

**CITY OF HAILEY
RESOLUTION NO. 2012-72**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY
AUTHORIZING THE EXECUTION OF 1st AMENDMENT TO THE COMMERCIAL
FRANCHISE AGREEMENT WITH OBRAS, LLC D/B/A CLEAR CREEK DISPOSAL,
INC., FOR COMMERCIAL SOLID WASTE AND RECYCLABLE MATERIAL
COLLECTION**

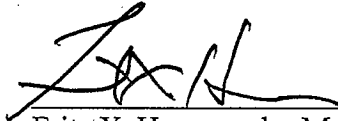
WHEREAS, the City of Hailey desires to enter into an agreement with Obras, Llc D/B/A Clear Creek Disposal, Inc. under which Obras, Llc D/B/A Clear Creek Disposal, Inc. will perform and be responsible for Commercial Solid Waste And Recyclable Material Collection for the City of Hailey.

WHEREAS, the City of Hailey and Obras, Llc D/B/A Clear Creek Disposal, Inc. have agreed to the terms and conditions of the Agreement for Professional Services, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey approves the First Amendment to the Commercial Franchise Agreement between the City of Hailey and Obras, Llc D/B/A Clear Creek Disposal, Inc. and that the Mayor is authorized to execute the attached Agreement,

Passed this 17th day of September, 2012.

City of Hailey



Fritz X. Haemmerle, Mayor

ATTEST:



Mary Cone, City Clerk

FIRST AMENDMENT TO FRANCHISE AGREEMENT

(Commercial Solid Waste and Recyclable Materials Collection)

THIS FIRST AMENDMENT TO FRANCHISE AGREEMENT (Commercial Solid Waste and Recyclable Materials Collection) ("**First Amendment**") is made effective the 21st day of September, 2012, by and between the CITY OF HAILEY, IDAHO, a municipal corporation ("**Hailey**"), and OBRAS, L.L.C., an Idaho limited liability company d/b/a Clear Creek Disposal, Inc. ("**Contractor**"), as follows:

RECITALS

A. The City of Hailey is a municipal corporation and political subdivision of the State of Idaho, and has the authority to enter into this First Amendment. Fritz X. Haemmerle is the duly elected and acting Mayor of the City of Hailey. The Hailey City Council has authorized the Mayor to execute this First Amendment.

B. Contractor is a duly organized and acting limited liability company in the State of Idaho. Mike Goitiandia is the duly appointed and acting Managing Member of Contractor and has the authority to enter into this First Amendment.

C. Hailey entered into a Franchise Agreement (Commercial Solid Waste and Recyclable Materials Collection) ("**Agreement**") with Contractor, on April 20, 2012.

D. The Agreement provides that the Contractor will pickup Recyclable Materials which includes glass to be delivered to the Blaine County Resource Recovery Center. The Blaine County Board of County Commissioners has decided not to allow the delivery of glass picked up by the Contractor unless it is from a centralized location. Accordingly, the Agreement must be amended to reflect the change in the glass pickup program.

H. Subject to the terms and conditions set forth herein, the parties desire to amend the Agreement to revise the glass pickup program in the City of Hailey.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Agreement is hereby amended as follows:

1. The definition of Recyclable materials in Paragraph 1, Definitions, of the Agreement is amended by the deletion of the stricken language and the addition of the underlined language, as follows:

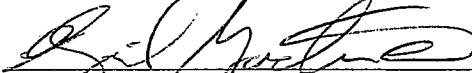
"Recyclable Materials" means items accepted for curbside pickup by the Blaine County Recycling Center ~~glass, plastic, aluminum, tin, motor oil, paper, newspaper and magazines.~~

2. The effective date of this First Amendment shall be October 1, 2012 and shall be in effect throughout the term of the Agreement, unless otherwise amended.

3. Except as amended hereby, the terms and conditions set forth in the Agreement shall remain in full force and effect; provided, however, that in the event of any conflict between the terms and conditions of this First Amendment and the terms and conditions of the Agreement and the First Amendment, the terms and conditions of this First Amendment shall prevail.

Dated the day and year first set forth above.

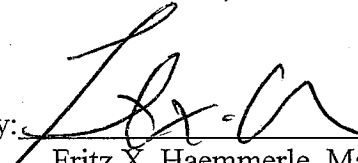
CONTRACTOR


By Mike Goitiandia, its Managing Member

CITY OF HAILEY, an Idaho municipal corporation

ATTEST:

By: 
Mary Cone, City Clerk

By: 
Fritz X. Haemmerle, Mayor

