\[2001 - 2002 = 3^\text{rd}\]
\[2002 - 2003 = 1^\text{st}\]

10

ATTACHMENT #3
NOTICE OF PUBLIC HEARING

The Board of Supervisors of Mariposa County, State of California, will conduct a Public Hearing on Tuesday, October 25, 2005 at 10:00 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 3% for a Consumer Price Index Increase (CPI) for all Mariposa Franchise Area Total Waste Systems customers. This adjustment has been requested by TWS 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.