

WASTE DISPOSAL AGREEMENT
BETWEEN
THE COUNTY OF SAN BERNARDINO, CALIFORNIA
AND
THE CITY OF COLTON
DATED: May 12, 1998

County Authorization Date:

City Authorization Date:

County Notice Address:

Solid Waste Management Division
222 Hospitality Lane, 2nd Floor
San Bernardino, CA 92415-0017

City Notice Address:

Emergency Contact:

Gerry Newcombe
Deputy Administrative Officer
(909) 386-8703

Emergency Contact:

AMENDMENT NO. 4 TO THE
WASTE DISPOSAL AGREEMENT

On May 12, 1998 the City of Colton ("City") and the County of San Bernardino ("County") entered into a Waste Disposal Agreement ("WDA"). The parties hereby amend the WDA, on the Effective Date as provided herein, by their respective execution of this agreement (hereinafter "Amendment").

Recitals.

- A. Following the adoption of the WDA, changes in law occurred relating to the length of the required notice to be given prior to the adoption of certain fees.
- B. Recently, the County has adopted a new policy of enacting its revised fees earlier in the calendar year.
- C. Based on the forgoing, it will assist both the City and the County if the annual cost of living adjustment to the Contract Rate, provided for in Section 4.2(B) of the WDA, is calculated earlier in a given calendar year. To accomplish this goal, the parties have agreed in this Amendment to adjust the dates used to establish the change in the cost of living to an earlier date, thus allowing the earlier calculation of the required annual cost of living adjustment.
- D. While this Amendment changes the date of the calculation of the change in the cost of living, it does not change the date that such change is effective. The change in the Contract Rate to reflect the annual cost of living adjustment will continue to be effective on July 1 of each year.

NOW THEREFORE, in consideration of the forgoing recitals and the following covenants and promises the parties agree as follows:

1. Amended Section 4.2(B) of the WDA. Section 4.2(B) of the WDA is amended to read:

(B) Calculation of Escalation. For purposes of Section 4.2(A)(ii), the Contract Rate shall be adjusted in accordance with the formula described in this Section each July 1 during the term hereof, commencing July 1, 1999. The adjustment shall be calculated in accordance with the following formula:

Contract Rate = Fixed Portion + [Escalating Portion x Index]

Where,

Fixed Portion = \$10.87

Escalating Portion = \$17.63

Index = Price Index, which shall be determined in accordance with the following formula:

I = .7[PPI₁/PPI₂] + .3[EI₁/EI₂]

PPI_1 = The Producer Price Index, Industrial Commodities, as published by the United States Department of Labor Statistics in the publication Producer Price Indices, Table 6, for the month of February in the year the adjustment is being made (e.g., the first adjustment will use the February, 1999 value)

PPI_2 = Producer Price Index, Industrial Commodities for the month of February, 1998

EI_1 = Employment Cost Index, Compensation, Private Industry Workers, as published by the United States Department of Labor Statistics in the publication Monthly Labor Review, Table 22, for the last quarter of the year preceding the year the adjustment is being made (e.g., the first adjustment will use the last quarter, 1998 value)

EI_2 = Employment Cost Index, Compensation, Private Industry Workers established for the last quarter of 1997

The adjustment effective on July 1, 2011, and all subsequent adjustments, will be calculated as provided above, except that the parameters of the Index (i.e., I) shall be defined as follows:

PPI_1 = The Producer Price Index, Industrial Commodities Commodity Data, as published at the United States Department of Labor, Bureau of Labor Statistics web site, Series ID WPU03 thru15 for the month of September in the year prior to the year for which the adjustment is being made (e.g., the adjustment effective July 1, 2011 will use the September 2010 value)

PPI_2 = Producer Price Index, Industrial Commodities Commodity Data for the month of September, 1997

EI_1 = Employment Cost Index, Total Compensation, Private Industry All Workers, as published at the United States Department of Labor, Bureau of Labor Statistics web site, Series ID: CIU2010000000000I for the last quarter of the year preceding the year for which the adjustment is being made (e.g., the adjustment effective July 1, 2011 will use the third quarter, 2010 value)

EI_2 = Employment Cost Index, Compensation, Private Industry All Workers, as published at the United States Department of Labor, Bureau of Labor Statistics web site, Table 3, established for the third quarter of 1997

If at any time either the Employment Cost Index or the Producer Price Index is no longer published, or are otherwise unavailable, then the Cost of Living Adjustment shall be determined by using standard official statistics measuring changes to, respectively, labor costs and cost of materials, as the parties shall mutually agree.

[illegible]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

CITY OF COLTON

COUNTY OF SAN BERNARDINO

By: _____

By: _____
_____, Chairman, Board of Supervisors

Name: _____
Print Name

Title: _____

Date: _____

Date: _____

ATTEST:

SIGNED AND CERTIFIED THAT A COPY OF
THIS CONTRACT HAS BEEN DELIVERED TO
THE CHAIRMAN OF THE BOARD

Clerk of the Board of Supervisors
Of the County of San Bernardino

By: _____
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY

APPROVED AS TO FORM:
COUNTY COUNSEL SAN BERNARDINO
COUNTY, CALIFORNIA

By: _____

By: _____

Date: _____

Date: _____

EXHIBIT A

CITIES/TOWNS WITH A WASTE DELIVERY AGREEMENT WITH THE COUNTY OF SAN BERNARDINO

1. ADELANTO
2. APPLE VALLEY
3. BARSTOW
4. BIG BEAR LAKE
5. COLTON
6. FONTANA
7. GRAND TERRACE
8. HESPERIA
9. HIGHLAND
10. LOMA LINDA
11. RIALTO
12. SAN BERNARDINO
13. TWENTYNINE PALMS
14. VICTORVILLE
15. YUCAIPA
16. YUCCA VALLEY