

1 FIRST AMENDMENT TO NON-EXCLUSIVE FRANCHISE AGREEMENT NO. 32130

2 **32130**

3 THIS FIRST AMENDMENT TO NON-EXCLUSIVE FRANCHISE
4 AGREEMENT NO. 32130 ("Amendment") is made and entered into this day 14th day of
5 November, 2013 ("Effective Date"), by and between the CITY OF LONG BEACH, a
6 municipal corporation, with its principal place of business located at 333 West Ocean
7 Blvd., Long Beach, California 90802 ("City"), and SERV-WEST DISPOSAL COMPANY
8 DBA OLYMPIC DISPOSAL COMPANY, a California corporation with its principal place of
9 business located at 116 W. Maynard Rd., Montebello, California 90640 ("Franchisee").
10 City and Franchisee may be referred to herein individually as a "Party" or collectively as
11 the "Parties" or the "Parties to this Agreement".

12 **RECITALS**

13 WHEREAS, the City is responsible for the protection of public health and
14 safety of its citizens, including the collection and transportation of municipal solid waste,
15 the diversion of municipal solid waste from landfills and conservation of natural resources
16 and energy, and has therefore undertaken a nonexclusive franchise system of
17 commercial refuse hauling; and

18 WHEREAS, the Parties desire to comply with clean-air standards and
19 improve traffic congestion and, where possible, reduce the contaminants from solid waste
20 collection vehicles that create air pollution; and

21 WHEREAS, the City is authorized by its City Council to extend the contract
22 terms of franchised refuse haulers who have complied with the City's requirement of
23 operating an all alternative-fuel fleet of refuse collection vehicles by October 1, 2013; and

24 WHEREAS, pursuant to Section 3.1.2 of Agreement No. 32130, the Parties
25 now desire to amend the Agreement to extend the Term by two (2) years;

26 NOW, THEREFORE, in consideration of the mutual promises, covenants,
27 guaranties and conditions contained in the Agreement and in this Amendment, the
28 Parties agree as follows:

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 1. Section 3.1 of Agreement No. 32130 is amended to read as follows:

2 "3.1. Term. Unless this paragraph is subsequently modified by a written
3 amendment to this Agreement, the term of this Agreement will begin on the Effective
4 Date and terminate at the end of day on September 30, 2018, the ninth (9th) anniversary
5 of the Effective Date, unless sooner terminated as provided elsewhere in the Agreement."

6 2. Except as expressly amended in this First Amendment, all terms and
7 conditions in Agreement No. 32130 are ratified and confirmed and shall remain in full
8 force and effect.

9 IN WITNESS WHEREOF, the parties have caused this document to be
10 executed with all formalities required by law as of the last date indicated below:

11 SERV-WEST DISPOSAL COMPANY DBA
12 OLYMPIC DISPOSAL COMPANY, a
California corporation

13 December 2, 2013

By Rodney Harabedian
Name RODNEY HARABEDIAN
Title V.P. of OPERATIONS

14 _____, 2013

By _____
Name _____
Title _____

"Franchisee"

CITY OF LONG BEACH, a municipal
corporation

18 2-18 2013
19 _____ 14

By [Signature] **Assistant City Manager**
City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

"City"

20 This First Amendment to Non-Exclusive Franchise Agreement No. 32130 is
21 approved as to form on 1-24, 2014.

22 CHARLES PARKIN, City Attorney

23 By [Signature]
24 Deputy