

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

This Fourth 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, 2017.

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 ("Franchise Area") 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 Franchise Area; and

WHEREAS, the Franchise Agreement and California 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 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 for the handling and disposal of solid waste and recyclables pursuant to the Franchise Agreement.

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 Fourth Amendment.
2. Except as modified herein, the Franchise Agreement dated June 13, 2014, as previously amended, shall remain in full force and effect. In the event of a conflict between the provisions of this Fourth Amendment and the original Franchise Agreement, or any prior amendments thereto, the provisions of this Fourth Amendment shall govern.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have entered into this Fourth 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: 5-18-17

By: 
Karen Smith, Secretary


Date: 5-18-17

COUNTY OF HUMBOLDT:

By: 
Franchise Contract Administrator

Date: 5/23/17

INSURANCE CERTIFICATES APPROVED:

By: 
Risk Management

Date: 6/19/2017

Exhibit B: Eel River Disposal & Resource Recovery, Inc. (Willow Creek)
 Effective July 1, 2017

CPI 0.028163567

TYPE OF SERVICE	PRIOR YEAR BASE RATE		CURR YEAR BASE RATE		DISPOSAL	190.00		SUB-TL		9% FRANCHISE FEE		COMBINED NEW RATE		Frequency 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.							
RESIDENTIAL/SENIOR/COMMERCIAL																				
30 Gallon can	\$ 11.88	\$	5.35	\$	12.35	\$	12.35	\$	24.56	\$	17.85	\$	2.43	\$	1.77	\$	26.99	\$	19.62	1x per week
	\$ 23.76	\$	10.69	\$	24.70	\$	24.70	\$	49.13	\$	35.69	\$	4.86	\$	3.53	\$	53.99	\$	39.24	2x per week
40 Gallon can	\$ 11.46	\$	4.94	\$	16.47	\$	16.47	\$	28.25	\$	21.55	\$	2.79	\$	2.13	\$	31.04	\$	23.68	1x per week
	\$ 22.92	\$	9.89	\$	32.93	\$	32.93	\$	56.50	\$	43.10	\$	5.59	\$	4.26	\$	62.10	\$	47.36	2x per week
LARGE CONTAINERS																				
1.5 Yard	\$ 92.36	\$	77.76	\$	124.74	\$	124.74	\$	219.70	\$	204.69	\$	21.73	\$	20.24	\$	241.42	\$	224.94	1x per week
1.5 Yard	\$ 128.57	\$	108.24	\$	249.47	\$	249.47	\$	381.66	\$	360.76	\$	37.75	\$	35.68	\$	419.42	\$	396.44	2x per week
1.5 Yard	\$ 164.22	\$	138.20	\$	374.21	\$	374.21	\$	543.05	\$	516.30	\$	53.71	\$	51.06	\$	596.76	\$	567.37	3x per week
2 Yard	\$ 88.32	\$	74.35	\$	166.31	\$	166.31	\$	257.12	\$	242.76	\$	25.43	\$	24.01	\$	282.55	\$	266.78	1x per week
2 Yard	\$ 120.49	\$	101.40	\$	332.63	\$	332.63	\$	456.51	\$	436.88	\$	45.15	\$	43.21	\$	501.66	\$	480.10	2x per week
2 Yard	\$ 152.09	\$	128.00	\$	498.94	\$	498.94	\$	655.31	\$	630.54	\$	64.81	\$	62.36	\$	720.12	\$	692.92	3x per week
3 yard	\$ 80.24	\$	67.51	\$	249.47	\$	249.47	\$	331.97	\$	318.88	\$	32.83	\$	31.54	\$	364.80	\$	350.43	1x per week
3 yard	\$ 104.32	\$	87.79	\$	498.94	\$	498.94	\$	606.20	\$	589.20	\$	59.95	\$	58.27	\$	666.14	\$	647.48	2x per week
3 yard	\$ 127.82	\$	107.54	\$	748.41	\$	748.41	\$	879.83	\$	858.98	\$	87.02	\$	84.95	\$	966.84	\$	943.95	3x per week
Blue Bag Rate	\$	\$	4.95	\$	2.85	\$	2.85	\$	7.94	\$	7.94	\$	0.79	\$	0.79	\$	8.73	\$	8.73	Per pick-up
Curbside Recycling	\$	\$	9.66	\$		\$		\$	9.94	\$	9.94	\$		\$		\$	9.94	\$	9.94	
Side yard service	\$	\$	9.66	\$		\$		\$	9.94	\$	9.94	\$	0.98	\$	0.98	\$	10.92	\$	10.92	

**EXHIBIT C: Eel River Disposal & Resource Recovery (Willow Creek)
Effective July 1, 2017**

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

2017-2018

~~0.026163587~~

TYPE OF SERVICE	PRIOR YEAR		CURR YEAR		DISPOSAL	SUB-TL	FRANCHISE FEE	COMBINED NEW RATE								
	One cont.	Add Cont.	One cont.	Add cont.					One cont.	Add cont.	One cont.	Add cont.				
LARGE CONTAINERS	\$	720.18	\$	360.09	\$	370.23	\$	680.12	\$	103.88	\$	67.26	\$	1,154.23	\$	747.38
	\$	720.18	\$	360.09	\$	370.23	\$	412.09	\$	1,152.55	\$	77.37	\$	1,266.53	\$	859.69
	\$	720.18	\$	360.09	\$	370.23	\$	618.13	\$	1,358.59	\$	97.75	\$	1,492.96	\$	1,086.11

9%

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