



Contract Number

09-616A-8

SAP Number

Public Works

Department Contract Representative
Telephone Number

Marc Rodabaugh, Deputy Director
909-386-8703

Contractor
Contractor Representative
Telephone Number
Contract Term
Original Contract Amount
Amendment Amount
Total Contract Amount
Cost Center
Grant Number (if applicable)

USA WASTE OF CALIFORNIA, INC.
Michael Hammer, President
(888) 905-8898
Evergreen – Rolling 8 years

Briefly describe the general nature of the contract:

Amendment No. 8, dated April 8, 2025, to Agreement No. 09-616, dated June 16, 2009, between the County of San Bernardino and USA Waste of California, Inc. for the collection and transportation of solid waste and other services in County Franchise Area 21.

Approved as to Legal Form

SEE ATTACHED

Jolena Grider, County Counsel

Date

Reviewed for Contract Compliance

Andy Silao, P.E., Contract Compliance

Date

Reviewed/Approved by Department

Noel Castillo, Director

Date

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



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Jolena Grider, County Counsel

Date

3/31/25

Reviewed for Contract Compliance


Andy Silao, P.E., Contract Compliance

Date

Reviewed/Approved by Department


Noel Castillo, Director

Date

**Amendment No. 8
to FRANCHISE AGREEMENT BETWEEN
SAN BERNARDINO COUNTY AND USA WASTE
OF CALIFORNIA, INC.
FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE AND OTHER SERVICES
DATED June 16, 2009
IN COUNTY FRANCHISE AREA 21**

WHEREAS, on June 16, 2009 (Item No. 92), the Board of Supervisors ("Board") approved County Contract No. 09-616 with Benz Sanitation ("Grantee") to provide for the collection of solid waste and other services (the "Franchise Agreement");

WHEREAS, on November 6, 2012 (Item No. 96), the Board approved Amendment No. 1 to the Franchise Agreement which amended Section 13.2 to clarify the methodology for the calculation of rates/Cost of Living Adjustment (COLA), allowed adjustments to be made in accordance with Section 13.2 when calculated in error, and updated the Exhibit "E" which sets the current rates for the franchise area;

WHEREAS, on June 18, 2013 (Item No. 70) the Board approved Amendment No. 2 to the Franchise Agreement which amended Section 4, Term;

WHEREAS, on November 19, 2013 (Item No. 35) the Board approved Amendment No. 3 to the Franchise Agreement which amended Section 4, Term;

WHEREAS, on November 18, 2014 (Item No. 71) the Board approved Amendment No. 4 to the Franchise Agreement revising Section 4 Term, Section 13.1 Compensation, and making other changes;

WHEREAS, on April 18, 2017 (Item No. 36) the Board approved Amendment No. 5 to the Franchise Agreement to sell and transfer assets of Grantee, Benz Sanitation, to USA Waste of California, Inc.;

WHEREAS, on June 9, 2020 (Item No. 76) the Board approved Amendment No. 6 to the Franchise Agreement which added Section 9.3(g), made revisions to Sections 12 and 13, and revised or replaced Exhibit "A" - Provided Services, Exhibit "A-1"- Services to be Provided, Exhibit "D" – Definitions, Exhibit "E" – Rates, Exhibits "G-1" through "G-4" - Example Rate Adjustment Formulas, Exhibit "G-5"- Example Rate Adjustment Formula, Exhibits "H-1" and "H-2" - Rate Adjustment Indices and Initial Cost Component Weightings for Residential, Commercial and Roll-Off Box Service, and the Exhibit "I"- Example Franchise Fee Calculation in order to include an Organic Waste Recycling Program;

WHEREAS, on December 13, 2022 (Item No. 91) the Board approved Amendment No. 7 to the Franchise Agreement which amended Sections 3 and 5, replaced Exhibit "B-1"- Map of Franchise Area, and replaced Exhibit "B-2"- Legal Description of Franchise Area in order to redefine the franchise area; and

WHEREAS, the County and the Grantee desire to amend specific sections of the Franchise Agreement to renew the Rate Adjustment Methodology in the better interests of the parties and the residents and businesses of the unincorporated areas of San Bernardino County located within County Franchise Area 21, and revise, replace, or add the following exhibits:

1. Revise Exhibits "G-1" through "G-4" – Example Rate Adjustment Formulas
2. Replace Exhibits "H-1" and "H-2" – Rate Adjustment Indices and Initial Cost Component Weightings for Residential, Commercial, and Roll-Off Box Service

NOW THEREFORE, the Franchise Agreement is amended as follows:

