

AMENDMENT NUMBER 14 TO BOARD OF SUPERVISORS AGREEMENT NUMBER 04-049, FRANCHISE AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND USA WASTE OF CALIFORNIA, INC., DBA EMPIRE WASTE MANAGEMENT FOR SOLID WASTE COLLECTION AREA NUMBER TWO

This Amendment No. 14 to BOS Agreement No. 04-049 is entered into this 18TH day of AUGUST, 2020, by and between the COUNTY OF MENDOCINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and USA Waste of California, Inc., dba Empire Waste Management, hereinafter referred to as "GRANTEE".

WHEREAS, BOS Agreement No. 04-049, Franchise Agreement Between the County of Mendocino and USA Waste of California, Inc., DBA Empire Waste Management for Solid Waste Refuse Collection Area No. Two, herein after referred to as "Agreement", was entered into on May 11, 2004; and

WHEREAS, Amendment 1 to BOS Agreement No. 04-049 (BOS Agreement No. 04-265A) was entered into on December 14, 2004, Amendment 2 (CAO Agreement No. 05-017) on February 16, 2005, Amendment 3 (BOS Agreement No. 05-246A) on October 18, 2005, Amendment 4 (CEO Agreement No. 05-255) on December 27, 2005, Amendment 5 (BOS Agreement No. 06-075A) on May 9, 2006, Amendment 6 (CEO Agreement No. 06-584) on December 28, 2006, Amendment 7 on January 7, 2008, Amendment 8 on August 26, 2008, Amendment 9 on December 23, 2008, Amendment 10 on June 14, 2011, Amendment 11 (BOS Agreement No. 04-049-A11) on August 23, 2011, Amendment 12 (BOS Agreement No. 04-049-A12) on February 12, 2013, and Amendment 13 (BOS Agreement No. 04-049-A13) on June 20, 2017; and

WHEREAS, upon execution of this document by the Chair of the Mendocino County Board of Supervisors and GRANTEE, this document will become part of the aforementioned contract and shall be incorporated therein; and

WHEREAS, it is the desire of GRANTEE and COUNTY to modify the Agreement with respect to the frequency of Debris Box collection services, as set forth in this Amendment.

NOW, THEREFORE, we agree as follows:

1. Section 5.b.3 of the Agreement is hereby modified to read as follows:

Grantee shall collect Solid Waste (except bulky wastes) and Recyclable Materials from Commercial and Industrial Premises, which have been placed, kept, or accumulated in Grantee-provided Containers, at least once per week, and more frequently if required to handle the waste stream generated at the Premises. However, to the extent permitted by applicable law, and as agreed between the Grantee and Generator, the collection frequency of Debris Boxes

will be for a period of up to fourteen calendar (14) days. Grantee has the right to collect the Debris Box after fourteen (14) days, and if the Debris Box is not ready for collection upon arrival, Grantee may charge the approved Trip Charge, and inactivity fee set forth in Exhibit B, as amended herein. If, prior to pickup, the Generator requests an extension to the collection period of the initial (14) days, the Grantee may charge the inactivity fee set forth in Exhibit B, as amended herein.

2. Exhibit B of the Agreement is amended as follows:

- a. The 2018 Rolloff Service Rates for both Inland and Coastal Mendocino County shall continue to apply until amended per Section 15 of the Agreement or by subsequent amendment to the Agreement.
- b. The 2018 Rolloff Services Rates for both Inland and Coastal Mendocino County are hereby amended to include the following Inactivity Fee within the "Rolloff Ancillary Rates" table:

Inactivity Fee - Generators shall be charged an inactivity fee on a daily basis for any Generator-requested collection period extensions beyond the initial fourteen (14)days.	\$13.00
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All other terms and conditions of BOS Agreement No. 04-049 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

DEPARTMENT FISCAL REVIEW: Transportation

HOWARD N. DASHIELL, Director DATE 7/30/20

Budgeted: ☐ Yes ☒ No

Budget Unit: _____

Line Item: _____

Grant: ☐ Yes ☒ No

Grant No.: _____

COUNTY OF MENDOCINO

By: John Haschak
JOHN HASCHAK, Chair AUG 20 2020
BOARD OF SUPERVISORS

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By: Sandra Dune
Deputy AUG 20 2020

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

CARMEL J. ANGELO, Clerk of said Board

By: Sandra Dune
Deputy AUG 20 2020

INSURANCE REVIEW:

By: Carmel J. Angelo
Risk Management

EXECUTIVE OFFICE/FISCAL REVIEW:

APPROVAL-RECOMMENDED

By: [Signature]
Deputy CEO

GRANTEE NAME:

By: [Signature]

NAME AND ADDRESS OF GRANTEE:

USA Waste of California, Inc.

450 Orr Springs Road

Ukiah, CA 95482

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,
County Counsel

By: [Signature]
Deputy

Signatory Authority: \$0-25,000 Department; \$25,001-50,000 Purchasing Agent; \$50,001+ Board of Supervisors

Exception to Bid Process Required/Completed ☐

Mendocino County Business License: Valid ☐

Exempt Pursuant to MCC Section: _____