

**AMENDMENT NO. 3 TO FRANCHISE AGREEMENT BETWEEN THE CITY  
OF FORT BRAGG AND USA WASTE OF CALIFORNIA INC., DBA EMPIRE  
WASTE MANAGEMENT**

This third amendment to the 2007 Franchise Agreement between USA Waste of California, Inc., dba Empire Waste Management, hereinafter called "GRANTEE", and the City of Fort Bragg, hereinafter called "CITY," is made this 13<sup>th</sup> day of September, 2011 at Fort Bragg, California.

WHEREAS, CITY and GRANTEE entered into the Franchise Agreement for the collection, transportation, and disposal of solid waste in the CITY on January 8, 2007; and

WHEREAS, CITY directed GRANTEE in 2009 to change the destination for recyclables collected under the Agreement from North Bay Corporation to Solid Wastes of Willits; and

WHEREAS, CITY and GRANTEE believe that additional clarification is necessary regarding the mutual obligations that arise from the 2009 redirection and from future change in the market value of recyclables; and

WHEREAS, it is in the public interest to adopt this Amendment;

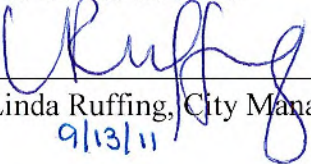
NOW THEREFORE, it is agreed as follows:

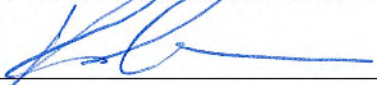
The following new Section 15(D) is added to the Agreement: "The redirection of single-stream recyclables by Grantee from the City to Solid Wastes of Willits in Willits which occurred pursuant to City instruction in 2009, is declared to be revenue and cost neutral to Grantee under Section 10(D) of the Agreement under the current terms of payment to Grantee from Solid Wastes of Willits, up to and including the date of execution of this Amendment. Grantee shall diligently seek to obtain full market value for recyclables collected under this Agreement, and shall report revenues and prices received for recyclables to City as part of the monthly reports described in Section 13(H). Future increases or decreases in revenue from recyclables, beginning with the date of execution of this Amendment, will be fully accounted by Grantee at the time of each annual rate

adjustment and shall be applied as a credit or debit on any rate adjustment.”

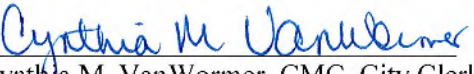
CITY OF FORT BRAGG

USA WASTE OF CALIFORNIA, INC.

By:   
Linda Ruffing, City Manager  
9/13/11

  
Barry Skolnick, Area Vice President  
8/28/11

ATTEST:

  
Cynthia M. VanWormer, CMC, City Clerk

APPROVED AS TO FORM:

see attached  
Michael Gogna, City Attorney

adjustment and shall be applied as a credit or debit on any rate adjustment.”

CITY OF FORT BRAGG

USA WASTE OF CALIFORNIA, INC.

By: \_\_\_\_\_  
Linda Ruffing, City Manager

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ATTEST:

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Cynthia M. VanWormer, CMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael Gogna, City Attorney