

**AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT
FOR COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE BETWEEN
THE CITY OF LAS VEGAS AND REPUBLIC SILVER STATE DISPOSAL, INC. AND
REPUBLIC DUMPCO, INC.**

THIS AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT FOR COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE BETWEEN THE CITY OF LAS VEGAS AND REPUBLIC SILVER STATE DISPOSAL, INC. AND REPUBLIC DUMPCO, INC. ("First Amendment") is made and entered into on this 21st day of August, 2019 (the "Effective Date") by and between City of Las Vegas, a municipal corporation of the State of Nevada, (hereinafter referred to as "City"), Republic Silver State, Inc., a Nevada corporation d/b/a Republic Services of Southern Nevada ("Franchisee") and Republic Dumpco, Inc., a Nevada Corporation ("Dumpco"). The City, Franchisee and Dumpco may be referred to herein singularly as a "Party" or collectively as the "Parties."

RECITALS

WHEREAS, the Parties entered into that certain Franchise Agreement for Collection, Transportation And Disposal Of Solid Waste Between The City Of Las Vegas And Republic Silver State Disposal, Inc. And Republic Dumpco, Inc. dated April 5, 2017 (the "FA");

WHEREAS, in July 2019, Franchisee requested certain modifications to the FA to clarify the existing procedure whereby the Franchisee may request from the City a rate increase for unforeseen economic circumstances;

WHEREAS, Section 33(B) of the FA permits modification of the FA if such amendment is approved by the Las Vegas City Council and the Franchisee;

WHEREAS, this First Amendment encompasses the specific amendments to the FA.

NOW, THEREFORE, IN CONSIDERATION OF THE RECITALS ABOVE, AND INCORPORATED HEREIN, AND THE MUTUAL OBLIGATIONS OF THE PARTIES EXPRESSED HEREIN, THE PARTIES AGREE TO MODIFY THE FA AS FOLLOWS:

AGREEMENT

A. AMENDMENT

1. Current Language. Section 16(C) of the FA on page 41 currently reads as follows (for illustrative purposes only, the language removed is indicated by a strike-through line):

(C) In the event that an unforeseen economic circumstance has occurred, Franchisee may request a rate adjustment that is not based on CPI-U changes. Franchisee shall submit verification of the unforeseen economic circumstance in writing to the City Manager with documentation supporting the rate increase request. The City may require Franchisee to provide, at Franchisee's expense, a certified audit of the books and records of account of Franchisee if the City determines that such an audit is required to substantiate the request for a rate increase. ~~Any rate adjustment based upon an unforeseen economic circumstance will require an amendment of this Franchise Agreement and the Code.~~

...

2. New Amendment. The current 16(C) as indicated at A(1) above, is hereby stricken in its entirety, and replaced in its entirety with 16(C), below (for illustrative purposes only, the new language is underlined):

(C) In the event that an unforeseen economic circumstance has occurred, Franchisee may request a rate adjustment that is not based on CPI-U changes. Franchisee shall submit verification of the unforeseen economic circumstance in writing to the City Manager with documentation supporting the rate increase request. The City may require Franchisee to provide, at Franchisee's expense, a certified audit of the books and records of account of Franchisee if the City determines that such an audit is required to substantiate the request for a rate increase. Any rate adjustment based upon an unforeseen economic circumstance will require approval of the City Council, and if such rate adjustment is approved by the City Council, the rates adjusted upward are not required to be updated in Chapter 9.08 of the Code and the City may post adjusted rates on its website.

B. EFFECT OF THIS AMENDMENT UPON THE FRANCHISE AGREEMENT

Except for the explicit amendment of the FA provided at A(2), above, all other terms, conditions and obligations of the Parties to the FA remain the same.

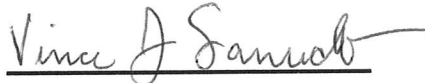
EXECUTED, this First Amendment, to be effective on the date specified above.

CITY OF LAS VEGAS, NEVADA

REPUBLIC SILVER STATE DISPOSAL, INC.

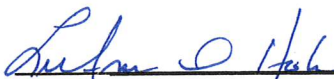
a Nevada corporation

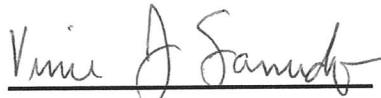
By: 
CAROLYN G. GOODMAN, Mayor

By: 
Its: Vice President


ATTEST:

REPUBLIC DUMPCO, INC., a Nevada corporation


LuAnn D. Holmes, MMC
City Clerk

By: 
Its: Vice President

APPROVED AS TO FORM:


James B. Lewis, Deputy City Attorney