

*provided* that if such change is solely a Regular Rate Adjustment then the Utilization Rate in effect immediately prior to such Regular Rate Adjustment, pursuant to the methodology set forth in Schedule 6, shall be used in the calculation of Revenue Value and no Expected Utilization Adjustment shall be made. On the first Day of the Reporting Year that occurs no less than 12 months and not more than 24 months after the date the change is deemed to be effective for Revenue Value purposes pursuant to Section 7.4, the City shall adjust Aggregate Revenue Value by the Expected Utilization Adjustment for such Concession Metered Parking Space, if any, pursuant to the methodology set forth in Schedule 6. However, if the Revenue Value of a Concession Metered Parking Space has been changed by virtue of a Reserved Power action, excluding Regular Rate Adjustments, that impacts the Expected Utilization Rate prior to the first Day of a Reporting Year occurring not less than 12 months and not more than 24 months after the date such change is deemed to be effective for Revenue Value purposes pursuant to Section 7.4, an Expected Utilization Adjustment shall only be made for the final Reserved Power action.

(c) *Required Closure.* If as a result of a Required Closure, Metered Parking System Operations for a Concession Metered Parking Space are suspended for a number of Days in the Reporting Year in excess of the Required Closure Allowance, then for the current and any subsequent Quarter during such Reporting Year the City shall be obligated to make a Required Closure Payment. Any Required Closure of an aggregate duration of greater than six hours in any Day shall be treated as a Required Closure for the entire Day and any Required Closure of an aggregate duration of six hours or less shall be disregarded; *provided* that any Required Closure of an aggregate duration of six hours or more that occurs within a period of three consecutive Days (with no single Day Required Closure of greater than six hours) shall be treated as a Required Closure for one Day.

(d) *Parking Tax Imposition or Increase.* If a Parking Tax is imposed with respect to Concession Metered Parking Spaces that are On Street Parking Spaces, then the Revenue Value of each such Concession Metered Parking Space shall be promptly reduced to reflect that the Metered Parking Fee expected to be derived by the Concessionaire from such Concession Metered Parking Space will be net of the Parking Tax. If, after the Closing Date, an existing Parking Tax is increased or a new Parking Tax is imposed on a Concession Metered Parking Space that is an Off Street Parking Space, then a similar reduction shall be made in the Revenue Value of that Concession Metered Parking Space.

(e) *Rate to Fine Multiple.* The Revenue Value of a Concession Metered Parking Space shall be promptly reduced by ten percent during any period of time that the Rate to Fine Multiple is less than ten; by twenty-five percent during any period of time that the Rate to Fine Multiple is less than five and by eighty percent during any period of time that the Rate to Fine Multiple is less than three.

(f) *Utilization Adjustment.* Whenever in the reasonable opinion of the Concessionaire, the exercise by the City of its Reserved Powers, other than a change in Metered Parking Fees, Periods of Operation, Periods of Stay or Rate to Fine Multiple factor, has caused a reduction in both the Utilization Rate of the Concessionaire Metered