

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 FIFTH AMENDMENT TO AGREEMENT NO. 32959

2 **32959**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 32959 is made and
4 entered, in duplicate, as of September 4, 2019 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 (the "Agreement") for the receipt of non-hazardous ash at the El Sobrante Landfill;
14 and

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

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

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

22 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
23 to extend the term to December 31, 2019; and

24 WHEREAS, the Parties wish to exercise their final option to extend the term
25 one (1) additional one-year period;

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

- 28 1. Section 1.G of Agreement No. 32959 is hereby amended to read as

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1 follows:

2 "G. TERM. The term of this Agreement shall commence at midnight on
3 January 1, 2013, and shall terminate at 11:59 p.m. on December 31, 2020, unless sooner
4 terminated as provided in this Agreement."

5 2. Except as expressly modified herein, all of the terms and conditions
6 contained in Agreement No. 32959 are ratified and confirmed and shall remain in full force
7 and effect.

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

USA WASTE OF CALIFORNIA, INC., a
Delaware corporation

10
11
12 September 9, 2019

By [Signature]
Name Larry Metter
Title Resident - Southern California Area

13
14 _____, 2019

By _____
Name _____
Title _____

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

15
16
17
18
19 Sept. 26, 2019

By [Signature]
City Manager

"City"

20
21
22 This Fifth Amendment to Agreement No. 32959 is approved as to form on
23 Sept. 12, 2019.

CHARLES PARKIN, City Attorney

24
25 By [Signature]
26 Deputy