

**AMENDMENT TO AGREEMENT  
FOR THE FERNDAL AND FORTUNA AREAS  
OF THE COUNTY OF HUMBOLDT**

This is an amendment to the Agreement entered into on October 16, 2008, and to amendments thereto previously executed by and between the County of Humboldt (COUNTY) and Eel River Disposal and Resource Recovery, Inc. (CONTRACTOR). The effective date of this Amendment is October 1, 2009.

**RECITALS**

WHEREAS, COUNTY and CONTRACTOR have entered into an Agreement for the handling and disposal of solid waste; and

WHEREAS, said Agreement and State law allow for the adjustment of rates charged by CONTRACTOR for the handling of solid waste pursuant to said Agreement.

NOW, THEREFORE, IT IS AGREED as follows:

1. Section 10 entitled Establishment of Fee is amended to read as follows:

Establishment of Fee: For the rights and privileges granted by this exclusive franchise, CONTRACTOR shall pay to COUNTY a franchise fee, in the amount set by the Board of Supervisors, which shall be a percentage of the gross receipts received by CONTRACTOR from its operations in the franchise area, as described in Section 1. The franchise fee, initially set at five percent (5%) of gross receipts obtained by CONTRACTOR pursuant to this franchise is revised to nine percent (9%) effective November 1, 2009 and the increase of which shall be conditioned upon the adoption of revised County Ordinance No. 249. COUNTY may unilaterally, at any time, increase this franchise fee, so long as the collection rates charged by CONTRACTOR shall be adjusted such that the increased cost is a pass-through to CONTRACTOR. COUNTY shall give CONTRACTOR at least 90 days written notice of its intent to increase the franchise fee.

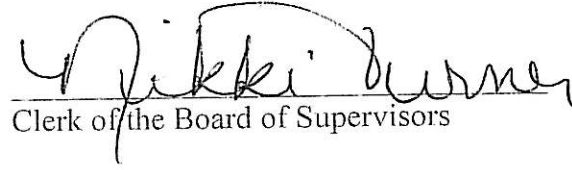
2. Rate Increase. The rates which may be charged by CONTRACTOR pursuant to the rate provisions of the above-referenced Agreement shall be as shown in the attached Exhibit A, effective November 1, 2009.
3. Except as modified herein or by prior amendments, the October 16, 2008, Agreement shall remain in full force and effect. In the event of a conflict between the provisions of this amendment and the original agreement, or any amendments thereto previously executed, the provisions of this amendment shall govern.

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

COUNTY OF HUMBOLDT

Attest:

  
Chair, County Board of Supervisors

  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

INSURANCE certificates reviewed and APPROVED:

BY:   
Deputy County Counsel

BY: 

EEL RIVER DISPOSAL AND RESOURCE RECOVERY, INC.

BY: Harry A. Hardin 

TITLE: President

BY: Harry A. Hardin 

TITLE: Secretary

**EXHIBIT A: FORTUNA/FERNDALE AREA FRANCHISE RATES**  
EFFECTIVE NOVEMBER 1, 2009

Based on Tip Fee/Ton at ERD TS of: 123.00

Type of Service	1		2		3		4		5		6		7		8	
	Prior Year Base All Other	Fuel	CPI Adj	Fuel Adj.	All Other (1x3)	Current Year Base Fuel	Fuel (2x4)	Disposal Rate	Combined Rate (5+6+7)	Frequency of Service						
<b>TABLE 1</b>	<b>CAN RATES</b>															
20 Gallon Can	\$ 7.61	\$ 2.02			\$ 8.12	\$ 1.43	\$ 5.86	\$ 15.41	Weekly							
32 Gallon Can	\$ 11.48	\$ 3.05			\$ 12.26	\$ 2.16	\$ 8.79	\$ 23.20	Weekly							
OCCASIONAL 30 Gal.	\$ 3.52	\$ 0.94			\$ 3.76	\$ 0.66	\$ 2.03	\$ 6.45	Per pick-up							

**TABLE 2** LARGE CONTAINERS Monthly service

1.0 CY	\$ 27.15	\$ 7.22	\$ 28.99	\$ 5.11	\$ 59.16	\$ 93.25	Once Per Week
1.0 CY	\$ 54.17	\$ 14.40	\$ 57.84	\$ 10.19	\$ 118.31	\$ 186.33	Twice Per Week
1.5 CY	\$ 40.63	\$ 10.80	\$ 43.38	\$ 7.64	\$ 88.74	\$ 139.75	Once Per Week
1.5 CY	\$ 81.17	\$ 21.58	\$ 86.66	\$ 15.26	\$ 177.47	\$ 279.40	Twice Per Week
2.0 CY	\$ 49.44	\$ 13.14	\$ 52.79	\$ 9.29	\$ 118.31	\$ 180.39	Once Per Week
2.0 CY	\$ 98.68	\$ 26.23	\$ 105.36	\$ 18.55	\$ 236.63	\$ 360.54	Twice Per Week
3.0 CY	\$ 66.91	\$ 17.79	\$ 71.44	\$ 12.58	\$ 177.47	\$ 261.49	Once Per Week
3.0 CY	\$ 133.79	\$ 35.56	\$ 142.84	\$ 25.15	\$ 354.94	\$ 522.94	Twice Per Week
4.0 CY	\$ 84.48	\$ 22.46	\$ 90.20	\$ 15.89	\$ 236.63	\$ 342.71	Once Per Week
4.0 CY	\$ 168.86	\$ 44.89	\$ 180.29	\$ 31.75	\$ 473.26	\$ 685.29	Twice Per Week
6.0 CY	\$ 84.56	\$ 22.48	\$ 90.28	\$ 15.90	\$ 354.94	\$ 461.12	Once Per Week
6.0 CY	\$ 168.86	\$ 44.89	\$ 180.29	\$ 31.75	\$ 709.89	\$ 921.92	Twice Per Week
8.0 CY	\$ 84.56	\$ 22.48	\$ 90.28	\$ 15.90	\$ 473.26	\$ 579.44	Once Per Week
8.0 CY	\$ 168.86	\$ 44.89	\$ 180.29	\$ 31.75	\$ 946.51	\$ 1,158.55	Twice Per Week

**LARGE CONTAINERS Per Pick up rates for one container for 7 day rental**

20 YD	\$ 253.24	\$ 67.32	\$ 270.37	\$ 47.62	\$ 273.03	\$ 591.02	Per Ton
40 YD	\$ 361.82	\$ 96.18	\$ 386.30	\$ 68.03	\$ 546.07	\$ 1,000.40	Per Ton

**EXHIBIT A: FORTUNA/FERNDALE AREA FRANCHISE RATES**  
**EFFECTIVE NOVEMBER 1, 2009**

Based on Tip Fee/Ton at ERD TS of: 123.00

**TABLE 3** CONTAINER RENTAL RATES

	Prior Year Rate		Current Year Rate	
	Monthly	Daily	Monthly	Daily
1 YARD			\$ 35.73	\$ 17.35
1.5 YARD			\$ 35.73	\$ 18.58
2 YARD			\$ 42.74	\$ 19.88
3 YARD			\$ 47.69	\$ 20.84
4 YARD			\$ 47.69	\$ 22.08
6 YARD			\$ 59.50	\$ 23.40
8 YARD			\$ 59.50	\$ 23.40

CPI Adj.

**TABLE 4** RECYCLING SERVICE

Single stream recycling bi-weekly service

\$ 5.90 Per Month