

**AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN COUNTY OF SANTA  
BARBARA AND MARBORG INDUSTRIES, INC.  
FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL SOLID WASTE,  
RECYCLABLES, GREEN WASTE AND SPECIAL WASTE  
COLLECTION SERVICES IN ZONE TWO**

The County of Santa Barbara and MarBorg Industries, Inc. (“Franchisee”), hereby agree to amend the Franchise Agreement between them for Zone 2, with a Franchise Date of April 5, 2011 (the “Agreement”), pursuant to Subsection (b) of Article 18.02 as set forth below (the “Amendment”).

1. The Expiration Date on page 1 shall be deleted and replaced by the following:

**Expiration Date: June 30, 2022**

2. Section **3.01 Term** shall be deleted and replaced by the following:

**Franchise Term.** This Agreement expires on June 30, 2022. If the business license required under Section 17-5 of the County Code remains in effect after the franchise term, Franchisee nevertheless may not provide franchise services or other solid waste services in the franchise service area. THIS PROHIBITION SURVIVES THE FRANCHISE TERM.

*“franchise term” means the period beginning on the date written on the cover of this Agreement and ending on the earlier of the expiration or termination of this Agreement.*

3. **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 2. The terms and provisions of the Agreement for Zone 2, except as expressly modified and superseded by this Amendment, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding and enforceable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.

4. **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: Shirley D. Tabuena  
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

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:**

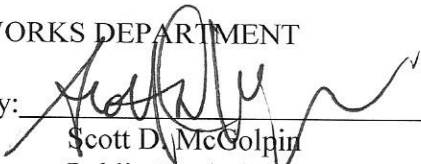
COUNTY OF SANTA BARBARA

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 08:17 PST)  
Deputy County Counsel


**APPROVED AS TO ACCOUNTING FORM:**

BETSY M. SCHAFFER, CPA  
AUDITOR-CONTROLLER

By:   
Juan Izquierdo (Nov 13, 2020 07:35 PST)  
Deputy

**APPROVED AS TO FORM:**

RAY AROMATORIO, ARM, AIC  
RISK MANAGER

By:   
Ray Aromatorio  
Risk Management