

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

This Eighth Amendment to the Solid Waste Collection Franchise Agreement for the Willow Creek Area of Humboldt County 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 Recology Eel River, formerly known as Eel River Disposal Company, Inc., a California corporation, hereinafter referred to as “CONTRACTOR,” shall be effective as of July 1, 2020.

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 unincorporated 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, COUNTY and CONTRACTOR subsequently amended the Franchise Agreement seven (7) times; and

WHEREAS, the Franchise Agreement and State law allow for the adjustment of the Maximum Service Rates which may be charged by CONTRACTOR for the handling and disposal of solid waste and recyclables pursuant to the Franchise Agreement, such as annual index-based adjustments, changes in the franchise fee, or changes in disposal and/or processing costs; and

WHEREAS, the parties desire to amend the Franchise Agreement in order to adjust the Maximum Service Rates charged by CONTRACTOR for the handling and disposal of solid waste and recyclables pursuant to the Franchise Agreement.

NOW, THEREFORE, IT IS AGREED 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 – Willow Creek Area 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 Eighth Amendment.
2. Section 21(D) – Execution in Counterparts of the Franchise Agreement is hereby deleted in its entirety and replaced with the following:

D. Counterpart Execution. This Agreement, and any amendments hereto, may be executed in

one (1) or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one (1) and the same agreement. This Agreement, and any amendments hereto, may be signed by manual or electronic signatures in accordance with any and all applicable local, state and federal laws, regulations and standards, and such signatures shall constitute original signatures for all purposes. A signed copy of this Agreement, and any amendments hereto, transmitted by email or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement and any amendments hereto.

3. 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 Eighth Amendment and the original Franchise Agreement, or any prior amendments thereto, the provisions of this Eighth Amendment shall govern. Capitalized terms used, but not defined, herein shall have the meanings given to them in the Franchise Agreement.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have entered into this Eighth Amendment as of the last date indicated below.

RECOLOGY EEL RIVER:

By: Michael J. Sanziacomo

Michael J. Sanziacomo
President and Chief Executive Officer

Date: 7/14/2020 | 5:10 PM PDT

By: Cary Chen

Cary Chen
Corporate Secretary

Date: 7/14/2020 | 9:45 PM PDT

COUNTY OF HUMBOLDT:

By: _____
Estell Fennel
Chair, Board of Supervisor

Date: _____

INSURANCE CERTIFICATES APPROVED:

By: 

Risk Management

Date: 8/27/2020

Acknowledged and Agreed:

JOSHUA & LISA MCKNIGHT DBA TOM'S TRASH COMPANY

By: _____
Joshua McKnight

Date: _____

By: _____
Lisa McKnight

Date: _____

LIST OF EXHIBITS:

Exhibit B – Willow Creek Area Franchise Collection Rates
Exhibit C – Willow Creek Area Disposal Rates

Exhibit B
Willow Creek Area Franchise Collection Rates
Effective as of July 1, 2020

(see separate sheet(s) attached)

