

## **EIGHTH AMENDMENT TO AGREEMENT FOR TRANSFER SERVICES**

### **Agua Mansa MRF, LLC**

This Eighth Amendment to Agreement for Transfer Services (“Eighth Amendment”), is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF RIVERSIDE, a California charter city and municipal corporation (“City”) and AGUA MANSA MRF, LLC, a California Limited Liability Company, 9890 Cherry, Fontana, California (“Contractor”), with respect to the following facts:

### **RECITALS**

WHEREAS, City and Contractor’s predecessor in interest, Burrtec Waste Industries, Inc., (“Burrtec”) entered into that certain Agreement for Transfer Services dated January 8, 1997, (“Agreement”) wherein Burrtec agreed to construct and operate a waste transfer station (“Station”) and accept all waste for disposal collected by City and City’s contracted haulers; and

WHEREAS, on August 26, 1997, City and Burrtec entered into that certain First Amendment to Agreement for Transfer Services (“First Amendment”) wherein City consented to the transfer of ownership and management of the Agreement to Contractor; and

WHEREAS, on July 11, 2002, City and Contractor entered into that certain Second Amendment to Agreement for Transfer Services (“Second Amendment”) wherein the Agreement was amended to expand the scope of services to include the processing of residential recyclable materials; and

WHEREAS, on October 21, 2003, City and Contractor entered into that certain Third Amendment to Agreement for Transfer Services (“Third Amendment”) wherein the Agreement was amended to expand the scope of services to include the processing and disposal of residential greenwaste materials; and

WHEREAS, on December 1, 2004, City and Contractor entered into that certain Fourth Amendment to Agreement for Transfer Services (“Fourth Amendment”) wherein the Agreement was amended to expand the scope of services to include the facilitation of a free disposal day on the third Saturday of each month for City residents; and

WHEREAS, on May 18, 2009, City and Contractor entered into that certain Fifth Amendment to Agreement for Transfer Services (“Fifth Amendment”) wherein the month

utilized to calculate the annual CPI adjustment was changed from April to December, consistent with other City waste related agreements; and

WHEREAS, on July 1, 2009, City and Contractor entered into that certain Sixth Amendment to Agreement for Transfer Services (“Sixth Amendment”) to further amend the Agreement to 1) provide for the use of a land application process as an alternative to landfill disposal of Greenwaste and 2) to make the material available to the public for pick-up free of charge; and

WHEREAS, on November 29, 2012, the City and Contractor entered into that certain Seventh Amendment to Agreement for Transfer Services (“Seventh Amendment”) to allow the Contractor to request extraordinary cost adjustments, subject to City Council approval and adjust the costs provided for therein; and

WHEREAS, the City and Contractor desire to amend the Agreement to provide for a one-time extraordinary cost increase in accordance with the provisions of the Seventh Amendment.

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein by this reference, City and Contractor agree as follows:

1. Section 6 of the Agreement is amended to adjust the services rates for a one-time extraordinary cost adjustment to the Refuse Tip Fee, Green Waste Tip Fee, Food Waste Tip Fee as shown in Exhibit “A-8” attached hereto and incorporated herein. The cost adjustments herein shall be effective beginning January 1, 2019.

2. Section 6 of the Agreement is additionally amended in regards to the Consumer Price Index by replacing the reference to the Los Angeles-Anaheim-Riverside Standard Metropolitan Statistical Area with the Riverside-San Bernardino-Ontario Standard Metropolitan Statistical Area. All future adjustments shall be based on the Riverside-San Bernardino-Ontario Metropolitan Statistical Area.

3. Section 3 of the Seventh Amendment regarding curbside recyclables reimbursement is amended to include a one-time adjustment where the May 2018 through April 2019 cost factors are projected estimates and incorporated into the recyclables reimbursement calculation that shall be effective January 1, 2019 and retroactively adjusted for July through December 2018 as shown in Exhibit “B-8” attached hereto and incorporated herein. All future biannual adjustments to the curbside recyclables reimbursement rate shall be in accordance with

the provisions of Section 3 of the Seventh Amendment, including the next scheduled adjustment for July 1, 2019.

4. All terms and conditions of the Agreement and amendments thereto not inconsistent with this Eighth Amendment shall remain in full force and effect and are incorporated herein by this reference as if set forth in full.

IN WITNESS WHEREOF, City and Company have caused this Eighth Amendment to Agreement for Transfer Services between Agua Mansa MRF, LLC be duly executed on the day and year first above written.

