

EAST BAY DISCHARGERS AUTHORITY
FOURTH AMENDMENT TO
THE JOINT EXERCISE OF POWERS AGREEMENT

This FOURTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT ("Amendment") is entered into effective as of January 1, 2020 ("Effective Date") by the CITY OF HAYWARD, a municipal corporation; CITY OF SAN LEANDRO, a municipal corporation; ORO LOMA SANITARY DISTRICT, a public corporation; CASTRO VALLEY SANITARY DISTRICT, a public corporation; and UNION SANITARY DISTRICT, a public corporation ("Agencies"); each duly existing and organized in the County of Alameda under the Constitution and laws of the State of California.

WHEREAS, the Agencies first entered into a Joint Exercise of Powers Agreement on February 15, 1974; amended such Agreement on January 3, 1978; supplemented such Agreement on October 5, 1981, February 15, 1983, and twice on April 26, 1983; and further amended the Joint Exercise of Powers Agreement on February 11, 1986, and February 15, 2007; and

WHEREAS, the Agencies have negotiated an Amended and Restated Joint Exercise of Powers Agreement which, if executed, will take effect on July 1, 2020; and

WHEREAS, to allow for uninterrupted service, the Agencies desire to extend the term of the February 15, 2007 Amended Joint Exercise of Powers Agreement through June 30, 2020.

NOW, THEREFORE, the Third Amended Joint Exercise of Power Agreement, dated February 15, 2007, is amended as follows:

1. **Section 3 "Term"** is deleted in its entirety and replaced with the following:

"This Fourth Amended Agreement shall become effective upon execution by all Agencies and, provided all Agencies have approved this amendment on or before January 1, 2020, the effective date will be January 1, 2020. It will continue in force and effect until June 30, 2020, unless sooner terminated by mutual agreement."

2. Except as expressly modified by this Fourth Amendment, all terms and conditions in the Third Amended Joint Exercise of Powers Agreement dated February 15, 2007 shall remain in full force and effect.

3. Execution of this Fourth Amendment may be accomplished by execution of separate counterparts by each signatory. The separate executed counterparts, taken together, shall constitute a single agreement.

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the Effective Date.

UNION SANITARY DISTRICT
A Public Corporation

By: _____

Date: _____

(SEAL)
Attest:

Secretary

CITY OF HAYWARD
A Municipal Corporation

By: _____

Date: _____

(SEAL)
Attest:

City Clerk

CITY OF SAN LEANDRO
A Municipal Corporation

By: _____

Date: _____

(SEAL)
Attest:

City Clerk

ORO LOMA SANITARY DISTRICT
A Public Corporation

By: _____

(SEAL)

Attest:

Date: _____

Secretary

CASTRO VALLEY SANITARY DISTRICT
A Public Corporation

By: _____

(SEAL)

Attest:

Date: _____

Secretary