

DEPARTMENT: PWD/Solid Waste Division

BY: Dana Hertfelder
PHONE: 966-5356

**RECOMMENDED ACTION AND JUSTIFICATION:
PUBLIC HEARING:**

Consider a proposed rate increase for solid waste removal services in the Wawona County Service Area (CSA) 2-W

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The current rate of \$15.00 per unit was set in 1999 and has never been increased in spite of ongoing increases in operations by both the current contractor and the Public Works Department. On October 28, 2008 the Board agreed that the new rate was acceptable under the circumstances and directed Public Works to negotiate a new contract with Total Waste Systems. During the time of the current contract the tipping fees alone have increased by 89%. The new proposed fee of \$23.75 is an increase of 58%. Without the fee increase the possibility of no service is a real concern as the current contractor will not be able to continue to provide service.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Do not approve the fee increase and lose the services of Total Waste Systems on February 11, 2009
- 2) Direct staff to go out to bid to find another vendor
- 3) Neither of the above and allow the community to find another way to acquire solid waste collection services.

| | | |
|---|---------------------|---|
| 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: \$ | | 1 Copy of Public Notice (1 page) |
| Source: | | 2 Copy of Oct. 28, 2008 Minute Order (3 pages) |
| Internal Transfer | | |
| Unanticipated Revenue | _____ 4/5's vote | |
| Transfer Between Funds | _____ 4/5's vote | |
| Contingency | _____ 4/5's vote | |
| () General () Other | | |

CLERK'S USE ONLY:

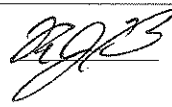
Res. No.: 09-16 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

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

CAO: 

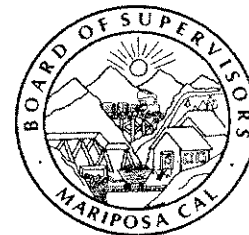


COUNTY of MARIPOSA

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

BRAD ABORN, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DANA HERTFELDER, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: PUBLIC HEARING to Consider a Proposed Increase for Solid Waste Removal Services
in the Wawona County Service Area (CSA) 2-W
RESOLUTION 09-16

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 13, 2009

ACTION AND VOTE:

10:15 a.m. PUBLIC HEARING to Consider a Proposed Increase for Solid Waste Removal Services in the Wawona County Service Area (CSA) 2-W

BOARD ACTION: Dana Hertfelder presented the staff report; and he advised that sixty cents is held out of the \$15.00 rate to cover administrative costs and the balance of \$14.40 is paid to Total Waste Systems (TWS) for solid waste collected and disposal services and this rate has not been increased since 1999. He reviewed the history of the rate increase discussions, and he advised that one letter was received in opposition to the proposed increase. Supervisor Allen advised that he received one letter and two emails opposing the proposed increase, and he advised that the Wawona Committee voted to accept the increase and he thanked everyone for attending the meeting in Wawona on Saturday. Dana Hertfelder responded to questions from the Board relative to including a CPI increase in the new contract with TWS; and relative to the original contract with TWS and subsequent extensions and the plan for the new contract. Dana Hertfelder recommended that the fee increase be effective February 1, 2009. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Cann, Res. 09-16 was adopted approving the recommended rate increase to \$23.75 effective February 1, 2009/Ayes: Unanimous. The hearing was closed.

Cc: Mary Hodson, Deputy CAO
Chris Ebie, Auditor
Jeff Green, Interim County Counsel
File

COUNTY of MARIPOSA



Dana S. Hertfelder
Director

4639 Ben Hur Road
Mariposa, CA 95338
Phone: (209) 966-5356
Fax: (209) 966-2828

November 24, 2008

DEPARTMENT OF PUBLIC WORKS

Divisions of:

| | |
|-----------------------|-------------------|
| Administration | Airport |
| Cemeteries | County Surveyor |
| Design & Construction | Engineering |
| Facilities | Parks & Rec. |
| Roads | Solid Waste |
| Transportation | Fleet Maintenance |

To: Wawona property owners and residents

On Tuesday, January 13, 2009 at 10:00 a.m. the Mariposa County Board of Supervisors will conduct a public hearing in the Board Chambers of the Government Center at 5100 Bullion Street, Mariposa, California, to consider a proposed rate increase for solid waste removal services in the Wawona County Service Area (CSA) 2-W.