EXHIBIT B: TOM'S TRASH RATE SCHEDULE
EFFECTIVE July 1, 2020

A	B		C	D	E		F		G	H		I		J	K		L	M		O		
	One	Addl			Current Yr Base Rate	Addl	Sub-Total	One		Addl	One Container	Addl Container	Franchise Fee		Addl Container	RCY Proc. Fee (includes FF)		One Container	Addl Container		Total Rate	
Type of Service	Container	Container	Container	CPI Adjustment 2.32%	Container	Container	Container	Container	Disposal \$	Container	Container	Container	Container	9%	9%	9%	0.33%	Container	Container			
Residential/Senior/Commercial																						
30 Gallon Can - 1x/week	\$	12.66	\$	5.70	\$	12.95	\$	5.83	\$	12.35	\$	25.30	\$	18.18	\$	2.50	\$	1.80	\$	27.90	\$	19.98 Weekly
	2x/week	25.33	11.39			25.92	11.66		24.70		50.62	36.36		5.01	3.60		0.18		55.81	39.95	2 Cans/ Twice Weekly	
40-GALLON CAN																						
40 Gallon Can - 1x/week	\$	12.21	\$	5.27	\$	12.50	\$	5.39	\$	16.47	\$	28.96	\$	21.86	\$	2.86	\$	2.16	\$	31.93	\$	24.02 Weekly
	2x/week	24.44	10.53			25.00	10.78		32.93		57.94	43.71		5.73	4.32		0.21		63.88	48.03	2 Cans/ Twice Weekly	
LARGE CONTAINERS																						
1.5 CY - 1x/week	\$	98.46	\$	82.89	\$	100.74	\$	84.82	\$	124.74	\$	225.48	\$	209.55	\$	22.30	\$	20.72	\$	248.59	\$	230.28 1x per Week
	2x/week	137.06	115.39			140.24	118.06		124.74		264.97	242.80		26.21	24.01		0.96		292.13	266.81	2x per Week	
2.0 CY - 1x/week		175.07	147.32			179.13	150.74		124.74		303.86	275.47		30.05	27.24		1.10		335.01	302.72	3x per Week	
		93.50	79.25			95.67	81.09		166.31		261.98	247.41		25.91	24.47		0.94		288.84	271.87	1x per Week	
2x/week		128.44	108.10			131.42	110.61		166.31		297.73	276.92		29.45	27.39		1.07		328.25	304.31	2x per Week	
	3x/week	162.13	136.44			165.89	139.61		166.31		332.20	305.92		32.86	30.26		1.20		366.25	336.18	3x per Week	
3.0 CY - 1x/week		85.54	71.97			87.52	73.63		249.47		336.99	323.10		33.33	31.96		1.21		371.54	355.06	1x per Week	
	2x/week	111.21	93.58			113.79	95.75		249.47		363.26	345.22		35.93	34.14		1.31		400.50	379.37	2x per Week	
3x/week	136.26	114.64			139.42	117.30		249.47		388.89	366.77		38.46	36.27		1.40		428.75	403.04	3x per Week		
Special Services:																						
Blue Bag	\$	5.28			\$	5.40		\$	2.85	\$	8.25		\$	0.82		\$	0.03		\$	9.10		per pick up
Curbside Recycling		10.31				10.55				10.55		10.55					0.03		10.58			
Side yard Service		10.31				10.55				10.55		10.55		1.04			0.04		11.63			

Exhibit C
Willow Creek Area Disposal Rates
Effective as of July 1, 2020

(see separate sheet(s) attached)

EXHIBIT C: RECOLOGY RATE SCHEDULE

EFFECTIVE July 1, 2020

A	B	C	D	E	F	G	H	I	J	K	L	M	N
	Prior Yr Base Rate One Container		CPI Adjustment 2.3200%	Current Yr Base Rate One Container		Disposal \$ 190.00	Sub-Total One Container		Franchise Fee One Container 9%		Total Rate One Container		
Type of Service													
LARGE CONTAINERS													
15 Yard	\$ 767.72			\$ 785.53		\$ 380.00	\$ 1,165.53		\$ 115.27	\$	4.20	\$ 1,285.01	Each container includes
20 Yard	767.72			785.53		380.00	1,165.53		115.27		4.20	1,285.01	2 tons disposal. >2
30 Yard	767.72			785.53		380.00	1,165.53		115.27		4.20	1,285.01	tons at \$209 per ton.

Tom's Trash/Recology Rate Calculation				
RCY Processing Fee Rate Increase				
EFFECTIVE July 1, 2020				
Tom's Trash Revenues				
	Projected FY19	Actual FY19	Projected FY20	
Commercial	\$ 17,714.00	\$ 17,949.60	\$ 18,366.03	
Residential	11,129.00	11,277.02	11,277.02	
Total Monthly Revenues	\$ 28,843.00	\$ 29,226.61	\$ 29,643.04	
Tom's Trash RCY tons				
1/1/2018 - 8/31/2018	36.30	NA	NA	
Annual	54.45	31.50	31.50	
Tons - Monthly Average	4.54	2.63	2.63	
RCY Processing Fee/Ton	\$ 69.56	\$ 69.56	\$ 73.57	
RCY Processing Fees/Mo.	\$ 315.63	\$ 200.65	\$ 212.22	
Less: RCY Processing Fees Charged		(315.63)	NA	
Carry Over/(Credit)		\$ (114.97)	(114.97)	
New Estimated RCY Processing Fees			\$ 97.25	
% of Total Revenues-Rate Increase	1.09%	0.69%	0.33%	

CPI-Urban Wage Earners and Clerical Workers (Current Series)
Original Data Value

Series Id: CWUR0000SA0

Not Seasonally Adjusted

Series All items in U.S. city average, urban wage earners and
clerical workers, not seasonally adjusted
Title U.S. city average
Area: All items
Item: All items
Base 1982-84=100
Period:
Years: 2008 to 2018

