

**THIRD AMENDMENT
SOLID WASTE COLLECTION FRANCHISE AGREEMENT
FOR THE WILLOW CREEK AREA OF HUMBOLDT COUNTY**

This Third Amendment to the Solid Waste Collection Franchise Agreement dated June 13, 2014, by and between the County of Humboldt, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and Eel River Disposal Company, Inc., a California corporation, hereinafter referred to as "CONTRACTOR," shall be effective as of July 1, 2016.

RECITALS

WHEREAS, on June 13, 2014, COUNTY and CONTRACTOR entered into a Solid Waste Collection Franchise Agreement ("Franchise Agreement") for the handling and disposal of solid waste and recyclables in the Willow Creek area of Humboldt County for the period of May 27, 2014 to June 30, 2024; and

WHEREAS, on October 14, 2014, COUNTY and CONTRACTOR agreed to amend the Franchise Agreement to allow for the provision of additional services within the Franchise Area and change the processing facility to which all targeted recyclables collected by CONTRACTOR will be delivered; and

WHEREAS, on October 14, 2014, CONTRACTOR assigned to Tom's Trash Company all of CONTRACTOR's rights and interest in the Franchise Agreement, and any and all amendments thereto, other than the rights, obligations and duties associated with the collection and disposal of debris box franchise solid waste within the Willow Creek franchise area; and

WHEREAS, the Franchise Agreement and State law allow for the adjustment of rates charged by CONTRACTOR for the handling of solid waste and provision of curbside recycling services pursuant to said Franchise Agreement, as well as annual index-based adjustments, changes in the franchise fee and/or the recycling percentage and changes in disposal and/or processing costs; and

WHEREAS, the parties desire to amend the Franchise Agreement in order to adjust the rates charged by CONTRACTOR and modify the Quarterly and Annual Franchise Report Forms, which are currently attached to the Franchise Agreement as Exhibit A, to include data required of all California jurisdictions by CalRecycle.

NOW THEREFORE, the parties mutually agree as follows:

1. The Maximum Service Rates which may be charged by CONTRACTOR pursuant to Section 14 of the Franchise Agreement shall be as shown in the modified versions of Exhibit B – Willow Creek Area Franchise Collection Rates and Exhibit C – Disposal Rates, which are attached hereto and incorporated herein by reference. Such Maximum Service Rates shall supersede and replace all prior Maximum Service Rates set forth in the Franchise Agreement, and all previous amendments thereto, as of the effective date of this Third Amendment.
2. The Franchise Agreement is hereby amended to delete Exhibit A – Solid Waste Collection Quarterly and Annual Franchise Reports referenced in Section 4(B)(ii) and replace it in its entirety with the revised Solid Waste Collection Quarterly and Annual Franchise Reports that are attached hereto as Exhibits A-1 and A-2 and incorporated herein by reference. The modified versions of the Solid Waste Collection Quarterly and Annual Franchise Reports attached hereto shall supersede any and all prior versions thereof as of the effective date of this Third Amendment.

IN WITNESS WHEREOF, the parties hereto have entered into this Seventh Amendment as of the dates indicated below.

TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:


(1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND

(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR TREASURER.

EEL RIVER DISPOSAL COMPANY, INC.:


By: 
Harry A. Hardin, President

Date: 5/25/16

By: 
Karen Smith, Secretary

Date: 5/25/16

COUNTY OF HUMBOLDT:

By: 
Mark Lovelace
Chair, Board of Supervisors

Date: 6/21/16

INSURANCE CERTIFICATES APPROVED:

By: 
Risk Management

Date: 6/9/16

**COUNTY OF HUMBOLDT
SOLID WASTE COLLECTION ANNUAL FRANCHISE REPORT**

Exhibit A

Calendar Year (YYYY) _____

(Due April 1 following Calendar Year)

CONTRACTOR INFORMATION

Franchise Area _____
 Company Name _____
 Address _____
 City, State, Zip Code _____
 Contact Name _____
 Phone Number _____
 Fax Number _____
 E-mail Address _____

FRANCHISE TONNAGE

	Residential	Commercial	Total	Destination Facilities
Solid Waste				
Recycling & OCC				
C&D Recycling				
Green Waste				
E-waste				
White Goods				
Foodwaste				
Sludge				
Ash				

SELF-HAULED TONNAGE TO CONTRACTOR'S SEPARATE FACILITY

	Total	Destination	How is it processed?
Solid Waste			
CRV			
C&D Recycling			
Green Waste			
e-waste			
used oil			
oil filters			
Non-CRV mixed recyclables			
OCC			
White Goods			
Other Metals			
Carpet			
Mattresses			

Add additional diverted materials and tonnages on separate sheets.

