

AMENDMENT TO AGREEMENT

This Amendment to Agreement (the “Amendment”) is entered into as of February 8th, 2011, by and between the **Town of Indian Trail**, a North Carolina municipal corporation (the “Town”) and **Action Garbage Service, Inc.**, a corporation organized and existing under the laws of the State of North Carolina and having an office and principal place of business in Union County, North Carolina (“Action”).

WHEREAS, the Town and Action entered into an Agreement dated August 1, 2007, wherein Action is to provide certain solid waste and recycling collection services for the residents of the Town (the “Agreement”); and

WHEREAS, the Town and Action desire to amend the Agreement to clarify the index to be used to determine a fuel charge adjustment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Action hereby agree as follows:

1. Section 4.2 Fuel Adjustment Charge, is amended as follows:

The town also agrees to pay Action Garbage a “fuel adjustment charge” in the following manner:

- a. If a gallon of fuel cost \$3.00 a gallon, a 2% increase will be applied to the charge of \$10.22. Additional charges as follows:
 - i. \$3.10 gallon – 2.5% surcharge
 - ii. \$3.20 gallon – 3.0% surcharge
 - iii. \$3.30 gallon – 3.5% surcharge
 - iv. \$3.40 gallon – 4.0% surcharge
 - v. \$3.50 gallon – 4.5% surcharge
 - vi. \$3.60 gallon and above – 5.0% surcharge
- b. The index used to determine the price of fuel shall be the Energy Information Administration (“EIA”) weekly average price by region (Lower Atlantic), updated weekly.
- c. EIA figures from the first Monday of the month will be used.
- d. The surcharge shall be computed on the “per house” service charge only.

2. Except as amended hereby, the Agreement remains in full force and effect. All capitalized terms used and not defined herein shall have the meanings set forth for

those terms in the Agreement. The provisions of this Amendment shall control in the event of a conflict with the provisions of the Agreement.

IN WITNESS WHEREOF, the Town and Action have entered into this Amendment as of the date first set forth above.

TOWN OF INDIAN TRAIL, North Carolina

By: _____

Its: _____

Date: _____

ACTION GARBAGE SERVICE, INC.

By: _____

Its: _____

Date: _____

This instrument has been preaudited in the manner required by the "Local Government Budget and Fiscal Control Act".

Finance Officer Date