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

## SECOND AMENDMENT TO AGREEMENT NO. 32959

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THIS SECOND AMENDMENT TO AGREEMENT NO. 32959 is made and entered, in duplicate, as of December 12, 2016 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 entered into Agreement No. 32959 for the receipt of non-hazardous ash at the El Sobrante Landfill; and

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

WHEREAS, City and Contractor desire to further extend the term;

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

- 1. Section 1.G of Agreement No. 32959 is hereby amended to read as follows:
- "G. <u>TERM</u>. The term of this Agreement shall commence at midnight on January 1, 2013, and shall terminate at 11:59 p.m. on Dec. 31, 2017, unless sooner terminated as provided in this Agreement."
- Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 32959 are ratified and confirmed and shall remain in full force and effect.

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28