

**AMENDMENT NO. 1 TO AGREEMENT BETWEEN  
THE CITY OF EMERYVILLE AND  
THE ALAMEDA COUNTY FIRE DEPARTMENT  
REGARDING FIRE AND EMERGENCY RESPONSE SERVICES**

This Amendment No. 1 is made and entered into this 20th day of June 2017, by and between the ALAMEDA COUNTY FIRE DEPARTMENT, a dependent fire district formed under the Fire Protection District Law of 1987 (Health and Safety Code Sections 13800, *et seq.*) and governed by the Board of Directors of the County of Alameda as its Board of Directors, hereinafter referred to as "ACFD", and the CITY OF EMERYVILLE ("City"), a municipal corporation, collectively referred to as the "Parties."

RECITALS

WHEREAS, ACFD has provided services to City since 2012 pursuant to the Agreement Between the City of Emeryville and the Alameda County Fire District Regarding Fire and Emergency Response Services, entered into on or about June 5, 2012 (the "2012 Fire Services Agreement"); and

WHEREAS, the term of the 2012 Fire Services Agreement expires on June 30, 2017; and

WHEREAS, the Parties intend to enter into a new Fire Services Agreement to replace the 2012 Fire Services Agreement; and

WHEREAS, the Parties require additional time to reach mutually agreeable terms for a new Fire Services Agreement; and

WHEREAS, the Parties desire to extend the term of the 2012 Fire Services Agreement in order to prevent service interruption in the event that the 2012 Fire Services Agreement expires and the City has not made alternative arrangements for fire and emergency response services;

THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ACFD and City agree as follows:

AGREEMENT

1. The foregoing recitals are true and correct.
2. Section 9.a. of the 2012 Fire Services Agreement City is amended as follows:

Delete: "This Agreement is for a term of five years. It shall continue in force from 12:00 a.m. on July 1, 2012 ("Effective Date") until 11:59 p.m. on June 30, 2017, unless sooner terminated in accordance with the provisions herein."

Insert: "This Agreement is for a term of six years. It shall continue in force from 12:00 a.m. on July 1, 2012 ("Effective Date") until 11:59 p.m. on June 30, 2018, unless

sooner terminated in accordance with the provisions herein or replaced with a successor agreement by mutual written agreement of the Parties.”

All other provisions of the 2012 Fire Services Agreement remain unchanged.

3. Signatory. By signing this Amendment No. 1, signatory warrants and represents that he/she executed this Amendment No. 1 in his/her authorized capacity and that by his/her signature on this Amendment No. 1, he/she or the entity upon behalf of which he/she acted, executed this Amendment No. 1.
4. Counterparts. This Amendment No. 1 may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

**ALAMEDA COUNTY FIRE DEPARTMENT**

By: \_\_\_\_\_  
WILMA CHAN  
President, Board of Directors

Date: \_\_\_\_\_

Approved as to form  
DONNA R. ZIEGLER, County Counsel:

By: \_\_\_\_\_  
Heather Littlejohn  
Deputy County Counsel

**CITY OF EMERYVILLE**

By: \_\_\_\_\_

Carolyn Lehr, City Manager

Date:

Attest: \_\_\_\_\_  
Sheri Hartz, City Clerk

Approved as to form:

By: Michael Guina  
Michael Guina, City Attorney