You are welcome to attend the public hearing to voice your opinion on the proposed rate increase or provide written input that would be included as part of the hearing.

The current rate \$15.00 per unit was set in 1999 and has never been increased in spite of ongoing increases in operations by both the current contractor and the Public Works Department. On October 28, 2008 the Board agreed that the proposed rate was acceptable under the circumstances and directed Public Works to negotiate a new contract with Total Waste Systems. During the time of the current contract the tipping fees alone have increased by 89%. The new proposed fee of \$23.75 is an increase of 58%. Without the fee increase the possibility of no service is a real concern as the current contractor will not be able to continue to provide service.

Sincerely,

Michelle Miller, PhD., CPSS
Solid Waste & Recycling Manager



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 *MW*

SUBJECT: Discussion and Possible Direction for Solid Waste Removal Services in Wawona

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on October 28, 2008

ACTION AND VOTE:

Discussion and Possible Direction for Solid Waste Removal Services in Wawona

BOARD ACTION: Dana presented the staff report and provided the background with details on dates of notifications and letters of requested increases from Total Waste. He gave the Board the options that they have at this time and discussions he has had with the Park Service. He gave figures of the proposed increase and advised they could go out to bid but feels comfortable with the requested increase. He is looking for direction from the Board for negotiations and to create a fee increase. Staff responded to questions relative to the fee structure of the land fill, the CPI increase, the term of the agreement, the rate for collection in the CSA and changing the rate. Discussion was held relative to Wawona regarding the CSA. Supervisor Pickard stated that he doesn't support going out to bid and feels it would be more than fair to negotiate with Total Waste. Supervisor Bibby asked if there will be a public hearing due to the fee increase. Dana responded that there will have to be at least one public hearing; he will check into this and bring it back to the Board.

Input from the public was provided by the following:

Ruth Catalan commented that she feels this should have been addressed sooner. She stated she was at a Total Waste Task Force meeting in which she is a member recently where she expressed concern that this had not been addressed. She commented that Total Waste has had the contract since 1999 and hasn't received an increase and has had to absorb the increased expenses; she doesn't feel the increase is unreasonable.

Stuart Katte with Total Waste discussed the impact of the tipping fee on Total Waste expenses. He stated that of their total gross income they pay 45.6% in tipping fees based on their audited figures.

Ed Mee of Wawona expressed concern relative to the three different services in the community and feels that it would save money if there were only one combined service. Rick Benson responded that the Park Service will not compete with private industry.

Discussion was held relative to the different services. (M)Pickard, (S)Fritz, direction was given to staff to negotiate fees with Total Waste Systems for a fee increase. Supervisor Aborn commented regarding the public comment towards the Board and Public Works relative to the response to the fee increase request stating there has been a lot going on in the County including the fires over the past several months; he stated Public Works is doing their job. Ayes: Unanimous.

Cc: Mary Hodson, Deputy CAO
File

DEPARTMENT: PWD-Solid Waste and Recycling

BY: Dana Hertfelder

PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

Discussion and possible direction for solid waste removal services in Wawona. The services are currently provided by Mariposa County Total Waste Systems, Inc. (TWS). The County is paying \$14.40 per unit to TWS which is the original amount negotiated in 1999. TWS has requested to increase their rates in order to stay viable in providing services to the Wawona area.

On April 16, 2007 TWS sent a letter regarding a rate request increase along with financial statements which included the Wawona shortfall.

On May 27, 2008 TWS sent a letter discussing possible options and to again request action be taken regarding the requested rate increase for Wawona.