1. Section 18(h) is added as follows:

SECTION 18. OTHER PROVISIONS

- (h) **Electronic Signatures.** This Contract may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one (1) and the same Franchise Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Franchise Agreement (whether by facsimile, PDF or other mail transmission) signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Franchise Agreement upon request.
2. For "Exhibit G-1 Example Rate Adjustment Formula Applicable to Residential Barrel Rates in Non-Land Use Fee Areas," "Exhibit G-2 Example Rate Adjustment Formula Applicable to Residential Barrel, Residential Bin, and Multi-Family Bin Rates in Land Use Fee Areas Where There is No Landfill Disposal Component," "Exhibit G-3 Example Rate Adjustment Formula Applicable to Commercial Barrel and Commercial Bin Rates, Residential Bin Rates Where the Residential Refuse Bin Rates Include a Landfill Disposal Cost Component, and Multi-Family Bin Rates Where the Multi-Family Bin Refuse Rates Include a Landfill Disposal Cost Component," and "Exhibit G-4 Example Rate Adjustment Formula Applicable to Roll-Off Box Service Rate Categories," footnote (4) is deleted in its entirety and replaced with the following:

Footnotes

- (4) First year based on 2025 Exhibit H. After the first adjustment, this column comes from Column O of the previous year's rate adjustment worksheet.
3. Exhibit "H-1"- Rate Adjustment Indices and Initial Cost Component Weightings: Residential and Commercial Rate Adjustment Indices and Initial Cost Component Weightings and Exhibit "H-2"- Rate Adjustment Indices and Initial Cost Component Weightings: Roll-Off Box Service Rate Adjustment Indices and Initial Cost Component Weightings are deleted in their entirety and replaced with 2025 Exhibit "H," which is attached and incorporated by reference.
4. Except as amended herein, all other terms and conditions of the Franchise Agreement shall remain in effect.

IN WITNESS WHEREOF San Bernardino County and the Grantee have each caused this Amendment to be subscribed by its respective duly authorized officers on its respective behalf.

SAN BERNARDINO COUNTY

► *Dawn Rowe*
Dawn Rowe, Chair, Board of Supervisors

Dated: APR - 8 2025

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

By *Jennifer*
Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County


USA Waste of California, Inc.

(Print or type name of corporation, company, contractor, etc.)

By ► *Vladimir Beytelman*
(Authorized signature - sign in blue ink)

Name Vladimir Beytelman

(Print or type name of person signing contract)

Title Vice President and Assistant Secretary

(Print or Type)

Dated: 4/2/25

Address 9081 Tujunga Avenue

Sun Valley, CA 91352

2025 EXHIBIT H

RATE ADJUSTMENT INDICES AND INITIAL COST COMPONENT WEIGHTINGS

Residential and Commercial Services

Cost Category (1)	Component Weighting	
	Residential	Commercial
Landfill Disposal (2)	0.0%	0%
Fuel (3)	6.6%	6.6%
Service (4)	93.4%	93.4%
Other Operations	0.0%	0.0%
Total	100.0%	100.0%

- (1) If an index is discontinued, see Section 13.2(a).
- (2) Non-WDA per ton disposal rate at the San Bernardino County Disposal System.
- (3) Based on the fuel type used by the majority of the fleet that the Company operates in the franchise area, either: California No. 2 Diesel Ultra Low-Sulfur (0-15 ppm) Retail Prices (Dollars per Gallon), U.S. Energy Information Administration; or Natural Gas (CNG) Information Reported by Clean Cities, West Coast (Table 5 of quarterly report). The average index for the calendar year shall be for the data printed in the reports dated in January, April, July, and October of each calendar year.
- (4) Consumer Price Index for All Urban Consumers (CUURS49ASA0LE), Los Angeles-Long Beach-Anaheim, CA, All items less energy index.

Roll Off Services

Cost Category (1)	Component Weighting
Landfill Disposal Facility Fee Component	
Landfill Disposal (2)	100%
Operating Component	
Fuel (3)	6.6%
Service (4)	93.4%
Total	100.0%

- (1) If an index is discontinued, see Section 13.2(a).
- (2) Non-WDA per ton disposal rate at the San Bernardino County Disposal System.
- (3) Based on the fuel type used by the majority of the fleet that the Company operates in the franchise area, either: California No. 2 Diesel Ultra Low-Sulfur (0-15 ppm) Retail Prices (Dollars per Gallon), U.S. Energy Information Administration; or Natural Gas (CNG) Information Reported by Clean Cities, West Coast (Table 5 of quarterly report). The average index for the calendar year shall be for the data printed in the reports dated in January, April, July, and October of each calendar year.
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