NUMBER OF FRANCHISE ACCOUNTS SERVED - SOLID WASTE

Can: Residential/Comm: Monthly Service	Large Container: Monthly Service
20 Gallon	1 CY
30 Gallon	1.5 CY

Food waste w/soiled paper
 Green/yard/prune waste
 Non-haz wood waste
 Total

food soiled paper mixed with foodwaste

Commercial Solid Waste Accounts (generating 8+ cu yds/wk of organics) in effect(April 1 2016)
 # Commercial Solid Waste Accounts (generating 4+ cu yds/wk of organics) in effect (January 1 2017)
 # of above Commercial Solid Waste Accounts (8+ cu yds/wk) with Organics Recycling Service
 # Multi-Family Solid Waste Accounts (5+ units)
 # of above Multi-Family Solid Waste Accounts (5+ units) with Organics Recycling Service

How many times have you provided info about AB 341 to applicable customers?

If applicable, please describe, or attach copy of info provided.

How many times have you provided info about AB 1826 to applicable customers?

If applicable, please describe, or attach copy of info provided.

NUMBER OF FRANCHISE ACCOUNTS SERVED - GREEN WASTE

	Residential	Commercial
Green Waste		
Rate?		

DIVERSION PROGRAMS

Describe any new waste diversion programs begun in the past year:

Describe any waste diversion programs discontinued in the past year:

Describe any economic incentives for diversion programs:

Large=over 2,000 people

Large Events Served:

Materials Collected
 CRV
 Non-CRV
 OCC
 Compostables
 Total

Tons	Tons	Tons	Tons	Tons

Add additional sheets as necessary

	Y/N: Recycling Bundled with Solid Waste Fee?
	Y/N: Recycling Fee Separate from Solid Waste Fee?
	Y/N: Bulky Item Pick Up Service?

GROSS FRANCHISE RECEIPTS - SOLID WASTE

Can: Res & Comm.	Monthly
20 Gallon	
30 Gallon	
32 Gallon	
40 Gallon	
45 Gallon	
48 Gallon	
55 Gallon	
60 Gallon	
64 Gallon	
90 Gallon	
93 Gallon	
96 Gallon	
Occasional 30-Gallon	
Prepaid bags	
"Blue-Bag"	
Total	

Large Container:	Monthly
1 CY	
1.5 CY	
2 CY	
2.5 CY	
3 CY	
4 CY	
5 CY	
6 CY	
7 CY	
8 CY	
10 CY	
14 CY	
15 CY	
18 CY	
20 CY	
30 CY	
40 CY	

Total

Large Container:	Pick-up
1 CY	
1.5 CY	
2 CY	
2.5 CY	
3 CY	
4 CY	
5 CY	
6 CY	
7 CY	
8 CY	
10 CY	
14 CY	
15 CY	
18 CY	
20 CY	
30 CY	
40 CY	
Total	

Large Container:	Pick-up
5 YD	
14 YD Covered	
14 YD Uncovered	
18 YD Covered	
18 YD Uncovered	
20 YD	
40 YD Uncovered	
Total	

SUMMARY OF SERVICE COMPLAINTS

Type of Complaint:	Total
Missed Pick-up	
Excessive Noise	
Spilled Garbage	

Other (describe):

NARRATIVE SUMMARY OF PROBLEMS

(Describe problems encountered and actions taken with recommendations for County, as appropriate)

SUMMARY OF HAZARDOUS WASTE TRAINING

Course Title	Number of Employees Trained	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NUMBER OF NON-COLLECTION TAGS ISSUED

(Provide number of tags issued by reason for each quarter)

	Total
Hazardous Waste	
Improper Location	
Other (describe):	

COLLECTION VEHICLE LOCATION

(Provide address of each terminal that houses collection vehicles serving the County franchise area)

Address _____
 City, State, Zip Code _____

Address _____
City, State, Zip Code _____

Address _____
City, State, Zip Code _____

Address _____
City, State, Zip Code _____

ADDITIONAL INFORMATION:

The undersigned, under penalty of perjury, states that the information listed on the above Annual Franchise Report are true and correct.

