

**NINTH AMENDMENT TO SOLID WASTE COLLECTION FRANCHISE AGREEMENT
FOR AREAS OF HUMBOLDT COUNTY (WEOTT/MYERS FLAT AREA)**

This Ninth Amendment to the Solid Waste Collection Franchise Agreement dated October 26, 2010, by and between the County of Humboldt, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and Recology Eel River, a California corporation, hereinafter referred to as "CONTRACTOR," shall be effective as of June 26, 2018.

RECITALS

WHEREAS, on October 26, 2010, COUNTY and Eel River Disposal and Resource Recovery, Inc. entered into a Solid Waste Collection Franchise Agreement regarding the handling and disposal of solid waste in the Weott and Myers Flat areas of Humboldt County ("Franchise Agreement") for the period of November 1, 2010 to June 30, 2020; and

WHEREAS, COUNTY and Eel River Disposal and Resource Recovery, Inc. subsequently amended the Franchise Agreement eight (8) times; and

WHEREAS, on July 25, 2017, COUNTY and Recology Humboldt County entered into a "Consent to Change in Control of Eel River Disposal Company, Inc." regarding assignment of the Franchise Agreement; and

WHEREAS, with COUNTY's consent, Recology Humboldt County subsequently acquired all the outstanding shares of Eel River Disposal, Inc. and changed its name to Recology Eel River; and

WHEREAS, COUNTY and CONTRACTOR desire to amend the Franchise Agreement to shorten the term thereof to June 30, 2018 in order to allow the unincorporated Weott and Myers Flat areas of Humboldt County to be merged into the Consolidated Solid Waste Collection Franchise Agreement for the Unincorporated Fortuna/Ferndale, Holmes/Redcrest, Weott/Myers Flat and Garberville Areas of Humboldt County by and between COUNTY and Recology Humboldt County.

NOW THEREFORE, the parties mutually agree as follows:

1. Section 2 – Term of Franchise of the Franchise Agreement is hereby amended to read in its entirety as follows:

"Section 2. Term of Franchise. Unless earlier terminated pursuant to this Agreement, the term of this Agreement shall begin on November 1, 2010 and terminate on June 30, 2018."
2. The effectiveness of this Ninth Amendment is expressly conditioned on COUNTY and Recology Humboldt County entering into that certain Ninth Amendment to the Solid Waste Collection Franchise Agreement for Areas of Humboldt County (Garberville Area), effective as of July 1, 2018, expanding the Franchise Area under said agreement to include the unincorporated Weott and Myers Flat areas of Humboldt County.
3. Except as modified herein, the Franchise Agreement dated October 26, 2010, as previously amended, shall remain in full force and effect. In the event of a conflict between the provisions of this Ninth Amendment and the original Franchise Agreement, or any prior amendments thereto, the provisions of this Ninth Amendment shall govern. Capitalized terms used, but not defined, herein shall have the meanings given to them in the Franchise Agreement. Unless otherwise expressly indicated, all references herein to sections refer to sections of the Franchise Agreement, as amended.

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

TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:

(1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND

(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR TREASURER.

RECOLOGY EEL RIVER:

By: 
Michael J. Sangiacomo
President & CEO

Date: May 24, 2018


By: 
Cary Chen
Corporate Secretary

Recology
Reviewed by:

Legal

Date: May 24, 2018

COUNTY OF HUMBOLDT:

By: 
Ryan Sundberg
Chair, Board of Supervisors

Date: 6/12/18

INSURANCE CERTIFICATES APPROVED:

By: 
Risk Management

Date: 6/15/18