On June 13, 2008 TWS notified the County that it would not be extending the contract for Wawona on the anniversary date of February 11, 2009 without a justified 82.04% increase in rates.

On September 11, 2008 TWS notified the County that they would be willing to extend the present contract if they are granted the approximately 82% increase.

On September 23, 2008, after working with County staff, TWS proposed a per unit cost of \$21.50, a 49.3% increase, along with a new agreement that provides for an annual cost of living adjustment based upon a formula to be determined. Possibly a refuse rate index.

Since the original agreement was negotiated the tipping fees have gone from \$64.00 per ton to \$121.00 per ton, an 89% increase, without including the cost of fuel, health and insurance costs.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The original contract was signed on February 11, 1999 for a period of five (5) years. The original term of the agreement was for five years with the term extended an additional five years with the option to extend the term automatically for another year, unless either party gives written notice to the other party that such an extension shall not occur. The current contract expires February 11, 2009, (Res.No.99-45).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Negotiate a new contract with Total Waste Systems.
2) Go out to bid again.

Table with financial impact details and list of attachments. Includes rows for Budgeted in Current FY, Amount in Budget, Additional Funding Needed, Source, and a list of 7 attachments.



Res. No.: _____ Ord. No. _____

Vote - Ayes: 5 Noes:

Absent: _____

Approved
 Minute Order Attached () No Action Necessary

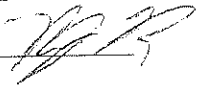
The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

Requested Action Recommended
 No Opinion
Comment

CAO: 

P. O. Box 581
Mariposa, CA 95338

January 12, 2009

CC-BOS
Clerk
CAO
P.W.

JAN 12 2009

Mariposa County Board of Supervisors
5100 Bullion Street
Mariposa, CA 95338

In re: Increase in cost of Total
Waste's service in the Wawona area.

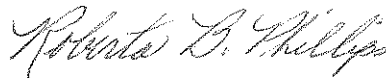
As a property owner in Wawona, I would like to register a "NO" vote on raising the cost of solid waste removal in that area.

Although we use our home there on an average of only seven months a years, we have been required to pay \$15 a month, year around, since 1999, so I figure they owe me.

Further, the service provided is not that convenient since the solid waste has to be hauled to bins in designated areas. The closest of these to my house is about a quarter of a mile. And, sometimes in summer, the closest bin is overfull, and you have to seek out another that isn't.

Since the price of fuel for Total Waste vehicles has gone down recently, I think the proposed increase is out of line, although their tipping fee has raised.

Sincerely,



Roberta B. Phillips
Property Owner
Wawona Area



Office of the
County Counsel

M E M O R A N D U M

Date: December 3, 2008

To: Bob Pickard, District V Supervisor

From: Jeffrey G. Green, Interim County Counsel

Re: Total Waste System Solid Waste Handling Agreement (Wawona)

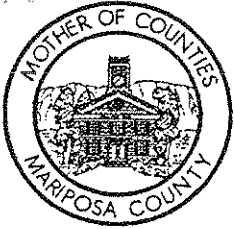
Attached for your review is a copy of a Minute Order adopted by the Board of Supervisors on January 5, 1999. This action by the Board clearly states that the Wawona Town Planning Advisory Committee duties were to be amended to include review of rates on an ongoing basis. Regardless of whether the Wawona Town Planning Advisory Committee's duties were amended I believe that the Committee should be reviewing the rates as it was clearly the Board's action that they do so.

