

**FIFTH AMENDMENT TO SOLID WASTE COLLECTION FRANCHISE AGREEMENT
FOR THE WEOTT/MYERS FLAT AREAS
OF THE COUNTY OF HUMBOLDT**

This the Fifth Amendment to the Solid Waste Collection Franchise Agreement dated October 26, 2010, executed by and between the County of Humboldt, hereinafter referred to as "COUNTY," and Eel River Disposal and Recovery, Inc., hereinafter referred to as "CONTRACTOR," is entered into, and shall be effective as of, July 1, 2014.

RECITALS

WHEREAS, on October 26, 2010, COUNTY and CONTRACTOR entered into a Solid Waste Collection Franchise Agreement ("Agreement") for the handling and disposal of solid waste in the unincorporated Weott-Myers Flat areas of Humboldt County for the period of November 1, 2010 to June 30, 2020; and

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

WHEREAS, the parties desire to amend the Agreement in order to adjust the rates charged by CONTRACTOR and modify the Annual Franchise Report Form, which is currently attached to the Agreement as Exhibit B, to include data required of all California jurisdictions by CalRecycle; of which Humboldt Waste Management Authority is contracted by COUNTY to handle submittal of data to CalRecycle.

NOW, THEREFORE, IT IS AGREED as follows:

1. The rates which may be charged by CONTRACTOR pursuant to Section 15(A) of the Agreement shall be as shown in Exhibit A – Weott/Myers Flat Area Franchise Rates, which is attached hereto and incorporated herein by reference. Such rates shall supersede and replace all prior rates set forth in the Agreement and all previous amendments thereto.
2. The Agreement is hereby amended to delete Exhibit B – Solid Waste Collection Annual Franchise Report referenced in Section 4(B)(ii) and replace it in its entirety with the revised Solid Waste Collection Annual Franchise Report, which is attached hereto and incorporated herein by reference.
3. Except as modified herein or by prior amendments, the Agreement shall remain in full force and effect. In the event of a conflict between the provisions of this Fifth Amendment and the original Agreement, or any prior amendments thereto, the provisions of this Fifth Amendment shall govern.

[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Fifth Amendment on the date set forth above.

COUNTY OF HUMBOLDT

By: 
Chair, County Board of Supervisors

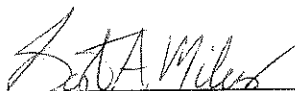
Date: 10-24-2014

ATTEST:

By: 
Clerk of the Board of Supervisors

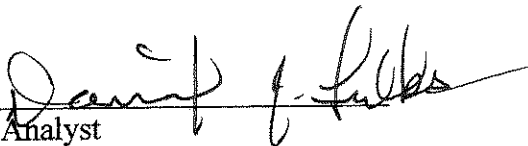
Date: 10-24-2014

APPROVED AS TO FORM:

By: 
Deputy County Counsel

Date: 6/11/14

INSURANCE CERTIFICATES APPROVED:

By: 
Risk Analyst

Date: 6/11/14

EEL RIVER DISPOSAL & RESOURCE RECOVERY, INC.

