

ATTACHMENT A

AMENDMENT NO. THREE TO AGREEMENT BETWEEN THE CITY OF NEWPORT BEACH AND HOAG MEMORIAL HOSPITAL PRESBYTERIAN FOR THE DELIVERY OF NATURAL GAS

THIS AMENDMENT NO. THREE TO AGREEMENT ("Amendment No. Three") is made and entered into as of this 28th day of July, 2020 ("Effective Date"), by and between the CITY OF NEWPORT BEACH, a California municipal corporation and charter city ("City"), and HOAG MEMORIAL HOSPITAL PRESBYTERIAN, a California non-profit public benefit corporation ("Hospital"), whose address is One Hoag Drive, P.O. Box 6100, Newport Beach, California 92658, and is made with reference to the following:

RECITALS

- A. City owns and operates oil and gas producing wells with appurtenant facilities and delivery pipelines in the West Newport area of the City. City produces natural gas as a by-product of these oil extraction activities, and cannot conduct oil extraction without producing natural gas.
- B. On August 1, 2007, City and Hospital entered into an Agreement in which the City agreed to provide the natural gas produced by its oil extraction activities to the Hospital at no cost, provided that the Hospital put the gas to use in its operations (hereinafter referred to as the "Agreement").
- C. On April 22, 2008, City and Hospital entered into Amendment No. One to extend the term of the Agreement, until August 1, 2012.
- D. On July 1, 2010, City and Hospital entered into Amendment No. Two to extend the term of the Agreement, with automatic extensions, until August 1, 2020.
- E. The parties desire to enter into this Amendment No. Three to extend the term of the Agreement to August 1, 2022.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. TERM

Section 1 of the Agreement is amended in its entirety and replaced with the following: "The term of this Agreement shall commence on the above written date, and shall terminate on August 1, 2022, unless terminated earlier as set forth herein."

2. INTEGRATED CONTRACT


Except as expressly modified herein, all other provisions, terms, and covenants set forth in the Agreement shall remain unchanged and shall be in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Amendment No. Three to be executed on the dates written below.

**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**

Date: 6/29/2020

By: 
For: Aaron C. Harp new 6.29.20
City Attorney

ATTEST:

Date: _____

By: _____
Leilani I. Brown
City Clerk

CITY OF NEWPORT BEACH,
a California municipal corporation

Date: _____

By: _____
Will O'Neill
Mayor

CONSULTANT: Hoag Memorial Hospital
Presbyterian, a California non-profit public
benefit corporation

Date: _____

By: _____
Robert Braithwaite
Chief Executive Officer

Date: _____

By: _____
Miles Chang
Secretary

[END OF SIGNATURES]