

**AMENDMENT #3 TO FRANCHISE AGREEMENT
FOR AREAS OF HUMBOLDT COUNTY (GARBERVILLE AREA)**

This is an amendment to the Franchise Agreement entered into on April 26, 2011 executed by and between the County of Humboldt (COUNTY) and Recology Humboldt County (CONTRACTOR). The parties entered into this amendment on June ____, 2012, and the effective date of this amendment is July 1, 2012.

RECITALS

WHEREAS, COUNTY and CONTRACTOR have entered into a Solid Waste Collection Franchise Agreement dated April 26, 2011 for the handling of solid waste and recyclables in the above-mentioned area (the "Franchise Agreement"), which agreement took effect on July 1, 2011 and is set to expire on December 31, 2020; and

WHEREAS, COUNTY and CONTRACTOR subsequently amended the Franchise Agreement by amendments having effective dates of July 1, 2011 and January 1, 2012; and

WHEREAS, the Franchise Agreement and state law allow for the adjustment of the Maximum Service Rates to which the rates charged by CONTRACTOR pursuant to said agreement are subject; and

WHEREAS, Section 521-8(b) of Chapter 1 of Division 2 of Title V of the Humboldt County Code provides for rate changes (such as annual index-based adjustments, changes in the franchise fee and/or the recycling percentage set forth in the Franchise Agreement, and changes to disposal and/or processing costs) with a total annual rate increase not exceeding eight percent (8%), to be implemented by amendment to the Franchise Agreement executed by the Franchise Contract Administrator; and

WHEREAS, the parties have agreed to amend the Franchise Agreement to adjust Maximum Service Rates effective July 1, 2012.

NOW, THEREFORE, IT IS AGREED as follows:

1. The Maximum Service Rates which may be charged by CONTRACTOR pursuant to Section 14 of the above-referenced Franchise Agreement shall be as shown in Exhibit A attached hereto and incorporated by reference, and such Exhibit A shall supersede and replace prior Exhibit A of the Franchise Agreement, effective July 1, 2012.
2. Except as modified herein or by prior amendments, the Franchise Agreement shall remain in full force and effect. In the event of a conflict between the provisions of this amendment and any previous amendment, the provisions of this amendment shall govern. Capitalized terms used but not defined herein shall have the meanings given to them in the Franchise Agreement.


[Signature page follows]

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


COUNTY OF HUMBOLDT

BY: 
Franchise Contract Administrator

APPROVED AS TO FORM:

BY: 
Deputy County Counsel

INSURANCE CERTIFICATES REVIEWED
AND APPROVED:

BY: 
Risk Manager

RECOLOGY HUMBOLDT COUNTY

BY: 
Ed Farewell
Vice President & Group Manager


BY: 
Michael Leggins
Vice President & General Manager

EXHIBIT A: GARBERVILLE AREA FRANCHISE RATES
EFFECTIVE JULY 1, 2012

Based on Tipping Fee of:
Based on Processing Fee/Ton:

