

AGREEMENT TO EXTEND PROJECT COMMITTEE NO. 23 (“**PC 23**”) ONGOING
OPERATIONS AGREEMENT BETWEEN SOUTH ORANGE COUNTY WASTEWATER
AUTHORITY (“**SOCWA**”) ON BEHALF OF PC 23 AND THE CITY OF LAGUNA BEACH
 (“**CITY**”)
(NORTH COAST INTERCEPTOR SEWER AND INTERCEPTOR PUMPING STATIONS)

This extension agreement (“**Extension**”) between SOCWA and the CITY will memorialize and amend the ongoing and continuing agreement for the City’s operation and maintenance of the Facilities (as defined in the Agreement) pursuant to the “Operation and Maintenance Agreement Between the South Orange County Wastewater Authority (“SOCWA”) on behalf of Project Committee No. 23 and the City of Laguna Beach for the North Coast Interceptor Sewer and Interceptor Pumping Stations,” dated August 5, 2010 (the “**Agreement**”). SOCWA and the CITY expressly agree and acknowledge that each party has continued to fully perform its obligations pursuant to the terms of the Agreement after the Agreement’s June 30, 2015 termination date, thereby extending such contract by operation of law pursuant to Civil Code § 1621. The parties further agree and represent that neither party is aware of any breach of any material term contained in the Agreement occurring between June 30, 2015 and the date of execution of this Extension.¹

Subject to the consent of the other PC 23 participating member agency - the Emerald Bay Service District - SOCWA and the CITY hereby waive application of the three-month notice of renewal under section 3 of the Agreement, and agree to renew and continue the terms in the Agreement, retroactive to June 30, 2015, and for three additional (3) years from the date of this Extension until and unless the City and SOCWA agree in writing to terminate the Agreement. The Agreement shall therefore terminate on **March __, 2024**, or when one party delivers written notice to terminate pursuant to Section 14 of the Agreement. This Extension and the Agreement are subject to written modification by the parties. All the terms and conditions of the Agreement shall remain effective and unchanged by this Extension except as expressly stated herein. In the case of references to any specific regulatory orders, those orders will henceforth be deemed to refer to the currently dated and applicable order at any time the Agreement is effective. To the extent any terms in the Agreement conflict with the terms of this Extension, this Extension controls.

This Extension and the accompanying consent are dated and effective as of the latest execution date listed below.

{Signatures follow on next page}

¹ The parties acknowledge that the City of Laguna Beach has entered into a Settlement Agreement and Stipulation for Entry of Administrative Civil Liability, Order No. R9-2021-0008, Place ID 631920 (subject to approval by the San Diego Regional Water Quality Control Board) to address the sanitary sewer overflow (SSO) event that occurred in November 2019 associated with the North Coast Interceptor (the “Settlement Agreement”). PC 23 and SOCWA have no objection to the Settlement Agreement and the City’s proposed resolution of this SSO event.

SOUTH ORANGE COUNTY WASTEWATER AUTHORITY
(on behalf of PC 23)

By: _____
Chair

By: _____
Secretary

CITY OF LAGUNA BEACH

By: _____
City Manager

Dated: _____

ATTEST:

By: _____
City Clerk

CONSENT BY EMERALD BAY SERVICE DISTRICT:

Dated: _____ By: _____
General Manager

By: _____
Secretary