The undersigned, under penalty of perjury, also states that all tonnages collected and accepted are reported here, that they are reported to receiving landfills, by jurisdiction of origin, and that they are reported to HWMA for use in disposal reporting on behalf of Humboldt County

Name of Preparer and Date

Signature

Form Revised/Effective 7/1/16

**COUNTY OF HUMBOLDT
SOLID WASTE COLLECTION QUARTERLY FRANCHISE REPORT**

Exhibit A

Quarter _____
(Due by the 15th day of the second month following the end of each calendar quarter.)

COUNTY OF HUMBOLDT

QUARTERLY FRANCHISE REPORT

Franchise Area _____
 Company Name _____
 Address _____
 City, State, Zip Code _____
 Contact Name _____
 Phone Number _____
 Fax Number _____
 E-mail Address _____

FRANCHISE TONS COLLECTED

Franchise Area (Location)			
Solid Waste			
Ash			
E-waste			
Food Waste			
Greenwaste			
Mixed Recyclables			
OCC			
Sludge			
Wood Waste			
Total			

Add additional pages as necessary to report all collected materials that are not landfilled

PUBLIC SELF-HAUL TONS ACCEPTED AT CONTRACTOR'S FACILITY OR SEPARATE FACILITY

Location/s >>>>>>>>>>			
Solid Waste			
Facility			
SWIS			
Ash			
CRV			
E-waste			
Food Waste			
Greenwaste			
Mixed Recyclables			
OCC			
Sludge			
Wood Waste			

Exhibit B: Eel River Disposal & Resource Recovery, Inc. (Willow Creek)
Effective July 1, 2016

CPI 0.006760497

TYPE OF SERVICE	PRIOR YEAR		CURR YEAR		DISPOSAL	\$	190.00	SUB-TL	9%		COMBINED NEW RATE		Frequency of Service
	BASE RATE	BASE RATE	BASE RATE	BASE RATE					FRANCHISE FEE	FRANCHISE FEE	One cont.	Add cont.	
RESIDENTIAL/SENIOR/COMMERCIAL													
30 Gallon can	\$ 11.80	\$ 5.31	\$ 11.88	\$ 5.35	\$ 12.35	\$ 12.35	\$ 24.23	\$ 17.70	\$ 2.40	\$ 1.75	\$ 26.63	\$ 19.46	1x per week
	\$ 23.60	\$ 10.62	\$ 23.76	\$ 10.69	\$ 24.70	\$ 24.70	\$ 48.46	\$ 35.39	\$ 4.79	\$ 3.50	\$ 53.25	\$ 38.91	2x per week
40 Gallon can	\$ 11.38	\$ 4.91	\$ 11.46	\$ 4.94	\$ 16.47	\$ 16.47	\$ 27.92	\$ 21.41	\$ 2.76	\$ 2.12	\$ 30.69	\$ 23.53	1x per week
	\$ 22.77	\$ 9.82	\$ 22.92	\$ 9.89	\$ 32.93	\$ 32.93	\$ 55.86	\$ 42.82	\$ 5.52	\$ 4.23	\$ 61.39	\$ 47.05	2x per week
LARGE CONTAINERS	Monthly service, including bin rental												
1.5 Yard	\$ 91.74	\$ 77.24	\$ 92.36	\$ 77.76	\$ 124.74	\$ 124.74	\$ 217.10	\$ 202.50	\$ 21.47	\$ 20.03	\$ 238.57	\$ 222.53	1x per week
1.5 Yard	\$ 127.71	\$ 107.51	\$ 128.57	\$ 108.24	\$ 249.47	\$ 249.47	\$ 378.04	\$ 357.71	\$ 37.39	\$ 35.38	\$ 415.44	\$ 393.09	2x per week
1.5 Yard	\$ 163.12	\$ 137.27	\$ 164.22	\$ 138.20	\$ 374.21	\$ 374.21	\$ 538.43	\$ 512.40	\$ 53.25	\$ 50.68	\$ 591.68	\$ 563.09	3x per week
2 Yard	\$ 87.73	\$ 73.85	\$ 88.32	\$ 74.35	\$ 166.31	\$ 166.31	\$ 254.64	\$ 240.66	\$ 25.18	\$ 23.80	\$ 279.82	\$ 264.47	1x per week
2 Yard	\$ 119.68	\$ 100.72	\$ 120.49	\$ 101.40	\$ 332.63	\$ 332.63	\$ 453.12	\$ 434.03	\$ 44.81	\$ 42.93	\$ 497.93	\$ 476.96	2x per week
2 yard	\$ 151.07	\$ 127.14	\$ 152.09	\$ 128.00	\$ 498.94	\$ 498.94	\$ 651.03	\$ 626.94	\$ 64.39	\$ 62.01	\$ 715.41	\$ 688.95	3x per week
3 yard	\$ 79.70	\$ 67.06	\$ 80.24	\$ 67.51	\$ 249.47	\$ 249.47	\$ 329.71	\$ 316.98	\$ 32.61	\$ 31.35	\$ 362.32	\$ 348.34	1x per week
3 yard	\$ 103.62	\$ 87.20	\$ 104.32	\$ 87.79	\$ 498.94	\$ 498.94	\$ 603.26	\$ 586.73	\$ 59.66	\$ 58.03	\$ 662.91	\$ 644.77	2x per week
3 yard	\$ 126.96	\$ 106.82	\$ 127.82	\$ 107.54	\$ 748.41	\$ 748.41	\$ 876.23	\$ 855.95	\$ 86.66	\$ 84.65	\$ 962.89	\$ 940.62	3x per week
Blue Bag Rate	\$ 4.92	\$	\$ 4.95	\$	\$ 2.85	\$	\$ 7.80	\$	\$ 0.77	\$	\$ 8.58	\$	Per pick-up
Curbside Recycling	\$ 9.60	\$	\$ 9.66	\$	\$	\$	\$ 9.66	\$	\$	\$	\$ 9.66	\$	
Side yard service	\$ 9.60	\$	\$ 9.66	\$	\$	\$	\$ 9.66	\$	\$ 0.96	\$	\$ 10.62	\$	

