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. 32554

THIS SECOND AMENDMENT TO AGREEMENT NO. 32554 is made and entered, in duplicate, as of February 15, 2018 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on March 6, 2012, by and between the CITY OF LONG BEACH, a municipal corporation ("City"), and the CONSERVATION CORPS OF LONG BEACH, a California nonprofit corporation ("Corps").

WHEREAS, Corps wishes to provide training in job skills and environmental education to young men and women of the Long Beach area through a program which includes projects in public service conservation work; and

WHEREAS, City and Corps entered into Agreement No. 32554 (the "Agreement") whereby City provides opportunities for public service through meaningful and productive work projects and Corps furnishes the services to accomplish these projects; and

WHEREAS, California Labor Code section 1720.4(a)(1), (2) and (3) states that the public works prevailing wage requirements do not apply to work performed by volunteers or paid volunteer coordinators of a 501(c)(3) tax-exempt organization or work performed by corpsmembers of the California Conservation Corps or by Community Conservation Corps certified by the California Conservation Corps pursuant to Public Resources Code section 14507.5; and

WHEREAS, Corps has provided City with assurances that it is a Community Conservation Corps certified by the California Conservation Corps pursuant to Public Resources Code section 14507.5; and

WHEREAS, City and Corps entered into a First Amendment to the Agreement to extend the term an additional one (1) year period; and

WHEREAS, City and Corps desire to exercise the remainder of the five-year renewal option and clarify prevailing wage requirements;

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

- 1. Section 2 of the Agreement is hereby amended to read as follows:
- "2. Term. The term of this Agreement shall commence as 12:01 a.m. on April 1, 2012 and shall terminate at midnight on March 31, 2022."
 - 2. Section 46 is hereby added to the Agreement to read as follows:
- "46. Prevailing Wages. Corps understands and agrees that so long as the work is performed by volunteers or corpsmembers engaged in Conservation Corps program activities, then the California prevailing wage requirements will not apply to such work; however, if City or any state or regulatory agency determines that California prevailing wage requirements do apply, then Corps shall fully comply with all such requirements with respect to said work. Any workers used to perform any of the work on the projects, other than volunteers and corpsmembers, shall be paid in accordance with California prevailing wage laws."
- Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 32554 are ratified and confirmed and shall remain in full force and effect.

III

19 ///

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

20 ///

21 III

22 ///

23 ///

 $/\!/\!/$

24

25 $/\!/\!/$

26 III

27 ///

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

OF

LONG