

DEPARTMENT: Public Works

BY: Dana Hertfelder
PHONE: 966-5356

06-588

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution denying Mariposa County Total Waste System's Special Rate Review Request for the Mariposa County Franchise Agreement based on uncontrollable circumstances due to increased fuel cost.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On April 10, 2006 Mariposa County Total Waste Systems Inc.(TWS) requested a 28.6 percent Special Rate Increase in accordance with Section 14, Part A, Special Rate Review, of the County of Mariposa Solid Waste Franchise Agreement with Mariposa County Total Waste Systems Inc. TWS based their request for a special rate review on increasing fuel prices. On April 15, 2006 TWS revised their request for Special Rate Review in the amount of 28.4 percent based on increases in workers' compensation insurance, equipment insurance, fuel, and site rent.

Section 14, Special Rate Review, Part A, states that the Contractor may apply for consideration of a special rate review only in the event of uncontrollable circumstances, should the uncontrollable circumstances substantially affect the economic operation of the Collector. Section 14, Special Rate Review, Part A of the Agreement defines uncontrollable circumstance as:

- 1) An event or circumstance occurs which was not reasonably foreseen, and is extraordinary and not an usual business risk of Collector, or
- 2) Changes in collection and disposal methods or sites are mandated by any government authority having legal jurisdiction, or
- 3) It is necessary for Collector to make substantial change in operation or substantial capital investment in order to perform new or revised obligations under the Agreement.

Public Works does not believe that increases in workers' compensation insurance, equipment insurance, fuel, and site rent qualify as an uncontrollable circumstance in accordance with Section 14, Special Rate Review, Part A, of the Agreement. Therefore, Public Works recommends that Total Waste Systems' request for a Special Rate Review based on uncontrollable circumstances be denied.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Approve Total Waste Systems request for a Special Rate Review based on uncontrollable circumstances. This action would result in a 28.6 percent increase in waste hauling fees.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$ none		1. TWS April 18, 2006 letter
Source:		2. TWS August 15, 2006 letter
Internal Transfer		3. Public Works December 7, 2006 letter
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
() General () Other		

CLERK'S USE ONLY:

Res. No.: 588

Ord. _____

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:

1 Recommended Action Recommended

_____ No Opinion

Comments:

CAO: *ng*



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222


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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DANA HERTFELDER, PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD 
SUBJECT: TOTAL WASTE SYSTEM'S REQUEST FOR SPECIAL RATE REVIEW
RESOLUTION 06-588

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 19, 2006

ACTION AND VOTE:

Dana Hertfelder, Public Works Director;

A) Resolution Denying Mariposa County Total Waste System's Special Rate Review Request for the Mariposa County Franchise Agreement based on Uncontrollable Circumstances Due to Increased Fuel Cost
BOARD ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Pickard, Res. 06-588 was adopted denying the request received from Mariposa County Total Waste System for a special rate review/Ayes: Unanimous.

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