

**AMENDMENT TO THE SECOND AMENDED AND RESTATED AGREEMENT BETWEEN  
THE COUNTY OF SANTA BARBARA AND MARBORG INDUSTRIES, INC.  
FOR EXCLUSIVE SOLID WASTE, RECYCLABLES AND ORGANICS  
COLLECTION AND TRANSPORTATION TO  
DISPOSAL AND PROCESSING FACILITIES AND ORGANICS SITES  
FOR ZONE ONE**

The County of Santa Barbara and MarBorg Industries, Inc. (“Franchisee”) hereby agree to amend the Second Amended and Restated Agreement between them for Zone 1 (the “Agreement”), pursuant to Section 15.02 of the Agreement, as set forth below (the “Amendment”).

1. **Section 3.01 Term** shall be deleted and replaced in its entirety by the following:

**3.01 Term.**

**Initial Term.** This Agreement shall become effective on the date hereof and the term hereof shall commence thereon and continue in effect until June 30, 2022 *unless* terminated earlier in accordance with Article 12. The obligations of the Parties hereunder are preconditioned upon the truth and correctness of the representations and warranties made by the Parties, respectively, in Article 2, *provided* that either Party may respectively waive such precondition, in whole or in part. This Agreement is a service agreement and shall not constitute indebtedness of the County in contravention of Applicable Law.

2. **Ratifications.** The terms and provisions set forth in this Amendment shall modify and supersede all inconsistent terms and provisions set forth in the Agreement for Zone 1. The terms and provisions of the Agreement for Zone 1, except as expressly modified and superseded by this Amendment, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding and enforceable obligations of the parties.

3. **Authority to Sign.**

**a. County.** County warrants that it duly authorized the officers listed below to sign this Amendment on behalf of County.

**b. Franchisee.** Franchisee warrants that it duly authorized the individuals listed below to sign this Amendment on behalf of Franchisee.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Agreement to be effective on the date executed by the COUNTY.

**ATTEST:**

MONA MIYASATO  
COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

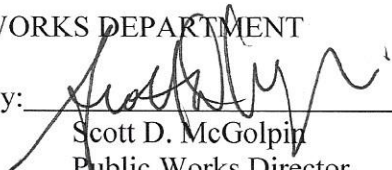
By: \_\_\_\_\_  
Deputy Clerk

**ACCEPTED AND AGREED:**  
COUNTY OF SANTA BARBARA

By: \_\_\_\_\_  
Gregg Hart, Chair  
Board of Supervisors

**RECOMMENDED FOR APPROVAL:**

SANTA BARBARA COUNTY PUBLIC  
WORKS DEPARTMENT

By:  \_\_\_\_\_  
Scott D. McGolpin  
Public Works Director

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


**FRANCHISEE:**

MARBORG INDUSTRIES, INC.

By: \_\_\_\_\_  
Authorized Representative

**APPROVED AS TO FORM:**

MICHAEL GHIZZONI  
COUNTY COUNSEL

By:  \_\_\_\_\_  
Amber Holderness (Nov 12, 2020 08:19 PST)  
Deputy County Counsel

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**APPROVED AS TO FORM:**

RAY AROMATORIO, ARM, AIC  
RISK MANAGER

By:  \_\_\_\_\_  
Risk Management

**APPROVED AS TO ACCOUNTING FORM:**

BETSY M. SCHAFFER, CPA  
AUDITOR-CONTROLLER

By:  \_\_\_\_\_  
Juan Izquierdo (Nov 13, 2020 07:36 PST)  
Deputy

IN WITNESS WHEREOF, the parties have executed this Amendment to the Agreement to be effective on the date executed by the COUNTY.

**ATTEST:**

MONA MIYASATO  
COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By: Sheila Diabenera  
Deputy Clerk

**ACCEPTED AND AGREED:**

COUNTY OF SANTA BARBARA

By: Gregg Hart  
Gregg Hart, Chair  
Board of Supervisors

Date: 12-8-20

**RECOMMENDED FOR APPROVAL:**

SANTA BARBARA COUNTY PUBLIC  
WORKS DEPARTMENT

By: Scott D. McGolpin  
Scott D. McGolpin  
Public Works Director

**FRANCHISEE:**

MARBORG INDUSTRIES, INC.

By: Brian Borgatello  
Authorized Representative

Name: Brian Borgatello

Title: President

**APPROVED AS TO FORM:**

MICHAEL GHIZZONI  
COUNTY COUNSEL

By: \_\_\_\_\_  
Deputy County Counsel

**APPROVED AS TO ACCOUNTING FORM:**

BETSY M. SCHAFFER, CPA  
AUDITOR-CONTROLLER

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

**APPROVED AS TO FORM:**

RAY AROMATORIO, ARM, AIC  
RISK MANAGER

By: \_\_\_\_\_  
Risk Management