

FIRST SUPPLEMENTAL TO AGREEMENT NUMBER C-116373 OF
CITY OF LOS ANGELES CONTRACT
BETWEEN
THE CITY OF LOS ANGELES
AND
THE CITY OF LONG BEACH

32341

THIS FIRST SUPPLEMENTAL ("First Supplemental") to Contract Number C-116373 of City of Los Angeles Contract is made and entered into by and between the City of Los Angeles, a municipal corporation (hereinafter called the "City"), and the City of Long Beach, a municipal corporation (hereinafter called "Long Beach" or "Subrecipient").

WITNESSETH

WHEREAS, the City and the City of Long Beach have entered into that certain Agreement Number C-116373 of the City of Los Angeles Contract (hereinafter the "Agreement"), whereby the City agreed to distributed certain Urban Area Security Initiative Grant 2008 ("UASI 08") funds to Long Beach in accordance with the UASI 08 budget and Long Beach agreed to use the grant funds to address the unique equipment, training, planning and exercise needs of the area and to assist it in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism, the execution of the Agreement having been authorized by the Los Angeles City Council on or about March 31, 2009 (Council File # 08-0901), said Agreement effective October 22, 2008 through February 28, 2011; and

WHEREAS, the Agreement allocated UASI 08 funds to Long Beach in the Amount of \$3,951,754.00, such amount being comprised of \$90,000.00 allocated for Management and Administration expenses for the City of Long Beach, \$506,610.00 allocated for SCBA equipment and \$3,355,144.00 in accordance with Long Beach's UASI 08 budget; and

WHEREAS, subsequently, the City and the participating jurisdictions of the Los Angeles/Long Beach Urban Area ("LA/LB UA") agreed to modify the UASI 08 budget by transferring \$506,610.00 of UASI 08 funds previously allocated to the City of Long Beach to the City of Torrance for the purpose of purchasing P25 radios (the "Modification"); and

WHEREAS, on or about September 21, 2010, pursuant to Council File # 08-0901 the Los Angeles City Council approved the Modification such that the City of Torrance's original allocation of UASI 08 funds as set forth in the Agreement was increased by Five Hundred Six Thousand Six Hundred Ten Dollars (\$506,610.00) of UASI 08 funds for a new total amount of Eight Hundred and Seventeen Thousand Three Hundred and Twenty Six Dollars (\$817,326.00) of UASI 08 funds allocated to the City of Torrance,

and further authorized a supplemental to the Agreement to reflect such increase in allocation; and

WHEREAS, on or about September 21, 2010, the Subrecipient's allocated amount of UASI 08 grant funds was decreased by Five Hundred Six Thousand Six Hundred Ten Dollars (\$506,610.00), and such amount was subsequently reallocated to the City of Torrance Fire Department for the purchase of P25 Radios, such decrease (the "Decreased Amount") having been approved by CalEMA and authorized by the Los Angeles City Council (Council File # 08-0901) on or about September 21, 2010, for a new total amount of Three Million Four Hundred Forty-Five Thousand One Hundred Forty-Four Dollars (\$3,445,144.00) of UASI 08 funds allocated to the Subrecipient; and

WHEREAS, on or about June 3, 2011, the California Emergency Management Agency ("CalEMA") extended the performance period deadline for UASI 08 from May 31, 2011 to November 30, 2011 (the "Grant Extension"); and

WHEREAS, Section 505 of the Agreement provides for amendments to the Agreement; and

WHEREAS, the City, through the Office of the Mayor, Office of Homeland Security and Public Safety ("Mayor's Office"), which has been designated by the City to administer the Agreement and the projects contemplated therein, and Long Beach are desirous of entering into this First Supplemental to the Agreement for the purpose of: (a) subtracting the Decreased Amount from the Agreement to reflect UASI 08 funds reallocated to Torrance's Fire Department for the purchase of P25 Radios, (b) extend the term of the Agreement, and (c) making such other changes as are required in connection with the foregoing, all as detailed elsewhere in this First Supplemental, and all as authorized by the City Council; and

WHEREAS, this First Supplemental is necessary and proper to continue and/or complete certain activities authorized under the Agreement.

