

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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

2 **32130**

3 THIS FOURTH AMENDMENT TO NON-EXCLUSIVE FRANCHISE
4 AGREEMENT NO. 32130 is made and entered as of July 11, 2022, for reference purposes
5 only, pursuant to a minute order adopted by the City Council of the City of Long Beach at
6 its meeting on August 13, 2019, by and between CR&R INCORPORATED, a California
7 corporation ("Franchisee"), with a place of business at 12739 Lakeland Road, Santa Fe
8 Springs, California 90670, and the CITY OF LONG BEACH, a municipal corporation
9 ("City").

10 WHEREAS, the City is responsible for the protection of public health and
11 safety of its citizens, including the collection and transportation of municipal solid waste,
12 the diversion of municipal solid waste from landfills and conservation of natural resources
13 and energy, and may provide and regulate private solid waste handling, as defined by
14 Public Resources Code section 40195, and solid waste disposal, as defined by Public
15 Resources Code section 40192, by private refuse haulers for commercial and multi-family
16 residential buildings in the City in order to fulfill those obligations; and

17 WHEREAS, City and Serv-West Disposal Company dba Olympic Disposal
18 Company entered into Agreement No. 32130 (the "Agreement") whereby Franchisee
19 agreed to provide integrated waste management services for commercial and multi-family
20 establishments in the City of Long Beach for an initial period of seven (7) years; and

21 WHEREAS, in accordance with the Agreement, since Franchisee provided
22 proof that one hundred percent (100%) of the vehicles used by Franchisee to haul refuse
23 in the City were Alternative Fuel Vehicles by October 1, 2013, the Agreement authorized a
24 two (2) year extension to the term; and

25 WHEREAS, the Parties entered into a First Amendment to the Agreement to
26 extend the term to September 30, 2018; and

27 WHEREAS, the Parties entered into a Second Amendment to the Agreement
28 to extend the term to September 30, 2019; and

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1 WHEREAS, CR&R Incorporate acquired ~~United Pacific Waste, Inc.,~~ formerly
2 known as Serv-West Disposal Company dba Olympic Disposal Company and entered into
3 an Agreement dated February 1, 2019, relating to the operation of the refuse-hauling
4 business in the City of Long Beach; and

5 WHEREAS, on August 13, 2019, the City Council authorized an extension,
6 which allowed haulers to provide service through September 30, 2022, with two (2)
7 additional one-year extensions at the City Manager's discretion; and

8 WHEREAS, the Parties entered into a Third Amendment to the Agreement
9 to extend the term to September 30, 2022, and update the required operational standards;
10 and

11 WHEREAS, the Parties desire to utilize their first option to extend the term
12 one additional one-year period;

13 NOW, THEREFORE, in consideration of the mutual terms, covenants, and
14 conditions herein contained, the Parties agree as follows:

15 1. Section 3.1 of the Agreement is hereby amended to read as follows:

16 "3.1. Term. Unless this paragraph is subsequently modified by a written
17 amendment to this Agreement, the term of this Agreement will begin on the Effective Date
18 and terminate at the end of day on September 30, 2023, unless sooner terminated as
19 provided elsewhere in the Agreement. The Agreement may be extended for one (1)
20 additional one-year period, at the discretion of the City Manager."

21 2. Except as expressly modified herein, all of the terms and conditions
22 contained in Agreement No. 32130 are ratified and confirmed and shall remain in full force
23 and effect.

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IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

CR&R INCORPORATED, a California corporation

_____, 2022

By *[Signature]*
Name CLIFF RONNENBERG
Title CHAIRMAN

_____, 2022

By _____
Name _____
Title _____

"Franchisee"

CITY OF LONG BEACH, a municipal corporation

February 2, ²⁰²³ 2022

By *Linda F. Jatum*
City Manager

"City"

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

This Fourth Amendment to Non-Exclusive Franchise Agreement No. 32130 is approved as to form on NOVEMBER 17, 2022.

CHARLES PARKIN, City Attorney

By *[Signature]*
Deputy

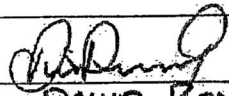
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IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

CR&R INCORPORATED, a California corporation

_____, 2022 By _____
Name _____
Title _____

_____, 2022 By 
Name DAVID PENNINGTON
Title PRESIDENT

"Franchisee"

CITY OF LONG BEACH, a municipal corporation

_____, 2022 By _____
City Manager

"City"

This Fourth Amendment to Non-Exclusive Franchise Agreement No. 32130 is approved as to form on _____, 2022.

CHARLES PARKIN, City Attorney

By _____
Deputy