CITY OF RIVERSIDE, a California charter city and municipal corporation

By: \_\_\_\_\_  
City Manager

Attest: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Ruthann M. Salera  
Deputy City Attorney

AGUA MANSA MRF, LLC  
a California limited liability company

By: \_\_\_\_\_  
Cole Burr, President  
Name and Title

By: \_\_\_\_\_  
Tracy A. Sweeney, COO/VP  
Name and Title

CERTIFIED AS TO FUNDS AVAILABILITY:

BY: \_\_\_\_\_  
Chief Financial Officer/ City Treasurer

EXHIBIT "A-8"

Agua Mansa MRF, LLC  
Robert A. Nelson Transfer Station  
July 1, 2018

**Refuse Tip Fee Adjustment**

<b>Components</b>	<b>Current Rate/Ton</b>	<b>July 1, 2018 Rate/Ton</b>
Service	\$ 14.55	\$ 14.55
CPI		0.53 (1)
Cost Adjustment		3.59
Adjusted Service		<u>\$ 18.67</u>
Disposal	\$ 29.08	\$ 30.13 (2)
Total	<u>\$ 43.63</u>	<u>\$ 48.80</u>

(1) Based on Los Angeles-Riverside-Orange County,  
All Urban Consumers CPI at December 2017 of 3.61%.

(2) County's Disposal Fee estimated to increase by 3.61% .

Agua Mansa MRF, LLC  
Robert A. Nelson Transfer Station  
July 1, 2018

**Green Waste Tip Fee Adjustment  
City of Riverside**

<u>Components</u>	Current Rate/Ton	July 1, 2018 Rate/Ton
Service	\$ 29.78	\$ 29.78
CPI		1.08 (1)
Cost Adjustment		2.48
Adjusted Service		\$ 33.34
Land Application/Disposal	\$ 6.24	\$ 6.24
CPI		0.23 (1)
Compost/ADC		8.79
Adjusted Land Ap./Disposal		\$ 15.26
Total	<u><u>\$ 36.02</u></u>	<u><u>\$ 48.60</u></u>
Memo: Out of County	\$ 36.52	\$ 49.10

(1) Based on Los Angeles-Riverside-Orange County,  
All Urban Consumers CPI at December 2017 of 3.61%.

Agua Mansa MRF, LLC  
Robert A. Nelson Transfer Station  
July 1, 2018

**Food Waste Tip Fee Adjustment**

<b>Components</b>	<b>Current Rate/Ton</b>	<b>July 1, 2018 Rate/Ton</b>
Disposal	\$ 70.56	\$ 70.56
CPI		2.55 (1)
<b>Total</b>	<b>\$ 70.56</b>	<b>\$ 73.11</b>

(1) Based on Los Angeles-Riverside-Orange County,  
All Urban Consumers CPI at December 2017 of 3.61%.

Exhibit "B-8"

Burrtec Waste Industries, Inc.

**Recycling Reimbursement Rate**

City of Riverside

July 2018

	<u>July 1, 2017</u> (Per Ton)	<u>Incr./(Decr.)</u> (Per Ton)	<u>July 1, 2018</u> (Per Ton)
Reimbursement Rate	\$ 12.27	\$ (4.92)	\$ 7.35

	Percentage Inc / (Dec)	Weight	Percent Amount
Mixed Paper (2)	(57.94)%	33.33%	(19.31)%
OCC (11)	(9.49)%	33.33%	(3.16)%
ONP (8)	(52.90)%	33.33%	(17.63)%
Total			<u><u>(40.11)%</u></u>

## Burrtec Waste Industries, Inc.

**Recycling Reimbursement Rate**

City of Riverside

July 2018

<u>Month</u>	<u>Mixed Paper (2)</u>	<u>OCC (11) (Cardboard)</u>	<u>ONP (8) (Newspaper)</u>
May-15	107	150	118
Jun-15	118	165	127
Jul-15	118	166	128
Aug-15	114	157	122
Sep-15	114	162	120
Oct-15	112	157	117
Nov-15	105	152	109
Dec-15	98	147	101
Jan-16	87	139	91
Feb-16	86	138	102
Mar-16	94	147	110
Apr-16	107	149	115
May-16	115	144	120
Jun-16	119	146	125
Jul-16	125	158	132
Aug-16	142	178	152
Sep-16	126	155	146
Oct-16	125	163	143
Nov-16	135	173	148
Dec-16	149	180	156
Jan-17	156	191	164
Feb-17	166	218	177
Mar-17	176	246	182
Apr-17	102	200	112
24-month average	120.67	165.88	129.88
<u>Month</u>			
May-17	104	205	112
Jun-17	131	242	138
Jul-17	150	247	157
Aug-17	133	233	144
Sep-17	105	193	115
Oct-17	70	123	88
Nov-17	80	180	114
Dec-17	70	185	120
Jan-18	60	180	110
Feb-18	40	150	95
Mar-18	20	120	20
Apr-18	15	105	15
May-18	*	20	20
Jun-18	*	20	20
Jul-18	*	20	20
Aug-18	*	20	20
Sep-18	*	20	20
Oct-18	*	20	20
Nov-18	*	20	20
Dec-18	*	20	20
Jan-19	*	20	20
Feb-19	*	20	20
Mar-19	*	20	20
Apr-19	*	20	20
24-month average	50.75	150.13	61.17
Percent Change	(57.94)%	(9.49)%	(52.90)%
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* Estimated using March 2018 values			