NOW, THEREFORE, the City and Subrecipient hereby covenant and agree as follows:

1. The Agreement, which is attached hereto as Exhibit 1, is revived by this First Supplemental and incorporated herein by this reference. The terms and conditions of said Agreement shall be the terms and conditions of this First Supplemental, except as expressly modified herein. Capitalized terms not defined in this First Supplemental shall have those meanings as set forth in the Agreement.

2. The term of this First Supplemental shall be from October 22, 2008 through November 30, 2011. Such term modifies the original term of the Agreement, which was from October 22, 2008 through February 28, 2011. Notwithstanding anything to the contrary in the Agreement, any and all expenditures made by Subrecipient shall be reimbursed by Subrecipient's allocation of Grant Funds pursuant to the Agreement and this First Supplemental only if all documentation required to be submitted for reimbursement under the Agreement is received by the City no later than October 31, 2011, such documentation to include, but not be limited to, the Reimbursement Checklist, Reimbursement Request Form, Equipment Ledger, Training Roster and Exercise Roster. Subrecipient shall cooperate with any necessary close out activities in connection with its use of the Grant Funds.

3. Paragraph A of Section 301 entitled "Payment of Grant Funds and Method of Payment" is hereby amended in its entirety to read as follows:


"The City of Los Angeles shall pay to City of Long Beach the grant amount of Three Million Four Hundred Forty-Five Thousand One Hundred Forty-Four Dollars (\$3,445,144.00) ("Grant Amount") to be used for purchase of equipment, planning, exercises, organizational activities, and training as described in Section 202 above. Such Grant Amount represents the amount allocated to City of Long Beach in the FY '08 UASI grant award notice and budget, as may be amended."

This First Supplemental decreases the original allocation under the Agreement by the Decreased Amount.

The Budget (as such term is defined in the Agreement) shall be amended accordingly to reflect the subtracted Decreased Amount.

4. Except as herein amended or modified, all terms and conditions of the Agreement shall remain unchanged and in full force and effect by way of this First Supplemental.
5. Due to the need for Subrecipient's services to be provided continuously on an ongoing basis, Subrecipient may have provided services prior to the execution of this First Supplemental. To the extent that said services were performed in accordance with the terms and conditions of this First Supplemental, those services are hereby ratified.
6. This First Supplemental may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. This First Supplemental includes four (4) pages which constitute the entire understanding and agreement of the parties.

IN WITNESS WHEREOF, the City and Subrecipient have caused this First Supplemental to be executed by their duly authorized representatives.

<p>APPROVED AS TO FORM AND LEGALITY: CARMEN A. TRUTANICH, City Attorney</p> <p>By <u>[Signature]</u> Deputy City Attorney</p> <p>Date <u>August 15, 2011</u></p>	<p>For: THE CITY OF LOS ANGELES ANTONIO R. VILLARAIGOSA, Mayor</p> <p>By <u>[Signature]</u> Antonio R. Villaraigosa, Mayor Homeland Security and Public Safety, Mayor's Office</p> <p>Date <u>AUG 17 2011</u></p>
<p>ATTEST:</p> <p>JUNE LAGMAY, City Clerk</p> <p>By <u>[Signature]</u> Deputy City Clerk</p> <p>Date <u>08-19-2011</u></p> 	
<p>APPROVED AS TO FORM:</p> <p>By <u>[Signature]</u> for Robert E. Shannon, City Attorney</p> <p>Date <u>June 14, 2011</u></p>	<p>For: City of Long Beach, a municipal corporation</p> <p>By <u>[Signature]</u> Patrick H. West, City Manager</p> <p>Date <u>7-5-11</u></p>
<p>ATTEST:</p> <p>By <u>[Signature]</u> Larry G. Herrera, City Clerk</p> <p>Date <u>7-8-2011</u></p>	<p>[SEAL]</p>

City Business License Number: _____
Internal Revenue Service ID Number: _____
Council File/OARS File Number: _____ Date of Approval _____
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