Should you have any questions regarding this matter please feel free to contact me.

rs

Attachment

cc: ✓ Margie Williams, Clerk of the Board w/Attachment



COUNTY OF MARIPOSA

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

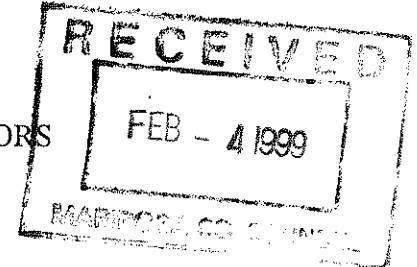
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BOB PICKARD, VICE-CHAIRMAN
DOUG BALMAIN
ROBERT C. STEWART
GARRY R. PARKER

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DISTRICT V
DISTRICT II
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DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER



TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Wawona County Service Area 2-W; Res. 99-10

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 5, 1999

ACTION AND VOTE:

2:20 p.m. Mike Edwards, Public Works Director;

A) PUBLIC HEARING on the Matter of Solid Waste Collection Service within the Wawona County Service Area 2-W, and to Establish and Implement a Fee for Said Service

BOARD ACTION: Mike Edwards presented the staff report. He advised that the Board took comments from the public on December 15, 1998, at its meeting in Wawona, and it was noted that the Public Hearing would be rescheduled for this date. Protest forms were made available at that time, and one form of endorsement was received. He reported on the additional input that has been provided since December 15th. Staff responded to questions from the Board relative to the percentage of protests received and those who responded favorably.

Public portion of the hearing was opened and input was provided by the following:

Lynn Thomas stated he and his wife would like to protest this; however, they feel the amount of the proposed fees seems to be fair from their experiences in other areas. They stated this is a difficult issue for Wawona because there are not very many full-time residents, and they are unable to attend meetings. In reading the letters of protest, they agree with the concerns and wonder why they are being charged for services for a full year, when their property is rarely used. Their family has owned property in Wawona since 1928, and they have always taken care of their own trash. He suggested that they be allowed to apply for a variance after this passes so that the fee is prorated based on their usage of the trash collection service.

Marlin Schuetz stated he will not use the trash collection service. He lives in Oakhurst and takes his trash with him. He suggested that a fine be levied if someone uses the service and does not pay for it.

Jack Rollins stated he has been in Wawona for thirty years and always takes his garbage home to dispose of it. He stated it does not seem fair to have to pay this fee. He would support a prorated schedule based on usage. He suggested that an honor system or system tied to electrical utility usage could be considered. He stated he does protest this; however, he has not filed a written protest. He stated he feels

that if there is going to be an exception for Yosemite Concession Services and the Seventh Day Adventist Church, he feels there should be an exception for part-time users.

Mary Jane Corless, speaking on behalf of the Redwoods, stated their General Manager, Joyce Koller, has been involved in this process. In regard to favorable responses not being received, the request has been to only file protests. In speaking to property owners, they support this. She is a full-time resident who has to deal with this issue and she feels everyone needs to help support the community. Today there was trash everywhere and the Redwoods staff will assist to pick it up.

Pierce Loberg, present of the Wawona Area Property Owners Association, WAPOA, stated the system in the past has not been fair and he feels valid points have been raised; however, they do not have a good solution. He referred to the Association's letter to the Board and issues they raise. He reiterated his request made during the discussion on December 15, 1998, for the advisory committee to be involved in the rate process in the future. He feels Yosemite Concession Services will be willing to make changes in their arrangements, and the Seventh Day Adventist Camp is on a demand for service type contract. He requested some assurance that these entities be included in the future. They would like to see 100% participation. Mr. Loberg responded to a question from the Board relative to the services for the Camp.

Public portion of the hearing was closed and Board commenced with deliberation. Mike Edwards reviewed the recommendations, fee structure, and stated he agrees with having the local advisory committee involved in reviewing the rate structure in the future and he will bring an amendment to their duties back to the Board. Staff responded to additional questions from the Board relative to attempts to get 100% participation; and relative to the rate structure and determination of the rates. (M)Reilly, (S)Stewart, Res. 99-10 adopted establishing fees for solid waste collection service within the Wawona County Service Area 2-W; with direction given to staff to amend the Wawona Town Planning Area Advisory Committee duties to include review of the rates on an on-going basis; and direction was given for staff to review a possible exemption for prorated usage/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker. Hearing was closed.

cc: Ken Hawkins, Auditor
Jeffrey G. Green, County Counsel
Ed Johnson, Planning/Building Director
Wawona TPA Committee Book
File