By: 
Harry A. Hardin, President

Date: 5-29-14

By: 
Karen Smith, Secretary

Date: 5-29-14

EXHIBIT A: WEOTT/MYERS FLAT AREA FRANCHISE RATES
EFFECTIVE JULY 1, 2014

A	B	C	D	E	F	G	H	I
Type of Service	Prior Yr Base Rate	CPI Adjustment 0.0141	Current Yr Base Rate	Disposal \$	Sub- Total	Franchise Fee 9%	Total Rate	Frequency of Service
TABLE 1								
CAN RATES - RESIDENTIAL and COMMERCIAL								
20 Gallon Can	14.17		14.37	\$5.26	\$19.64	\$1.94	\$21.58	Weekly
32 Gallon Can	19.80		20.08	\$7.89	\$27.97	\$2.77	\$30.74	Weekly
40 Gallon Can	25.46		25.82	\$10.52	\$36.34	\$3.59	\$39.94	Weekly
90 Gallon Can	45.16		45.80	\$23.67	\$69.47	\$6.87	\$76.34	Weekly
OCCASIONAL 30 Gal.	7.00		7.10	\$1.82	\$8.92	\$0.88	\$9.81	Per pick-up
TABLE 2								
LARGE CONTAINERS								
Monthly service, including bin rental								
1.0 CY	122.91		124.64	\$53.14	\$177.78	\$17.58	\$195.36	Once per week
2.0 CY	160.19		162.45	\$106.27	\$268.72	\$26.58	\$295.30	Once per week
4.0 CY	237.65		241.00	\$212.55	\$453.55	\$44.86	\$498.41	Once per week
6.0 CY	308.64		313.00	\$318.82	\$631.82	\$62.49	\$694.31	Once per week
15.0 CY	880.93		893.36	\$797.06	\$1,690.42	\$167.18	\$1,857.60	Once per week
20.0 CY	1,032.37		1,046.94	\$1,062.74	\$2,109.69	\$208.65	\$2,318.34	Once per week
40.0 CY	1,478.22		1,499.09	\$2,125.48	\$3,624.57	\$358.47	\$3,983.05	Once per week
Per Pick up rates for one container								
1.0 CY	72.81		73.84	\$12.26	\$86.10	\$8.52	\$94.62	Per pick-up
2.0 CY	132.08		133.95	\$24.52	\$158.47	\$15.67	\$174.14	Per pick-up
4.0 CY	215.35		218.39	\$49.05	\$267.44	\$26.45	\$293.89	Per pick-up
6.0 CY	318.60		323.09	\$73.57	\$396.67	\$39.23	\$435.90	Per pick-up
15.0 CY	227.99		231.20	\$183.94	\$415.14	\$41.06	\$456.20	Per pick-up
20 YD	273.44		277.30	\$245.25	\$522.54	\$51.68	\$574.23	Per pick-up
40 YD	369.10		374.31	\$490.50	\$121.41	\$12.01	\$133.42	over 2.02 tons
					\$864.81	\$85.53	\$950.34	Per pick-up
					\$121.41	\$12.01	\$133.42	over 4.04 tons

TABLE 3 CONTAINER RENTAL RATES

	Prior Year Rate		Current Year Rate	
	Monthly	Daily	Monthly	Daily
1 YARD	\$24.59	\$10.06	\$24.94	\$10.20
2 YARD	\$27.74	\$10.06	\$28.13	\$10.20
4 YARD	\$32.88	\$10.06	\$33.34	\$10.20
6 YARD	\$39.33	\$10.06	\$39.89	\$10.20
15 YARD	\$31.33	\$15.66	\$31.77	\$15.88
20 YD Covered	\$39.18	\$15.66	\$39.73	\$15.88
40 YD Covered	\$47.04	\$15.66	\$47.70	\$15.88

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

Exhibit B

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
Solid Waste			
Recycling & OCC			
C&D Recycling			
Green Waste			

SELF-HAULED TONNAGE TO CONTRACTOR'S SEPARATE FACILITY

	Total
Solid Waste	
Recycling & OCC	
C&D Recycling	
Green Waste	

NUMBER OF FRANCHISE ACCOUNTS SERVED - SOLID WASTE

Can: Residential/Comm:	Monthly Service	Large Container:	Monthly Service	Large Container:	Monthly Service
20 Gallon		1 CY		30 CY	
30 Gallon		1.5 CY		40 CY	
32 Gallon		2 CY			
40 Gallon		2.5 CY			
45 Gallon		3 CY			
48 Gallon		4 CY			
55 Gallon		5 CY			
60 Gallon		6 CY			
64 Gallon		7 CY			
90 Gallon		8 CY			
93 Gallon		10 CY			
96 Gallon		14 CY			
Occasional 30-Gallon		15 CY			
Prepaid bags		18 CY			
"Blue-Bag"		20 CY			

Large Container:	On-call 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	

Large Container:	On-call Pick-Up
5 YD	
14 YD Covered	
14 YD Uncovered	
18 YD Covered	
18 YD Uncovered	
20 YD	
40 YD Uncovered	

NUMBER OF FRANCHISE ACCOUNTS SERVED - RECYCLING

	Residential	Commercial
Mixed Recycling		
Cardboard Only		

	# Commercial Solid Waste Accounts (4+ cu yds/wk)
	# of above Commercial Solid Waste Accounts (4+ cu yds/wk) with Curbside Recycling Service
	# Multi-Family Solid Waste Accounts (5+ units)
	# of above Multi-Family Solid Waste Accounts (5+ units) with Curbside Recycling Service

NUMBER OF FRANCHISE ACCOUNTS SERVED - GREEN WASTE

	Residential	Commercial
Green Waste		

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:

	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	Date	Number of Emp. Trained

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.

Name of Preparer and Date

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

Exhibit B

Quarter _____

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

CONTRACTOR INFORMATION

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

SOLID WASTE COLLECTED (TONS)

Location/s:

Solid Waste			
Recyclables			
Green Waste			
Total			

SOLID WASTE (TONS) SELF-HAULED TO CONTRACTOR'S FACILITY OR SEPARATE FACILITY

Location/s:

Solid Waste			
Recyclables			
Green Waste			
Total			

ADDITIONAL INFORMATION:

The undersigned, under penalty of perjury, states that the information listed on the above Quarterly Franchise Report and gross receipts reported on a monthly basis are true and correct.

Name of Preparer and Date