

**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 THREE**

The County of Santa Barbara and MarBorg Industries, Inc. (“Franchisee”) hereby agree to amend the Second Amended and Restated Agreement between them for Zone 3 (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 3. The terms and provisions of the Agreement for Zone 3, except as expressly modified and superseded by this Amendment, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding and enforceable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: Sheila LaGuerra
Deputy Clerk

ACCEPTED AND AGREED:

COUNTY OF SANTA BARBARA

By: Gregg Hart
Gregg Hart, Chair
Board of Supervisors

RECOMMENDED FOR APPROVAL:

SANTA BARBARA COUNTY PUBLIC
WORKS DEPARTMENT

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

Date: 12-8-20

FRANCHISEE:

MARBORG INDUSTRIES, INC.

By: Brian Borgatello
Authorized Representative

APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel

Name: Brian Borgatello

Title: President

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: _____
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: _____
Deputy Clerk

ACCEPTED AND AGREED:


COUNTY OF SANTA BARBARA

By: _____
Gregg Hart, Chair
Board of Supervisors

Date: _____

RECOMMENDED FOR APPROVAL:

SANTA BARBARA COUNTY PUBLIC
WORKS DEPARTMENT

By:  _____
Scott D. McGolpin
Public Works Director

FRANCHISEE:

MARBORG INDUSTRIES, INC.

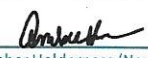
By: _____
Authorized Representative

Name: _____

Title: _____


APPROVED AS TO FORM:

MICHAEL GHIZZONI
COUNTY COUNSEL

By:  _____
Amber Holderness (Nov 12, 2020 08:15 PST)
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By:  _____
Juan Izquierdo (Nov 12, 2020 08:52 PST)
Deputy

APPROVED AS TO FORM:

RAY AROMATORIO, ARM, AIC
RISK MANAGER

By:  _____
Risk Management