

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 FIRST AMENDMENT TO AGREEMENT NO. 32959

2 **32959**

3 THIS FIRST AMENDMENT TO AGREEMENT NO. 32959 is made and  
4 entered, in duplicate, as of August 24, 2015 for reference purposes only, pursuant to  
5 Resolution No. RES-12-0114 adopted by the City Council of the City of Long Beach at its  
6 meeting on December 4, 2012, by and between USA WASTE OF CALIFORNIA, INC., a  
7 Delaware corporation ("Contractor"), located at 10910 Dawson Canyon Road, Corona,  
8 California 92883, and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, the City, as member of a joint powers authority ("JPA"), owns  
10 the Southeast Resource Recovery Facility ("SERRF") and is responsible for its operation  
11 and maintenance, including disposal of the ash it produces; and

12 WHEREAS, City and Contractor entered into Agreement No. 32959 for the  
13 receipt of non-hazardous ash at the El Sobrante Landfill; and

14 WHEREAS, Waste Management operates through a number of subsidiary  
15 corporations; and

16 WHEREAS, El Sobrante, which provides the services under Agreement No.  
17 32959 is owned by USA Waste of California, Inc.; and

18 WHEREAS, Waste Management Collection & Recycling, Inc. is not involved  
19 in any way with the ash reuse agreement, since SERRF delivers that chemically  
20 stabilized ash to El Sobrante; and

21 WHEREAS, the Parties desire to substitute the Waste Management affiliate  
22 providing services to the City pursuant to the Agreement as the contracting entity; and

23 WHEREAS, the Parties desire to extend the term;

24 NOW, THEREFORE, in consideration of the mutual terms, covenants, and  
25 conditions in this Agreement, the parties agree as follows:

26 1. Section 1.G of Agreement No. 32959 is hereby amended to read as  
27 follows:

28 "G. TERM. The initial term of this Agreement shall commence at

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1 midnight on January 1, 2013, and shall terminate at 11:59 p.m. on Dec. 31, 2015. The  
2 Deliveries of ash from SERRF shall commence on or after November 1, 2013, through  
3 December 31, 2015. The first extended term shall commence at midnight on January 1,  
4 2016, and shall terminate at 11:59 p.m. on December 31, 2016, unless sooner terminated  
5 as provided in this Agreement."

6           2.     The Parties agree to substitute USA Waste of California, Inc., a  
7 Delaware corporation, as the contracting entity. USA Waste of California, Inc. is the  
8 owner and operator of the El Sobrante Landfill, and provides all services to the City  
9 pursuant to this Agreement.

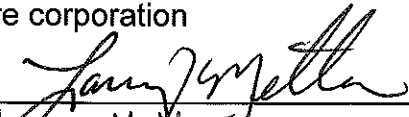
10           3.     Except as expressly modified herein, all of the terms and conditions  
11 contained in Agreement No. 32959 are ratified and confirmed and shall remain in full  
12 force and effect.

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1 IN WITNESS WHEREOF, the parties have caused this document to be duly  
2 executed with all formalities required by law as of the date first stated above.

3 USA WASTE OF CALIFORNIA, INC., a  
4 Delaware corporation

5 September 16, 2015

By   
6 Name Larry Metzger  
7 Title President - Southern California Area

8 By \_\_\_\_\_  
9 Name \_\_\_\_\_  
10 Title \_\_\_\_\_

11 "Contractor"

12 CITY OF LONG BEACH, a municipal  
13 corporation

14 Oct. 12, 2015

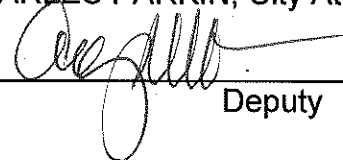
By  EXECUTED PURSUANT  
15 TO SECTION 301 OF  
16 THE CITY CHARTER.  
17 City Manager  
18 Assistant City Manager

19 "City"

20 This First Amendment to Agreement No. 32959 is approved as to form on

21 Sept. 28, 2015.

22 CHARLES PARKIN, City Attorney

23 By   
24 Deputy

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