

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

131



FROM: Waste Management Department

SUBMITTAL DATE:
November 17, 2011

SUBJECT: Franchise Area 13 - Assignment of the Exclusive Waste Delivery Agreement

RECOMMENDED MOTION: That the Board approve the assignment of the Exclusive Waste Delivery Agreement for Franchise Area 13 with Palo Verde Valley Disposal to CR&R, Incorporated, and authorize the Chairman to sign Amendment No. 1

BACKGROUND: The County entered into the Exclusive Waste Delivery Agreement for Franchise Area 13 with Palo Verde Valley Disposal on October 14, 1997 and amended said agreement on April 10, 2001. The Environmental Health Department received notice from CR&R, Inc., on October 3, 2011, announcing the pending sale of Palo Verde Valley Disposal and transfer of the company's assets to CR&R, Inc. The Environmental Health Department completed the review required for the transfer of a County franchise to a new franchisee and recommended County approval of the transfer of Franchise Area 13 to CR&R, Inc., which the Board agreed to on Tuesday, November 1, 2011. Though separate agreements, the County and the franchise haulers have understood that the Franchise Agreements and the Exclusive Waste Delivery Agreements represent the full and entire agreement between the parties. The assignment of the Waste Delivery Agreement is, therefore, tied to the transfer of the related Franchise Agreement for Area 13. CR&R, Inc., is in compliance with other Exclusive Waste Delivery Agreements it has with the County, and staff recommends assignment of the Franchise Area 13 Exclusive Waste Delivery Agreement to the company.


Hans W. Kernkamp, General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: 
Michael R. Shetler

County Executive Office Signature

Prev. Agn. Ref.: 10.1 (10/14/97); 10.2 (4/10/01); 2.10 (11/1/11) **District:** 4 **Agenda Number:**

12.1

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY: 
NEAL R. KIPNIS
DATE: 11/17/11
Departmental Concurrence

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

**AMENDMENT NO. 1
TO EXCLUSIVE WASTE DELIVERY AGREEMENT
(Franchise Area 13)**

The Riverside County Waste Resources Management District, now the County of Riverside ("County"), and Palo Verde Valley Disposal Service ("Collector") entered into an Exclusive Waste Delivery Agreement dated October 14, 1997 and a First Amended Exclusive Waste Delivery Agreement dated April 10, 2001 (both collectively referred to as the "Agreement"). Collector now requests to assign the Agreement to CR&R Incorporated ("CR&R"); and County concurs with this request.

The parties to this amendment hereby agree as follows:

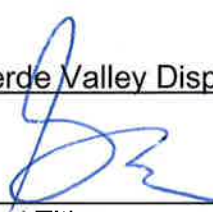
1. Collector assigns the Agreement to CR&R, including all rights and obligations under the Agreement which shall now be assumed by CR&R. CR&R agrees to this assignment.
2. As between Collector and County, Collector shall not be relieved from any obligations it has under or related to the Agreement: (a) as of the date of this assignment; or (b) that may accrue subsequently and which County is not currently aware of.
3. This amendment shall be effective on the date it is signed by the last party.
4. All other terms of the Agreement shall remain unchanged and in effect.

COUNTY

By: _____
Bob Buster, Chairman of the Board of Supervisors


Dated: _____

Palo Verde Valley Disposal

By:  _____ (Notary attached)
Name and Title:
Gordon W. Beers, Pres

Dated: 11-7-11

CR&R Incorporated

By:  _____ (Notary attached)
Name and title: David E. Fabrian
Division President

Dated: 11/11/11

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 11/7/11
NEAL R. KIPNIS

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On 11-7-11 before me, DAVID J. KEHL, NOTARY PUBLIC

Date

Here Insert Name and Title of the Officer

personally appeared GORDON BEERS

Name(s) of Signer(s)

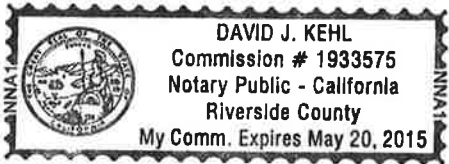
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature [Signature]

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: AMENDMENT TO WASTE DELIVERY AGREEMENT

Document Date: 11-7-11

Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange }

On 11/11/11 before me, Kim U. Nguyen
Date Here Insert Name and Title of the Officer

personally appeared David Erich Fabrian
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Amendment No. 1 to Exclusive Waste Delivery Agreement

Document Date: 11/11/11 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____