

**FIRST AMENDMENT
TO
MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF LONG BEACH
AND
THE U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

This First Amendment to Memorandum of Agreement ("FIRST AMENDMENT"), made the 19 day of November, 2014, is entered into by and among the City of Long Beach, a municipal corporation (hereinafter the "City"), and the United States Army Corps of Engineers, Los Angeles District (hereinafter the "Corps"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Memorandum of Agreement ("MOA"), effective December 20, 2012, for expedited and priority review of City-designated priority projects by the Corps; and

WHEREAS, the MOA is set to expire December 20, 2014; and

WHEREAS, section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541 ("WRDA 2000") as amended by Public Law 113-121, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army; and

WHEREAS, Public Law 113-121, signed into law on June 10, 2014, made the authority permanent; and

WHEREAS, the Parties desire to amend the MOA to increase the not to exceed total compensation paid to the Corps by an additional \$420,000.00 and extend the duration of the MOA to December 31, 2016.

NOW, THEREFORE, the Parties agree as follows:

FIRST AMENDMENT

1. Article V. – FUNDING. Paragraph A of this Article is modified to read:

"A. The total lump sum payment authorized under this MOA shall not exceed Eight Hundred Forty Thousand dollars (\$840,000.00) for the duration of the MOA, and shall be paid as follows:

HD-8105A

1. \$210,000 upon execution of the MOA;
2. \$210,000 twelve months from the effective date of the MOA.
3. \$210,000 on or before January 20, 2015.
4. \$210,000 on or before January 20, 2016.

This payment schedule can be changed by mutual agreement of the parties but may not exceed the total compensation unless approved through an amendment.”

2. Article X- EFFECTIVE DATE AND DURATION. This Article is modified in its entirety to read:

“Article X - EFFECTIVE DATE AND DURATION

This MOA and any amendments will become effective on the date of signature by the last Party. Unless amended or modified pursuant to Article VIII.A., this MOA shall remain in force until whichever of these events occurs first: 1) December 31, 2016; or 2) the MOA is terminated pursuant to Article VIII.B.”


3. Integration. This FIRST AMENDMENT represents the entire understanding of the Parties regarding the MOA and changes to the MOA. All other terms and conditions of the MOA remain in full force and effect.

[REMAINDER LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the FIRST AMENDMENT is executed by the City of Long Beach, acting by and through its authorized Board of Harbor Commissioners, and by the Los Angeles District U.S. Army Corps of Engineers, through its authorized officer.


THE CITY OF LONG BEACH, a municipal corporation, acting by and through its Board of Harbor Commissioners

12/10, 2014

By: 
Jon W. Slangerup
Chief Executive
Long Beach Harbor Department

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

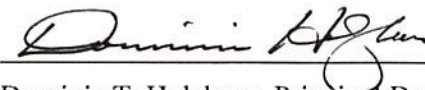
Dec. 17, 2014

By: 
David J. Castanon
Chief, Regulatory Division

The foregoing document is hereby approved as to form.

CHARLES PARKIN, City Attorney

12/1, 2014

By: 
Dominic T. Holzhaus, Principal Deputy