

1 THIRD AMENDMENT TO AGREEMENT NO. 32959

2 **32959**

3 THIS THIRD AMENDMENT TO AGREEMENT NO. 32959 is made and
4 entered, in duplicate, as of October 11, 2017 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 (the "Parties") entered into Agreement No.
13 32959 for the receipt of non-hazardous ash at the El Sobrante Landfill; and

14 WHEREAS, the Parties entered into a First Amendment to Agreement No.
15 32959 whereby USA Waste of California, Inc. was substituted as the contracting entity,
16 and the term was extended to December 31, 2016; and

17 WHEREAS, the Parties entered into a Second Amendment to Agreement No.
18 32959 to extend the term to December 31, 2017; and

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

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

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

25 "G. TERM. The term of this Agreement shall commence at midnight on
26 January 1, 2013, and shall terminate at 11:59 p.m. on Dec. 31, 2018, unless sooner
27 terminated as provided in this Agreement."

28 2. Except as expressly modified herein, all of the terms and conditions

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

1 contained in Agreement No. 32959 are ratified and confirmed and shall remain in full force
2 and effect.

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

5 USA WASTE OF CALIFORNIA, INC., a
6 Delaware corporation

7 October 17, 2017 By [Signature]
8 Name Larry Metter
9 Title President - Southern California Area

10 _____, 2017 By _____
11 Name _____
12 Title _____

13 "Contractor"

14 CITY OF LONG BEACH, a municipal
15 corporation

16 Nov. 1, 2017 By [Signature] EXECUTED PURSUANT
17 City Manager TO SECTION 301 OF
18 "City" Tom Madica THE CITY CHARTER.
19 Assistant City Manager

20 This Third Amendment to Agreement No. 32959 is approved as to form on
21 Oct. 23, 2017.

22 CHARLES PARKIN, City Attorney
23 By [Signature]
24 Deputy

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