

**FIRST AMENDMENT
TO
AGREEMENT BETWEEN THE CITY OF SANTA ROSA
AND THE COUNTY OF SONOMA
FOR ADJUSTMENTS TO CITY OWNED UTILITY FACILITIES**

This First Amendment to Agreement for Adjustments to City Owned Utility Facilities (“Amendment”), dated as of _____ (“Effective Date”), is made by and between the City of Santa Rosa, a municipal corporation (“CITY”), and the County of Sonoma, a political subdivision of the State of California (“COUNTY”).

RECITALS

WHEREAS, CITY and COUNTY entered into that certain Agreement for Adjustments to City Owned Utility Facilities (“Agreement”), dated February 6, 2018; and

WHEREAS, CITY and COUNTY desire to amend the Agreement to increase the contract value and update contact information.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. Section 6.1 of the Agreement is hereby deleted in its entirety and replaced with the following language:

“6.1 This Agreement is valid for a cumulative not-to-exceed total amount of \$1,000,000.”

2. Section 7.8 is hereby deleted in its entirety and replaced with the following language:

“7.8 Method and Place of Giving Notice, Submitting Bills, and Making Payments.

All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

CITY: Transportation and Public Works Department
 Attn: Tracy Duenas
 69 Stony Circle
 Santa Rosa, CA 95401

COUNTY: Sonoma County Public Infrastructure
 Attn: Construction Division – Senior Engineer
 400 Aviation Blvd, Suite 100
 Santa Rosa, CA 95403

When a notice, bill, or payment is given by a generally recognized overnight courier service, the notice, bill, or payment shall be deemed received on the next business day. When a copy of a notice, bill, or payment is sent by electronic means, the notice, bill, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill, or payment is deposited in the U.S. mail and postmarked on the date of the electronic transmission (for a payment, on or before the due date), (2) the sender has a confirmation of the electronic transmission, and (3) the electronic transmission is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills, and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this Section.”

CITY AND COUNTY HAVE CAREFULLY READ AND REVIEWED THIS AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

CITY OF SANTA ROSA:

By: _____
BPU Chair

APPROVED AS TO FORM:

By: _____
City Attorney

COUNTY OF SONOMA:

By: _____
Director of Sonoma County Public
Infrastructure under authority granted
by Board of Supervisors

APPROVED AS TO FORM:

By: _____
County Counsel