

**AGREEMENT BETWEEN THE CITY OF LOS ANGELES
AND THE CITY OF LONG BEACH**

ESTABLISHING SPECIFIC CLEAN AIR ACTION PLAN COSTS TO BE SHARED

CLEAN TRUCK PROGRAM TERMINAL ACCESS CENTER

This agreement (the "Agreement") is entered into by the CITY OF LONG BEACH, a municipal corporation, acting by and through its Board of Harbor Commissioners ("Long Beach"), and the CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Harbor Commissioners ("Los Angeles") (Long Beach and Los Angeles shall be collectively referred to herein as the "Ports").

WHEREAS, Los Angeles and Long Beach have entered into Los Angeles Agreement No. 2546/Long Beach Agreement No. HD-7173 dated May 14, 2007 ("Master Cost Sharing Agreement") expressing their desire to share the costs of certain contracts related to the San Pedro Bay Ports Clean Air Action Plan; and

WHEREAS, the Ports have entered into an agreement dated December 12, 2013 (Long Beach Harbor Department Document No. HD-7173Z, Los Angeles Harbor Department Document No. E8729) (the "TAC Cost Sharing Agreement") to share certain costs related to the relocation of the Terminal Access Center (the "TAC") for the Clean Trucks Program to City of Long Beach property, which relocation costs therein have been fully paid; and

WHEREAS, the TAC is located at 1265 Harbor Avenue, Long Beach, CA 90813 within the City of Long Beach Harbor District on land owned by the City of Long Beach consisting of 89,953 square feet with 1,314 linear feet of perimeter fencing ("Fence"), as well as site lighting (the "TAC Site"); and

WHEREAS, in addition to certain expenses of the Clean Trucks Program with vendors that are handled under separate agreements by or between the Ports, the Clean Trucks Program incurs certain operational expenses at the TAC Site such as trash bin and portable restroom rental services, and power pole rental (the "Operational Costs") as well as the cost of leasing an office trailer ("Office Lease Cost) and power usage cost ("Power Cost") paid by the City of Long Beach; and

WHEREAS, the Ports desire to share the land rental value ("Land Rent") and the Fence value ("Fence Cost") for the TAC Site as set forth in Port of Long Beach Tariff No. 4 Item 636, the Operational Costs, Office Lease Cost and Power Costs for the TAC Site, and POLB shall solely bear the cost of site lighting.

NOW, THEREFORE, THE PORTS AGREE AS FOLLOWS:

1. Beginning on the first day of the first month after full execution of this First Amendment, the agreed-upon shared monthly cost of the TAC is \$32,450,

comprised as follows:

- \$27,885 for the Land Rent
- \$2,759 for the Fence Cost
- \$510 for the Operational Costs
- \$1,135 for the Office Lease Cost
- \$160 for Power Cost
- \$32,450**

The Land Rent, Fence Cost, Operational Costs, Office Lease Cost and Power Cost shall collectively be referred to as the TAC Costs.

2. Subject to paragraph 3, the monthly share of the TAC Costs of \$32,450 shall be shared equally by the Ports. The City of Los Angeles shall pay to the City of Long Beach \$16,225 per month beginning on the first day of the first month after this First Amendment is fully executed, and continuing monthly for as long as the Ports operate the TAC or as otherwise agreed by the Ports in writing.

3. The monthly fee shall be adjusted by the City of Long Beach as follows:

(a) The monthly Land Rent and Fence Cost shall be subject to adjustment to reflect any changes to Item 636 of Tariff No. 4. The adjustment date shall be the first day of the month following the month in which the amendment or revision to Tariff No. 4 becomes operative.

(b) The parties acknowledge that the office trailer lease with a current monthly cost of \$1,135 may need to have its term extended by amendment or a new lease. The Office Lease Cost charged to each party shall reflect one half of the actual lease cost for the office trailer lease.

(c) The cost of power at the site is paid directly by Long Beach and currently averages \$160 per month. Long Beach shall invoice Los Angeles on a monthly basis for half of the amount paid the prior month.

4. The terms and conditions of the Master Cost Sharing Agreement and the TAC Cost Sharing Agreement are incorporated herein by this reference, and the parties agree to abide by all the terms and conditions of said agreements.

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5. The terms of this Agreement shall be amended only in writing and signed by both parties.

THE CITY OF LOS ANGELES HARBOR DEPARTMENT, a municipal corporation, acting by and through its Executive Director of the Harbor Department

Date: _____, 2021

By: _____
EUGENE D. SEROKA
Executive Director

Attest: _____
AMBER M. KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY:
_____, 2021

MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By: _____
Joy M. Crose
Assistant General Counsel

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

Date: _____, 2021

By: _____
Mario Cordero
Executive Director

APPROVED AS TO FORM:
CHARLES PARKIN, City Attorney

By: _____
DAVID R. ALBERS
Deputy City Attorney

Date: _____, 2021

Account# 59967	W.O. # 78090
Ctr/Div# 0330	Job Fac.# 637-00
Proj/Prog# 000	
Budget FY: Amount:	
FY 22	\$97,350
FY 23	\$194,700
FY 24	\$194,000
FY 25	\$97,350
TOTAL	\$584,100
For Acct/Budget Div. Use Only	
Verified by:	Flora Khaw <small>Digitally signed by Flora Khaw Date: 2021.11.08 15:11:13 -08'00'</small>
Verified Funds Available:	<i>Flora</i> <small>Digitally signed by Frank Liu Date: 2021.11.08 21:47:47 -08'00'</small>
Date Approved:	11/9/21