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

## FOURTH AMENDMENT TO AGREEMENT NO. 32959

## 

THIS FOURTH AMENDMENT TO AGREEMENT NO. 32959 is made and entered, in duplicate, as of September 12, 2018 for reference purposes only, pursuant to Resolution No. RES-12-0114 adopted by the City Council of the City of Long Beach at its meeting on December 4, 2012, by and between USA WASTE OF CALIFORNIA, INC., a Delaware corporation ("Contractor"), located at 10910 Dawson Canyon Road, Corona, California 92883, and the CITY OF LONG BEACH, a municipal corporation ("City").

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

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

WHEREAS, the Parties entered into a First Amendment to the Agreement whereby USA Waste of California, Inc. was substituted as the contracting entity, and the term was extended to December 31, 2016; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term to December 31, 2017; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to extend the term to December 31, 2018; and

WHEREAS, the Parties desire to extend the term one(1) additional one-year period;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the Parties agree as follows:

- 1. Section 1.G of Agreement No. 32959 is hereby amended to read as follows:
  - "G. TERM. The term of this Agreement shall commence at midnight on

1	January 1, 2013, and shall terminate at 11:59 p.m. on Dec. 31, 2019, unless sooner	
2	terminated as provided in this Agreement."	
3	2. Except as expressly modified herein, all of the terms and conditions	
4	contained in Agreement No. 32959 are ratified and confirmed and shall remain in full force	
5	and effect.	
6	IN WITNESS WHEREOF, the parties have caused this document to be duly	
7	executed with all formalities required by law as of the date first stated above.	
8	·	USA WASTE OF CALIFORNIA, INC., a Delaware corporation
10 11	<u>september 17</u> , 2018	Name Karry Metter Title President-Southern California Area
12	, 2018	By
13	Tom Modica	Name Title
14	Assistant City Manager	"Contractor"
15 16	EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER	CITY OF LONG BEACH, a municipal corporation
17 18		By S. LLL City Manager
19		"City"
20	This Fourth Amendment to Agreement No. 32959 is approved as to form on	
21	Oct.   , 2018.	• •
22		CHARLES PARKIN, City Attorney
23		a Ma
24		Deputy
25		
26		
27		

28