

**FIRST AMENDMENT TO YARD WASTE PROCESSING AND DISPOSAL SERVICES AGREEMENT BETWEEN  
INDIAN RIVER COUNTY SOLID WASTE DISPOSAL DISTRICT (“SWDD”) AND RUSSELL PAYNE, INC. d/b/a  
MR. MULCH, INC. (“CONTRACTOR”)**

**This First Amendment to Yard Waste Processing and Disposal Services Agreement** is by and between the Solid Waste Disposal District (SWDD), a dependent special district of INDIAN RIVER COUNTY, a Political Subdivision of the State of Florida organized and existing under the Laws of the State of Florida, (hereinafter called Owner) and Russell Payne, Inc. d/b/a Mr. Mulch, Inc. (hereinafter called Contractor). Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**RECITALS**

**WHEREAS**, on March 7, 2017, SWDD and Contractor entered into the Yard Waste Processing and Disposal Services Agreement; and

**WHEREAS**, SWDD and Contractor desire to amend the Rate Adjustment procedure to allow sufficient time to request a rate adjustment;

**NOW THEREFORE**, in consideration of the mutual undertaking herein and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree, as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein.
2. **Article 4.04 B Amended.** The entire paragraph in Article 4.04 B is replaced with the following:
  - B. Contractor may request an annual rate adjustment. Such request must be submitted in writing to SWDD no later than June 1 of the year in which Contractor would like the rate adjustment to go into effect. Such rate adjustments are subject to approval by the County Administrator or his designee. If approved, the rate adjustment would become effective October 1 of that year.
3. All other provisions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, SWDD and Contractor have execute this First Amendment this \_\_\_\_ day of February, 2018:

**Owner:**

**Contractor:**

INDIAN RIVER COUNTY SOLID WASTE DISPOSAL DISTRICT

Russell Payne, Inc. d/b/a Mr. Mulch, Inc.

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

By: \_\_\_\_\_  
Name: Russell Payne  
Title: President

Date: \_\_\_\_\_

(CORPORATE SEAL)

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
Jason E. Brown, County Administrator

Jeffrey R. Smith, Clerk of Court and Comptroller

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

Attest: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Dylan Reingold, County Attorney