**EXHIBIT C: Eel River Disposal & Resource Recovery (Willow Creek)
Effective July 1, 2016**

Disposal at Samoa Facility--Rate assumes approximately 30% of material can be recycled instead of going to the landfill

2016-2017	0.006760497	PRIOR YEAR		CURR YEAR		DISPOSAL	SUB-TL	FRANCHISE FEE		COMBINED NEW RATE		
		BASE RATE	One cont.	BASE RATE	One cont.			One cont.	Add cont.	One cont.	Add cont.	One cont.
		\$ 715.34	\$	720.18	\$	309.89	\$ 1,030.07	\$ 669.98	\$ 101.87	\$ 66.26	\$ 1,131.94	\$ 736.24
		\$ 715.34	\$	720.18	\$	412.09	\$ 1,132.26	\$ 772.18	\$ 111.98	\$ 76.37	\$ 1,244.25	\$ 848.54
		\$ 715.34	\$	720.18	\$	618.13	\$ 1,338.31	\$ 978.22	\$ 132.36	\$ 96.75	\$ 1,470.67	\$ 1,074.97

LARGE CONTAINERS

TYPE OF SERVICE	One cont.	Add Cont.	One cont.	Add cont.	One cont.	Add cont.	One cont.	Add cont.	One cont.	Add cont.	One cont.	Add cont.
15 Yard	\$ 715.34	\$ 357.67	\$ 720.18	\$ 360.09	\$ 309.89	\$ 1,030.07	\$ 669.98	\$ 101.87	\$ 66.26	\$ 1,131.94	\$ 736.24	
20 Yard	\$ 715.34	\$ 357.67	\$ 720.18	\$ 360.09	\$ 412.09	\$ 1,132.26	\$ 772.18	\$ 111.98	\$ 76.37	\$ 1,244.25	\$ 848.54	
30 Yard	\$ 715.34	\$ 357.67	\$ 720.18	\$ 360.09	\$ 618.13	\$ 1,338.31	\$ 978.22	\$ 132.36	\$ 96.75	\$ 1,470.67	\$ 1,074.97	