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	HALF1	HALF2
2008	206.744	207.254	209.147	210.698	212.788	215.223	216.304	215.247	214.935	212.182	207.296	204.813	210.309	211.796
2009	205.700	206.708	207.218	207.925	208.774	210.972	210.526	211.156	211.322	211.549	212.003	211.703	207.883	211.377
2010	212.568	212.544	213.525	213.958	214.124	213.839	213.898	214.205	214.306	214.623	214.750	215.262	213.426	214.507
2011	216.400	217.535	220.024	221.743	222.954	222.522	222.686	223.326	223.688	223.043	222.813	222.166	220.196	222.954
2012	223.216	224.317	226.304	227.012	226.600	226.036	225.568	227.056	228.184	227.974	226.595	225.889	225.581	226.878
2013	226.520	228.677	229.323	228.949	229.399	230.002	230.084	230.359	230.537	229.735	229.133	229.174	228.812	229.837
2014	230.040	230.871	232.560	233.443	234.216	234.702	234.525	234.030	234.170	233.229	231.551	229.909	232.639	232.902
2015	228.294	229.421	231.055	231.520	232.908	233.804	233.806	233.366	232.661	232.373	231.721	230.791	231.167	232.453
2016	231.061	230.972	232.209	233.438	234.436	235.289	234.771	234.904	235.495	235.732	235.215	235.390	232.901	235.251
2017	236.854	237.477	237.656	238.432	238.609	238.613	238.617	239.448	240.939	240.573	240.666	240.526	237.974	240.128
2018	241.919	242.988	243.463	244.607	245.770	246.196	246.155	246.336	246.565	247.038	245.933	244.786	244.157	246.136
2019	245.133	246.218	247.768	249.332	249.871	249.747	250.236	250.112	250.251	250.894	250.644	250.452	248.012	250.432
2020	251.361	251.935												

1.33% CPI Feb 2019/Feb 2018
2.32% CPI Feb 2020/Feb 2019

Downloaded on 3/12/2020

Tom's Trash/Recology Rate Calculation
EFFECTIVE July 1, 2020

Size	Ton @1#/gal; 202#/yd	County Disposal R Rate/contain	Monthly Rate/contain container	Monthly Rate/contain with 9% fran/fee	Monthly rate/ container w 8%
20 Gallons	0.01	\$ 190.00	\$1.90	\$2.09	\$9.05
30 Gallons	0.015	\$190.00	\$2.85	\$3.13	\$13.57
40 Gallons	0.02	\$190.00	\$3.80	\$4.18	\$18.10
55 Gallons	0.0275	\$190.00	\$5.23	\$5.74	\$24.88
64 Gallons	0.032	\$190.00	\$6.08	\$6.68	\$28.95
90 Gallons	0.045	\$190.00	\$8.55	\$9.40	\$40.71
93 Gallons	0.0465	\$190.00	\$8.84	\$9.71	\$42.07
1.0 Cubic yard	0.101	\$190.00	\$19.19	\$21.09	\$91.38
1.5 Cubic Yards	0.1515	\$190.00	\$28.79	\$31.63	\$137.07
2.0 Cubic Yards	0.202	\$190.00	\$38.38	\$42.18	\$182.76
2.5 Cubic Yards	0.2525	\$190.00	\$47.98	\$52.72	\$228.45
3.0 Cubic Yards	0.303	\$190.00	\$57.57	\$63.26	\$274.14
4.0 Cubic Yards	0.404	\$190.00	\$76.76	\$84.35	\$365.52
5.0 Cubic Yards	0.505	\$190.00	\$95.95	\$105.44	\$456.90
10 Cubic Yards	1.01	\$190.00	\$191.90	\$210.88	\$913.81
12 Cubic Yards	1.212	\$190.00	\$230.28	\$253.05	\$1,096.57
14 Cubic Yards	1.414	\$190.00	\$268.66	\$295.23	\$1,279.33
15 Cubic Yards	1.515	\$190.00	\$287.85	\$316.32	\$1,370.71
18 Cubic Yards	1.818	\$190.00	\$345.42	\$379.58	\$1,644.86
20 Cubic Yards	2.02	\$190.00	\$383.80	\$421.76	\$1,827.62
30 Cubic Yards	3.03	\$190.00	\$575.70	\$632.64	\$2,741.43
40 Cubic Yards	4.04	\$190.00	\$767.60	\$843.52	\$3,655.24