\$126.80
\$0.00

| TYPE OF SERVICE | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|-------------|-------------|---------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------------|----------|------------|-----------|----------------------|
| | | | | | | | | | | | | | | | |
| | (mo./cont.) | Add'l cont. | 3.6700% | One cont. | One cont. | One cont. | One cont. | One cont. | One cont. | Actual | Blue Bag Program | Actual | One cont. | One cont. | |
| CAN RATES - RESIDENTIAL & COMMERCIAL | | | | | | | | | | | | | | | |
| 20 Gallon Can | \$8.65 | | | \$3.66 | \$0.91 | \$4.45 | \$9.02 | | | \$6.04 | | \$1.20 | \$16.26 | | Weekly |
| 30 Gallon Can | \$12.82 | | | \$5.43 | \$1.35 | \$6.60 | \$13.38 | | | \$9.06 | | \$1.79 | \$24.23 | | Weekly |
| 40 Gallon Can | \$16.16 | | | \$6.84 | \$1.71 | \$8.32 | \$16.87 | | | \$12.08 | | \$2.31 | \$31.26 | | Weekly |
| 64 Gallon Can | \$18.04 | | | \$7.64 | \$1.90 | \$9.29 | \$18.83 | | | \$19.32 | | \$3.06 | \$41.21 | | Weekly |
| 96 Gallon Toter | \$22.78 | | | \$9.65 | \$2.40 | \$11.73 | \$23.78 | | | \$27.17 | | \$4.09 | \$55.04 | | Weekly |
| OCCASIONAL 30 Gal. | \$4.69 | | | \$1.99 | \$0.49 | \$2.42 | \$4.90 | | | \$1.39 | | \$0.50 | \$6.79 | | Per pick-up |
| LARGE CONTAINERS Monthly service | | | | | | | | | | | | | | | |
| 1.0 CY | \$36.56 | | | \$15.48 | \$3.86 | \$18.83 | \$38.17 | | | \$60.98 | | \$7.99 | \$107.14 | | Weekly |
| 2.0 CY | \$73.50 | | | \$31.14 | \$7.74 | \$37.85 | \$76.73 | | | \$121.97 | | \$16.01 | \$214.71 | | Weekly |
| 3.0 CY | \$93.67 | | | \$39.67 | \$9.87 | \$48.24 | \$97.78 | | | \$162.95 | | \$22.65 | \$303.38 | | Weekly |
| 4.0 CY | \$113.77 | | | \$48.19 | \$11.98 | \$58.59 | \$118.76 | | | \$243.94 | | \$29.30 | \$392.00 | | Weekly |
| 6.0 CY | \$162.23 | | | \$68.71 | \$17.09 | \$83.55 | \$169.35 | | | \$365.91 | | \$43.25 | \$578.51 | | Weekly |
| 15 CY | \$293.05 | | | \$124.12 | \$30.87 | \$150.91 | \$305.90 | | | \$914.77 | | \$98.92 | \$1,319.59 | | Weekly to 1.515 T |
| 20 CY | \$345.59 | | | \$146.37 | \$36.41 | \$177.97 | \$364.75 | | | \$1,219.70 | | \$128.20 | \$1,708.65 | | Weekly to 2.02 T |
| 40 CY | \$607.54 | | | \$257.32 | \$64.00 | \$312.87 | \$634.19 | | | \$2,439.39 | | \$249.54 | \$3,323.12 | | Weekly to 4.04 T |
| Per Pick up rates for one container | | | | | | | | | | | | | | | |
| 1.0 CY | \$64.99 | | | \$27.53 | \$6.85 | \$33.47 | \$67.85 | | | \$14.07 | | \$6.48 | \$88.40 | | Weekly |
| 2.0 CY | \$124.93 | | | \$52.91 | \$13.16 | \$64.34 | \$130.41 | | | \$28.15 | | \$12.53 | \$171.09 | | Weekly |
| 3.0 CY | \$169.83 | | | \$71.93 | \$17.89 | \$87.46 | \$177.28 | | | \$42.22 | | \$17.36 | \$236.86 | | Weekly |
| 4.0 CY | \$213.10 | | | \$90.26 | \$22.45 | \$109.74 | \$222.45 | | | \$56.29 | | \$22.06 | \$300.80 | | Weekly |
| 6.0 CY | \$307.92 | | | \$130.42 | \$32.44 | \$158.57 | \$321.43 | | | \$84.44 | | \$32.14 | \$438.01 | | Weekly |
| 15 CY | \$205.21 | | | \$86.92 | \$21.62 | \$105.68 | \$214.22 | | | \$211.10 | | \$34.10 | \$459.42 | | Weekly to 1.515 T |
| 20 CY | \$212.30 | | | \$89.92 | \$22.36 | \$109.33 | \$221.61 | | | \$281.47 | | \$40.44 | \$543.52 | | Per Pickup to 2.02 T |
| 40 CY | \$315.86 | | | \$133.78 | \$33.27 | \$162.66 | \$329.71 | | | \$562.94 | | \$71.97 | \$964.62 | | Per Pickup to 4.04 T |
| Over-weight Charge | | | | | | | | | | | | | | | Per Ton over Limit |

TABLE 2 CONTAINER RENTAL COSTS

| | PRIOR RATE | | CURRENT RATE | |
|---------|------------|---------|--------------|--------|
| | Monthly | Weekly | Monthly | Weekly |
| 1 YARD | \$14.02 | \$5.23 | 14.53 | 5.42 |
| 2 YARD | \$17.54 | \$5.23 | 18.18 | 5.42 |
| 3 YARD | \$17.54 | \$5.23 | 18.18 | 5.42 |
| 4 YARD | \$21.08 | \$5.23 | 21.85 | 5.42 |
| 6 YARD | \$24.51 | \$5.23 | 25.41 | 5.42 |
| 15 YARD | \$26.29 | \$14.02 | 27.25 | 14.53 |
| 20 YARD | \$35.05 | \$17.54 | 36.34 | 18.18 |
| 40 YARD | \$35.05 | \$17.54 | 36.34 | 18.18 |

TABLE 4 CHARGES FOR SPECIAL SERVICES

| | | |
|---|---------|--|
| PER HOUR FOR ONE (1) MAN AND ONE (1) TRUCK: | | \$46.86 |
| PER CUBIC YARD PICKUP: | 1.0 YD: | \$24.97 PER YD, WHICH EVER IS GREATER |
| | | \$0.00 BASE, + \$0.99 REGULATORY |
| REINSTATEMENT OF SERVICE | | \$25.00 |
| SPECIAL COLLECTION AFTER IMPROPER SET-OUT | | \$43.75 |

SPECIAL SERVICE FOR BULKY ITEMS & APPLIANCES:

\$49.94 PER STOP, PLUS "PASS-THROUGH" COST OF DISPOSAL OR RECYCLING

TABLE 5 RECYCLING SERVICE

weekly \$4.00 per month