

Reso 2009-02
see Solid Waste Section

**AMENDMENT TO
EXCLUSIVE LICENSE AGREEMENT FOR RECYCLING**

This Amendment to the Exclusive License Agreement For Recycling ("Agreement") dated March 3, 1998 ("Amended Agreement") is made and entered into this 5th day of FEB, 2009, by and between the City of Suisun City ("City") and Solano Garbage Company ("Licensee") (collectively, "the Parties").

1. New Residential Recycling Containers: Section 2 (J) of the Agreement is deleted in its entirety and replaced with the following:

"Recycling Receptacles" shall mean a nominal 65-gallon container with wheels provided by Licensee in accordance with paragraph 5 of this Agreement."

2. Extended Term: Section 15 of the Agreement is amended to extend the term of the Agreement from December 31, 2018 to December 31, 2023.

3. Revised Rate Adjustments: The existing Exhibit A, entitled "Recycling Charge Annual Adjustment Computation" is hereby deleted in its entirety and replaced with a new Exhibit A, as presented in Attachment I of this Amendment.

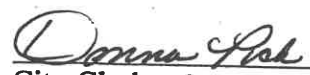
4. All other terms and conditions of the Agreement shall remain in full force and effect.

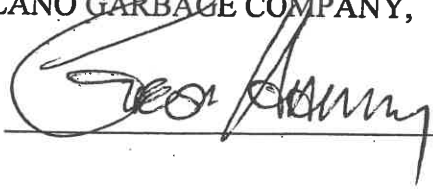
IN WITNESS WHEREOF, the Parties hereto have executed this Amended Agreement as of the day and year first above written.

CITY OF SUISUN CITY,
A municipal corporation

ATTEST:

By: 
Suzanne Bragdon, City Manager


City Clerk, *DEPUTY*

SOLANO GARBAGE COMPANY,
By: 

Attachment I: Exhibit A: Recycling Charge Annual Adjustment Computation.

EXHIBIT A

RECYCLING CHARGE ANNUAL ADJUSTMENT COMPUTATION

1. Effective January 1, 2009, the monthly rate to be charged by Licensee for residential recycling service provided within the geographic boundaries of the City shall be \$3.45, exclusive of the City's AB 939 fee.
2. During the term of this Agreement, on each January 1st, Licensee shall submit to the Director of Finance of the City of Suisun City the new monthly recycling charge adjusted by the following computations, in order:
 - a. Compute the percentage change in the San Francisco-Oakland Metropolitan Area Consumer Price Index for All Urban Consumers (CIP-U) for the month of April of the preceding year.
 - b. Adjust the rate previously established according to this section by the adjustment factor calculated pursuant to subdivision (a), the rate to be rounded up or down to the nearest \$0.05.
3. All sales of recyclables under the License Agreement shall inure to the benefit of the recycling program. After review of the annual audit, both Parties may open rate adjustment discussions if a significant change in revenue increases or decreases would affect the recycling rate.
4. Throughout the term of this Agreement, all fees and charges being collected by Licensee relating to governmental costs (e.g. AB 939 Fee) shall be adjusted separately based on the governmental costs at issue. It is understood and agreed that the Licensee is acting as an agent to ensure collection and payment of such fees and charges, and any changes in such fees and charges are not intended to alter the compensation to be received by Licensee for any services Licensee provides pursuant to this Agreement.
5. At the commencement of service pursuant to this Agreement, the City AB 939 Fee to be charged by Licensee for residential service provided within the geographic boundaries of the City shall be as follows: \$0.25 per residence per month.
6. Within three years from the effective date of this Agreement, the Parties agree to review recycling efforts and the rate structure as it relates to Municipal Solid Waste and Recycling. Such review shall take into consideration any legislative or regulatory changes and the potential need to modify the City's solid waste collection charges to facilitate recycling efforts.
7. Notwithstanding Section 6 of this Exhibit, at any time during the Term of this Agreement that the County of Solano, State of California or federal government imposes regulations not anticipated by this Agreement, the Parties shall meet and confer to determine modifications to this Agreement to address such regulatory changes, if any.