

**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, Chair, Board of Supervisors

Dated: _____

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

Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

By _____
Deputy

USA Waste of California, Inc.

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

By

(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: _____

Address 9081 Tujunga Avenue

Sun Valley, CA 91352