

**FIFTH AMENDMENT TO SOLID WASTE COLLECTION SERVICES AGREEMENT
BETWEEN THE CITY OF SANTA ROSA AND RECOLOGY SONOMA MARIN, DBA
RECOLOGY SANTA ROSA**

This Fifth Amendment to the Solid Waste Collection Services Agreement (“Amendment”) is made and entered into this _____ day of _____, 2023 (the “Effective Date”), by and between Recology Sonoma Marin d/b/a Recology Santa Rosa, a California corporation (“CONTRACTOR”), and the City of Santa Rosa, a municipal corporation (“CITY”).

RECITALS

A. CITY and CONTRACTOR are parties to that certain Solid Waste Collection Services Agreement dated August 29, 2017 (the “Agreement”).

B. CITY and CONTRACTOR entered into the First Amendment to the Agreement to implement a low-income discount program.

C. CITY and CONTRACTOR entered into the Second Amendment to the Agreement to change refuse rate indices and revise the time period used to determine rate adjustments.

D. CITY and CONTRACTOR entered into a Third Amendment to the Agreement to add service rates to Exhibit 1, reallocate several operating costs in the Refuse Rate Index in Exhibit 2, and correct typographical errors in Section 10.07.13.2 and inadvertent omissions from Section 13.04.

E. CITY and CONTRACTOR entered into a Fourth Amendment to the Agreement to comply with SB 1383 Regulations and implement a 3-container organic waste collection service.

F. CITY and CONTRACTOR wish to change the refuse rate index methodology used to determine rate adjustments.

NOW, THEREFORE, the parties agree as follows:

1. Exhibit 2-B to the Agreement is replaced by Exhibit 2-C to this Amendment.
2. Sections 4.03.2, 4.03.3, 4.03.4, 4.03.5 of the Agreement are hereby deleted in their entirety and replaced with the following:

“Section 4.03.2-4.03.5 [RESERVED].”

///

IN WITNESS WHEREOF, THE PARTIES ACKNOWLEDGE THAT THEY HAVE READ THIS AMENDMENT, UNDERSTAND IT, AND AGREE TO BE BOUND BY ITS TERMS. EACH PARTY HAS FULL POWER AND AUTHORITY TO ENTER INTO AND PERFORM THIS AMENDMENT, AND THE PERSON SIGNING THIS AMENDMENT ON BEHALF OF EACH HAS BEEN PROPERLY AUTHORIZED AND EMPOWERED TO ENTER INTO THIS AMENDMENT.

Executed as of the day and year first above stated.

City of Santa Rosa,
a municipal corporation

Recology Sonoma Marin,
a California corporation

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Approved as to form:

Office of City Attorney

Attest:

City Clerk

Attachments:

Exhibit 2-C – City of Santa Rosa Collection Element Adjustment Methodology

Exhibit 2-C
City of Santa Rosa, CA
COLLECTION ELEMENT ADJUSTMENT METHODOLOGY

Refuse Rate Index (RRI) Financial Statement Format

<u>Operating Costs</u>	<u>Description</u>
Labor:	List all administrative, officer, operation and maintenance salary accounts, and pension, health insurance, workers' compensation, and temporary labor & subcontractor costs. List payroll tax accounts directly related to the above salary accounts.
Diesel Fuel:	List all diesel fuel costs.
CNG Fuel:	List all CNG fuel costs.
Vehicle Replacement:	List all collection and collection related vehicle depreciation accounts. List all vehicle lease or rental accounts related to collection or collection related vehicles.
Vehicle Maintenance:	List all collection or collection related vehicle parts accounts.
MSW Disposal Fee:	Garbage landfilling expense at the Sonoma County Landfill using the tonnages multiplied by the applicable disposal rate charged by the landfill facility.
Organics Disposal Fee:	Organics Disposal Fee at the approved processing facility using the tonnages multiplied by the applicable processing rate charged by the composting facility.
Recycling Material Revenue:	Recycling material revenue using the RISI Official Board Market Index: Old Corrugated Containers (11), Export from US to Asia, FAS Oakland, US SF/Oakland.
All Other:	List all other expense accounts related to the services provided under this Agreement. This category includes general liability insurance, fire insurance, truck damage insurance; rent on property, truck licenses and permits; real and personal property taxes; telephone and other utilities; employee uniforms; safety equipment; general yard repairs and maintenance; office supplies; postage; trade association dues and subscription; advertising; profit sharing contributions; regulatory expenses; overhead allocations; professional services and miscellaneous other expenses.

Exhibit 2-C
City of Santa Rosa, CA
COLLECTION ELEMENT ADJUSTMENT METHODOLOGY

The "Refuse Rate Index" adjustment to the Service Recipient Rates shall be calculated in the following manner:

1. The expenses of providing Collection Services in the Service Area for the designated fiscal period shall be prepared in the format set forth in the RRI Financial Statement Format on the previous page of this Exhibit.
2. The expenses of providing Collection Services in the Service Area shall be broken down into one of the following nine cost categories: Labor; Diesel Fuel; CNG Fuel; Vehicle Replacement; Vehicle Maintenance, MSW Disposal Fee, Organics Disposal Fee, Recycling Material Revenue, and All Other. Each cost category is assigned a weighted percentage factor on that cost category's proportionate share of the total of the costs shown for all cost categories.
3. The following indices are used to calculate the adjustment for each cost category. The percentage change in each index is calculated based on the percentage change in twelve-month annual averages, from July of the prior year through June of the current year as set forth in the Agreement.

<u>Cost Category</u>	<u>Index</u>
Labor:	Series ID: cis201s000000000i Service-Producing Industries
Diesel Fuel:	California No 2 Diesel Ultra Low Sulfur (0-15 ppm). Currently provided at the following web address: http://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=p&s=emd_epd2dxl0_pte_sca_dpg&f=m
CNG Fuel:	PG&E Schedule G-NGV2 – Compressed Gas for Motor Vehicles. Currently provided at the following web address: http://www.pge.com/notes/rates/tariffs/GRF.SHTML
Vehicle Replacement:	Series ID: pcu336211336211 truck, bus, car and other vehicles bodies, for sale separately
Vehicle Maintenance:	Series ID: pcu3339243339243 parts and attachments for industrial work trucks
MSW Disposal Fee:	The per-Ton tip fee charged at the Approved Disposal Site (Sonoma County Landfill).
Organics Disposal Fee:	The per-Ton tip fee charged at the Approved Disposal Site (Sonoma County Landfill).
Recycling Material Revenue:	RISI Official Board Market Index: Old Corrugated Containers (11), Export from US to Asia, FAS Oakland, US SF/Oakland.
All Other:	Series ID: cuurs49bsa0 not Seasonally Adjusted, All Items, All Urban Consumers (CPI-U) for San Francisco-Oakland-Hayward, California.

The percentage weight for each cost category is multiplied by the change in each appropriate index to calculate a weighted percentage for each cost category. The weighted percentage changes for each cost category are added together to calculate the Refuse Rate Index.